

Our Ref: 21-17/001116
Your Ref: TPC156 & TPC1216
Date: 21 July 2021

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

Via: Online

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

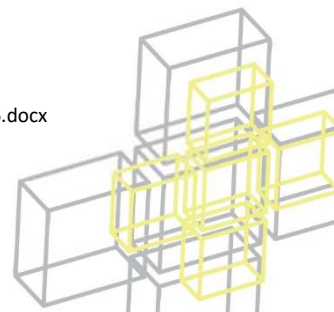
Planning Plus (QLD) Pty Ltd has been engaged by M.F.B Properties NQ Pty Ltd (the applicant and landowner) to prepare and lodge the abovementioned 'Change Application' with Douglas Shire Council.

An application fee of \$450.00 has been confirmed by Jenny Elphinstone (see email included as **Annexure 1**) and an invoice for this amount is requested. DA Form 5 is included as **Annexure 2** while a Title Certificates confirming the landowner details are included as **Annexure 3**).

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 - copy of Council resolution and approved plan included as **Annexure 4**).



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 – copy of Decision Notice included as **Annexure 5**).

The site currently operates as ‘PK’s Jungle Village’ and has traditionally been known as a backpacker-style hostel and resort.

2.0. Proposed Changes

Given the current COVID situation and subsequent lack of international tourism, and therefore backpackers, the applicant is looking to pivot the current business more towards Australian travellers and is proposing several alternations as a result, including:

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

The above changes are illustrated by the following proposal plans included as **Annexure 6**:

- ‘Whole of Site’ Plan dated 8/6/21;
- ‘Enlarged – Hotel Main Premises + New Outdoor Dining’ Plan dated 13/4/21; and
- ‘Enlarged – Bottle Shop / Convenience Store’ Plan dated 8/6/21.

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. In particular we note that the ancillary nature of the proposed uses means that no additional car parking demand will be created, and that even where an increase technically occurred under the Planning Scheme, the reality is that users of the new facilities will largely be guests who are already staying onsite, therefore no additional demand will be create in practice.

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	Email confirming DA fee
	Annexure 2	DA Form 5
	Annexure 3	Title Certificates
	Annexure 4	TPC156 - Council resolution and approved plan
	Annexure 5	TPC1216 – Decision Notice
	Annexure 6	Proposal Plans

Annexure 1 Email confirming DA fee

Evan Yelavich

From: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>
Sent: Friday, 2 July 2021 3:36 PM
To: Evan Yelavich
Subject: RE: Douglas Shire Council further advice TPC 156 RE: PKs Jungle Village - Minor Change application P149013 P149015 P149012 P149011

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon Evan,
Apologies for the delayed reply due to high workloads.
Given the relatively minor nature of the proposed change the minimum fee of \$450.00 (for the two) is appropriate – noting a single report will be prepared.

The applicant was also considering advertising signs. This would be a new application. Please note, given the land zoning of Conservation this application will require public notification.
As Council officers we are aware of this level of assessment, until the scheme is reviewed and amended the public notification requirement remains.
We are aiming to review the Scheme this current financial year.

Happy to discuss any of the above further if you need.

Kind Regards

Jenny Elphinstone | Senior Planning Officer

Environment & Planning | Douglas Shire Council

P: 07 4099 9482 | **F:** 07 4098 2902

E: enquiries@douglas.qld.gov.au | **W:** www.douglas.qld.gov.au

Mail: PO Box 723, Mossman Q 4873 | **Office:** 64-66 Front St, Mossman Q 4873

From: Evan Yelavich <Evan@planningplusqld.com.au>
Sent: Friday, 18 June 2021 4:21 PM
To: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>
Subject: RE: Douglas Shire Council advice TPC 156 RE: PKs Jungle Village - Minor Change application

Hi Jenny,

Further to below, I am just seeking confirmation as to the process you want taken to facilitate these changes.

I understand from previous correspondence with others that you require 2 x minor change applications to be made – one for TPC1216 and one for TPC156?

If so, can you please confirm the necessary application fees for these? I note that the fee schedule states 10% of the prescribed fee – for TPC156 in particular this will equate to a significant fee given the scope of that approval, despite the minor extent of changes being sought. I therefore request your discretion/advice on this matter.

Regards

Evan Yelavich
Director / Planner

P: (07) 40 393 409
M: 0402 073 082
E: evan@planningplusqld.com.au
W: www.planningplusqld.com.au
A: P.O Box 399, Redlynch QLD 4870



From: Melynda Robinson <mel@clslicensing.com.au>
Sent: Thursday, 17 June 2021 11:10 AM
To: 'Jenny Elphinstone' <Jenny.Elphinstone@douglas.qld.gov.au>
Cc: Evan Yelavich <Evan@planningplusqld.com.au>; 'Mark Biancotti' <markbiancotti@hotmail.com>
Subject: RE: Douglas Shire Council advice TPC 156 RE: PKs Jungle Village - Minor Change application

Good Morning Jenny,

Please see **attached** detailed site plans for PKs Jungle Village.

Evan from Planning Plus QLD (copied in) has been engaged as our clients planning consultant and will be preparing the required documentation for the planning application.

Kind Regards,

Melynda Robinson

Consultant

t: 07 5526 0112	Level 1, 2485 Gold Coast HWY,
e: mel@clslicensing.com.au	Mermaid Beach QLD 4218
w: www.clslicensing.com.au	PO Box 1871, Broadbeach QLD 4218



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Annexure 2 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):

Addition of dining area and bottle shop – relocation of reception area and reduction of convenience store.

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 3 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:	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 **

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 **

Annexure 4 TPC156 - Council resolution and approved plan

DOUGLAS SHIRE COUNCIL.
BUILDING SURVEYOR'S REPORT.

PAGE 1.

THE CHAIRMAN AND COUNCILLORS,
DOUGLAS SHIRE COUNCIL,
DOUGLAS.

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

PAGE 1.

(9) Town Planning applications were received and advertised - see attached Schedule
and 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
Sub. 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.

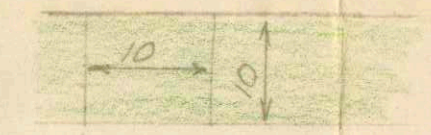
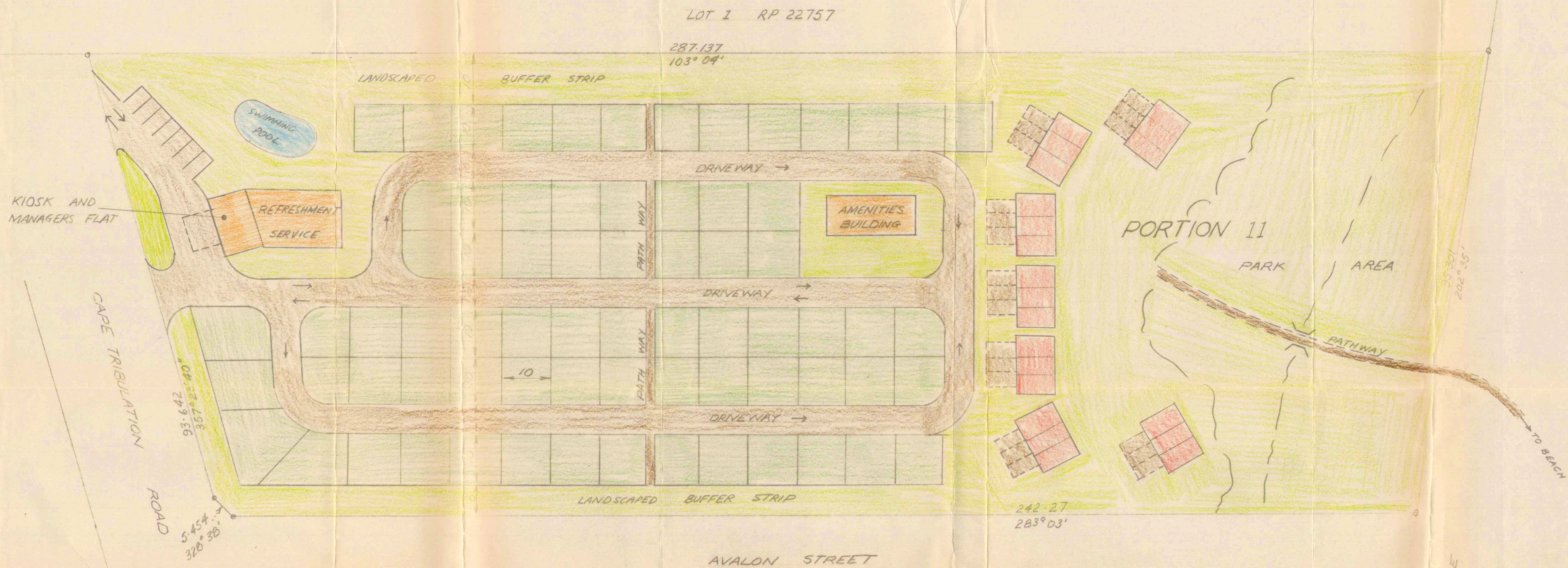
This application is for a caravan park on Part of Portion 83, Parish of Alexandra, County of Solander. There have been three (3) objections to the application and should Council grant approval to the application the following conditions should apply:-

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.

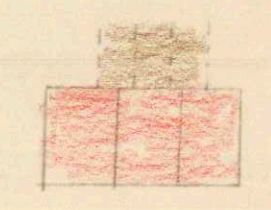
RE: TOWN PLANNING SCHEME APPLICATION NO. 158.

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.




Denotes Camping Bays



Denotes Building Type Units. (Three per building)

1. Property Description: Portion 11, Parish of Noah, County of Solander
2. Area = 2501 ha.
3. a) Number of Camping Bays = 71
b) Number of Bungalow Units = 21
4. Landscaping and Park Area = 6220 m² (= 28%)
5. 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 20 m², single storey.
Refreshment Service Building, 216 m², single storey.
6. Car Parking Spaces Provided = 99 vehicles.

A. ORIGINAL DATE:—	ISSUE REVISIONS	R.E. & B.J. PRESCOTT AND E.M. BRUCE INVESTMENTS PTY. LTD				ARIOTTI HAMILTON & BRUCE PTY. LTD. CONSULTING ELECTRICAL, CIVIL, MECH. & STRUCTURAL, ENGINEERS. TOWNSVILLE — CAIRNS.							
		PROPOSED CARAVAN PARK				DRAWN	E.F.B.	SCALE 1:500	Job No. 906				
		PORTION 11, PARISH OF NOAH.				CHECKED		DATE	Sheet 1				
		CAPE TRIBULATION				APPROVED		FEB. 1964	A				

Annexure 5 TPC1216 – Decision Notice

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.

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
Lyall 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 SR740 - 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: eLVS 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 2005.
- 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

ALIAS Case No:	2006/09688
File Ref. No:	MBAC00125
Task Job No:	IC0009018A0003

Schedule 1

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 "I".
 - 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 Resource (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.

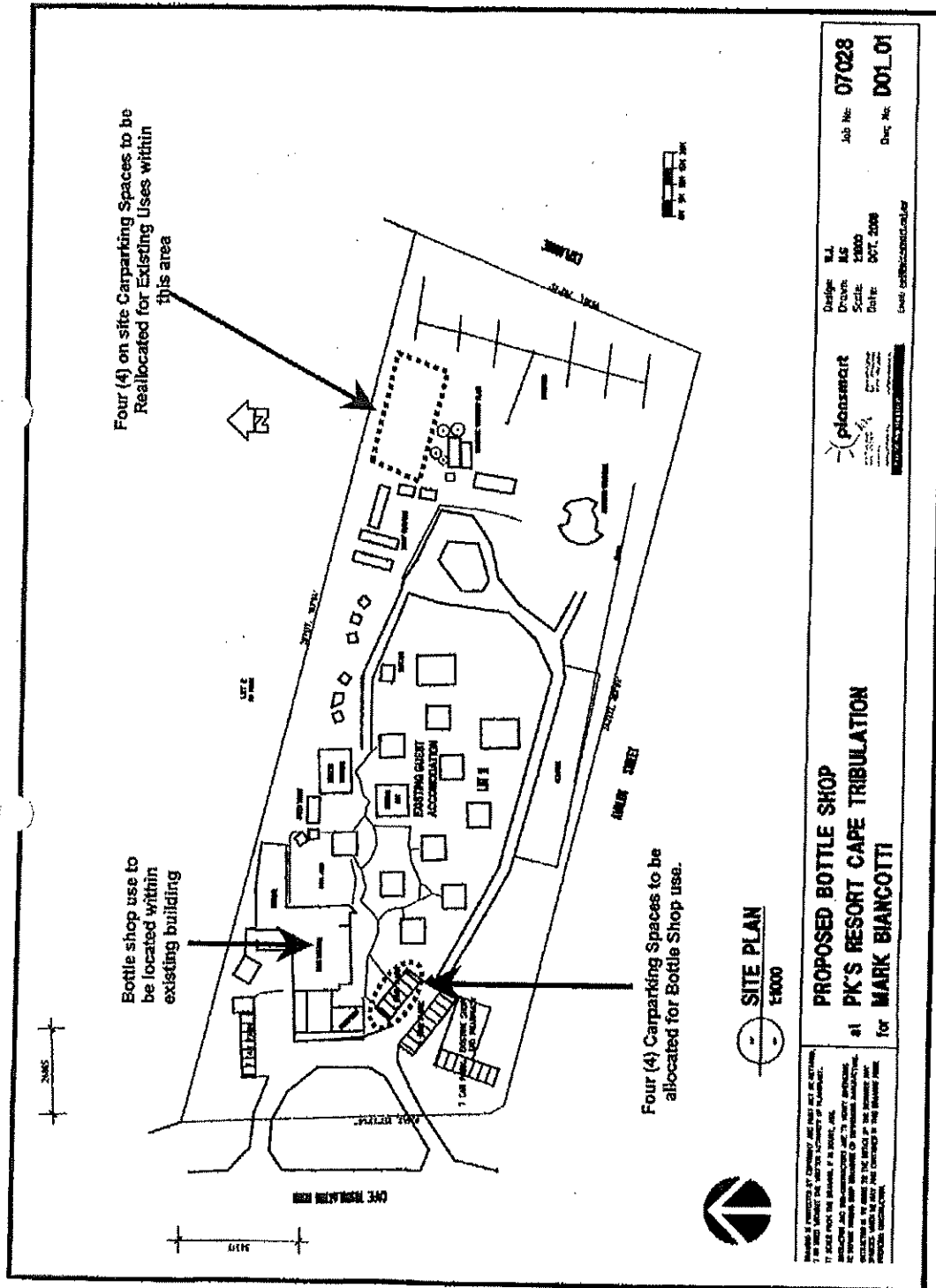
Reasons.

- 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





PROPOSED BOTTLE SHOP
at PK'S RESORT CAPE TRIBULATION
for MARK BIANCOTTI

Design: B.L.
 Drawn: M.S.
 Scale: 1:1000
 Date: OCT. 2008
 Job No: 07028
 Draw No: D01_01

(plansmart)
 10/10/2008 10:10:10
 10/10/2008 10:10:10

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. IT DOES NOT SHOW THE EXACT LOCATION OF THE BOTTLE SHOP.
 3. THE BOTTLE SHOP IS TO BE LOCATED WITHIN THE EXISTING GUEST ACCOMMODATION.
 4. THE BOTTLE SHOP IS TO BE LOCATED WITHIN THE EXISTING GUEST ACCOMMODATION.
 5. THE BOTTLE SHOP IS TO BE LOCATED WITHIN THE EXISTING GUEST ACCOMMODATION.
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 9. THE BOTTLE SHOP IS TO BE LOCATED WITHIN THE EXISTING GUEST ACCOMMODATION.
 10. THE BOTTLE SHOP IS TO BE LOCATED WITHIN THE EXISTING GUEST ACCOMMODATION.

*Division 8 – Appeals to court relating to development applications***Appeals by applicants**

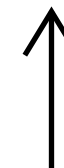
- 4.1.27.** (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under Section 3.1.6;66
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2) An appeal under subsection (1)(a) to (d) must be started within twenty (20) business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

Division 10 – Making an appeal to court

How appeals to the court are started

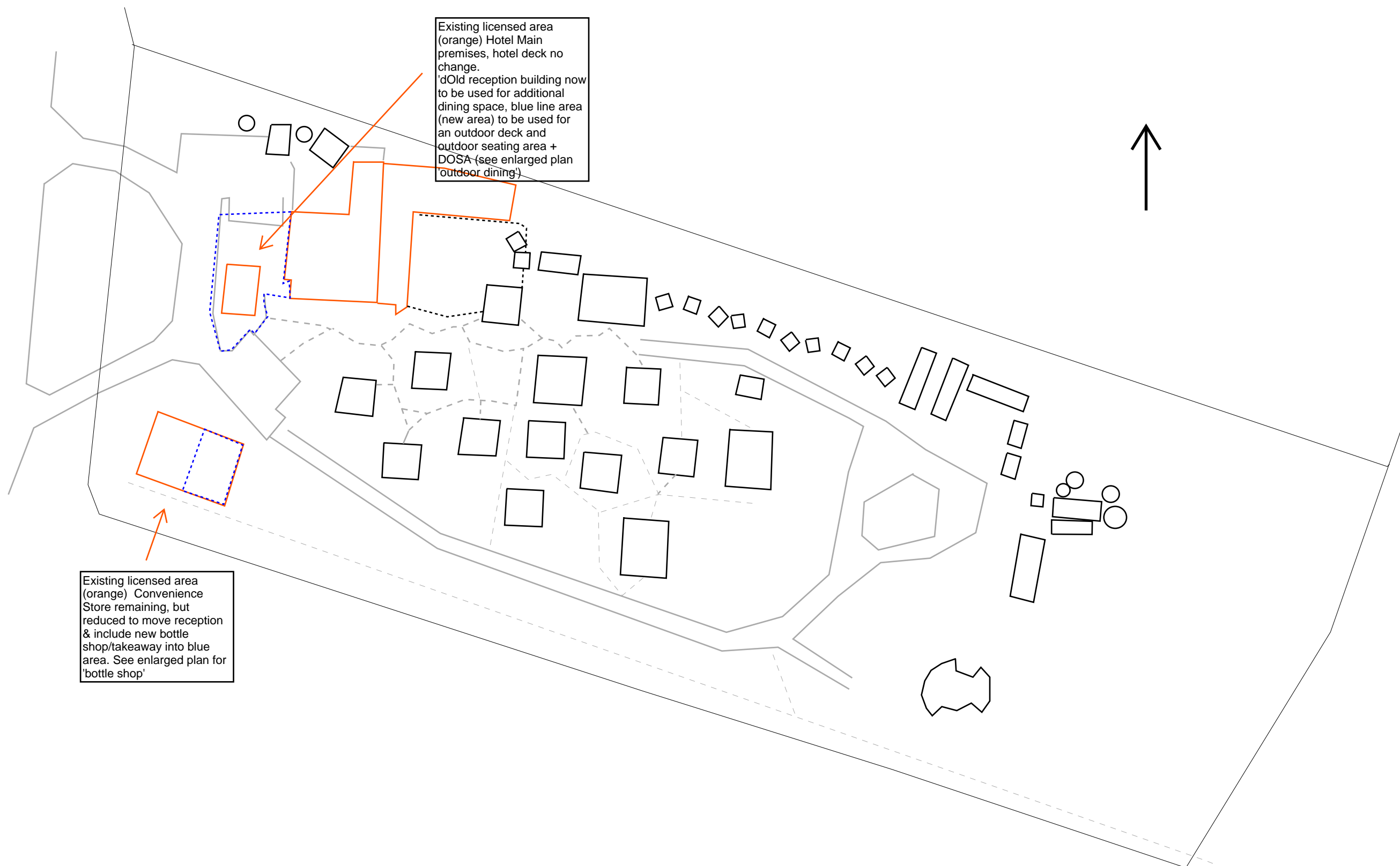
- 4.1.39**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
 - (2) The notice of appeal must state the grounds of the appeal.
 - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
 - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

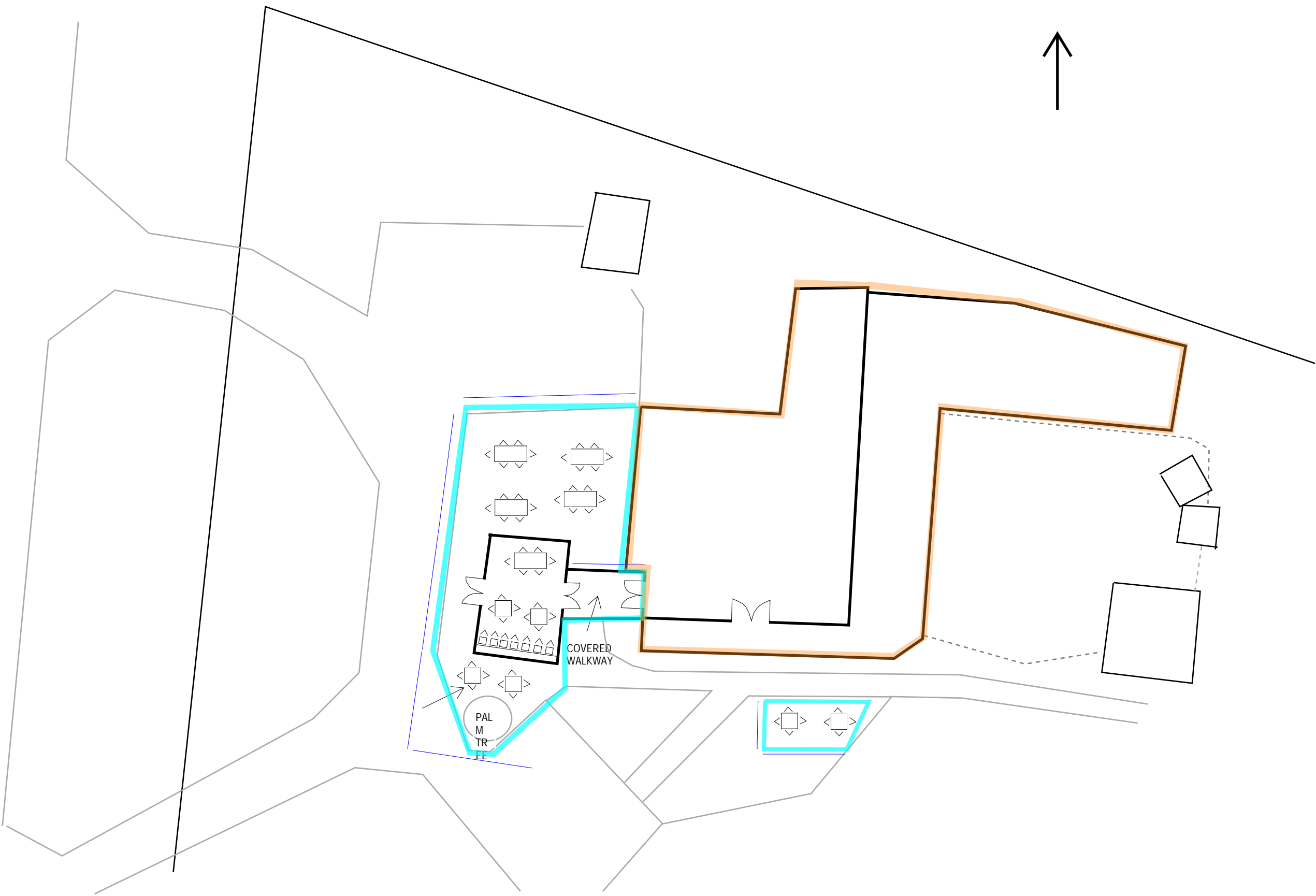
Annexure 6 Proposal Plans



Existing licensed area
(orange) Hotel Main
premises, hotel deck no
change.
'Old reception building now
to be used for additional
dining space, blue line area
(new area) to be used for
an outdoor deck and
outdoor seating area +
DOSA (see enlarged plan
'outdoor dining')

Existing licensed area
(orange) Convenience
Store remaining, but
reduced to move reception
& include new bottle
shop/takeaway into blue
area. See enlarged plan for
'bottle shop'





COVERED
WALKWAY

PAL
M
TREE

