5.3. MATERIAL CHANGE OF USE- CAMPING GROUND

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GENERAL MANAGER Nicholas Wellwood, General Manager Operations

DEPARTMENT Development Assessment and Coordination

PROPOSAL Material Change of Use (Camping Ground)

APPLICANT Noah Creek Development Pty Ltd

PO Box 115

EDGE HILL QLD 4870

LOCATION OF SITE 3017R & 2865R Cape Tribulation Road, Thornton Beach

PROPERTY Lot 62 and 64 on SP146421

LOCALITY PLAN

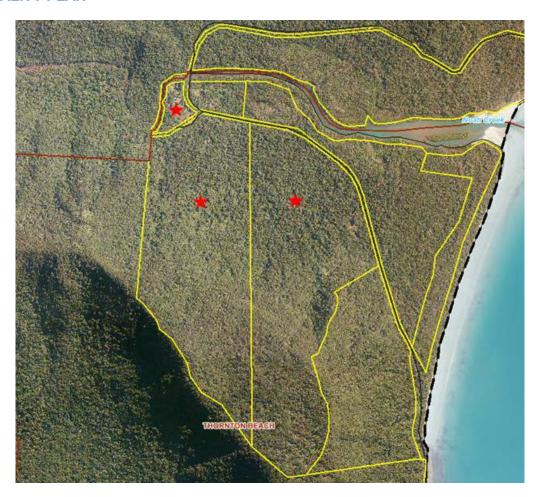


Figure 1 - Locality Plan

LOCALITY World Heritage Areas and Environs

PLANNING AREA Conservation

PLANNING SCHEME Douglas Shire Planning Scheme 2006

REFERRAL AGENCIES There were no referral agencies for this application

NUMBER OF SUBMITTERS There were no submissions received for this application

STATUTORY
ASSESSMENT DEADLINE

20 September 2017

APPLICATION DATE 19 June 2017

RECOMMENDATION

That Council approves the development application for a Camping Ground over land described as Lot 62 and 64 on SP146421, located at 3017R and 2865R Cape Tribulation Road, Thornton Beach, subject to the following:

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
Site Plan	Plan prepared by Thirkell Consulting Engineers and Building Design. Dwg No. S.00, Rev A, Project No. 17- 023-E.	May 2017
Site Plan	Plan prepared by Thirkell Consulting Engineers and Building Design. Dwg No. S.01, Rev A, Project No. 17- 023-E.	May 2017
Advertising Device Concept	Plan prepared by Noah Creek Development Pty Ltd	9 June 2017
Large site, Camp Kitchen shelter Concept- Reception Hut Concept	Plan prepared by Noah Creek Development Pty Ltd	9 June 2017
Ablution Block Layout Concept	Plan prepared by Noah Creek Development Pty Ltd	9 June 2017
Staff Accommodation Floor Plan	Plan prepared by Noah Creek Development Pty Ltd	9 June 2017

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; 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.

Storage of General Waste

- 3. Waste must be stored in accordance with Council requirements, applicable legislation and relevant local laws;
 - a. This includes the requirement for an imperviously sealed storage area with appropriate drainage, where all waste containers can be placed, with a hose cock and a hose in the vicinity of the storage area.

On-site Effluent Disposal

4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The design must be prepared by a QBCC licensed designer.

Advertising Signage

- 5. The advertising device at the site entrance may be indirectly illuminated.

 Materials and colour must be approved by the Chief Executive Officer prior to implementation. The device is to be sited within the allotment.
 - a. The location of the additional proposed advertising devices must be confirmed on site with Council officers, and must be sited and designed to the satisfaction of the Chief Executive Officer.

Damage to Council Infrastructure

6. In the event that any part of Council's existing road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/ owners/ builders cost, prior to the Commencement of Use.

Limitations of Use

7. A maximum of 100 persons may occupy the camping ground at any one time.

Car Parking Layout

8. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and the 2006 Douglas Shire Planning Scheme

Site Management

9. A manager must be on site at all times while the camping ground is in operation.

Lighting

10. The vertical illumination at a distance of 1.5 metres inside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Vegetation Clearing

11. Existing vegetation on the subject land must be retained in all areas with the exception of exotic fruit trees and noxious and invasive weed species. Any further clearing not in accordance with Council's Vegetation Management Code requires an operational works development permit.

Building Colours

12. The exterior finishes and colours of buildings must be non-reflective and must blend with the natural colours of the surrounding environment. Prior to the issue of a development permit for building work the applicant must submit building colours to Council for endorsement. The colours must be to the satisfaction of the Chief Executive Officer.

Camping Site Identification

13. Each camping site must be clearly identified on the ground by a permanent marker/ sign containing site type and number.

Occupant Register

14. A register containing the camping site number, the name and date of arrival and departure of all occupants of the camping ground is maintained and available for inspection by Council Officers at all times.

Remote Trail Camping Site Use

15. The five (5) remote trail camping sites identified on *Site Plan* prepared by Thirkell Consulting Engineers & Building Design, drawing number S.00, must only be utilised after an on-site effluent disposal system has been established and developed for each site. The design must be to the satisfaction of the Chief Executive Officer.

Maximum Site Occupation

16. A total of 20 camping sites may be occupied and used at any one time.

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 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.

EXECUTIVE SUMMARY

Council is in receipt of a development application for a material change of use for a camping ground (25 sites) over land located at 3017R & 2865R Cape Tribulation Road, Thornton Beach, being formally described as Lots 62 and 64 on SP146421. The land is situated approximately four kilometres north of Thornton Beach settlement adjacent to the Noah Creek bridge.

The land is currently contained within the Conservation Planning Area of the World Heritage an Environs Locality within the Planning Scheme. The allotments have a site area of 102.3 and 101.3 hectares respectively.

Currently the site is used for tourist visitation, providing for tour group access to picnic areas and walking trails. The site also includes a commercial fruit orchard.

The proposal is identified as impact assessable development within the 2006 Douglas Shire Planning Scheme and required public notification in accordance with the *Sustainable Planning Act* (2009). No submissions were received in relation to the proposal.

The proposal is consistent with the intent of the proposed Douglas Shire Planning Scheme. The assessment of the application has identified a small number of non-compliance issues with the planning scheme. However the proposal generally complies with the scheme and its purpose.

The proposal is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Proposal

The development application is seeking a development permit for a 25 site camping ground. Proposed are eight sheltered camp sites, seven large sheltered sites, five group sites, and five trail camping sites. The applicant has requested that a condition be imposed to limit the operation to 20 camping sites at any one time, with the ability interchange between the 25 proposed on the plan.

The eight sheltered site configuration is for a 42 square metre pre-erected tented camping site, essentially taking the form of a safari hut. The sites include additional space for two car parking spaces.

The seven large sheltered sites are 100 square metres in area with a shelter design to suit camping in the high rainfall environment with use all year. The shelters are four metres in height to cater for larger motor homes. Each shelter has its own private ablutions block.

The five group sites are proposed at 150 square metres in area, within the main trail head camping ground. An additional five sites are proposed at remote locations on Lot 64 at cleared points along existing trails. No ablutions facilities are proposed for these sites. Conditions have been imposed to require ablutions facilities at each remote site.

Proposed infrastructure includes a number of new structures. Seven large site shelters, eight medium site shelters (see figure 1 for design concept), five raised platforms for group camping, two camp kitchens, one ablutions block and one seasonal staff accommodation building and an information hut. Two bus spaces and ten car spaces are provided on site in addition to the camping site parking.

No vegetation clearing is proposed as part of this application as all infrastructure is proposed to be sited within existing cleared areas.

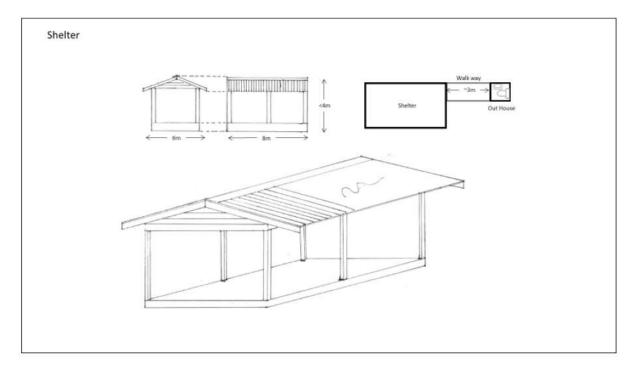


Figure 1 - Drawing- typical site shelter structure and camp kitchen form

State Planning Requirements

The development application triggers no State referral agencies. The assessment of the application takes into account the State Planning Policy Hazards and Safety mapping.

The lower part of the site toward Noah Creek is within the level 1 flood hazard area of the benchmark assessment mapping.

This threat is considered to be insignificant as no sites and no infrastructure is sited within this area except for the entry information hut, which is not a habitable building.

Achieving Outcomes through the Planning Scheme

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability. Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay
- Specific Outcomes for Planning Areas or Particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome,
- Performance Criteria and associated or Acceptable Solutions for Overall Outcomes.

Desired Environmental Outcomes

Chapter 2 of the Planning Scheme outlines the Desired Environmental Outcomes that underpin the Planning Scheme.

The Desired Environmental Outcomes are grouped under core matters which comprise ecological sustainability as follows:

- Ecological Processes and Natural Systems:
- Economic Development:
- Cultural, Economic, Physical and Social Well-being of the Community.

Table 1: Ecological Processes and Natural Systems

Desired	Environmental Outcome	Comment
DEO 1:	The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.	The proposal is sited in existing cleared areas. The unique environmental values of the Shire are considered to be maintained by the proposal.
DEO 2:	Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.	The proposal is low scale in intensity, is sited in cleared areas and requires no further habitat fragmentation. All potential impacts are managed on site. It is likely that the proposal will assist in reducing unlawful camping activities and associated littering issues within the Daintree.
DEO 3:	Natural waterways such as the Daintree River, the Mossman River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in the coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.	The proposed development requires no significant earth works, no sedimentation issues are expected to affect Noah Creek or any other streams in the area. The on site effluent disposal systems will require plumbing permits to be consistent with Australian Standard 1547-2012. Compliance with this standard will ensure minimal water quality impacts. Further, the scale and threshold of the proposal does not trigger an Environmentally Relevant Activity license from the Department of Environment and Heritage Protection administered by the State Assessment and Referral Agency (SARA). This has been confirmed by the Department of Infrastructure, Local Government and Planning's Cairns SARA office.
DEO 4:	The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.	The proposal is significantly screened from public roads, a thick vegetation buffer exists and spans the frontage of the trail head camping ground. The amenity of the landscape is considered not to be affected by the proposal. It is considered that funding raised by the proposal is likely to be fed back into the management of the site creating better environmental outcomes such as declared pest management.

Table 2: Economic Development

Desired	Environmental Outcome	Comment
DEO 5:	A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the natural resources of the Shire.	The proposed development complies in full as it exemplifies tourism enterprise as a sustainable diversification strengthening the local economy. In conjunction with the commercial orchard, picnic sites and walking trails, the proposal is considered to strengthen the economy and increase employment opportunities.
DEO 6:	The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.	The proposed development is sited within existing cleared areas on the properties. The existing agricultural use is unlikely to be detrimentally affected.
DEO 7:	The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly sugar, horticulture and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.	The proposed development is compliant in nature and does not represent a variation to the preferred pattern of development given under the planning scheme. This is further supported by the proposed Douglas Shire Planning Scheme.
DEO 8:	The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.	The proposed development complies as the nature and scale of the use is considered to strengthen the conservation economy by delivering a supply which is often considered to be insufficient, hence the unlawful camping problem.

Table 3: Cultural, Economic, Physical and Social well-being of the Community

Desired E	Environmental Outcome	Comment
DEO 9:	Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.	The proposed development does not impact on places of cultural or heritage significance in the Shire.
DEO 10:	A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.	Not relevant to the proposed development.
DEO 11:	The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.	The distinctive character and unique sense of place of the Shire's towns, villages and other settlement areas will not be detracted from by the proposed development. The proposal is considered as a relatively small scale operation at 25 camping sites, with conditions imposed to regulate potential impacts. The proposal is likely to contribute to community prosperity through employment.
DEO 12:	Residential communities, particularly within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.	The proposed development is on land with no neighbouring residential allotments. All adjoining allotments are National Parks.

Overall Outcomes for Localities

The land is included within the World Heritage and Environs Locality where remnant vegetation is maintained as conservation land on all surrounding allotments. This freehold land is the only partially cleared and maintained land in the Noah Valley area.

The proposed use as a camping ground is considered to be consistent with the overall outcomes of the locality code, as outlined below.

- Protect the values of the WTWHA and the GBRWHA- The proposal is considered to be of no detrimental consequence to the world heritage areas. Water quality is not expected to be diminished by the proposal. No further clearing is proposed.
- Ensure that any development is undertaken in a sensitive and sympathetic manner and that future activities associated with any future development protect the environmental values of the WHA- The proposal is considered to be a sensitive approach to a new land use. Environmentally Relevant Activity State government considerations have been extinguished as the scale of intensity of the on-site effluent disposal systems threshold did not trigger assessment. It is likely that any proposed future expansion of the use will trigger this assessment. The proposal in its current form complies.
- Ensure that any development occurring immediately adjacent to the WTWHA provides for an effective buffer to the area to ensure the protection of the high ecological values of the area and any environmental values of adjacent land-structures and camp sites are sited within the existing designated development area on site. The use assumes significant setbacks from water courses and the border of remanent vegetation on the allotments. The use of the five remote trail sites is considered to be of no consequence in their scale. Effluent disposal measures have been conditioned to make their use comply.
- Ensure that roads within the WTWHA are retained as scenic drives- the proposal complies as the use is screened from Cape Tribulation road by an existing vegetation buffer.

Specific Outcomes for Areas affected by an Overlay

The subject land is affected by the Natural Hazards Overlay. The land is identified as a low bushfire risk hazard area. The Natural Hazards Overlay Code is of no consequence to the proposed development.

Specific Outcomes for Planning Areas

The land is included within the Conservation Planning Area in which the establishment of a Camping Ground is identified as an Impact assessable land use. The proposal is consistent with the purpose of the planning area code.

- Protect biological diversity, ecological integrity and scenic amenity- The proposal complies, no clearing is proposed, the use is relatively small in scale and the designated development area is significantly screened from the Cape Tribulation Road.
- Ensure that any recreational or other uses of areas within the Planning Area that are
 in the control of the Crown or the Council, such as Reserves, National Parks and the
 Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent
 with the management plans of the controlling authority so that the conservation and
 scenic values of these areas are not adversely affected. The proposal complies in
 nature and scale.

- Ensure that any use of land in private ownership in the Planning Area does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area- No clearing is proposed. Significant vegetation buffers exist. The proposal is consistent with this purpose.
- Ensure that any low intensity facilities based on an appreciation of the natural environment or nature based recreation only establish when there is a demonstrated need and provided they will have minimal impact on the environmental and scenic amenity values of the site or the surrounding area- the unlawful camping issue facing the Daintree and the shire every tourist season demonstrates the need to further supply of such a land use. The use is considered to be a low scale camping ground at only 25 sites. The use complies.

Douglas Shire Planning Scheme Assessment

World Herita	Douglas Shire ge Areas and Environs Planning Locality	Code Applicabilit y	Compliance		
Locality	World Heritage Areas and Environs	✓	See comment below		
Planning Area	Conservation	✓	See comment below		
Defined Use	Camping Ground	✓	See comment below		
Overlay	Acid Sulfate Soils Code	Х	n/a		
Codes	Cultural Heritage and Valuable Sites Code	Х	n/a		
	Natural Hazards Code	✓	Complies		
General Codes	Design and Siting of Advertising Devices Code	✓	Complies		
	Filling and Excavation Code	Х	n/a		
	Landscaping Code	✓	Complies		
	Natural Areas and Scenic Amenity Code	✓	Complies		
	Reconfiguring a Lot Code	Х	n/a		
	Vehicle Parking and Access Code	✓	Complies		
	Sustainable Development Code	Х	n/a		
	Vegetation Management Code	х	n/a		

Compliance Issues

World Heritage and Environs Locality Code & Conservation Planning Area Code - P14 and A8.2 respectively: These codes require that building form, materials and colours are compatible with natural surroundings.

No issue is raised with the design features of the proposed structures, being oiled wooden framing. However, zincalume roofing is proposed. This is considered to be inconsistent with the performance criteria as zincalume is likely to reflect through the road frontage vegetation buffer. A condition has been imposed to remedy this.

Camping Ground Land Use Code - A1.3 requires that ablutions facilities are set back a minimum of six metres from camping sites. The proposed large shelter sites for motorhomes include their own individual private out-house ablutions facility. These are proposed to be set back three metres.

This is considered to be of no detrimental consequence. The intent of this solution is to maintain separation between communal ablutions facilities and camping sites in a typical camping ground configuration for health and amenity purposes.

A2.2 requires that ablution facilities are located no more than 100 metres from any camping site. In this regard the five proposed remote trail camping sites do not comply. A condition has been imposed to require that each remote site is serviced by an ablutions facility which is designed to the satisfaction of the Chief Executive Officer.

Referral Agency Requirements

There were no referral agencies triggered by this application.

Public Notification / Submissions

Public notification was carried out in accordance with section 299-301 of the *Sustainable Planning Act (2009)*. Notices were placed on the subject land in the way prescribed under the regulation on 27 July 2017 and maintained for a period of no less than 15 business days.

Letters to adjoining owners were sent and a notice was published in the Port Douglas and Mossman Gazette on 28 July 2017.

No submissions were received by Council in relation to the proposed development.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance.

The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

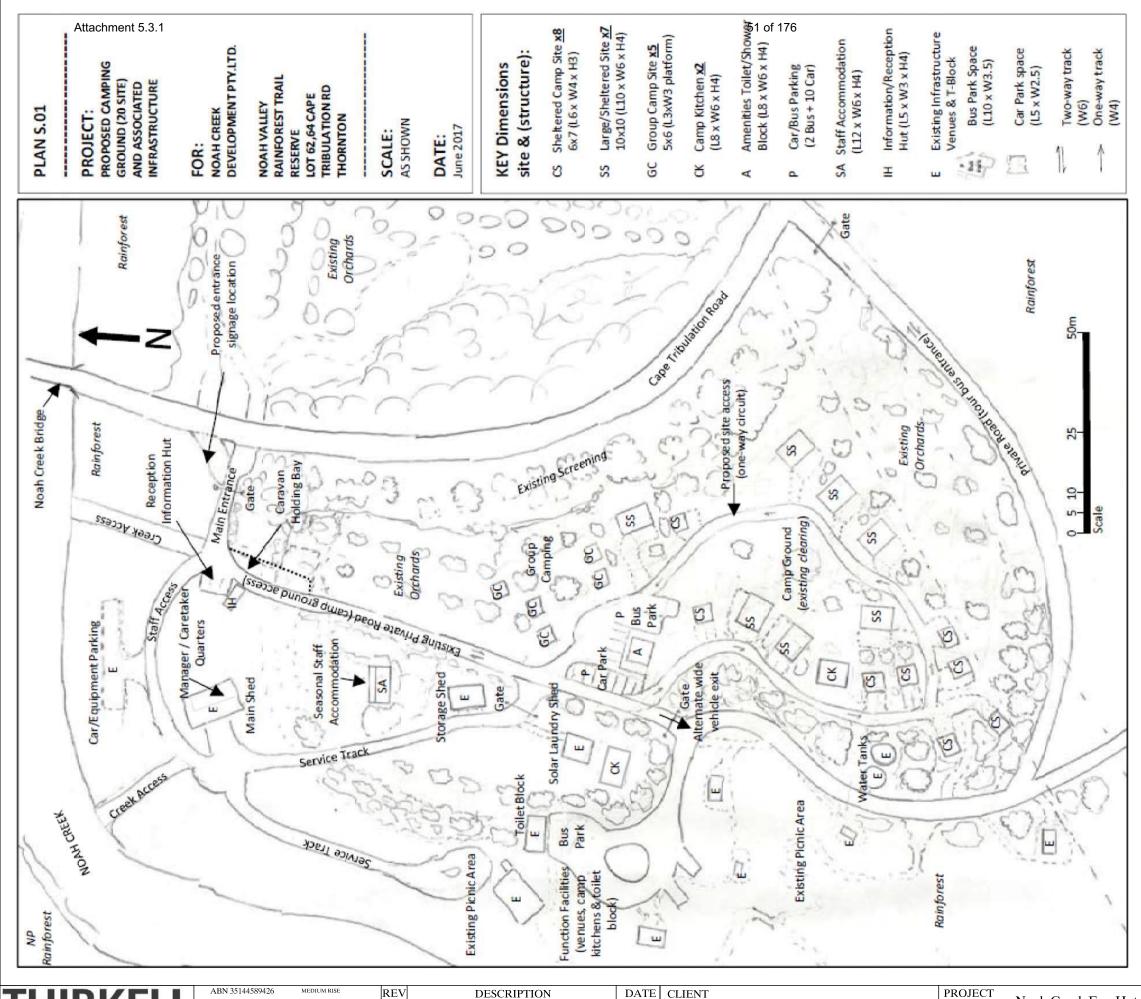
The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the Sustainable Planning Act 2009 and the Sustainable Planning Regulation 2009, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1- Approved Plans and Documents [5.3.1]



NOT FOR CONSTRUCTION

THIRKELL
CONSULTING
ENGINEERS
& BUILDING DESIGN

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REV	DESCRIPTION	DATE	CLIENT
Α	DEVELOPMENT APPROVAL	09.06.17	A. Heweston
			CLIENT APPROVED
		Or	dinary Co பரல்i/Meatin g - 19 Septembe

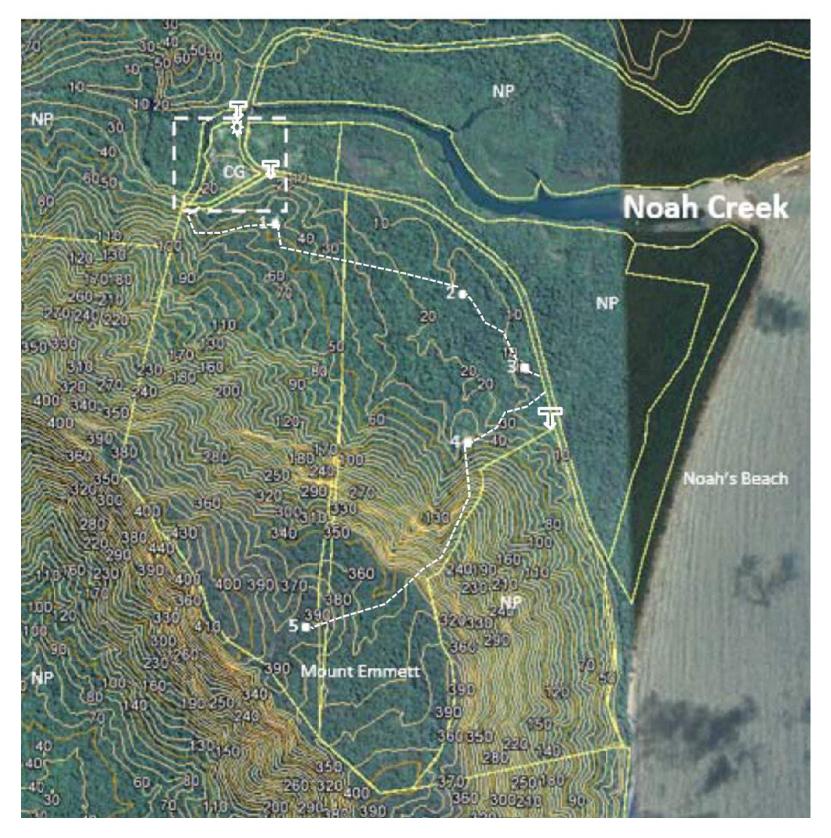
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Noah Creek Eco-Huts Cape Tribulation Road, Daintree	
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SITE PLAN

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Project No.		D	wg. No.	Rev
1′	7-023-E		S.01	Α

Attachment 5.3.1 52 of 176



Key:

Main Camp Ground
Inset map:17-023-E_S01

□ Advertising device

Lighting (reception delineation)

1. Camp Site

Access Track

NOT FOR CONSTRUCTION



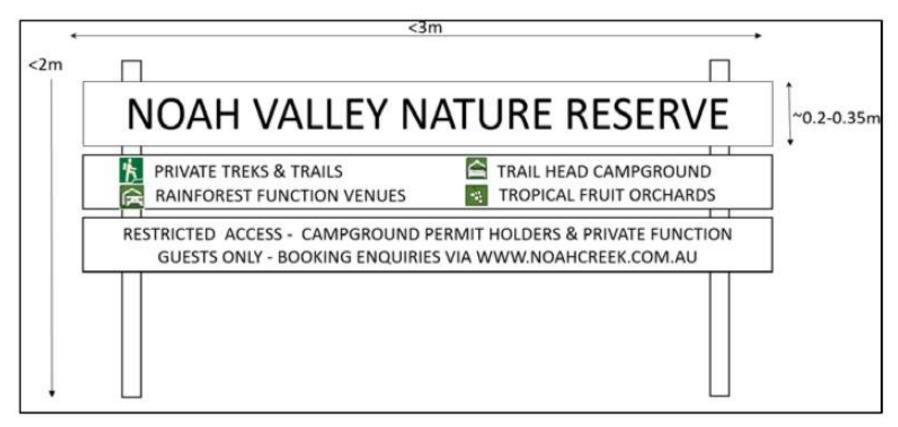
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REV	DESCRIPTION	DATE	CLIENT		PROJECT
A	DEVELOPMENT APPROVAL	20.07.17	A. Heweston		
			CLIENT APPROVED DA	TE	DRAWING 7
		Or	dinary Counoxil/Menting - 19 September 2017		

PROJECT	Noah Creek Eco-Huts Cape Tribulation Road, Daintree
DRAWING T	TTLE
	SITE PLAN

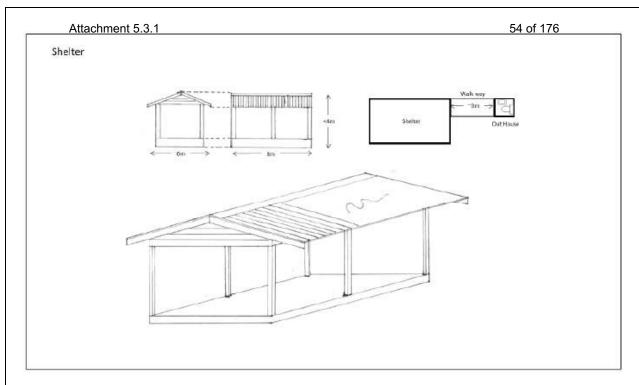
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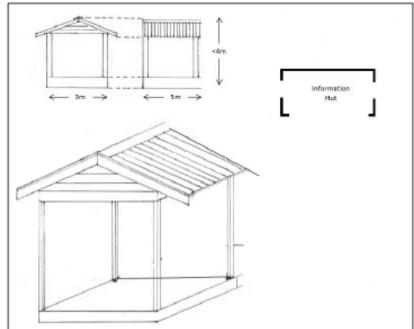




Advertising Device Concept

Prepared by Noah Creek Development Pty Ltd- 9 June 2017



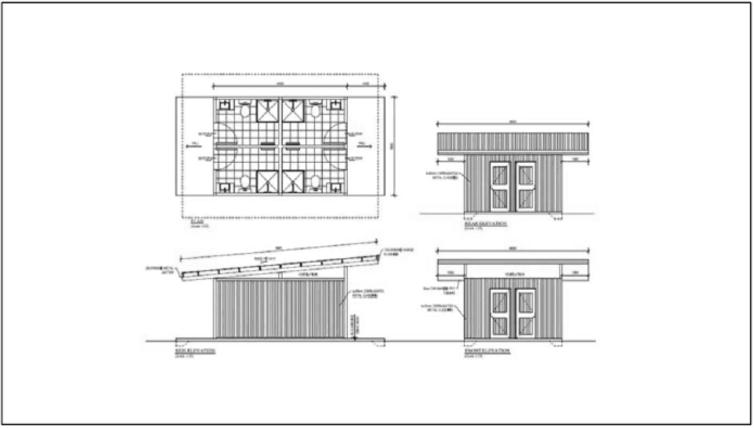


Large Site, Camp Kitchen Shelter Concept

Prepared by Noah Creek Development Pty Ltd- 9 June 2017

Reception Hut Concept

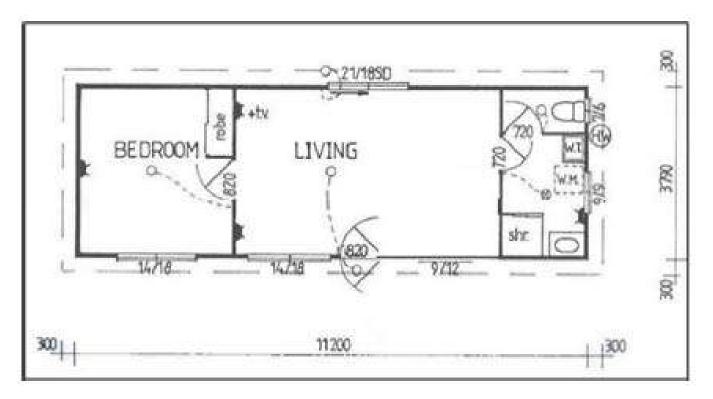




Ablution Block Layout Concept

Prepared by Noah Creek Development Pty Ltd- 9 June 2017

Attachment 5.3.1 56 of 176



Staff Accommodation Floor Plan

Prepared by Noah Creek Development Pty Ltd- 9 June 2017