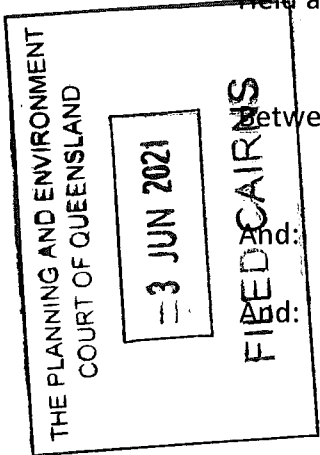


In the Planning and Environment Court  
Held at: Cairns

No 34 of 2021



Between:	<b>COMMUNITY FOR COASTAL AND CASSOWARY CONSERVATION INC IA13634</b>	Appellant
And:	<b>CASSOWARY COAST REGIONAL COUNCIL</b>	Respondent
And:	<b>MISSION HELICOPTERS PTY LTD ACN 636 565 083</b>	Co-Respondent

**CO-RESPONDENT’S LIST OF MATTERS RELEVANT TO THE COURT’S ASSESSMENT UNDER SECTION 45(5) OF THE PLANNING ACT 2016**

In accordance with paragraph 2 of the Order made by her Honour Judge Fantin on 22 March 2021, the Co-Respondent gives notice of the “other relevant matters” for the purposes of section 45(5) of the *Planning and Environment Act 2016* (Qld), on which it intends to rely at the hearing of this appeal.

As to paragraphs 2 to 20 of the appellant’s Consolidated Reasons for Refusal, the co-respondent joins issue with each paragraph.

**Glossary**

**Land** 2224 Tully-Mission Beach Road - Lot 3 on RP732964

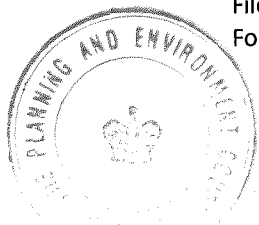
**Proposed development** Air Services (Aviation Facility) on the land

**Assessment Benchmarks**

- A. The co-respondent adopts and relies on the Assessment Benchmarks listed in the Respondent’s List of Reasons for Support filed herein.
- B. The proposed development subject of this appeal complies with, or substantially complies with, the assessment benchmarks (including the assessment benchmarks identified in the appellant’s Consolidated Reasons for Refusal).
- C. To the extent the proposed development is non compliant with the assessment benchmarks (which is not admitted), such non-compliance:
  - (a) may be adequately addressed by the imposition of lawful conditions; and
  - (b) does not warrant refusal of the development application.

**CO-RESPONDENT’S LIST OF RELEVANT MATTERS**  
Filed on behalf of the co-respondent  
Form PEC-7

Miller Bou-Samra Lawyers  
Level 1, 20-32 Lake Street  
CAIRNS QLD 4870  
Phone: 07 40301444  
Email: leeannebs@mbslawyers.com.au  
Our Ref:LBS:210047



### Other Relevant Matters

- 1 The co-respondent adopts and relies on the other relevant matters listed in the Respondent's List of Reasons for Support filed herein.
- 2 The co respondent says there is a planning and community need for the proposed development.
- 3 The proposed development will deliver improved public and community benefits including:
  - a) providing a compliant CASA aviation facility.
  - b) operating as an additional medical retrieval and search and rescue facility, the existence of which is a substantive matter of public interest.
  - c) assisting to address an existing amenity issue in respect of the current designated take-off/landing facilities in Mission Beach.
  - d) reducing the amount of traffic on the Tully-Mission Beach Road.
- 4 The proposed development:
  - a) comprises a small portion of the overall site cover of the land.
  - b) has been designed, and will be operated, to accommodate the Cassowary habitat corridor and environmental values of the land.
  - c) will not impede the movement of cassowary and other fauna through the land.
  - d) will not result in any clearing of remnant vegetation on the land.
  - e) will not interfere with the watercourse on the land.
  - f) will not result in any significant detrimental or unacceptable environmental impacts.
- 5 The proposed development will deliver a benefit to the local economy.
- 6 The proposed development will provide employment to local residents during the construction and operational phases of development.
- 7 The proposed development will not impact on the land's ability to be used for agricultural and rural land use because:

- a) there currently exists adequate room to use the land for agricultural production alongside the proposed development.
  - b) In the future the proposed office and hangar may be converted to a dwelling or farm shed in the event of cessation of the proposed development.
- 8 The proposed development is within reasonable expectations and will not cause amenity impacts which are intrusive to a material degree from the perspective of residents of the locality.
- 9 The proposed development complies or can be conditioned to comply with such measures which may be necessary to avoid, mitigate or manage any potential impacts on the environment or the community.
- 10 Approval of the proposed development would advance the purpose of the Planning Act in that it would:
- a) Encourage economic diversity; and
  - b) Supply infrastructure in a coordinated efficient and orderly way.
- 11 The co respondent will rely on such further relevant matters as may result from the expert evidence including joint expert reports.



Miller Bou-Samra Lawyers

Solicitors for the co-respondent