

Our Ref: 21-17/001187
Your Ref: TPC156 & TPC1216
Date: 22 July 2022

Attn: Ms Jenny Elphinstone
Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Via: Email - enquiries@douglas.qld.gov.au

Dear Jenny,

RE: CHANGE APPLICATION (MINOR CHANGE) UNDER SECTION 78 OF THE PLANNING ACT 2016 IN RELATION TO TOWN PLANNING CONSENT TPC156 FOR A 'CARAVAN PARK' AND DEVELOPMENT PERMIT TPC1216 FOR MATERIAL CHANGE OF USE FOR 'GENERAL LICENSE PREMISES - TAVERN' (RESTAURANT/BAR) AND 'TAKE-AWAY FOOD STORE' (BOTTLE SHOP) OVER LAND LOCATED AT CAPE TRIBULATION ROAD, CAPE TRIBULATION, DESCRIBED AS LOTS 0, 1, 2 & 4 ON SP219085

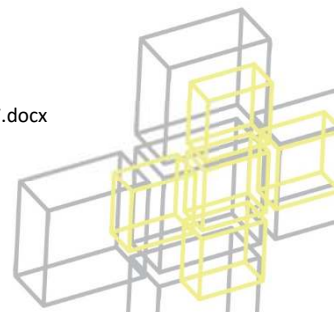
Planning Plus (QLD) Pty Ltd has been engaged by M.F.B Properties NQ Pty Ltd (the applicant and landowner) to prepare and lodge the abovementioned 'Change Application' with Douglas Shire Council.

We understand that an application fee of \$465.00 applies and an invoice for this amount is requested. DA Form 5 is included as **Annexure 1** while a Title Certificate confirming the landowner details are included as **Annexure 2**.

In addition to the above, the following submission has been prepared to assist Council and other relevant authorities with their assessment of the application.

1.0. Background

The subject site was originally approved for a Caravan Park comprising 71 camping bays, 21 bungalow units, amenities building, kiosk, manager's unit and pool in 1984 (ref: TPC156).



In 2007, a Material Change of Use approval was issued for a General License Premises – Tavern (Restaurant/Bar) and Take-Away Food Store (Bottle Shop) (ref: TPC1216).

The site currently operates as ‘PK’s Jungle Village’ and has traditionally been known as a backpacker-style hostel and resort. Recently, in September 2021, Council approved a Minor Change to facilitate the following:

- Creation of additional dining space – this involved converting the existing reception area and surrounding deck; and
- Creation of new reception area and bottle shop – this involved converting approximately half of the existing convenience store.

A copy of this latest Decision Notice is included as **Annexure 3**.

2.0. Proposed Changes

Following the abovementioned recent changes, the applicant has identified a further change which it wishes to make to further improve the operation. While the recent changes included the conversion of approximately half of the convenience store into a bottle shop and reception area, it is now proposed to relocate the reception area to a separate building, being the building comprising existing Units 1 and 2. Updated plans of the proposal are included as **Annexure 4**.

The proposed new reception area is appropriately located in close proximity to existing car parking and the accommodation which it services.

3.0. Legislative Considerations

3.1 Planning Act 2016

This section provides an overview of the legislative context of the application under the provisions of the Planning Act 2016.

3.2 Type of Change Application

The proposed changes are considered to be ‘minor’ changes for the purpose of the Planning Act 2016.

3.3 Assessment Manager

The Assessment Manager for this application is Douglas Shire Council.

3.4 Referral Agencies

The Department of Resources was a referral agency to existing approval TPC1216, therefore a copy of this application has been forwarded to the Department as an 'affected entity' in accordance with Section 80 of the Planning Act 2016.

3.5 Public Notification

The application does not require public notification.

4.0 Assessment Benchmarks

4.1 Overview

This section provides an assessment of the application against relevant statutory assessment benchmarks.

4.2 State Planning Regulatory Provisions

No State Planning Regulatory Provisions are relevant to this application.

4.3 State Planning Policy

The State Planning Policy is relevant to the assessment of this application where a state interest is not appropriately reflected in the Planning Scheme relevant to the site. It is understood however that all relevant state interests have been appropriately integrated into the Planning Scheme relevant to the proposal.

4.4 State Development Assessment Provisions (SDAP)

No State Development Assessment Provisions are applicable.

4.5 Douglas Shire Planning Scheme

The proposed changes are not considered to create any new matters of non-compliance under the Planning Scheme.

5.0 Conclusion


This submission supports a Change Application (Minor Change) by MFB Properties NQ Pty Ltd in relation to existing approvals TPC156 and TPC1216.

The submission has included an assessment of the proposal against the relevant statutory planning controls at both the local and state level and included supporting information intended to address the likely concerns of Council and assessing authorities.

In summary, we submit that the proposed changes are unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area.

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours Faithfully



Evan Yelavich
Director / Planner
Planning Plus QLD Pty Ltd

cc. Department of Resources via MyDAS2

Enc.	Annexure 1	DA Form 5
	Annexure 2	Title Certificates
	Annexure 3	Existing Decision Notice
	Annexure 4	Updated Proposal Plans

Annexure 1 DA Form 5

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	M.F.B Properties NQ Pty Ltd C/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	Redlynch
State	QLD
Postcode	4870
Country	
Email address (non-mandatory)	evan@planningplusqld.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
			Cape Tribulation Road	Cape Tribulation
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	0, 1, 2 & 4	SP219085	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	TPC156		Douglas Shire Council
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	TPC1216	20/11/2007	Douglas Shire Council

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Relocation of reception area resulting in increase to bottle shop area and reduction in accommodation by 2 rooms.

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input type="checkbox"/> No – proceed to Part 7 <input checked="" type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
Department of Resources	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	21/07/21
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Annexure 2 Title Certificates

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50759262	Search Date:	21/07/2021 13:47
Date Title Created:	02/03/2009	Request No:	37943753
Previous Title:	21170201		

LAND DESCRIPTION

COMMON PROPERTY OF WORLD HERITAGE COMMUNITY TITLES SCHEME 39715

COMMUNITY MANAGEMENT STATEMENT 39715

Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 712230331 19/02/2009

BODY CORPORATE FOR WORLD HERITAGE COMMUNITY TITLES
SCHEME 39715

BODY CORPORATE SERVICES
PO BOX 5134
CAIRNS QLD 4870

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20654199 (POR 1)
2. REQUEST FOR NEW CMS No 712662304 14/08/2009 at 10:23
New COMMUNITY MANAGEMENT STATEMENT 39715
SMALL SCHEMES MODULE
3. LEASE No 720002050 09/04/2020 at 11:08
OPTUS MOBILE PTY LIMITED A.C.N. 054 365 696
OF LEASE P ON SP315409
TERM: 01/12/2019 TO 30/11/2029 OPTION NIL
4. LEASE No 720002064 09/04/2020 at 11:13
OPTUS MOBILE PTY LIMITED A.C.N. 054 365 696
OF LEASE P ON SP315409
TERM: 01/12/2029 TO 30/11/2039 OPTION NIL
5. LEASE No 720162890 20/07/2020 at 11:00
TELSTRA CORPORATION LIMITED A.B.N. 33 051 775 556
OF LEASE T ON SP232167
TERM: 01/03/2020 TO 28/02/2030 OPTION NIL
6. LEASE No 720162898 20/07/2020 at 11:01
TELSTRA CORPORATION LIMITED A.B.N. 33 051 775 556
OF LEASE T ON SP232167
TERM: 01/03/2030 TO 29/02/2040 OPTION NIL

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50759263	Search Date:	21/07/2021 13:47
Date Title Created:	02/03/2009	Request No:	37943755
Previous Title:	21170201		

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 219085
Local Government: DOUGLAS
COMMUNITY MANAGEMENT STATEMENT 39715

REGISTERED OWNER

Dealing No: 712230331 19/02/2009
M.F.B. PROPERTIES (NQ) PTY LTD A.C.N. 101 980 303 TRUSTEE
UNDER INSTRUMENT 706185220

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20654199 (POR 1)
2. EASEMENT No 712230336 19/02/2009 at 10:38
benefiting the land over
EASEMENT A ON SP219085
3. LEASE No 717091104 24/02/2016 at 15:34
GDUB HOLDINGS PTY LTD A.C.N. 117 633 628
OF THE WHOLE OF THE LOT
TERM: 01/01/2015 TO 31/12/2019 OPTION 5 YEARS
4. AMENDMENT OF LEASE No 717098725 29/02/2016 at 12:21
LEASE: 717091104
TERM: 01/01/2015 TO 31/12/2019 OPTION 5 YEARS
5. AMENDMENT OF LEASE No 719902837 14/02/2020 at 15:10
LEASE: 717091104
TERM: 01/01/2015 TO 31/12/2024 OPTION 5 YEARS

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50759264	Search Date:	21/07/2021 13:47
Date Title Created:	02/03/2009	Request No:	37943754
Previous Title:	21170201		

ESTATE AND LAND

Estate in Fee Simple

LOT 2 SURVEY PLAN 219085
Local Government: DOUGLAS
COMMUNITY MANAGEMENT STATEMENT 39715

REGISTERED OWNER

Dealing No: 712230331 19/02/2009
M.F.B. PROPERTIES (NQ) PTY LTD A.C.N. 101 980 303 TRUSTEE
UNDER INSTRUMENT 706185220

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20654199 (POR 1)
2. EASEMENT No 712230336 19/02/2009 at 10:38
benefiting the land over
EASEMENT A ON SP219085
3. LEASE No 717096349 26/02/2016 at 13:20
GDUB HOLDINGS PTY LTD A.C.N. 117 633 628
OF THE WHOLE OF THE LAND
TERM: 01/01/2015 TO 31/12/2019 OPTION 5 YEARS
4. AMENDMENT OF LEASE No 717098729 29/02/2016 at 12:22
LEASE: 717096349
TERM: 01/01/2015 TO 31/12/2019 OPTION 5 YEARS
5. AMENDMENT OF LEASE No 719902842 14/02/2020 at 15:11
LEASE: 717096349
TERM: 01/01/2015 TO 31/12/2024 OPTION 5 YEARS

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50759266	Search Date:	21/07/2021 13:47
Date Title Created:	02/03/2009	Request No:	37943756
Previous Title:	21170201		

ESTATE AND LAND

Estate in Fee Simple

LOT 4 SURVEY PLAN 219085
Local Government: DOUGLAS
COMMUNITY MANAGEMENT STATEMENT 39715

REGISTERED OWNER

Dealing No: 712230331 19/02/2009
M.F.B. PROPERTIES (NQ) PTY LTD A.C.N. 101 980 303 TRUSTEE
UNDER INSTRUMENT 706185220

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20654199 (POR 1)
2. EASEMENT No 712230336 19/02/2009 at 10:38
burdening the land to
LOTS 1-3 ON SP219085
OVER EASEMENT A ON SP219085
3. MORTGAGE No 714858587 21/12/2012 at 14:21
ECU AUSTRALIA LTD A.C.N. 087 650 986

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Annexure 3 Existing Decision Notice

9 September 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUI 2021_4257/1 (Doc ID 1035496)
Your Ref: 21-17/001116

MFB Properties (NQ) Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Email evan@planningplusqld.com.au

Attention Mr Evan Yelavich

Dear Sir

**Development Application for Material Change of Use (Minor Change)
At L0 and Units 1,2 and 4 / 3910 Cape Tribulation Road Cape Tribulation
On Land Described as Lots 0, 1, 2 and 4 on SP219085**

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

Please quote Council's application number: MCUC 2021_4257/1 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
Paul Hoyer
Manager Environment & Planning

encl.

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



Decision Notice

Approval (with conditions)

Given under sections 81, 81A & 83 of the Planning Act 2016

Applicant Details

Name: MFB Properties (NQ) Pty Ltd
Postal Address: C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: Unit 0, 1, 2 and 4 /3910 Cape Tribulation Road Cape Tribulation
Real Property Description: Lots 0, 1, 2 and 4 on SP219085
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for Minor Change for:

- A. The Town Planning Consent TPC 156 for a Caravan Park with 71 bays, 21 bungalow units, amenities; and
- B. The Town Planning Consent TPC 1261 for a material change of use for the purpose of a General Licensed Premises – (Restaurant / Bar and existing associated and approved uses) and take-away Food Store (Bottle Shop).

Decision

Date of Decision: 9 September 2021
Decision: Approved (subject to conditions)
Decision Details: Whereby:
1. The approved plans are amended to have regard to the relocation of the caravan park reception to the kiosk / shop building, the relocation of the Take Away Food (Bottle Shop) to kiosk / shop building and the use of the current reception building for seating for the Shop / Kiosk uses

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
Whole of Site Plan and detailed drawings	Plans prepared on the applicant's behalf and submitted to Council (Document 1024794).	22 July 2021

2. The following advices be included in the Decision.

Advice

1. 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.
 2. The building approval for the deck area should include the consideration of available amenity facilities and any associated upgrade to onsite wastewater infrastructure.
 3. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
 4. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au
3. All other conditions of the respective approvals remain unchanged.

Approved Drawing(s) and/or Document(s)

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

Drawing or Document	Reference	Date
Whole of Site Plan and detailed drawings	Plans prepared on the applicant's behalf and submitted to Council (Document 1024794).	22 July 2021

Original Approvals

Attachment 1 – TPC 156 for a Caravan Park with 71 bays, 21 bungalow units and amenities

Attachment 2 – TPC 1261 for a material change of use for the purpose of a General Licensed Premises – (Restaurant / Bar and existing associated and approved uses) and take-away Food Store (Bottle Shop).

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Currency Period for the Approval

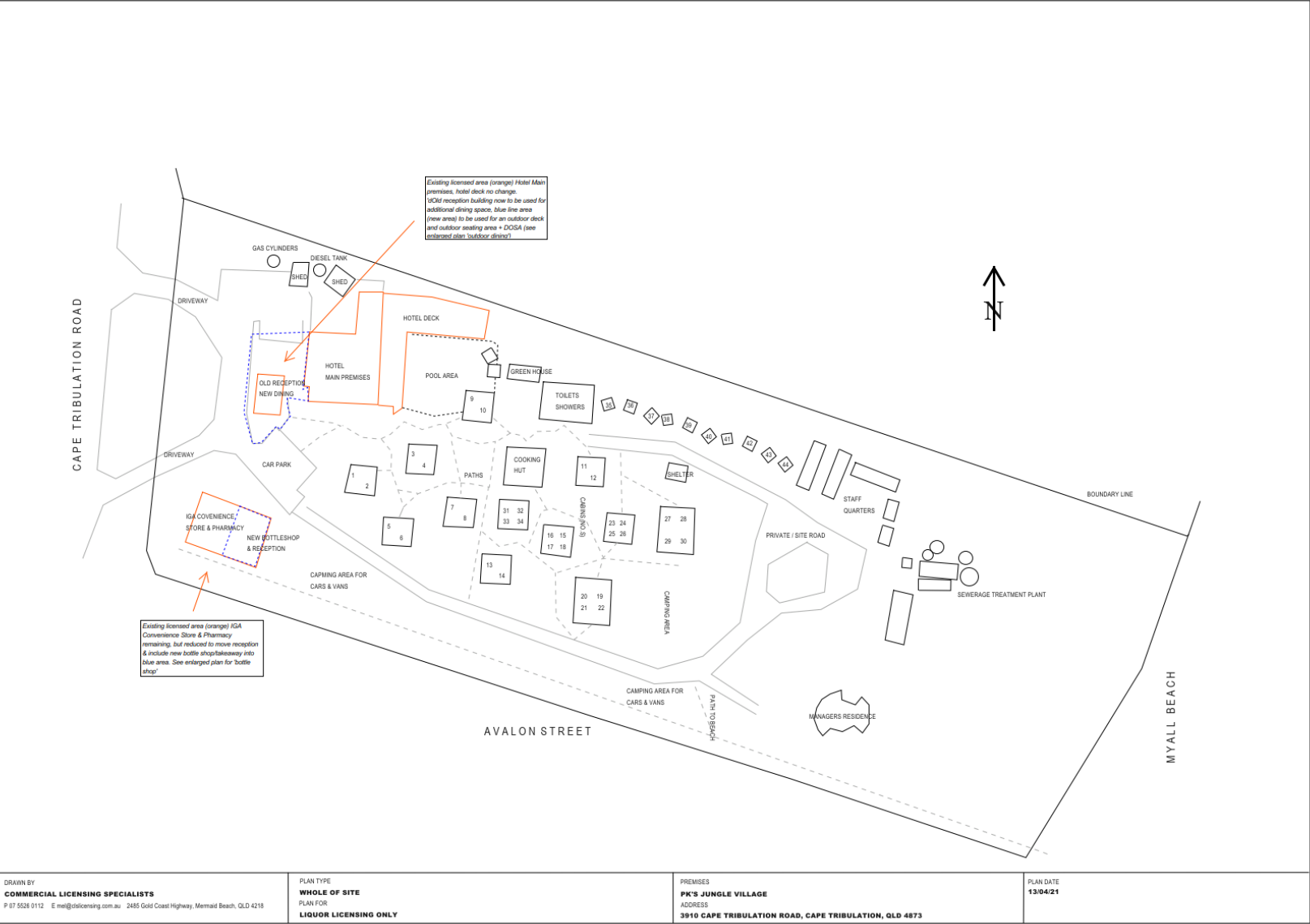
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations 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.

Approved Drawing(s) and/or Document(s)





ENLARGED

CAPE TRIBULATION ROAD

BOUNDARY LINE

CAR PARKING

CAR PARKING

LOT 1

COVENIENCE
STORE

LOT 2

NEW BOTTLESHOP
+ RECEPTION

W/C

W/C

AVALON STREET



9700

4850

4850

13500

DRAWN BY
COMMERCIAL LICENSING SPECIALISTS
P 07 5526 0112 E mel@clslicensing.com.au 2485 Gold Coast Highway, Mermaid Beach, QLD 4218

PLAN TYPE
ENLARGED - BOTTLESHOP / CONVENIENCE STORE
PLAN FOR
LIQUOR LICENSING ONLY

PREMISES
PK'S JUNGLE VILLAGE
ADDRESS
3910 CAPE TRIBULATION ROAD, CAPE TRIBULATION, QLD 4873

PLAN DATE
8/6/21

DOUGLAS SHIRE COUNCIL.

PAGE 1.

BUILDING SURVEYOR'S REPORT.

CHAIRMAN AND COUNCILLORS,
DOUGLAS SHIRE COUNCIL,

SIR,

WITH SUBMIT MY REPORT FOR THE PERIOD ENDING 29TH MARCH, 1984.

1.

(9) Town Planning applications were received and advertised - see attached Schedule
two (2) Town Planning applications are resubmitted for consideration by Council as
there has been no appeals lodged against these applications.

TOWN PLANNING SCHEME APPLICATION NO. 151.

This application is for a Church on land described as Sub. 20 Resub. 2 Sub. 3 Resub. 5
a. 7 Resub. 2 Portion 2, Parish of Victory, County of Solander at Alchera Drive. There
have been no objections to the application and should Council grant approval to the application
the following conditions should apply:-

1. Should within a period of two (2) years from the date of the permit work on the develop-
ment as approved not be commenced Council may implement action to revoke the approval
as given.
2. The approval does not constitute a building permit and a building permit must be obtained
before any building operations proceed.
3. The development must comply with Council's Town Planning Scheme.

TOWN PLANNING SCHEME APPLICATION NO. 155.

This application is for a Nursery on land described as Lot 1 on R.P. 33909, in Registered
Group Title Plan No. 25, Parish of Mowbray, County of Solander. There has been one objection
to the application and should Council grant approval to the application the following conditions
should apply:-

1. Should within a period of two (2) years from the date of the permit work on the develop-
ment as approved not be commenced Council may implement action to revoke the approval
as given.
2. The approval does not constitute a building permit and a building permit must be obtained
before any building operations proceed.
3. The development must comply with the provisions of Council's Town Planning Scheme.

TOWN PLANNING SCHEME APPLICATION NO. 156.

This application is for a Caravan Park with 71 bays, 21 bungalow units, amenities building,
kiosk, manager's flat and an inground swimming pool on land described as Portion 11, Parish
of Noah, County of Solander. Three (3) objections have been received to the application
and should Council grant approval to the application the following conditions should apply:-

1. Should within a period of two (2) years from the date of the permit work on the develop-
ment as approved not be commenced Council may implement action to revoke the approval
as given.
2. The approval does not constitute a building permit and a building permit must be obtained
before any building operations proceed.

1. The development must comply with the provisions of Council's Town Planning Scheme.
2. An approved drainage system to cater for the disposal of effluent from all septic tanks and other drainage fixtures is to be provided in accordance with the provisions of the standard sewerage by-laws.
3. A landscaped area at least 14 metres in depth along all street frontages and at least 4 metres in depth along all other side boundaries is to be provided. Access to the remainder of the site may be provided through this landscaped area but no buildings, structures, caravans or units may be located within the landscaped area. The area shall be landscaped to the satisfaction of Council.
4. Access to and egress from the site are to be approved of by Council's Engineer.

RE: TOWN PLANNING APPLICATION NO. 157.

This application is for a caravan park on Part of Portion 83, Parish of Alexandra, County of Solander. There have been three (3) objections to the application and should Council grant approval to the application the following conditions should apply:-

1. Should within a period of two (2) years from the date of the permit work on the development as approved not be commenced Council may implement action to revoke the approval as given.
2. The approval does not constitute a building permit and a building permit must be obtained before any building operations proceed.
3. The development must comply with the provisions of Council's Town Planning Scheme.
4. An approved drainage system to cater for the disposal of effluent from all septic tanks and other drainage fixtures is to be provided in accordance with the provisions of the standard sewerage by-laws.
5. Details of a potable water supply are to be submitted with the building application for Council's approval.
6. Access to and egress from the site are to be approved by Council's Engineer and the Department of Main Roads.

RE: TOWN PLANNING SCHEME APPLICATION NO. 158.

This application is for a duplex on land described as Portion 96, Parish of Salisbury, County of Solander. No objections have been received to the application and should Council grant approval to the application the following conditions should apply:-

1. Should within a period of two (2) years from the date of the permit work on the development as approved not be commenced Council may implement action to revoke the approval as given.
2. The approval does not constitute a building permit and a building permit must be obtained before any building operations proceed.
3. The development must comply with the provisions of Council's Town Planning Scheme and Development Control Plan 1.
4. An approved drainage system to cater for the disposal of effluent from all septic tanks and other drainage fixtures is to be provided in accordance with the provisions of the standard sewerage by-laws.

APPLICATION FOR CONSENT TO THE USE OF LAND

16th February, 1984

To: The Shire Clerk,
Douglas Shire Council,
Mill Street,
MOSSMAN. QLD. 4873

Re: Proposed Use of Land and/or Proposed Erection of Building and other Structures.

Application for Consent to the Use of the Following Land:

Postal Address: Corner of Cape Tribulation Road and Avalon Street, Cape Tribulation.

Real Property Description: Portion 11, Parish of Noah, County of Solander.

Rates Assessment Number: 2469

Area of Land: 2.501 Ha.

Length of Road Frontage: Cape Tribulation Road 93.642 m
Avalon Street 242.27 m
Esplanade 95.301 m

Zone in which the land is included : Residential - Rural

Nature of Proposed Use: Construction of Caravan Park and Refreshment Service including
71 Camping Bays
21 Bungalow Units
Amenities Building
Kiosk and Managers Flat
Swimming Pool

Details of Building Proposed to be Erected: Amenities Building, 200 m², Single Storey
Kiosk and Managers Flat, 200 m², Two Storey
Swimming Pool, 200 m², In-ground pool.
Bungalow Unit Buildings, each 120 m², Single Storey
Refreshment Service Building, 216 m², Single Storey

Number of Vehicles for which Parking Provision is to be made on the Land: 99

Number of Employees Proposed to be engaged on the Land : 4

The Nature of any Machinery proposed to be used on the land : (1) Swimming Pool Pump and Filter
(2) Diesel Alternator Set (20 KVA)
(3) Commercial Refrigeration
(4) Domestic Appliances

Name and Address of Owner : R.E. & B.J. Prescott, and
E. & M. Bruce Investments Pty. Ltd.,
P.O. Box 1077,
CAIRNS. QLD. 4870

Name and Address of
Applicant :

R.E. & B.J. Prescott, and
E. & M. Bruce Investments Pty. Ltd.,
P.O. Box 1077,
CAIRNS. QLD. 4870

Detailed Description
of Proposal :

The Proposal is shown on Ariotti, Hamilton &
Bruce Pty. Ltd. Drawing 906, Sheet 1.

In General the proposed Caravan Park will be
designed to comply with Chapter 42 of Council's
By laws and as well meet the requirements of
Council's policy regarding Caravan Parks dated
14th December, 1981.

Camping Bays measuring 10 m X 10 m (100 m²)
are proposed. This will allow extensive
planting of palms between bays.

Approximately 28% of the site has been allocated
for landscaping outside of the Camping Bays
and Pool surrounds. A buffer strip of 10 m is
proposed on the northern boundary and a strip
6 m wide adjacent to Avalon Street.

It is proposed to complement the Camelot
Development on the South side of Avalon Street.
The area will be grassed and planted out with
palms native to the Cape Tribulation area.
The native trees in the front of the land will
be retained.

The amenities Building and Kiosk/Managers Flat
Building will be Architect designed to be both
distinctive and in accord with the surrounds.

A bore (120 m deep) has been drilled and tested
and will supply potable water.

Disposal of soakage from the amenities building
will be by septic and soakage trenches.

A Refreshment Service Building is to be provided.
Because Cape Tribulation is a high rainfall
area this will combine a large covered area
with restaurant facilities. It will be designed
in with the landscaping associated with the
swimming pool area.

The Amenities Building will contain ablutions
fitments (male and female) and clothes washing/
drying facilities as required by Council by-laws
and policies.

Disposal of effluent will be by septic tank(s)
and soakage trenches designed in accordance
with Part X, Standard Sewerage By-Laws.
Preliminary investigation work shows the area
to be suitable for disposal of effluent by
absorption trenches and the relative low density
(less than 15 Camping Bays per acre) of
development has provided ample space for trenches.

...../Cont.

Detailed Description
of Proposal (Cont.) :


Disposal of solid (garbage) waste from the area will be to Council's rubbish tip. Management will provide receptacles which will be emptied and carried to Council's rubbish tip in accordance with Council and Department of Health requirements.

The site has good access to the nearby beach.

There is a need for good camping facilities at Cape Tribulation. This development is specifically directed towards family groups. The applicants have developed rural-residential land at Cape Tribulation and, subject to Council approval, intend to re-invest into this proposed Caravan Park. It is proposed to commence work immediately approvals are obtained.

We hereby submit and authorise the foregoing application and advise that all notices relating to the application should be sent to:-

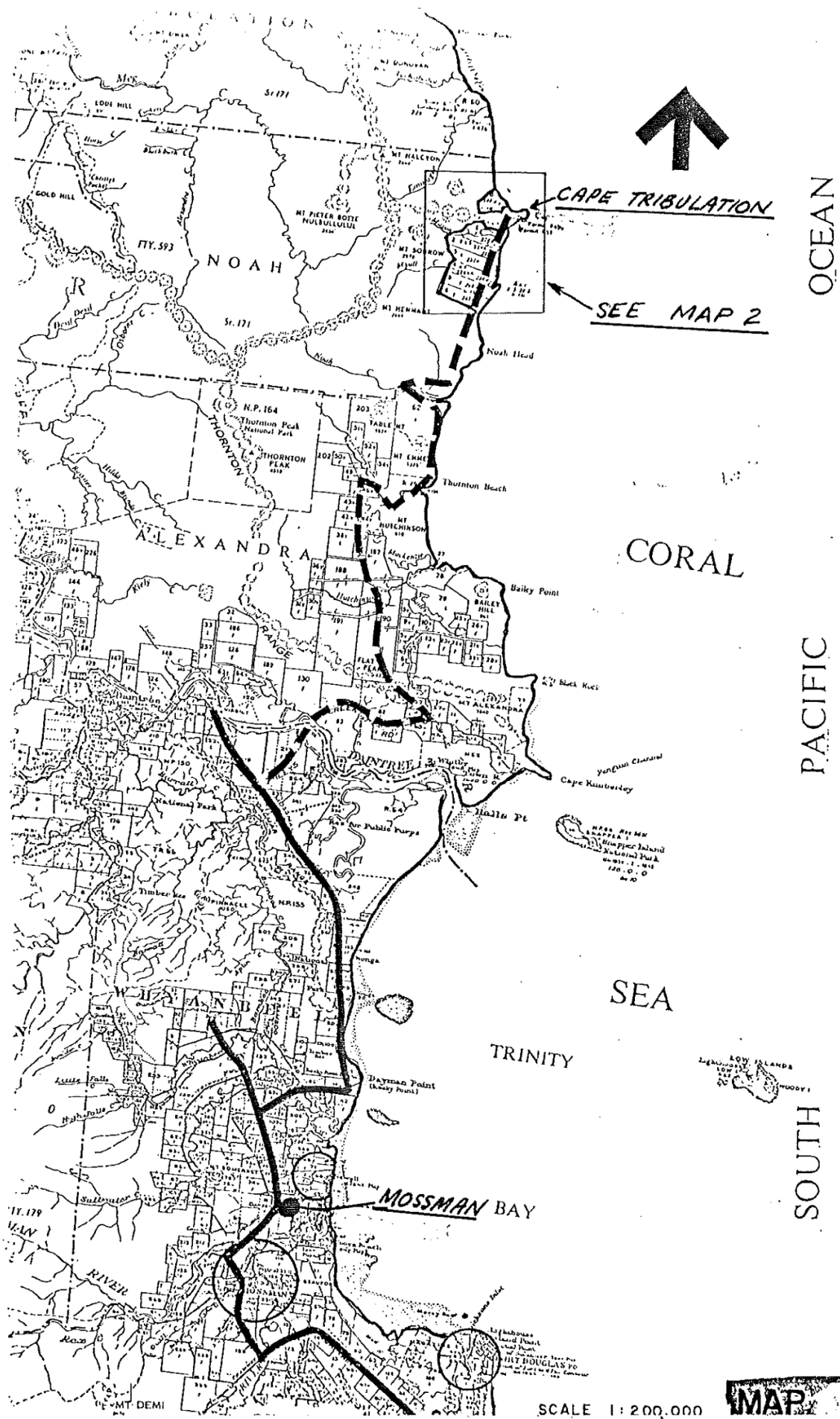
R.E. & B.J. Prescott, and
E. & M. Bruce Investments Pty. Ltd.,
P.O. Box 1077,
CAIRNS. QLD. 4870

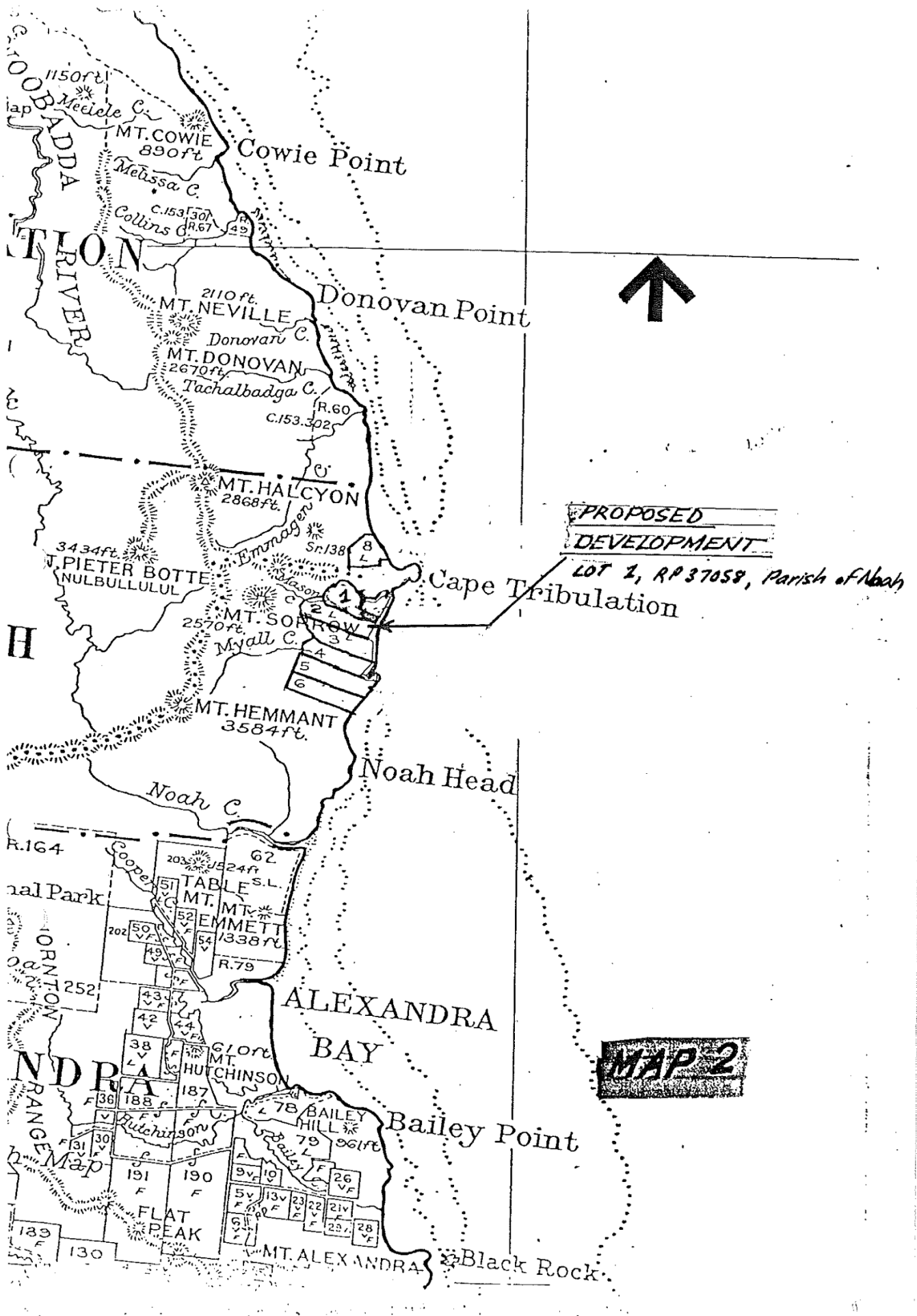
Signed  R.E. Prescott

Signed  B.J. Prescott

Signed  E. & M. Bruce Investments Pty. Ltd.

Witness  Date 16. 2. 84





Attachment 2 – TPC 1261 for a material change of use for the purpose of a General Licensed Premises – (Restaurant / Bar and existing associated and approved uses) and take-away Food Store (Bottle Shop).

Mrs Natalie Clark – Planning Officer
Planning Services Section - ☎ (07) 4099 9456
planning@dsc.qld.gov.au

TPC 1261

Victor Feros Town Planning Consultants
PO Box 1256
CAIRNS QLD 4870

20 November 2007

**INTEGRATED PLANNING ACT
AMENDED NEGOTIATED DECISION NOTICE
DEVELOPMENT APPLICATION**

Applicant's Name : MFB Properties NQ Pty Ltd
Owner's Name : MFB Properties NQ Pty Ltd
Proposal : Material Change of Use for the purpose of a General Licence Premises – Tavern (Restaurant/Bar and existing associated and approved uses) and a Take-Away Food Store (bottle shop)
Application Number : TPC 1261
Site Address : Cape Tribulation Road, Cape Tribulation
Property Description : Lot 11 on SR 740, Parish of Noah, County of Solander

A. Decision: **Decision Date:** 30 October 2007

Approved subject to Conditions

B. Type of Development Approval:

Material Change of Use

Development Permit

.../2.

C. Referral Agency:

Department of Natural Resources & Water
PO Box 210
ATHERTON QLD 4883

D. Conditions

Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the approved Plan/s of Development shown at Appendix A:
except where such plans are modified by the terms of this approval.

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Landscaping

3. The applicant/owner is to provide to Council a Landscaping Plan in accordance with Planning Scheme Policy No 7 – Landscaping prior to an application being made to Liquor Licensing. In particular the landscaping plan is to show screening vegetation along the full frontage of the site excluding the driveway area.

Car parking

4. A car parking area with a minimum of four (4) spaces shall be dedicated to the take-away food store and are to be clearly signed for short term parking only, in accordance with the approved plan of development and the relevant Australian Standard, and maintained thereafter.
5. An additional four (4) car parking spaces are to be constructed, drained, marked and sited elsewhere on the site in accordance with the approved plan of development and the relevant Australian Standard, and maintained thereafter.

Compliance

6. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

.../3.

Security

7. To guarantee the satisfactory completion of the landscaping and to ensure the completion of the works, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$20 000. Such guarantee shall be lodged prior to the commencement of the use. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so."

E. Submitters

D J Hooper Staff Qtrs - Room 76 Coconut Beach Resort Cape Tribulation Qld 4873	Tony Young Staff Qtrs - Room 76 Coconut Beach Resort Cape Tribulation Qld 4873
Henry Walker Cape Tribulation Road Thomson Creek Qld 4873	Neil Sykes 81 Keim Street Wujal Wujal Qld 4895
Gregory Ryan Staff Qtrs - Room 76 Coconut Beach Resort Cape Tribulation Qld 4873	Veronica Friday C/- Post Office Wujal Wujal Qld 4895
Denise Semple C/- Sanctuary BB Rykers Road Cape Tribulation Qld 4873	Rob Lapaer 19 Camelot close Cape Tribulation Qld 4873
Anne Colquhoun Lot 23 Nicole Drive Cape Tribulation Qld 4873	A & D Gotts Lot 5 Nicole Drive Cape Tribulation Qld 4873
Stuart Marquardt Warranga Community Justice Group C/- Post Office Wujal Wujal Qld 4895	Winfred Ann and Lawrence Mason C/- Brazier Motti P.O. Box 1185 Cairns Qld 4870
Mervyn Nunn Hartwig Street Wujal Wujal Qld 4895	Cedric Friday C/- Post Office Wujal Wujal Qld 4895
Peter Davidson & Astrid Van Peelen C/- PK's Jungle Village Cape Tribulation Road Cape Tribulation Qld 4873	C S Gray MS 2041 Cape Tribulation Qld 4873
Rachel Friday C/- Post Office Wujal Wujal Qld 4895	Daniel Solomon Forest Creek Road Forest Creek Qld 4873
Marilyn Wallace 2 Hartwig Street Wujal Wujal Qld 4895	Christine Friday C/- Post Office Wujal Wujal Qld 4895

J Grace PMB 10 PS2041 Mossman Qld 4873	P Davidson & A Van Peelen 8 Nicole Drive Cape Tribulation Qld 4873
Lyll Naylor 23 Thornton Peak Drive Forest Creek Qld 4873	Dr Hugh Spencer Austrop Foundation PMB 5 Cape Tribulation Qld 4873
F Cavallero Lot 4 Evergreen Road Degarra	Cape Tribulation Beach House Pty Ltd C/- Flanagan Consulting Group P.O. Box 5820 Cairns Qld 4870

F. Further Development Approvals Required:

None applicable

Paul Trotman
General Manager – Development & Environment

Appendix A – Department of Natural Resources & Water response

Referral Agency Response – Material Change of Use / Reconfiguring a Lot

s 3.3.18 Integrated Planning Act 1997

1. Application information

- 1.1. Applicant's name: MFB Properties NQ Pty Ltd
C/- Victor G Feros Town Planning Consultants
- 1.2. Property description: Lot 11 on SK740 - Douglas Shire Council
- 1.3. Assessment Manager/Reference: Douglas Shire Council TPC 1261
- 1.4. Date application was referred to Department: 28 August 2006
- 1.5. Departmental Reference: eLVAS Case No: 2006/009688, File Ref. No: MHA/000129, Trackjob No: IC0609MHA0002
- 1.6. Type/s of development sought by the application:
 - Material Change of Use

2. Concurrence Agency response:

The Chief Executive of the Department of Natural Resources, Mines and Water directs the following conditions must be imposed on any approval given by the Assessment Manager:

- The applicant must adhere to the plan Material Change of Use - Impact Assessment, Cape Tribulation Road, Cape Tribulation MFB Properties NQ Pty Ltd Proposal Plan, Appendix B July 2006.
- Infrastructure will not be located in assessable vegetation where the infrastructure would require clearing for any reason including, but not limited to, construction, maintenance, safety, firebreaks;
- Clearing of assessable vegetation will not occur unless it is already exempt under Schedule 8 of the Integrated Planning Act 1997 in the absence of an approval from the MCU.

3. Reasons:

A Statement of Reasons is attached at Schedule 1.

4. Additional comments or information:

Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the 'cultural heritage duty of care'). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the Department's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage

Coordination Unit, Department of Natural Resources, Mines and Water. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the Department's website www.nrm.qld.gov.au/cultural_heritage.

5. Authorised Officer Signature:



Michael Whittle
Acting Senior Vegetation Management Officer
North Region

6 October 2006

Att. Schedule 1 – Statement of Reasons

el.VAS Case No:	2006099888
File Ref. No:	MBAC00125
Task Job No:	IC040908A0002

Schedule I

Statement of Reasons Referral Agency Response Application for Material Change of Use MFB Properties NQ Pty Ltd

The following Statement of Reasons is provided pursuant to s. 3.3.18(7) of the *Integrated Planning Act 1997*

Introduction

1. The Department of Natural Resources, Mines and Water (NRM&W) received an application from MFB Properties NQ Pty Ltd on 28 August 2006.
2. The application is for MCU (Concurrence-Single Issue) on Lot 11 SR740 - Douglas Shire Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive, Rachael Whittle, on 11 September 2006.
4. The Delegate determined the Referral Agency Response on 6 October 2006

Evidence

1. Application dated 28 August 2006.
 - a) Completed IDAS Form 1 Part "J".
 - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. *Department of Natural Resources, Mines and Water Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot dated 27 June 2005*
5. *State Planning Policy (SPP) 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. *Natural Resources (IPA) Delegation (No.1) 2005*
7. Assessment Report dated September 2006
8. Regional ecosystem mapping (version 5.0) for the subject lot 11 on SR740 as at the 11 September 2006.
9. The application area submitted by the applicant Material Change of Use - Impact Assessment, Cape Tribulation Road, Cape Tribulation MFB Properties NQ Pty Ltd Proposal Plan, Appendix B July 2006.

Findings of fact

1. The subject lot 11 on SR740 contains the remnant Of Concern regional ecosystems 7.2.8 and 7.3.10.
2. The proposed application area occurs in non remnant areas according to the Material Change of Use - Impact Assessment, MFB Properties NQ Pty Ltd Proposal Plan Appendix B July 2006 (submitted by the applicant). The proposed infrastructure is not located in assessable vegetation and that there is no clearing proposed as a result of the proposed Material Change of Use.

Reasons,

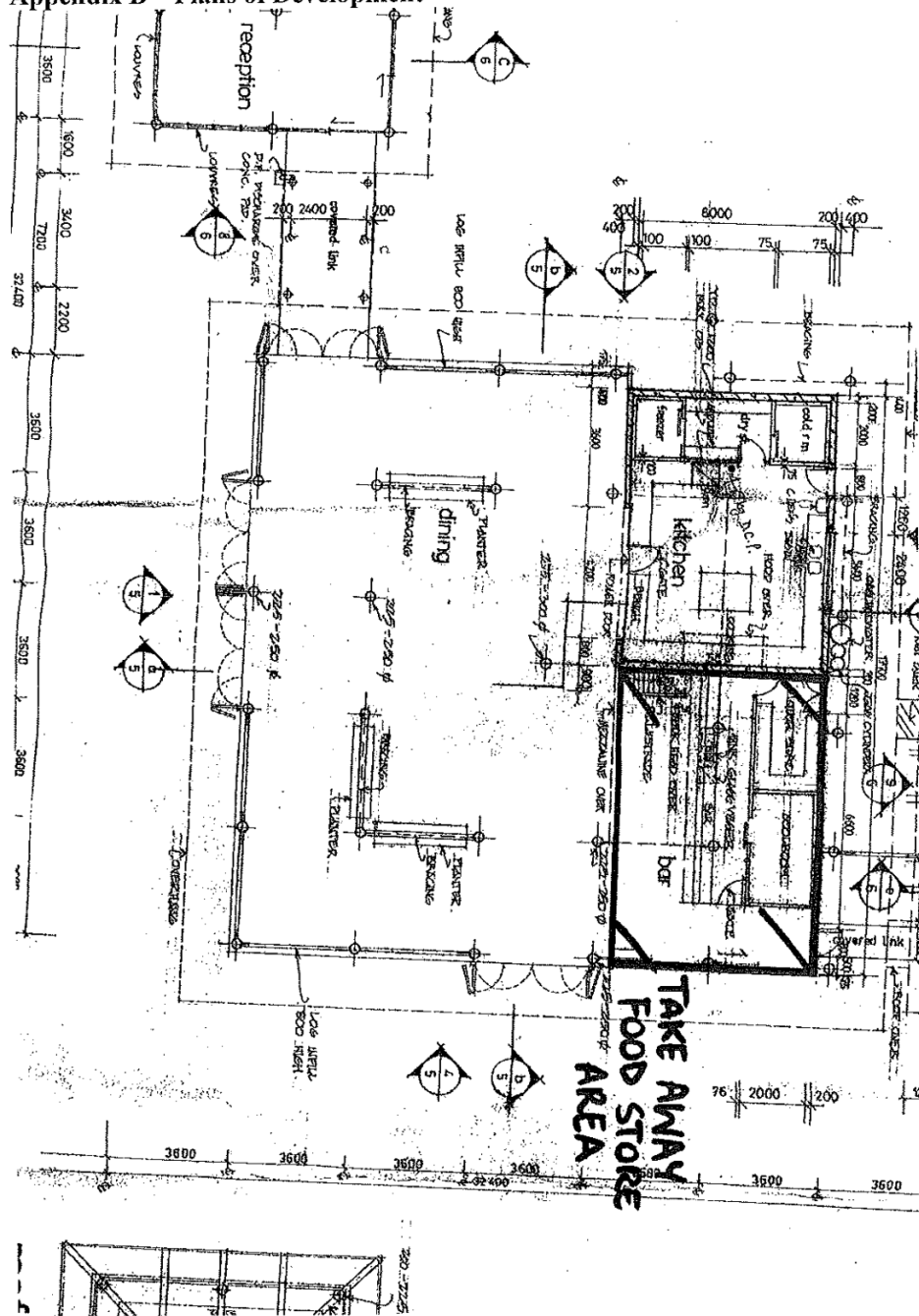
- a) Infrastructure will not be located in assessable vegetation where the infrastructure would require clearing for any reason including, but not limited to, construction, maintenance, safety, firebreaks;
- b) Infrastructure, other than a fence or road, will be located in the area outside of assessable vegetation and associated buffer area;
- c) Clearing of assessable vegetation will not occur unless it is already exempt under Schedule 8 of the Integrated Planning Act 1997 in the absence of an approval from the MCU.

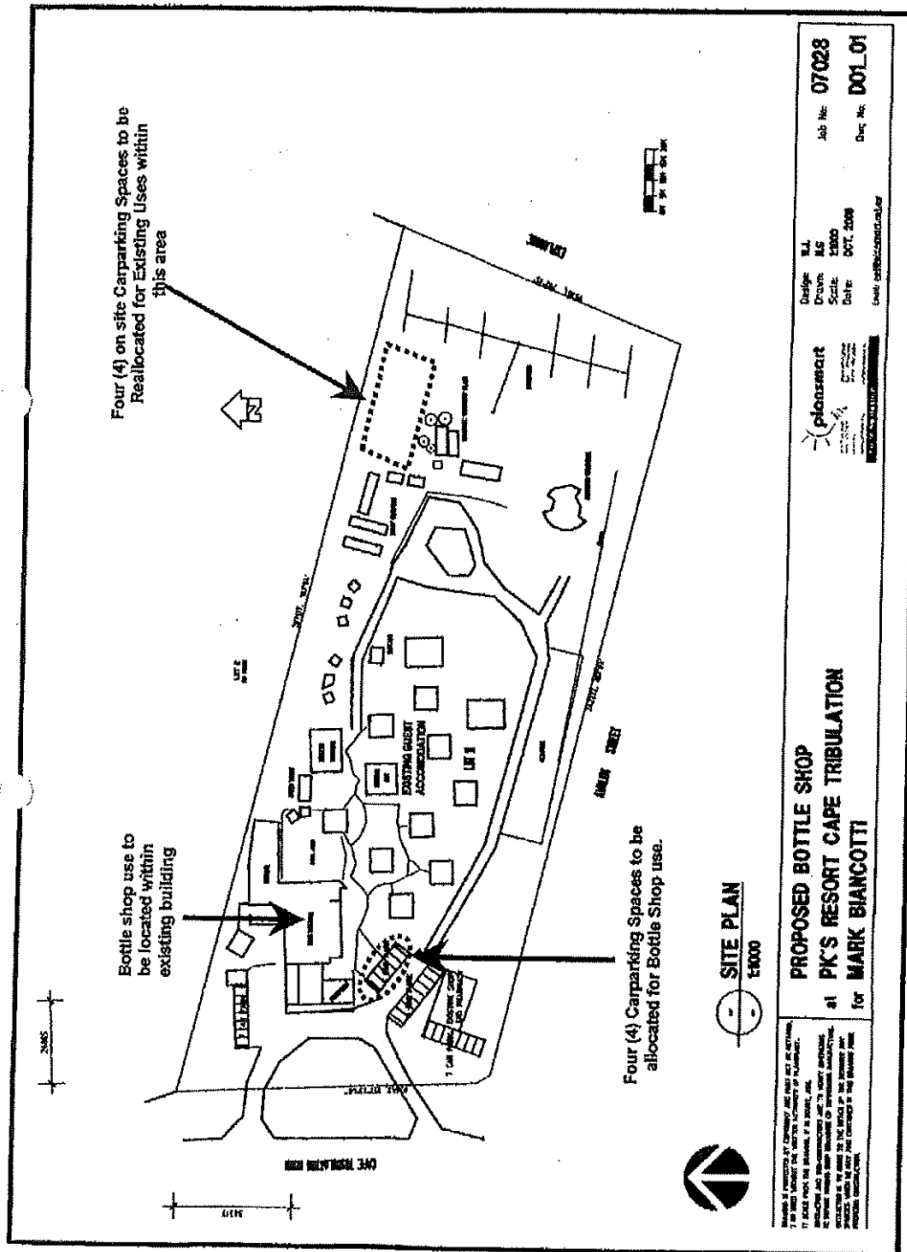


Rachael Whith
Acting Senior Vegetation Management Officer
North Region

6 October 2006

Appendix B – Plans of Development





Reasons for Decision

The reasons for this decision are:

1. Sections 78, 78A, 79, 81, 81A and 83 of the Planning Act 2016:
 - a. to ensure the development satisfies the benchmarks of the 1981 Planning Scheme for the Whole of the Douglas Shire and the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the Planning Act 2016.
2. Findings on material questions of fact:
 - a. the application for a minor change was properly lodged to the Douglas Shire Council 27 July 2021 under section 78, 78A, 79 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules;
 - b. The application is for a minor change, being a minor change consistent with Schedule 2 of the *Planning Act 2016*;
 - c. the application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy, the 1981 Planning Scheme for the Whole of the Douglas Shire, the 1996 Douglas Shire Planning Scheme and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development was impact assessable development under the 1981 Planning Scheme for the Whole of the Douglas Shire and the 1996 Douglas Shire Planning Scheme;
 - b. the development, where considered under the 2018 Douglas Shire Planning Scheme Version 1.0 would not have triggered assessable development, as the change of use is for a "pharmacy" shop to a "bottle" shop under the Assessment Table associated with the Conservation Zone Code. For the change of use of the reception area to a dining area associated with the take-away food this is considered as being both ancillary uses associated with the existing approvals and does not in itself give rise to new floor area; for the building work associated with the deck area of the outdoor dining this is code assessable development under the Assessment Table of the Conservation Zone;
 - c. Council undertook an assessment in accordance with the provisions of sections 81, 81A and 83 of the Planning Act 2016; and
 - d. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

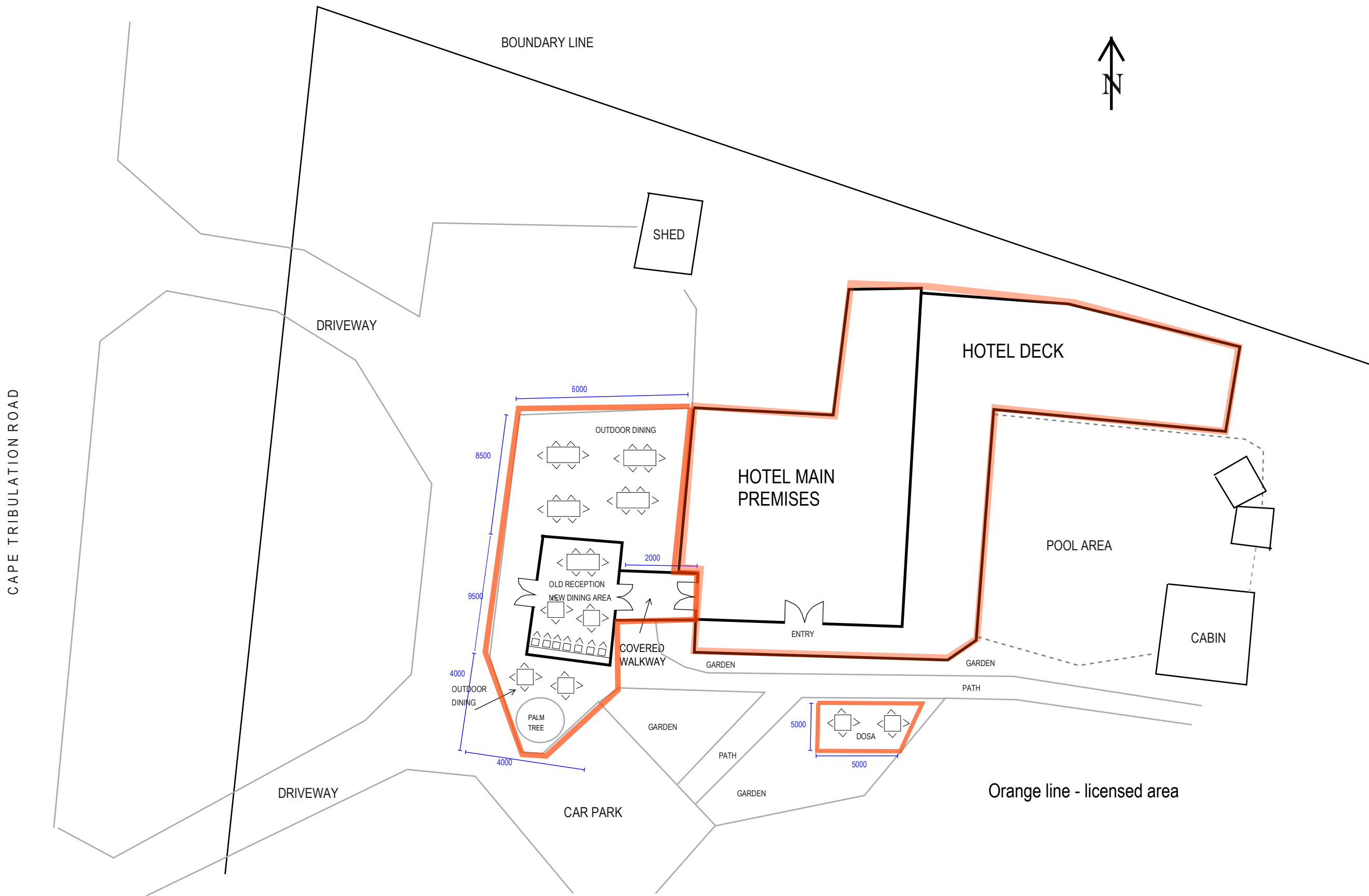
- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

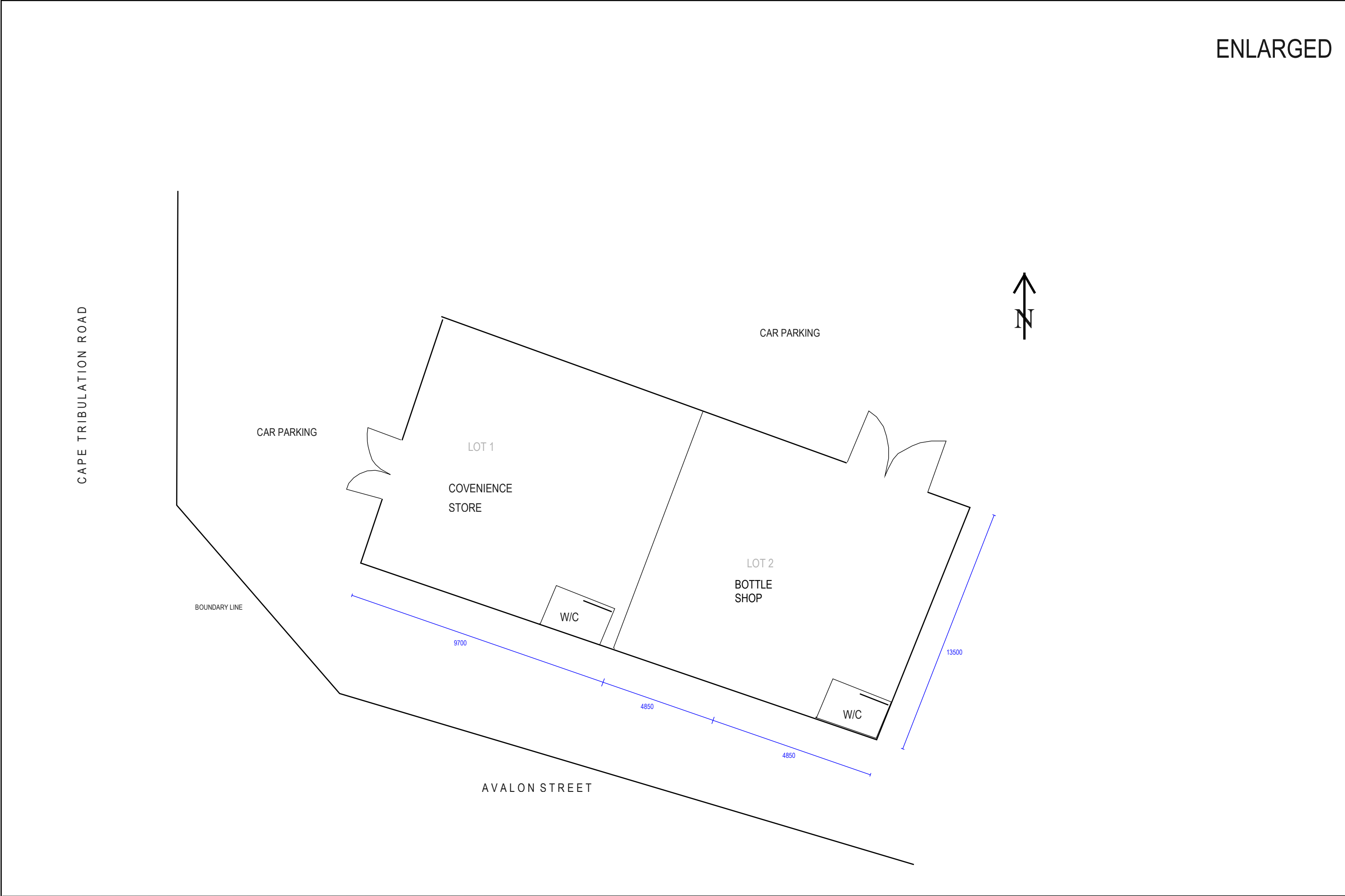
232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

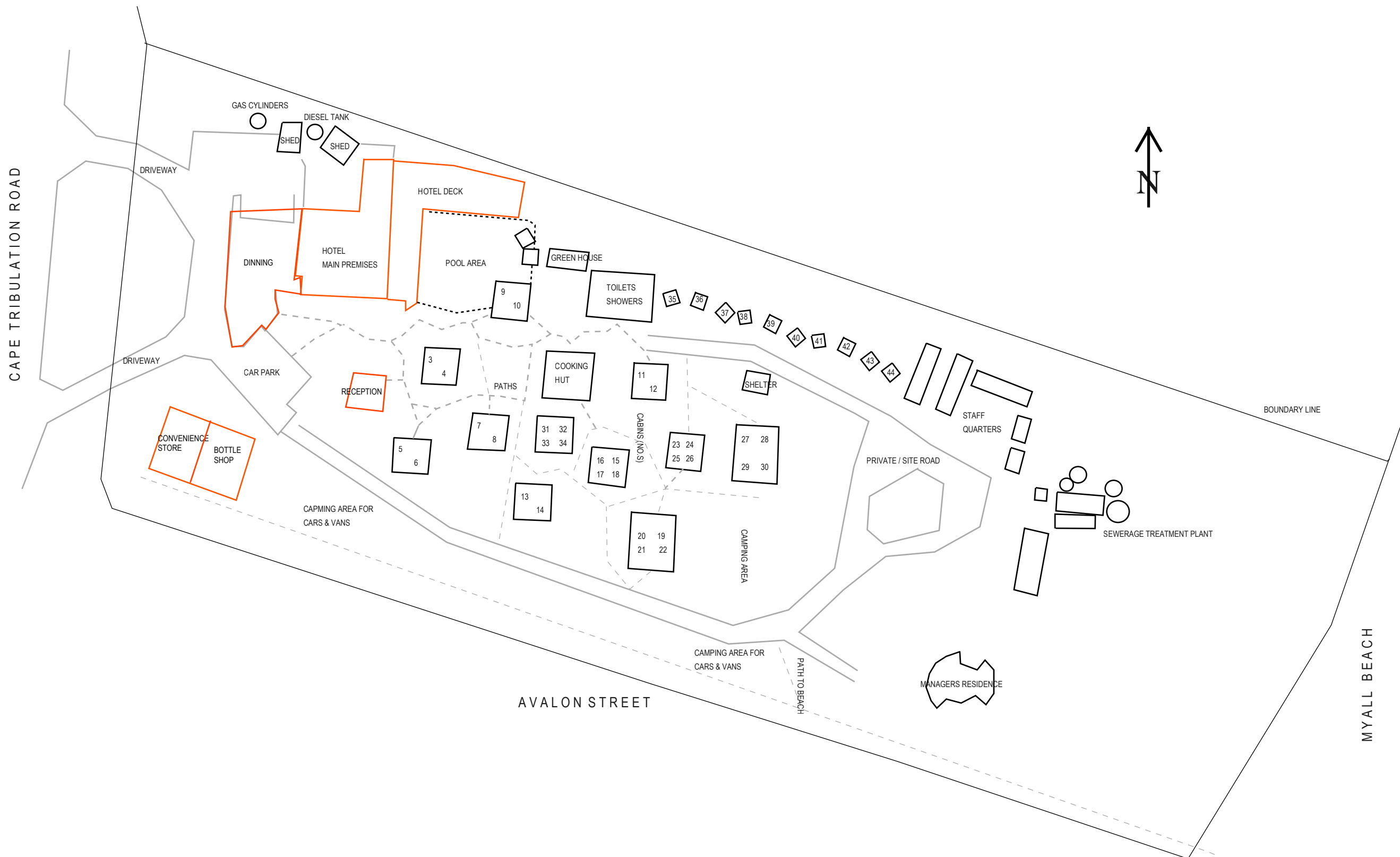
Annexure 4 Updated Proposal Plans

ENLARGED





<div>DRAWN BY</div> <div>COMMERCIAL LICENSING SPECIALISTS</div> <div>P 07 5526 0112 E mel@clslicensing.com.au 2485 Gold Coast Highway, Mermaid Beach, QLD 4218</div>	<div>PLAN TYPE</div> <div>ENLARGED - BOTTLESHOP / CONVENIENCE STORE</div> <div>PLAN FOR</div> <div>DA</div>	<div>PREMISES</div> <div>PK'S JUNGLE VILLAGE</div> <div>ADDRESS</div> <div>3910 CAPE TRIBULATION ROAD, CAPE TRIBULATION, QLD 4873</div>	<div>PLAN DATE</div> <div>20/07/2022</div>
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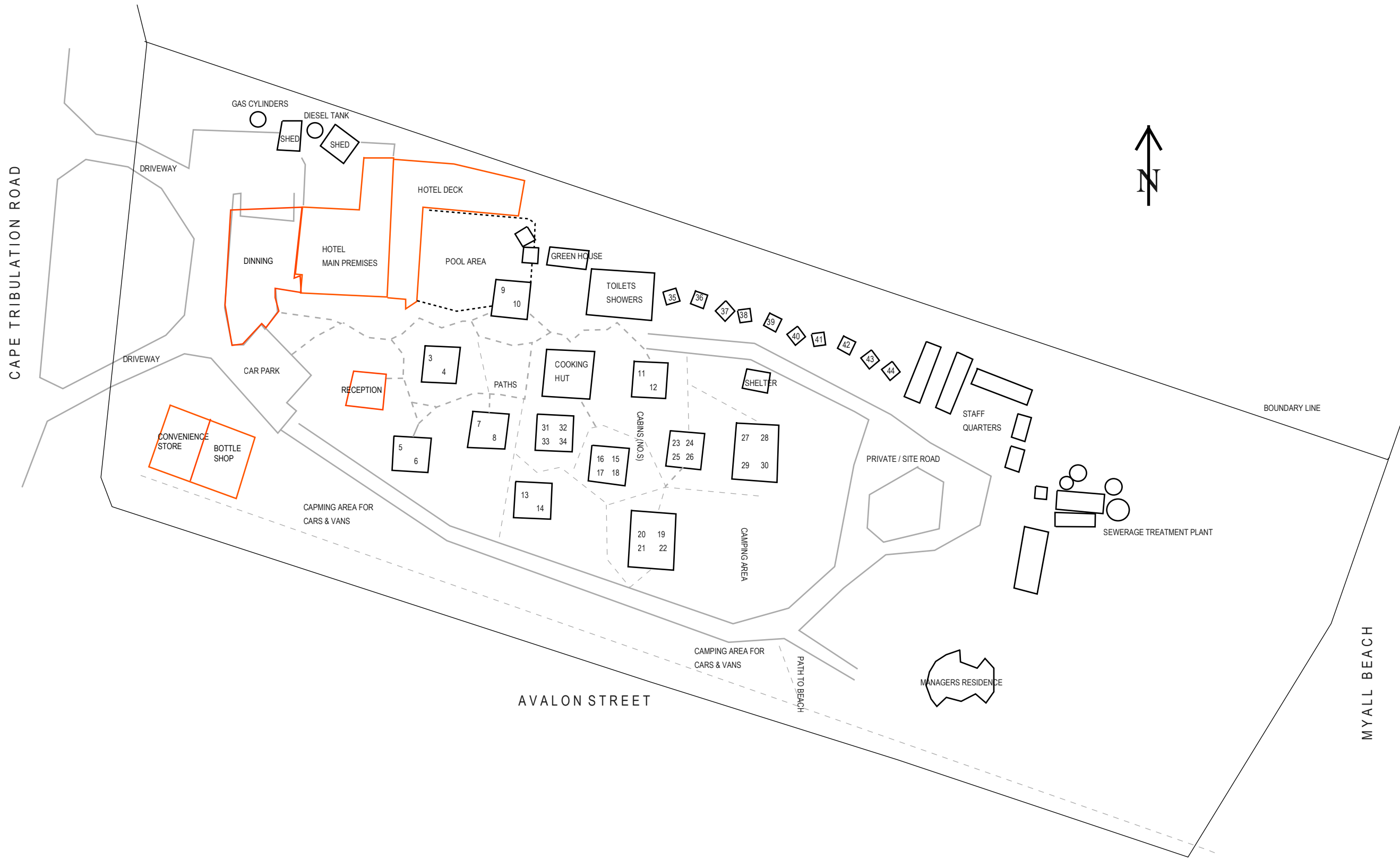


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COMMERCIAL LICENSING SPECIALISTS
P 07 5526 0112 E mel@clslicensing.com.au 2485 Gold Coast Highway, Mermaid Beach, QLD 4218

PLAN TYPE
WHOLE OF SITE
PLAN FOR
DA

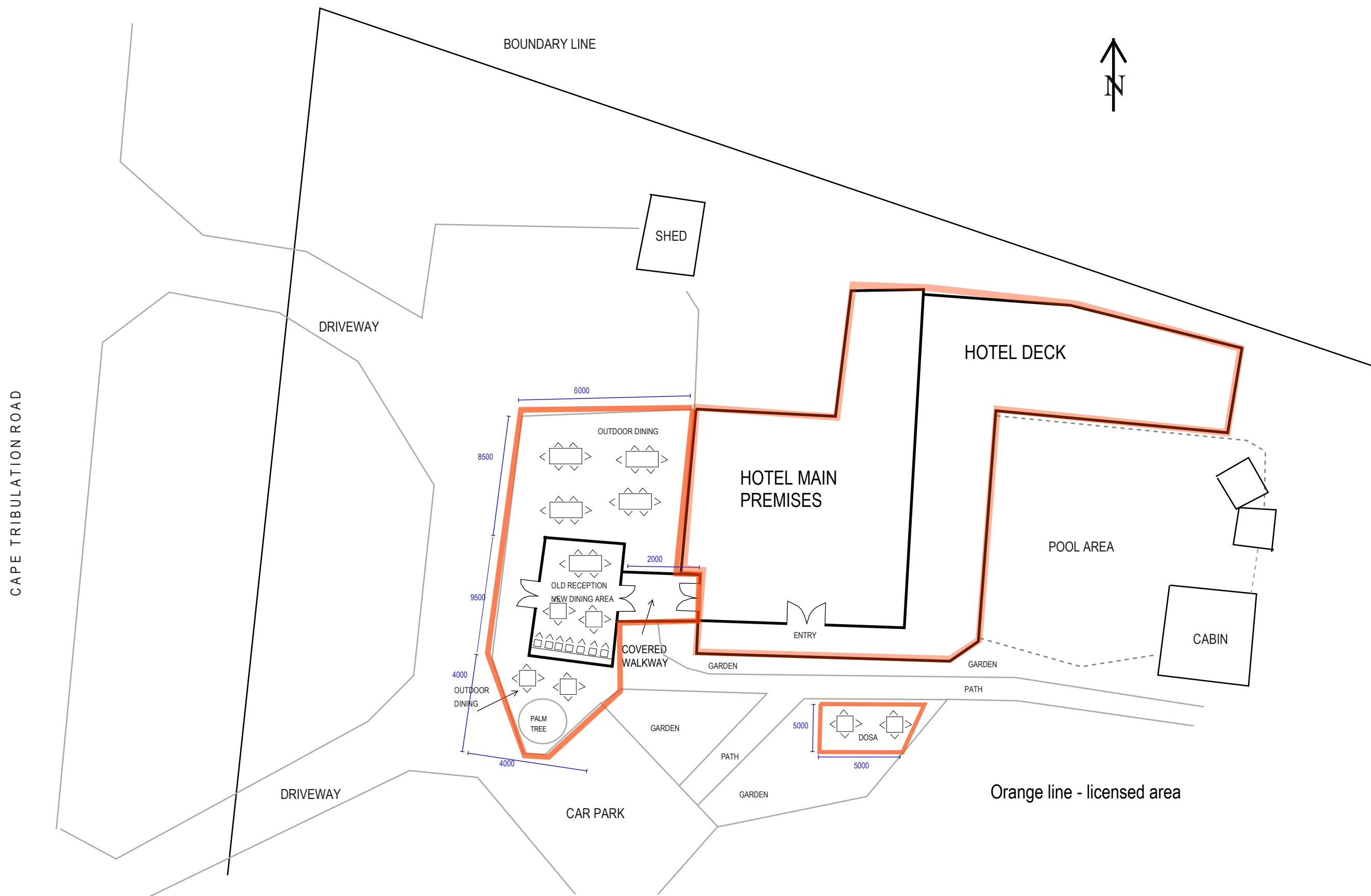
PREMISES
PK'S JUNGLE VILLAGE
ADDRESS
3910 CAPE TRIBULATION ROAD, CAPE TRIBULATION, QLD 4873

PLAN DATE
20/07/2022

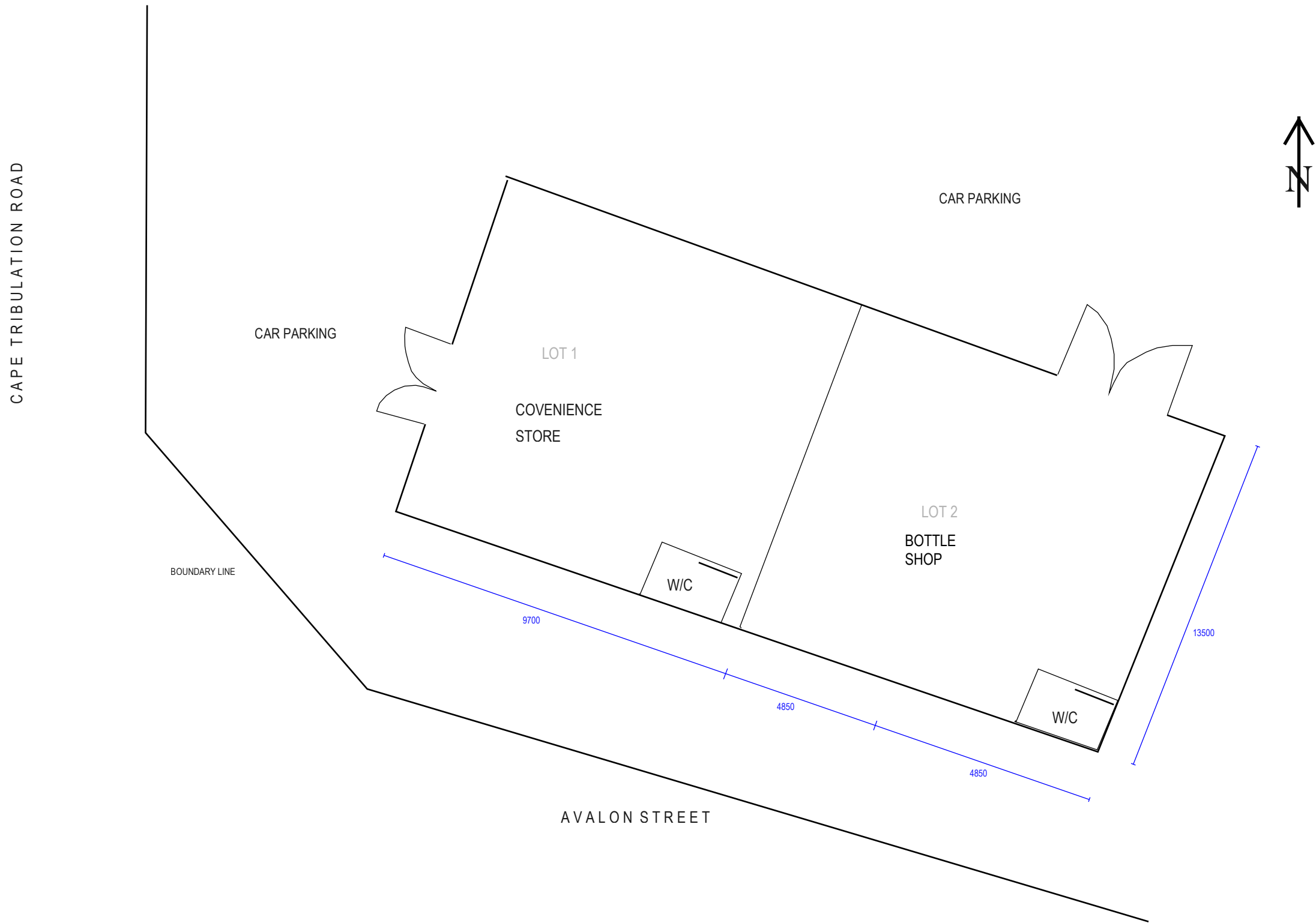


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