

1 February 2022

Our Ref: 21-649

Chief Executive Officer

Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Jenny Elphinstone – Senior Planning Officer (Jenny.Elphinstone@douglas.qld.gov.au)

Dear Jenny,

RE: DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE & RECONFIGURING A LOT AT 1506 CAPE TIRBULATION ROAD, COW BAY.

We refer to the above-described matter and advise that Urban Sync Pty Ltd (Urban Sync) has been engaged by Rainforest Rescue (the Applicant) to provide Town Planning Services and submit a development application to Douglas Shire Council (Council) for assessment which seeks to secure a lease area and establish a new Plant Nursery and ancillary operations over a portion of the above-described land. In support of the application, we attach the following documents to assist with Council's assessment:

- DA Form 1 & Landowners Consent as **Attachment 1**;
- Plans of Development prepared by Barlow Shelley Engineers and the Lease Plan prepared by RPS as **Attachment 2**;
- Site Searches as **Attachment 3**;
- Pre-lodgement Correspondence with Council and the State as **Attachment 4**;
- Letters of Support as **Attachment 5**;
- Assessment of the applicable development codes under the *Douglas Shire Council Planning Scheme 2018* as **Attachment 6**.

In accordance with s51(2) of *Planning Act 2016*, landowners' consent has been provided in **Attachment 1** as the Applicant is not the owner of the land. Council's Schedule of Fees for the 2021/22 establishes the amount of **\$912.00** (see Section 4.3) will be paid upon lodgement of this application. A receipt will be provided in due course.

We trust this application meets the requirements of the *Planning Act* and 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 me using the below details.

Yours faithfully,



Justin Phipps
Town Planner

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TOWN PLANNING REPORT

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE

& RECONFIGURING A LOT

AT

1506 CAPE TRIBULATION ROAD, COW BAY

1 February 2022

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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, Rainforest Rescue and considers the instructions and requirements of Rainforest Rescue with regards to the development being proposed. This report should not be relied upon by any third party and Urban Sync Pty Ltd accepts no liability or responsibility for the reliance on this report, or data contained within the report, by any third party.

Reference	Revision	Date	Prepared by	Checked by	Authorised by
21-649	1.0	31/01/2022	JJP	MDI	JJP

01/02/2022

Final Version 1.0

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I EXECUTIVE SUMMARY

Rainforest Rescue (the 'Applicant') seeks the requisite statutory development approval from Douglas Shire Council ('Council') to secure a lease exceeding ten (10) years over a portion of the site to allow for the establishment of a new Plant Nursery and ancillary operations (the 'proposed development') on a part of Lot 551 on RP748411 at 1506 Cape Tribulation Road, Cow Bay (the 'site').

Rainforest Rescue are seeking approval to establish a plant nursery that will allow for the propagation of plants to be used in the rehabilitation of parts of the Daintree Rainforest. The nursery is expecting to initially grow approximately 75,000 plants in the first year, increasing to 150,000 at full capacity and will supply local regeneration projects. There are currently large-scale projects being developed for future regeneration in the local area (North of the Daintree River, along Cape Tribulation Road and Upper Daintree Valley).

In a planning context, the site is located within the Conservation Zone and is also within Precinct 5 of the Cape Tribulation and Daintree Coast Local Plan of the *Douglas Shire Council Planning Scheme 2018* (Planning Scheme). The proposed development and land use activities remain generally consistent with the intent of the planning frameworks that apply to the land, although due to the size of the land, there are a number of environmental constraints that have ultimately resulted in the site being designated within the Conservation zone. Hence, the project requires an **Impact Assessable** development application to be lodged and approved by Council. Accordingly, this development application seeks the following approval from Council:

- **Development Permit for a Material Change of Use (Intensive Horticulture); and**
- **Development Permit for Reconfiguring a Lot (Term Lease exceeding 10 Years).**

This report has been undertaken to:

- Review the locational elements of this site and examine the physical characteristics of the land and the sites development history;
- Accurately describe the proposed development components as reflected in the Plans of Development prepared by Barlow Shelley Engineers and the Lease Plan prepared by RPS;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA), *Planning Regulation 2017* (PR), *State Planning Policy 2017* (SPP) and the Planning Scheme; and
- Comment on the 'key' planning issues and non-compliances with the applicable aspects of the Planning Scheme and other Assessment Benchmarks.

Under the Planning Scheme, the purpose of the Conservation zone is to "*provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.*"

Based on a reasonable assessment, the Planning Scheme does not prohibit the establishment of intensive horticulture activities that are intended to protect and restore the environment in the Conservation zone; however, the management of possible development impacts internally/externally to the site will be critical in the conditions and operational aspects of the development. Accordingly, the project needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development and the design arrangements proposed before compliance with the applicable assessment benchmarks and other relevant State legislation can be suitably demonstrated.

This report establishes that the proposed development is generally compliant with the applicable assessment benchmarks with only a handful of minor departures away from the 'deemed to comply' Acceptable Outcomes being identified, with these departures generally relating to car parking. Where these departures have been identified, a performance-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the relevant Assessment Benchmarks, can still be achieved.

The report has also determined that the zoning conflict and inconsistent land use are the key assessment matter moving forward. The report has sought to provide extensive commentary to demonstrate that the proposed development is suitably located notwithstanding the zoning conflict and won't have any adverse impacts on the Conservation zone, does not conflict with the intent of the zone, and that with the inclusion of a suitable suite of development conditions, it will not have any unacceptable impacts on the environmental values of the site.



The report concludes that the development can be suitably managed and conditioned to comply with all the applicable assessment benchmarks under the Planning Scheme and all other relevant State legislation and for this reason, should be approved by Council subject to the imposition of reasonable and relevant conditions of approval. With the above in mind, we now submit this application to Council for assessment.



2 APPLICATION DETAILS

2.1 APPLICATION SUMMARY

Approval Sought:	<ul style="list-style-type: none"> ▪ Development Permit for a Material Change of Use (Intensive Horticulture); and ▪ Development Permit for Reconfiguring a Lot (Term Lease Exceeding 10 Years).
Registered Landowner:	Andrew Richard Conway and Vanessa Joy Teague
Applicant:	Rainforest Rescue C/- Urban Sync Pty Ltd PO Box 2970 CAIRNS QLD 4870
Project Description Details:	The creation of a lease exceeding ten (10) years to allow for the establishment of a new Plant Nursery and ancillary facilities (i.e., compost toilet, propagation house, shade house, demountable office and outdoor growing area) intended to rehabilitate the Daintree Rainforest.
ASSESSMENT DETAILS	
Assessment Manager:	Douglas Shire Council
Development Category:	Assessable Development
Assessment Category:	Impact Assessable
Public Notification:	Yes – 15 Business Days
PRE-LODGE MENT CONSULTATION	
Council:	Yes – See Section 4.2.1
State:	Yes – See Section 4.2.2 & 4.2.3
RELEVANT STATE PLANNING INSTRUMENTS	
Legislation:	<i>Planning Act 2016 (Qld)</i>
Planning Policy:	<i>Queensland State Planning Policy 2017</i>
Planning Policy State Interests:	<ul style="list-style-type: none"> ▪ Agriculture; ▪ Biodiversity; ▪ Coastal Environment; ▪ Water Quality; and ▪ Natural Hazards Risk and Resilience.
Regional Plan:	<i>Far North Queensland Regional Plan 2009-2031</i>



Regional Plan Land Use:	Regional Landscape and Rural Production Area
Development Assessment Mapping:	<ul style="list-style-type: none"> ▪ Coastal Protection; ▪ Fish Habitat Areas; ▪ Wetland Protection Areas; and ▪ Native Vegetation Clearing.
Referrals:	Nil
RELEVANT LOCAL PLANNING INSTRUMENTS	
Planning Scheme:	<i>Douglas Shire Council Planning Scheme 2018 v1.0</i>
Zone:	Conservation
Local Plan:	Cape Tribulation and Daintree
Local Plan Precinct:	Precinct 5 – Low Impact Rural Production and Tourism Enterprise Precinct
Overlays:	<ul style="list-style-type: none"> • Acid Sulfate Soils; • Bushfire Hazard; • Landscape Values; • Natural Areas; • Transport Pedestrian Cycle; and • Transport Road Hierarchy.

Note: Due to the size of the site, only the statutory matters that affect the portion of the site where the proposed development is to be located have been included in the above table. It is these relevant matters that will be the focus for the remainder of this report and subsequent assessment.

2.2 PLANS OF DEVELOPMENT

Drawing Title	DWG No.	Issue	Prepared By	Date
Locality Plan and Schedule of Drawings	2170-PO1	A	Barlow Shelley Consulting Engineers	20/01/2022
Overall Layout Plan	2170-PO2	A	Barlow Shelley Consulting Engineers	20/01/2022
Perspective Views	2170-PO3	A	Barlow Shelley Consulting Engineers	20/01/2022
Shade House Plan	2170-PO4	A	Barlow Shelley Consulting Engineers	20/01/2022
Propagation House Plans	2170-PO5	A	Barlow Shelley Consulting Engineers	20/01/2022
Vehicle Turning Templates	2170-PO6	A	Barlow Shelley Consulting Engineers	20/01/2022
Plan of Lease A	SP331542	-	RPS	05/11/2021



3 SITE DETAILS

3.1 SITE DESCRIPTION

Registered Landowners:	Andrew Richard Conway and Vanessa Joy Teague
Site Location:	1506 Cape Tribulation Road, Cow Bay
Lot and Description:	Lots 551 on RP748411
Site Area:	123.6ha
Tenure:	Freehold
Easements:	Nil
Encumbrances:	Nil
Local Government Authority:	Douglas Shire Council

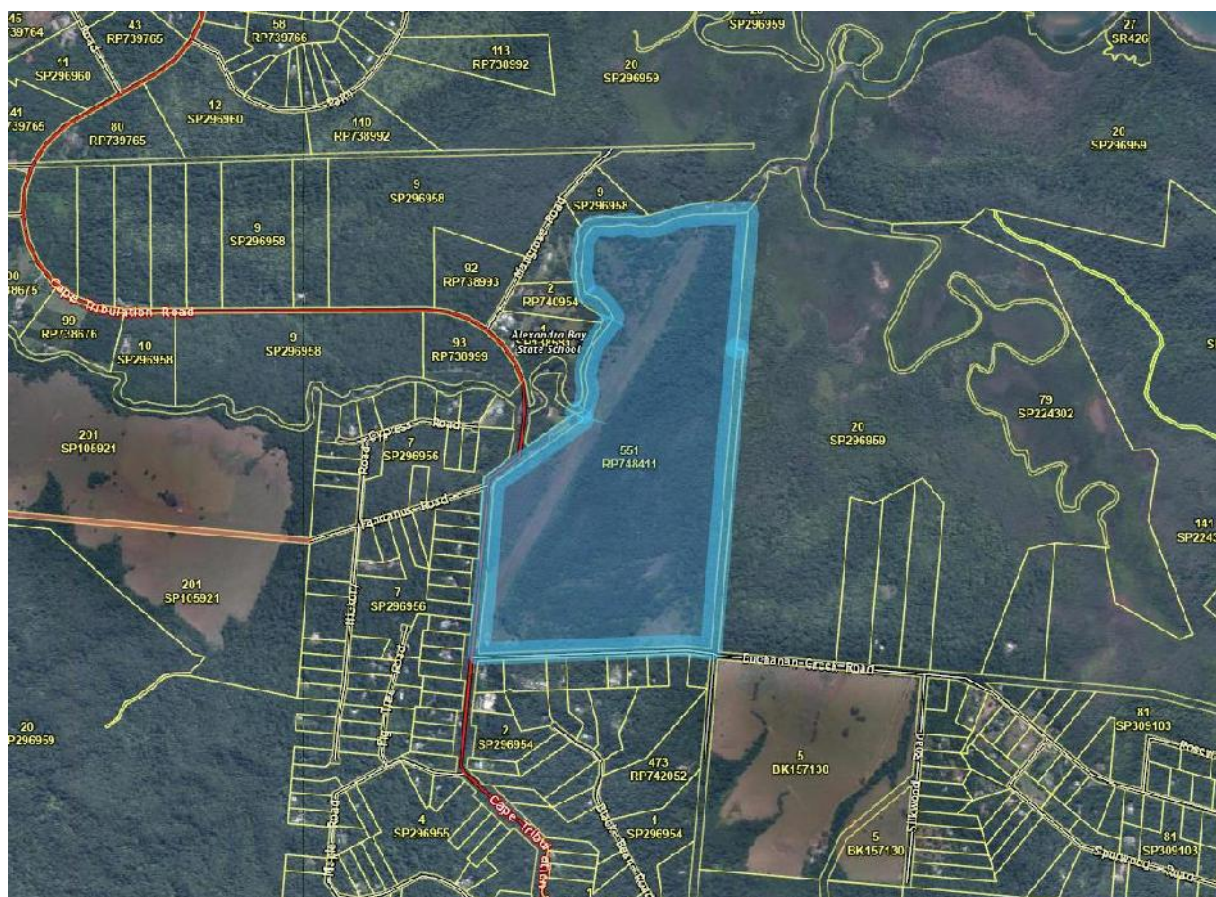


Figure 1: Site location – 1506 Cape Tribulation Road, Cow Bay (Source: Queensland Globe, State of Queensland 2021).



Figure 2: Approximate Development Area delineated in Red (Source: Queensland Globe, 2022)

3.2 SITE ANALYSIS

Current Use/s:	Residential (Dwelling House - Previously Cow Bay Airstrip)
Existing Improvements:	The site is improved with one (1) existing dwelling house, an old airplane hangar and runway.
Topography:	The site is in general flat with a gradual fall from south to north; although there are some areas to the north near the waterway where the site falls away more considerably.
Waterways:	There are two (2) mapped waterways that traverse the site, the first being a moderate waterway (McLean Creek) which traverses the south-eastern corner of the site and the second being a major waterway (Hutchinson Creek) which traverses a small portion of the north-western portion of the site.
Vegetation:	The majority of the site is covered in vegetation except for the area that consists of the existing runway. The majority of vegetation along the south and eastern boundaries is identified as significant vegetation while the remainder of the site comprises of pioneer species that have self-seeded over time.
Environmental Management & Contaminated Land:	To the best of Urban Sync's knowledge, the site is not located on the Environmental Management or Contaminated Land Registers.
Heritage Places:	The site is not an identified State or local 'Heritage Place', nor are any adjacent sites.



Road Frontage:	<p><u>Cape Tribulation Road:</u></p> <p>The site has an approximate 820m frontage to Cape Tribulation Road which is identified as a Sub-Arterial Road in Council's Road Hierarchy. Adjacent to the site, Cape Tribulation Road is a single lane, undivided two-way sealed carriage way within a 40-60m wide road reserve. The road reserve is heavily vegetated and includes some informal parking spaces along the site's frontage. It does not appear that the sites frontage is improved by kerb and channelling.</p> <p><u>Buchanan Creek Road:</u></p> <p>The site has an approximate 920m frontage to Buchanan Creek Road which is identified as an Access Road in Council's Road Hierarchy. Buchanan Creek Road is a single lane, two-way sealed carriage way within a 30m road reserve. The road reserve is heavily vegetated otherwise unimproved.</p>
Water Supply:	The site is currently serviced by existing rainwater tanks and a registered bore.
Sewerage Supply:	The site is serviced with an existing on-site effluent system (compost toilets) to service the existing dwelling.
Stormwater:	Stormwater appears to be discharged via sheet flow to the waterways that traverse the site.
Electricity & Telecommunications:	The site can access NBN via a fixed wireless/satellite connection and electricity is provided via an existing solar power system.



4 DEVELOPMENT BACKGROUND

4.1 RELEVANT APPROVALS

A search on Council's online DA Enquiry System has determined that there are no existing approvals over the site.

4.2 PRELODGE MENT DISCUSSIONS

4.2.1 Douglas Shire Council

Rainforest Rescue initially requested advice from Council regarding the proposal in July 2021 which sought to present the initial concept for some preliminary information and comments. This advice sought to identify the State triggers, conflicts with the local plan, confirm the level of assessment, and confirm what is required to lodge the Development Application with Council.

Following this initial advice, Urban Sync requested further Pre-lodgement advice from Douglas Shire Council's Senior Planning Officer, Jenny Elphinstone on 11 October 2021 to refine the existing advice based on amendments and new information as the development progressed. This refined advice sought to:

- Confirm the land uses being applied for. It has since been confirmed that only the Intensive Horticulture land use will be applied for and this Development Application reflects this;
- Council also requested that a Plan of the Lease Area be provided, and this has been included in **Attachment 2**;
- Council requested that an assessment be undertaken against the applicable elements of the Strategic Framework and this has been undertaken in Section 6.6.1 of this Planning Report;
- Council requested that all existing uses/buildings/structures be shown on the plans (see **Attachment 2**);
- Council advised that there is normally a vegetated buffer between the road and property boundaries and the landowner has agreed to provide landscaping within the property boundaries, along the road frontage;
- Council advised that where car parking rates are not identified that an assessment be undertaken to demonstrate that the proposed parking is suitable to service the proposed development. Commentary against car parking is provided in Section 7 of this Planning Report;
- Council advised that Infrastructure Charges would be applicable to the development and that reductions would apply and that further considerations of reductions may also be considered due to the site's location north of the Daintree River (see Section 5.6 below);
- Council also advised that a 50% reduction in Council Application Fees would be applicable for not-for-profit organisations and that all NFP documents would need to be provided to demonstrate eligibility. These documents have been provided in **Attachment 1**.

Since this advice was issued, it was determined that the Educational Establishment and Permanent Plantation land uses would no longer be relevant to the development and have since been removed.

A copy of this correspondence with Council is provided in **Attachment 4**.

4.2.2 State Assessment Referral Agency (SARA)

Urban Sync sought pre-lodgement advice from the SARA on 28 September 2021 to present the development proposal and request information on the referral triggers and fees that would be applicable to the proposed development. When this advice was issued, it was initially understood that the development concept would involve a Permanent Plantation, Wholesale Nursery, and Educational Establishment, of which have now been removed from the proposal.



The advice confirmed that two (2) referrals would be triggered, being for Native Vegetation clearing, and for the development impacting on State Transport Thresholds (due to the wholesale nursery use). This advice then went on to state the requirements required to address these referrals.

However, further investigations were undertaken to confirm the extent of existing buildings and structures over the site that have already been historically cleared to more accurately determine if the development would in fact trigger a referral for Native Vegetation Clearing. It was determined that due to the existing buildings and structures over the site, the proposed layout **would not actually result in any exempt clearing** and that the development **would not trigger a referral to the Department of Resources for Vegetation Clearing.**

In addition to this, discussions with the client determined that the Wholesale Nursery land use would no longer be applicable and hence, this also removed the need to refer the development to SARA for impacts on State Transport Thresholds. Hence, SARA issued further pre-lodgement advice on 19 November 2021 confirming that the development would not trigger any referrals.

A copy of this correspondence is provided in **Attachment 4.**

4.2.3 Wet Tropics Management Authority (WTMA)

Due to the site's location adjoining the Wet Tropics World Heritage Area, advice was sought from WTMA to confirm if there were any requirements that would need to be adhered to in order to ensure that the Wet Tropics World Heritage Area is not adversely impacted upon by the development. The WTMA confirmed that the Wet Tropics Management Plan did not apply to this proposal and that the only requirement is that the nursery must stock all endemic species and must not stock undesirable plants. Rainforest Rescue have confirmed that their stock will involve all endemic species native to the Daintree Rainforest.

A copy of this correspondence is provided in **Attachment 4.**

4.3 BREAKDOWN OF APPLICATION FEES

The application fee of **\$1,824.00** was calculated as follows:

- Material Change of Use – Intensive Horticulture (Rural Uses): \$1,746.00 base fee + \$78.00 (per 500m² over 1,000m²).

Council have identified that Not-for-Profit organisations are subject to a 50% discount of Council Fees and as a result, the applicable Application Fee for the proposed development is **\$912.00.**



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

Rainforest Rescue seeks the requisite statutory development approval from Douglas Shire Council to secure a lease exceeding ten (10) years over a portion of the site to allow for the establishment of a new Plant Nursery and ancillary operations over a part of Lot 551 on RP748411 at 1506 Cape Tribulation Road, Cow Bay. Accordingly, this application seeks the following approvals:

- **Development Permit for a Material Change of Use (Intensive Horticulture); and**
- **Development Permit for Reconfiguring a Lot (Lease Term exceeding 10 Years).**

5.2 DEVELOPMENT DETAILS – DESIGN REVIEW

Rainforest Rescue are in discussions with the current landowners to lease a portion of the site to allow them to establish a plant nursery that will allow for the propagation of plants to be used in the rehabilitation of parts of the Daintree Rainforest. The nursery is expecting to initially grow approximately 75,000 plants in the first year, increasing to 150,000 at full capacity and will supply local regeneration projects. There are currently large-scale projects being developed for future regeneration in the local area (North of the Daintree River, along Cape Tribulation Road and Upper Daintree Valley).

The seeds will be sourced from the local Daintree environs and grown on-site. The shade house and propagation house are proposed to be constructed and cater to growing plants with an adjacent outdoor growing area and export area also being provided.

5.2.1 Material Change of Use

The development will involve the construction of a new demountable Office, shaded outdoor area, compost toilet, and small chemical shed that will be ancillary to the growing of plants on-site. a large Shade House (680m²) and Propagation House (320m²) are also proposed to be constructed, as well as a shaded outdoor area (4,020m²).

The existing Hangar and Dwelling House are proposed to be retained and no works will be associated with these existing structures. The hangar may be used for undercover storage associated with the growing of plants.

The number of employees on-site at any one time will be between 4-10 depending on operational capacity.

A bioretention basin is also proposed to be established to aid in treating water quality; however, details associated with these works will form a future Operational Works approval at a later date.

A 15.7m wide informal access will be retained to ensure that any certified person who requires access to the existing Airstrip can do so safely without having to traverse around the proposed development.

Seeds will be transported to site by car while the plants that are leaving the site to regenerate other areas of the Daintree will be transported by trailer on a car. No large vehicles or machinery will be required on-site.

The development will generally comprise of the following elements:

- A total Gross Floor Area (GFA) of 1,046m²;
- A total Site Coverage of 0.08%;
- A maximum height of 4.6m; and
- A total of five (5) on-site formal car parking spaces.

Please refer to the Plans of Development in **Attachment 2** for further information.



5.2.2 Reconfiguring a Lot

The development also seeks to establish a 6,604m² lease area over the site to cover the proposed Nursery and ancillary operations associated with the proposed development. This lease term is proposed to exceed ten (10) years and hence, a development approval is required from Council.

Once all works over the site have concluded, all buildings and structures will be removed, and the development will return to its pre-development state, and the lease will be extinguished.

5.3 STAGING

The proposed development will not be staged.

5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

5.4.1 Water Supply

The development will supply a 50KL rainwater tank that will utilise recycled water to irrigate the nursery. The existing bore can also be utilised as required.

5.4.2 Sewerage Supply

A new demountable compost toilet with leach field is proposed to be erected to service the nursery operations.

5.4.3 Electricity

The existing solar power system will be upgraded and these panels will charge a battery bank that will be located in the existing shed. A generator will also be stored in this existing shed for certain circumstances/emergencies.

5.4.4 Telecommunications

The site can access the NBN via a fixed wireless/satellite connection.

5.4.5 Stormwater Drainage (Quantity)

The proposed development will direct all stormwater to the bio-retention basin.

5.4.6 Stormwater Drainage (Quality)

The bio-retention basins are proposed to be constructed to treat stormwater run-off which will then be re-used to irrigate the nursery and growing areas.

5.4.7 Earthworks

It is expected that some earthworks will be required on the site for the construction of the bio-retention basins, although the exact quantum will be confirmed in a future Operational Works application at a later date.

5.4.8 Erosion and Sediment Control

An erosion and sediment control plan will be prepared and implemented during the construction of the development.

5.5 TRANSPORT AND ACCESSIBILITY

5.5.1 Physical Access

The development will retain and improve the existing access point leading off Cape Tribulation Road.



5.5.2 External Upgrades

The development will seek to construct a new 6m wide driveway matching into the existing gravel surface and constructed in accordance with FQNROC Development Manual Standard Drawing S1105.

5.5.3 Car Parking

A total of four (4) formal on-site car parking spaces will be provided inclusive of one (1) PWD parking space. However, there is sufficient area on the site to accommodate overflow of vehicles and it is likely that staff will park vehicles outside these formal parking areas to load up and move plants and/or equipment.

5.6 INFRASTRUCTURE CHARGES ESTIMATE

Chapter 4 (Infrastructure) of the PA outlines provisions for local governments to prescribe infrastructure charges for demands placed on trunk infrastructure where a Local Government Infrastructure Plans (LGIP) is included as part of the Planning Scheme and is adopted by resolution. These provisions have been reflected in Douglas Shire Council Infrastructure Charges Resolution No. 2 of 2021 (AICR), which commenced on 1 March 2021.

The site is in the Conservation Zone which is located outside the Priority Infrastructure Area of the Douglas Shire Council Local Government Area; however, Council have advised that Infrastructure Charges will still apply to the development and that standard reductions would apply for being outside the service area.

In this instance, the development is not serviced by wastewater or water and therefore, is subject to a 60% reduction in Infrastructure Charges and this has been reflected in the **Table 1** below.

Hence, in accordance with Council's AICR, Infrastructure Charges are applicable to the development calculated as follows and shown in **Table 1** below:

- Charges based on the proposed development (see Council's AICR); less:
- Discounts for the existing allotments/existing lawful uses.

Table 1: Infrastructure Charges Estimate

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
High Impact Rural	Intensive Horticulture	Per m ² of GFA	\$21.15	1,047.00	\$22,144.05
TOTAL					\$8,857.62¹

*All fees were calculated in accordance with the Douglas Shire Council Infrastructure Charges Resolution No. 2 of 2021.

Notes:

¹ The total reflects the 60% reduction due to the site not being connected to Council's wastewater or water networks.



6 LEGISLATIVE REQUIREMENTS

6.1 PLANNING ACT 2016

6.1.1 Confirmation that the Development is not Prohibited

The proposed 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 2017* ('PR').

6.1.2 Assessment Manager

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

6.1.3 Category of Development

The proposed development represents a Material Change of Use in respect to *'the start of a new use of the premises'* and Reconfiguring a Lot in respect to *'dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is a lease for a term, including renewal options, not exceeding 10 years'*.

Section 44(3) of the PA states that *"Assessable Development is development for which a development approval is required"*. Hence, Reconfiguring a Lot and a Material Change of Use for the establishment of the proposed activities in the Conservation Zone is made assessable and requires a development approval under the Planning Scheme in accordance with s43(1) of the PA and is hence, *"Assessable Development"*.

6.1.4 Statutory Considerations for Assessable Development

The proposed development is Impact Assessable and as such, the assessment must be carried out against the entire Planning Scheme for those components that trigger or require consideration against the strategic frameworks and all other relevant assessment benchmarks.

When assessing the application, the relevant considerations of the Assessment Manager in making the decision are in accordance with Sections 59, 60(3), and 62 of the PA and Sections 29-31 of the PR. Specifically, section 60(3) of the PA states for an Impact Assessable application, the Assessment Manager must decide:

- a) *"To approve all or part of the application;*
- b) *To approve all or part of the application, but impose development conditions on the approval;*
- c) *To refuse the application."*

6.2 FAR NORTH QUEENSLAND REGIONAL PLAN

The site is located within the 'Urban Footprint' Regional Land Use Category of the Far North Queensland 2009-2031 (see **Attachment 3**). The Minister has identified that the planning scheme appropriately advances the FNQRP 2009-2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.3 STATE PLANNING POLICY

The State Planning Policy (SPP) came into effect on July 2017 under the PA. Part E of the SPP includes an array of State interests and associated assessment benchmarks which need to be considered during the development assessment process, where these State interests have not already been appropriately reflected within the relevant planning scheme.

A review of the SPP mapping indicates that the proposed development/site is subject to several State interests, as outlined below (see also **Attachment 3**):



- Agriculture (Agricultural Land Classification – Class A & B);
- Biodiversity (MSES – Protected Areas (Estate), Wildlife Habitat (Endangered or Vulnerable), Regulated Vegetation (Category B, C, R, Essential Habitat, Wetland, and Intersecting a Watercourse), High Ecological Significance Wetlands, and High Ecological Value Waters (Wetland));
- Coastal Environment (Coastal Management District);
- Water Quality (High Ecological Value Water Areas); and
- Natural Hazards Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay, Bushfire Prone Area, Erosion Prone Area, Medium Storm Tide Inundation, and High Storm Tide Inundation Area).

In accordance with Section 2.1 of the Planning Scheme, the Minister has identified that the planning scheme appropriately advances the July 2016 SPP; however, does not speak to the 2017 SPP. As a result, it is understood that the 2017 SPP has not been integrated into the Planning Scheme. Despite this, upon review of the 'Understanding the State Planning Policy – July 2017', there were no changes made to any of the above listed State interests in the 2017 SPP that would result in these State interests being substantially different for the 2016 version of the SPP that is integrated into the Planning Scheme. Accordingly, all applicable State interests have been appropriately reflected in the Planning Scheme and in turn, compliance with the SPP is demonstrated through compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.4 REFERRALS & STATE DEVELOPMENT ASSESSMENT PROVISIONS

A review of the DA mapping system indicates that the land is subject to the following matters of State interest (see **Attachment 3**):

- Coastal Protection (Coastal Management District, Coastal Area – Erosion Prone Area, and Medium & High Storm Tide Inundation Area);
- Fish Habitat Areas (Queensland Waterways for Waterway Barrier Works);
- Wetland Protection Areas (Wetland Protection Area Trigger Area and Wetland Protection Area Wetland); and
- Native Vegetation Clearing (Regulated Vegetation Management Map (Category A & B)).

In accordance with Schedule 10 of the PR and discussions with SARA, it has been confirmed that the development will not trigger a referral to the State for any matters of interest.

6.5 PLANNING SCHEME (DOUGLAS SHIRE COUNCIL PLANNING SCHEME 2018)

6.5.1 Land Use Definition

The proposed development is defined under the Planning Scheme as:

'Intensive Horticulture':

"Premises used for the intensive production of plants or plant material on imported media and located within a building or structures or where outdoors, artificial lights or containers are used. The use includes the storage and packing of produce plants grown on the subject site."

6.5.2 Applicable Planning Scheme Overlays

The site is affected by the following Planning Scheme overlays:

- Acid Sulfate Soils (5-20m AHD);
- Bushfire Hazard (Potential Impact Buffer);



- Landscape Values (Scenic Buffer Area – Scenic Buffer Route, and Landscape Values – Medium & High Landscape Values);
- Natural Areas (MSES – Regulated Vegetation and Wildlife Habitat);
- Transport Pedestrian Cycle (Iconic Recreation Route and Neighbourhood Route); and
- Transport Road Hierarchy (Access Road, Minor Rural Road, and Sub Arterial Road).

Note: Due to the size of the site, only the statutory matters that affect the area of land where the proposed development is to be located have been identified above. It is these relevant matters that will be the focus of this report and subsequent assessment.

6.5.3 Applicable Planning Scheme Codes

Table 2 below lists the applicable codes of the Planning Scheme the subdivision is subject to assessment against:

Table 2: Applicable Planning Scheme Codes for Assessment

Scheme Component	Comment
Zone Code	
Conservation Zone Code	Refer to Attachment 6 and Section 6.6.2 .
Local Plan Code	
Cape Tribulation & Daintree Coast Local Plan Code	Refer to Attachment 6 and Section 6.6.3 .
Overlay Codes	
Acid Sulphate Soils Overlay Code; Bushfire Hazard Overlay Code; Landscape Values Overlay Code; Natural Areas Overlay Code; and Transport Network Overlay Code.	Refer to Attachment 6 and Section 6.6.4 .
Development Codes	
Access, Parking and Servicing Code Environmental Performance Code; Excavation and Filling Code; Infrastructure Works Code; Landscaping Code; Reconfiguring a Lot Code; and Vegetation Management Code.	Refer to Attachment 6 and Section 6.6.4

6.6 PLANNING SCHEME ASSESSMENT

Based on a reasonable assessment, the Planning Scheme does not prohibit the establishment of a lease area or the establishment of Intensive Horticulture land uses in the Conservation Zone; however, the suitability of the proposed development should be considered in terms of the design arrangements, interaction with the road frontage and surrounding area, and overall amenity of surrounding residential uses and where other development impacts can be suitably managed. Accordingly, the development needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, and the design arrangements proposed. Based on this, Urban Sync undertook a full assessment of the proposed development against the applicable codes of the Planning Scheme and this assessment is included in **Attachment 6** and a summary is provided in the sections below.

There are some minor departures from the 'deemed to comply' Acceptable Outcomes, although where these departures have been identified, a performance-based assessment has been provided to demonstrate, based on



sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the applicable code, can still be achieved. To put a performance-based assessment into context, it is important to note that a non-compliance with one or more Acceptable Outcomes does not, of itself, establish conflict with the Planning Scheme. With this in mind, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed.

6.6.1 Strategic Framework

The Strategic Framework of the Planning Scheme sets out a broad policy direction for the Douglas Shire Council Local Government Area, offering a series of themes to guide appropriate development outcomes for the life of the Planning Scheme. Additionally, in respect to the provisions of the PR, particularly S31(1)(b), the Assessment Manager must have regard to the whole Planning Scheme, including its Strategic Framework, when deciding an Impact Assessable application. The following sections provide commentary against the **relevant** sections of the strategic framework to demonstrate that the proposed development does not compromise the strategic framework.

6.6.1.1 Strategic Intent

The development is not of a scale or in a location that could compromise the city wide, high level strategic intent of the Planning Scheme.

6.6.1.2 Theme 1 - Settlement Theme

The development involves activities that will aid in conserving and enhancing the surrounding Daintree environment and will not compromise the strategic outcomes or any elements of the Settlement Theme.

6.6.1.3 Theme 2 - Environment and Landscape Values

3.5.1 Strategic Outcomes

The development will not compromise the strategic outcomes of the Environment and Landscape Values Theme.

3.5.2 Element – Aboriginal Cultural Heritage Values

The development will not impact upon the cultural heritage values of the Wet Tropics bioregion and opportunities for 'Horticultural Trainee' staffing opportunities will be provided to Jabalbina Traditional Owners to strengthen their existing knowledge of the flora and fauna of the area and build horticultural skills and knowledge. The development also provides opportunities to build stronger Caring for Country partnerships in the Daintree region. Hence, the development will support this specific outcome of the Environment and Landscape Values Theme.

Please refer to the letters of support from local Indigenous Corporations in **Attachment 5**.

3.5.3 Element – Biodiversity

The proposed activities are located on the least constrained area of the site and has sought to avoid the bumpy topography, existing remnant vegetation, waterways, wetlands, etc and the development will seek to conserve and protect the subject site and surrounding areas with locally sourced seeds from the Daintree environs. None of the works associated with this development will result in a worsening impact on the biodiversity values on the site and on surrounding sites and will instead seek to rehabilitate degenerated areas. Furthermore, the development involves demountable buildings and structures so that once all works have concluded, we site can be returned back to its pre-development state. Hence, the development will support this specific outcome of the Environment and Landscape Values Theme.

3.5.4 Element – Coastal Zones

Only the north-eastern corner of the site is affected by Coastal Processes and the development will be located well outside these areas and will not involve any activities that could impact upon existing costal processes either on-site, or on adjoining sites. Hence, the development will not compromise this element of the Environment and Landscape Values Theme.



3.5.5 Element – Scenic Amenity

It is acknowledged that Cape Tribulation Road is a scenic route and a major road through the area. The development seeks to establish 10m wide landscaping buffers along the road frontage of the site and also proposes to rehabilitate surrounding areas which will greatly enhance the scenic amenity of the site and surrounding areas over and above what is currently existing at present. In addition to this, the development seeks to establish demountable structures so that when the lease over the land expires, the buildings and structures can be safely and easily removed and the land can be rehabilitated back to its pre-development state. This will ensure that the development and proposed activities will not adversely impact upon the scenic amenity of the site and surrounding area. Hence, the development will support this specific outcome of the Environment and Landscape Values Theme.

3.5.6 Element – Air and Acoustic Protection and Hazardous Materials

The development will not involve any activities that could require air and acoustic protection, nor will the development involve hazardous materials that could adversely impact on the environment.

6.6.1.4 Theme 3 – Natural Resource Management

3.6.1 Strategic Outcomes

The development involves the establishment of demountable buildings and structures and will not involve any activities that could compromise the future use of the land. Hence, the development will not compromise the strategic outcomes of the Natural Resource Management Theme.

3.6.2 Element – Land and Catchment Management

The development will utilise rainwater tanks and the existing bore that is already present on the site. In addition to this, bio-retention basins are proposed to be constructed to safely capture and treat stormwater runoff which will then be used to irrigate plants in the nursery. Hence, the development will not compromise this element of the Natural Resource Management Theme.

3.6.3 Element – Primary Production, Forestry and Fisheries

The site is not identified as being agricultural land and the development will not involve any activities that could compromise existing or future primary production activities in the Douglas Shire. Hence, the development will not compromise this element of the Natural Resource Management Theme.

3.6.4 Element – Resource Extraction

The development will not involve any resource extraction activities and hence, will not compromise this element of the Natural Resource Management Theme.

6.6.1.5 Theme 4 – Strong Communities and Identity

The development will provide opportunities for 'Horticultural Trainees' to Jabalbina Traditional Owners to strengthen their existing knowledge of the flora and fauna of the area and build horticultural skills and knowledge. The development also provides opportunities to build stronger Caring for Country partnerships in the Daintree region. Hence, the development will not compromise the strategic outcomes or any elements of the Strong Communities and Identity Theme.

6.6.1.6 Theme 5 – Economy

The development will be operated by a not-for-profit organisation and will involve activities that will aid in conserving and protecting the subject site and surrounding region and will not compromise the strategic outcomes or any elements of the Economy Theme.

6.6.1.7 Theme 6 – Infrastructure and Transport

The site is located outside of the Local Government Priority Infrastructure Area and is unable to be serviced by Council's reticulated infrastructure. The development will not have a significant demand on infrastructure and will be



self-sufficient through the utilisation of rainwater tanks, compost toilets, solar panels, recyclable bio-retention basins, and a bore to service the development. Hence, the development will not compromise the strategic outcomes or any elements of the Infrastructure and Transport Theme.

6.6.2 Conservation Zone Code

The development complies with, or can be conditioned to comply with, the Conservation Zone Code. However, to demonstrate full compliance with the code, specifically PO5, a full assessment demonstrating compliance with the Purpose and Overall Outcomes of the Code has been provided below in **Table 3**.

Table 3: Assessment Against Purpose and Overall Outcomes of Conservation Zone Code

Code Requirement	Comment
Purpose	
<i>"The purpose of the Conservation zone code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity."</i>	The development proposes to establish demountable structures in cleared areas of the site to enable the safe and efficient growth of plants on the site that will then be used to restore degraded areas of the subject site and region. Once there is no longer a need for the development, the structures will simply be removed from the site to ensure that there are no impacts on the environment.
<i>"The local government purpose of the code is to:</i>	
<i>"Implement the policy direction set in the Strategic Framework, in particular:</i> <ul style="list-style-type: none"> <i>i. Theme 2: Environmental and landscape values, Element 3.5.2 – Aboriginal cultural heritage values, Element 3.5.3 – Biodiversity, Element 3.5.3 – Coastal zones</i> <i>ii. Theme 3 – Natural resource management, Element 3.6.2 – Land and catchment management.</i> <i>iii. Theme 4 – Strong communities and identity, Elements 3.7.8 – Strengthening."</i> 	Please refer to assessment against the Strategic Framework in Section 6.6.1 of this Planning Report above.
<i>"Conserve and maintain the integrity of biodiversity values, wildlife, habitats and other significant ecological assets and processes over time, across public and private lands."</i>	As identified above, the development will only involve demountable structures that will aid in growing plants to rehabilitate areas of the Daintree Rainforest and will aid in conserving, protecting and maintaining the biodiversity values, wildlife, habitats and other significant ecological assets and processes both on-site and in surrounding areas.
Overall Outcomes	
<i>"The purpose of the code will be achieved through the following overall outcomes:</i>	
<i>"Biological diversity, ecological integrity and scenic amenity are protected."</i>	The development will protect and enhance biological diversity, ecological integrity and scenic amenity through the rehabilitation of degenerated areas on-site and surrounding areas in the Daintree Region.
<i>"Any recreational or other uses of areas that are in the control of the Crown, or the Council, such as reserves,</i>	The subject site borders the World Heritage Area and correspondence was sought from the Wet Tropics



<i>national parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans for the controlling authority so that conservation and scenic values of these areas are not adversely affected."</i>	Management Authority (WTMA) to confirm that there were no requirements. WTMA advised that the only requirement is that the plants being grown and planted are an endemic species. This correspondence is provided in Attachment 4 .
<i>"Any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area."</i>	The development will enhance the environmental, habitat, conservation and scenic values of the land and surrounding area through rehabilitating the site and surrounding areas.
<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 environmental and scenic amenity values of the site or surrounding area."</i>	Rainforest Rescue have identified there is a significant need to establish a Plant Nursery to support and supply local regeneration projects in the immediate area. The development <u>will not</u> be a wholesale nursery used for commercial gain and will strictly be operated by Rainforest Rescue to preserve and enhance the natural environment of the Daintree Region.
<i>"The provisions of the Return to Country Local Plan facilitate economic and social opportunities on traditional Indigenous lands."</i>	The site is not located in a Return to Country Local Plan area.
<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>	The development only involves the establishment of a term lease that exceeds a 10-year term and will not involve a formal reconfiguration.

6.6.3 Cape Tribulation and Daintree Coast Local Plan Code

The development complies with, or can be conditioned to comply with, the Cape Tribulation and Daintree Coast Local Plan Code.

6.6.4 Overlay Codes

Acid Sulfate Soils Overlay Code

Conditions can be imposed to ensure that should any potential or actual acid sulfate soils (ASS) be discovered during construction that an ASS investigation be undertaken to ensure the suitable treatment and disposal of any such soils. As a result, the development will not conflict with the Acid Sulfate Soils Overlay Code and as such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

Bushfire Hazard Overlay Code

The portion of the site where the development is proposed is only partially affected by the Potential Impact Buffer Area. As the development will be completely self-serviced with sufficient connections to potable water via the 50KL rainwater tank and existing bore, we believe that there is sufficient water availability in the event of a bushfire event.

In addition to this, the development has also provided significant separation to existing hazardous vegetation, does not involve any habitable rooms, and has a clear evacuation route to Cape Tribulation Road which will further ensure that persons and property are protected in the event of a bushfire. Hence, we are of the view that the development will not impact upon the Bushfire Hazard Overlay Code.

Accordingly, the development will not conflict with, or can be conditioned to comply with, the Bushfire Hazard Overlay Code and a full assessment against this code has not been provided in this instance.



Landscape Values Overlay Code

The development complies with or can be conditioned to comply with the Landscape Values Overlay Code.

Natural Areas Overlay Code

Only the Native Vegetation to the south and further to the east of the site are located within proximity to the development area and as this vegetation is protected at a State level. Correspondence with the State was undertaken to ensure that the development would not adversely impact any of this existing vegetation, even through 'exempt' clearing measures. It was determined by the State that the existing buildings and structures on-site already allowed for an 'exempt' clearing exclusion zone and that the proposed development would not trigger any further exempt clearing and that the development would have no adverse impacts on this vegetation. A copy of this correspondence is provided in **Attachment 4**.

Accordingly, the development will not conflict with, or can be conditioned to comply with, the Natural Areas Overlay Code and a full assessment against this code has not been provided in this instance.

Transport Network Overlay Code

The development complies with or can be conditioned to comply with the Transport Infrastructure Overlay Code.

6.6.5 Development Codes

Access, Parking and Services Code

The development complies with or can be conditioned to comply with the Access, Parking and Services Code.

Environmental Performance Code

The development complies with or can be conditioned to comply with the Environmental Performance Code.

Excavation and Filling Code

The only excavation and filling that will be proposed will be associated with the bio-retention basins. The extent of earthworks required to create these basins is currently unknown and will form a future Operational Works application at a later date and under separate cover.

Accordingly, the development will not conflict with, or can be conditioned to comply with the Excavation and Filling Code and a full assessment against this code has not been provided in this instance.

Infrastructure Works Code

The development will be fully self-serviced by all necessary infrastructure as follows:

- Water – The site utilises a 50KL rainwater tank to service the development and will also utilise the existing bore on-site when and if required;
- Sewer – The development will involve the establishment of a demountable compost toilet to service staff members/volunteers;
- Stormwater – New underground stormwater pipes will be laid which will collect and direct all stormwater to the bio-retention basins which will then treat and recycle the water to be used for irrigation purposes;
- NBN – The site is already connected to NBN and the development will utilise this existing connection as required; and
- Electricity – The existing Solar Panel Array is proposed to be upgraded and will service the development.



All works will be undertaken in accordance with the relevant standards, and we are agreeable for Council to impose this as a condition of approval. Hence, the development will not conflict with, or can be conditioned to comply with, the Infrastructure Works Code.

Accordingly, a full assessment against this code has not been undertaken in this instance.

Landscaping Code

The development will involve an extensive amount of landscaping and buffer strips due to the size of the site and the nature of the use being applied for and we are agreeable for Council to impose a condition to ensure that the correct species of landscaping is established over the site.

Conditions can be imposed to ensure that the proposed development complies with the Landscaping Code and as such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

Reconfiguring a Lot Code

The development complies with, or can be conditioned to comply with, the Parking and Access Code.

Vegetation Management Code

The development will only involve the removal of the small pioneer species that have self-seeded over time in the development footprint and the development not result in the removal of any existing significant vegetation. As a result, the proposed development will not conflict with, or can be conditioned to comply with, the Vegetation Management Code and as such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.



7 DISCUSSION – KEY PLANNING MATTERS

This section of the report provides additional commentary in support of the key matters considered relevant to the assessment of this development application being car parking and the land use.

7.1 CAR PARKING

Car parking rates for specific development types are identified in Table 9.4.1.3.b of the Access, Parking and Servicing Code. However, in this instance, the car parking rates for an 'Intensive Horticulture' land use are not identified within this table and instead, the development must look to provide sufficient spaces to accommodate the number of vehicles likely to be parked at any one time. As a result, in order to achieve compliance with the Acceptable Outcome (AO)1, a review against the number of vehicles anticipated to be parked on-site at any given time has been undertaken.

Information has been obtained from Rainforest Rescue regarding vehicle numbers and it has been confirmed that the maximum number of vehicles utilising the site when operating at full capacity is unlikely to exceed ten (10) vehicles at any one time, although the maximum number will be heavily dependent on the extent of work required on these days (i.e., if a large number of plants are required to be moved, then the full number of staff members will be on-site to help otherwise the lesser number of vehicles will be on-site) and on many days, only a small number of vehicles will be on site.

In addition to this, the majority, if not all of these vehicles will be parked informally around the site within the lease area to aid in convenience when moving plants around the site and will not actually need to be parked in the formal car parking areas. Instead, the formal spaces will be reserved for persons with disability and invited visitors to the site.

Importantly, the development will not be open to the public and only authorised personnel will be allowed on-site.

As a result, we believe that the four (4) formal car parking spaces being proposed are sufficient to accommodate the number of vehicles likely to be parked on-site at any one time.

7.2 INCONSISTENT LAND USE

We acknowledge that 'Intensive Horticulture' is identified as an inconsistent land use when located in the Conservation zone; however, the Planning Scheme definition for intensive horticulture is quite broad and takes into accounts all forms of intensive horticulture where in fact, there should perhaps be some scale of varying degree for this land use to differentiate between the large hydroponic farms that result in significant on and off-site impacts and the smaller scaled operations that have little to no on and off-site impacts, as is being proposed as part of this application.

In addition to this the development is able to directly comply with the purpose of the Conservation zone, which is:

"to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity."

As the development being proposed is nowhere near the same scale as the larger, industrial styled farms, and will not involve any sale of goods to the general public, we believe that despite the development being best defined as 'Intensive Horticulture', that in this instance and at the scale being proposed, the development is not inconsistent with the intent of the Conservation zone as it will seek to protect, restore and manage areas of the Daintree Rainforest and achieves the purpose and overall outcomes that are sought for development in the Conservation Zone Code.



8 CONCLUSION

This report supports an application made by Rainforest Rescue who have sought the requisite statutory development approval from Douglas Shire Council to secure a lease exceeding ten (10) years over a portion of the site to allow for the establishment of a new Plant Nursery and ancillary operations on a part of Lot 551 on RP748411 at 1506 Cape Tribulation Road, Cow Bay. Accordingly, this development application has sought the following development approvals from Council:

- **Development Permit for a Material Change of Use (Intensive Horticulture); and**
- **Development Permit for Reconfiguring a Lot (Term Lease exceeding 10 Years)**

This report has described the development, identified the applicable statutory and legislative requirements of Cairns Regional Council under their Planning Scheme, the *CairnsPlan 2016*, as well as those at the State level under the *Planning Act 2016*, *Planning Regulation 2017*, *State Planning Policy 2017* as well as all other, relevant State legislation and requirements, and in doing so, demonstrated the suitability of the development.

This report highlighted that the proposed development is generally compliant with the applicable assessment benchmarks with only a handful of minor departures away from the 'deemed to comply' Acceptable Outcomes being identified with these departures generally relating to car parking. Where these departures have been identified, a performance-based assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the relevant Assessment Benchmarks, can still be achieved. To put a performance-based assessment into context, it is important to note that a non-compliance with one or more Acceptable Outcomes does not, of itself, establish conflict with the Planning Scheme.

In this instance, the zoning conflict and inconsistent land use are the key assessment matters. For this reason, the report provided extensive commentary against the higher order provisions of the Planning Scheme to demonstrate that the proposed development is suitably located notwithstanding the zoning conflict and won't have any impacts on the conservation zone, does not conflict with the intent of the zone, and that with the inclusion of a suitable suite of development conditions, it will not have any unacceptable impacts on the on the environmental values of the site.

With this in mind, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed and for this reason, should be approved by Council subject to the imposition of reasonable and relevant conditions of approval.







Australian
Charities and
Not-for-profits
Commission



THIS CERTIFIES THAT

Rainforest Rescue

ABN:61 086 885 154

IS A REGISTERED CHARITY
AND HAS BEEN TRANSFERRED FROM THE

Australian Taxation Office

TO THE

Australian Charities and Not-for-profits Commission

ON THE DATE OF
3 December 2012

CERTIFIED BY

Susan Pascoe AM
Commissioner

Australian Charities and Not-for-profits Commission

Copy only. Original available on request



DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) 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 only 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) (individual or company full name)	Rainforest Rescue
Contact name (only applicable for companies)	C/- Justin Phipps of Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4051 6946
Email address (non-mandatory)	admin@urbansync.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	21-649

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
		1506	Cape Tribulation Road	Cow Bay
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	551	RP748411	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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.

- ☐ 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 the details of these premises have been attached in a schedule to this development 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: Site adjoins Mclean Creek & Hutchinson Creek

- ☐ 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:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

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="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

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)*

- ☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☒ 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):*

Material Change of Use for Intensive Horticulture

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

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☒ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☒ 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):*

Reconfiguring a Lot to create a term lease exceeding 10 years.

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 checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

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)
Nursery and Ancillary Operations	Intensive Horticulture	-	Refer to Plans
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> 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?	
One (1)	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input checked="" 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 constructed 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?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> 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: Conservation
Number of parts created				Two (2)

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?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have 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 Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ 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 – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:
<input type="checkbox"/> Infrastructure-related referrals – 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"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:
<input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority:
<input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</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 (A, B or E)
\$		

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 habitat in SEQ Region

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

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area 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

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

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

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

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](#).

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ 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 *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

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.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – 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

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Individual owner's consent for making a development application under the *Planning Act 2016*

I, Andrew Richard Conway & Vanessa Joy Teague

[Insert full name.]

as owner of the premises identified as follows:

1506 Cape Tribulation Road, Cow Bay (Lot 551 on RP748411)

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

Urban Sync Pty Ltd on behalf of Rainforest Rescue

on the premises described above for:

Material Change of Use for Intensive Horticulture and Reconfiguring a Lot for a Term Lease exceeding 10 years.



[signature of owner/s and
date signed]

Date: 25 Jan 2021

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21396145	Search Date:	08/10/2021 14:49
Date Title Created:	24/04/1989	Request No:	38833289
Previous Title:	20876165		

ESTATE AND LAND

Estate in Fee Simple

LOT 551 REGISTERED PLAN 748411
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 720923095 07/07/2021

ANDREW RICHARD CONWAY
VANESSA JOY TEAGUE

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20103160 (POR 190)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

CORRS CHAMBERS WESTGARTH
G P O BOX 9925
BRISBANE
QLD 4001

Remove this top section if desired before framing

Certificate of Registration of a Company

This is to certify that

RAINFOREST RESCUE

Australian Company Number 086 885 154

is a registered company under the
Corporations Law of Queensland.

The company is **limited by guarantee**.

The company is a **public** company.

The day of commencement of registration is
the twenty-fifth day of March 1999.



ASIC

Australian Securities &
Investments Commission

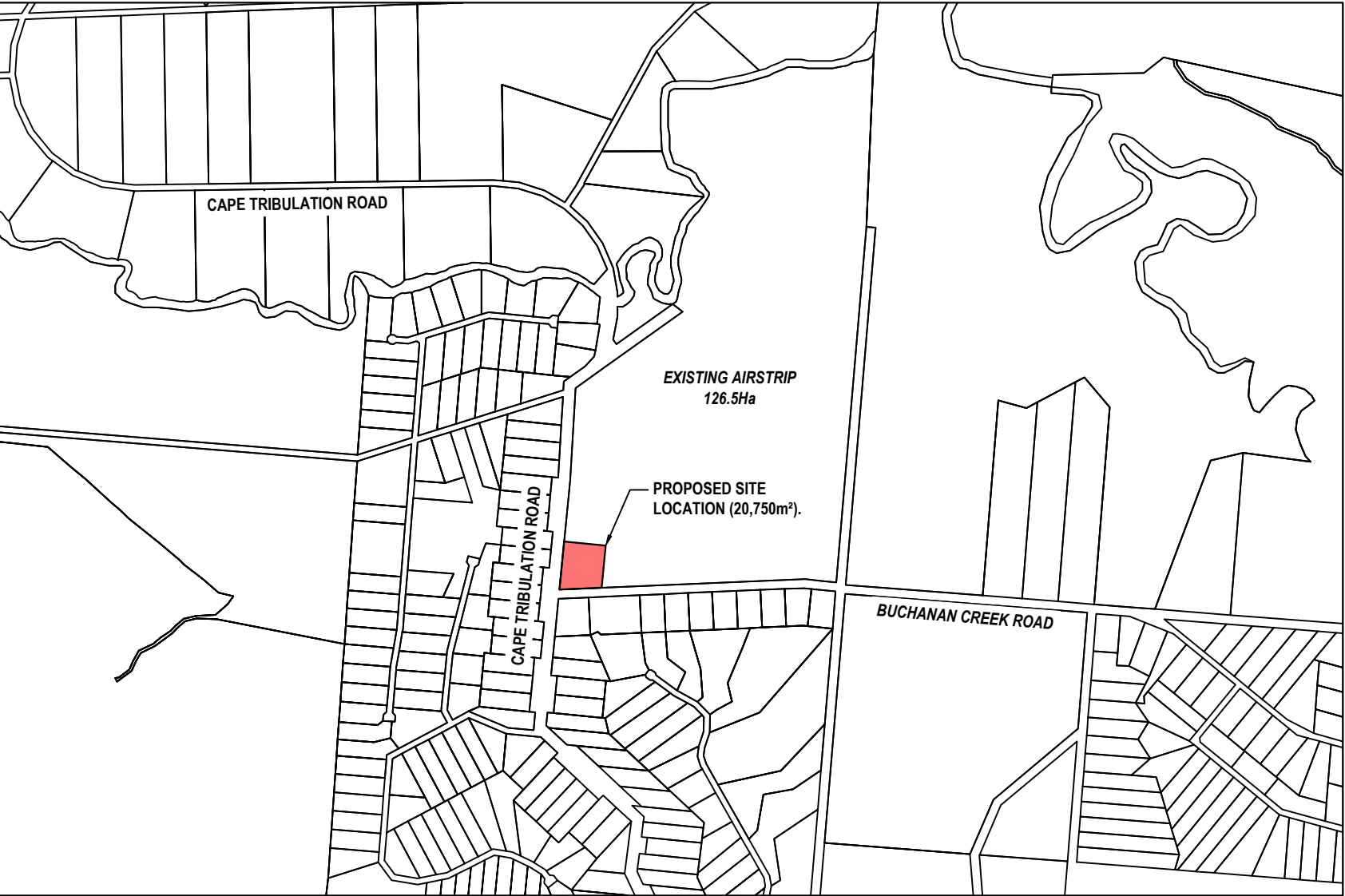
Issued by the
Australian Securities and Investments Commission
on this twenty-fifth day of March, 1999.

Alan Cameron
Chairman

CERTIFICATE



PROPOSED PLANT NURSERY
AT 1506 CAPE TRIBULATION ROAD, COW BAY
FOR RAINFOREST RESCUE
JOB No. 2170



LOCALITY PLAN
NOT TO SCALE

SCHEDULE OF DRAWINGS

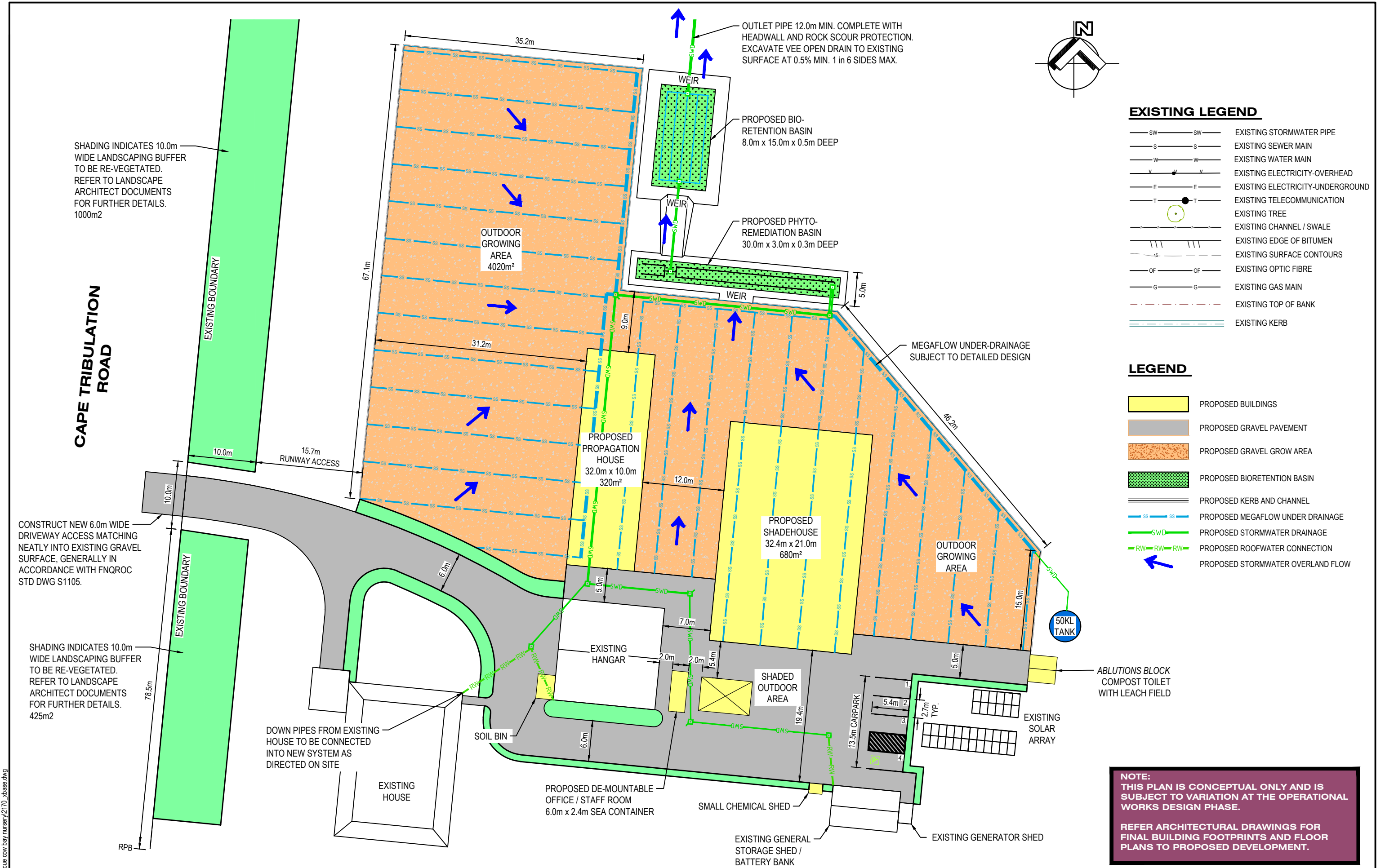
DWG	DESCRIPTION
2170-P01	Locality Plan & Schedule Of Drawings
2170-P02	Overall Layout Plan
2170-P03	Perspective Views
2170-P04	Shade House Plans
2170-P05	Propagation House Plans
2170-P06	Vehicle Turning Templates

PROPERTY DESCRIPTION

LOT 551 on RP745411
CNR CAPE TRIBULATION & BUCHANAN CREEK
ROADS, COW BAY
Site Area (Part Lot) = 2.075 Ha = 1.6% TOTAL SITE

CAUTION - EXISTING SERVICES
THE CONTRACTOR IS TO DETERMINE THE EXACT LOCATION OF
ALL EXISTING SERVICES IN THE VICINITY OF THE PROPOSED
WORKS PRIOR TO THE START OF ANY CONSTRUCTION. THE
COST OF ANY RECTIFICATION WORKS DUE TO DAMAGE OF
EXISTING SERVICES SHALL BE BORNE BY THE CONTRACTOR.

REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS	SCALE	APPROVED	PROJECT:	JOB NUMBER
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD DESIGN KE DRAWN KE DESIGN CHECK CL DATE 20-01-2022	NOT TO SCALE	 Director: CAMERON LANDRETH (RPEQ 19358)	PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE	2170
								DRAWING TITLE: LOCALITY PLAN & SCHEDULE OF DRAWINGS	SHEET: 1 OF 6
								DRAWING NUMBER P01	REV A



EXISTING LEGEND

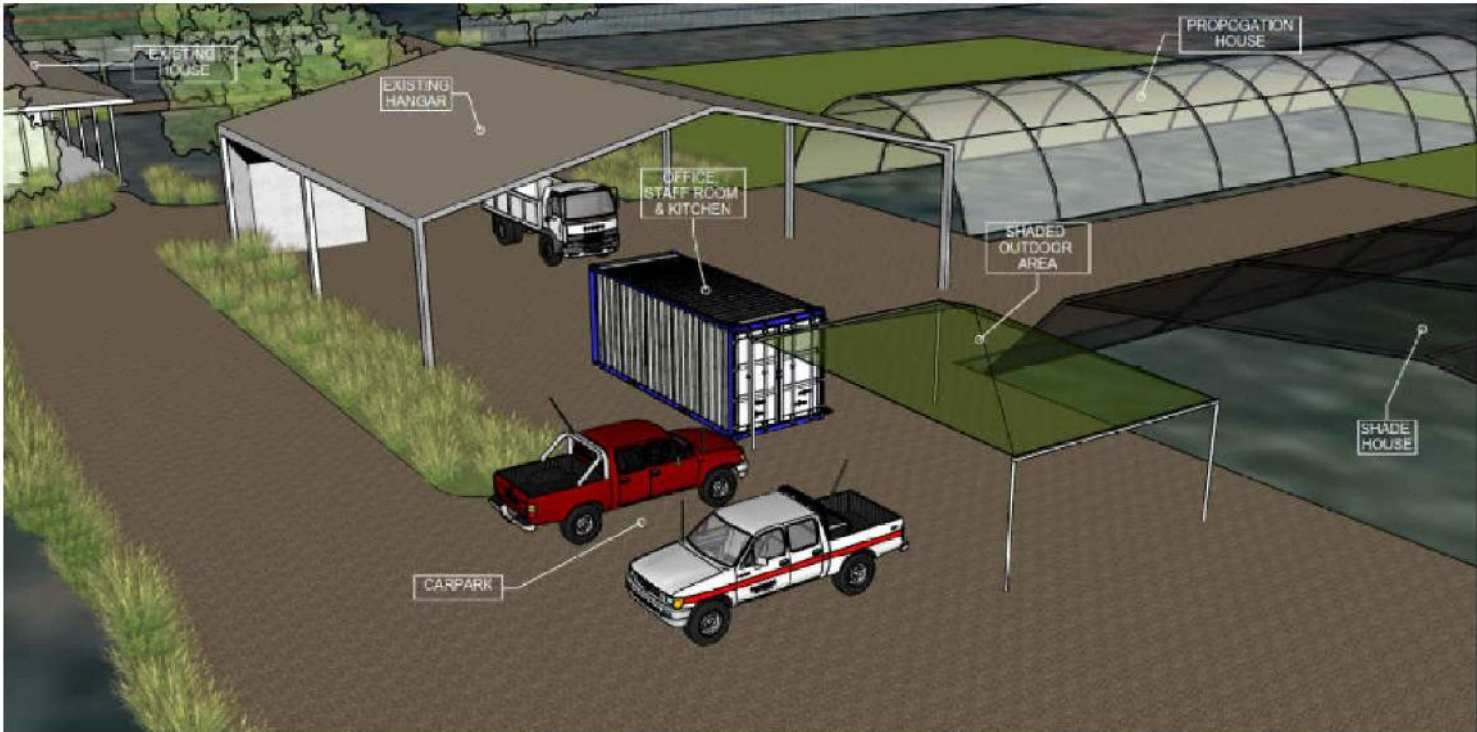
— SW —	EXISTING STORMWATER PIPE
— S —	EXISTING SEWER MAIN
— W —	EXISTING WATER MAIN
— V —	EXISTING ELECTRICITY-OVERHEAD
— E —	EXISTING ELECTRICITY-UNDERGROUND
— T —	EXISTING TELECOMMUNICATION
—	EXISTING TREE
—	EXISTING CHANNEL / SWALE
—	EXISTING EDGE OF BITUMEN
—	EXISTING SURFACE CONTOURS
— OF —	EXISTING OPTIC FIBRE
— G —	EXISTING GAS MAIN
—	EXISTING TOP OF BANK
—	EXISTING KERB

LEGEND

[Yellow Box]	PROPOSED BUILDINGS
[Grey Box]	PROPOSED GRAVEL PAVEMENT
[Orange Box]	PROPOSED GRAVEL GROW AREA
[Green Box]	PROPOSED BIORETENTION BASIN
[Blue Line]	PROPOSED KERB AND CHANNEL
[SS Line]	PROPOSED MEGALOW UNDER DRAINAGE
[SWD Line]	PROPOSED STORMWATER DRAINAGE
[RW Line]	PROPOSED ROOFWATER CONNECTION
[Blue Arrow]	PROPOSED STORMWATER OVERLAND FLOW

NOTE:
THIS PLAN IS CONCEPTUAL ONLY AND IS SUBJECT TO VARIATION AT THE OPERATIONAL WORKS DESIGN PHASE.
REFER ARCHITECTURAL DRAWINGS FOR FINAL BUILDING FOOTPRINTS AND FLOOR PLANS TO PROPOSED DEVELOPMENT.

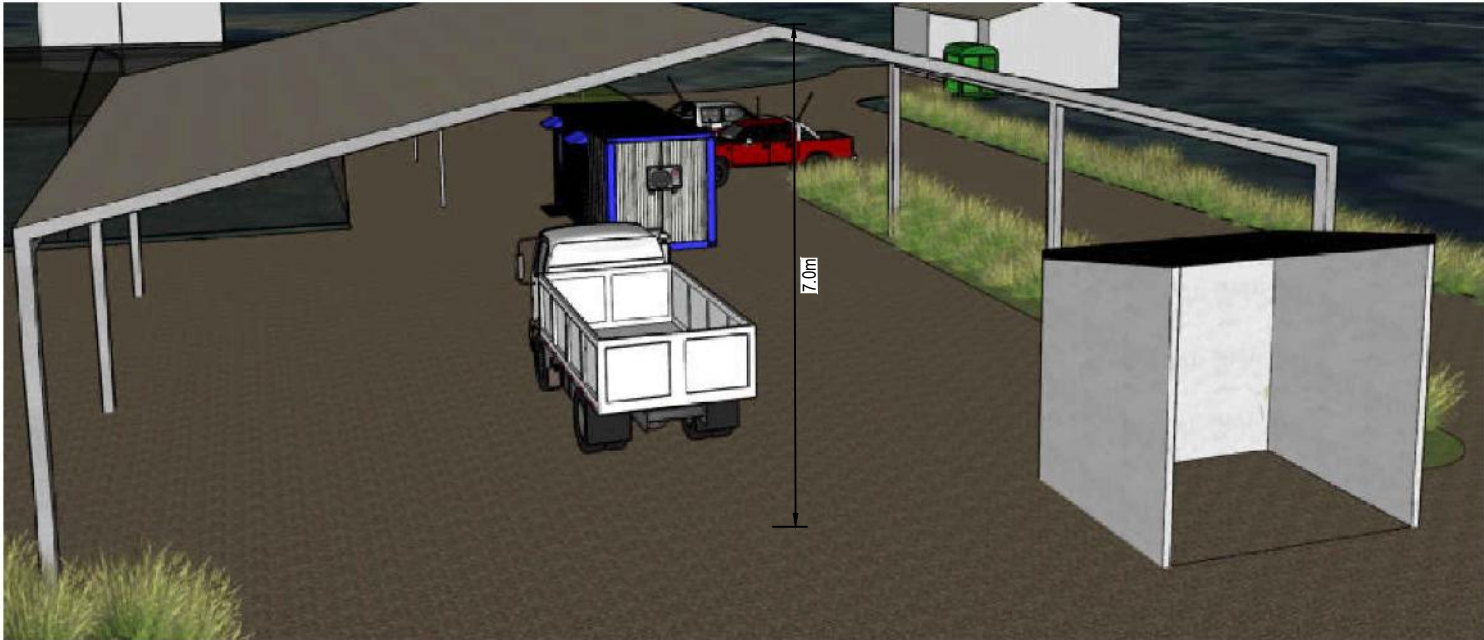
REV		DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS		SCALE		APPROVED		 <div>Barlow Shelley CONSULTING ENGINEERS <small>p 07 5443 8285 e office@barlowshelley.com.au w www.barlowshelley.com.au a PO Box 899 Maroochydore 4558 ABN 89 215 591 077</small></div>	PROJECT: PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE		JOB NUMBER 2170	
A		20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD		0 5.0 10 15 20 25m SCALE 1:500 A3		 Director: CAMERON LANDRETH (RPEQ 19358)			DRAWING TITLE: OVERALL LAYOUT PLAN		SHEET: 2 OF 6	
						DESIGN KE									DRAWING NUMBER	
						DRAWN KE									P02	
						DESIGN CHECK CL									REV	
						DATE 20-01-2022		This drawing is not to be copied or amended without written permission from Barlow Shelley Consulting Engineers						A		



PERSPECTIVE LOOKING WEST
SCALE NTS



PERSPECTIVE LOOKING EAST
SCALE NTS




EXISTING HANGAR & SOIL BIN
SCALE NTS

NOTE:
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SUBJECT TO VARIATION AT THE OPERATIONAL
WORKS DESIGN PHASE.
REFER TO P04 & P05 FOR OTHER BUILDING /
STRUCTURE HEIGHT LIMITS.

REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD
					DESIGN KE
					DRAWN KE
					DESIGN CHECK CL
					DATE 20-01-2022

SCALE
NOT TO SCALE

APPROVED
 Director: CAMERON LANDRETH (RPEQ 19358)

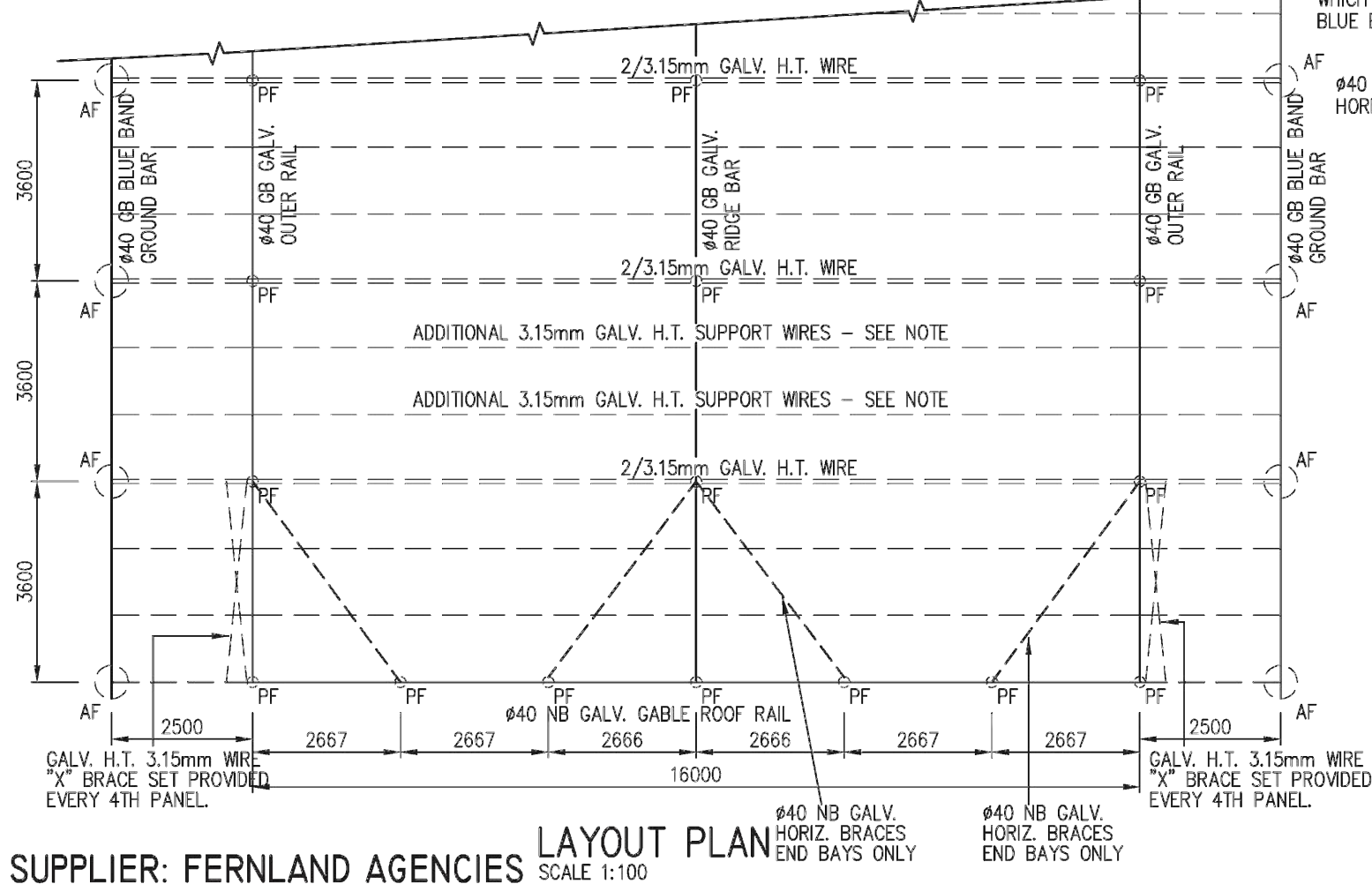
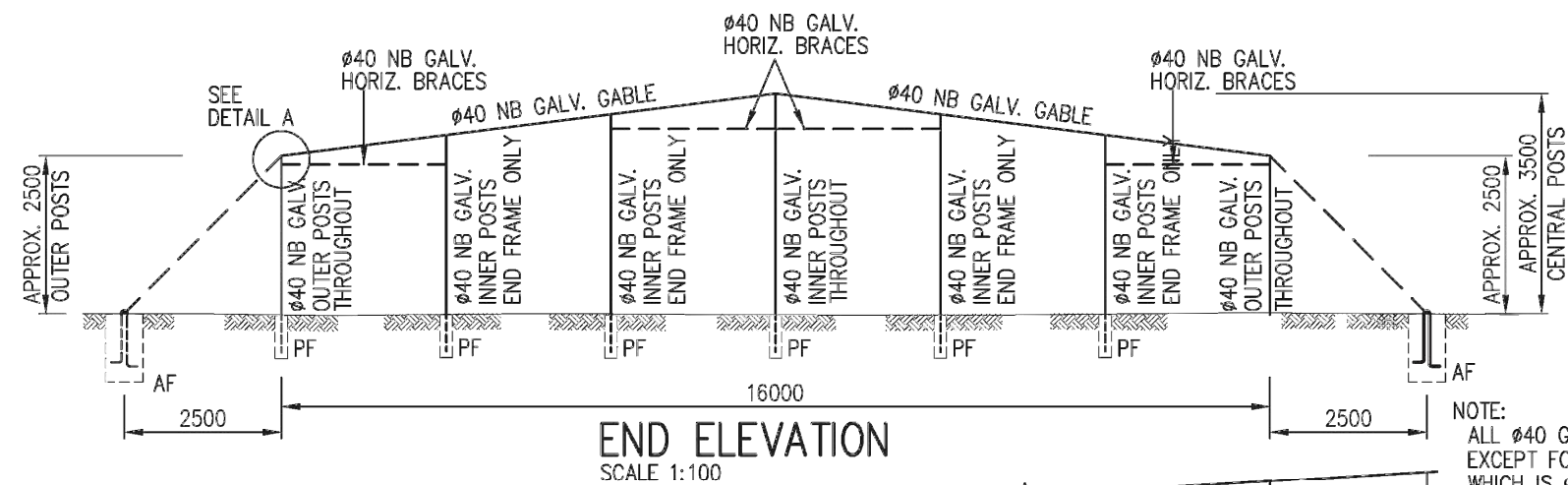


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a PO Box 899 Maroochydore 4558 ABN 89 215 591 077

PROJECT: PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE
DRAWING TITLE: PERSPECTIVE VIEWS

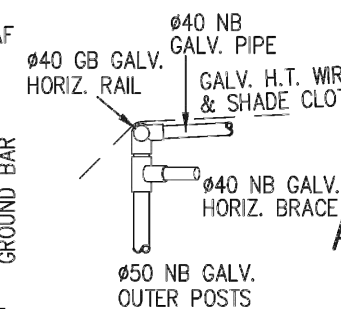
JOB NUMBER 2170
SHEET: 3 OF 6
DRAWING NUMBER P03
REV A



SUPPLIER: FERNLAND AGENCIES

LAYOUT PLAN
SCALE 1:100

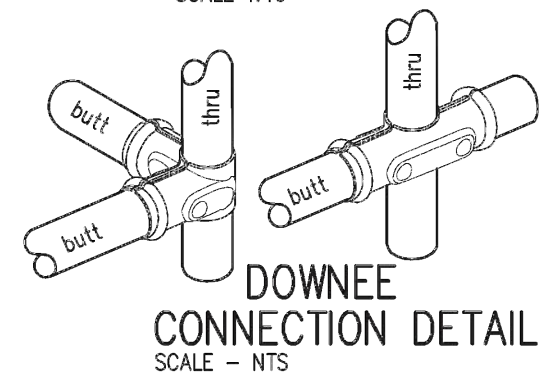
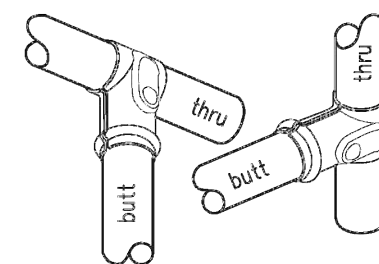
NOTE:
ALL 40 GB GREEN BAND
EXCEPT FOR GROUND BAR
WHICH IS 40 NB GALV.
BLUE BAND.



DETAIL A
SCALE 1:20

GROUND BAR
ANCHOR FOOTING-AF
SCALE 1:20

POST FOOTING-PF
SCALE 1:10




NOTE:
PROVIDE KNITTED SHADE CLOTH COVER.
50mm WIDE PRE-SEWN POCKETS ALONG
EDGES OF 3.6m WIDE PANEL TO ACCOMMODATE
GALV. H.T. SUPPORT & TIE-DOWN WIRES INSERTED
& ATTACHED GROUND TO GROUND. NOTE THAT
SHADE CLOTH FIXES TO GROUND BARS ONLY,
NOT TO INTERNAL GALV. PIPE FRAME.
SHADE CLOTH PANELS CLIPPED WIRE TO
WIRE WITH RP22 HOG RINGS AT 100 CRS..

NOTE:
THIS PLAN IS CONCEPTUAL ONLY AND IS
SUBJECT TO VARIATION AT THE OPERATIONAL
WORKS DESIGN PHASE.

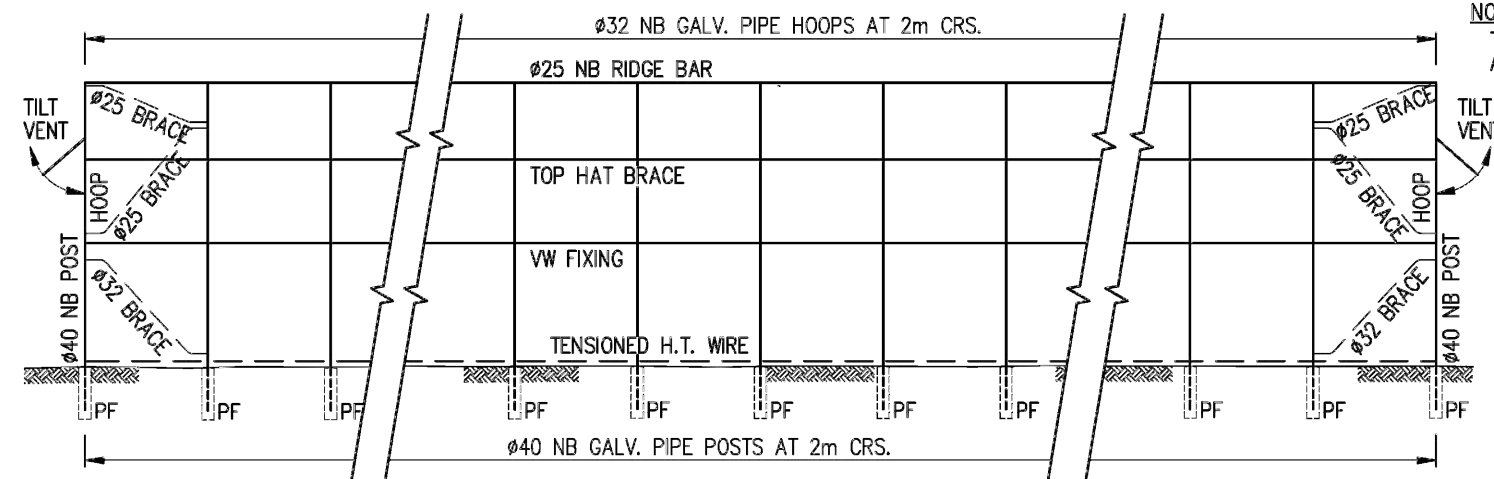
REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD
					DESIGN KE
					DRAWN KE
					DESIGN CHECK CL
					DATE 20-01-2022

SCALE
AS NOTED

APPROVED
 Director: CAMERON LANDRETH (RPEQ 19358)

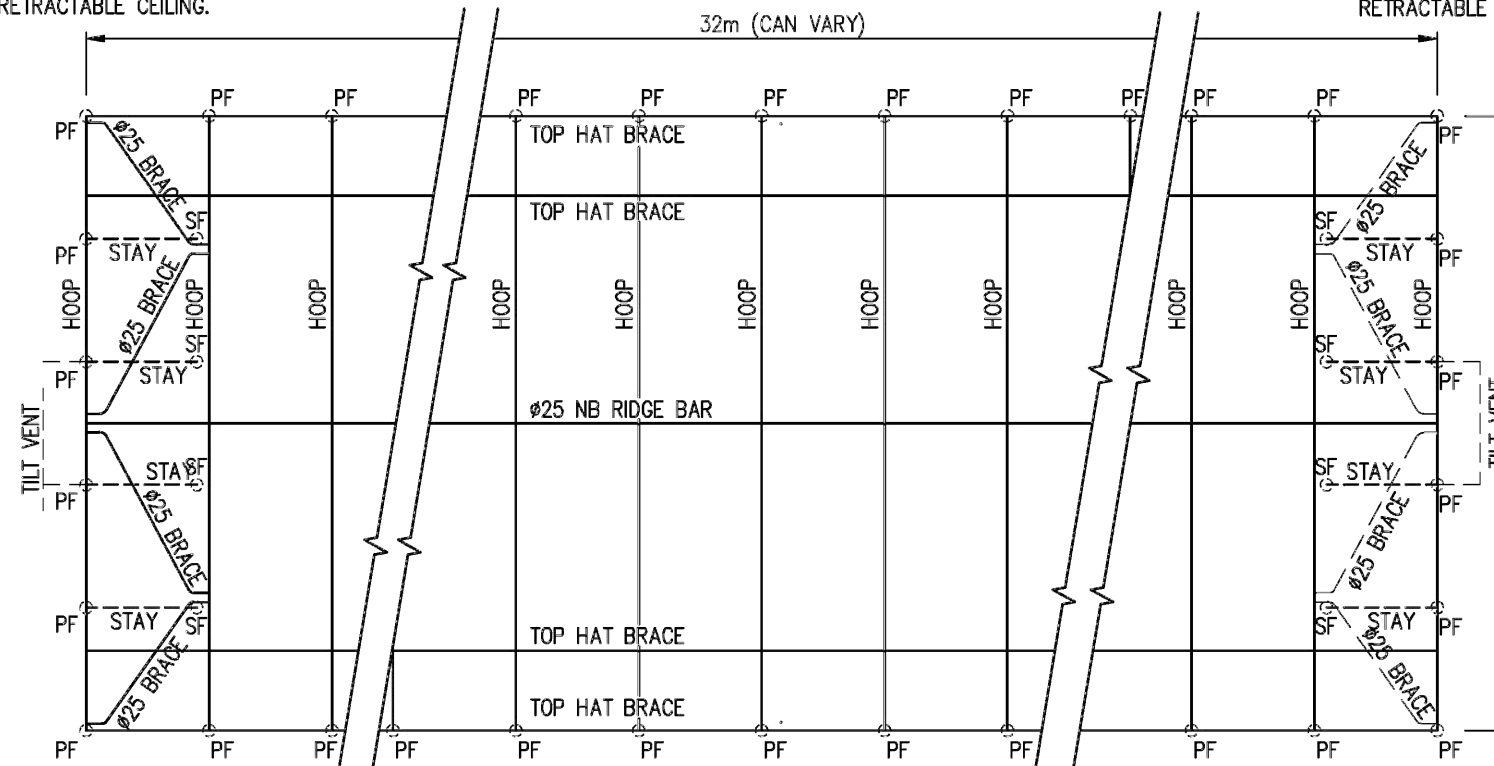

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 e office@barlowshelley.com.au w www.barlowshelley.com.au
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PROJECT: PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE	JOB NUMBER 2170
DRAWING TITLE: SHADE HOUSE PLANS	SHEET: 4 OF 6
	DRAWING NUMBER P04
	REV A

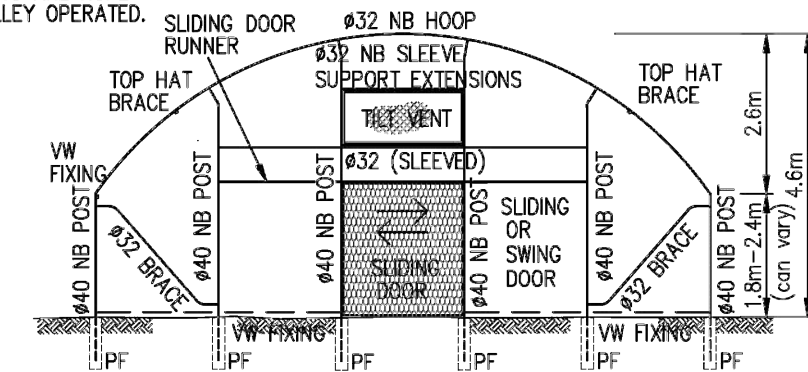


ELEVATION A
SCALE 1:100

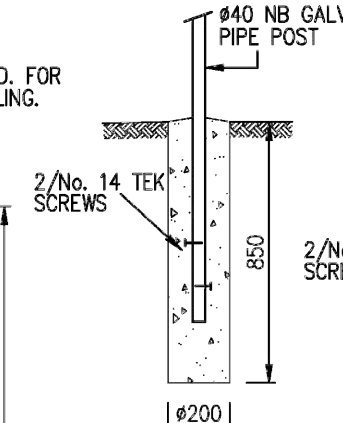
NOTE:
STAYS ONLY REQ'D. FOR
RETRACTABLE CEILING.



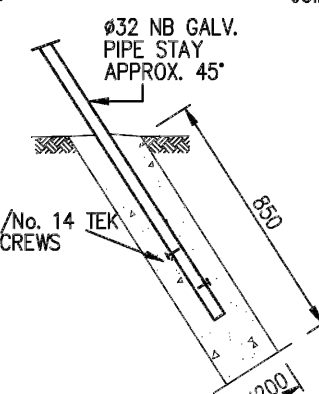
LAYOUT PLAN
SCALE 1:100



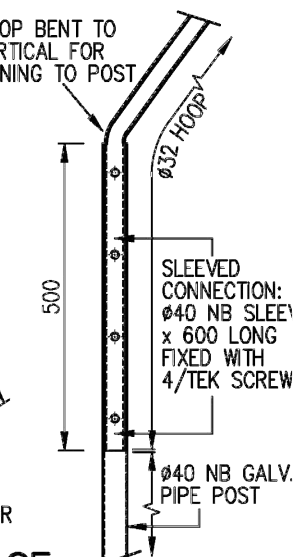
ELEVATION B
SCALE 1:100



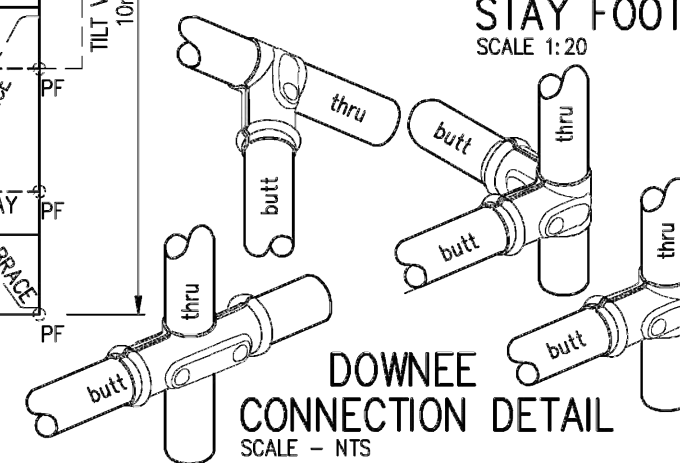
POST FOOTING-PF
SCALE 1:20



STAY FOOTING-SF
SCALE 1:20



HOOP/POST CONNECTION
SCALE 1:10




DOWNEE CONNECTION DETAIL
SCALE - NTS

NOTE:
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REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD
					DESIGN KE
					DRAWN KE
					DESIGN CHECK CL
					DATE 20-01-2022

SCALE
AS NOTED

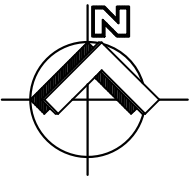
APPROVED
 Director: CAMERON LANDRETH (RPEQ 19358)

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A PO Box 899 Maroochydore 4558 ABN 89 215 591 077

PROJECT: PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE
DRAWING TITLE: PROPAGATION HOUSE PLANS

JOB NUMBER 2170
SHEET: 5 OF 6
DRAWING NUMBER P05
REV A



LEGEND

100mm BASE COURSE GRAVEL TYPE 2.1 CBR 80

100mm SUB-BASE COURSE GRAVEL TYPE 2.3 CBR 60

NATURAL SUBGRADE - CBR = 15% MIN. (TYPICAL)

LEGEND

150mm BLUE METAL BASE GRAVEL - 10-20mm

EnduraSeal GEOFABRIC UNDERLAY

NATURAL SUBGRADE - CBR = 15% MIN. (TYPICAL)

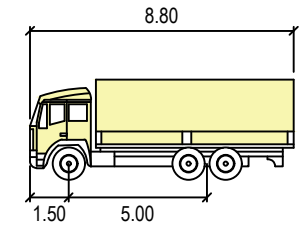
PAVEMENT SPECIFICATION

PAVEMENT NOTES:

- DESIGN PAVEMENT DEPTH HAS BEEN BASED ON AN ASSUMED CBR 15 SUBGRADE DESIGN. TO BE VERIFIED FOLLOWING INSPECTION AND TESTING OF SUBGRADE.
- NOTIFY ALL RELEVANT AUTHORITIES PRIOR TO COMMENCEMENT OF WORK WITHIN EXISTING ROAD RESERVES.

LEGEND

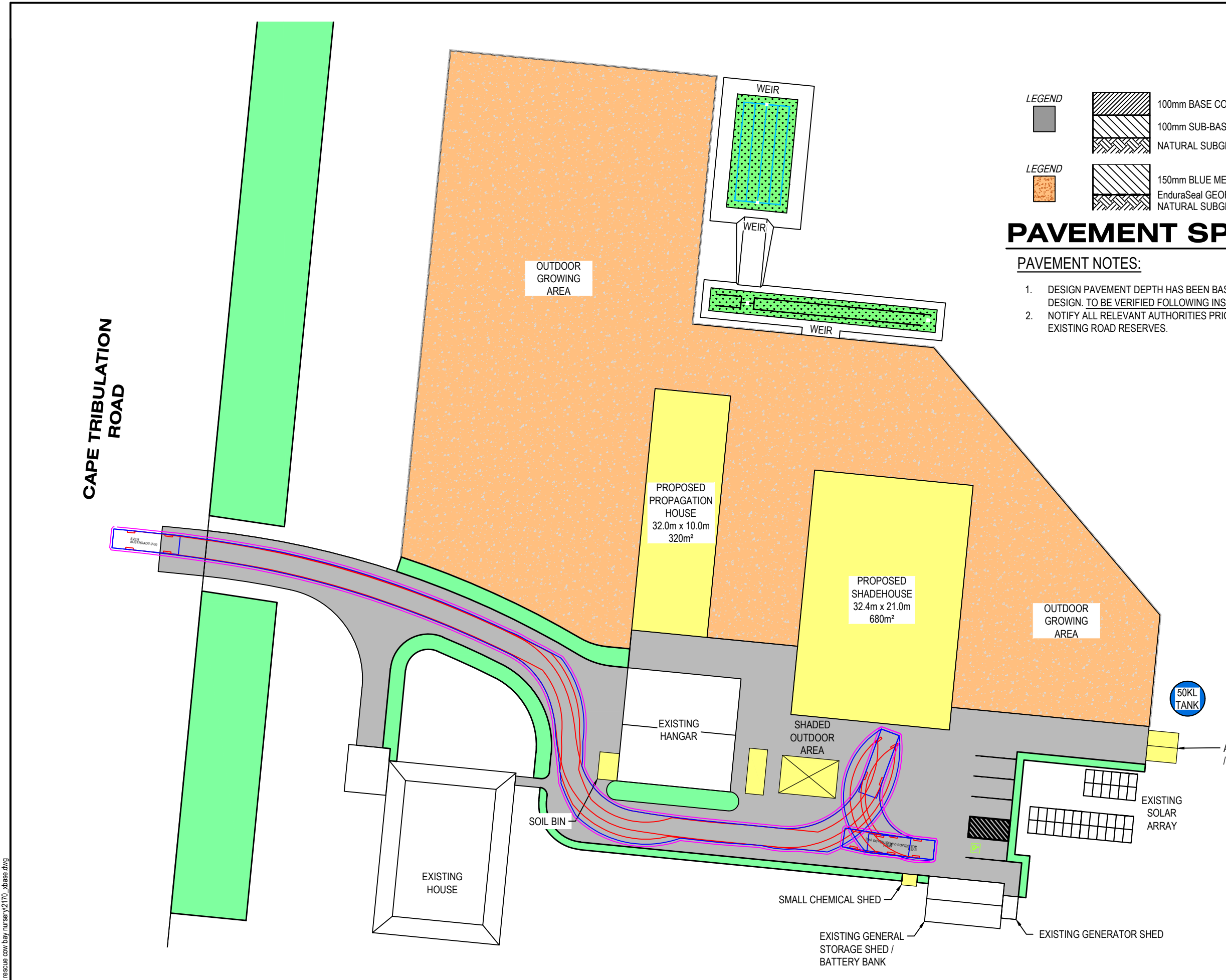
- PROPOSED BUILDINGS
- PROPOSED GRAVEL PAVEMENT
- PROPOSED GRAVEL GROW AREA
- PROPOSED BIORETENTION BASIN
- PROPOSED KERB AND CHANNEL



MRV-AS2890.2	meters
Width	: 2.50
Track	: 2.50
Lock to Lock Time	: 6.00
Steering Angle	: 34.4

SERVICE VEHICLE (MRV)
REGULAR VEHICLE

NOTE:
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SUBJECT TO VARIATION AT THE OPERATIONAL
WORKS DESIGN PHASE.

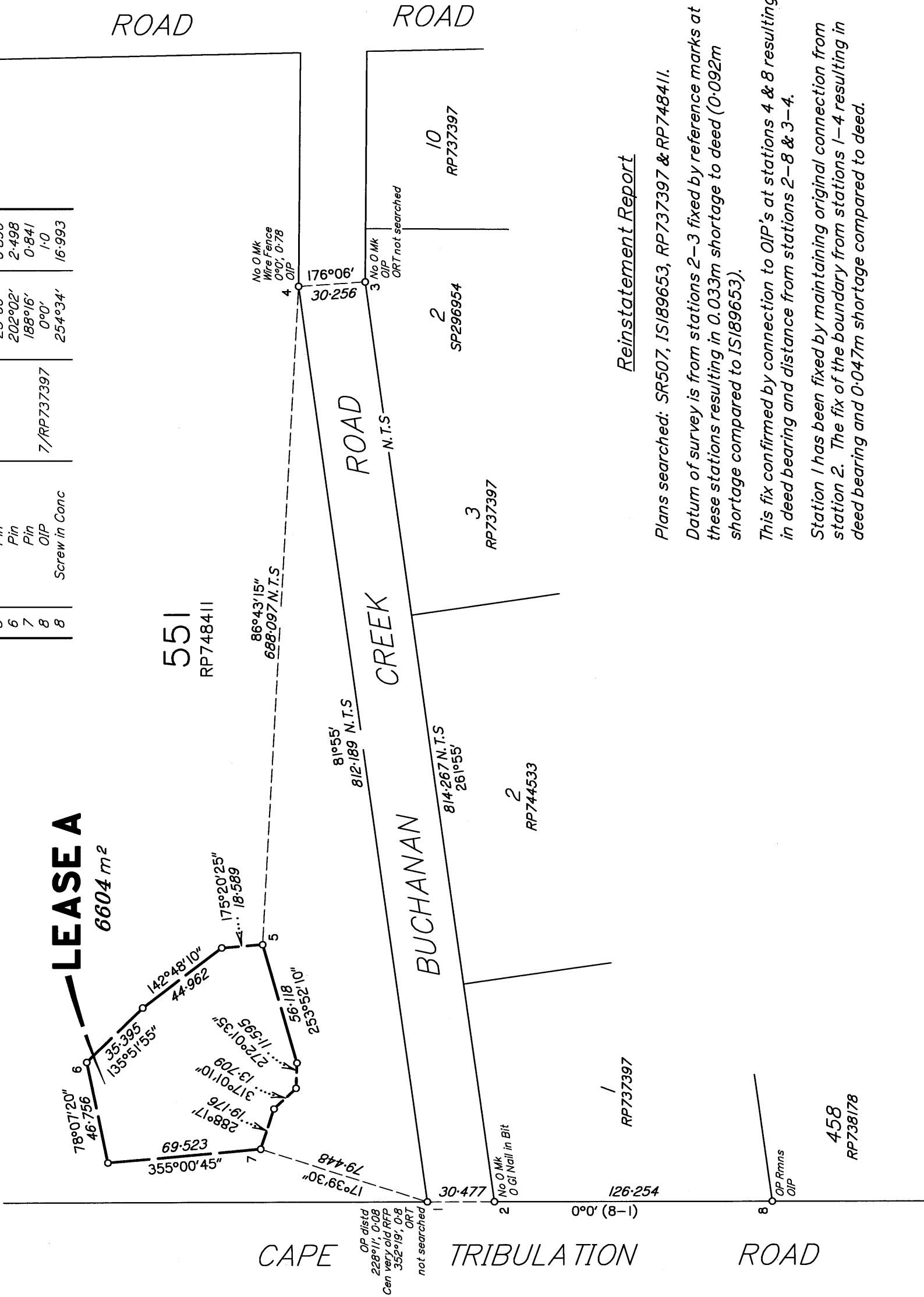


REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS	SCALE	APPROVED	PROJECT:	JOB NUMBER
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD	0 5.0 10 15 20 25m	<div><p>Barlow Shelley CONSULTING ENGINEERS</p><p>p 07 5443 8285 e office@barlowshelley.com.au w www.barlowshelley.com.au a PO Box 899 Maroochydore 4558 ABN 89 215 591 077</p></div>	PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE	2170
					DESIGN KE	Director: CAMERON LANDRETH (RPEQ 19358)			SHEET: 6 OF 6
					DRAWN KE				DRAWING NUMBER
					DESIGN CHECK CL				REV
					DATE 20-01-2022				P06 A

REFERENCE MARKS				
STN	TO	ORIGIN	BEARING	DIST
1	Nail fd in Telstra Pit	2/SR507	170°04'	1-883
1	ORT not searched	IS189653	291°35'	5-271
2	O GI Nail in Bit		4°05'30"	14-598
2	Pin		293°05'20"	31-267
3	OIP	3a/SR507	356°06'	1-006
3	ORT not searched	3a/SR507	175°06'	1-328
3	Spike in Bit		340°36'	12-773
4	OIP (0.5 deep)	3/SR507	176°06'	1-006
5	Pin		23°06'	0-896
6	Pin		202°02'	2-498
7	Pin		188°16'	0-841
8	OIP	7/RP737397	0°0'	1-0
8	Screw in Conc		254°34'	16-993

Peg placed at all new corners,
unless otherwise stated.

LEASE A
6604 m²



Reinstatement Report

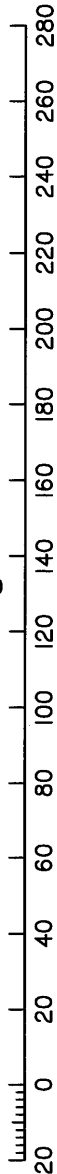
Plans searched: SR507, IS189653, RP737397 & RP748411.

Datum of survey is from stations 2-3 fixed by reference marks at these stations resulting in 0.033m shortage to deed (0.092m shortage compared to IS189653).

This fix confirmed by connection to OIP's at stations 4 & 8 resulting in deed bearing and distance from stations 2-8 & 3-4.

Station 1 has been fixed by maintaining original connection from station 2. The fix of the boundary from stations 1-4 resulting in deed bearing and 0.047m shortage compared to deed.

Scale 1:2000 - Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Matthew James WILLING, surveying associate and Daniel Geoffrey PINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 28/09/2021.

Adrian Edward Solomon
Authorised Delegate

5/11/2021
Date

0 50mm 100mm 150mm State copyright reserved.	
Plan of Lease A in Lot 551 on RP748411	
LOCAL GOVERNMENT: DOUGLAS SHIRE	LOCALITY: COW BAY
Meridian: SR507	Survey Records: No
Scale: 1:2000 Format: STANDARD	
 SP331542	

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
21396145	Lot 551 on RP748411			Lease A

6. Building Format Plans only.

I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
* Part of the building shown on this plan encroaches onto adjoining * lots and road

.....Cadastral Surveyor/Director* Date
*delete words not required

7. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
.....New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

8. Insert Plan Number **SP331542**

Lots	Orig

2. Orig Grant Allocation :

3. References :

Dept File :
Local Govt :
Surveyor : PRI50659

5. Passed & Endorsed :

By : RPS Australia East Pty Ltd
Date : 5/11/2021
Signed : *[Signature]*
Designation : Cadastral Surveyor



State Assessment and Referral Agency

Date: 08/10/2021



Queensland Government

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Matters of Interest for all selected Lot Plans

Coastal management district
Coastal area - erosion prone area
Coastal area - medium storm tide inundation area
Coastal area - high storm tide inundation area
Queensland waterways for waterway barrier works
Wetland protection area trigger area
Wetland protection area wetland
Regulated vegetation management map (Category A and B extract)

Matters of Interest by Lot Plan

Lot Plan: 551RP748411 (Area: 1236000 m²)
Coastal management district
Coastal area - erosion prone area
Coastal area - medium storm tide inundation area
Coastal area - high storm tide inundation area
Queensland waterways for waterway barrier works
Wetland protection area trigger area
Wetland protection area wetland
Regulated vegetation management map (Category A and B extract)



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Legend

Wetland protection area trigger area

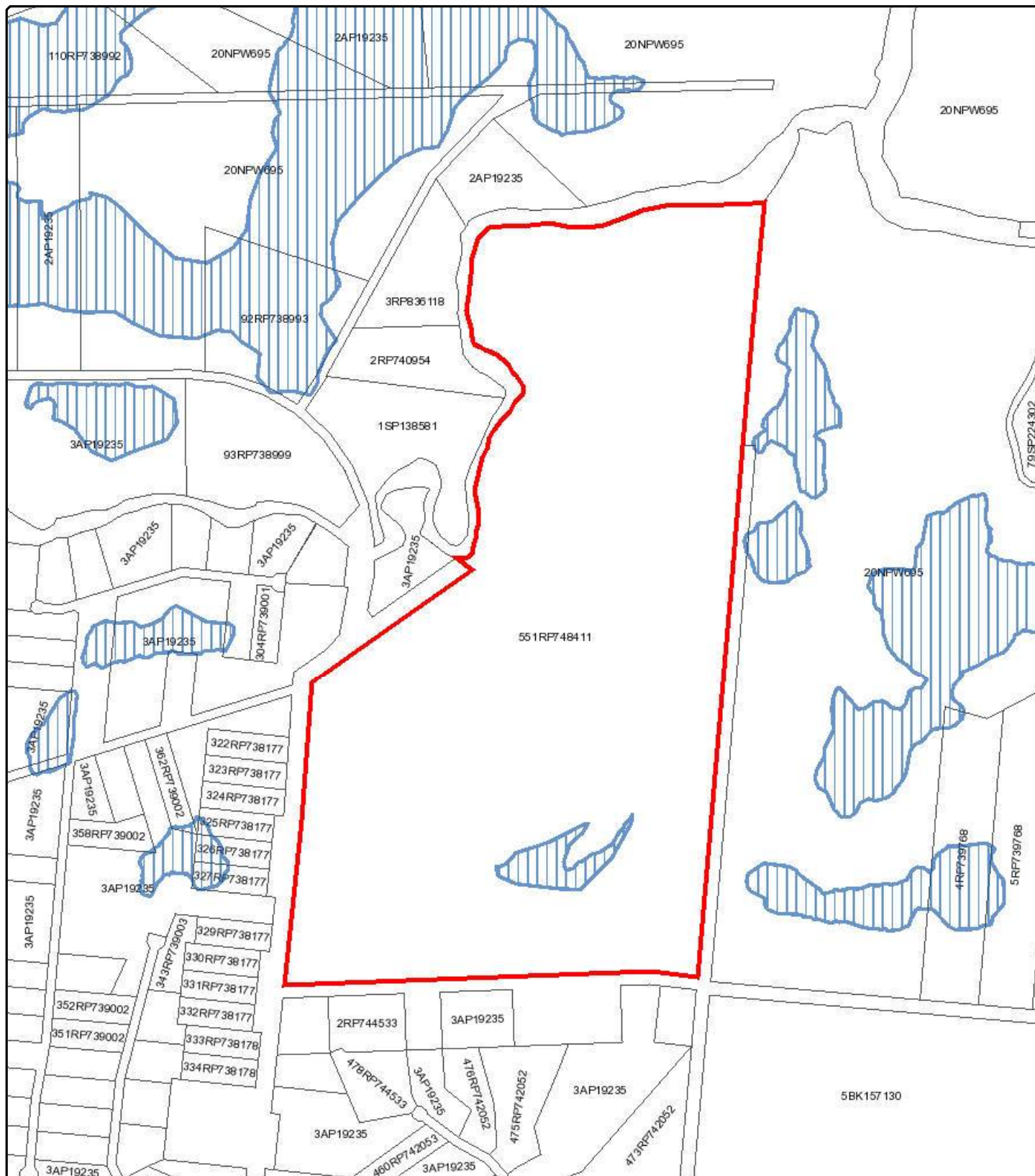


Wetland protection area trigger area

0 225 450 675 900
Metres

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Legend

Wetland protection area wetland



Wetland protection area wetland

0 225 450 675 900
Metres

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[illegible]

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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)


High ecological value water areas

 High ecological value water areas


MSES - Wildlife habitat (endangered or vulnerable)

 MSES - Wildlife habitat (endangered or vulnerable)


MSES - High ecological significance wetlands

 MSES - High ecological significance wetlands


MSES - High ecological value waters (wetland)

 MSES - High ecological value waters (wetland)


Coastal management district

 Coastal management district


Erosion prone area

 Erosion prone area


High storm tide inundation area

 High storm tide inundation area

Medium storm tide inundation area

 Medium storm tide inundation area

Flood hazard area - Level 1 - Queensland floodplain assessment overlay

 Flood hazard area - Level 1 - Queensland floodplain assessment overlay

MSES - Protected areas (estate)

 MSES - Protected areas (estate)


MSES - Regulated vegetation (category B)

 MSES - Regulated vegetation (category B)


MSES - Regulated vegetation (category C)

 MSES - Regulated vegetation (category C)


MSES - Regulated vegetation (category R)

 MSES - Regulated vegetation (category R)


MSES - Regulated vegetation (essential habitat)


 MSES - Regulated vegetation (essential habitat)


MSES - Regulated vegetation (wetland)


 MSES - Regulated vegetation (wetland)

Bushfire prone area


 Very High Potential Bushfire Intensity

 High Potential Bushfire Intensity

 Medium Potential Bushfire Intensity

 Potential Impact Buffer

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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State Planning Policy

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



0 290 580 870 1,160
Metres

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Legend

Drawn Polygon Layer

Override 1

Cadastre (25k)



Cadastre (25k)

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



Urban Footprint



Rural Living Area



Regional Landscape and Rural Production Area



Date: 08/10/2021

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State Planning Policy

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

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Justin Phipps

From: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>
Sent: Friday, 22 October 2021 3:28 PM
To: Justin Phipps
Subject: FW: Douglas Shire Council Without Prejudice Advice Application fees Proposed Development at 1506 Cape Tribulation Road, Cow Bay P6866
Attachments: RFR Nursery Facility - 260920 (1).pdf

Hi Justin,

The restoration of areas of concern rather than permanent plantations would appear to be more consistent with the Planning Scheme.

Council's fees and charges policy has a 50% reduction for not-for-profit organisations.

While there is an ability for the applicant to request in writing to the Manager Environment and Planning to seek a further reduction, there would be hesitancy in providing this at the application stage given the nature of the impact assessable development and the possibility of third party appeals.

Kind Regards

Jenny Elphinstone | Senior Planning Officer

Environment & Planning | Douglas Shire Council

P: 07 4099 9482 | **F:** 07 4098 2902

E: enquiries@douglas.qld.gov.au | **W:** www.douglas.qld.gov.au

Mail: PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Friday, 22 October 2021 3:06 PM
To: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>
Subject: RE: Douglas Shire Council Without Prejudice Advice Proposed Development at 1506 Cape Tribulation Road, Cow Bay P6866

Hi Jenny,

Thank you for all the information.

I guess the only thing I really need clarity on is whether or not we include the permanent plantation land use.

The Propagation House, Shade House and outdoor growing and export areas would all fall under the Intensive Horticulture definition so I guess I was thinking that if these plants were then used to restore the subject site that this may constitute the permanent plantation use but if you're saying that plants used to revegetate land elsewhere would not be a permanent plantation then I'm kind of leaning towards that we don't include this land use... I was thinking that this land use would just cover the 'restoration areas' but the more I think about it the more I don't think it applies so I'm happy to remove this unless you think it may be beneficial just to cover all bases?

In regard to your comments regarding the educational establishment use, these corporations will be providing this education but they will be providing this education on the subject site occasionally where they can actually walk around and look at the different plant species, etc. There won't be any buildings and/or structures associated with this use and I really just included it to make sure we cover all our bases so I will keep this use included.

In regard to the Lease Area, this is still being amended and finalised to meet the States requirements but it will be around all the newly proposed demountable buildings and structures. The restoration areas will not be identified in the lease area.

I note all your other comments and I'll work with Rainforest Rescue to try and make sure we provide Council with as much detail as possible.

Just also while I remember, do Douglas Shire Council have any fee waivers/reductions in place for not for profit organisations?

Thanks Jenny.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



Town Planning Feasibility | Development Applications | Approvals Management



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From: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>

Sent: Friday, 22 October 2021 1:33 PM

To: Justin Phipps <Justin@urbansync.com.au>

Subject: Douglas Shire Council Without Prejudice Advice Proposed Development at 1506 Cape Tribulation Road, Cow Bay P6866

Hi Justin,

The following comments are provided on a without prejudice basis.

Proposed uses:

- Intensive Horticulture – yes agreed.
- Permanent plantation – you should clarify whether this is restoration work or a permanent plantation. You also need to nominate on the plan where the “permanent plantation” will be. Plants used to revegetate land elsewhere would not be a permanent plantation.
- Wholesale Nursery – the frequency of sales and the sale/transfer of trees for restoration of other land would appear to constitute a MCU.
- Educational Establishment – Council would have thought it more likely that Jabalbina and other First nations People would be providing this education. If this occurs from the land then the use should be included.

ROL – you would need to nominate the area over which the lease operates. Are all the proposed uses occurring only in the lease area? The lease area needs to consider access to and from the road and whether this is a shared access in any way.

As impact assessable development you need to respond to the Strategic Framework. Having regard to this the development of the site needs to be a balance of meeting needs of the local community. Concern would be where the permanent plantation limited the future development opportunities of the land – especially when a very limited number of lots in this locality can accommodate more than a residential use, i.e., low-impact tourism enterprise. Restoration needs to be on areas that need it and are at risk, rather than the rest of the site that you do not use and the Planning Statement needs to include qualified assessment and comments.

All existing uses need to be nominated on the plan.

Normally there is a vegetation buffer to road and property boundaries. The impacts of the development should be constrained to the land.

Concern with developing permanent plantations close to roads is that wildlife have little warning of danger of the road and the associated movement of vehicles.

Whether Council will require an upgrade to the entry / exit point onto Cape Tribulation road depends on the number of movements, fencing and adequacy of the existing crossover to cater for the number and type of vehicle movements. Where you need more certainty with this please discuss with your engaged civil engineer. Council may require a RPEQ design plan as a RFI.

Car parking need -where the Planning Scheme is silent or unclear please discuss with your civil engineer / traffic engineer.

Adopted infrastructure charges still apply to areas that are outside the water and sewer service areas. There are standard reductions for being outside a service area. For properties north of the Daintree River further consideration will be by a case by case basis and will be considered at a later time.

Each use normally has a separate fee. Please provide a plan of the extent of the lease sought and where each of the uses will occur on the land.

Given the complexity, the number of uses proposed and the impact and impact (inconsistent) nature of the uses, concern is raised with providing a very minimal fee.

Kind Regards

Jenny Elphinstone | Senior Planning Officer

Environment & Planning | Douglas Shire Council

P: 07 4099 9482 | **F:** 07 4098 2902

E: enquiries@douglas.qld.gov.au | **W:** www.douglas.qld.gov.au

Mail: PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873

From: Justin Phipps <Justin@urbansync.com.au>

Sent: Tuesday, 28 September 2021 11:39 AM

To: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>

Subject: Doc 1043977 Proposed Development at 1506 Cape Tribulation Road, Kimberley

Good morning Jenny,

Hope you've been keeping well!

I've received some preliminary plans from the guys at Rainforest Rescue and also prepared a Pre-lodgement Agenda (both attached) to refine the existing advice we received now that we have a better understanding of how the site will operate.

I note here that the plans are still very preliminary and show oversized dimensions but it should give you a bit of an idea of where things will sit and what's involved.

Importantly, it is likely that the location of the development will be moved further to the north to achieve suitable firebreaks to address the State firebreaks/buffers requirements from the native vegetation.

If you have any questions at all, please feel free to touch base.

Thanks Jenny, have a good day.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



Town Planning Feasibility | Development Applications | Approvals Management



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SARA reference: 2109-25009 SPL
Applicant reference: 21-649

15 October 2021

Rainforest Rescue
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870
justin@urbansync.com.au

Attention: Justin Phipps

Dear Sir/Madam,

SARA Pre-lodgement advice - 1506 Cape Tribulation Road, Cow Bay, Lot 551 on RP748411

I refer to your pre-lodgement request received on 28 September 2021 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

The development proposal is for a material change of use for intensive horticulture, permanent plantation, a wholesale nursery and an educational establishment and a reconfiguring a lot (for a lease exceeding 10 years).

Rainforest Rescue is in discussions with the current landowners of the subject site to lease a portion of the site to allow them to establish a plant nursery that ultimately seeks to rehabilitate the subject site, in addition to other off-site areas of the Daintree Rainforest. The nursery will initially grow approximately 75,000 plants in the first year, increasing to 150,000 at full capacity to supply local regeneration projects.

The development will involve the construction of a shade house and propagation house (including an adjacent outdoor growing area and export area), a new office/staff room/kitchen and storage shed that will be ancillary to the growing of plants on-site. The existing hangar and dwelling house are proposed to be retained and no works will be associated with these existing structures. No vegetation clearing is proposed as part of this development.

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request.

Drawing/report title	Prepared by	Date
Proposed RFR Nursery Facilities Site plans, 1 to 8	Urban Sync	28 September 2021
Email correspondence (proposed area information)	SARA	28 September 2021
Pre-lodgement Agenda	Urban Sync	28 September 2021

Pre-lodgement advice

The following advice outlines the aspects of the proposal that are of relevance to SARA.

SARA's jurisdiction and fees	
1.	<p>The application <u>may</u> require referral to SARA under the following provisions of the Planning Regulation 2017 (the Planning Regulation):</p> <ul style="list-style-type: none"> Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Development impacting on State transport infrastructure and thresholds. This will require a fee of \$3,430 to be paid in accordance with Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 8 (b)(ii). Schedule 10, Part 3, Division 4, Table 3, Item 1 – Native vegetation clearing. This will require a fee of \$6,859.00 to be paid in accordance with Schedule 10, Part 3, Division 4, Table 3, Item 8(b). Schedule 10, Part 20, Division 4, Table 2 or 3 – Wetland protection area. This will require a fee per trigger of \$3,430.00 to be paid in accordance with Schedule 10, Part 20, Division 4, Table 2 or 3, Item 8. <p>SARA would be a referral agency for the proposed application.</p>
Development impacting on state transport infrastructure	
2.	<p>The proposed wholesale nursery would be defined under the Planning Regulation as a garden centre. In accordance with Schedule 20 of the Planning Regulation, a reconfiguring of a lot that involves a garden centre that has a combined total site area of 3,000m² or more, will require referral in accordance with Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 of the Planning Regulation.</p> <p>The proposed development would require assessment against State code 6: Protection of State Transport networks (State code 6) of the State Development Assessment Provisions (SDAP). A response to the relevant provisions of State code 6 should be provided as part of the development application.</p> <p>Please note that this referral would only be relevant if you proceed with the wholesale nursery.</p>
Clearing native vegetation	
3.	<p>The regulated vegetation management map identifies the subject site as containing category B, C, R and X areas. The vegetation management supporting map identifies the impact category B areas as containing the following (see Attachment 1):</p> <ul style="list-style-type: none"> of concern RE7.3.10a (structure: dense), mapped with essential habitat for multiple species least concern RE7.11.5d (mid-dense), associated with a stream order two (2) watercourse, and mapped with essential habitat for multiple species. <p><u>Category C and R areas</u></p> <p>Clearing of vegetation that is a category C areas or category R areas is not for a relevant</p>

purpose under the *Vegetation Management Act 1999*. Accordingly clearing of vegetation in these areas cannot be approved under a development approval. As such, clearing of vegetation mapped as a category C or R area must be undertaken as exempt clearing work or in accordance with the Department of Resources (Resources) Accepted Development Vegetation Clearing Code (ADVCC).

Any clearing done under an ADVCC must be undertaken in accordance with the code currently in effect and record-keeping requirements apply. Prior to undertaking any clearing, a notification must first be lodged with Resources. You can notify online for free, and the notification is valid for two years. The codes and details for lodging a notification under the codes are available online at <https://www.qld.gov.au/environment/land/management/vegetation/clearing-codes>.

Category B areas

All clearing as a result of a material change of use is assessable. Whether or not the clearing is part of the application, including, but not limited to, clearing to establish built structures/infrastructure, including buildings, stormwater management systems, roads, utilities, excavation and filling, essential management including necessary firebreaks and fire management lines, and other clearing that will become exempt as a result of the development approval such as routine management.

With respect to necessary firebreaks, all built infrastructure other than underground services, roads and fences, will be assessed as requiring clearing for firebreaks and safety buffers with a width of 20 metres or 1.5 times the height of the tallest adjacent tree to the infrastructure, whichever is the greater. The extent of the clearing assessed will include any vegetation that may be cleared for fire breaks distances and safety buffers on adjoining land.

Tree species within the category B vegetation can reach heights of 45m. This equates to a firebreak buffer width of 67.5m that could be cleared around new buildings established as a result of the material change of use approval. As an alternative, height data can be provided for the vegetation adjacent to the proposed infrastructure as evidence to support a reduced firebreak width. Evidence must include tree height measurements and photographs of the tallest vegetation adjacent to the any proposed infrastructure. Each photograph should include a survey staff or object of known height and be accompanied by a record of its GPS location.

Aerial imagery overlaid with vegetation mapping and plan of proposed development indicate the following (refer to **Attachment 1**):

- There are existing buildings in the impact area. It has been advised that these will be retained as part of the proposed development. Clearing of vegetation for essential management for a firebreak can already occur to protect the existing buildings.
- The proposed development footprint is located within a category X area. However, if it was approved it would enable the essential management exemption for clearing for firebreaks to protect new buildings. Given that tree species in the adjacent category B areas can reach a height of 45m, a firebreak width of 67.5m could be cleared around new buildings and would include areas of category B vegetation. This width may be reduced if evidence is provided that demonstrates the height of the tallest species adjacent to proposed buildings area is less than 45m.
- There is some overlap of the area that can currently be cleared for firebreaks, with that which would be enabled as a result of the material change of use approval.
- Assessable clearing of vegetation that may occur on the subject lot for firebreaks to protect new buildings includes approx. 0.25Ha of Least concern RE7.11.5d that is also mapped with Essential habitat and is associated with a watercourse. It may also include category B vegetation on adjacent lots and roads.

To avoid referral for native vegetation clearing, it is recommended that the development is

setback at least 67.5m from category B areas, or an alternative width based on site-specific vegetation height data.

If the development cannot be setback from category B vegetation, so as to avoid enabling the essential management exemption to clear for firebreaks, the application will require referral for clearing native vegetation. This is because the application involves clearing of native vegetation, other than regulated regrowth vegetation (category C and/or category R areas), that will become exempt clearing work under Schedule 21 of the Planning Regulation if the development application is approved.

State code 16: Native vegetation clearing (State code 16)

The development application would be assessed against State code 16– Table 16.2.2 (general): performance outcome (PO)1 – PO4 and Table 16.2.3 (specifically): PO7, PO11, PO16, PO20, PO22–PO24 and PO27. Please note that:

- all POs will be required to be addressed
- guidance on how to comply with this code is provided in SDAP Guidance material: State code 16: Native vegetation clearing, Department of Resources, 2020. This guideline is available online at https://www.resources.qld.gov.au/_data/assets/pdf_file/0010/1258075/state-code-16-veg-clearing-guide.pdf . Appendix 2 of the guideline provides details on the standard application information for all development applications involving the clearing of native vegetation.

Vegetation offsets

The following prescribed environmental matters have been identified that may be impacted by the proposed development:

- watercourse
- of concern regional ecosystems
- essential habitat

Clearing of a prescribed environmental matter may require the applicant to provide a vegetation offset if the clearing results in a significant residual impact on the matter. The Queensland Environmental Offsets Policy explains the requirements for providing an offset. When a land-based offset is proposed, the Guide for Determining Terrestrial Habitat Quality, version 1.3, February 2020, provides a methodology for determining the habitat quality of proposed offsets sites. When a financial settlement offset is proposed, the Financial Settlement Offset Calculator can be used to calculate the offset. The Guide and Calculator are available online at <https://www.qld.gov.au/environment/pollution/management/offsets/delivering>.

Relevant purpose determination

If referral is required, prior to lodging a development application, written confirmation must first be obtained from Resources that the proposed new area of clearing is a relevant purpose under section 22A of the *Vegetation Management Act 1999*.

No fee is required for a Section 22A relevant purpose confirmation, but the application must provide evidence to support the clearing is for a relevant purpose including, but not limited to the following:

- a completed application form (available at https://www.dnrme.qld.gov.au/_data/assets/pdf_file/0003/1395201/relevant-purpose-determination-application-form.pdf)
- a map or GIS shapefile, the latter being more preferred for accuracy, which identifies the extent and location of the development and clearing areas

	<ul style="list-style-type: none"> evidence the clearing is for relevant infrastructure evidence why the clearing is necessary, including evidence there is no suitable alternative site for the development on the subject lands evidence the application has avoided and/or minimised the adverse impacts of the development the applicant can email the 22A VMA confirmation request to vegetation@resources.qld.gov.au for further information or assistance applying for a section 22A determination, please contact Resources on 135 VEG (135 834). Assistance to apply for a section 22A determination is also available online at https://www.qld.gov.au/environment/land/vegetation/development.
Wetland protection area	
4.	<p>Based on the information provided, the proposed works may trigger for technical assessment for a material change of use or a reconfiguring of a lot in a wetland protection area. However, this depends on whether the proposed works are considered high impact earthworks.</p> <p>The proposed development will require referral if operational work is required that changes the form of land, or involves placing a structure on land, in a way that diverts water to or from a wetland in a wetland protection area and involves excavating or filling of more than 1,000m³.</p> <p>It is important to assess the hydrology of the wetland in order to understand how the proposed development is expected to impact wetland hydrodynamics. It should also be noted that ground truthing MSES values on site is important to ensure impacts to MSES are avoided.</p> <p><u>State code 9: Great Barrier reef wetland protection area</u></p> <p>In considering the above advice, if the works require referral a response to the latest version of the State code 9 is required in its entirety, identifying how the proposed development meets each PO. The latest version of SDAP State code 9 is available at: https://planning.dsdmip.qld.gov.au/planning/better-development/the-development-assessment-process/the-states-role/state-development-assessment-provisions.</p> <p>For more information regarding how to demonstrate compliance with the relevant State codes, please see: http://www.dlgrma.qld.gov.au/resources/policy/sdap/v2/introductory-sections.pdf.</p> <p>Please refer to the Guideline, State code 9: Great Barrier Reef wetland protection areas (https://environment.des.qld.gov.au/_data/assets/pdf_file/0021/90138/sdap-code9-gbr-wetland-protection-areas-guideline.pdf) in responding to State code 9. The guideline contains information on how to respond to particular performance outcomes (PO) and outlines specific information requirements.</p> <p>It should be noted that if the PO has no relevance to the proposed development a response of "not applicable" and a statement as to why it is not relevant is required. For this application, the PO2, PO3, PO4, PO7, PO8 and PO9 will require a particularly detailed response.</p> <p><u>MSES</u></p> <p>Following a preliminary investigation, it appears that the proposed development may have an impact on the following MSES which are present on the site or in the adjacent area:</p> <p>The proposed works are mapped within the following MSES:</p> <ul style="list-style-type: none"> regulated Vegetation (essential habitat) regulated Vegetation (category B – endangered or of concern) wildlife Habitat (endangered or vulnerable)

The proposed works are adjacent to the following MSES:

- regulated Vegetation (category R – GBR riverine)

To address PO9 of State code 9, it will be required to determine if there are any MSES on or adjacent to the proposed development site. Queensland Globe (<https://qldglobe.information.qld.gov.au/>) can be used to conduct a desktop analysis to identify any mapped MSES that exist on and near the proposed site/s.

Where MSES are identified:

- provide a targeted assessment to ground truth any MSES identified
- demonstrate how the development avoids adverse impacts on each MSES to the greatest extent practicable
- where avoidance is not reasonably possible, demonstrate how impacts on MSES have, or will be, minimised and mitigated to the greatest extent practicable
- determine whether there will be a Significant Residual Impact on any MSES using the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) Significant Residual Impact Guideline (<https://dsdmipprd.blob.core.windows.net/general/dsdip-significant-residual-impact-guideline.pdf>). An assessment will need to be undertaken for each MSES
- identify the delivery of any potential offset as per PO9 (3).

The following additional tools may be helpful for a desktop analysis and assessment:

- DES Environmental Reports Online
<https://apps.des.qld.gov.au/report-request/environment/>
- Resources Regulated Vegetation Mapping
<https://www.qld.gov.au/environment/land/management/vegetation/maps/map-request>
- DES WetlandInfo
<https://wetlandinfo.des.qld.gov.au/wetlands/>
- DES Protected Plants Flora Survey Trigger Map
<https://environment.des.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>
- DES Species List
<https://apps.des.qld.gov.au/report-request/species-list/>
- DSDILGP SPP Interactive Mapping
<https://planning.dsdmip.qld.gov.au/planning/spa-system/plan-making-under-spa/state-planning-under-spa/state-planning-policy>

Development Description

All applications should include a detailed description of the proposed development and a description of the existing site conditions. In particular, the following should be provided:

- description of the land intended to be developed, including the property address, tenure and real property description of the land
- description of the development methodology, including:
 - o any operational works occurring on site and expected timeframes
 - o staging of the development if applicable
 - o measures employed to minimise impacts to the local receiving environment.
- detailed and appropriately scaled drawings and/or plans which clearly identify the location of proposed development, including:
 - o location of all built structures, or structures to be modified or demolished, as a result of the proposed development
 - o adjacent riverbanks, walls, sandbanks, structures, the limit of vegetation, and/or other principal features of the immediate area
 - o the location and setting out details for cross-sections
 - o any other information required to accurately define the area and to allow the site to be readily identified from the plan.

	All plans/drawings should include title, date and numbering suitable to identify the plan and should be mapped to GDA2020 projection.
Lodgement material	
6.	<p>It is recommended that the following information is submitted when referring the application to SARA:</p> <ul style="list-style-type: none"> • DA form 1 and supporting planning report. • A full response to the relevant sections of State code 6, State code 9 and State code 16 (if required) • Landowner's consent • Relevant purpose determination (if required) • Relevant plans as per the DA Forms guide.

This advice outlines aspects of the proposed development that are relevant from the jurisdiction of SARA. This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

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

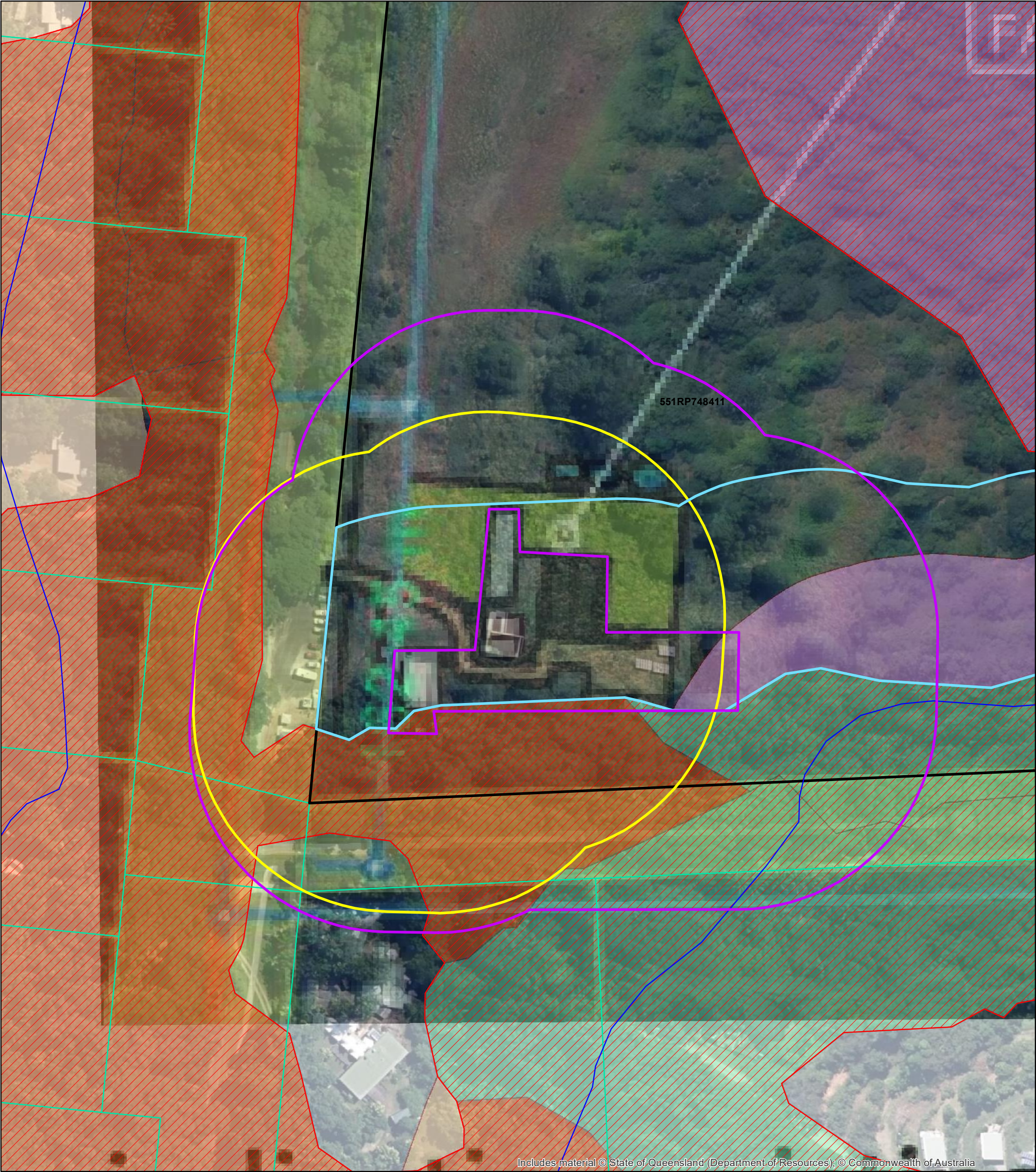
If you require further information please contact Ruth Creffield, Senior Planning Officer, on 40373222 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

Development details	
Proposal:	Material change of use for intensive horticulture, permanent plantation, a wholesale nursery and an educational establishment and reconfiguring a lot (for a lease exceeding 10 years)
Street address:	1506 Cape Tribulation Road, Cow Bay
Real property description:	Lot 551 on RP748411
SARA role:	Referral Agency
Assessment Manager:	Douglas Shire Council
Assessment criteria:	State Development Assessment Provisions (SDAP): State code 6, State code 15, State code 9
Existing use:	Rural



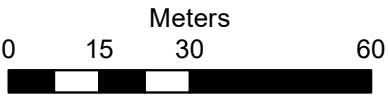
Legend

- Additional_67.5m_firebreak exemption
- Cat B 67.5m firebreak
- Existing_67.5m_firebreak exemption
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- property_5ga_20211005
- qld_dcdb_extent_5ga_20211005
- essential_habitat_extent_5ga_20211005
- Category A or B containing endangered
- Category A or B containing of concern
- Category A or B that is of least concern
- Category C or R containing endangered
- Category C or R containing of concern
- Category C or R that is of least concern
- non-remnant
- Water

Map Date: 6 September 2021
Author: Patrina Birt, Ipswich
Resources Ref: 2021/003668
SARA Ref: 2109-25009 SPL

Fig 1_Vegetation map and plan of development

Non-standard Map



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SARA reference: 2109-25009 SPL
Applicant reference: 21-649

19 November 2021

Rainforest Rescue
C/- Urban Sync Pty Ltd,
PO Box 2970
CAIRNS QLD 4870
justin@urbansync.com.au

Attention: Justin Phipps

Dear Sir/Madam,

SARA Pre-lodgement advice - 1506 Cape Tribulation Road, Cow Bay, Lot 551 on RP748411

I refer to your pre-lodgement request received on 5 November 2021 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

The development proposal is for a material change of use for intensive horticulture, permanent plantation, and an educational establishment and a reconfiguring a lot (for a lease exceeding 10 years).

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request.

Drawing/report title	Prepared by	Date
Proposed RFR Nursery Facilities	Urban Sync	Submitted - 5 November 2021

Pre-lodgement advice

The following advice is provided in addition to, and is intended to be read in conjunction with, the previous pre-lodgement advice dated 15 October 2021 regarding the proposed development (2109-25009 SPL).

Native Vegetation clearing	
1.	<p>Based on the attached vegetation map and plan of development (see Attachment 1), it is recommended that the application for a material change of use will not require referral under Schedule 10 of the Planning Regulation 2017, for the clearing of native vegetation.</p> <p>Based on the submitted information, the material change of use does not involve any clearing of native vegetation, other than regulated regrowth vegetation (category C and/or R areas), that is assessable development under the <i>Planning Act 2016</i>, nor any clearing of native vegetation, other than regulated regrowth vegetation (category C and/or R areas), that will become exempt clearing work under Schedule 21 of the Planning Regulation 2017 if the development application is approved.</p>

This advice outlines aspects of the proposed development that are relevant from the jurisdiction of SARA. This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

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

If you require further information please contact Ruth Creffield, A/Senior Planning Officer, on 5352 9775 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

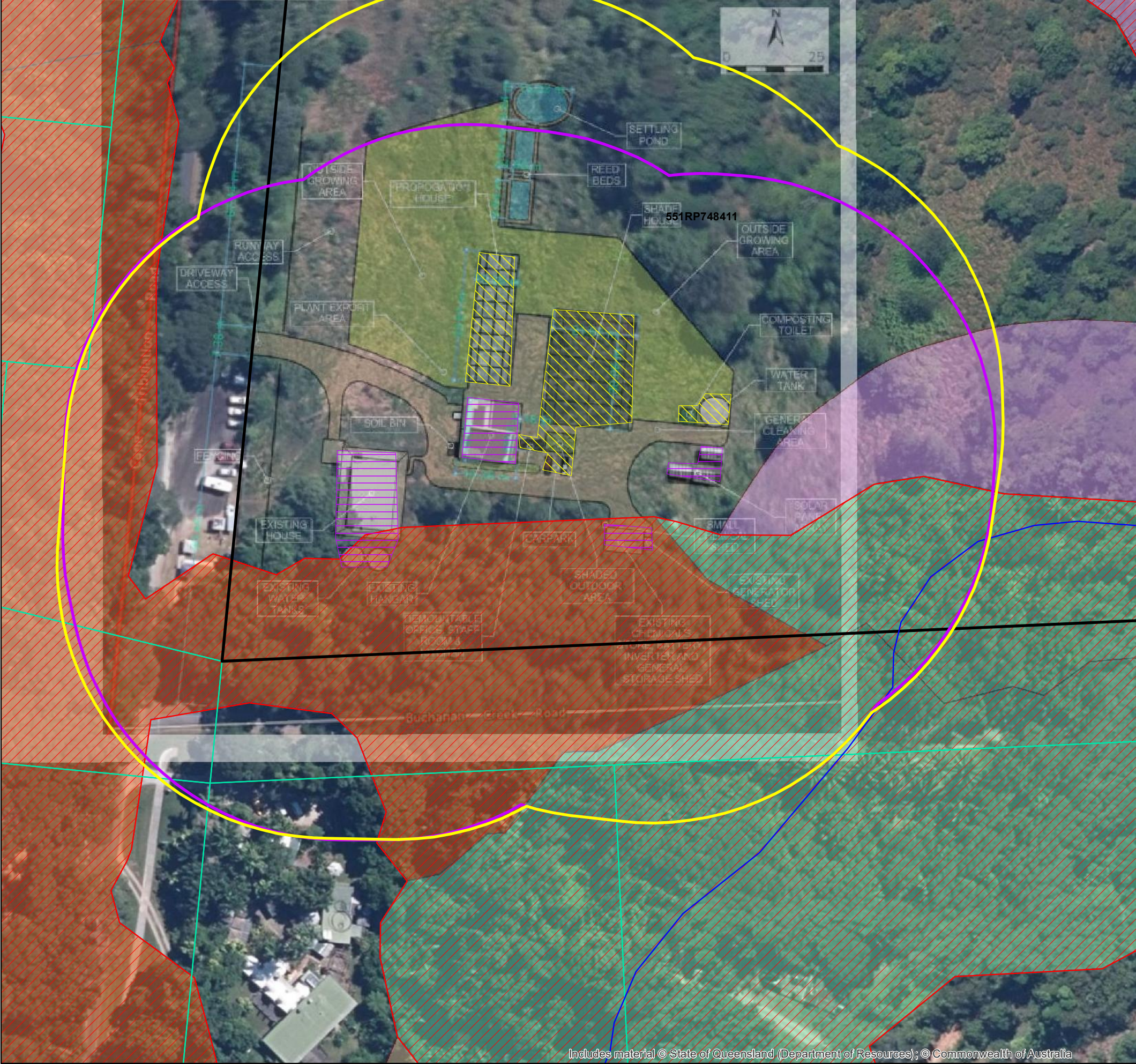
Yours sincerely



Joanne Manson
A/Manager (Planning)

Development details	
Proposal:	Material change of use for intensive horticulture, permanent plantation and an educational establishment and reconfiguring a lot (for a lease exceeding 10 years)
Street address:	1506 Cape Tribulation Road, Cow Bay
Real property description:	Lot 551 on RP748411
SARA role:	Referral Agency
Assessment Manager:	Douglas Shire Council
Assessment criteria:	State Development Assessment Provisions (SDAP): State code 6 (if required), State code 9 (if required)
Existing use:	Rural

Site Plan indicating existing building and proposed facilities.



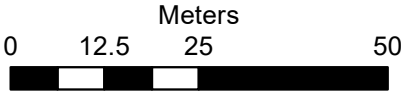
Includes material © State of Queensland (Department of Resources); © Commonwealth of Australia

- Legend**
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 - Existing_67.5m_FB exempt_v2
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 - New Buildings_v2
 - Existing buildings to be retained
 - property_5ga_20211005
 - qld_dcdb_extent_5ga_20211005
 - essential_habitat_extent_5ga_20211005
 - Category A or B containing endangered
 - Category A or B containing of concern
 - Category A or B that is of least concern
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 - Category C or R that is of least concern
 - non-remnant
 - Water

Map Date: 15 November 2021
Author: Patrina Birt, Ipswich
Resources Ref: 2021/003668
SARA Ref: 2109-25009 SPL

Fig 1_Vegetation map and plan of development_v2

Non-standard map
Print @ A3



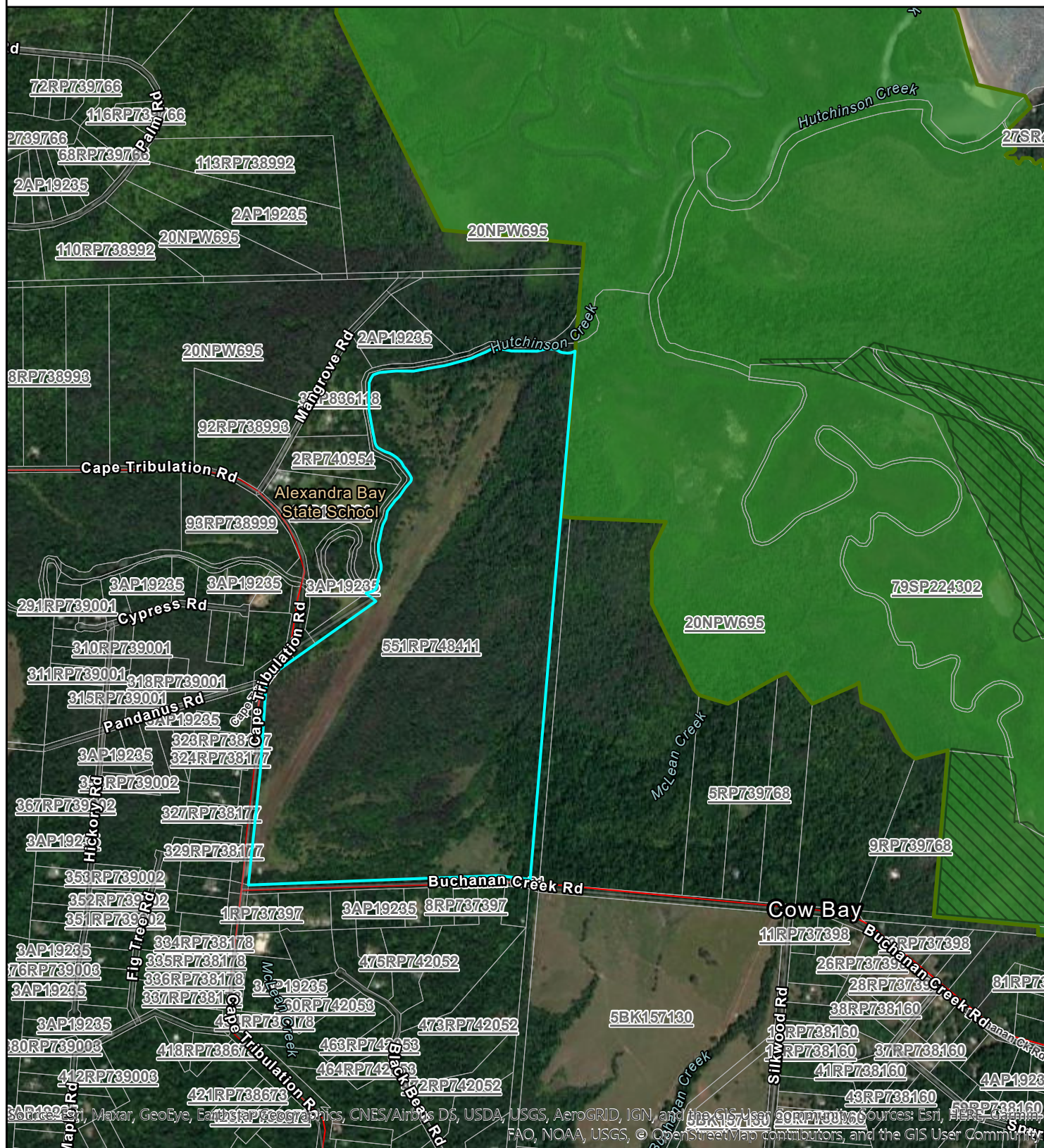
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

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Wet Tropics Plan Zoning Map Edition 3.0



Key

-  Wet Tropics of Queensland World Heritage Area boundary
-  Cooperative management agreement
-  Local government road
-  DCDB - land parcel
-  Local Government Areas
-  Zone A



Disclaimer:

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Justin Phipps

From: COLMAN Julie <Julie.Colman@wtma.qld.gov.au>
Sent: Wednesday, 11 August 2021 1:24 PM
To: Justin Phipps
Subject: RE: Proposed Development at 1506 Cape Tribulation Road, Cow Bay
Attachments: 551RP748411 Nursery Daintree Map.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Thanks for getting in touch Justin.

Lot 551 on RP748411 is outside the Wet Tropics of Queensland World Heritage Area.


The Wet Tropics Management Plan will not apply to your proposal.

The attached map is an extract from the [Wet Tropics Management Plan Zoning Map](#) and shows the land to border the world heritage area.

If the nursery is all endemic species there will not be an issue. If a nursery is established, or later altered, to include non-endemic species, as a neighbour of the world heritage it is important that it does not stock undesirable plants. These are listed in Schedule 2 of the Wet Tropics Management Plan. <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-1998-0161#sch.2>

I doubt that will be an issue with your particular client.

Kind regards

Julie Colman | Principal Planning Officer
0448 496 753 | Julie.Colman@wtma.qld.gov.au
 [Chat with me in Teams!](#)



WORLD HERITAGE IS OUR PROMISE TO THE FUTURE

WE MANAGE THE WET TROPICS WORLD HERITAGE AREA



HEAL COUNTRY! - PROUDLY CELEBRATING NAIDOC WEEK 2021

From: Justin Phipps <Justin@urbansync.com.au>
Sent: Wednesday, 11 August 2021 11:31 AM
To: COLMAN Julie
Subject: Proposed Development at 1506 Cape Tribulation Road, Cow Bay

Good morning Julie,

Hope you're keeping well and safe.

I've been engaged by Rainforest Rescue who are looking to lease a portion of the old Daintree Airstrip located at 1509 Cape Tribulation Road, Cow Bay (Lot 551 on RP748411) and establish a nursery that will aim to preserve and protect native plant species to aid in the rehabilitation of the Daintree Rainforest.

The nursery will look to rehabilitate the subject site and will also provide opportunities to transport plants off-site to rehabilitate surrounding areas.

The site in question appears to be located within, or adjoin the Wet Tropics Management Area (see attached document) so I just wanted to touch base to see if there are any requirements we would need to consider prior to preparing and lodging a Development Application to Council.

At this stage, the Development Application will likely be for:

- **Development Permit for a Material Change of Use for a Permanent Plantation (growing plants not being harvested), Intensive Horticulture (production of plants inclusive of ancillary shade houses/sheds) and Educational Establishment (training and learning opportunities for indigenous rangers); and**
- **Development Permit for Reconfiguring a Lot (Lease exceeding 10+ Years).**

A Caretaker's residence may also be applied for but I'm still ironing out the full details.

I have a lot of information on hand so if you require anything more specific, please let me know and I can dig out any further information for you.

Thanks Julie, have a good day.

Kind Regards

Justin Phipps | Town Planner

T 07 4051 6946

O Level 1, 17 Aplin Street, Cairns | M PO Box 2970, Cairns Q 4870



Town Planning Feasibility | Development Applications | Approvals Management



Planning
Institute
Australia



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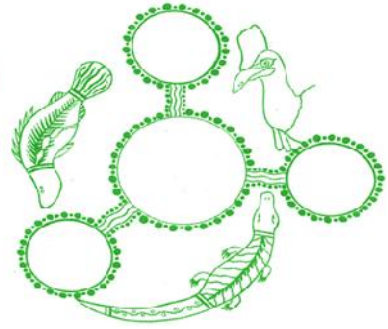
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Jabalbina

Jabalbina Yalanji Aboriginal Corporation RNTBC
ABN 79 611 886 178 ICN 7002
Jabalbina Yalanji Land Trust
ABN 54 650 095 845



5th January 2021

Dear Australian Heritage Grants Program Panel,

It is with pleasure that I, on behalf Jabalbina Yalanji Aboriginal Corporation, write in support of the Rainforest Rescue and Wet Tropics Management Authorities application to the Australian Heritage Grants Program.

As I understand, the project has several outcomes, one of which being funding the salaries of employing new nursery staff, specifically Jabalbina Traditional Owner 'Horticultural Trainees' for the New Rainforest Rescue Nursery at lot 83, Cape Tribulation Road.

Eastern Yalanjiwarra have a strong spiritual and practical connection to the Daintree and its management. The horticultural traineeships will provide several openings for Eastern Yalanjiwarra to strengthen their existing knowledge of the flora of the area and build horticultural skills and knowledge. In addition, the project provides opportunity to build stronger Caring for Country partnerships in the Daintree region.

We write in full support of Rainforest Rescues and the Wet Tropic Management Authorities application and look forward to practical outcomes for Traditional Owners and their Country as a result of this project.

Should you have any questions or require further information, please do not hesitate to contact us at the office on (07) 4098 3552.

Your Sincerely,

Kupa Teao

Chief Executive Officer

"Yalanji warra muruku junkurrjimaka bamangka bubuku"

Yalanji people stand strong together for our people and our land

PO Box 463
MOSSMAN, QLD 4873.

Ph: (07) 4098 3552
Fx: (07) 3905 1824

reception@jabalbina.com.au
www.jabalbina.com.au

Office of the Mayor

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

YOUR REF:
OUR REF: 1021502 MK:nb

E-mail: Michael.Kerr@douglas.qld.gov.au
Mobile: 0447 019 647

2 July 2021

TO WHOM IT MAY CONCERN
Letter of Support – Rainforest Rescue

As Mayor of Douglas Shire Council, I am very happy to provide this letter of support for the funding application by Rainforest Rescue for the community nursery project in Daintree.

Council has collaborated with Rainforest Rescue from the early stages of this project and shared the vision of restoring the degraded aspects of the subject land - approximately 80 to 100 hectares – to full rainforest.

The creation of the nursery will provide training and learning opportunities for Indigenous rangers on country and discussions have already taken place with Jabalbina in relation to how the work can be delivered and employment opportunities created for Eastern Kuku Yalanji people.

Douglas Shire is recognised internationally for its commitment to strong, well-managed sustainable practices and this is particularly important given that it is the only place in the world where two significant World Heritage natural sites meet – the Great Barrier Reef and the Daintree Rainforest. This project will deliver multiple benefits to the environment, the community and also the Shire's economy which is crucial as we all work together to navigate through the uncertainties of the COVID-19 pandemic.

Council is confident in the ability of Rainforest Rescue to deliver the aim of conserving and rehabilitating the site to such an extent that Douglas will be able to claim that the Daintree is one of the only rainforests in the world not in decline but in fact growing.

I therefore strongly recommend this project to you and under the skilled guidance of Rainforest Rescue I look forward to seeing Douglas becoming a showcase for best practice for rainforest restoration and inspiring others in Australia and around the world to follow suit.

Please do not hesitate to contact me directly on mobile 0447 019 647 or via e-mail Michael.Kerr@douglas.qld.gov.au if you require any further information.

Kind regards



Cr Michael Kerr
MAYOR
DOUGLAS SHIRE COUNCIL



A 2018 Top 100 Global Sustainable Destination.





10th September 2020

To Whom it may concern,

Queensland Trust for Nature (QTFN) is fully supportive of the Rainforest Rescue Native Tree Nursery project in the Daintree Rainforest. QTFN has partnered with Rainforest Rescue to help restore significant amounts of the Daintree and to do this critical work, we will require a larger volume of trees. The opportunities presented by this project are numerous and QTFN believes that Rainforest Rescue is a critical partner when it comes to protecting and restoring the Daintree.

The project will start with the planning and delivery of a new, high capacity Rainforest Rescue Daintree nursery to replace their old, low capacity nursery. To deliver this a project manager is essential.

Yours sincerely,

Stephen J. Lacey
Chief Executive Officer
Queensland Trust for Nature

**Queensland
Trust for Nature**

 **1300 601 669**
 www.qtfn.org.au
 info@qtfn.org.au

GPO Box 162
Brisbane Qld 4001



9 September 2020

To whom it may concern,

In support of Rainforest Rescue Native Nursery Rebuild

I am writing on behalf of Walkabout Cultural Adventures, a 100% Aboriginal owned & operated tour business operating in Kuku Yalanji country of North Queensland. Operating since 2008, my business has remained successful due to the integrity and authenticity of sharing our Aboriginal culture in a professional and interpersonal nature.

Walkabout Cultural Adventures has a pre-existing relationship with Rainforest Rescue in support of their community engagement and rainforest regeneration.

The work Rainforest Rescue does in regenerating low-land tropical rainforest in the Daintree is important to the sustainability and survival of our region. As Traditional Owners of this area, it is highly culturally significant to ensure the longevity, management and protection of this ancient and unique eco-system.

Regards,

A handwritten signature in black ink, appearing to be "Juan Walker", written over a light blue horizontal line.

Juan Walker
Owner

Walkabout Cultural Adventures



1 June 2021

To whom it may concern,

On behalf of Greenfleet I am happy to provide this letter of support for Rainforest Rescue, in their application for funding for a community nursery in the Daintree.

Greenfleet is proud to be working alongside Rainforest Rescue to restore large tracts of cleared degraded land in the Daintree Wet Tropics World Heritage Area.

Rainforest Rescue is a well-established and trusted organisation in the Daintree, with a track record of success in restoration. I have had the privilege of walking with the Rainforest Rescue team through four of the many properties that they have transformed from cleared pasture to stunning rainforest. I have visited the current Rainforest Rescue nursery and have participated in a community tree planting with well over 100 of Rainforest Rescue's enthusiastic supporters. These experiences have made it clear to me why Rainforest Rescue has the reputation it has. I am not aware of any other organisation that has given more to the restoration of the Daintree than Rainforest Rescue.

The opportunity that lies ahead of Rainforest Rescue, in partnership with our organisation, Queensland Trust for Nature and Jabalbina, represents a step-change in scale for the restoration of the Daintree Wet Tropics World Heritage Area. The demand for nursery stock that will result from the planned restoration program over the next five years is many times greater than the demand that Rainforest Rescue has been servicing to date. In my opinion, the vast experience that Rainforest Rescue has accumulated over the last two decades of operation in the Daintree makes them the only suitable organisation to develop and run such a large-scale purpose-built community nursery.

During the time I have spent volunteering and working with the Rainforest Rescue team I have seen the enormous community support they attract at a local and national level. The events I have attended have been extremely well planned and executed and the outcomes of their work in terms of high-quality restored rainforest are remarkable. This, combined with their long track record and continuous local presence, makes the Rainforest Rescue nursery project an ideal candidate for funding.

I wish the team at Rainforest Rescue all the best with their application, and I sincerely look forward to working with them over the coming years.

Best regards,

A handwritten signature in black ink, appearing to read "Alex Paddock".

Alex Paddock

General Manager Revegetation
Level 4, 517 Flinders Lane, Melbourne

T +613 9642 0570 | 0418 997 125

E alex.paddock@greenfleet.com.au



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.	ALTERNATE SOLUTION	Please refer to the assessment against the purpose and overall outcomes of the zone code in Section 6.6.2 and the assessment against the Strategic Framework provided in Section 6.6.1 of the Planning Report which demonstrates that the proposed use, despite being best defined as 'Intensive Horticulture', is considered to be consistent with the higher order provisions of the Planning Scheme.
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>	YES	The tallest structure will be the Propagation House which will sit at a maximum height of 4.6m.
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; 	YES	The closest building/structure is the proposed Propagation House which is setback approximately 55m from the road frontage and all buildings and structures will be setback significantly more than 10m from the side and rear boundaries.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(b) 25 metres from any other road frontage (c) 10 metres from site and rear boundaries.		
P04 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.	A04 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 development is proposed in an already cleared area of the site.
P05 Development is consistent with the overall outcomes sought for the Conservation Zone.	A05 No acceptable outcomes are prescribed.	YES	Please refer to the assessment against the purpose and overall outcomes of the Conversation Zone in Section 6.6.2 of the Planning Report.
P06 Development compliments, and is subservient to, the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.	A06 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	Compliance can be conditioned.
P07 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: (a) Is information in character and complementary to the existing natural environment;	A07.1 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	Significant landscaping will be provided to ensure that the development is screened from view of the road; however, Compliance can also be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(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>	A07.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.	YES	Compliance can be conditioned.
PO8 Development is complimentary to the surrounding environment.	A08.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.	YES	The development is proposed on a flat, cleared area of the site and new buildings and structures will be demountable so that when there is no longer a need for the development, the site can return to its pre-development condition.
	A08.2 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. 	YES	The driveway and parking areas are all located on generally flat areas of the site, will be constructed of a gravel pavement, and will not require any vegetation clearing. Compliance can be conditioned to ensure that appropriate sediment and erosion control measures are implemented to ensure that any potential erosion is minimised.
	A08.3 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 	YES	Buildings and structures will be erected on flat areas of land that don't exceed a maximum gradient of 1 in 6 (16.6%).

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>screened from view using lattice/battens and/or landscaping; and</p> <p>(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.</p>		
	<p>AO8.4</p> <p>Building and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>	YES	The buildings and structures will not protrude above the surrounding tree-level canopy.
<p>PO9</p> <p>Development is located to:</p> <ul 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; (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. 	<p>AO9</p> <p>No acceptable outcomes are prescribed.</p>	YES	<p>The development complies as follows:</p> <ul style="list-style-type: none"> (a) The development is proposed on a flat, already cleared portion of the site and involves a land use which will ensure that the ecological values of the site and surrounding land are maintained; (b) Will involve extensive landscaping to ensure that the development is screened from view of the road to maintain the scenic values of the area; (c) The development has been located so that it is setback significantly from any and all waterways, watercourses, wetlands, tidal areas, and overland flow paths; (d) The area of the site where the development is proposed has avoided the majority of natural hazards. However, there are some hazards that were unable to be avoided and in these instances, the development is generally located in the buffer areas and can be suitably

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			<p>managed and/or conditioned to alleviate these potential impacts;</p> <p>(e) No excavation and/or filling will be required to facilitate the development;</p> <p>(f) Appropriate buffers have been provided to the ecological features of the site in accordance with the State's requirements;</p> <p>(g) Significant landscaping will be provided along the road frontage of the site to reduce visibility and the balance of the land comprises extensive vegetation which will further minimise visibility from external sites and/or public viewing points;</p> <p>(h) The development will not result in any loss of native vegetation or fauna habitat and it is the clients best interest to ensure this.</p>
<p>PO10</p> <p>Development does not result in adverse impacts on:</p> <p>(a) Ecological function or features;</p> <p>(b) On-site or surrounding waterways and wetlands.</p>	<p>AO10</p> <p>No acceptable outcomes are prescribed.</p>	YES	<p>The development is not of a significant scale that could adversely impact upon the ecological function or features of the site as no significant earthworks or buildings/structures are proposed to be established. There are also no nearby waterways or wetlands that the development could impact upon.</p>
<p>PO11</p> <p>Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p>AO11</p> <p>No acceptable outcomes are prescribed.</p>	N/A	<p>The development does not seek to rehabilitate any natural processes on the site.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO10 Fencing is designed to not impede the free movement of native fauna through the site.	AO12 No acceptable outcomes are prescribed.	YES	Compliance can be conditioned.
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>Note: Boundary realignments must result in an improved environmental outcome or resolve encroachments.</i></p>	AO13 No acceptable outcomes are prescribed.	ALTERNATE SOLUTION	The Reconfiguring a Lot component of the development seeks to establish a 6,604m ² lease area of the nursery and ancillary operations to allow Rainforest Rescue to lawfully utilise the site. Once all works have been completed, all buildings and structures will be removed and the development will return to its pre-development state and the lease will be extinguished.

Application

- (1) This code applies to assessing development within the Cape Tribulation and Daintree Coast local plan area as identified on the Cape Tribulation and Daintree Coast local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table Error! No text of specified style in document.10.a – Cape Tribulation and Daintree Coast local plan – Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
ALL DEVELOPMENT IN THE CAPE TRIBULATION AND DAINTREE COAST LOCAL PLAN AREA			
PO1 Development does not result in a demand which exceeds the capacity of: <ol style="list-style-type: none"> (a) The Daintree River ferry crossing; (b) Alexandra Range Road; (c) The local road network 	AO1 No acceptable outcomes are prescribed.	YES	Access tot the development will only be via the existing landowners or staff/members of Rainforest Rescue and is not of a significant scale that could adversely impact upon the demand of the corresponding elements.
PO2 Development provides a suitable standard of self-sufficient service for: <ol style="list-style-type: none"> (a) Potable water; (b) Water for fire fighting purposes; (c) Electricity supply. 	AO2.1 Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be: <ol style="list-style-type: none"> (a) Fitted with a 50mm ball valve and camlock fitting; (b) Installed and connected prior to occupation; (c) Sited so as to be visually unobtrusive. 	YES	The development will utilise a 50KL rainwater tank and will also have access to an existing underground bore which will be more than sufficient to service the development.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO2.2 Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects.	YES	Compliance can be conditioned.
	AO2.3 An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.	YES	The development will seek to upgrade and utilise the existing solar power system.
PO3 On-site waste water does not adversely impact on the environmental quality of the water and soil resources or amenity of residents, through the implementation of best environmental practice.	AO3 No acceptable outcomes are prescribed.	YES	A demountable compost toilet with leach field will be established on the site to service the development. Compliance can also be conditioned.
PO4 The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.	AO4.1 If groundwater is to be used, development is limited to one bore per site and the bore is: <ul style="list-style-type: none"> (a) Not located within 100 metres of a septic disposal trench (on the site or adjoining sites); (b) Not located within 100 metres of another bore. 	YES	The site does contain one (1) existing bore that will be utilised as required and the site, and/or adjoining sites do not contain, nor does the development propose to construct, a septic disposal trench or a new bore.
	AO4.2 Surface water is to be used for domestic purposes only.	YES	Compliance can be conditioned.

7.2.1 Cape Tribulation and Daintree Coast Local Plan Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO5 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, water courses and/or areas of tidal inundation.	AO5 No acceptable outcomes are prescribed.	YES	The location of the development has been specifically positioned to ensure that no natural vegetation or water courses are impacted upon. The site is not located in proximity to any foreshore or tidal areas.
PO6 Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.	AO6.1 The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed.	YES	Compliance can be conditioned.
	AO6.2 The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres.	YES	The generator will be located within the existing shed and due to the size of the site, will be significantly separated from any adjoining residential uses and hence, we believe that there is no need for a residential muffler. However, compliance can be conditioned.
	AO6.3 Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.	YES	All fuel associated with the generator will be stored in the existing shed.
PO7 Landscaping of the development ensures that the endemic character of the local area is dominant.	AO7.1 Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping.	YES	Compliance can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	A07.2 All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.	YES	All landscaping will be endemic to the Daintree Region and we are agreeable for Council to condition this.
PO8 Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.	A08.1 Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low-speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic.	YES	Compliance can be conditioned.
	A08.2 Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.	N/A	The development does not propose to upgrade any existing roads/tracks used by 4WD's to facilitate conventional vehicles.
PO9 The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.	A09.1 Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.	N/A	The development will only involve minor excavation and filling to facilitate the bio-retention basins; however, this will be minor and details will form a future Operational Works application at a later date.
	A09.2 All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other permanent stabilisation, has occurred.	YES	Compliance can be conditioned if required.
	A09.3 This is no disturbance to tree roots and trenching does not involve any damage to tree roots.	YES	The development will not result in any damage to tree roots.

7.2.1 Cape Tribulation and Daintree Coast Local Plan Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO9.4 On-site drainage and stormwater management: <ul style="list-style-type: none"> (a) Maintains natural flow regimes; (b) Minimises impervious surfaces; (c) Avoids concentration of flows, but where there is any form of concentration of flow, energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers, etc.) 	YES	All stormwater from the development will be collected via underground system and directed to the bio-retention basins where it will then be treated and re-used to irrigate the nursery. Rainwater will also be utilised to irrigate the nursery as required; however, the irrigation will be predominantly recycled stormwater.
GENERAL REQUIREMENTS – DWELLING HOUSE			
PO10 Development minimised the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.	AO10.1 The elements of the development and access to the site are included in a Designated Development Area (DDA).	N/A	The development does not involve a Dwelling House.
	AO10.2 Development is sited in an existing cleared area or in an area approved for vegetation clearing.	N/A	See AO10.1 above.
	AO10.3 Any new clearing is limited to a maximum area of 700m ² and is sited to be clear of the high bank of any watercourse. Note – The 700m ² of clearing does not include an access driveway.	N/A	See AO10.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO11 All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is protected to ensure the environmental integrity of the local plan area.	AO11 No acceptable outcomes are prescribed.	N/A	See AO10.1 above.
PO12 Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.	AO12.1 Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.	N/A	See AO10.1 above.
	AO12.2 External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.	N/A	See AO10.1 above.
AO13 House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan area.	AO13.1 Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.	N/A	See AO10.1 above.
	AO13.2 Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface.	N/A	See AO10.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO13.3 Vehicular access is constructed prior to house construction.	N/A	See AO10.1 above.
ADDITIONAL REQUIREMENTS FOR NATURE BASE TOURISM, BEING FOREST STAY ACCOMMODATION			
PO14 Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the area.	AO14.1 Forest stay accommodation: <ul style="list-style-type: none"> (a) Is confined to: <ul style="list-style-type: none"> i. Precinct 2 – Low impact residential precinct; ii. Precinct 5 – Low impact rural and tourism enterprise precinct; iii. Precinct 6 – Low impact tourism accommodation precinct. (b) Does not occur above the 60-metre contour; (c) Is located on lots of 10 hectares or greater. 	N/A	The development does not involve Nature Based Tourism.
PO15 Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the locality.	AO15.1 The maximum number of guests is 10 (10 bed spaces) with up to a maximum of 4 staff (4 bed spaces). Note – Staff includes permanent residents of the dwelling house involved in catering for the use.	N/A	See AO14.1 above.
	AO15.2 None of the accommodation, whether for guests or staff, is self-contained as the use operates only in association with an existing dwelling on the site.	N/A	See AO14.1 above.
	AO15.3	N/A	See AO14.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	Forest stay accommodation is located on a site which has an existing cleared area.		
	AO15.4 The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.	N/A	See AO14.1 above.
	AO15.5 If forest stay accommodation is provided in buildings which are separate from the dwelling: <ul style="list-style-type: none"> (a) The maximum number of separate building/s is determined based on each building containing a minimum of 2 bed spaces each, provided that each building has a maximum area of 50m² (inclusive of verandahs/patios, etc); Or (b) A maximum of one communal bunkhouse is provided with a maximum area of 150m² to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios, etc); Or (c) A maximum of two communal bunkhouses are provided with a maximum area of 150m² each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios, etc.). 	N/A	See AO14.1 above.
	AO15.6 No kitchen or cooking facilities, with the exception of those located within the existing dwelling on the site are provided in association with the forest stay accommodation.	N/A	See AO14.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO16 Development ensures guests are not accommodated for short-stay and the dwelling is not the usual residence of the guest.	AO16 Development involves guests staying a maximum of 14 consecutive nights.	N/A	See AO14.1 above.
PO17 Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.	AO17 Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.	N/A	See AO14.1 above.
ADDITIONAL REQUIREMENTS FOR PRECINCT 1 – CONSERVATION PRECINCT			
PO18 The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.	AO18 No new development occurs whether on undeveloped or developed land except for: <ul style="list-style-type: none"> Undeveloped land that meets one or more of the following criteria: <ul style="list-style-type: none"> (a) Land which has been previously been lawfully cleared and currently remains cleared; (b) Land which is the subject of a current Clearing Permit, but has yet to be cleared; (c) Land which is subject of a current Operational Works Permit; (d) Can be developed for a house subject to compliance with all relevant codes. In addition, minor extensions can be undertaken to an existing development, provided: <ul style="list-style-type: none"> (a) The extension are limited to 30% of the existing gross floor area of the house at the 	N/A	The site is not located in Precinct 1.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>commencement date of the Planning Scheme; or</p> <p>(b) The extent of extensions are determined on a site specific/use specific basis for other land uses; and</p> <p>(c) No further clearing is required to accommodate the extensions for either a house or any other land use development.</p>		
ADDITIONAL REQUIREMENTS FOR PRECINCT 2 – LOW IMPACT RESIDENTIAL PRECINCT			
PO19 Development is for: <ul style="list-style-type: none"> (a) A detached dwelling of limited size and scale and necessary outbuildings and infrastructure; (b) Home occupations, including bed and breakfast accommodation, where it can be demonstrated that the bed and breakfast accommodation can establish on the site and not detrimentally impact on the scenic values of the site and surrounding areas; (c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code. 	AO19.1 Development is limited to one dwelling house per lot.	N/A	The site is not located in Precinct 2.
	AO19.2 Establishment of bed and breakfast accommodation only occurs on land on which a dwelling house has been approved and constructed.	N/A	See AO19.1 above.
	AO19.3 Bed and breakfast accommodation is limited to cleared areas on the land. OR	N/A	See AO19.1 above.
	AO19.4 Bed and breakfast accommodation is established within an existing house, where there is no additional vegetation clearing required to accommodate the use.	N/A	See AO19.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO19.5 Bed and breakfast accommodation occurs on a site with a minimum area of 1 hectare, and thereafter occurs at a rate of 1 bedroom (2 beds) per hectare, up to a maximum of 4 bedrooms (8) beds per site.	N/A	See AO19.1 above.
	AO19.6 Development is setback a minimum of 100 metres to an Esplanade or a foreshore frontage.	N/A	See AO19.1 above.
ADDITIONAL REQUIREMENTS FOR PRECINCT 3 – LOW IMPACT COMMERCIAL PRECINCT			
PO20 Commercial development is located in a convenient location and meets the requirements of the local community and visitors to the area.	AO20 Commercial development is located within Precinct 3 and has frontage to Cape Tribulation Road.	N/A	The site is not located in Precinct 3.
PO21 Development is small scale and provides a necessary service to the surrounding community.	AO21 No acceptable outcomes are prescribed.	N/A	See AO20.1 above.
PO22 Development is carried out in accordance with a site-specific, and development specific Environmental Management Plan. Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	AO22 No acceptable outcomes are prescribed.	N/A	See AO20.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
ADDITIONAL REQUIREMENTS FOR PRECINCT 4 – LOW IMPACT COMMUNITY PURPOSE PRECINCT			
PO23 Development results in a small-scale expansion of an existing use which provides a necessary service to the surrounding community.	AO23 No acceptable outcomes are prescribed.	N/A	The site is not located in Precinct 4.
PO24 Development is carried out in accordance with a site specific and development specific Environmental Management Plan. Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	AO24 No acceptable outcomes are prescribed.	N/A	See AO23.1 above.
ADDITIONAL REQUIREMENTS FOR PRECINCT 5 – LOW IMPACT RURAL PRODUCTION AND TOURISM ENTERPRISE PRECINCT			
PO25 Development complements, protects and enhances the environmental and scenic values of the site.	AO25.1 One dwelling house established per lot	N/A	The development does not involve a Dwelling House.
	AO25.2 Any other development is limited to existing cleared areas on the site.	YES	The development is proposed in an already cleared area of the site.
	AO25.3 No development is to occur above the 60 metre contour line.	YES	The development is located on flat ground and will not be located over the 60 metre contour line.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO25.4 Any new primary production activity or a change to a primary production activity has minimal impact on the existing natural values of the site and surrounding area.	N/A	The development does not involve a primary production activity.
PO26 Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.	AO26 The balance area of the development, including any existing area/s not identified for development is/are revegetated/rehabilitated in accordance with a landscape plan.	ALTERNATE SOLUTION	As the site is generally flat in nature, it is not proposed to rehabilitate the subject site as pre-lodgement discussions with Council determined that the subject site has been identified as one of the few sites that is suitable for low-impact tourism activities. As a result, it is proposed that Council impose a condition so that IF any rehabilitation is undertaken, it must be undertaken in accordance with a landscaping plan approved by the Chief Executive Officer.
PO27 Development is carried out in accordance with a site specific and development specific Environmental Management Plan. Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	AO27 No acceptable outcomes are prescribed.	ALTERNATE SOLUTION	As the development is generally small-scale, will not involve any permanent buildings or structures, and is able to be completely self-serviced in terms of water, sewer, electricity, etc, we are of the view that an Environmental Management Plan is not required in this instance as all proposed aspects of the development will ensure that there are no adverse impacts on the environment and this has been demonstrated throughout the Planning Report and all supporting documentation.
ADDITIONAL REQUIREMENTS FOR PRECINCT 6 – LOW IMPACT TOURIST ACCOMMODATION PRECINCT			
PO28	AO28.1 One dwelling established per lot.	N/A	The site is not located in Precinct 6.

7.2.1 Cape Tribulation and Daintree Coast Local Plan Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Development complements, protects and enhances the environmental and scenic values of the site.	AO28.2 Any other development is limited to existing cleared areas on the site.	N/A	See AO28.1 above.
	AO28.3 No development is to occur above the 60 metre contour line.	N/A	See AO28.1 above.
PO29 Development results in a small scale expansion of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.	AO29 No acceptable outcomes are prescribed.	N/A	See AO28.1 above.
PO30 Development is carried out in accordance with a site specific and development specific Environmental Management Plan. Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome.	AO30 No acceptable outcomes are prescribed.	N/A	See AO28.1 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

Part A – Criteria for self-assessable and assessable development

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			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: <ul 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 natural landform or native vegetation, or will be effectively screened by native vegetation within 3 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, extent 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 	AO1.1 Buildings and structures are not more than 8.5 metres and two storeys in height. Note - Height is inclusive of roof height.	YES	The tallest proposed structure will be the Propagation House which will sit at a maximum height of 4.6m.
	AO1.2 Buildings and structures are setback not less than 50 metres from ridgelines or peaks.	YES	The development is setback more than 50m from ridgelines and peaks.
	AO1.3 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	YES	A 10m wide landscaping strip is proposed between the development and the road frontage which will ensure that the development is screened from view from roads and public places.
	AO1.4 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: <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. 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.	N/A	The development is not proposed 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; (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>	<p>A01.5</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	Compliance can be conditioned.
	<p>A01.6</p> <p>No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).</p>	YES	No clearing of native vegetation is proposed.
	<p>A01.7</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>	YES	The development does propose reconfiguring a lot through the creation of a term lease exceeding 10 years. However, once the proposed works have concluded, the site will return to its pre-development condition and the lease will be extinguished. Hence, we believe that the RaL will not result in any visual impacts.
	<p>A01.8</p> <p>Advertising devices do not occur.</p>	YES	No advertising devices are proposed.

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;	A02.1 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	The tallest proposed structure will be the Propagation House which will sit at a maximum height of 4.6m.
	A02.2 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	YES	A 10m wide landscaping strip is proposed between the development and the road frontage which will ensure that the development is screened from view from roads and public places.
	A02.3 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	The development is not proposed on land steeper than 1 in 6.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<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, 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	Compliance can be conditioned.
	<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	No clearing of native vegetation is proposed.
	<p>AO2.6</p> <p>Advertising devices do not occur.</p>	YES	No Advertising Devices are proposed.
DEVELOPMENT WITHIN A SCENIC ROUTE BUFFER / VIEW CORRIDOR AREA			
<p>P03</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>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>	YES	The development complies with the height of buildings and structures identified in the Conservation Zone Code.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(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; (c) minimises visual impacts on the setting and views in terms of: (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>	AO3.2 No clearing of native vegetation is undertaken within a Scenic route buffer area.	YES	No native vegetation is proposed to be cleared.
	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.	YES	A 10m wide vegetation buffer has been provided between the Scenic Route and development and we are agreeable for Council to condition compliance to ensure these works are undertaken in accordance with the landscaping code.
	AO3.4 Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.	N/A	The development does not propose any advertising devices.
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.	AO4.1 The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.	N/A	The site is not within the Coastal Scenery Area.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<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>AO4.2</p> <p>Where located adjacent to the foreshore buildings and structures are setback:</p> <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	See AO4.1 above.
	<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	See AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<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>	<p>N/A</p>	<p>See AO4.1 above.</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

Part A – Criteria for self-assessable and assessable development

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	Cape Tribulation Road is identified as a Sub-arterial Road in Council's Road Hierarchy which, in accordance with Table D1.1 of the FNQROC Development Manual, has the capacity to accommodate more than 6,000 vehicles per day. As the development is proposed over privately owned land, and will be strictly accessed by staff and volunteers of Rainforest Rescue with no public trading proposed and hence, minimal vehicle trips, we believe that the development is more than compatible with the intended role and function of the existing transport network.
	AO1.2 Development does not compromise the safety and efficiency of the transport network.	YES	See AO1.1 above.
	AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	ALTERNATE SOLUTION	Access to the site is existing and provided via Cape Tribulation Road.
PO2 Transport infrastructure is provided in an integrated and timely manner.	AO2 Development provides infrastructure (including improvements to existing infrastructure) in accordance with: (a) the Transport network overlay maps contained in Schedule 2;	N/A	No transport infrastructure is proposed due to the location of the site and the nature of activities proposed.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<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>	(b) any relevant Local Plan. <i>Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</i>		
PO3 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.	AO3 No acceptable outcomes are prescribed. <i>Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.</i>	N/A	The development does not involve sensitive land uses.
PO4 Development does not compromise the intended role and function or safety and efficiency of major transport corridors. <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>	AO4.1 Development is compatible with the role and function (including the future role and function) of major transport corridors.	N/A	The site does not front a major transport corridor.
	AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	N/A	See AO4.1 above.
	AO4.3 Intersection and access points associated with major transport corridors are located in accordance with:	N/A	See AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(a) the Transport network overlay maps contained in Schedule 2; and (b) any relevant Local Plan.		
	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	See 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	See 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.	ALTERNATE SOLUTION	The Reconfiguring a Lot component of the development seeks to create a term lease exceeding 10 years and will not result in the formal subdivision of any land. Once Rainforest Rescue has concluded their works over the site, all buildings and structures associated with this development will be removed and the lease will be extinguished, and the land will be returned back to its pre-development condition. As a result, we don't find it reasonable to incorporate elements of the pedestrian cycle network into the development.

8.2.10 Transport Network Overlay Code

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	See AO6.1 above.

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

Part A – Criteria for self-assessable and assessable development

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; 	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>	ALTERNATE SOLUTION	Table 9.4.1.3 does not specify car parking requirements for Intensive Horticulture land uses which means that the development is required to provide a sufficient number of spaces to accommodate the number of vehicles likely to be parked at any one time. Please refer to Section 7.1 of the Planning Report for commentary on this matter.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (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.	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	Compliance can be conditioned.
	AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	N/A	No allowance has been made for motorcycles; however, there is more than ample room on site to accommodate motorcycles.
	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	The development does not propose parking areas exceeding 50 spaces.
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: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	YES	Compliance can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
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 (other than what may be necessary to cross over a stormwater channel). 	A03.1 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	The development will seek to upgrade the existing access crossover to accommodate the development. Compliance can be conditioned to ensure this access is upgraded in accordance with the relevant standards.
	A03.2 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. 	YES	Compliance can be conditioned.
	A03.3 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; 	N/A	The area of the site where the driveway is proposed is generally flat and compliance can be conditioned to ensure that the proposed driveway suitably drains.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> (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. 		
	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.	YES	Compliance can be conditioned.
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.	YES	One (1) PWD parking spaces will be provided and Council can condition compliance.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
P05 Access for people with disabilities is provided to the building from the parking area and from the street.	A05 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	YES	
P06 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	A06 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	N/A	Due to the location of the site, it is unlikely that staff/members of Rainforest Rescue will be cycling to the site; however, there is more than sufficient room on-site to accommodate bicycles if they do choose to travel this way.
P07 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. 	A07.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	N/A	The development is not of a nature or scale that would or should warrant end of trip facilities.
	A07.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	N/A	See AO6 above.
	A07.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	N/A	See AO6 above.

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. 	AO8 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	The development is proposed within a lease area on private property and will not be open to the general public. Hence, no walking and cycling routes are proposed.
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. 	AO9.1 Access driveways, vehicle manoeuvring and on- site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	YES	Compliance can be conditioned.
	AO9.2 Service and loading areas are contained fully within the site.	YES	There is more than sufficient room on site to allow a MRV to safely manoeuvre park on-site and this is demonstrated on Sheet 6 of the Design Plans provided in Attachment 2 . Compliance can also be conditioned.
	AO9.3 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. 	YES	There is more than sufficient area on site to allow service vehicles to safely manoeuvre without impeding access to parking spaces. In addition to this, the development will not be open to the general public and service/delivery vehicles will be dropping off plants or plant materials and it is likely that they will park in close proximity to the growing areas or shade/propagation houses to unload this gear which

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			will ensure that the formal parking spaces remain unimpeded.
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 development does not involve a use that requires queuing.
	AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	N/A	See AO10.1 above.

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

Part A – Criteria for self-assessable and assessable development

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.	YES	Compliance can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	N/A	It is not envisioned that the development would require flood lighting; however, compliance can be conditioned.
	AO1.3 Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	N/A	Due to the size of the site and location of the development, it is not envisioned that the development would impacts upon any nearby residential premises due to the extensive vegetation located over the site.
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.	YES	It is not anticipated that the development will result in any activities that could result in noise related harm or nuisance; however, Council can condition compliance.
WASTE AND RECYCLABLE MATERIAL STORAGE			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>P05</p> <p>Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.</p> <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>A05.1</p> <p>The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.</p>	N/A	It is not envisioned that the development would result in any putrescent waste; however, a soil bin is proposed and compliance can be conditioned if required.
	<p>A05.2</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>	ALTERNATE SOLUTION	The capacity of the nursery once started compared to the operations of the nursery once it is up and running will be quite different and so we ask that Council condition compliance to ensure that when the nursery is fully operational, that it has a suitable area and capacity for waste and recyclable material storage. Due to the significant size of the site, we do not foresee this to be an issue.
SENSITIVE LAND USE ACTIVITIES			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO6 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.	AO6.1 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; or	N/A	The development does not propose a sensitive land use.
	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	See 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: (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	Stormwater generated from the development will be collected and directed to the bio-retention basins before being treated and recycled.
	AO7.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.	YES	See AO7.1 above. The development will not involve any polluting activities.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>A07.3</p> <p>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.</p> <p><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></p> <p><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></p>	YES	Appropriate erosion and sediment control measures will be implemented during the construction of the development and the proposed bio-retention basins will collect and treat discharged stormwater to ensure there are no adverse impacts on any ecological systems.
PEST PLANTS (FOR MATERIAL CHANGE OF USE ON VACANT LAND OVER 1,000M²)			
<p>PO8</p> <p>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.</p> <p><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></p>	<p>A08.1</p> <p>The land is free of declared pest plants before development establishes new buildings, structures and practices; or</p>	N/A	The site is not vacant and comprises an existing dwelling house and Daintree Airstrip.
	<p>A08.2</p> <p>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.</p> <p><i>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</i></p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	N/A	See A08.1 above.

Application

- (1) This code applies to assessing reconfiguring a lot 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

Part A – Criteria for self-assessable and assessable development

Table 9.4.7.3.a – Reconfiguring a lot code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
GENERAL LOT DESIGN STANDARDS			
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5	AO1 No acceptable outcomes are prescribed.	N/A	Part 5 of the Tables of Assessment for the Conservation zone simply states that the development is Impact Assessable and only identifies one (1) outcome, of which is not applicable to the development as we proposed to establish a term lease exceeding 10 years.
PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.	n/a	The proposed lease area boundary will extend around the proposed development elements and will be extinguished upon conclusion of works. No formal subdivision is proposed.

9.4.7 Reconfiguring a Lot Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO3 Lots have legal and practical access to a public road.	AO3 Each lot is provided with: <ul style="list-style-type: none"> (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title. 	YES	An access easement will be created between the lease area boundary and the property boundary to enable lawful access to the lease area.
PO4 Development responds appropriately to its local context, natural systems and site features.	AO4 Existing site features such as: <ul style="list-style-type: none"> (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property. 	YES	All existing site features will be retained.
PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	AO5 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	N/A	The lease area will be extinguished upon conclusion of its term.
PO6 Where existing buildings or structures are to be retained, development results in: <ul style="list-style-type: none"> (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks. 	AO6 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	N/A	Not considered applicable for a term lease as a lease does not create any amenity impacts and can be easily extinguished.




PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<i>Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.</i>			
P07 Where rear lots are proposed, development: <ul style="list-style-type: none"> (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; (b) positively contributes to the character of adjoining properties and the area; (c) does not adversely affect the safety and efficiency of the road from which access is gained. 	A07.1 Where rear lots are to be established: <ul style="list-style-type: none"> (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; (b) no more than 6 lots directly adjoin the rear lot; (c) no more than one rear lot occurs behind the road frontage lot; (d) no more than two access strips to rear lots directly adjoin each other; (e) access strips are located only on one side of the road frontage lot. 	N/A	The development does not propose rear lots.
	A07.2 Access strips to the rear lot have a minimum width dimension of: <ul style="list-style-type: none"> (a) 4.0 metres in Residential Zones. (b) 8.0 metres in Industrial Zones category. (c) 5.0 metres in all other Zones. <i>Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.</i>	N/A	See A07.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO7.3</p> <p>Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:</p> <ul style="list-style-type: none"> (a) 3.0 metres in Residential Zone. (b) 6.0 metres in an Industrial Zone. (c) 3.5 metres in any other Zone. 	N/A	See AO7.1 above.
<p>STRUCTURE PLANS</p> <p>Additional requirements for:</p> <ul style="list-style-type: none"> (a) a site which is more than 5,000m² in any of the Residential zones; or <p>within these zones, and</p> <ul style="list-style-type: none"> (b) creates 10 or more lots; or (c) involves the creation of new roads and/or public use land. or <ul style="list-style-type: none"> (d) For a material change of use involving: <ul style="list-style-type: none"> (i) preliminary approval to vary the effect of the planning scheme; (ii) establishing alternative Zones to the planning scheme. <p><i>Note - This part is to be read in conjunction with the other parts of the code</i></p>			
<p>PO8</p> <p>A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises</p>	<p>AO8.1</p> <p>Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:</p> <ul style="list-style-type: none"> (a) approved structure plan; 	N/A	The site is not located in a residential zone, will not result in 10 or more lots or the creation of new roads, and will not seek to vary the effect of the Planning Scheme or establish an alternative zone.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
previous planning for the area and its surroundings and integrates appropriately into its surroundings.	(b) the surrounding pattern of existing or approved subdivision. <i>Note - Planning scheme policy SC14- Structure planning provides guidance on meeting the performance outcomes.</i>		
	AO8.2 Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.	N/A	See AO8.1 above.
PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.	AO9.1 Development does not establish cul-de-sac streets unless: <ul style="list-style-type: none"> (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de- sac street. 	N/A	See AO8.1 above.
	AO9.2 Where a cul-de-sac street is used, it: <ul style="list-style-type: none"> (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the cul- de-sac to other streets for pedestrians and cyclists, where appropriate. 	N/A	See AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.	N/A	See AO8.1 above.
PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.	PO10 No acceptable outcomes are prescribed.	N/A	See AO8.1 above.
PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land. <i>Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.</i>	AO11.1 New development adjoins adjacent existing or approved urban development.	N/A	See AO8.1 above.
	AO11.2 New development is not established beyond the identified Local government infrastructure plan area.	N/A	See AO8.1 above.
URBAN PARKLAND AND ENVIRONMENTAL OPEN SPACE			
PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	AO12 No acceptable outcomes are prescribed.	N/A	See AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO13 Development provides land to: <ul style="list-style-type: none"> (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages. 	AO13 No acceptable outcomes are prescribed. <i>Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.</i>	N/A	See AO8.1 above.
AO14 Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.	AO14.1 Urban parkland is regular in shape.	N/A	See AO8.1 above.
	AO14.2 At least 75% of the urban parkland's frontage is provided as road.	N/A	See AO8.1 above.
	AO14.3 Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.	N/A	See AO8.1 above.
	AO14.4 Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.	N/A	See AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO14.5</p> <p>The number of lots that back onto, or are side- orientated to the urban parkland and environmental open space is minimised.</p>  <p>Inconsistent design solution - low total number of lots complying with the acceptable outcomes.</p>  <p> Lots orientated to front and overlook park to provide casual surveillance.</p> <p>Consistent design solution - high total number of lots complying with the acceptable outcomes.</p>	N/A	See AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PRIVATE SUBDIVISIONS (GATED COMMUNITIES)			
PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	PO15 No acceptable outcomes are prescribed.	N/A	The development does not involve a private subdivision.
ADDITIONAL REQUIREMENTS FOR RECONFIGURATION INVOLVING THE CREATION OF PUBLIC STREETS OR ROADS			
PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	AO16 No acceptable outcomes are prescribed. <i>Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3.</i>	N/A	The development will not involve the creation of public streets or roads.
PO17 Street design supports an urban form that creates walkable neighbourhoods. Street design: <ul style="list-style-type: none"> (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to (c) the needs of vulnerable users. 	AO17 No acceptable outcomes are prescribed.	N/A	See AO16 above.
PUBLIC TRANSPORT NETWORK			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO18 Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.	AO18 No acceptable outcomes are prescribed.	N/A	See AO16 above.
PEST PLANTS			
PO19 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>	AO19 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing. <i>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</i> <i>Declared pest plants include locally declared and State declared pest plants.</i>	YES	Compliance can be conditioned.