

## **5.2. MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - TOURIST PARK (15 CAMPSITES TO ACCOMMODATE A MAXIMUM OF 60 PERSONS)**

<b>REPORT AUTHOR(S)</b>	Neil Beck, Team Leader Planning
<b>GENERAL MANAGER</b>	Paul Hoyer, Manager Environment and Planning
<b>DEPARTMENT</b>	Environment and Planning
<b>PROPOSAL</b>	Tourist Park (15 Campsites to accommodate a maximum of 60 persons)
<b>APPLICANT</b>	Winsome Investments Pty Ltd (Tte) 3812R Cape Tribulation Rd CAPE TRIBULATION QLD 4873
<b>LOCATION OF SITE</b>	Cape Tribulation Road CAPE TRIBULATION, 3812R Cape Tribulation Road CAPE TRIBULATION
<b>PROPERTY</b>	Lot 3 on RP741072 & Lot 11 on RP746567

### **LOCALITY PLAN**



**Figure 1 - Locality Plan**

<b>PLANNING AREA</b>	Conservation
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2018
<b>REFERRAL AGENCIES</b>	None Applicable
<b>NUMBER OF SUBMITTERS</b>	Nil
<b>STATUTORY ASSESSMENT DEADLINE</b>	19 February 2019
<b>APPLICATION DATE</b>	27 September 2018

## **RECOMMENDATION**

That Council approves the development application for material change of use for a Tourist Park (15 Campsites accommodating a maximum of 60 persons) over land described as Lot 3 on RP741072 and Lot 11 on RP746567 located at Cape Tribulation Road, Cape Tribulation 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:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Site Plans	Drawing Number 108-18	3 August 2018
Floor Plan - Elevations	Drawing Number 207-09	21 September 2018

### **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.

### **Approved Use**

3. The overall capacity of the use on Lot 3 is limited to a maximum of 15 campsites to accommodate a maximum of 60 persons at any one time.

Facilities located on Lot 11 on RP746567 must remain available for use by guests staying on Lot 3 on RP741072 at all times.

### **Water Supply**

4. A suitable and reliable source of potable water supply for hygiene and consumption purposes to service the development must be demonstrated. A water supply management plan will be required as part of registering the premises under the Local Law – Operation of Camp Grounds.

### **Landscaping Plan**

5. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
  - a. Earth mounding and deep planting along the full frontage of Lot 3 adjacent Cape Tribulation Road in order to screen the camping ground overtime. All landscaping works must be endemic and must be contained on the property;
  - b. Delineation of the land application area for waste water which must be kept clear off all traffic including pedestrian traffic. Bollards and garden beds or similar landscape features are to be implemented to achieve this outcome;
  - c. Species to have regard to Council's Planning Scheme Policy SC6.7.

A copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

### **Internal Roads & Camp Ground**

6. Details are to be provided with respect to upgrading the internal roads and preparation of the area for the camping ground to ensure that the area is free draining and suitable for the intended purpose to the satisfaction of the Chief Executive Officer.

Such detail must be provided prior to the issue of a Development Permit for Building Work.

## **Refuse**

7. A suitable covered area for refuse storage is to be provided proximate to the ablution facility. The refuse area must be kept clean and tidy at all times and regularly serviced.

## **Currency of Approval**

8. Once the use has commenced, the Development Permit will continue to be valid while the use is operated in conjunction with the Camping Ground established on Lot 11. Should either allotment be sold or no longer operate in conjunction with one another, the Development Permit will lapse unless the Development Permit is amended to incorporate communal facilities and managers residence associated with the Camping Ground on Lot 3.

## **ADVICE**

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).
4. The premises must be registered under Local Law 1 (Administration) Schedule 12 – Operation of Camping Grounds. Please contact Council's Environmental Health Unit on 409 99444 for further details regarding the Local Law approval process and matters to be addressed in any future application.

## **B. Statement of Reasons**

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
  - a. A Tourist park is impact assessable development in the Conservation zone and is an anticipated form of development to take place within the Precinct 6 of the Cape Tribulation & Daintree Coast Local Plan.
  - b. To ensure the development satisfies the associated benchmarks of the applicable codes within the 2018 Douglas Shire Planning Scheme;
  - c. To ensure compliance with the *Planning Act 2016*.

**2. Findings on material questions of fact:**

- a. The development application was properly lodged to the Douglas Shire Council on 27 September 2018 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules; and
- b. The development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.

**3. Evidence or other material on which findings were based:**

- a. The development triggered impact assessment development under the Assessment Table associated with the Conservation zone. No submissions were received;
- b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
- c. The applicant's reasons have been considered and the following findings are made:
  - i. Subject to compliance with conditions of this Development Permit the development satisfactorily meets the Planning Scheme requirements.

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**EXECUTIVE SUMMARY**

Council is in receipt of a material change of use development application seeking approval for a Tourist Park (15 campsites to accommodate a maximum of 60 persons) over land located adjacent to Cape Tribulation Road, Cape Tribulation. The proposed development seeks to provide additional campsites to complement the existing Camp Ground located on Lot 11 locally known as Cape Tribulation Camping.

The land is within the Conservation zone of the 2018 Douglas Shire Planning Scheme and is subject to the provisions of the Cape Tribulation / Daintree Coast Local Plan.

The application is subject to impact assessment and therefore public notification of the development was required. The application was advertised in accordance with the Planning Act 2016 and no submissions were received.

The proposed development is consistent with the planning intent for the land as detailed within the Local Plan and has been sited to take account of existing vegetation.

Approval of the application is recommended to Council subject to conditions.

## **TOWN PLANNING CONSIDERATIONS**

### **Proposal**

The Development Application seeks approval for a Material Change of Use for the purpose of a Tourist Park. The proposed use includes 15 camp sites (maximum 60 people), amenity block including laundry facilities and a dedicated onsite wastewater treatment system.

Access to the proposed camp ground within Lot 3 will be provided via an existing access off Cape Tribulation Road to Lot 11. Approximately 120m eastward along the access within Lot 11 is a cleared gravel road which veers off to the south and provides access to Lot 3.

Some minor works, including gravel placement, will be required to make the road a suitable form for motorhome access. Alternative points of access are available along Cape Tribulation Road, however, utilising the existing access avoids the need for any vegetation clearing and earthworks and allows for more efficient site management.

The existing gravel access track meanders through the rainforest before arriving at the camp ground.

The camp ground is setback approximately 10m from the Cape Tribulation Road property boundary, is 200m in length and comprises a total area of approximately 6,656m<sup>2</sup>.

The Applicant has advised that rather than designating camping sites, it is proposed that guests will have the freedom to choose their preferred camp site within the designated grounds. The camp ground and access road are located within existing cleared areas of the site. No vegetation clearing is required to facilitate the proposal. The boundary of the camp ground will be delineated by the current vegetation lines.

An all accessible ablution block will be centrally located within the camp ground. The ablution block will include both male and female amenities and laundry facilities. The ablution block will be serviced by a purpose sized onsite waste water treatment facility. No other building works or structures are proposed.

The proposed camp ground is intended to compliment the other existing camping opportunities offered on Lot 11.

A copy of the proposal plan forms Attachment 1.

### **State Planning Requirements**

#### **Regional Plan**

Section 2.2 of the Planning Scheme indicates that the Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the Planning Scheme area. Therefore, an assessment of the relevant applicable Planning Scheme Code provisions will adequately address any considerations related to the Regional Plan.

#### **State Planning Policy**

Section 2.1 of the Planning Scheme indicates that relevant State Interests have been integrated into the Planning Scheme. Therefore, an assessment of the relevant applicable Planning Scheme Code provisions will address the SPP provisions.



## State Development Assessment Provisions

The development application does not trigger any referrals, therefore there are no State Development Assessment Provisions applicable to the proposed development.

## Douglas Shire Planning Scheme Assessment

The proposed development is an impact assessable use and therefore an assessment against the whole of the Planning Scheme, to the extent relevant, is required.

## Strategic Framework

The strategic framework sets the policy direction for the Planning Scheme, as endorsed by Council and the community and is the basis for guiding appropriate development within the Planning Scheme area for the life of the Planning Scheme.

The strategic framework includes six (6) Themes and although each Theme can be read independently, the strategic frameworks in its entirety represents the policy intent for the Planning Scheme.

A review of the proposed development against the strategic framework has revealed that the development is not in conflict and does not compromise any of the strategic outcomes of the Planning Scheme.

Further planning intent for the land is contained within the relevant Local Plan which is identified and discussed in further detail below.

## Applicable Codes

The Table below identifies the codes applicable to the development to the extent relevant.

Table 1.

2018 Douglas Shire Planning Scheme version 1.0		Code Applicability	Compliance
<b>Zone</b>	Conservation Zone	✓	Complies. Further planning intent provided within the Local Plan
<b>Local Plan</b>	Cape Tribulation & Daintree Coast Local Plan	✓	Complies – see further comment below
<b>Land Use Code</b>	Relocatable Home Park & Tourist Park Code	✓	Complies – refer to comments below
<b>Overlay Codes</b>	Acid Sulfate Soils Overlay Code	✓	Complies
	Bushfire Hazard Overlay Code	✓	Complies
	Coastal Environment Overlay Code	✓	Complies
	Flood & Stormtide Inundation Overlay Code	✓	Complies
	Landscape Values Overlay Code	✓	Conditioned to comply – see comment below
	Transport Network Overlay Code	✓	Complies

2018 Douglas Shire Planning Scheme version 1.0		Code Applicability	Compliance
<b>General Codes</b>	Access Parking and Servicing Code	✓	Complies
	Landscaping Code	✓	Conditioned to comply
	Filling & Excavation Code	✓	Complies
	Infrastructure Works Code	✓	Complies – see comment below

### Compliance Issues

In response to the contents of the above table and the provisions of the applicable codes, the following summary is provided.

#### Local Plan

The land is contained within Precinct 6 of the Cape Tribulation & Daintree Coast Local Plan which is intended to provide for low impact tourism and accommodation opportunities. The establishment of an additional 15 campsites to be contained within an existing cleared area to complement the existing camp ground on Lot 11 is entirely consistent with this designation.

As part of the considerations, development is required to be screened from view from Cape Tribulation Road. While there is significant vegetation between the road and the allotment boundary, views into the site are available from Cape Tribulation Road, especially along the northern section of the road frontage.

Conditions of approval require the camp sites to be screened from Cape Tribulation Road. It is likely that this would be a desirable outcome for the Applicant as well as to not attract campers that have not checked into the facility.

#### Relocatable Home Park & Tourist Park Code

The scale of the development proposed is not that typically associated with a traditional Caravan Park or camp ground. The intended market that the development seeks to cater for is more the motor home and caravan market.

The area of land to accommodate the use is generous and therefore the Applicant does not intend to nominate or number particular sites, rather to let the visitors determine where they would like to locate on the land. No concern is raised with regard to this approach however further discussions may need to take place at the time of registering the development under the Local Law with respect to identifying the number of camp sites contained on the site for monitoring and compliance purposes.

While the proposed development intends to cater for the motor home market, approval is being sought for camp sites which does not restrict the use to motor homes only. To this end, the proposed development still relies on the communal camp kitchen located on Lot 11 to the north. While no concerns are raised with this arrangement in the interim, in the event circumstances change in the future, the approval over Lot 3 will require to be revisited to ensure the necessary facilities are provided on the site for guests. The Applicant is aware of



this requirement and therefore conditions of the approval have been included to address this situation should it arise in the future.

### **Landscape Values Overlay**

The Landscape Value Overlay reinforces the requirement to screen development from view and to ensure that the development does not detrimentally impact on the landscape values of the area.

The development is taking place within an existing cleared area and the development will be screened from view overtime. No further issues are raised.

### **Infrastructure Works Code**

An ablution facility with an onsite land application area will be constructed to service the development. Conditions of approval will ensure that the land application area must be delineated and separated from the camping ground area through the use of bollards and or garden beds.

With respect to water supply for the facility, the Applicant has advised that they have an extraction license to obtain water from the adjacent creek to service the development. There are also multiple ways in which the facility can be serviced by an adequate water supply being by either bore water or rainwater tanks. The Local Law requires suitable potable water supply be provided for the guests. This detail will need to be established and determined at the time of registering the premises under the Local Law. With the Applicant currently operating Cape Tribulation Camping, the Applicant is familiar with Council's requirements with respect to these matters. Conditions of approval have been included to ensure these matters are appropriately addressed.

### **Referral Agency Requirements**

No referral agencies were triggered by the proposed development.

### **Public Notification / Submissions**

The application was advertised in accordance with the Planning Act 2016 and no submissions were received.

### **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.

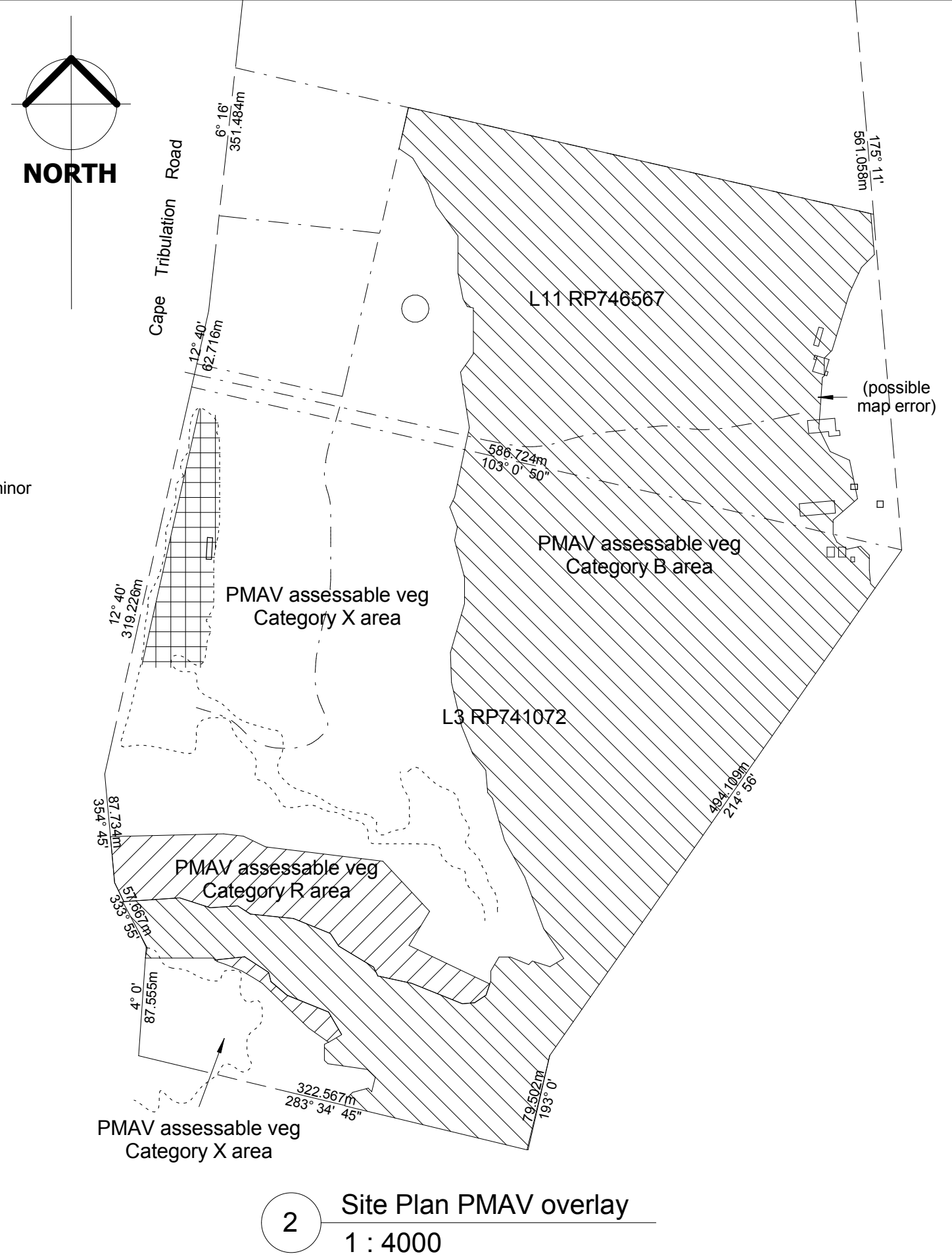
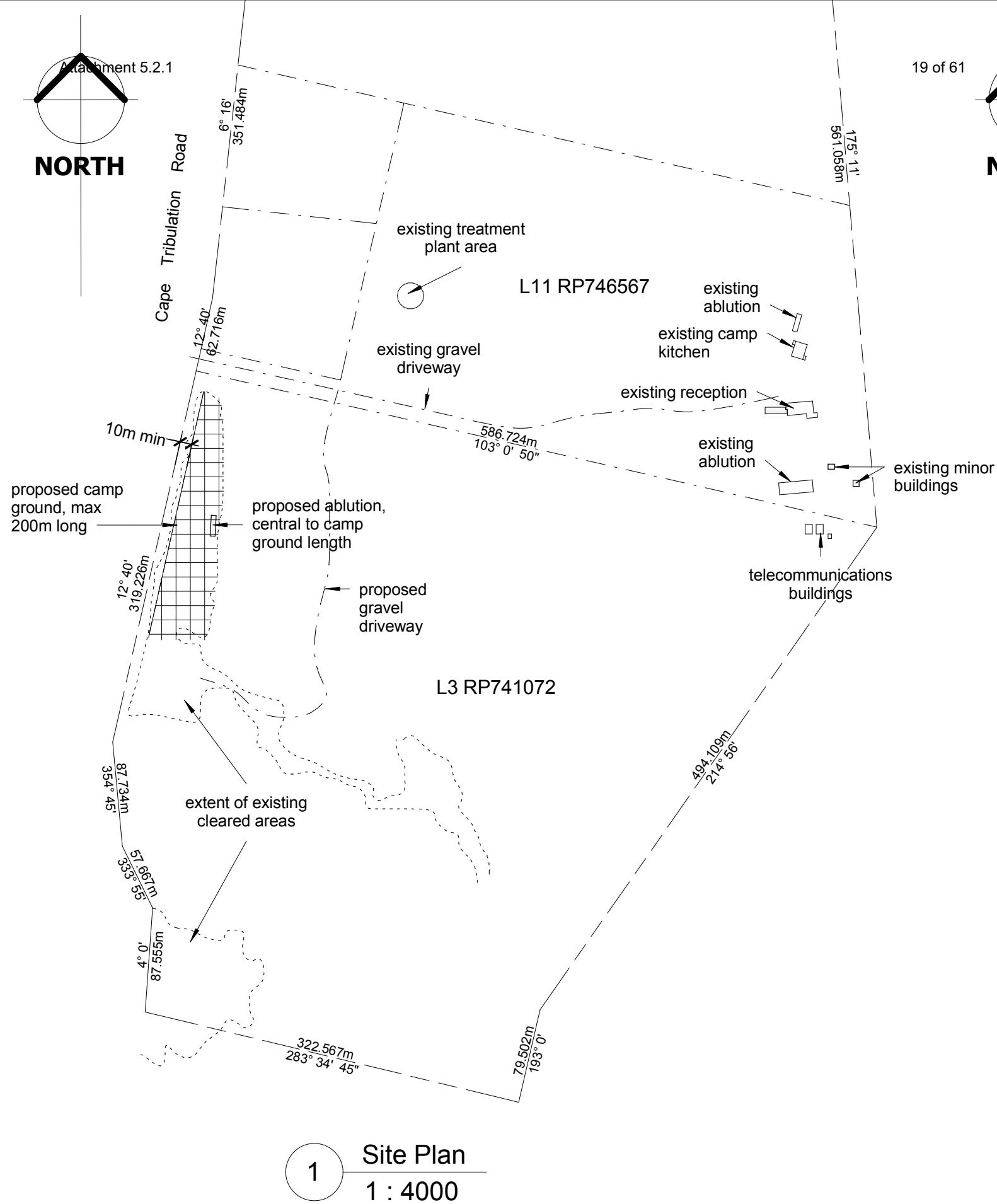
The following area outlines where Council has a clear responsibility to act:

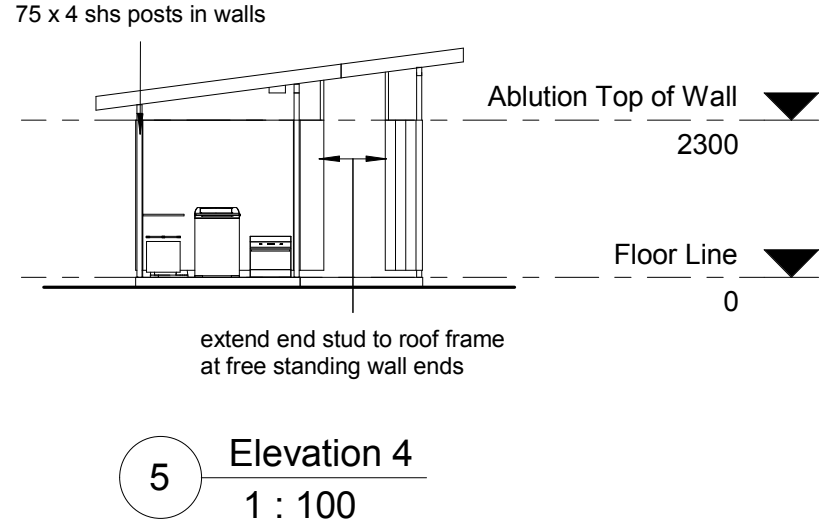
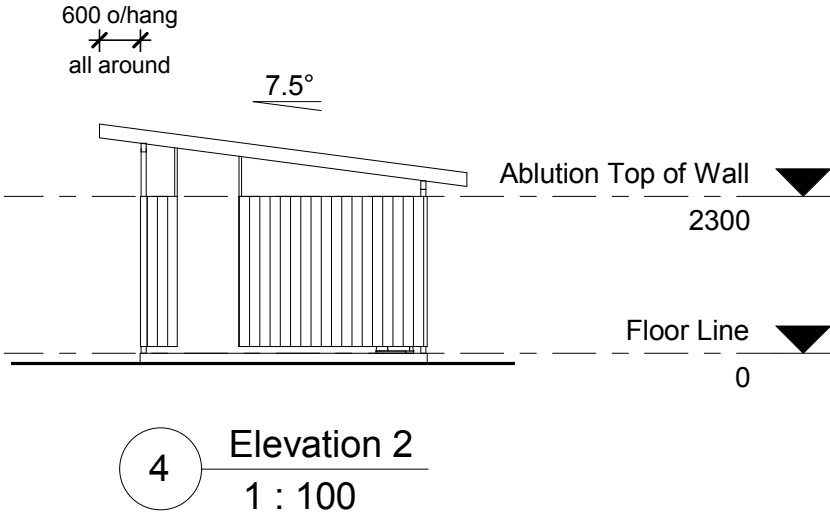
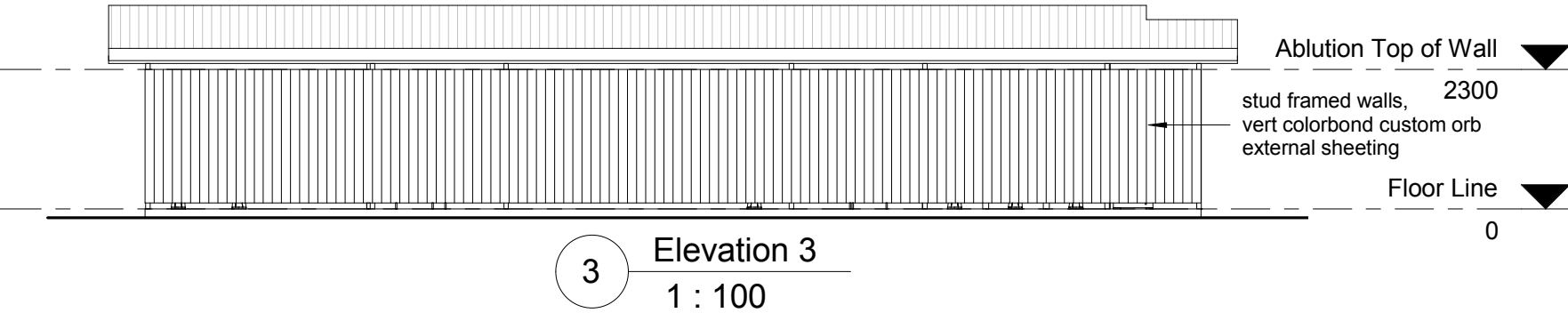
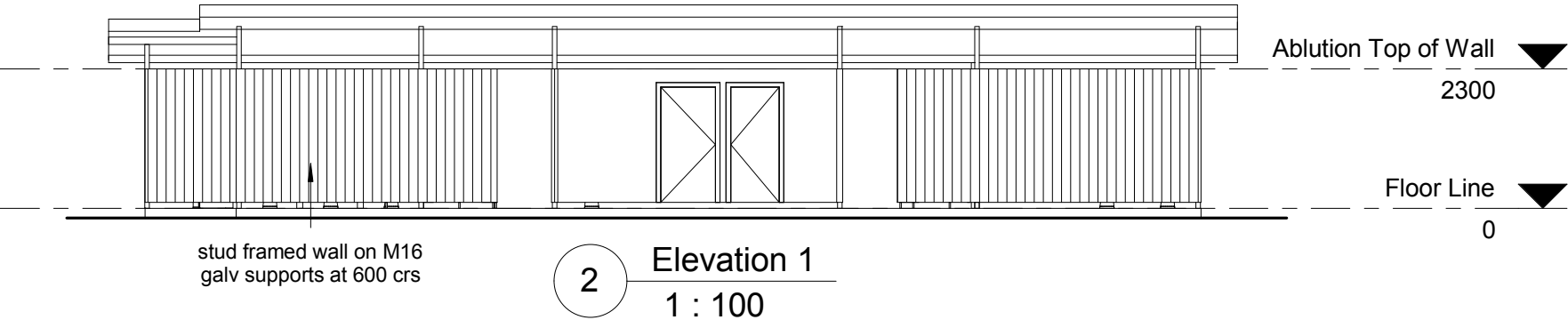
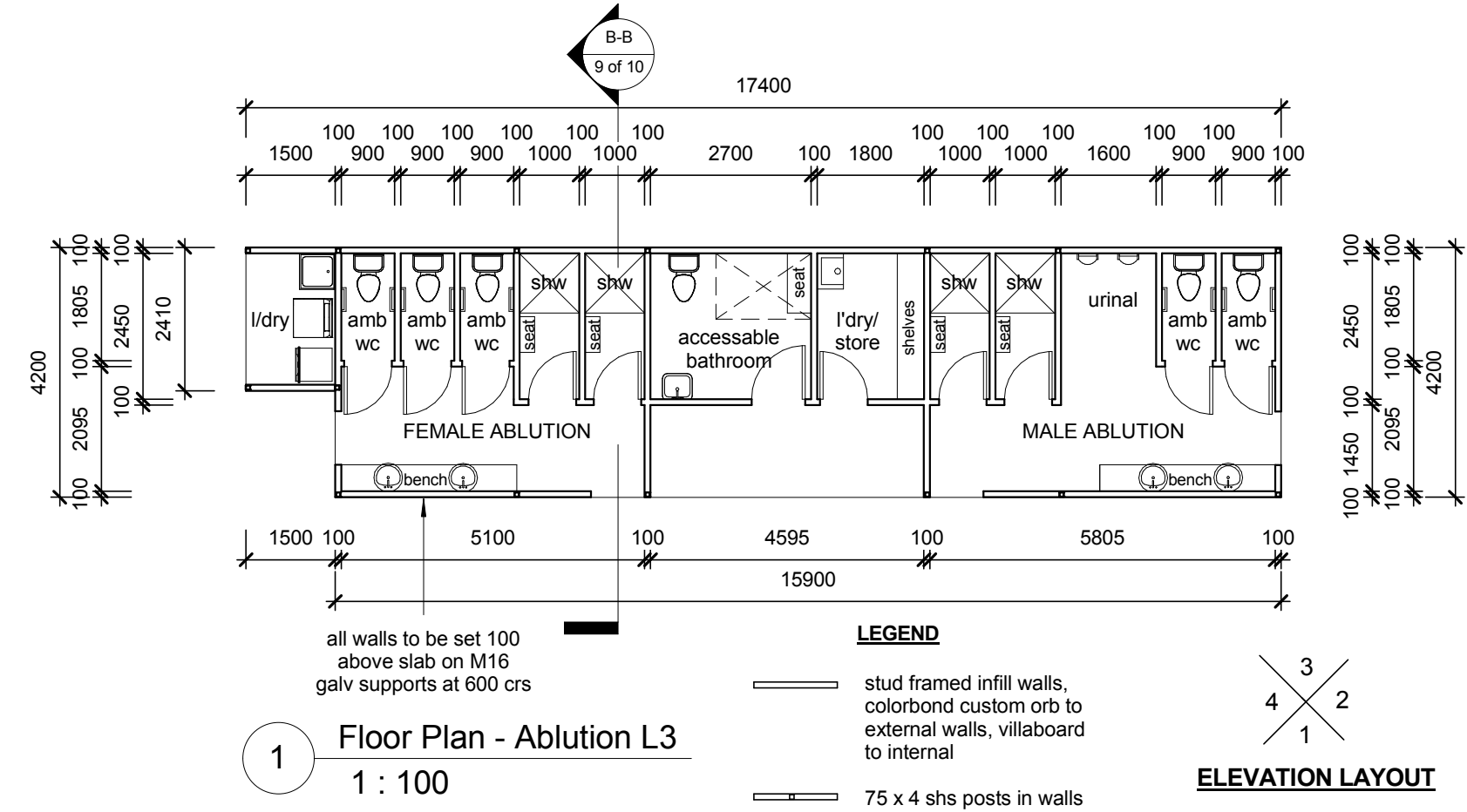
**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the Planning Act 2016 and the *Planning Regulation 2017*, Council is the assessment manager for the application.

## **ATTACHMENTS**

1. Attachment 1 - Approved Plans **[5.2.1]**





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PROJECT  
Proposed Building Additions,  
L11 Cape Tribulation Road,  
CAPE TRIBULATION

CLIENT  
Cape Tribulation Camping

WIND CLASS  
C2

PLAN NUMBER  
207-09

SHEET  
1 of 1

SCALES  
1 : 100

PLAN TITLE  
Floor Plan, Elevations

DATE OF ISSUE  
21.09.09

REV