

ORDINARY MEETING 10 FEBRUARY 2015	5.3
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APPLICATIONS FOR PERMITS TO OCCUPY, CAPE TRIBULATION ROAD,
KIMBERLEY

Graham Busby: Property Officer #438181

Darryl Crees: General Manager Corporate Services

RECOMMENDATION:

That Council:

1. **Advises the Department of Natural Resources and Mines that it has no objection to the applications for permits to occupy, Lots A and B on Drawing CNS14/033, Cape Tribulation Road Kimberley, subject to there being no change to the proposed permitted use of the permit areas and that the permits remain associated with Lot 61 on SR894.**
2. **Delegates authority to the Mayor and Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to determine and finalise any and all matters associated with the Permits to Occupy.**

EXECUTIVE SUMMARY:

The Department of Natural Resources and Mines (DNRM) has requested Council's views in respect to applications for Permits to Occupy, Lots A and B on Drawing CNS14/033, Cape Tribulation Road Kimberley. Council has no objection to the applications, subject to there being no change to the proposed permitted use of the permit areas and that the permits remain associated with the adjoining freehold lot being Lot 61 on SR894.

BACKGROUND:

In February 2014, the Department of Natural Resources and Mines (DNRM) requested Council's views in regard to an application for surrender and reissue of Permit to Occupy 236964 over Lot D on Crown Plan AP20233, Cape Tribulation Road, Kimberley. This application was triggered by the sale of the adjoining freehold property described as Lot 61 on SR894, to which this Permit to Occupy is associated.

In May 2014, Council advised DNRM that it had no objection to the application, providing there was no change to the permitted use of the permit area.

PROPOSAL:

Council has now received notification from DNRM, advising that following further investigations, the location of that permit to occupy has now been altered.

Consequently, the Department is now seeking Council's views in respect to fresh applications it has received for permits to occupy described as Lots A and B as shown on attached drawing CNS14/033.

The proposed two (2) new permit areas contain already existing infrastructure which was formally part of a permit to occupy area which was surrendered several years ago by the previous owner of the adjoining freehold land. The current owners of the adjoining freehold are now seeking to re-formalise the commercial use of the proposed areas A & B, hence the fresh applications for permits to occupy of these two (2) particular areas.

The proposed use of the land for Lot A is for the existing marque, rotunda, paving and boardwalks. The proposed use of the land for Lot B is for the existing floating pontoon which is attached to the land by a timber walkway and ropes - Boardwalks. The applicant has indicated that the future use may be for Tourism purposes as 'Daintree River Boardwalks'.

Essentially, the location of the boardwalk and pontoon has now varied from the area previously represented by Permit to Occupy 236964 over Lot D on Crown Plan AP20233, to that area which is now identified by Lots A and B on attached drawing CNS14/033. The proposed new permits to occupy will remain associated with the adjoining freehold property being Lot 61 on SR864.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

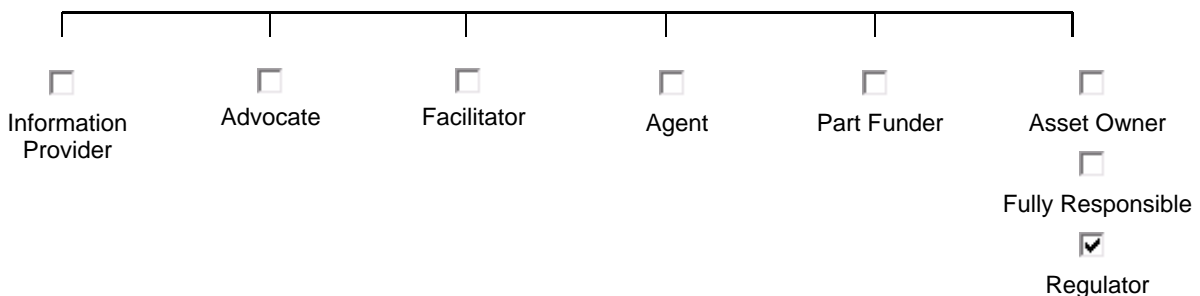
5.2.1 Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making

5.2.2 Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.

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 areas outline where Council has a clear responsibility to act:



Regulator:	Meeting the responsibilities associated with regulating activities through legislation or local law.
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FINANCIAL/RESOURCE IMPLICATIONS:

Council will not receive any income or cost from the proposed Permit to Occupy.

RISK MANAGEMENT IMPLICATIONS:

No impact.

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: NIL

ENVIRONMENTAL: NIL

SOCIAL: NIL

INTERNAL/EXTERNAL CONSULTATION:

The result of internal consultation with the operational areas of Council was as follows:

Development & Environment

In 1998, a private dwelling was constructed on Lot 61 on SR894 under former Douglas Shire Council (DSC) building approval. In September 1986, the former DSC resolved to approve on Lot 61 on SR894 a Town Planning Consent for a service station, restaurant and café with boat terminal adjacent to the waterway. In May 1995, building approval for the River Train was issued by DSC on lot 61 on SR894. In June 1995, DSC advised the DNRM that it did not object to the ramp and pontoon and occupancy of Lot D on AP20233.

These works and uses were established prior to the current planning scheme and at that time the land was not considered to be effected by the Scheme. Continuing use rights apply for the use of the pontoon and ramp under the current scheme which came into effect on 4 September 2006. Essentially the location of the boardwalk and pontoon is varied to what it actually is. There is no additional pontoon or boardwalk. There are no further planning issues, provided the proposed new permits to occupy remain associated with Lot 61 on SR894.

Water & Waste

No concerns raised.

Infrastructure

No concerns raised.

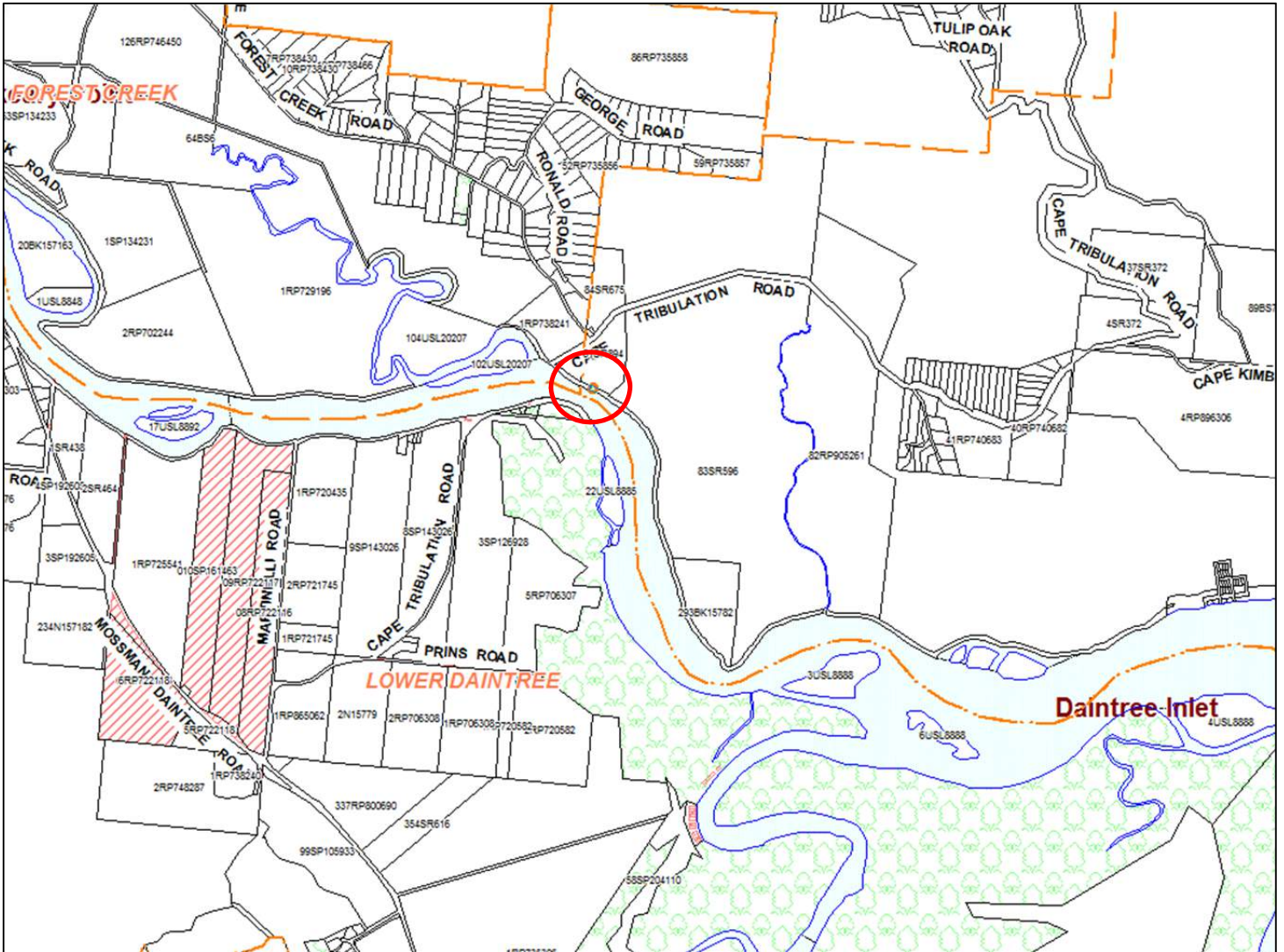
ATTACHMENTS:

Attachment 1 - Locality Map

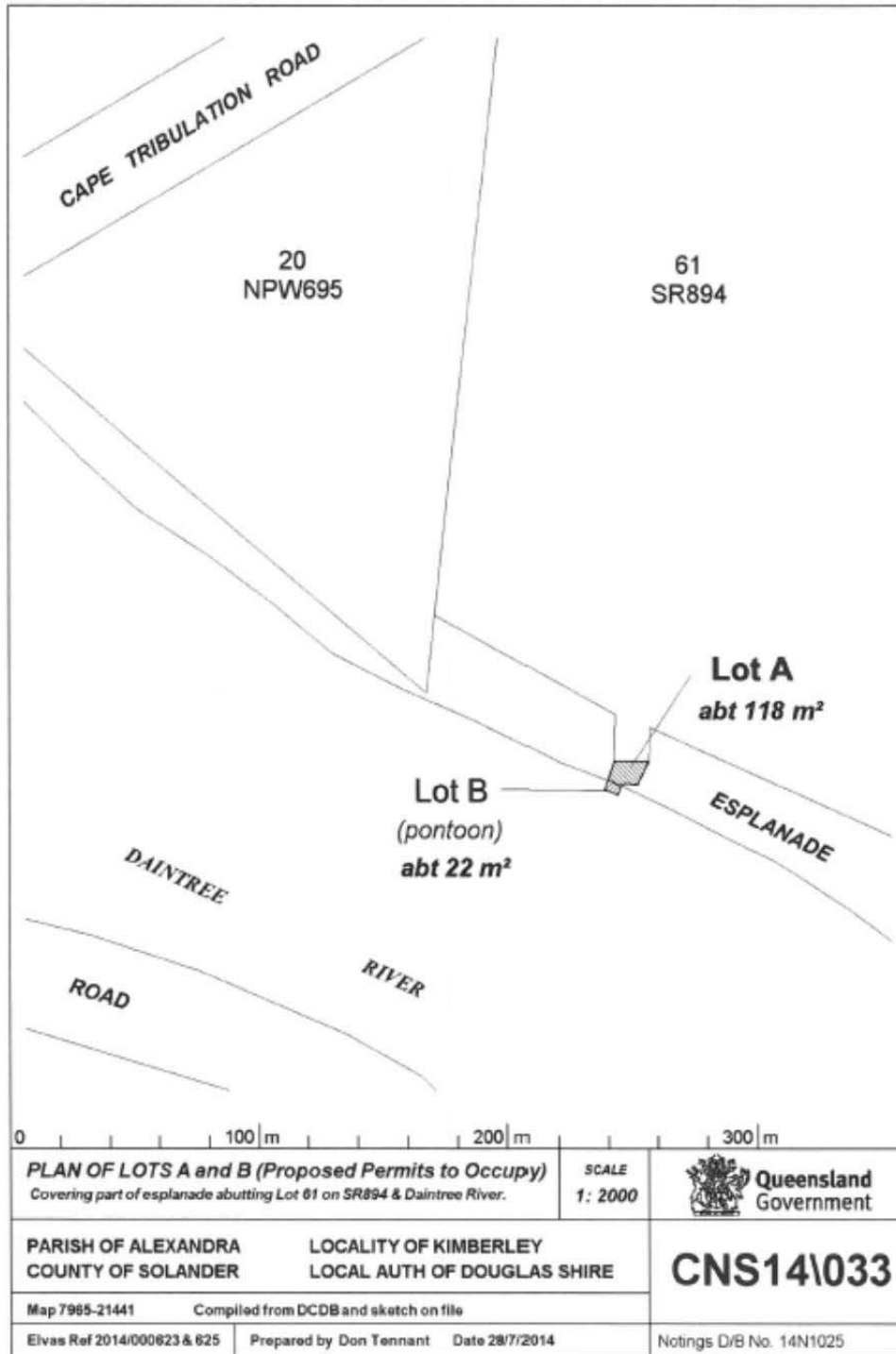
Attachment 2 - Drawing CNS14/033

Attachment 3 - Aerial Photo

Attachment 1 - Locality Map



Attachment 2 - Drawing CNS14/033



Attachment 3 - Aerial Photo

Lot 61 on SR894

