

in the Planning and Environment Court
Held at: Brisbane

Appeal No 1267 of 2026

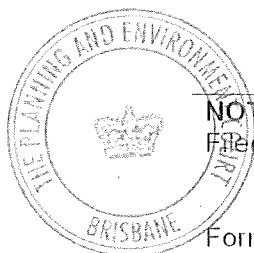
Between: **RAINFOREST RESCUE (ACN 086 885 154)** Appellant
And: **DOUGLAS SHIRE COUNCIL** Respondent

NOTICE OF APPEAL

Filed on: 30 April, 2026
Filed by: Norton Rose Fulbright Australia
Service address: Level 24, ONE ONE ONE, 111 Eagle Street, Brisbane Qld 4000
Phone: (07) 3414 2635
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RAINFOREST RESCUE (ACN 068 885 154) of c/- Norton Rose Fulbright, Level 24, ONE ONE ONE, 111 Eagle Street, Brisbane Qld 4000, appeals to the Planning and Environment Court at Brisbane against:

- A. the decision of the Respondent to partially refuse a development application for a development permit for a material change of use for a Permanent Plantation (**Development Application**) made in respect of land located at 110 Cape Tribulation Road, Lower Daintree and Cape Tribulation Road, Lower Daintree, QLD 4873, more particularly described as Lot 2 on N15779, Lot 1 on RP720435, Lot 2 on RP721745, Lot 8 on RP722116, Lot 3 on SP126928, Lot 9 on SP143026, Lot 1 on RP706308, Lot 1 on RP720582, Lot 2 on RP720582, Lot 5 on RP706307, Lot 337 on RP800690, and Lot 354 on SR616 (the **Land**) and seeks the following orders and judgment:
- (a) the appeal be allowed;
 - (b) the decision of the Respondent to partially refuse the Development Application be set aside and replaced with a decision to approve the whole Development Application subject to lawful conditions; and
 - (c) such further or other orders as the Court deems appropriate.



NOTICE OF APPEAL
Filed on behalf of the Appellant

Form PEC-1

NORTON ROSE FULBRIGHT AUSTRALIA
Level 24, ONE ONE ONE
111 EAGLE STREET
BRISBANE QLD 4000
Phone no. (07) 3414 2635
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- B. the decision of the Respondent to impose Condition 3, parts of Condition 4, Condition 5 and the part of the approval titled "Currency Period of Approval" (**Disputed Conditions**) in the Respondent's decision to partly approve the Development Application (**Development Approval**), and seeks the following orders and judgment:
- (a) the appeal be allowed;
 - (b) the Disputed Conditions be set aside and the Development Application be approved with amended development conditions; and
 - (c) such further or other orders as the Court deems appropriate.

The grounds of appeal are:

Background

1. The Land:

- (a) is located at 110 Cape Tribulation Road, Lower Daintree and Cape Tribulation Road, Lower Daintree, QLD 4873;
- (b) is formally described as:
 - (i) Lot 2 on N15779;
 - (ii) Lot 1 on RP720435;
 - (iii) Lot 2 on RP721745;
 - (iv) Lot 8 on RP722116;
 - (v) Lot 3 on SP126928;
 - (vi) Lot 9 on SP143026;
 - (vii) Lot 1 on RP706308;
 - (viii) Lot 1 on RP720582;
 - (ix) Lot 2 on RP720582;
 - (x) Lot 5 on RP706307;
 - (xi) Lot 337 on RP800690; and
 - (xii) Lot 354 on SR616;
- (c) is approximately 431.233ha;

- (d) is located in and around the McDowell Swamp Oxbow, forming part of the 'Lower Daintree River' a nationally important wetland;
 - (e) directly adjoins and includes part of the Daintree Wet Tropics World Heritage Area;
 - (f) is included in the Rural Zone under the Respondent's *Douglas Shire Planning Scheme 2018 v1.0* (the **Planning Scheme**); and
 - (g) is subject to the following relevant overlays under the Planning Scheme:
 - (i) Acid Sulfate Soils (<5m AHD, 5-20m AHD);
 - (ii) the Coastal Environment Overlay (Erosion Prone Area);
 - (iii) the Flood and Stormwater Tide Hazard Overlay (High Storm Tide Hazard, Medium Storm Tide Hazard and Floodplain Assessment Overlay (Daintree River));
 - (iv) the Landscape Values Overlay (Scenic Route, Scenic Route Buffer and Medium Landscape Values);
 - (v) the Natural Areas Overlay (MSES Regulated Vegetation (Intersecting a Watercourse), MSES Wildlife Habitat, MSES Regulated Vegetation, High Ecological Significance Wetlands).
2. On 4 August 2025, the Development Application was properly made to the Respondent.
 3. The version of the Respondent's Planning Scheme in force when the Development Application was properly made was the *Douglas Shire Planning Scheme 2018 v1.0* (effective 2 January 2018).
 4. The Development Application seeks to establish a Permanent Plantation (ecological restoration of nationally significant wetland and surrounds) with a currency period of fifteen (15) years. The Permanent Plantation involves, amongst other things:
 - (a) a staged implementation of the Permanent Plantation across approximately 405 hectares, separated into 12 stages and 405 sub-stages;
 - (b) the restoration of the Land to its pre-clearing condition, which includes endangered, of concern and least concern ecosystems;
 - (c) a rehabilitation process that involves local seed collection, propagation of seedlings, site preparation, planting, watering, establishment, ongoing maintenance and weed control; and

- (d) the sequestration of carbon for carbon and biodiversity offsets.
5. On 15 August 2025, the Respondent issued the Appellant with a confirmation notice identifying that the Development Application:
 - (a) was subject to impact assessment;
 - (b) did not require referral to any referral agency; and
 - (c) required public notification.
 6. On 15 August 2025, the Respondent issued an information request to the Appellant.
 7. On 8 September 2025, the Appellant provided a response to the Respondent's information request.
 8. On 22 September 2025, the Appellant commenced public notification of the Development Application.
 9. On 13 October 2025, the Appellant concluded public notification of the Development Application.
 10. The Development Application attracted:
 - (a) twenty-eight (28) properly made submissions in support of the Development Application; and
 - (b) only one (1) properly made submission against it.
 11. On 21 January 2026, the Appellant provided a response to the submissions made in respect of the Development Application.
 12. On 31 March 2026, the Respondent issued a decision notice to the Appellant which (**Decision Notice**):
 - (a) approved the Development Application in part, subject to the Disputed Conditions; and
 - (b) refused the Development Application in part.

Partial Refusal - Respondent's Reasons for Refusal

13. The Respondent's reasons for refusing part of the Development Application are contained in paragraphs A(1) to A(3) at pages 3 and 4 of the Decision Notice in Annexure A (**Reasons for Refusal**).
14. The Development Application should be approved in the exercise of the Court's discretion for the reasons in paragraphs 15 to 21 below.

Planning Scheme - Good Quality Agricultural Land

15. The proposed development complies with the Strategic Framework and the Rural Zone Code of the Planning Scheme for the following reasons:
- (a) The Good Quality Agricultural Land (**GQAL**) mapping that applies to the Land is not consistent with the current State definition of Agricultural Land Classes (**ALC**) and is unsound;
 - (b) The Land is unsuitable for primary production because the Land:
 - (i) should be correctly classified as ALC C or ALC D; and
 - (ii) is significantly constrained, including, but not limited to, flooding and storm tide inundation and its location being in part within, and directly adjoining the Daintree Wet Tropics World Heritage Site and adjoining the Great Barrier Reef Marine Park;
 - (c) The establishment of a Permanent Plantation, having regard to (a) and (b) above, is consistent with the planning purpose sought for the Rural Zone and the Strategic Framework, including that:
 - (i) there would be no loss or fragmentation of GQAL; and
 - (ii) the land use is compatible with agriculture, the environmental features and the landscape character of the area.
16. To the extent there is non-compliance with the Planning Scheme as it relates to the Permanent Plantation use (which is not admitted), it is technical and minor because:
- (a) the GQAL mapping that applies to the Land is unsound; and
 - (b) the use is consistent with the SPP, the FNQRP and the Draft FNQRP.

State Planning Policy (SPP), Far North Queensland Regional Plan 2009–2031 (FNQRP) and Draft Far North Queensland Regional Plan (2025) (Draft FNQRP)

17. The proposed development is consistent with the SPP, the FNQRP and the Draft FNQRP for the following reasons:
- (a) The GQAL mapping that applies to the Land is unsound;
 - (b) There would be no loss or fragmentation of GQAL;
 - (c) A Permanent Plantation use is:
 - (i) a rural activity under the *Planning Regulation 2017* (Qld); and
 - (ii) a use classified under the Australian Land Use and Management Classification (Version 8, October 2016), as

forest plantation (3.1 or 4.1) and environmental forest plantation (3.1.4 or 4.1.4);

- (d) Under the Draft FNQRP, plantation forestry is considered a "priority agricultural land use" and consistent with a "priority agricultural area"; and
- (e) The Permanent Plantation use advances the policy outcomes in the FNQRP and the Draft FNQRP by:
 - (i) supporting agricultural and rural economic diversification, including resulting in net benefits; and
 - (ii) protecting and rehabilitating land directly adjoining the Wet Tropics World Heritage Area and improving the water quality of the Great Barrier Reef World Heritage Area.

Relevant Matters

18. The following relevant matters support an approval of the Development Application:
- (a) The GQAL mapping is unsoundly based such that the assessment benchmarks in the Rural Zone Code should be given no weight;
 - (b) The Land is:
 - (i) strategically significant in an environmental context; and
 - (ii) uniquely located for the proposed development to protect, rehabilitate and improve the terrestrial and aquatic ecological biodiversity (fauna and flora) of the Wet Tropics World Heritage Area and nationally important Lower Daintree River that includes the McDowell Swamp Oxbow;
 - (c) The proposed development would improve the water quality of the Great Barrier Reef World Heritage Area;
 - (d) The proposed development would improve the hydrological function and water quality of the Lower Daintree River and McDowell Swamp Oxbow;
 - (e) The proposed development would contribute to the conservation of both World Heritage sites, a nationally important wetland and improve climate resilience;
 - (f) The proposed development will provide appropriate economic diversification of unsuitable agricultural land that is compatible with agriculture and environmentally sensitive;

- (g) The proposed development will provide economic benefits to the local community, including that it will maintain existing employment of local residents and provide for further employment opportunities;
 - (h) The proposed development will increase the availability of carbon offsets in the Carbon market and is an appropriate financial alternative for landowners given the agricultural economy in Mossman;
 - (i) The proposed development would not result in any adverse amenity impacts; and
 - (j) The proposed development is supported by local residents and environmental organisations.
19. To the extent the Development Application does not comply with the relevant assessment benchmarks (which is not admitted), that non-compliance can be overcome through the imposition of development conditions.
20. To the extent the Development Application does not comply with the relevant assessment benchmarks (which is not admitted), and that non-compliance cannot be overcome through the imposition of development conditions (which is not admitted), the Court, in the exercise of its discretion should approve the Development Application as the relevant matters in paragraph 18 are of significant weight to warrant approval despite any non-compliance.
21. In the circumstances:
- (a) the appeal should be allowed; and
 - (b) the decision of the Respondent to partially refused the Development Application be set aside and replaced with a decision to approve the whole of the Development Application, subject to lawful development conditions.

Disputed Conditions

22. The Appellant appeals against the imposition of the Disputed Conditions in the Development Approval.

Condition 3

23. Condition 3 reads:

- "3. *An amended plan must be provided, generally in accordance with the Proposal Plan for Permanent Plantation (Cape Tribulation Road, Lower Daintree) prepared by WildPLAN drawing reference WP25 0209 RAI, V1, dated 3 July 2025 and amended as follows:*

 - a. *to only include areas as identified on the Council drawing Permanent Plantation Areas Plan;*

- b. *to identify and include vehicle access paths to:*
 - i. *the Permitted Permanent Plantation Approval Areas;*
 - ii. *the remaining rural lands;*
- c. *the new permanent plantation areas to be setback from a State-controlled road or a local road for a sufficient distance to reduce wildlife injuries. Setback areas are to be established with grass species and maintained for clear visibility;*
- d. *the location of areas where the Permanent Plantation will be dependent on batter slopes to creek and waterway areas."*

24. The requirements of Condition 3 are unlawful and should be deleted because:

- (a) it does not comply with s.65(1) of the Planning Act;
- (b) it is not for a proper town planning purpose under the Planning Scheme;
- (c) it is uncertain; and
- (d) it is inconsistent with the scope of the Development Application and approves parts of the Land for a Permanent Plantation in areas which were not applied for;
- (e) it is inconsistent with the ecological restoration purpose of the proposed development; and
- (f) it will create adverse edge effects, weed pathways and attract wildlife.

Parts of Condition 4

25. The Appellant appeals the following parts of Condition 4:

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

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

...

- h. *All the trees in the planting sites must be watered during dry periods. No temporary drip or sprinkler irrigation system can be installed;*
- i. *Where soil is prepared prior to planting it must not be compacted and can only be fertilized with organic fertilizers*

that will not cause runoff to impact waterways and nearby marine plants.

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

26. The requirements of Condition 4 are unlawful because:
- (a) it does not comply with s.65(1) of the Planning Act;
 - (b) it is not for a proper town planning purpose under the Planning Scheme;
 - (c) it is inconsistent with the ecological restoration purpose of the proposed development, including that irrigation establishment during the dry season is recognised best-practice; and
 - (d) it will materially compromise the establishment of a Permanent Plantation;
 - (e) the Land is already subject to flooding, and it is uncertain whether revegetation within twelve months is possible or be unreasonable.
27. In the alternative, the requirement of Condition 4(i) should be amended to a reasonable and relevant condition so that fertilisation be managed to avoid nutrient impacts on waterways, consistent with Reef Water Quality Objectives.

Condition 5

28. Condition 5 reads:

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

29. The requirement of Condition 5 is unlawful because:
- (a) it does not comply with s.65(1) of the Planning Act;
 - (b) it is not for a proper town planning purpose under the Planning Scheme; and
 - (c) it is disproportionate and incompatible with the ecological restoration purpose of the use where mulch will be delivered in bulk.

30. The requirement of Condition 5 should be amended to a reasonable and relevant condition that requires mulch to be appropriately managed to avoid being present on the Land during wet season and present a risk during flood events.

Currency Period for the Approval

31. Page 8 of the Development Approval reads:

"Currency Period for the Approval

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

32. The Appellant appeals against this provision of the Development Approval because:
- (a) it is inconsistent with the scope of the Development Application, which sought a currency period of 15 years;
 - (b) it is unreasonable due to the nature and scale of the Permanent Plantation use applied for and the number of seasons required to ecologically restore the Land;
 - (c) it would unreasonably impact the project delivery timeframes set out in the Development Application.
33. In the circumstances:
- (a) the appeal should be allowed; and
 - (b) the Development Application should be approved subject to amended development conditions.

Norton Rose Fulbright Australia
Norton Rose Fulbright Australia
Solicitors for the Appellant

Date: 30 April 2026

If you are named as a respondent in this notice of appeal and wish to be heard in this appeal you must:

- (a) within 10 days after being served with a copy of this Notice of Appeal, file an Entry of Appearance in the Registry where this notice of appeal was filed or where the court file is kept; and
- (b) serve a copy of the Entry of Appearance on each other party.

The Entry of Appearance should be in Form PEC – 5 for the Planning and Environment Court.

If you entitled to elect to be a party to this appeal and you wish to be heard in this appeal you must:

- (a) within 10 business days of receipt of this Notice of Appeal, file a Notice of Election in the Registry where this notice of appeal was filed or where the court file is kept; and
- (b) serve a copy of the Notice of Election on each other party.

The Notice of Election should be in Form PEC – 6 for the Planning and Environment Court.

Annexure A – Extract of Decision Notice

31 March 2026

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2025_5809/1 (Doc ID 1358341)
Your Ref: WP25 029 RAI

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

Rainforest Rescue
C/- wildPLAN Pty Ltd
PO Box 8028
CAIRNS QLD 4870

Email: dominic@wildplan.com.au

Attention Mr Dominic Hammersley

Dear Sir

**Development Application for Material Change of Use Impact - Permanent Plantation
At Lower Daintree: 110 Cape Tribulation Road; L1, L2, L3, L9, Cape Tribulation Road; L8,
L337, L354 Mossman-Daintree Road; and L1, L1, L2 L5 Prins Road.**

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

Please quote Council's application number: MCUI 2025_5809/1 in all subsequent correspondence relating to this development application.

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

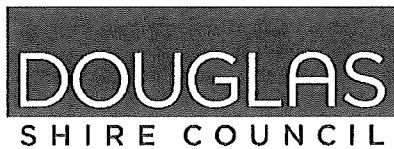
Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

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



Decision Notice

Part Refusal and Part Approval Only (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Rainforest Rescue A.C.N. 086 885 154
Postal Address: C/- wildPLAN Pty Ltd
PO Box 8028
Cairns Qld 4870
Email: dominic@wildplan.com.au

Property Details

Street Address: Lower Daintree:
110 Cape Tribulation Road;
L1, L2, L3, L9, Cape Tribulation Road;
L8, L337, L354 Mossman-Daintree Road; and
L1, L1, L2 L5 Prins Road.

Real Property Description: Lot 2 on N15779
Lot 9 on SP143026
Lot 3 on SP126928
Lot 8 on RP722116
Lot 1 on RP706308
Lot 1 on RP720435
Lot 1 and Lot 2 on RP720582
Lot 2 on RP721745
Lot 5 on RP706307
Lot 337 on RP800690
Lot 354 on SR616

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for a Material Change of Use (Impact Assessment) for Permanent Plantation (ecological restoration of nationally significant wetland and surrounds).

Decision

Date of Decision: 31 March 2026
Decision Details: Refused in Part and Approved in Part (subject to conditions)

Decision

- A. That Council refuses in part for Material Change of Use (Impact Assessment) for Permanent Plantation (ecological restoration of nationally significant wetland and surrounds) over the balance of the land described as Lot 2 on N15779, Lot 9 on SP143026, Lot 3 on SP126928, Lot 8 on RP722116, Lot 1 on RP706308, Lot 1 on RP720435, Lot 1 and Lot 2 on RP720582, Lot 2 on RP721745, Lot 5 on RP706307, Lot 337 on RP800690, and Lot 354 on SR616, of areas not supported under the required amended plans below, on the following reasons for refusal:
1. The fragmentation of agricultural land is inconsistent with the Far North Queensland Regional Plan 2009-2031, the Draft Far North Regional Plan (2025), the State Planning Policy 2017 and the Planning Scheme. The Draft Far North Regional Plan identifies the land as Priority Agricultural Area. For Douglas Shire the Draft Far North Regional Plan prioritises the retention of agricultural land use over permanent plantation.

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

There is no identified need or determined benefit for the broadscale development of permanent plantation in the rural area in order to achieve the outcomes of: the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031, the Draft Far North Regional Plan (2025) or the 2018 Douglas Shire Planning Scheme version 1.0.
 2. The Strategic Framework recognises rural land as a natural resource and an asset of the Shire. The Strategic Framework identifies primary production is to remain a significant economic driver. The conversion of rural land to permanent plantation is a permanent loss of rural land.

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

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

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

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

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

Development must give due regard to valuing and retaining primary production land in the Shire.
 3. The use of Permanent Plantation is not a rural activity as identified by the 2018 Douglas Shire Planning Scheme version 1.0. The use of Permanent Plantation is inconsistent with the Purpose of the Rural Zone. The use of Permanent Plantation is specifically listed as inconsistent use to establish in the Rural Zone and there are no sufficient reasons to justify the use in areas that are good quality agricultural land.

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

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

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

Approved Drawing(s) and/or Document(s) (Amended Plan Required)

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

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

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

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

Assessment Manager Conditions & Advices

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

Except where modified by these conditions of approval.

Timing of Effect

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

Amended Plans

3. An amended plan must be provided, generally in accordance with the Proposal Plan for Permanent Plantation (Cape Tribulation Road, Lower Daintree) prepared by WildPLAN drawing reference WP25 029 RAI, V1, dated 3 July 2025 and amended as follows:
 - a. to only include the areas as identified on the Council drawing Permanent Plantation Approval Areas Plan;

- b. to identify and include vehicle access paths to:
 - i. the Permitted Permanent Plantation Approval Areas; and
 - ii. the remaining rural lands;
- c. the new permanent plantation areas to be setback from a State-controlled road or a local road for a sufficient distance to reduce wildlife injuries. Setbacks areas are to be established with grass species and maintained for clear visibility; and
- d. the location of areas where the Permanent Plantation will be development on batter slopes to creek and waterway areas.

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

Revegetation Plan for Permanent Plantation

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

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

- a. Areas to be revegetated as per the amended proposal plan as per the conditions of this approval.
- b. The species for each area must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.
- c. Species forming a coastal area buffer must be predominantly marine species.
- d. No species that are identified as Declared or Environmental Weeds or constitute an Invasive Species are to be established.
- e. No contaminated mulch is to be used or placed on the land. (Electric Ant specific- maintenance- inspection ?)
- f. Only natural biodegradable weed matting can be installed.
- g. Areas are to be maintained free of Declared or Environmental Weeds or constitute an Invasive Species.
- h. All the trees in the planting sites must be watered during dry periods. No temporary drip or sprinkler irrigation system can be installed;
- i. Where soil is prepared prior to planting it must not be compacted and can only be fertilized with organic fertilizers that will not cause runoff to impact waterways and nearby marine plants etc.;
- j. The planting design is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.
- k. The cross-section profile for to creek and waterway areas;
- l. Operational controls for volunteers on planting / maintenance days; and.
- m. A maintenance regime that includes inspections and actions to address weeds and pests including Electric Ants.

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

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

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

Stockpiling and Transportation of Material

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

Emissions

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

Existing Creek and Drainage Systems

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

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

Sediment and Erosion Control

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

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

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

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

Volunteer Facilities

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

Prevention of the spread of weeds and pests

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

ADVICES

1. For the commencement of use, this approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. Any fill of material on the site, where fill material originates from an external site, must meet the Planning Scheme requirements for Operational Work.
4. Any machinery storage or nursery shed must meet be complaint with the Planning Scheme or achieve any necessary approval.

5. All site managers must take all action necessary to ensure materials and/or machinery and equipment on the site are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of work.
6. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
7. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the *EPBC Act* can be obtained from the Department of the Agriculture, Water and the Environment, website at <https://www.awe.gov.au/environment/epbc> .

8. Electric Ants

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

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

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

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

or contact Biosecurity Queensland 13 25 23.

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

Cultural Heritage

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

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

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

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

Further Development Permits

Not applicable

Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

For Part Approval - Approved Drawing(s) and/or Document(s) (Amended Plan Required)

