

15 July 2025

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

**Enquiries:** Georgia Graham  
**Our Ref:** MCUI 2011\_4179 (Doc ID 1307446)

Hiei Pty Ltd  
CMB 66  
DIWAN QLD 4873  
Email: [info@cockatoohillretreat.com.au](mailto:info@cockatoohillretreat.com.au)

Attention: Carmen Fabro

Dear Carmen,

**Decision Notice for Extension of Currency Period for a further Four (4)  
years Forest Stay Accommodation  
At Lot 13 on RP 749281**

Thank you for the request to extend the currency period of your Forest Stay  
Accommodation development approval.

Council wishes to advise that the currency period of your development permit MCUI  
2011\_4179 has been extended by four (4) years up to and including 26 June 2029.

Should you wish to discuss this matter further, please contact Georgia Graham on  
telephone 07 4099 9444.

Yours faithfully



**For**  
**Leonard Vogel**  
**Manager Environment & Planning**

## Attachment 1

Ms Louise Stayte – Planning Officer  
Planning Services Section - ☎ (07) 4099 9456  
planning@dsc.qld.gov.au

TPC 1264

Hiei Pty Ltd  
C/- Jenny Elphinstone Pty Ltd  
PO Box 1098  
MOSSMAN QLD 4873

10<sup>th</sup> April 2007

### **INTEGRATED PLANNING ACT DECISION NOTICE DEVELOPMENT APPLICATION**

**Applicant's Name** : Hiei Pty Ltd  
**Owner's Name** : Mr G Germain  
**Proposal** : Development Permit for a Material Change of Use to permit the development of an additional 4 cabins and use of the site for Forest Stay Accommodation on land situated on Lot 13 Cape Tribulation Road, Diwan and described as Lot 13 on RP 749281, subject to conditions  
**Application Number** : TPC 1264  
**Site Address** : Lot 13 Cape Tribulation Road, Diwan  
**Property Description** : Lot 13 on RP749281, Parish of Alexandra, County of Solander

1. **Decision:** **Decision Date:** 3<sup>rd</sup> April 2007

Approved subject to Conditions

2. **Type of Development Approval:**

Material Change of Use

Development Permit

.../2.

**3. Referral Agency:**

Department of Natural Resources & Water  
Senior Resource Planning Officer  
Catchment and Regional Planning  
PO Box 210  
ATHERTON QLD 4883

**4. 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 be in accordance with the details of the application and the following approved plan/s of development.

Title	Plan No.	Date
Proposed Resort for Gilles Germain	9926/1	Additions July 2006, Nov 2006
Proposed Resort for Gilles Germain	9926/2	May 1999
Proposed Resort for Gilles Germain	9926/5	May 1999
Staff Accommodation	SK-1	Nov 2006

Except where such details or plans are modified by the terms of this approval.

- (a) The restaurant is to be used only by guests of approved Forest Stay Accommodation.
- (b) Staff accommodation is not to be self-contained.

**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.

**Carparking**

15. A car parking area with a minimum of 10 spaces shall be constructed with a suitable surface material, drained and line marked in accordance with the approved plan of development and maintained thereafter.

## Compliance

17. 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.

## Advice

You are advised that the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* applies to proposed activities likely to have a significant impact on the matters of 'national environmental significance', including world heritage properties. Such activities may require approval under this Act prior to any works being undertaken. Further information on the Act can be obtained from Environment Australia's Community Information unit (1800 803 772) or from the following website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc). EPBC Act *Administrative Guidelines on Significance* (July 2000) are available to assist people in deciding whether activities are likely to need consideration under the Act.

In accordance with the Queensland State regulations for pool fencing there shall be no climbable vegetation within 1.2 metres of the exterior of a pool fence.

All native vegetation on the site is identified as protected vegetation under Council's Local Law No. 1 of 2006 – Vegetation Management. No vegetation is permitted to be removed from the site without the approval of Council under this Local Law.

Any additional landscaping of the approved development is to be undertaken in accordance with Planning Scheme Policy No. 7 – Landscaping.

## 5. Further Development Approvals Required:

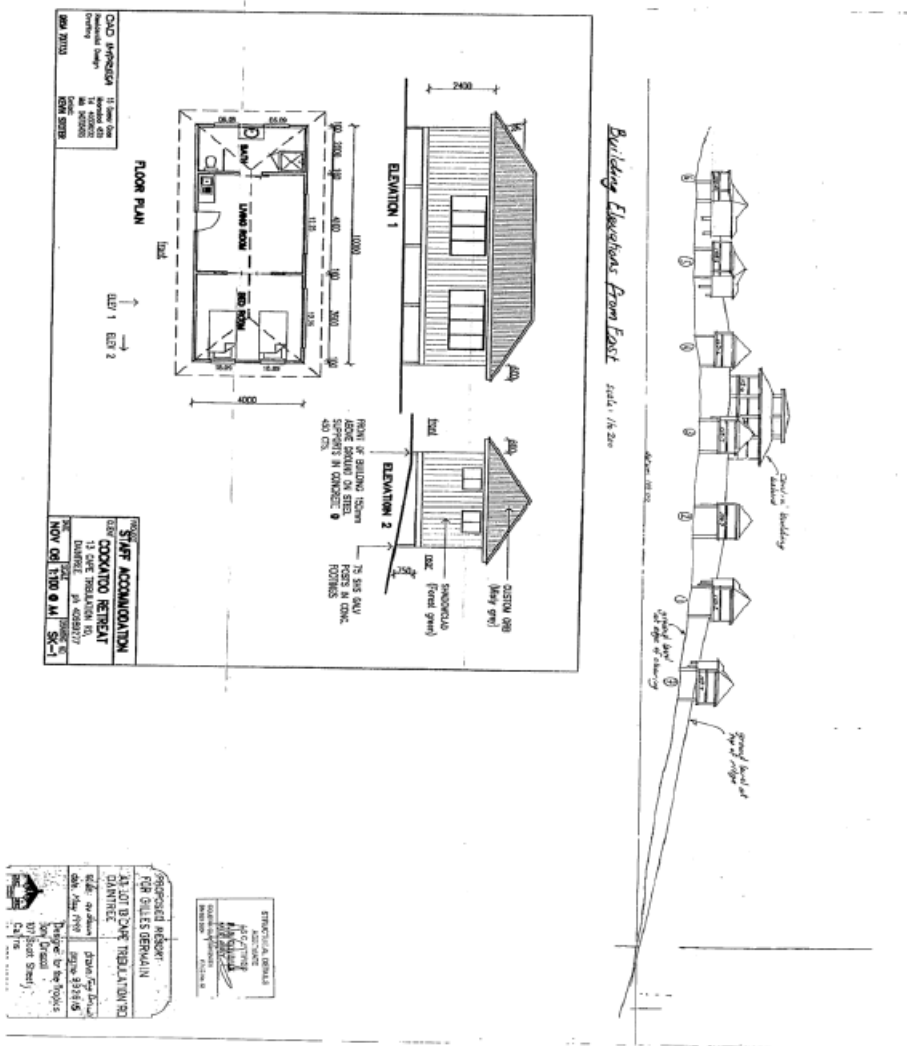
Building Work

Development Permit

Paul Trotman  
General Manager – Development & Environment







Plan No. 9926/5 (May 1999) and SK1 (November 2006) – Proposed Staff Accommodation

APPENDIX A



**Queensland  
Government**

Department of  
**Natural Resources,  
Mines and Water**

Author : Kathleen Taylor  
File / Ref number : 2006/009825/196913  
Record No: MBA/000130  
Trackjob No: IC0906MBA0006  
Unit : Vegetation Management Unit  
Phone : (07) 4048 4719

11 October 2006

Chief Executive Officer  
Douglas Shire Council  
PO Box 357  
Mossman QLD 4873

<b>FAXED</b> 02/10/06	<b>DOUGLAS SHIRE COUNCIL RECEIVED</b>
FILE NAME: <i>mcu/Plan Gen</i>	
DOCUMENT	
13 OCT 2006	
TPC/SGT	
ATTENTION <i>LS</i>	
INFORMATION	

Attention: Louise Stayte

Dear Ms. Stayte

**Application for Material Change of Use on Lot/s 13 RP749281 - Douglas Shire Council – Referral Agency Response**

The Department of Natural Resources and Water (acting as a Concurrence Agency), has completed the assessment of the above application against the purposes of the Vegetation Management Act 1999 in accordance with the Concurrence Agency Policy for MCU (Concurrence-Single Issue).

The Referral Agency Response, prepared pursuant to section 3.3.16(1) of the *Integrated Planning Act 1997*, is **enclosed**. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about the above, please contact Kathleen Taylor on telephone number (07) 4048 4719, quoting the above reference number.

Yours sincerely

Rachael Whitley  
**Acting Senior Vegetation Management Officer  
North Region**

NRMW Mareeba  
28 Peters Street  
Mareeba  
PO Box 2116  
Mareeba  
4880  
Qld  
Telephone (07) 4048 4730  
Facsimile (07) 4048 4759  
Website [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)  
ABN 63 705 537 586



## Referral Agency Response – Material Change of Use

s 3.3.16 Integrated Planning Act 1997

### 1. Application information

- 1.1. **Applicant's name:** Hiei Pty Ltd
- 1.2. **Property description:** 13 RP749281 - Douglas Shire Council
- 1.3. **Assessment Manager/Reference:** TPC1264 Douglas Shire Council
- 1.4. **Date application was referred to Department:** 31 August 2006
- 1.5. **Departmental Reference:** eLVA Case No: 2006/009825, File Ref. No: MBA/000130, Trackjob No: IC0906MBA0006
- 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 and Water directs the following conditions must be imposed on any approval given by the Assessment Manager:

- 2.1 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;
- 2.2 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 I.

### 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](http://www.nrm.qld.gov.au/cultural_heritage).

IDAS Referral Agency Response

**5 Authorised Officer Signature:**



**Rachael Whitla  
Acting Senior Vegetation Management Officer  
North Region**

*11 October 2006*

Att. Schedule 1 – Statement of Reasons

## Schedule 1

### Statement of Reasons Referral Agency Response Application for Material Change of Use Hiei 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 Hiei Pty Ltd on 31 August 2006.
2. The application is for MCU (Concurrence-Single Issue) on Lot 13 RP749281 - Douglas Shire Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive on the 13 September 2006.
4. The Delegate determined the Referral Agency Response on 11 October 2006

#### Evidence

1. Application dated 31 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 Resource (IPA) Delegation (No.1) 2005
7. Assessment Report dated September 2006.
8. The applicants Planning Statement August 2006. Proposed Forest Stay Accommodation (Boutique Resort) Lot 13 on RP749281, Lot 13 Cape Tribulation Road Diwan prepared by Jenny Elphinstone.
9. Regional ecosystem mapping (version 5.0) for the subject lot 13 on RP749281 as at the 13 September 2006.

#### Findings of fact

1. The subject lot 13 on RP749281 contains the remnant Of Concern regional ecosystem 7.3.10 and the Not of Concern 7.11.1.
2. The applicant has stated in the planning report.
  - "The additional development will be constructed in existing cleared areas and no further clearing is proposed."
  - "No further clearing of remnant vegetation is required as the new buildings and associated (existing) infrastructure will be established in the existing cleared area"

*on the site. The existing driveway traverse through the identified and mapped vegetation. No further widening of the driveway is necessary for the proposed Material Change of Use. This is the only access from Cape Tribulation Road to the existing House on the land."*

**Reasons**

The application meets PR C1 because;

- 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) 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 Whitla  
Acting Senior Vegetation Management Officer  
North Region

11 October 2006

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*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.

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*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).

## Attachment 2



Department of Infrastructure,  
Local Government and Planning

Our reference : SPD-0517-036280  
Your reference : TPC 1264

7 June 2017

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873

Via e-mail: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Dear Sir / Madam,

**Notice about request to extend relevant period  
Development Permit for Material Change of Use**

Lot on plan	Street address
Lot 13 on RP749281	2060 Cape Tribulation Road - Diwan, QLD

(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of State Development, Infrastructure and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 15 May 2017 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is four (4) years.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

If you require any further information, please contact Javier Samanes, A/ Principal Planning Officer, on 4037 3220, or via email [javier.samanes@dilgp.qld.gov.au](mailto:javier.samanes@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brett Nancarrow".

Brett Nancarrow  
Manager (Planning)