

27 February 2019

Enquiries: Neil Beck  
Our Ref: 43/ 2863/2018 (892936)  
Your Ref:

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

Winsome Investments Pty Ltd (Tte)  
3812R Cape Tribulation Rd  
CAPE TRIBULATION QLD 4873

Dear Madam

**Development Application for Material Change of Use - Tourist Park (15 Camp sites to accommodate a maximum of 60 persons) -Cape Tribulation Road, Cape Tribulation – on land described as Lot 3 RP 741072 & Lot 11 on RP 746567**

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

Please quote Council's application number: MCUI 2863/2018 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully

**PAUL HOYE**  
**Manager Environment & Planning**

encl.

- Decision Notice
- Approved Plans

**DECISION NOTICE — APPROVAL (WITH CONDITIONS)  
(GIVEN UNDER SECTION 63 OF THE PLANNING ACT 2016)**

Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

**1. Applicant's details**

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Name: Winsome Investments Pty Ltd (Tte)

Postal Address: 3812R Cape Tribulation Rd  
CAPE TRIBULATION QLD 4873

**2. Location details**

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Street Address: Cape Tribulation Road, Cape Tribulation

Real Property Description: Lot 3 on RP 741072 & Lot 11 on RP 746567

Local Government Area: Douglas Shire Council

**3. Details of proposed development**

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Material Change of Use for Tourist Park (15 camp sites accommodating a maximum of 60 persons)

**4. Decision**

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Date of decision: 19 February 2019

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1.

**5. Approved plans and specifications**

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

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

**6. Conditions**

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This approval is subject to the conditions in Schedule 1.

## **7. Further development permits**

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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

## **8. Properly made submissions**

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There were no properly made submissions for this application.

## **9. Currency period for the approval**

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This development approval will lapse six (6) years from the date the approval takes effect as set out in section 85 of the *Planning Act 2016*.

## **10. Rights of appeal**

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The rights of applicants 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*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 3.

## **SCHEDULE 1 – CONDITIONS AND ADVICE**

### **PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

#### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

#### **Approved Use**

3. The overall capacity of the use is limited to a maximum of 15 campsites to accommodate a maximum of 60 persons at any one time. Facilities located on Lot 11 on RP746567 must remain available for use by guests staying on Lot 3 on RP741072 at all times.

#### **Water Supply**

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

#### **Landscaping Plan**

5. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
  - a. Earth mounding and deep planting along the full frontage of Lot 3 adjacent Cape Tribulation Road in order to screen the camping ground overtime. All landscaping works must be endemic and must be contained on the property of the area adjacent the perimeter of the parking area;
  - b. Delineation of the land application area for waste water which must be kept clear off all traffic including pedestrian traffic. Bollards and garden beds or similar landscape features are to be implemented to achieve this outcome.
  - c. Species to have regard to Council’s Planning Scheme Policy SC6.7
  - d. No vegetation removal is permitted unless otherwise approved by the Chief Executive Officer.

A copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval

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

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

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

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

### **Refuse**

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

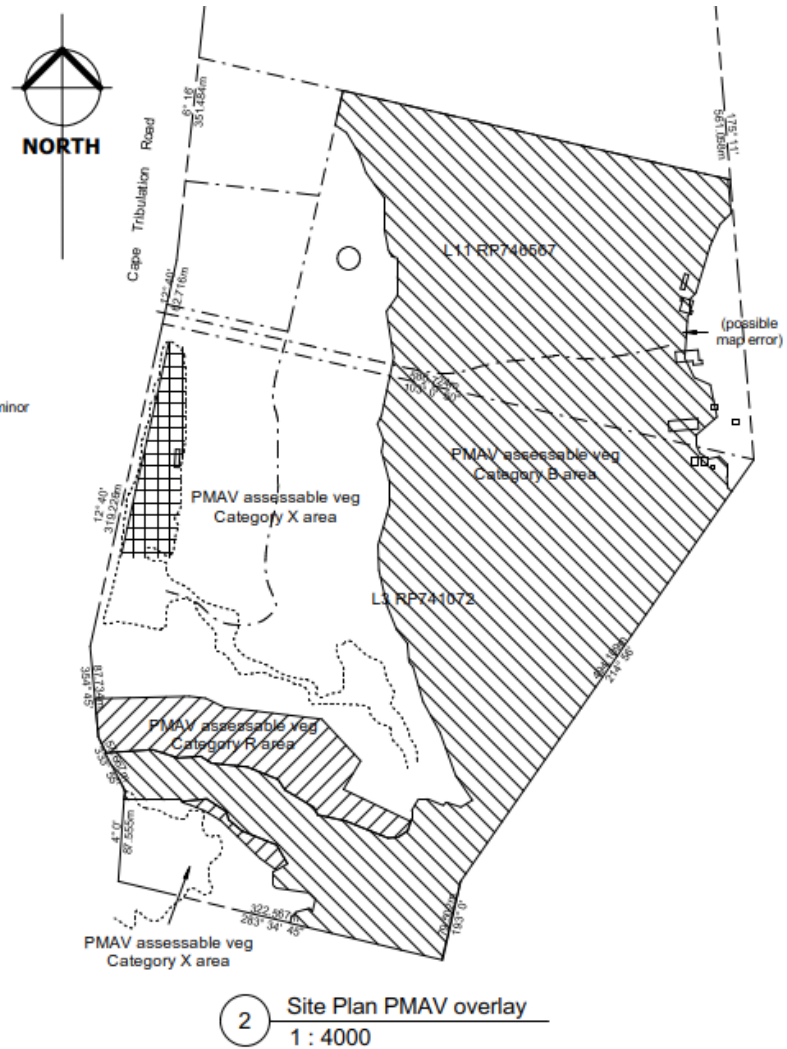
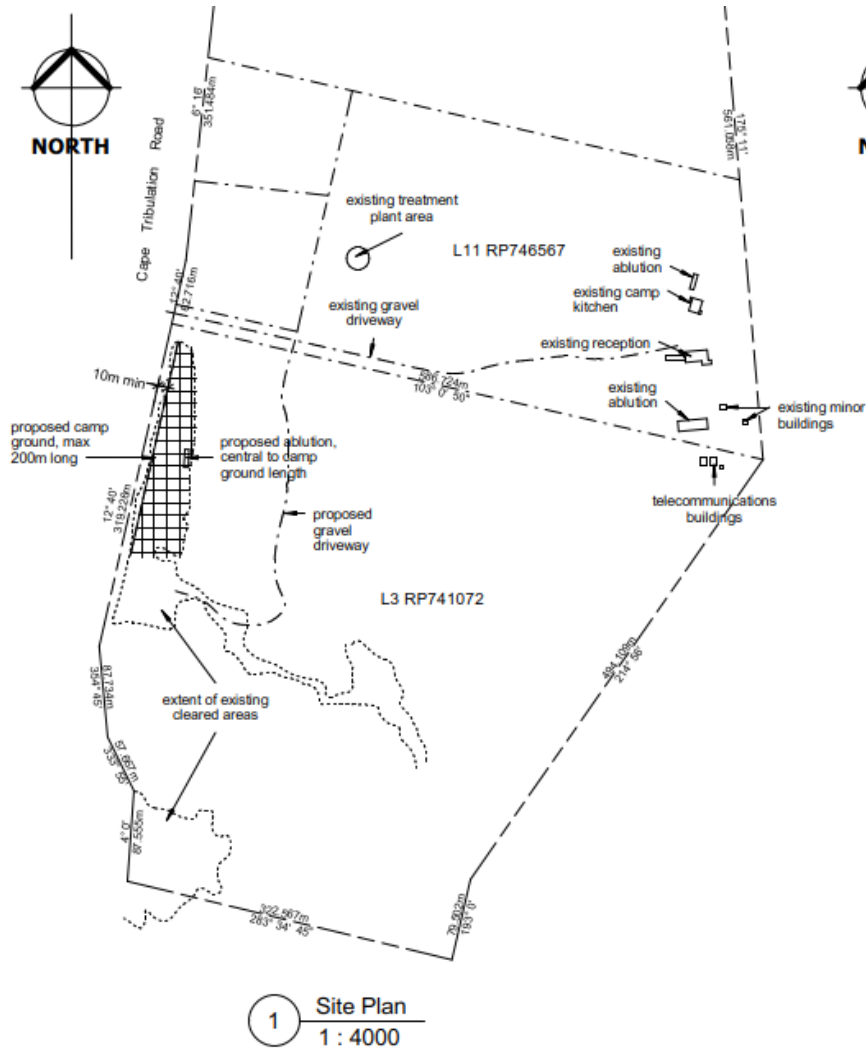
### **Currency of Approval**

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

## **PART 1B—ADVICE NOTES**

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

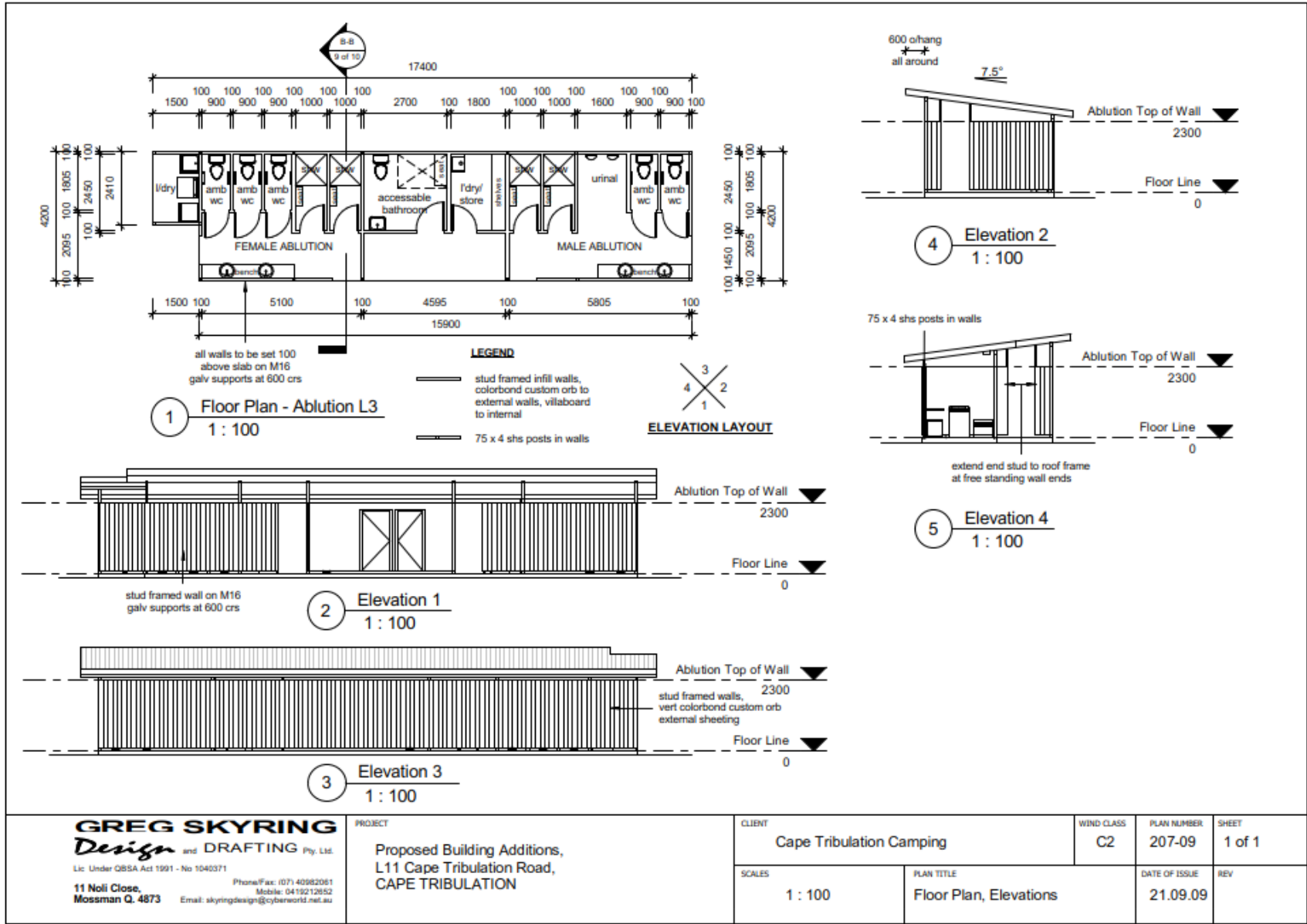
# SCHEDULE 2 – APPROVED PLANS



**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.  
Lic Under QBSA Act 1991 - No 1040371  
11 Noll Close, Mossman Q. 4873  
Phone/Fax: (07) 40982061  
Mobile: 0415212852  
Email: skyringdesign@cyberworld.net.au

PROJECT  
Proposed Building Additions,  
L11 RP746567 & L3 RP741072,  
Cape Tribulation Road,  
CAPE TRIBULATION

CLIENT Cape Tribulation Camping		WIND CLASS C2	PLAN NUMBER 108-18	SHEET 2 of 2
SCALES 1 : 4000	PLAN TITLE Site Plans		DATE OF ISSUE 03.08.18	REV



**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.  
Lic Under QBSA Act 1991 - No 1040371  
11 Noli Close, Mossman Q. 4873  
Phone/Fax: (07) 40982061  
Mobile: 0419212652  
Email: skyringdesign@cyberworld.net.au

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

CLIENT Cape Tribulation Camping		WIND CLASS C2	PLAN NUMBER 207-09	SHEET 1 of 1
SCALES 1 : 100	PLAN TITLE Floor Plan, Elevations		DATE OF ISSUE 21.09.09	REV

## SCHEDULE 3 - PLANNING ACT EXTRACT ON APPEAL RIGHTS

### CHAPTER 6, 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 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, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

## **SCHEDULE 1 APPEALS**

### **1 Appeal rights and parties to appeals**

- (1) Table 1 states the matters that may be appealed to—
- (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or

- (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

**Extract of Schedule 1 of the Planning Act 2016**

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
1. Development applications An appeal may be made against— <ul style="list-style-type: none"> <li>(a) the refusal of all or part of the development application; or</li> <li>(b) the deemed refusal of the development application; or</li> <li>(c) a provision of the development approval; or</li> <li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li> </ul>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application

**Table 2  
Appeals to the P&E Court only**

2. Eligible submitter appeals  
 An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—  
 (a) any part of the development application for the development approval that required impact assessment; or  
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application  2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager  2 For a change application—the responsible entity	1 The applicant  2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application

3. Eligible submitter and eligible advice agency appeals  
 An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—  
 (a) any part of the development application or the change application, for the development approval, that required impact assessment; or  
 (b) a variation request.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application  2 For a change application—an eligible submitter for the change application  3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager  2 For a change application—the responsible entity	1 The applicant  2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application