



11.11.2020

Our Ref: 31565-002-01
Your Ref: 8/37/14

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attn: Environment & Planning

Dear Planners

Change Application for a Minor Change - Development Permit 8/37/14
Material Change of Use – Indoor Recreation/ Outdoor Entertainment Restaurant and Bar
Cape Tribulation Road, Cape Tribulation – Lots 1 & 2 on RP742906

We act on behalf of Applicant, Kakai Pty Ltd, in relation to the abovementioned matter.

The current approval, Negotiated Decision Notice dated 29 April 2010 (8/37/14 (2555672)), copy included within *Attachment B*, permits the use of premises for Indoor Recreation/ Outdoor Entertainment Restaurant and Bar.

In accordance with section 78 of the Planning Act 2016 (the Act) we hereby submit a Change Application for a minor change to the abovementioned development permit and seek Council's approval to update the approved plans of development to include a shade structure located within the grassed area adjoining the existing building onsite.

To accommodate social distancing requirements and member access as part of a COVID Safe Plan for the ongoing operation of the premise, the applicant has received a conditional approval from the Office of Liquor and Gaming Regulation (OLGR) to include the grassed area within the existing licensed area. The grassed area will be defined and bound with a log fence in accordance with OLGR requirements.

At present there is seating but no shelter within the grassed area for patrons to use. Customers currently use the seating provided in the grassed area and some picnic on the lawn. Taking into consideration the typical weather experienced in Cape Tribulation locality in particular the heat and rain, it is necessary to provide patrons sufficient covered seating areas within the premises. The applicant proposes to construct new shade structure within the grassed area as detailed within sketch 31565/001A included within Attachment D. OLGR have indicated no further application is needed from their office for this to occur.



The shade structure will have dimensions of 6.0m x 10.9m with an area of approximately 65m². The general design of the structure is indicated in the *Figure 1* overleaf, noting that the proposed shade structure will be open with no side walls. The colour of the structure will be consistent with the existing buildings onsite and will be finished in Colorbond - Manor Red as indicated in Figure 2. Structural details for the proposed shade structure are included with *Attachment C*.

Not only the establishment of the shade structure within the grassed area allows patrons to be appropriately separated ensuring compliance with the COVID Safe Plan for the premise, it provides patrons the satisfaction of further shaded seating options to enjoy within the premises.

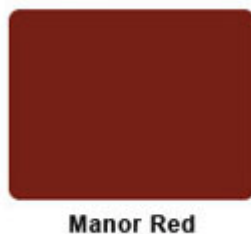
It is acknowledged that the floor area used within the premise will increase, however considering achieving compliance with a COVID Safe Plan, and that clients are already seated in this area to eat, patronage will not increase. Permitting use of the covered structure ensures the continued operation and scale of the business is maintained at a sustainable level within the foreseeable future, where pandemics may result in increased distancing.

Figure 1: Cover Structure Design



Source: FNQ Shade 'n' Shelter

Figure 2: Colorbond Chart



Manor Red

Source: Colorbond



The establishment of the shade structure will not impact on surrounding land uses or the locality. Noise emitted and parking demand generated from premise will remain the same as currently approved and operated as patronage will not be increased. Our view the abovementioned changes will only result in amendment to the previous decision notice to update the Approved Plan reference to include sketch plan 31565/001A.

Planning Act 2016 Considerations

The Change Application can only be assessed as a minor change if the change satisfies the definition of *minor change* provided in Schedule 2 of the *Planning Act 2016* as follows:-

“minor change means a change that—

.....

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.”

A response as to how the proposed Change Application satisfies the criteria of a *minor change*, as defined within the *Planning Act 2016*, is provided below:

(i) would not result in substantially different development; and

Response:

The Development Assessment Rules at Schedule 1 provides advice on determining what is considered substantially different development. On review, it is considered that the proposed changes do not result in a substantially different development as:

- The proposed changes do not involve a new use.
- The changes do not result in the application applying to a new parcel of land.



- The proposed changes do not substantially alter the built form of the development.
- The proposed changes do not result in the proposed development to operate as originally intended.
- The changes do not result in removing any components of the development.
- The proposed change will not result in significant impacts on traffic flow and the transport network.
- The proposed changes do not introduce or increase the severity of any known impacts.
- There is no incentive or offset component associated with the development approval.
- The proposed changes will not have any impacts on infrastructure provision as the changes do not result in a such an increase in yield which would require additional demand on infrastructure.

(ii) *if a development application for the development, including the change, were made when the change application is made would not cause –*

(A) *the inclusion of prohibited development in the application; or*

Response:

The proposed changes do not result in the inclusion of prohibited development in the application.

(B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

(C) *referral to extra referral agencies, other than to the chief executive; or*

(D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*

Response:

Referral agency assessment was triggered with the initial application. A review of the referral triggers confirms that if the application were submitted today, referral to any additional referral agencies or for any other matters would not be triggered.

(E) *public notification if public notification was not required for the development application.*



Response:

The initial development application required public notification and the change does not cause a change to the level of assessment for the development.

Accordingly, based on the above, we advise that the proposed change is considered a minor change as it does not result in substantially different development, does not introduce development that would now be considered prohibited, has no effect on referral agency triggers should the application be remade now.

Affected Entities

No Affected Entities have been identified.

Land Owner's Consent

As the subject land, Lots 1 & 2 on RP742906, are owned by W. A. Mason & L. D. Mason owners consent has been obtained and is included within *Attachment A*.

Supporting Documents

In accordance with the Act, the following documentation is attached to allow Council's consideration:

- Attachment A: Planning Act Form 5 – Change Application Form & Owners Consent;
- Attachment B: Negotiated Decision Notice dated 29 April 2010 (8/37/14 (2555672));
- Attachment C: Structural Details for Shade Structure
- Attachment D: Sketch Plan – Prepared by Brazier Motti.

Conclusion

Overall, it is considered that the above has clearly demonstrated that the proposed changes constitute a minor change and therefore the Change Application can be assessed and approved by Council as minor change.

We trust that the enclosed documentation is sufficient to allow for assessment, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,

MICHAEL TESSARO
Senior Town Planner
Brazier Motti Pty Ltd

Attachment A

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

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)	Kakai Pty Ltd c/- Brazier Motti Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	31565-002-01

2) Owner's consent - Is written consent of the owner required for this change application?

Note: Section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- ☒ Yes – the written consent of the owner(s) is attached to this change application
☐ No

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or <input type="checkbox"/> 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
			Cape Tribulation Road	Cape Tribulation
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	1	RP742906	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Cape Tribulation Road	Cape Tribulation
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	RP742906	Douglas Shire Council



**Queensland
Government**

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 the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	8/37/14	29 April 2010	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Change to include covered structure within existing grassed area.

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change 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: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

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

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change 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 responsible entity and any relevant affected entity or referral agency for the change 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 responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change 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 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

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			

Owner's consent for making a change application under the *Planning Act 2016*

Winifred Ann Mason & Lawrence Darcy Mason

as owners of the premises identified as follows:

Lots 1 & 2 on RP742906

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

Kakai Pty Ltd
c/- Brazier Motti Pty Ltd

on the premises described above for:

- Change Application to existing Development Permit for Material Change of Use – Indoor Recreation/ Outdoor Entertainment Restaurant and Bar, Council Ref: 8/37/14

X



Winifred Ann Mason

Date signed:

X



Lawrence Darcy Mason

Date signed:

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 35437440
Search Date: 06/11/2020 15:21

Title Reference: 21329123
Date Created: 21/10/1986

Previous Title: 21306089

REGISTERED OWNER

Dealing No: 710873890 06/08/2007

WINIFRED ANN MASON

ESTATE AND LAND

Estate in Fee Simple

LOT 2 REGISTERED PLAN 742906
Local Government: DOUGLAS

For exclusions / reservations for public purposes refer to
Plan RP 742906

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20683233 (POR 4)
2. MORTGAGE No 601333529 (T338275V) 29/03/1988
TO AUSTRALIA AND NEW ZEALAND SAVINGS BANK LIMITED
3. MORTGAGE No 713508509 08/10/2010 at 15:10
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.B.N. 11
005 357 522

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
713027750	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	01/02/2010 14:24	CURRENT
713271196	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	03/06/2010 10:26	CURRENT
714102903	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	10/10/2011 11:19	CURRENT

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ GLOBALX

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 35437408

Search Date: 06/11/2020 15:20

Title Reference: 21329122

Date Created: 21/10/1986

Previous Title: 21306089

REGISTERED OWNER

Interest

Dealing No: 710873936 06/08/2007

WINIFRED ANN MASON

1/2

LAWRENCE DARCY MASON

1/2

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 742906
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20683233 (POR 4)
2. MORTGAGE No 705240021 05/12/2001 at 10:45
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005
357 522

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
713271193	VEG NOTICE	03/06/2010 10:26	CURRENT
	VEGETATION MANAGEMENT ACT 1999		
714102837	VEG NOTICE	10/10/2011 11:07	CURRENT
	VEGETATION MANAGEMENT ACT 1999		

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ GLOBALX

Attachment B



ENQUIRIES: Mrs Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF: 31565 1-3
OUR REF: 8/37/14 (2555672)

29 April 2010

Kakai Pty Ltd
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Attention: Mr James Thorne-Stones

Dear Sir/Madam

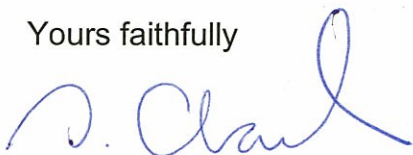
NEGOTIATED DECISION UNDER S363 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
CAPE TRIBULATION ROAD, CAPE TRIBULATION

With reference to the abovementioned Development Application which was determined by Council at the Ordinary Meeting held on 28 April 2010 please find attached the relevant Decision Notice.

The notice includes extracts from the Act with respect to making representations about conditions, suspension of the appeal period, and lodging an Appeal. The Restaurant will operate from the existing Takeaway building, and the projected number of patrons is not likely to increase until the Indoor and Outdoor Recreation components of the development are constructed. It is noted that the existing vehicle parking and infrastructure onsite is sufficient for the use. As such, the Restaurant use is able to commence without complying with conditions of the approval pertaining to the Indoor and Outdoor Recreation.

Should you have any enquires in relation to this Negotiated Decision Notice, please contact Michelle Henderson of Council's Development Assessment team on telephone number (07) 4099 9457.

Yours faithfully



Simon Clarke
Manager Development Assessment

Att

40.2006.2249
1/45

APPLICANT DETAILS

Kakai Pty Ltd
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

ADDRESS

Cape Tribulation Road, Cape Tribulation

REAL PROPERTY DESCRIPTION

Lots 1 & 2 on RP742906

PROPOSAL

Indoor Recreation/Outdoor Entertainment Restaurant & Bar

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

This Negotiated Decision Notice dated 28 April 2010 replaces the Decision Notice dated 10 February 2010.

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

(MCU or ROL containing remnant vegetation as defined under the Vegetation Management Act 1999)

Development Application Lodgement
Department of Environment & Resource Management
PO Box 15155
CITY EAST QLD 4002

(Heritage, Coastal & ERAs EPA)

Development Application Lodgement
Department of Environment & Resource Management
(Formerly EPA)
PO Box 15155
CITY EAST QLD 4002

SUBMISSIONS

There were two (2) submissions for this application.

Matt & Michelle Wenden	Lot 1 Cape Tribulation Road	CAPE TRIBULATION QLD 4873
Stephen Walsh	Lot 24 Camelot Close	CAPE TRIBULATION QLD 4873

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

Development Permit for Plumbing Works

Development Permit for Operational Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
Schematic Site Plan	Drawing Prepared by Brazier Motti (Council Ref No 1669196)	20 July 2006
Site Plan	Drawing No D01_01 Prepared by Plansmart Building Design (Council Ref No 1908967)	August 2006
Floor Plan – Proposed restaurant/bar within existing building	Drawing Prepared by Brazier Motti (Council Ref No 1908967)	Received 10 Dec 2008
Floor Plan & Elevations – Proposed Indoor Recreation Area	Drawing No D01_02 Prepared by Plansmart Building Design (Council Ref No 1908967)	August 2006
Site Plan – Walkway and Platform Layout Plan	Drawing No S01 Rev P1 Prepared by Colefax Rodgers Consulting Engineers (Council Ref No 1908967)	Received 10 Dec 2008
Vegetation Impact Zone Plan	Drawing No S02 Rev A Prepared by Colefax Rodgers Consulting Engineers (Council Ref No 1908967)	Received 10 Dec 2008
Walkway Section	Drawing No S02 P1 Prepared by Colefax Rodgers Consulting Engineers (Council Ref No 1908967)	Received 10 Dec 2008

ASSESSMENT MANAGER CONDITIONS

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;
 - 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

Amalgamation Required

- ~~2. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lots 1 and 2 on RP742906 into one (1) lot. The Plan of Survey must be registered with the Department of Environment and Resource Management at the applicant's/owner's cost prior to Commencement of Use.~~

Timing of Effect

- ~~3.2.~~ The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Water Supply

- ~~4. The current water licence must be upgraded to commercial prior to commencement of use.~~
- 5.3. The on-site water supply designated for use as potable water must meet the requirements of The Australian Drinking Water Guidelines. Any treatment system required must be installed and operational prior to commencement of use and is the responsibility of the property owner.
- 6.4. Water storage tank(s) with a minimum capacity not less than 30,000 litres, and must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the building application. Such water tanks must be provided with:
 - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
 - b. Flap valve at every opening of the tank or other receptacle; or

- c. Other approved means for preventing the ingress or egress of mosquitoes; and
- d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and
- e. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

On-Site Effluent Disposal

- 7.5. The method of on-site effluent disposal must be in accordance with the ERA 15a Approval with Certificate of Registration No.ENRE00728707 dated 7 December 2007. The treatment and disposal system must be installed and operational prior to commencement of use.

Water Saving

- 8.6. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

Vehicle Parking

- 9.7. The minimum amount of vehicle parking must include twenty (20) car spaces and three (3) bus spaces. An informal overflow grassed area is also to be provided. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Douglas Shire Planning Scheme, in particular:
- a. Provision must be made for loading/unloading of vehicles;
 - b. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);
 - c. The parking area must be set back a minimum of three (3) metres from the front property boundary and a minimum of three (3) metres from the side and rear property boundaries.

Car Parking Layout

- 10.8. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Douglas Shire Planning Scheme, in particular:

- a. Provision must be made for loading/unloading of vehicles;
- b. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);
- c. The parking area must be set back a minimum of three (3) metres from the front property boundary and a minimum of three (3) metres from the side and rear property boundaries.

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas from Parking

449. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Parking Signage

4210. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Cape Tribulation Road frontage.

External Works

4311. Undertake the following works external to the land at no cost to Council:
- a. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during works carried out in association with the construction of the approved development.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

Environmental Management Plan

4412. An Environmental Management Plan (EMP), incorporating an Erosion and Sediment Control Plan, must be undertaken by an appropriately qualified professional to determine the impacts and mitigation measures required to minimise such impacts. In particular, the EMP needs to comply with the:

- a. Environmental Protection (Water) Policy 2009;
- b. Environmental Protection Regulation 2008;
- c. FNQROC Development Manual.

The Environmental Management Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use.

Acid Sulfate Soil Investigation

4513. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in, 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by Department of Natural Resources and Water (DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to Operational Works approval.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRW: 'Queensland Acid Sulfate Soil Technical Manual' (2002) including Soil Management Guidelines (updated Feb. 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

Storage of Machinery and Plant

4614. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Vegetation Clearing

4715. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

Building Colours

4816. The exterior finishes and colours of Buildings and Structures are non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown.

The proposed building colours must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work

The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Wildlife

4917. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Notification of Vegetation Clearing

2018. Council's Development Assessment Branch must be notified two (2) days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Existing Creek and Drainage Systems

2419. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

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

Lawful Point of Discharge

2220. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Erosion and Sediment Control

2321. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Refuse Storage

2422. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Water & Waste.
2523. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

~~Liquid Waste Disposal~~

- ~~26. Trade waste discharge to sewer must meet the requirements of Cairns Water & Waste's Trade Waste Environmental Management Plan (TWEMP).~~
- ~~— A report demonstrating that the facility complies with the TWEMP must be submitted to and be approved by Council prior to the issue of a Development Permit for Building Work.~~
- ~~— The applicant must have all measures for pre-treatment installed prior to commencement of use.~~

Advertising Signage

2724. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Health Requirements

2825. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.
2926. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.

3027. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.
3428. Prior to operation of the food business, the operator must hold a current Food Licence issued by Councils Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
3229. Noise from air-conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance)

Generators

3330. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.

Fuel Storage

3431. ~~All fuels must be stored in an undercover and secure location at all times.~~ All petroleum products stored on site must be designed, constructed and maintained in accordance with AS1940-2004 – *The storage and handling of flammable and combustible liquids.*

Landscaping

3532. The existing landscape buffer must be retained along the road frontage of the site. The landscaping to be used must consist of 75 per cent of native and endemic species which must be planted in an irregular and random fashion to blend with existing vegetation. The use of palm trees must be limited and only used as an accent feature.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Environment and Resource Management (formerly DNR)	IC0108CNS0016	17 Dec 09	2432257

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

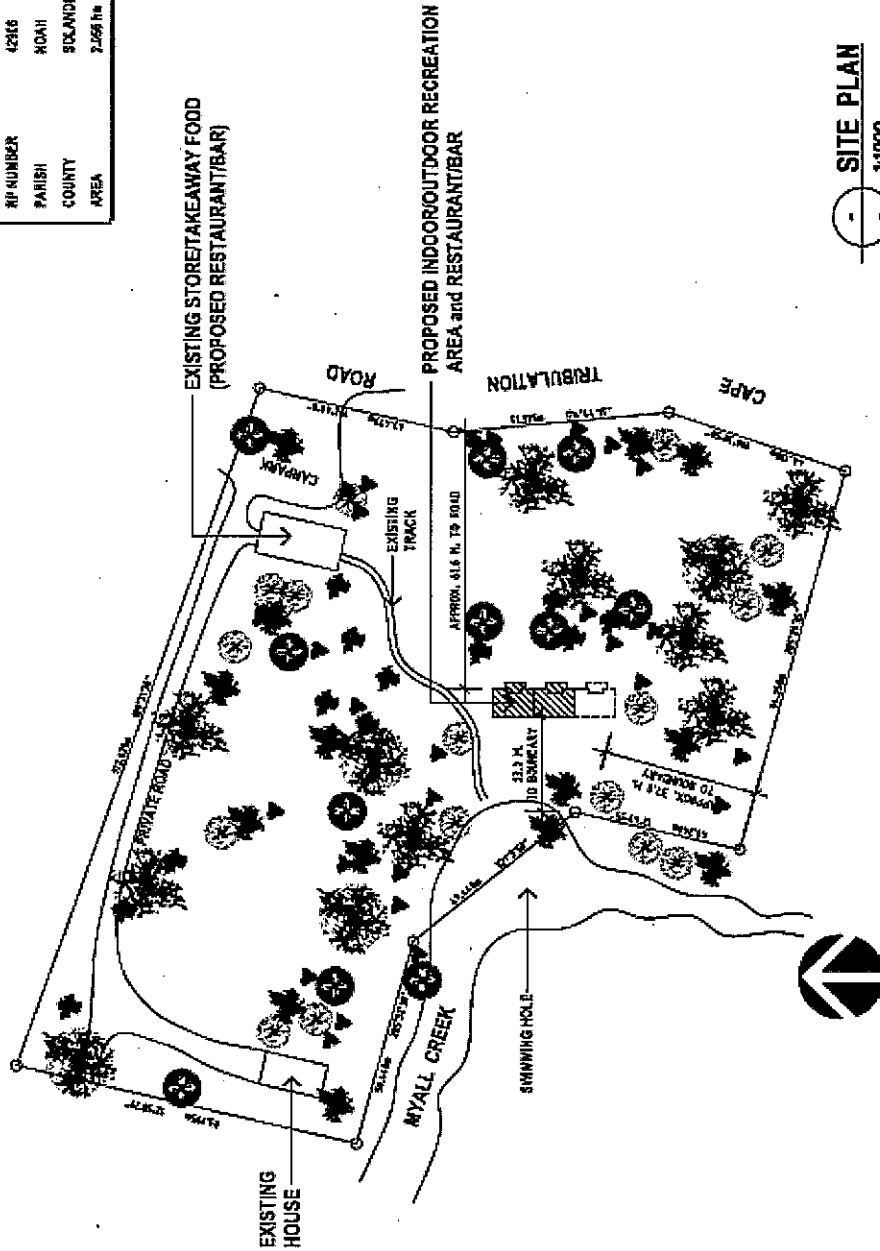
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

End of Decision Notice

SITE INFORMATION	
LOT NUMBER	1
RP NUMBER	42863
PARISH	MOAH
COUNTY	SOLANDER
AREA	2.068 Ha



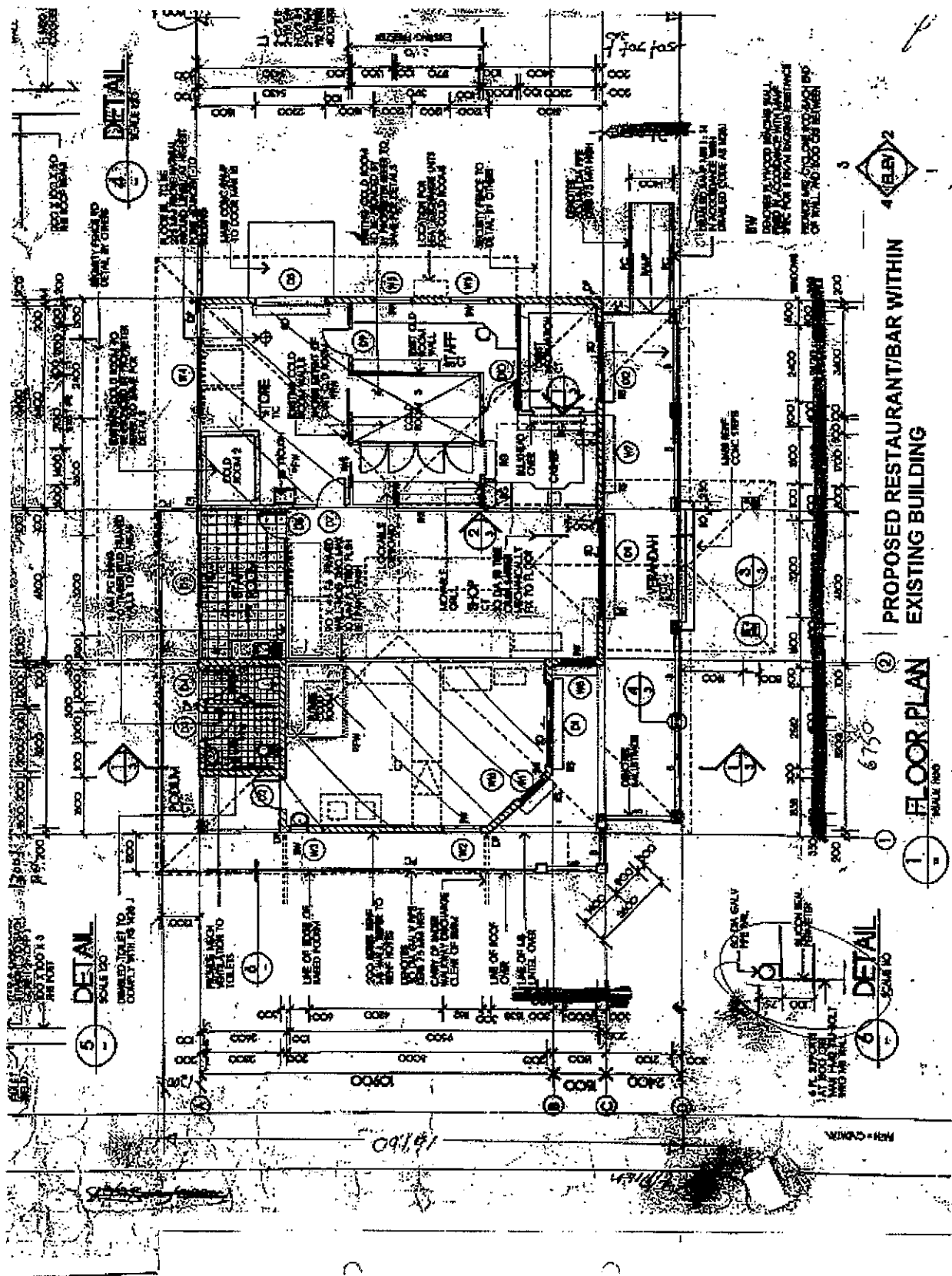
SITE PLAN
1:1000

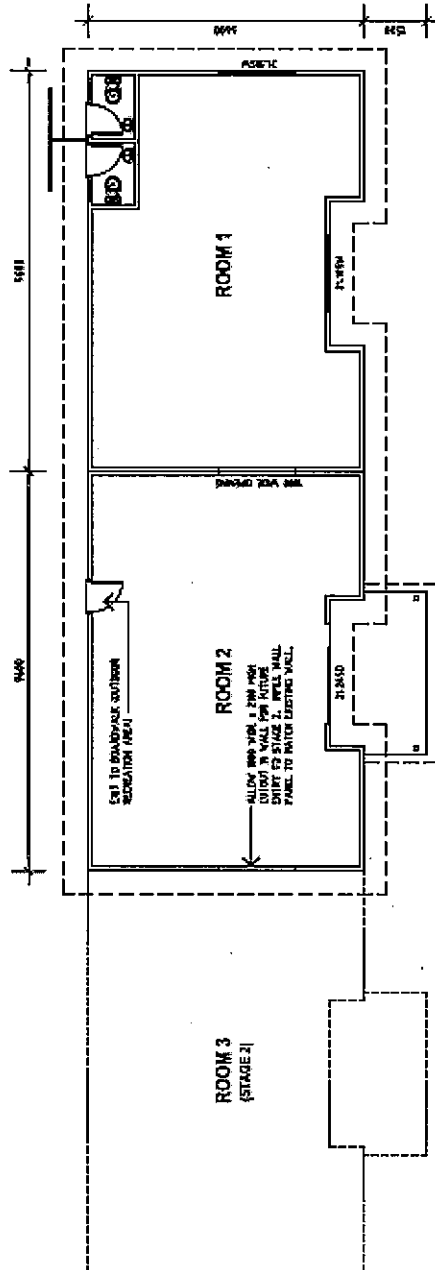


Design: M.A.
Drawn: M.P.
Scale: 1:100
Date: AUG 2008
Job No: 07015
Day No: D01_01
Email: info@plansmart.net.au

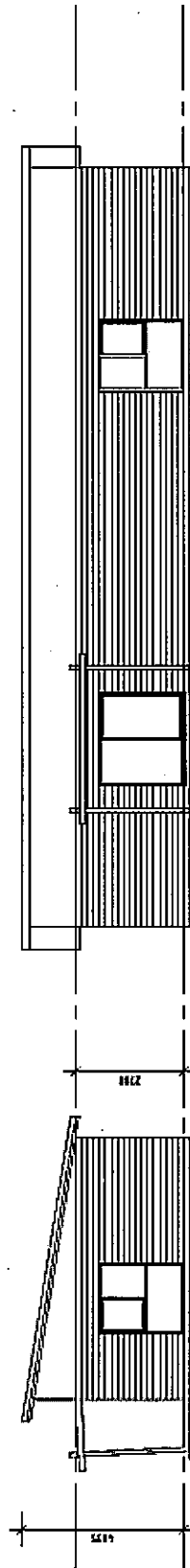
PROPOSED INDOOR RECREATION AREA
at Lot 1 CAPE TRIBULATION Rd. CAPE TRIBULATION
for KAKAI Pty. Ltd.

THE DRAWING IS PROVIDED BY THE CLIENT AND MUST NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DRAWING IS TO BE USED FOR THE PURPOSES OF THE DECISION NOTICE ONLY. THE CLIENT IS ADVISED THAT THE DRAWING IS NOT A CONTRACT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.





FLOOR PLAN
1:100

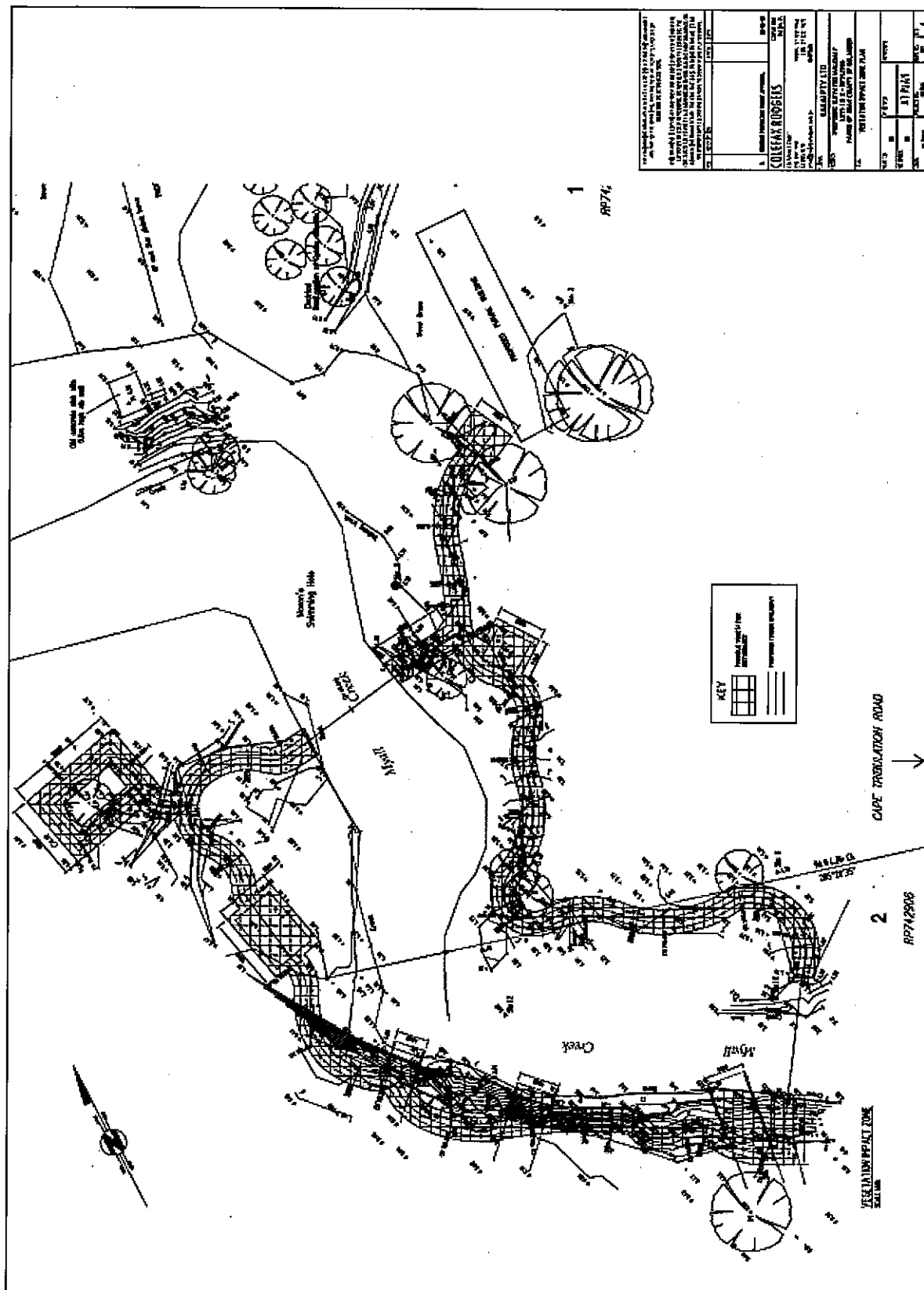


SIDE ELEVATION
1:100

FRONT ELEVATION
1:100

<p>THE DRAWING IS PREPARED BY KAKAI PTY. LTD. AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN AUTHORITY OF KAKAI PTY. LTD. THE CONSULTANT AND SUB-CONSULTANTS ARE TO BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE CONSULTANT IS TO BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE CONSULTANT IS TO BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING.</p>	<p>PROPOSED INDOOR RECREATION AREA at Lot 1 CAPE TRIBULATION Rd. CAPE TRIBULATION for KAKAI Pty. Ltd.</p>	<p>Design: M.J. Drawn: M.J. Scale: 1:100 Date: AUG 2008 Job No: 07015 Dwg No: D01_02</p>
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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

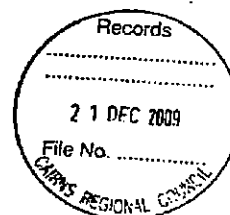


Your Reference: 8/37/14
Our Reference: IC0108CNS0016
Contact: Cristina Froemmcke
Directorate / Unit: Landscapes and Community Services
Phone: (07) 4057 3890

Department of
Environment and Resource
Management

17 December 2009

The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870



Attention: Michelle Henderson

Dear Michelle

MCU (IMPACT) INDOOR RECREATION, OUTDOOR ENTERTAINMENT AND A RESTAURANT/BAR (INCLUDING AN INTERPRETATIVE MUSEUM AND ELEVATED WALKWAY) TO THE EXISTING TAKEAWAY AND GENERAL STORE AT LOT 1 & 2 ON RP742906, CAPE TRIBULATION RD, CAPE TRIBULATION - REFERRAL AGENCY RESPONSE

The Department of Environment and Resource Management (Concurrence agency and third party advice for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact Cristina Froemmcke on 07 4057 3890.

Yours sincerely

Cristina Froemmcke
Natural Resource Officer
Landscapes and Community Services
North Region

CC

Kakai Pty Ltd
C/- Brazier Motti
PO Box 1185
CAIRNS QLD 4870
Attention: James Thorne-Stones

Department of Environment
& Resource Management
Level 3, 5b Sheridan Street
PO Box 937
Cairns Queensland 4870
Australia
Telephone + 617 4057 3890
Facsimile + 61 7 4057 3365
Website www.derm.qld.gov.au

**Department of Environment and Resource Management –
Referral agency response**

Given under Section 3.3.16 of the *Integrated Planning Act 1997*

Application details

1.1. Applicant's name	Kakai Pty Ltd
1.2. Property description	Lots 1 & 2 RP742906
1.3. Development type	Material Change of Use (MCU)
1.4. Assessment manager	Cairns Regional Council
1.5. Referral date	17 December 2008
1.6. Our references	Trackjob: IC0108CNS0016 Recfind: ATH/006800

2. Concurrence agency response – Vegetation Management Act 1999 - Remnant Vegetation

Please refer to the attached concurrence agency response from Senior Vegetation Management Officer Daniel Gillinder dated 17 December 2009. (Attachment 1)

3. Advice Agency Response – Wet Tropics World Heritage

Please refer to the attached Ecoaccess Notice dated 19/2/2009. (Attachment 2)

4. Advice Agency Response – Acid Sulphate Soil

The Department of Environment & Resource Management (DERM) has reviewed the application material provided for this development and is uncertain whether filling and excavation levels will trigger State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and referral to DERM as an advice agency per Schedule 2 of the *Integrated Planning Regulation 1998*.

Rationale for seeking information

The proposal includes the construction of a boardwalk of 270 metres in length, two (2) bridges and five (5) viewing platforms along Myall Creek. This construction requires excavation works to be carried out below 5 m AHD as per site plans prepared by Colefax Rodgers on 28/5/08 (Dwg S02 & 02). No information is given on the quantity of soil to be disturbed /excavated.

In the absence of an investigation or report with respect to acid sulfate soils as required by SPP2/02, DERM cannot currently advise further on this issue.

The Vegetation Management response (Attachment 1) states under Schedule 1, Reason 12 that 'No ASS will be exposed by the proposal as the application area is above 5 m AHD'. This statement refers only to any vegetation clearing and does not contradict this Advice Agency response.

Recommendation

DERM recommends that Council request the applicant to provide sufficient information to demonstrate that the proposed development has regard to achieving Outcome 1 of SPP 2/02, particularly:

- Whether ASS will be disturbed through any proposed excavation or fill (identify the depth, amount and location of excavation or fill); and
- What management practices are to be adopted to minimise environmental harm as a result of disturbance of ASS, should the investigation show that ASS will be disturbed as a result of the proposal.


This evidence should include an ASS investigation of the subject land by a suitably qualified person and a report prepared according to sections 6, 8 and 9 of the Guideline that accompanies SPP 2/02.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Adequate management strategies should be determined and approved prior to operational works approval and construction commencing. DERM would be pleased to receive a copy of any investigation or proposed management practice for review.

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

Coordinating Officer: Cristina Froemmcke
Address: PO Box 937, Cairns QLD 4870
Phone: 07 4057 3890


Cristina Froemmcke
Natural Resource Officer
Landscapes and Community Services
North Region

17 December 2009

**Department of Environment and Resource
Management – Referral Agency Response**

Given under Section 3.3.16 of the *Integrated Planning Act 1997*,
Concurrence Agency response for *Vegetation Management Act 1999*

1. Application information

- 1.1. **Applicant's name:** Kakai Pty Ltd
- 1.2. **Property description:** 1 and 2 RP742906 – Cairns Regional Council
- 1.3. **Assessment Manager/Reference:** 8/37/14 (1910896) – Mrs Michelle Henderson
- 1.4. **Date application was referred to Department:** 19 December 2008
- 1.5. **Departmental Reference:** eLVAS Case No: 2006/012320, File Ref. No: MBA/000177, Trackjob No: IR1106ATH0003
- 1.6. **Type/s of development sought by the application:**
 - Material Change of Use

2. Concurrence Agency response:

The Chief Executive of the Department of Environment and Resource Management directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- 2.1 Clearing is limited to the extent necessary for the proposed infrastructure and must remain consistent with the submitted plan: *Vegetation Impact Zone Plan – Project 06166: Proposed elevated walkway Lots 1 & 2 RP742906 – Drawing 02-A – Colefax Rodgers.*
- 2.2 Operational works, including post construction and maintenance, must be in general accordance with the *Offset Vegetation Management Plan for Lot 2 on RP742906 (eLVAS case number 2009/007807)* in Schedule 3 or any updated version of this plan as approved by the department.
- 2.3 The applicant must obtain a Riverine Protection Permit from DERM if deemed necessary prior to the commencement of any operational works that will destroy vegetation, excavate or place fill within Myall Creek.
- 2.4 An erosion and sediment control plan must be in place prior to any operational works. This plan and any clearing of remnant vegetation associated with this material change of use must be in accordance with the current *Institution of Engineers Australia Soil Erosion and Sediment Control – Engineering Guidelines for Queensland Construction Sites, Institution of Engineers Australia Queensland Division, Brisbane.*
- 2.5 All mature trees must be retained. Mature trees are trees and shrubs with a DBH (diameter at breast height) of:
 - 2.5.1 greater than 40cm for species in the genera *Eucalyptus*, *Corymbia*, *Angophora* and *Lophostemon*; and
 - 2.5.2 greater than 20cm for all other genera including *Melaleuca spp.*
- 2.6 **Offset and Voluntary Declaration**
 - 2.6.1 The applicant will, within four months of Council's approval of the development application, have entered into a legally binding agreement with the Department of Environment and Resource Management to secure the area identified in Schedule 2 as 'Category A Area', *Property Map of Assessable Vegetation 2009/007807.*

IOAS Referral Agency Response

- 2.6.2 The legally binding agreement will be in the form of a declaration of an area of high nature conservation value, made by the applicant under section 19E to 19M of the *Vegetation Management Act 1999* (also known as a voluntary declaration).
- 2.6.3 The applicant must act in general accordance with the terms of the *Offset Vegetation Management Plan for Lot 2 on RP742906 (eLVAS case number 2009/007807)* in Schedule 3 or any updated version of this plan as approved by the department.
- 2.6.4 Clearing of vegetation may not occur on the land within 'Category A Area' as identified in Schedule 2 on *Property Map of Assessable Vegetation 2009/007807* except in accordance with the terms of the legally binding agreement required by Conditions 2.6.1 and 2.6.2 and the Offset Management Plan as set out in Condition 2.6.3.
- 2.7 These conditions do not prevent vegetation being cleared outside of 'Category A Area' as identified in Schedule 3 on *Property Map of Assessable Vegetation 2009/007807* for a purpose described in Schedule 8, Part 1, Item 1A (freehold land) of the *Integrated Planning Act 1997* or if cleared in accordance with any subsequent development approval.

3. Reasons:

A Statement of Reasons is attached at Schedule 1.

4. Additional comments or information:

A search has been performed on the inventory of recorded Aboriginal cultural heritage sites over lots 1 and 2 RP742906 and no Aboriginal cultural heritage notings were found. However, the Chief Executive of DERM advises all Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. A person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

The gazetted cultural heritage Duty of Care Guidelines sets out how you can comply with the cultural heritage duty of care. An assessment of the proposed activity against the Duty of Care Guidelines will help determine whether, or to what extent, Aboriginal cultural heritage may be harmed. Upon assessment, if you believe cultural heritage may be harmed by the proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838 or e-mail: cultural.heritage@nrw.qld.gov.au.

Further information on cultural heritage a copy of the Duty of Care Guidelines or cultural heritage search forms visit: http://www.nrw.qld.gov.au/cultural_heritage/index.html.

5. Authorised Officer Signature:



17/12/2009

Daniel Gillinder
Senior Vegetation Management Officer

Date of Response: 17 December 2009

Att. Schedule 1 – Statement of Reasons
Schedule 2 – *Property Map of Assessable Vegetation 2009/007807*
Schedule 3 – Offset Vegetation Management Plan

eLVAS Case No:	2006/012320
File Ref. No:	MBA/000177
Trackjob No:	IR1106ATH0003

Schedule 1

Statement of Reasons
Referral Agency Response
Application for Material Change of Use
Kakai Pty Ltd

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

Introduction

1. The Department of Environment and Resource Management (DERM) received an application from Kakai Pty Ltd on 19 December 2008.
2. The application is for MCU (Concurrence-Multiple Issue) on Lots 1 and 2 RP742906 - Cairns Regional Council.
3. A field inspection was conducted by the assessing officer on 17 April 2008.
4. An Information Request was sent by registered post to the applicant on the 22 January 2009.
5. The applicant responded to the Information Request on the 5 May 2009.
6. An Assessment Report was sent to the Delegate of the Chief Executive, Daniel Gillinder, on 11 December 2009.
7. The Delegate determined the Referral Agency Response on 17 December 2009.

Evidence

1. Application dated 19 December 2008.
 - a) Completed IDAS Form 1 Part "F".
 - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2).*
3. *Vegetation Management Act 1999.*
4. *Department of Environment and Resource Management Concurrence Agency Policy for Material Change of Use* dated 23 August 2007.
5. *State Planning Policy (SPP) 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. Natural Resources (IPA) Delegation (No.2) 2008.
7. Information Request to applicant dated 22 January 2009.
8. Response to Information Request from applicant dated 5 May 2009.
9. Cairns Regional Council Planning Scheme (Douglas Shire Planning Scheme March 2008).
10. Photos taken of vegetation in the application area during field assessment on 17 April 2008.
11. Voluntary Declaration offer to applicant dated 7 December 2009 with Offset Vegetation Management Plan.
12. Vegetation Information Network Database.
13. Regional Ecosystem mapping (version 6).

14. Geoscience Australia 1:100 000 topographic map sheet 7965.
15. Sirweb databases.
16. Bureau of Meteorology climate statistics.
17. Assessment Report dated 17 December 2009.

Findings of fact

The application was assessed under Table H – 1 of the *Concurrence Agency Policy for Material Change of Use (20 November 2006)* and the *Regional Vegetation Management Code for Coastal Bioregions 20 November 2006*.

1. Performance Requirement H1 is met
2. Performance Requirement H2 is met with conditions
3. Performance Requirement H3
 - a) Performance Requirement P2 (Wetlands) – The AS is met.
 - b) Performance Requirement P3 (Watercourses) is met with conditions.
 - c) Performance Requirement P4 (Connectivity) is met with conditions.
 - d) Performance Requirement P5 (Soil Erosion) – The AS is met.
 - e) Performance Requirement P6 (Salinity) is met.
 - f) Performance Requirement P7 (Conserving endangered and of concern RE) is met with conditions.
 - g) Performance Requirement P8 (Essential habitat) is met with conditions.
 - h) Performance Requirement P9 (Conservation status thresholds) – The AS is met.
 - i) Performance Requirement P10 (Acid Sulfate Soils) – The AS is met.

Reasons

It is considered by the assessing officer that this application meets the performance requirements of the *Concurrence Agency Policy for Material Change of Use (20 November 2006)* and the *Regional Vegetation Management Code for Coastal Bioregions (20 November 2006)*, with conditions and with an Offsets Management Plan and Voluntary Declaration for the following reasons:

1. The application received 19 December 2008 is for the Material Change of Use of Lots 1 and 2 RP742906 from Rural to Interpretive Museum, Elevated Walkway and Restaurant/Bar for tourism purposes.
2. This proposal involves the clearing of endangered remnant vegetation also mapped as essential habitat.
3. The response to an Information Request received 5 May 2009 confirmed that the applicant still wishes to clear endangered remnant vegetation with essential habitat as part of the proposal with a proposed Offset area and Offset Vegetation Management Plan to comply with Performance Requirements PR.H.2 of Table H – 1, PR P.7 and PR P.8.
4. Clearing will not occur within or near a mapped natural or significant wetland.
5. The proposed development will traverse a stream order 3 watercourses and minimal clearing is proposed. Any development approval has been conditioned for the applicant to implement an erosion and sediment control plan and riverine protection permit. It is unlikely that the proposal will result in land degradation, loss of biodiversity or impact on ecological processes as bank stability, water quality and aquatic and terrestrial habitats will be maintained through the very small amount of trees that will require removal, the presence of low slope, and any development

approval being conditioned to implementing erosion control measures on the banks of the watercourses.

6. Clearing for the proposed development will not result in the loss of connectivity through the loss of ecosystem function or connectivity with remnant vegetation on adjoining properties or result in an increase in exposure to threatening due to the small amount of clearing proposed, the retention of mature trees and the provision of an offset area that greatly exceeds the area that may be cleared resulting in a greater extent of remnant and high value regrowth vegetation remaining in the landscape.
7. Clearing will occur on unstable soil on a slope less than 10%. Therefore, it is unlikely that the proposal will result in land degradation or impact on ecological processes.
8. The proposed clearing will unlikely modify underground hydrology and result in salinity or the salinisation of soil and groundwater due to the nature of the clearing, extent of remnant vegetation remaining in the landscape, vegetation type and climatic characteristics of the application area.
9. Clearing is proposed within an *endangered* regional ecosystem. The applicant proposes an offset that meets the requirements of DERM's *Policy for vegetation management offsets- version 2*. Therefore, the application will maintain the current extent of the endangered regional ecosystem.
10. Clearing is proposed within an area mapped as essential habitat. The applicant proposes an offset that meets the requirements of DERM's *Policy for vegetation management offsets- version 2*. Therefore, the application will maintain the current extent of the essential habitat.
11. No clearing will occur within a regional ecosystem within the conservation thresholds listed in the Code. Therefore it is unlikely to result in the loss of biodiversity or impact on regional ecosystem functioning of these regional ecosystems.
12. No acid sulfate soils will be exposed by the proposal as the application area is above 5m AHD.

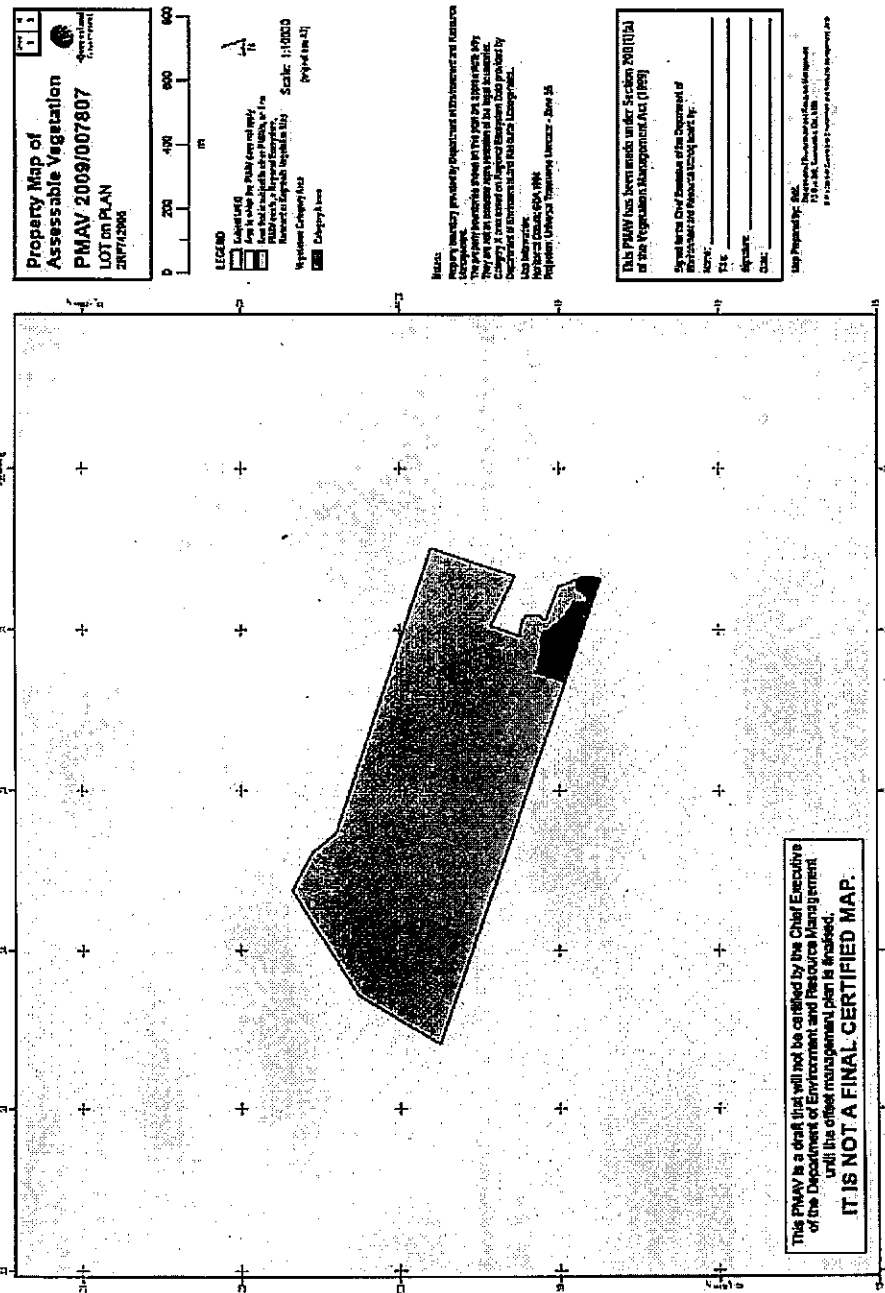


Daniel Gillinder
Senior Vegetation Management Officer

17 December 2009.

17/12/2009

SCHEDULE 2: Property Map of Assessable Vegetation 2009/

**IDAS Referral Agency Response**

SCHEDULE 3 – Offset Vegetation Management Plan

IDAS Referral Agency Response

Offset Vegetation Management Plan
Lots 1 & 2 RP742906
eLVAS Case Number (2009/007807)

Background

This vegetation management plan is for a Voluntary Declaration (VDec) under the *Vegetation Management Act 1999* (VMA), and details how the area will be managed to conserve its high nature conservation value and prevent land degradation.

This vegetation management plan is binding on current and future owners and occupiers, under the terms of the VDec.

This management plan must be read in conjunction with the associated VDec documents:

- Declaration notice
- Declared area map
- Declared area Property Map of Assessable Vegetation

Except where a contrary intention appears, words and expressions used in this vegetation management plan have the same meaning as those defined in the VMA or *Integrated Planning Act 1997*.

Section 1

1.1 Property and ownership details

Name of Registered Owners	Mrs Winifred Ann Mason
Address	CMA 4 Cape Tribulation QLD 4873 4098 0070 4098 0026
Email Address	lawrence@masonstours.com.au
Registered Address	Lot 2 on RP742906
Property Name	N/A
Area of Property	69.29ha
Local Government Area	Cairns Regional Council
eLVAS Case Number	2009/007807
Kind of Estate	Estate in Fee Simple - Freehold

1.2 Registered Interests

Parcel (lot and plan)	Type of Registered Interest*	Registered interest holder's name and contact details
2 RP742906	Registered Owner	Mrs Winifred Ann Mason, contact details as above
2RP742906	Mortgage No. 601333529	Australia and New Zealand Banking Group Limited A.C.N. 005 357 522

Section 2 Description of Management Area

The location and size of the Management Area is described on Brazier Mott Plan Numbers 31565/001B and 31565/002B. The size of the Management Area is 3 hectares. The Management Area is to have an elevated Boardwalk built around Myall Creek within an Endangered Regional Ecosystem (RE) (boardwalk plan attached at Appendix 1). The boardwalk design will have minimal impact on the ecosystem and will allow access and viewing of the vegetation surrounding Myall Creek in a controlled situation without the impacts normally associated with human access into sensitive areas. The minimal disturbance caused by the installation of the Boardwalk is being offset through a VDec over an area of land adjacent to the Myall Creek Vegetation (southern side) which is regrowth vegetation considered to be representative of the Endangered Regional Ecosystem 7.3.17 and therefore suitable for regional ecosystem classification.

The pre-clearing regional ecosystem is descriptive of the Management Area and is classified as 7.3.17 (Type 1a) 'complex mesophyll vine forest'. Past clearing of the site was related to logging and grazing practices over an extended period of time. The Management Area exhibits regrowth characteristic to 7.3.17.

The site is best described as well drained alluvium with high fertility. The existing vegetation is simplistic in structure and floristic complexity by comparison with more intact examples of this vegetation community. The integrity has been compromised by historical past clearing associated with adjoining land uses (grazing and logging) and cyclones within the last decade. Large trees are rare, with larger canopy species (e.g. *Endiandra microneura*, *Myosyllum pettigrewianum*) typical of the lowland Cape Tribulation area.

The mid stratum is dominated by various palms (*Normanbya normanbyi*, *Licuala ramsayi*) and the mid to lower forest is a complex of various *Calamus* spp. (lawyer cane or "wait a while") seedlings, vines, shrubs and small trees (e.g. *Cleistanthus myrianthus*, *Brombya platynema*, *Medicosma sessiliflora*, *Medicosma fareana*, *Haplostichanthus ramiflorus*). The vines *Merremia peltata*, *Entada phaseoloides*, classically associated with disturbance in the Cape Tribulation area, are located in the disturbed, open canopy areas. The presence of *Lantana camara* is evident of highly disturbed areas as well as numerous grass and woody weed species.

There are numerous fauna species associated with the area that have contributed to the areas gradual rehabilitation. Due to the complexity of species over the site, many are unknown at this point without further on-site research. At present, a property map of assessable vegetation is not linked to the site; however, an application is underway to preserve the forestry area of the site for future harvesting.

Section 3 General Management Intent

The purpose of the VDec is to protect and manage an area of Regrowth Vegetation so that it can attain Remnant Status. The aspiration is that over a 15 year period an area of Remnant Regrowth Vegetation, accepted by DERM as an offset and legally secured through a VDec, is managed and returned to Endangered Regional Ecosystem Status. It is expected that after the 15 year period the vegetation will attain remnant status of 7.3.17. The offset area, in time, will be capable of becoming at least as valuable biologically as the pre-cleared vegetation.

Indicate purpose of voluntary declaration:

- ☐ Participating in a conservation incentives program(s).
- ☒ To offset clearing associated with a development approval
- ☐ Rehabilitating areas subject to land degradation
- ☐ Participating in carbon emissions sequestration/offsetting opportunities.
- ☐ Other conservation purposes(s).

Section 4 Specific Management Outcomes

- 1) The area will be managed, restored and protected until it becomes a mature version of the Remnant Regional Ecosystem 7.3.17 where that regional ecosystem has characteristics of essential habitat for the Southern Cassowary.
- 2) The area attains remnant status, and is mapped as regional ecosystem 7.3.17 on a certified regional ecosystem map. This is expected to occur within 15 years.
- 3) The proposed management intent and outcomes to achieve the regional ecosystem certification include:
 - *Management intent is to create and enhance regrowth forest to a standard that is representative of that removed for the boardwalk over a 15 year period. This area in time would be capable of becoming at least*

as valuable biologically as the forest removed. A ten year period would see a canopy covering the entire area, unless a natural disaster such as a severe tropical cyclone occurred.

- Restriction on access and activities undertaken near to the offset management area;
 - Controlling grass, weeds and other introduced/exotic species by primarily chemical means until regrowth naturally prohibits weed growth;
 - Maintenance of dead and/or diseased plants, including removal and replacement where practical and in the best interests of achieving remnant status;
 - Planting representative species, from genetic stock obtained locally into the areas where grass, weeds etc. had been. This will occur in early autumn each year as previous revegetation activities have shown that if planting is undertaken in early autumn mortality of plantings is greatly reduced as watering is usually unnecessary and the plants have one year to develop roots before the chance of high winds.
 - Use species representative of the area that significantly increase faunal diversity that will naturally increase diversity of the offset area;
 - Follow up replanting and chemical weed control until trees reach a size that controls grass naturally. At this point most weed control is only on the edges due to sunlight penetrating there;
 - Pruning where needed to enhance survival rate of small trees;
 - Control of feral pigs in the subject area. This can be done by the landowner; however local government trappers can also be used. Trapping or shooting would be the preferred methods, both have been used successfully during past revegetation on the subject land;
 - The fencing (2 string plain wire to allow wildlife access) of the road through the subject plot to prevent horses/vehicles straying onto small plants;
 - Assistance from local landcare groups/government bodies (where appropriate) in selecting appropriate species, education of species diversity and management of regrowth area to assist in achieving the management intent;
- 4) Restrictions on the use of the offset area to achieve the management intent and outcomes includes, restrictions to only persons permitted to enter the property, no introduction of new land use activities or actions that would compromise the management intent of this Plan. The area of offset will be restricted by way of VDec.
- 5) Management of Risks:
- New weed type appears that it is difficult to control – solution liaise with relevant government and local authorities and utilise their resources and knowledge to achieve a solution or use weed matting during planting;
 - Unable to source local seedlings representative of the area – solution create small onsite nursery and collect seed of the subject land and grow seedlings;
 - Unexpected dry spell – solution water the plants using existing water supply;

- *Massive pig infestation unable to be controlled by trapping or shooting – solution temporarily fence the revegetation area (without closing the riverine corridor) to exclude pigs;*
- *Severe Tropical Cyclone and/or extreme natural hazard that impacts on the site – solution stand up and stake, and/or replant and control weeds to assist recovery;*

f) A monitoring and reporting program will be implemented to measure and record the progress of the offset management area. Such monitoring and reporting will include:

- *An initial report to create a base data set for which to base of future reporting;*
- *An annual report will be prepared and submitted annually. This will include details of:*
 - *Weed control undertaken;*
 - *Number of trees planted;*
 - *Growth rates;*
 - *Any problems (risks) and how they were managed;*
 - *Wildlife sighted in the subject offset area; and*
 - *Review of methods to achieve the management intent.*

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Section 5 Identification of Current Threats and Potential Risks to Achieving Management Outcomes

<input checked="" type="checkbox"/> Weeds Please identify (e.g. <i>Lantana camara</i>)	<input checked="" type="checkbox"/> Vegetation clearing Please identify (e.g. clearing of vegetation)	<input checked="" type="checkbox"/> Land degradation Please identify (e.g. gully erosion, salinity)
<input type="checkbox"/> Fire Please identify	<input checked="" type="checkbox"/> Development Please identify (e.g. Building works)	<input checked="" type="checkbox"/> Pest animals Please identify (e.g. Feral Pigs)
<input type="checkbox"/> Grazing Please identify	<input checked="" type="checkbox"/> Restoration / revegetation Please identify (e.g. poor restoration, seed propagation, natural disaster damage, malicious damage)	<input type="checkbox"/> Drought Please identify
<input checked="" type="checkbox"/> Disturbance / damage Please identify (e.g. activities affecting nests/burrows, or modification of banks of waterways/wetlands, damage to vegetation)	<input checked="" type="checkbox"/> Unauthorised access or use Please identify (unauthorised entry to management area)	<input type="checkbox"/> Other identified threats and/or potential risks

Section 6 Management Area Actions and Requirements

6.1 Weeds

- ☒ 6.1.1 Minimise the introduction, establishment and spread of non-native weeds including Declared Pest Plants listed under the *Land Protection (Pest and Stock Route Management) Act 2002*.
- ☒ 6.1.2 Control existing infestations of non-native weeds including Declared Pest Plants under the *Land Protection (Pest and Stock Route Management) Act 2002* and environmental weeds.
- ☒ 6.1.3 Control and eradicate any introduced and exotic weeds in accordance with management activities schedule [see Annexure A].

Note: Once declared, clearing of native plants (such as the Umbrella tree, Cadagi, wattle) which in some areas are identified as weed species, may require a permit from the Department of Environment and Resource Management (DERM).

6.2 Vegetation clearing

- ☒ **6.2.1** Vegetation clearing may not be undertaken within the management area unless detailed in this management plan.
- ☒ **6.2.2** Vegetation clearing may only occur for essential management as defined in Schedule 8 of the *Integrated Planning Act 1997*.

6.3 Land Degradation

- ☒ **6.3.1** Minimise adverse impacts associated with land uses and land management activities conducted within the management area (e.g. soil disturbance on steep slopes, disturbance of acid sulfate soils).
- ☒ **6.3.2** Conduct land uses and management activities in such a way to minimise the risk of land and water pollution, visual or other degradation from wastes within the management area.
- ☒ **6.3.3** Prevent or minimise soil erosion, compaction or any deterioration of the soil's physical, biological or chemical properties resulting from land uses and land management activities.

6.5 Development

- ☒ **6.5.1** Written approval must be obtained from DERM (Vegetation Management) to apply for a material change of use (rezone) or reconfiguring a lot (subdivide) development application, or to lease the management area or to apply for a Property Map of Assessable Vegetation under the *Vegetation Management Act 1999*. Note: these activities must not impact on the achievement of management intents and outcomes.
- ☒ **6.5.2** No development will occur within the management area except:
 - For the construction of the elevated boardwalk consistent with the plan: *Vegetation Impact Zone Plan – Project 06166: Proposed elevated walkway Lots 1 & 2 RP742906 – Drawing 02-A – Colefax Rodgers* shown at Appendix 1.
 - To the extent necessary for essential management activities, including the maintenance of fences, vehicular tracks and watering facilities.

6.6 Pest Animals



6.6.1 Minimise the introduction of pest animals and control of existing populations of pest animals within the management area in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*.

- ☒ 6.6.2 Erect appropriate fencing where necessary to protect the area from Feral Pigs in accordance with pest animal guidelines available at http://www.dpi.qld.gov.au/4790_8259.htm

6.7 Grazing

- ☒ 6.7.1 Grazing of domestic livestock will not occur within the management area.

6.8 Restoration / Revegetation

- ☒ 6.8.1 The correct floristic species, aligning with the pre-clear regional ecosystem/s description, are used in the restoration/revegetation of the management area.
- ☒ 6.8.2 A restoration/revegetation plan is developed. **Note:** This may require conducting transect studies of species occurrence in adjacent or other identified areas of the pre-clear regional ecosystem/s to determine abundance of ground, mid storey and canopy species to ensure that restoration / revegetation achieves the equivalent species composition. Planting schedules and vegetation structure should be determined from transects from the pre-clear regional ecosystem/s.
- ☒ 6.8.3 Restoration/revegetation uses seed stock sourced from the site or adjacent areas with the same pre-clear regional ecosystem/s equivalent to the management area.
- ☒ 6.8.4 The collection, handling and planting of collected seeds is used to guide restoration/revegetation activities.

6.9 Drought

- ☒ 6.9.1 Where restoration/revegetation fails due to drought, steps must be taken to mitigate the impacts (e.g. replanting, watering).

6.10 Disturbance/Damage

- ☒ 6.10.1 Activities in the management area do not damage, destroy, mark, move, dig up or otherwise interfere with active nests, burrows, roots, caves or other structures used by native animals.



6.10.2 The bed and banks of waterways are not modified unless associated with an approved management plan.

6.11 Unauthorized Access or Use

- ☒ 6.11.1 Any damage caused by unauthorised entry or use of the management area is mitigated to rectify the situation.
- ☒ 6.11.2 Construct suitable fencing around the management area to prevent entry of any persons, other than those directly related to the management plan.
- ☒ 6.11.3 Erect appropriate signs, notifying of the management / restoration / revegetation of the area, with entry prohibited by public for any purpose.

Section 7

7.1 Monitoring

- ☒ 2x Yearly photo monitoring at defined points, with:
 - o Photo monitoring overlapping in a north, south, east and west direction; and
 - o Photos clearly marked with the date, location and direction.
- ☒ 2 x Yearly transects to assess the effectiveness of revegetation and/or to assess non-remnant / remnant status, including canopy cover and average vegetation height.

Monitoring activities will vary from site to site, depending on the particular characteristics of the Management Area. The Management Area:

- includes a wetland or watercourse and regular water quality testing is required to monitor the condition of the watercourse or wetland. Water quality testing must reflect the condition of the wetland or watercourse, as well as the condition of riparian vegetation. Water quality testing should be conducted in accordance with Waterwatch monitoring Australia guidelines.
- involves restoring an area of essential habitat, and Species and Essential Habitat monitoring is required. Monitoring must be relevant to the essential habitat factors and the species associated with the essential habitat.

Section 8

8.1 Reporting

Reports to DERM detailing the progress against the proposed management outcomes will be required until the outcomes are achieved. Reports are required to be received by DERM by 31 July of each reporting year.

- ☐ Regrowth vegetation with minimal risks – every 2 years.
- ☐ Regrowth vegetation with high risks - annual reporting.
- ☒ Long term revegetation/restoration - annual reporting for first 5 years, then two-yearly reporting for remaining 10 years.

The report will contain, as a minimum:

- ☒ Name and contact details of landholder. If someone other than the landholder is undertaking management activities (i.e. a contractor) then their details must also be provided;
- ☒ eLVAS case number 2006/012320;
- ☒ Lot on Plan property description and postal address;
- ☒ Where the proponent is proposing that the management outcomes have been achieved and the report is being submitted as the final report, the proponent must provide evidence that all management outcomes have been achieved in full.
- ☒ Photo monitoring.
- ☒ If transects conducted, revegetation/restoration data collected from transects, outlining species present, average canopy cover and height of vegetation. All data should be correctly labelled with date, location, GPS points for end points of transect and any other observations.
- ☒ Annexure A- Management Activities Schedule with the progress section completed.
- ☒ An overview of the progress of the management area in achieving the management outcomes and how any risks or threats have impacted on the area.
- ☒ An indication of any risks or potential threats that have become apparent to the management area since the development of the management plan, and activities to be undertaken to manage these threats and/or risks.

Section 9

9.1 State Forest Products

Not applicable

Section 10

10.1 Supporting documentation

1. The areas which the management plan applies to are clearly identified on suitable mapping/imagery and attached to the management plan (see Brazier Motti Plan Numbers 31565/001B and 31565/002B).
2. Management Activities Schedule-Annexure A, completed with proposals to achieve each of the identified management outcomes.

Section 11

11.1 Consent/Agreement

SIGNED by the (enter name of the delegate of the Chief Executive Officer and the relevant delegation) to indicate approval of the Vegetation Management Plan.

Name:.....

Position:.....

Signature:.....

Date:.....

SIGNED by Mrs Winifred Ann Mason being the current owner of the abovementioned property to indicate that the terms of this Vegetation Management Plan have been read, understood and accepted.

The landowner agrees that any non-compliance with the requirements of this Management Plan shall constitute a breach of the terms and conditions of the agreement entered into.

(Tick whichever is applicable)

☐ I have obtained independent legal advice on my obligations under this plan.

OR

☐ I have not obtained independent legal advice, though I have been advised by the Department of Environment and Resource Management that I should do so, and I accept the risks of not seeking such independent legal advice and sign this management plan on that basis.

Name:.....

Signature:.....

Name:.....

Signature:.....

Date:.....

DRAFT

Annexure A – Management Activities Schedule

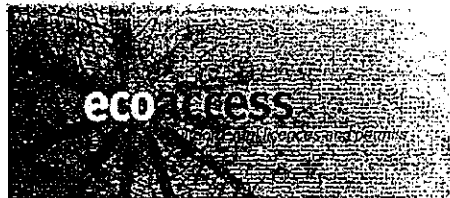
The following management activities will be undertaken in the timeframes outlined. These activities are to be consistent with identified risks and potential threats in section 5. More management activities should be added if required.

Year ending 30 June 2010 (yearly until 2015 then reporting every two years)

Management activity	How the activity will be carried out	Where the activity will be carried out	When the activity will be carried out	Who will be carrying out the activity	Progress	Comments
1. Non-native weeds	Spot removal	In areas identified as on attached aerial photography.	Twice yearly in accordance with recognised guidelines.	Landowner, government body and/or contractor		
2. Pest Animal	Shooting, Trapping and baiting	In areas identified as on attached aerial photography.	As required when pest animals are found to be present	Landowner, government body and/or contractor		
3. Degradation	Erosion control by plants, sediment traps and monitoring	In areas identified as on attached aerial photography.	At all times.	Landowner, appointed contractor		
4. Development	Development permit required from DERM, no development allowed except for maintenance of existing tracks and fences	In areas identified as on attached aerial photography.	At all times.	Landowner		
5. Restoration/Rehabilitation	Monitoring, replacement, prevention of risk through management, new plantings of trees	In areas identified as on attached aerial photography.	At all times and as stated in this Management Plan.	Landowner, appointed contractor		
6. Disturbance	Monitoring of risk, replanting of	In areas identified as on attached	When required following	Landowner		

	damaged areas from disturbance	aerial photography.	disturbance		
7. Clearing	No clearing permitted unless to maintain fences and tracks	In areas identified as on attached aerial photography.	At all times	Landowner	
8. Unauthorised access	Fences, signage, monitoring, restriction to management area	In areas identified as on attached aerial photography.	At all times	Landowner	

Attachment 2



CWS 7331.2

9

Notice

Advice Agency Response – Conservation Estate

This notice is issued by the Environmental Protection Agency pursuant to sections 3.3.18 and 3.3.19 of the *Integrated Planning Act 1997*.

Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

cc: Kakai Pty Ltd
C/Frazier Mulla
PO Box 1185
CAIRNS QLD 4870

Your reference : B/37/14

Our reference : 319932

Attention: Mrs Michelle Henderson

Dear Mrs Henderson

Re: Advice concerning application for development at Cape Tribulation Road, Cape Tribulation (Lots 1 & 2 on Plan RP742906). Please treat this response as a properly made submission.

EPA referral number: IPAR01320708

Response type: Advice Agency Response

Date application received by EPA: 18 December 2008

ADVICE AGENCY JURISDICTION:	Item 35 of Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i> .
ASSESSMENT MANAGER REFERENCE NUMBER:	8/37/14
APPLICANT:	Kakai Pty Ltd
ACTIVITY DESCRIPTION:	Development application for a Material Change of Use (Impact)
	Cape Tribulation Road, Cape Tribulation
DESCRIPTION OF SUBJECT LAND:	Lots: 1 & 2 Plan: RP742906

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

Advice Agency Response

Response to Development Application

The lot is within 100m of Conservation Estate. The EPA, acting as an advice agency under the *Integrated Planning Act 1997*, provides the following advice to the application as detailed above.

EPA third party advice

The amended application is for a material change of use of Lots 1 & 2 on RP742906 (total area of 71.3ha) at Cape Tribulation Road, Cape Tribulation, to allow the development of a restaurant/bar, indoor recreation and outdoor entertainment areas, interpretive museum and an elevated walkway proposed to bridge Myall Creek in two locations. The development is intended to complement the existing takeaway and general store.

The properties share a common boundary with the Wet Tropics World Heritage Area and Daintree National Park and are highly likely to have several rare and threatened or otherwise significant plant and animal species present. Almost half of the area, mostly in the western undeveloped part of the larger parcel, comprises 'not of concern' vegetation. There is also a swathe of 'endangered' vegetation associated with Myall Creek. All of the vegetation on Lots 1 & 2 is essential cassowary habitat pursuant to the *Vegetation Management Act 1999*.

The elevated walkway and associated structures is the key issue for this agency. It is unclear how much endangered vegetation is proposed to be cleared or pruned to accommodate the elevated walkway, since from the documentation provided the entire route is mapped 'Possible vegetation disturbance'. Accordingly, it is recommended that any permission should be subject to an inspection of the route by Council to approve any trees proposed to be removed/significantly 'pruned' prior to such works commencing. The proponent should demonstrate to the satisfaction of Council that any impacts on the endangered vegetation/essential cassowary habitat will be minimised so that the important wildlife corridor function of Myall Creek is retained.

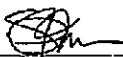
If rare and threatened plants are proposed to be disturbed, a permission would also need to be sought under the *Nature Conservation Act 1992*. Depending on the extent of 'Possible vegetation disturbance' proposed, the proponent should consider a referral to the Commonwealth under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Should Cairns Regional Council approve the application in its current form, it should also be conditional on adequate sediment and erosion controls being implemented, especially close to Myall Creek during the construction phase for the walkway. This will minimise the possibility of adverse impacts on water quality and endangered stream-dwelling frogs.

Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Yours sincerely



Signature

Gary Innis
Manager, Planning
Far Northern Region
Environmental Protection Agency

19/02/2009

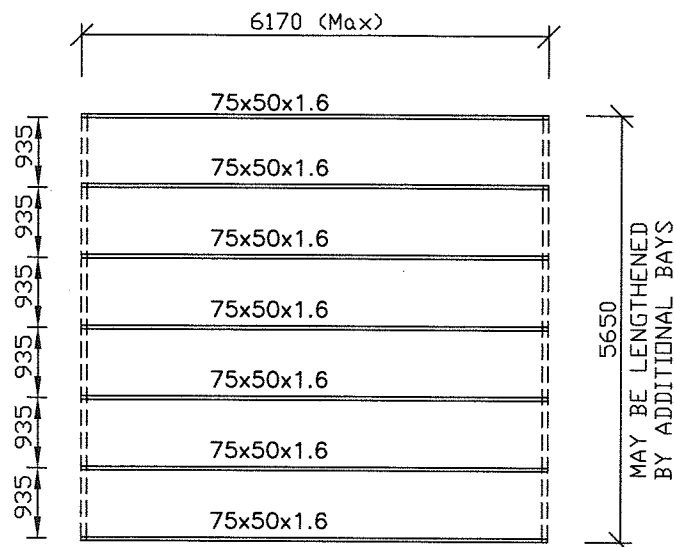
Date

Enquiries:
Michael Trenerry
Environmental Protection Agency
PO Box 2066
CAIRNS QLD 4870
Telephone: (07) 4046 6694
Facsimile: (07) 4046 6606

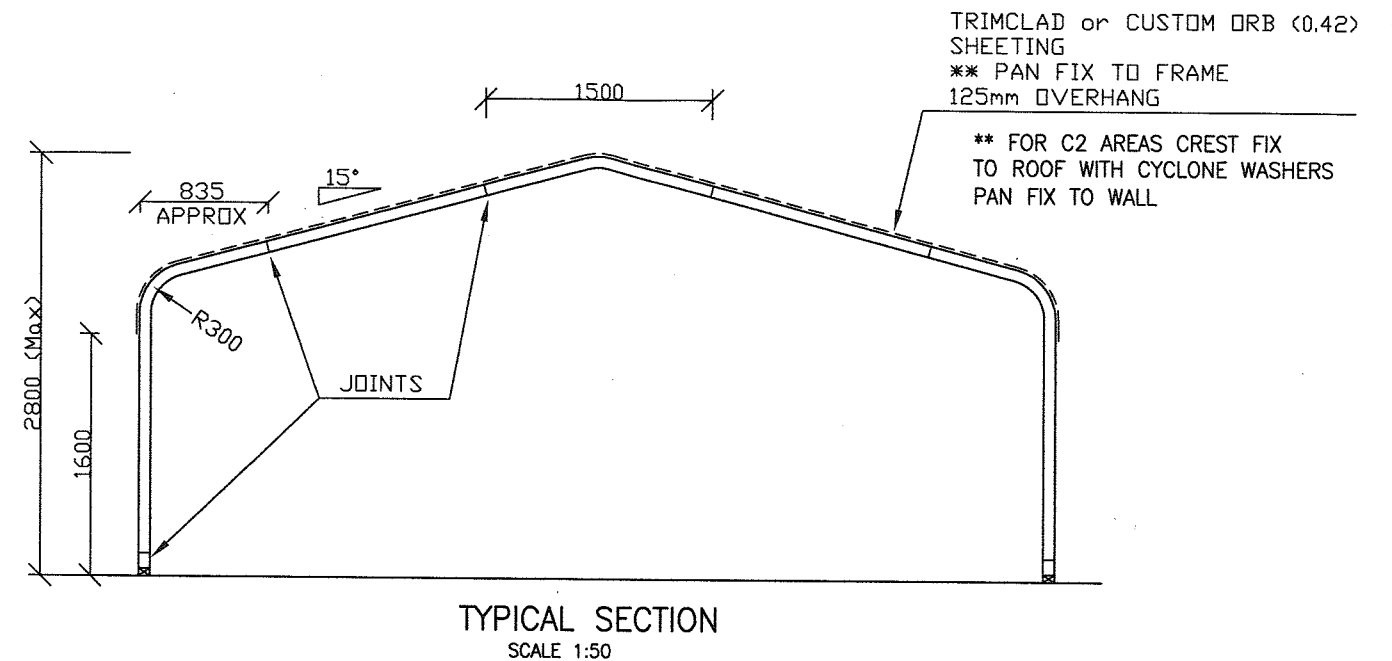
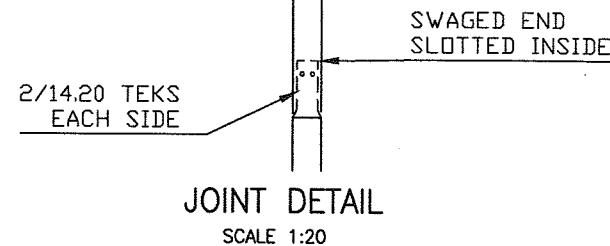
Attachment C

CONCRETE QUALITY
ELEMENT SLUMP MAX. SIZE AGG. CONC. STRENGTH
FOOTING 80mm 20mm 20MPa

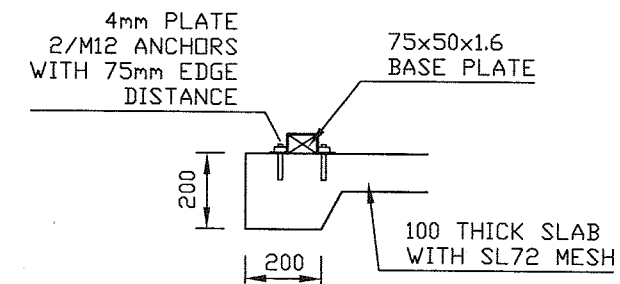
ALL WELDS TO BE USING E48 OR E55 LOW HYDROGEN ELECTRODE SUCH THAT THE STRENGTH OF THE COLD FORMED SECTIONS IS NOT REDUCED.
2mm WELDS GENERALLY TO BE USED.



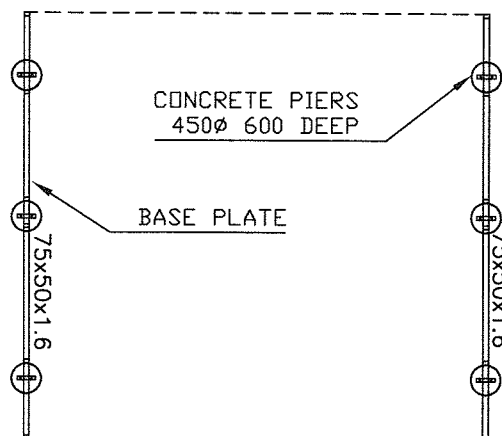
ROOF FRAMING PLAN
SCALE 1:100



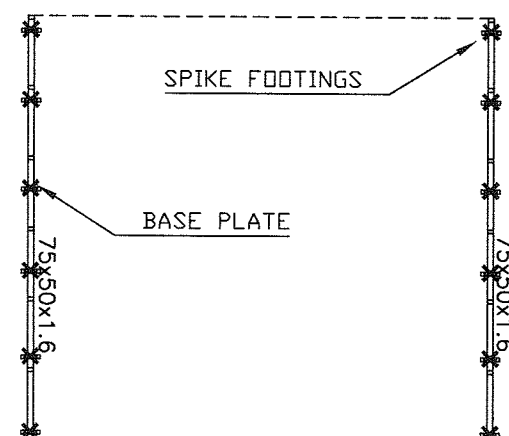
TYPICAL SECTION
SCALE 1:50



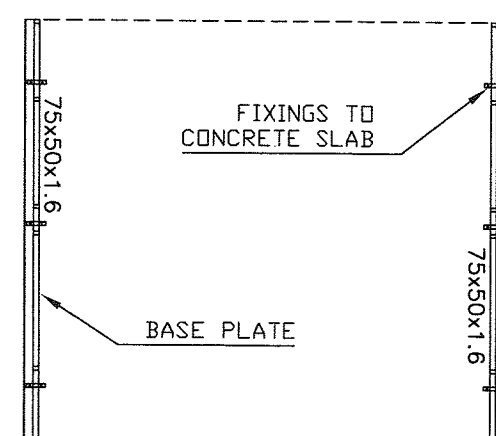
SLAB EDGE DETAIL
SCALE 1:20



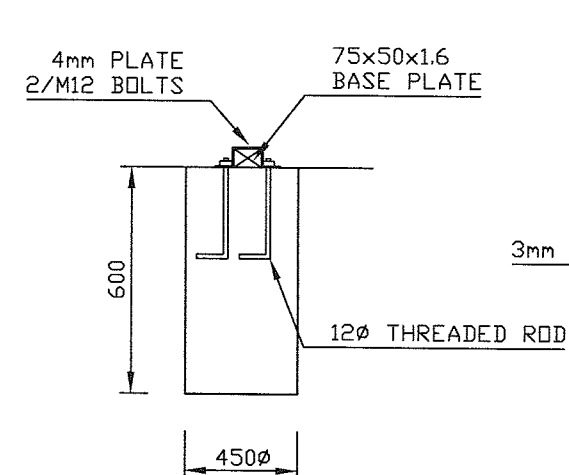
CONCRETE FOOTING LAYOUT
SCALE 1:100



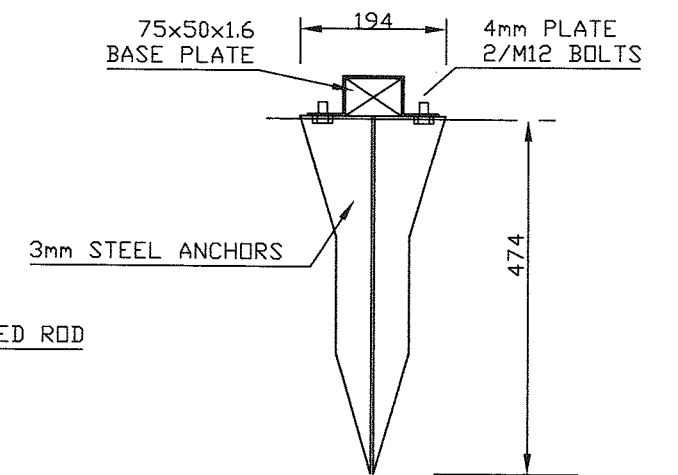
SPIKE FOOTING LAYOUT
SCALE 1:100



CONCRETE SLAB FOOTING LAYOUT
SCALE 1:100





PIER FOOTING DETAIL
SCALE 1:20



SPIKE FOOTING DETAIL

ANCHORS TO BE DRIVEN INTO FIRM COHESIVE GROUND
NOTE: - IN LOOSE OR SANDY SOILS ADDITIONAL OR ALTERNATIVE ANCHORS SHOULD BE PROVIDED

SCALE 0m 0.2 0.4 0.6 0.8m 1:20 SCALE 0m 0.5 1.0 1.5 2.0m 1:50 SCALE 0m 1 2 3 4m 1:100

	CONSULTING CIVIL, STRUCTURAL AND HYDRAULIC ENGINEERING A.B.N. 47 136 028 458		DATE	AMENDMENT	DRAWING TITLE STRUCTURAL DETAILS	PROJECT TRANSPORTABLE SHADE SHED 6m SPAN N4/C2 DESIGN WIND REGION	CLIENT TRANSPORTABLE SHADE SHEDS			
							Registered Engineer:	DATUM	APPROVED	DRAWING NO. 3948-2
							 HUGH GEHRMANN /07/11	DRAWN TG	DATE: MAY 11	1 of 1
								TRACED	DATE:	Amendment:
		PH. (07) 5495 1736 FAX (07) 5495 8736 ADDRESS : 8/26 GEORGE ST, CABOOLTURE QUEENSLAND 4510.	POSTAL ADDRESS : P.O.BOX 243 CABOOLTURE QUEENSLAND 4510.							R.P.E.Q. 4008

Attachment D

Proposed Shade Structure within Lot 1 on RP742906
Cape Tribulation Road, Cape Tribulation
Kakai Pty Ltd

