

27 April 2022

Enquiries: Jenny Elphinstone
Our Ref: CA 2022_4621/1 (Doc ID)
Your Ref: 21-649

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

Rainforest Rescue
C/- Justin Phipps, Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Email: admin@urbansync.com.au

Dear Sir

Development Application for Combined Application for Material Change of Use for Intense Horticulture (Plant Nursery and Ancillary Operations) & Reconfiguring a Lot for a term lease exceeding 10 years) at 1506 Cape Tribulation Road Cow Bay On Land Described as Lot 551 on RP748411

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2022_4621/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Rainforest Rescue
Postal Address: C/- Justin Phipps, Urban Sync Pty Ltd
PO Box 2970
Cairns Qld 4870
Email: admin@urbansync.com.au

Property Details

Street Address: 1506 Cape Tribulation Road Cow Bay
Real Property Description: Lot 551 on RP: 748411
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Combined Application for a Material Change of Use for Intense Horticulture (Plant Nursery and Ancillary Operations) and Reconfiguring a Lot for part of the land to create a term lease exceeding 10 years.

Decision

Date of Decision: 26 April 2022
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

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

Drawing or Document	Reference	Date
Locality Plan and Schedule of Drawings	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P01, Sheet 1 of 6, Revision A	20 January 2022

Drawing or Document	Reference	Date
Overall Layout Plan	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P02, Sheet 2 of 6, Revision A	20 January 2022
Perspective Views	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P03, Sheet 3 of 6, Revision A	20 January 2022
Shade House Plans	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P04, Sheet 4 of 6, Revision A	20 January 2022
Propagation House Plans	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P05, Sheet 5 of 6, Revision A	20 January 2022
Vehicle Turning Templates	Barlow Shelley Consulting Engineers Job No. 2170, Drawing P06, Sheet 6 of 6, Revision A	20 January 2022
Lease Plan	RPS Australia East Pty Ltd Survey Plan of Lease A in Lot 551 on RP748411	5 November 2021
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

Assessment Manager Conditions & Advices

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

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Road & Access

3. Prior to the commencement of use at a minimum upgrade the access road intersection with the Cape Tribulation Road pavement with a 6m driveway, appropriate apron and access as per the FNQROC Regional Development Manual Standard Drawing S1105 Rural Allotment Access. The sealed section of the driveway must extend 10m onto the land.

Provide and maintain internal access roads with a suitable crushed rock finish that is watered in dry weather periods where needed to minimise dust emissions.

The existing access and gate are to be removed and replaced with fencing and landscape buffer on the land.

All works are to be at no cost to Council and to the satisfaction of the Chief Executive Officer.

Carparking

4. The minimum amount of vehicle parking must be four (4) car parking spaces (inclusive of one wheelchair accessible car parking space) to the satisfaction of the Chief Executive Officer. The wheelchair access car parking space and associated access between this parking space and the entry to the site office must be in accordance with Australian Standards, National Building code and the Premises Standards. The remaining three car spaces can be on crushed gravel to the satisfaction of the Chief Executive Officer.

Landscape Buffer

5. A ten (10) metre landscape buffer to Cape Tribulation Road, for the extent being parallel to the lease area. The landscape buffer must be planted only with species endemic to the local area and planting is to be arranged to provide a dense natural layout to screen the development from Cape Tribulation Road. The landscape buffer must be established prior to the commencement of use and must be maintained at all times for the life of the use to the satisfaction of the Chief Executive Officer.

Species propagated onsite

6. The nursery must only stock endemic native plants from the Daintree and follow best practice principles for seed collection of rainforest species. No invasive or undesirable species are to be stocked or propagated. At all times the applicant is to maintain an active vigilance for invasive ant species. The applicant must apply a suitable management program to eradicate invasive or undesirable spaces in the lease area to the satisfaction of the Chief Executive Officer.

Approved Lease Period

7. The reconfiguration of a lot by lease is limited to a period of twenty (20) years.

Reconfiguration by Lease Linked to Material Change of Use

8. The approval for the Reconfiguration by lease agreement for more than ten years lapses where the Material Change of Use for Intensive Horticulture of the lease area is not commenced within six years or the use is abandoned.

Removal of Buildings, Structures and Works

9. Within six months after the end of the lease period or within six months after the abandonment of the material change of use, the land must be restored and rehabilitated by the removal of all temporary buildings, structures and works associated with the development, excluding the vehicle access crossover and driveway onto the land for a distance of ten (10) metres and access roads associated with the existing Dwelling house, two-bay shed and generator shed.

ADVICES

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

4. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
5. The taking of water, or interfering with water from streams or groundwater sources, will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of Natural Resources. Further information can be obtained from the Department at www.dnr.qld.gov.au.

Infrastructure Charges Notice

6. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, refer to Attachment 3. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

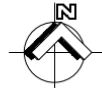
Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s)

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



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

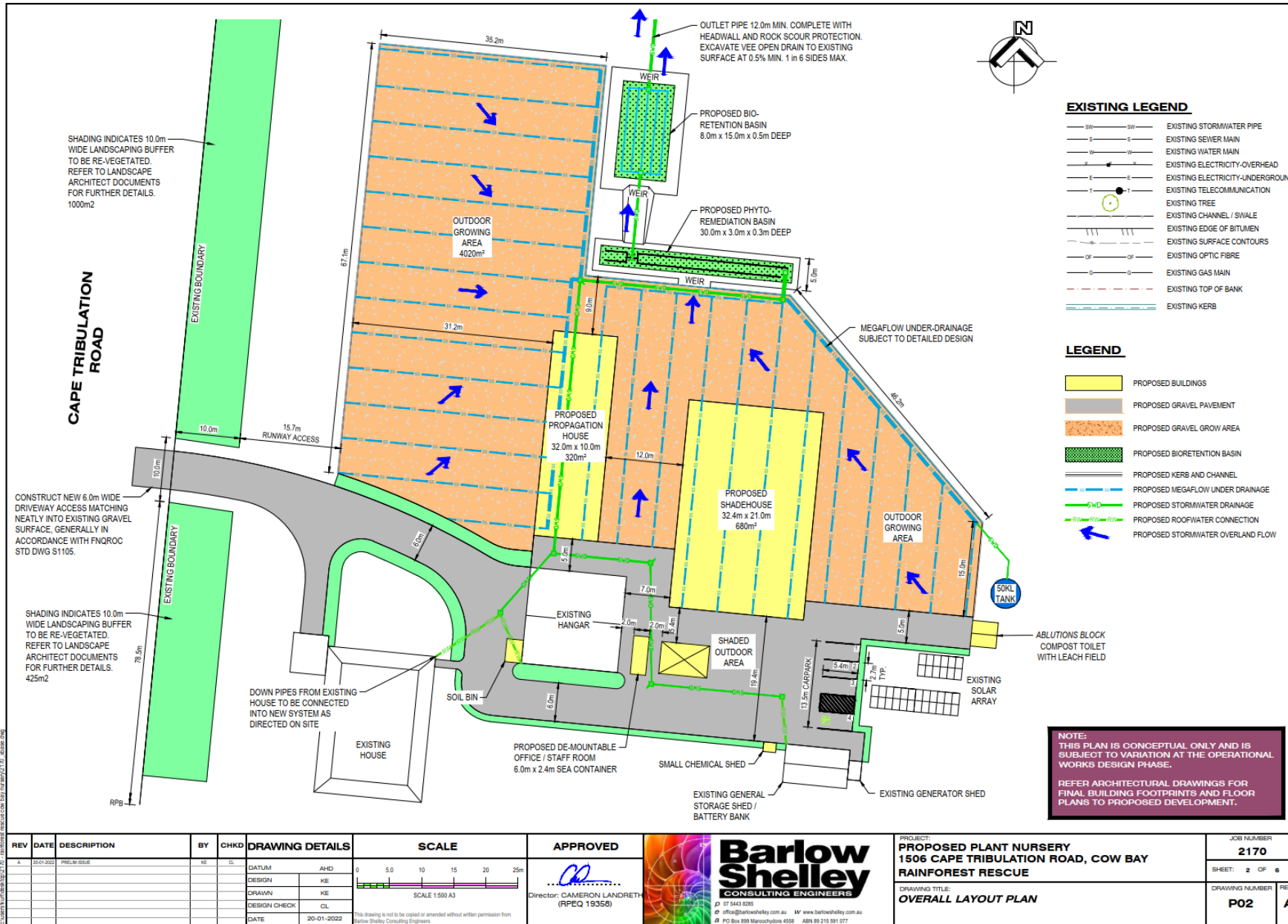
LOT 551 on RP745411
CNR CAPE TRIBULATION & BUCHANAN CREEK
ROADS, COW BAY
Site Area (Part Lot) = 2.075 Ha = 1.6% TOTAL SITE

LOCALITY PLAN

NOT TO SCALE

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	
4	20-01-2022	PRELIM SOLS	KE	CL	DATUM AHD	NOT TO SCALE	 Director: CAMERON LANDRETH (RPEQ 19356)	 Barlow Shelley CONSULTING ENGINEERS <small>pt 01 944 8288 e: info@barlowshelley.com.au W: www.barlowshelley.com.au rd PO Box 899 Macquarie 4558 ABN 89 215 881 077</small>	PROJ: 2170 PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE	JOB NUMBER 2170
					SHEET: 1 OF 6					
					DRAWING NUMBER					
					REV					
					P01 A					



EXISTING LEGEND

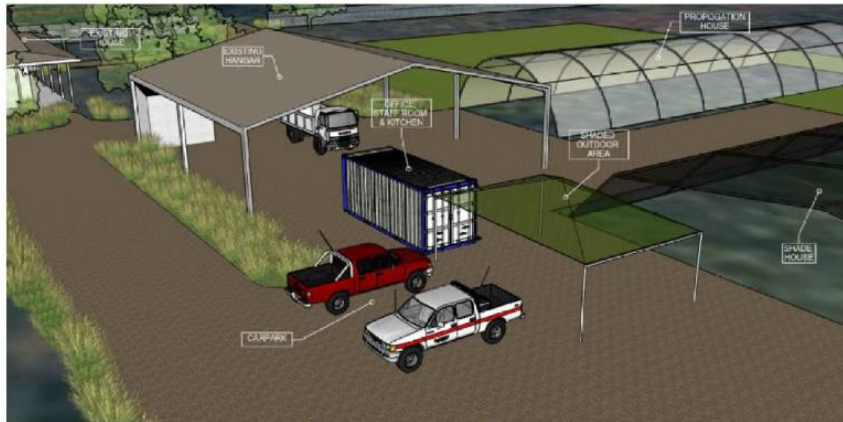
— SW — SW —	EXISTING STORM/WATER PIPE
— S — S —	EXISTING SEWER MAIN
— W — W —	EXISTING WATER MAIN
— E — E —	EXISTING ELECTRICITY-OVERHEAD
— T — T —	EXISTING ELECTRICITY-UNDERGROUND
— C — C —	EXISTING TELECOMMUNICATION
○	EXISTING TREE
—	EXISTING CHANNEL / SWALE
—	EXISTING EDGE OF BITUMEN
—	EXISTING SURFACE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

LEGEND

■	PROPOSED BUILDINGS
■	PROPOSED GRAVEL PAVEMENT
■	PROPOSED GRAVEL GROW AREA
■	PROPOSED BIORETENTION BASIN
—	PROPOSED KERB AND CHANNEL
—	PROPOSED MEGAFLOW UNDER DRAINAGE
—	PROPOSED STORMWATER DRAINAGE
—	PROPOSED ROOFWATER CONNECTION
→	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.

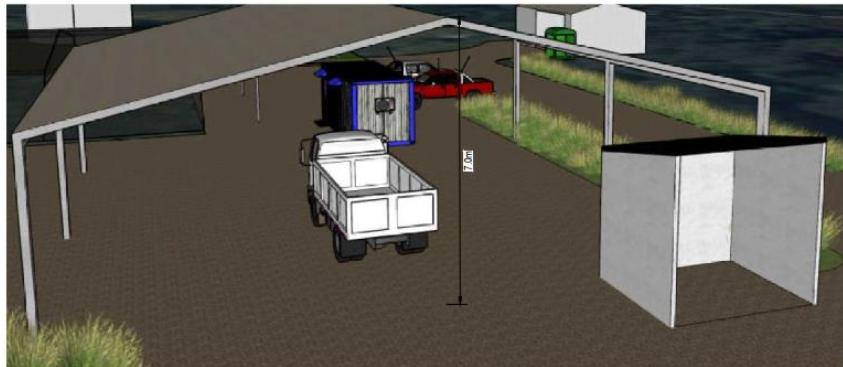
REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS	SCALE	APPROVED	PROJECT:	JOB NUMBER
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD	0 5.0 10 15 20 25m	 Director: CAMERON LANDRETH (RPEQ 19358)	PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE	2170
				DESIGN KE	SCALE 1:500 A3	SHEET: 2 OF 6			
				DRAWN KE		DRAWING NUMBER			
				DESIGN CHECK CL		REV			
				DATE 20-01-2022		P02 A			



PERSPECTIVE LOOKING WEST
SCALE NTS

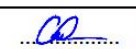


PERSPECTIVE LOOKING EAST
SCALE NTS

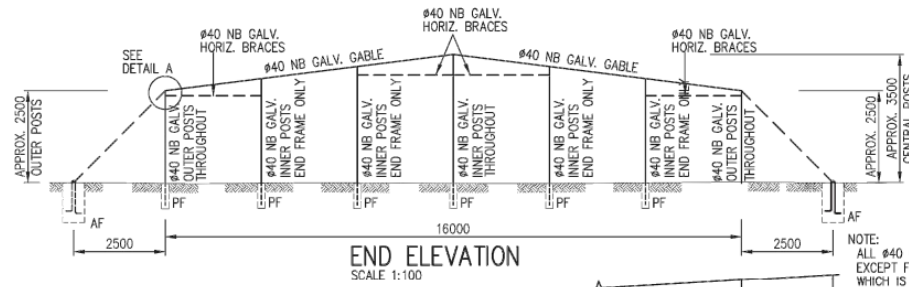


EXISTING HANGAR & SOIL BIN
SCALE NTS

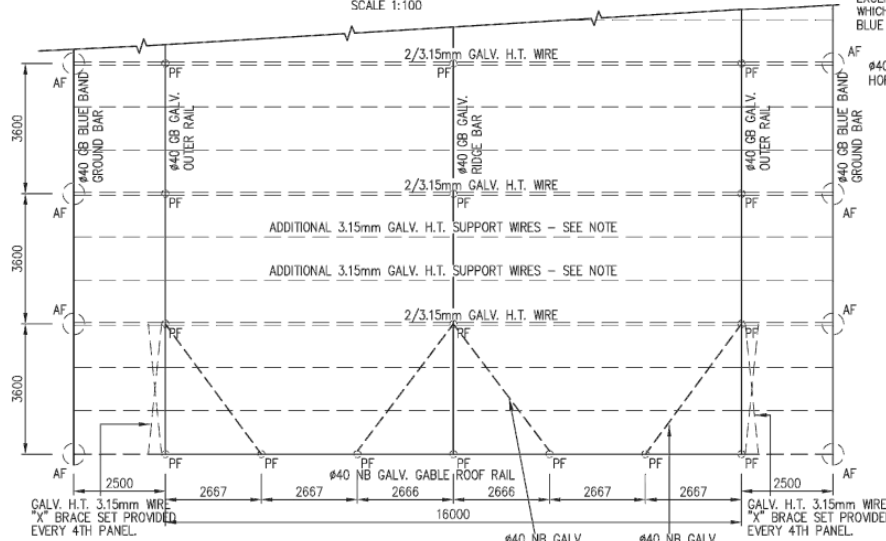
NOTE:
THIS PLAN IS CONCEPTUAL ONLY AND IS SUBJECT TO VARIATION AT THE OPERATIONAL WORKS DESIGN PHASE. REFER TO P04 & P05 FOR OTHER BUILDING / STRUCTURE HEIGHT LIMITS.

REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS	SCALE	APPROVED	PROJECT:	JOB NUMBER
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD	NOT TO SCALE	 Director: CAMERON LANDRETH (RPEQ 19358)	PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFOREST RESCUE	2170
				DESIGN KE					
				DRAWN KE					
				DESIGN CHECK CL					
				DATE 20-01-2022					
<small>This drawing is not to be copied or amended without written permission from Barlow Shelley Consulting Engineers.</small>								DRAWING TITLE: PERSPECTIVE VIEWS	SHEET: 3 OF 6 DRAWING NUMBER: P03 REV: A





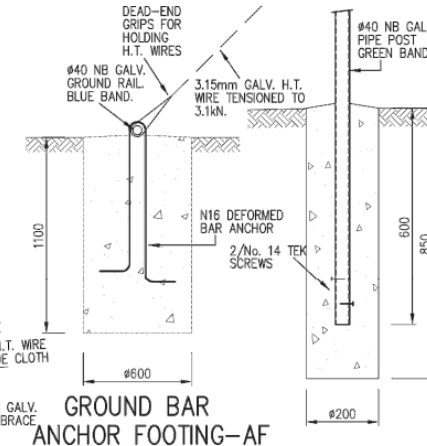
END ELEVATION
SCALE 1:100



LAYOUT PLAN
SCALE 1:100

SUPPLIER: FERNLAND AGENCIES

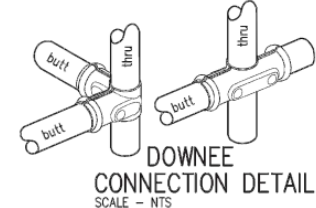
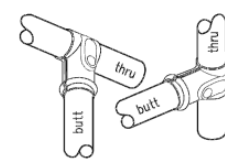
NOTE:
ALL #40 GB GREEN BAND
EXCEPT FOR GROUND BAR
WHICH IS #40 NB GALV.
BLUE BAND.



GROUND BAR
ANCHOR FOOTING-AF
SCALE 1:20

POST FOOTING-PF
SCALE 1:10

DETAIL A
SCALE 1:20



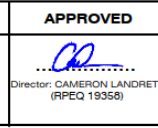
DOWNEE
CONNECTION DETAIL
SCALE - NTS

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

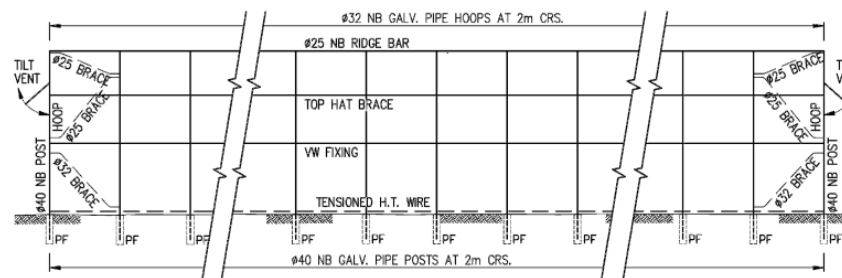
REV	DATE	DESCRIPTION	BY	CHKD	DRAWING DETAILS
A	20-01-2022	PRELIM ISSUE	KE	CL	DATUM AHD
					DESIGN KE
					DRAWN KE
					DESIGN CHECK CL
					DATE 20-01-2022

SCALE	APPROVED
AS NOTED	
	Director: CAMERON LANDRETH (RPEQ 19358)



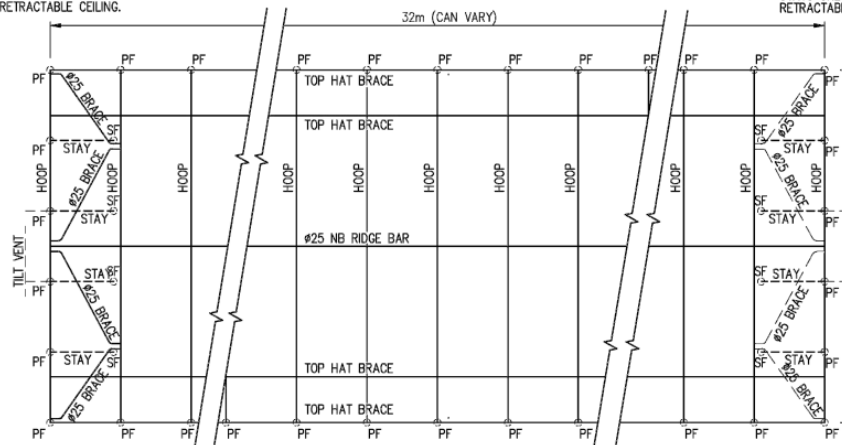
Barlow Shelley
CONSULTING ENGINEERS
p 07 5443 8388
e office@barlowshelley.com.au w www.barlowshelley.com.au
4 PO Box 899 Manookydore 4558 ABN 89 215 991 077

PROJECT: PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFORREST RESCUE	JOB NUMBER 2170
DRAWING TITLE: SHADE HOUSE PLANS	SHEET: 4 OF 6
	DRAWING NUMBER P04
	REV A



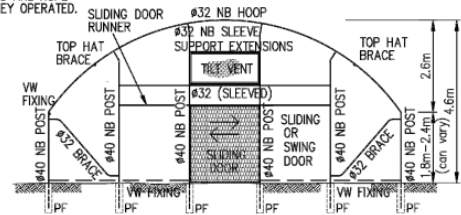
#NOTE:
STAYS ONLY REQ'D. FOR
RETRACTABLE CEILING.

ELEVATION A
SCALE 1:100

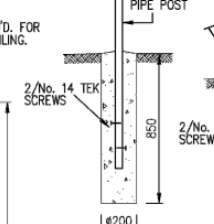


LAYOUT PLAN
SCALE 1:100

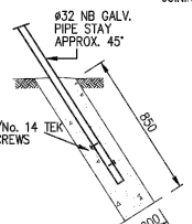
#NOTE:
TILT VENTS ARE ROPE
AND PULLEY OPERATED.



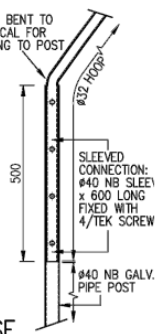
ELEVATION B
SCALE 1:100



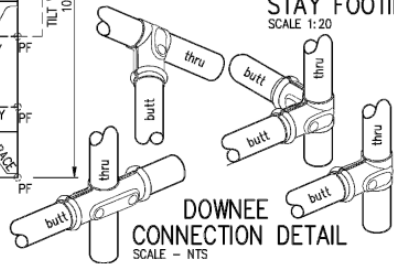
POST FOOTING-PF
SCALE 1:20



STAY FOOTING-SF
SCALE 1:20



HOOP/POST CONNECTION
SCALE 1:10



DOWNEE CONNECTION DETAIL
SCALE - NTS

#NOTE:
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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	AS NOTED	 Director: CAMERON LANDRETH (RPEQ 19358)	PROPOSED PLANT NURSERY 1506 CAPE TRIBULATION ROAD, COW BAY RAINFORREST RESCUE	2170		
				DESIGN	KE					SHEET: 5 OF 6	
				DRAWN	KE					DRAWING NUMBER	
				DESIGN CHECK	CL					P05	REV
				DATE	20-01-2022					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)

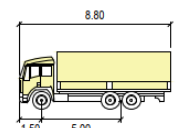
PAVEMENT SPECIFICATION

PAVEMENT NOTES:

1. DESIGN PAVEMENT DEPTH HAS BEEN BASED ON AN ASSUMED CBR 15 SUBGRADE DESIGN. TO BE VERIFIED FOLLOWING INSPECTION AND TESTING OF SUBGRADE.
2. 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

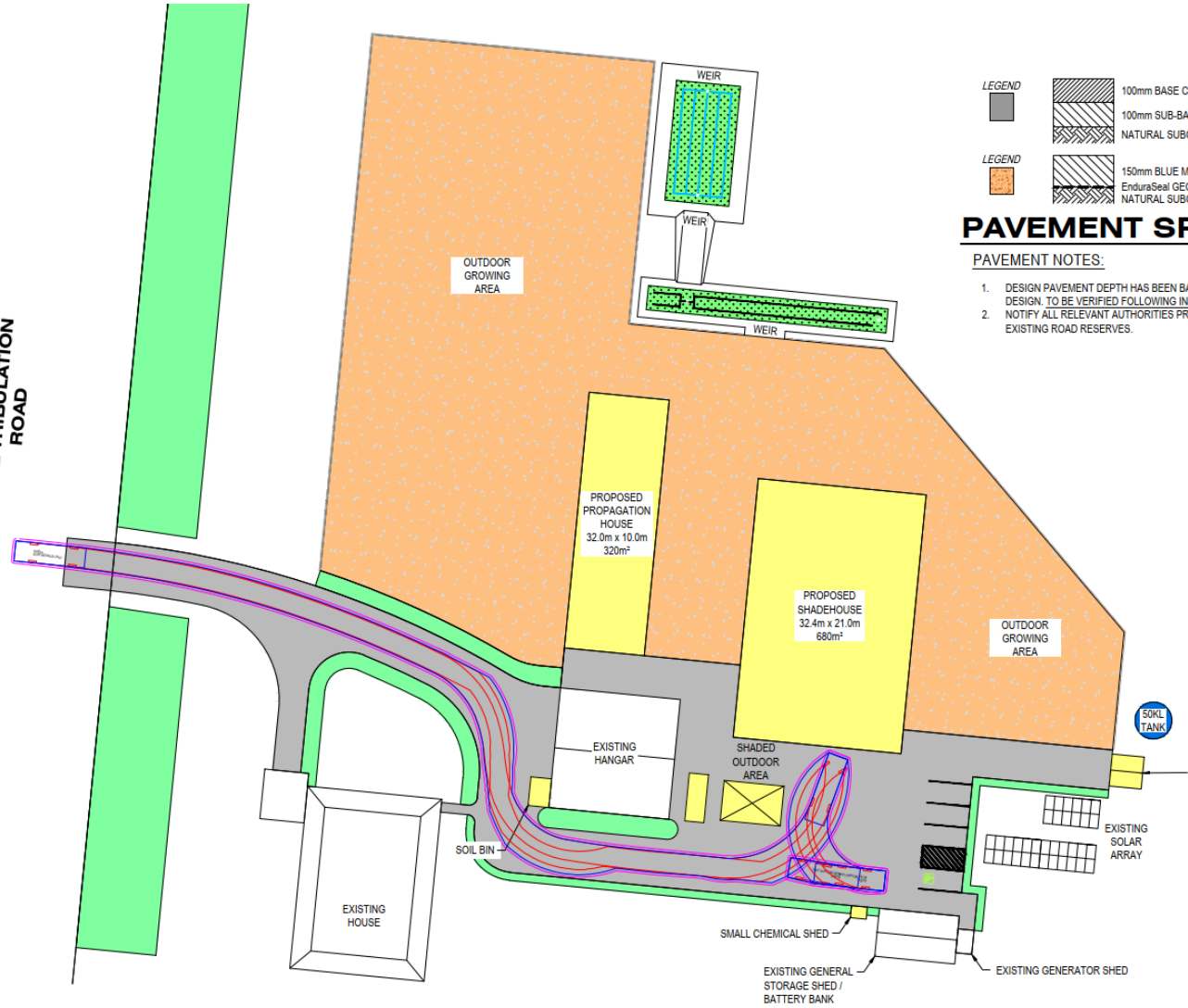


MRV-AS2890.2	meters
Width	: 2.50
Track	: 2.50
Lock to Lock Time	: 6.00
Steering Angle	: 34.4

**SERVICE VEHICLE (MRV)
REGULAR VEHICLE**

NOTE:
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CAPE TRIBULATION ROAD



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	
0	5.0 10 15 20 25m
SCALE 1:500 A3	

APPROVED

Director: CAMERON LANDRETH (RPEQ 19358)

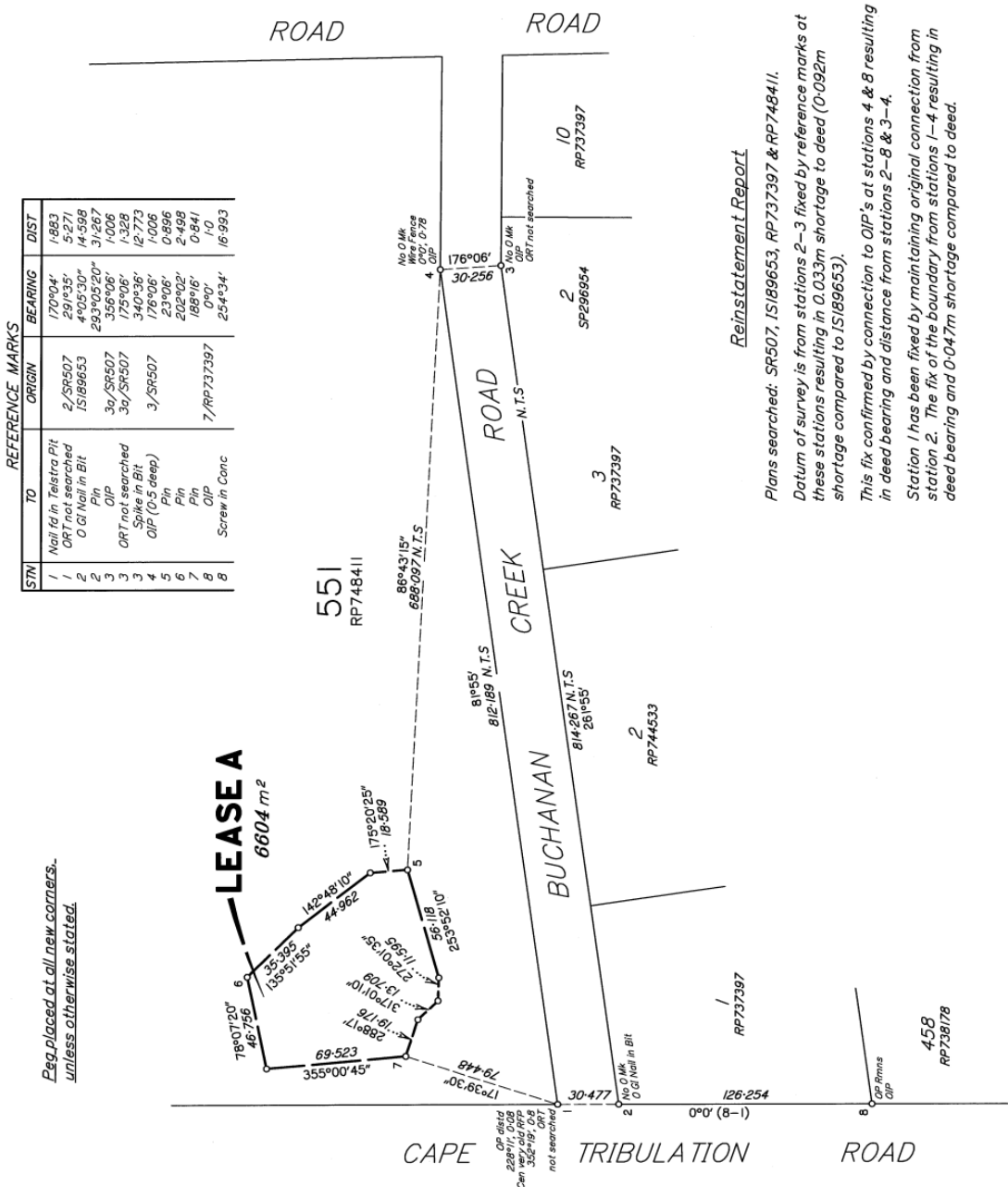
Barlow Shelley
CONSULTING ENGINEERS

P 07 5443 8385
E office@barlowshelley.com.au W www.barlowshelley.com.au
4 PO Box 899 Maroochydore 4558 ABN 89 215 991 077

PROJECT:
**PROPOSED PLANT NURSERY
1506 CAPE TRIBULATION ROAD, COW BAY
RAINFOREST RESCUE**

DRAWING TITLE:
VEHICLE TURNING TEMPLATES

JOB NUMBER	2170
SHEET: 6 OF 6	
DRAWING NUMBER	P06
REV	A



STN	TO	REFERENCE MARKS	ORIGIN	BEARING	DIST.
1	Nail in Telstra Pit			170°04'	1.883
2	ORT not searched			20°35'	5.24
3	O GI Nail in Bit			48°05'30"	1.568
4	OIP			293°05'20"	31.267
5	ORT not searched			356°06'	1.006
6	Spike in Bit			175°06'	1.328
7	OIP (0.5 deep)			349°36'	12.773
8	Pin			176°06'	1.006
9	Pin			23°06'	0.896
10	Pin			202°02'	2.498
11	OIP			188°16'	0.841
12	OIP			0°0'	1.0
13	Screw in Conc			254°34'	16.993

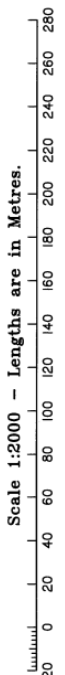
Reinstatement Report

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.




Peg placed at all new corners.
Unless otherwise stated.

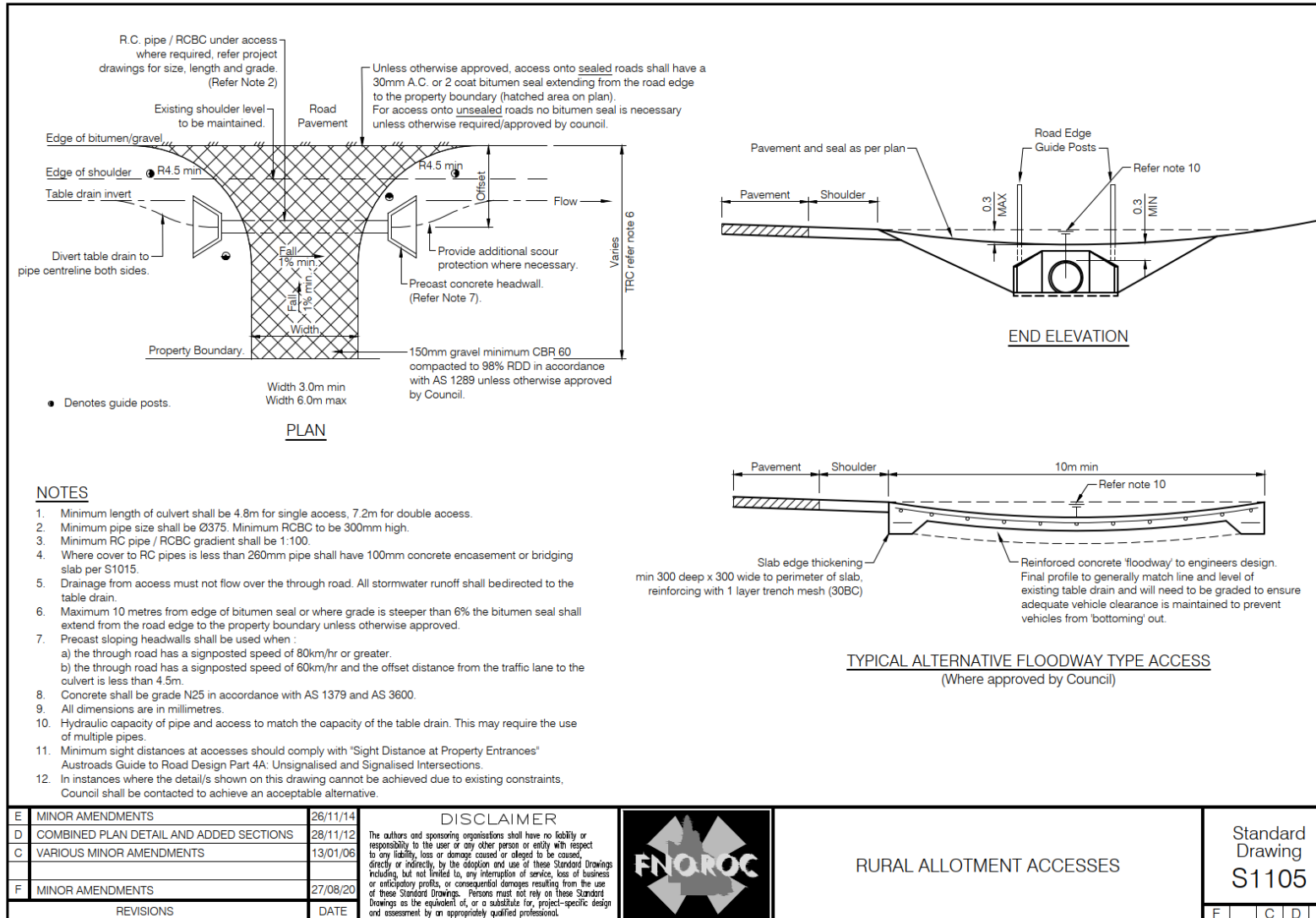


RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Matthew James WILLING, surveying associate and Daniel Geoffrey PINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision 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 Solomon
Authorized 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	

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 1 February 2022 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Conservation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Due to the extent and nature of the use to provide suitable plant material for local revegetation programs the development needs to be located in this area of the Shire;
 - ii. In terms of land use designations and reconfiguration of a lot, the Planning Scheme does not anticipate this type of development taking place and therefore does not designate land or consider reconfiguration of a lot by lease agreement for more than ten years accordingly. The development needs to be located within an existing cleared area and is best located in the Low Impact Rural Production and Tourism Enterprise Precinct of the Local Plan for Cow Bay and the approval can be appropriately conditioned to be remove the impacts of the development at the end of the lease period; and
 - iii. Despite not being anticipated development to establish in the Conservation zone, subject to conditions the development satisfactorily meets the Planning Scheme benchmarks and supports the strategic outcomes related to Environment and Landscape Values, Natural Resource Management, Strong Communities and Identity and Economy.

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
Strategic Framework Conservation Zone Code Cape Tribulation and Daintree Coast Local Plan Reconfiguring a lot code Acid sulphate soils overlay code Bushfire hazard overlay code Landscape values overlay code	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018

Benchmarks applying for the development	Benchmark reference
Natural areas overlay code	
Transport network overlay code	
Access, parking and servicing code	
Environmental performance code	
Filling and excavation code	
Infrastructure works code	
Landscaping code	
Vegetation Management Code	

Compliance with Benchmarks

The development complies with the benchmarks as per the summary provided in Reasons for Decision in particular Item 3c.

Non-Compliance with Assessment Benchmarks

Not applicable.

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Rainforest Rescue DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
1506 Cape Tribulation Road STREET No. & NAME	Cow Bay SUBURB	Lot 551 on RP748411 LOT & RP No.s	6866 PARCEL No.
MCU Intense Horticulture & ROL Lease DEVELOPMENT TYPE		CA 2021_4621/1 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1079105 DSC Reference Doc. No.	1 VERSION No.	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

Proposed Demand	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
High impact rural Intensive Horticulture	per m2 of GFA	21.51	1047	\$22,520.97		
	Total Demand			\$22,520.97		
Credit						
Discount						
Non-sewer supply area	less 35% of use charge	-35%		\$7,882.34		
<u>Non-water supply area</u>	less 25% of use charge for non-residential use	-25%		\$5,630.24		
	Total Credit			\$13,512.58		
						Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** **\$9,008.39**

Prepared by	Jenny Elphinstone	8-Apr-22	Amount Paid	
Checked by	Neil Beck	13-Apr-22	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

-
- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
 - (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
 - (3) Only 1 notice may be given.
 - (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
 - (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
 - (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
 - (4) A negotiated decision notice replaces the decision notice for the development application.
 - (5) Only 1 negotiated decision notice may be given.
 - (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court’s power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
- non-appealable**, for a decision or matter, means the decision or matter—
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

27 April 2022

Enquiries: Jenny Elphinstone
Our Ref: CA 2022_4621 (Doc ID 1079134)
Your Ref: 21-649

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

Rainforest Rescue
C/- Justin Phipps, Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Email: admin@urbansync.com.au

Dear Sir

Adopted Infrastructure Charge Notice

**For Development Application for Combined Application for Material Change of Use for Intense Horticulture (Plant Nursery and Ancillary Operations) & Reconfiguring a Lot for a term lease exceeding 10 years) at 1506 Cape Tribulation Road Cow Bay
On Land Described as Lot 551 on RP748411**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA 2022_4621 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Rainforest Rescue		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
1506 Cape Tribulation Road		Lot 551 on RP748411	6866
STREET No. & NAME		LOT & RP No.s	PARCEL No.
MCU Intense Horticulture & ROL Lease		CA 2021_4621/1	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1079105		Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	
DSC Reference Doc . No.		VERSION No.	
		1	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
High impact rural Intensive Horticulture	per m2 of GFA	21.51	1047	\$22,520.97		
Total Demand				\$22,520.97		
Credit						
Discount						
Non-sewer supply area	less 35% of use charge	-35%		\$7,882.34		
<u>Non-water supply area</u>	less 25% of use charge for non-residential use	-25%		\$5,630.24		
Total Credit				\$13,512.58		Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** **\$9,008.39**

Prepared by	Jenny Elphinstone	8-Apr-22	Amount Paid
Checked by	Neil Beck	13-Apr-22	Date Paid
Date Payable	MCU - prior to the commencement of use		Receipt No.
Amendments		Date	Cashier

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

- (4) In this section—
- decision** includes—
- (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
- non-appealable**, for a decision or matter, means the decision or matter—
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.