

DOUGLAS SHIRE COUNCIL	
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Attention	MLD NRB orig ✓
Information	

Mr. Ross Kiernan (Director)
Kiernan Investments Pty Ltd
PO Box 436 Wulguru Qld 4811

8 May 2015

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

Attn: Mr. Neil Beck (Town Planning) & Ms. Michelle Doherty (Environmental Health)

**RE: COMBINED APPLICATION – REQUEST FOR A PERMISSIBLE CHANGE TO AN
EXISTING DEVELOPMENT PERMIT AND REQUEST TO AMEND APPROVAL FOR
OPERATION OF CAMPING GROUNDS UNDER LOCAL LAW NO. 1
(ADMINISTRATION) 2011 – CAPE TRIBULATION CAMPING
3812 CAPE TRIBULATION ROAD, CAPE TRIBULATION**

Dear Sirs,

This application is being made under Section 369 of the *Sustainable Planning Act 2009* to facilitate a 'permissible change' to the above described development approval.

Subject to favourable assessment of the request for a 'permissible change', consequential amendment is respectfully requested to the current Local Laws Permit for Operation of Camping Grounds as discussed in this letter.

In support of the above combined application please find enclosed:

- Cheque to the value of \$860.95 – fee for application for a Request for a 'Permissible Change'.
Please post a receipt for the payment to the address attached to the top of this letter;
- Site Context Plan denoting existing and proposed structures – Attachment 1;
- Plan of Proposed Development – Attachment 2;
- Plan of Existing Development – Attachment 3;
- Typical Demountable Floor Plan – Attachment 4;
- Original Town Planning Permit – Attachment 5;
- Regulated Regrowth Vegetation Maps – Attachment 6; and
- Current Local Laws Permit – Attachment 7.

The following submission identifies the changes sought, and representations in support.

Site Details

Key details of the subject site are as follows:

Street Address	3812R Cape Tribulation Road, Cape Tribulation QLD 4873
Real Property Description	Lot 11 on RP746567

40.2015.817.1

Land Owner	Mr. Ross Kiernan (Director) Kiernan Investments Pty Ltd PO Box 436 Wulguru Qld 4811
Area	111,700sqm (11.17ha)
Services	Onsite waste water disposal, bore water supply and onsite electricity generation.
Approved Use	Camping Grounds (60 Sites Total i.e. 20 x Powered Sites for Mobile Homes, 7 x Powered Camp Sites and 33 x Camp Sites) (Town Planning Consent Number: TPC1112)
Local Law Permit	Operation of Camping Grounds under Local Law No. 1 (Administration) 2011 (Council Approval Number: #3035)

Planning Context

Key Town Planning details are as follows:

Planning Scheme	Douglas Shire Planning Scheme
Locality	Settlement Areas North of the Daintree River
Planning Area	Conservation
Precinct	Rainforest Conservation Precinct
Approved Use	Camping Ground

Application Details

Key application details are as follows:

Aspects of Development Sought	<ol style="list-style-type: none"> 1. Application for Permissible Change to Development Permit for Material Change of Use (Camping Grounds) (TPC1112); and 2. Amendment to the Local Laws Permit #3035, subject to Council's favourable assessment of item 1. above.
Applicant	Kiernan Investments Pty Ltd
Contact	Mr. Ross Kiernan (Director) Ph. 0419 675 035

Background

The purpose of this application is to seek respective Council Town Planning and Local Law consent to construct 6 new demountable cabins over two separate areas on the subject site plus ancillary amenity facilities.

The intent of the project is not to increase the guest capacity on the site, but rather provide an alternative, more comfortable accommodation option for guests, particularly during the wet months of

the year. It has been the land owner's experience that during the wetter months of the year, visitors tend to seek sheltered accommodation elsewhere for comfort and convenience reasons.

In addition the demountable cabins will provide accommodation for seasonal staff onsite.

Proposal Details

The application is being made for a 'Permissible Change' pursuant to Section 369 of the *Sustainable Planning Act 2009* (the 'Act').

A revised set of proposed drawings is included as Attachment 1 and 2:

It is noted that the proposed demountable cabins are temporary only. If the market responds favorably to the accommodation option the buildings will be retained onsite, otherwise if not, the site will be converted back to the current form.

In summary, the main changes to the current approved design include:

- To remove approximately 2 of the mobile home powered sites (retain 18 in total) – the total number of mobile home powered sites to be removed will be determined onsite following procurement of the demountable cabins;
- In place of the powered sites for mobile homes, install 3 demountable cabin buildings in an 'L' shape as indicated on the Plan of Development attached as Attachment 2;
- It is proposed to locate another 3 demountable cabins in an existing cleared area in the western part of the site shown on Site Context Plan and further detailed on the second Plan of Proposed Development, refer to Attachment 1 and 2 respectively. This building will have a dual function to provide for temporary seasonal staff accommodation and when not in use by staff, will provide a more private and secluded accommodation option for visitors. This building will be serviced by an attached camp kitchen and new separate amenities block as indicated on the plans;
- The demountable buildings will contain a mix of bedding options which will be determined by market demands, therefore bedding configurations have not been shown on the typical floor plans. It is accepted that the Camp Grounds has an operational capacity of 120 visitors under the original Town Planning Permit. The site is operated and will continue to operate to these limits;
- The demountable cabins will not contain toilet, shower or kitchen facilities. Guests will use the existing/new communal ablution and camp kitchens available as shown on the revised drawings included as Attachment 1 and 2;
- Construction of a new shower and toilet block adjacent to the Caretakers Residence; and
- No vegetation clearing, other than possibly trees that have been planted for landscaping purposes eg. Bananas, is required to facilitate the changes.

The proposed buildings have not yet been procured however it is proposed that each demountable cabin building will contain 4 bedrooms - individual rooms with a mix of bedding configurations. The standard dimensions of each building is 14.4m (l) x 3.22m (w) x 2.4m (h). Each room is 3.34m x 3.22m.

Although this is not the final design a typical floor plan is included for reference as Attachment 4. This illustrates the minor scale of the buildings.

As it is not proposed to increase the visitor capacity of the site, the existing waste water treatment facility will sufficiently cater for the sites demand.

Request for Permissible Change

Legislative Requirements

This section provides an overview of the legislative context of the application under the provisions of SPA.

Permissible Change

It is submitted that the proposed changes are 'permissible' for the purpose of the SPA in that they do not contravene the requirements of Section 367. In particular, the following is noted with respect to Section 367 of SPA:

- a. The revised proposal does not result in a "substantially different development". This statement is based on the fact that no new uses are proposed and that the size and scale of the development is similar to that of the existing approval. The site currently provides for the accommodation of visiting guest and will continue to provide accommodation for visiting guests at the existing approved capacity. Further refer to discussion below.
- b. (i) The revised proposal does not trigger additional referral agencies.

(ii) The revised proposal does trigger 'impact assessment'. It is understood that the previous application did trigger 'impact assessment'. However, based on the original town planning permit, there were no submissions made regarding the development. Therefore, the modifications to the development are not considered to increase the likelihood of submissions. The development is secluded from other residencies or sensitive receptors and will not likely generate any external interest.
- c. The revised proposal does not introduce any prohibited development.

Substantially Different Development

Statutory Guideline 6/09 *Substantially Different Development when Changing Applications and Approvals* has been prepared to assist applicants and assessment managers to determine if a proposed change to a development application or development approval would result in a substantially different development. The following assessment is provided to demonstrate that the proposal does represent substantially different development:

Statutory Guideline 6/09 - A change may result in a substantially different development if the proposed change:	Comment
Involves a new use with different or additional impacts.	<p>The intent of the proposal is to provide an alternative accommodation option for guests as opposed to camping (powered/unpowered sites) and powered motor home sites).</p> <p>The demountable buildings are relocatable which allows for the adaptive use of the site. If the market doesn't respond to the accommodation</p>

	<p>option and the uptake is not commercially viable, the site will be reverted back to the current form.</p> <p>Buildings will be positioned in existing cleared areas on the site as to minimize environmental impacts.</p> <p>The proposal does not result in different or additional impacts that aren't already managed onsite.</p>
Results in the application applying to a new parcel of land.	The requested changes do not result in the introduction of new parcels of land.
Dramatically changes the built form in terms of scale, bulk and appearance.	The proposal <u>does not dramatically</u> change the built form in terms of scale, bulk and appearance. The proposed demountable buildings are consistent with the scale and bulk of existing buildings on the site. The site is accessed via a private driveway and therefore not visible from the road frontage. The proposed demountable buildings will not be visible from external public view.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	Although the proposal will result in the loss of 2 powered mobile home sites, having regard to the site as a whole, the proposal does not substantially change the ability for the site to operate as intended. The site was approved as a Camp Ground, the proposed changes merely provide an alternative accommodation option for visitors.
Removes a component that is integral to the operation of the development.	As discussed above, the proposal seeks to remove 2 powered sites for mobile homes, however 18 powered sites for mobile homes will remain.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	The intent of the proposal is to provide an alternative accommodation option for guests as opposed to camping (powered/unpowered sites) and powered motor home sites). The proposal will not place a significant, if any, additional demand on the transport network.
Introduces new impacts or increases the severity of known impacts.	The proposal will not result in new or increased impacts. The proposal is sensibly located with respect to the environmental impacts and is consistent with the approved use, being to provide accommodation to travelling visitors. No vegetation clearing is required to facilitate the proposal.
Removes an incentive or offset component that would have balanced a negative impact of the development.	Not applicable.
Impacts on infrastructure provision, location or demand.	The only demand on external infrastructure is on the transport network. The intent of the proposal

	<p>is to provide an alternative accommodation option for guests as opposed to camping (powered/unpowered sites) and powered motor home sites). The proposal will not place a significant, if any, additional demand on the transport network.</p> <p>The site is self sufficient with respect to water supply, wastewater treatment and electricity generation. The proposal does not trigger an upgrade to the existing site services.</p>
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Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 6 of the *Sustainable Planning Regulation 2009*.

Referrals

The original application did not trigger referral, nor does the revised proposal does not trigger additional referral agencies.

It is further noted that the proposed demountable buildings will be located within existing cleared areas, outside mapped Regulated Regrowth vegetation. Refer to the Vegetation Maps attached included as Attachment 7 which illustrates that the part of the site proposed for the demountable buildings are not affected by the Regulated Regrowth Vegetation Mapping. Therefore proposed changes do no generate additional exempt vegetation clearing requiring referral.

Changes to the Conditions

On review of the original Development Permit the only changes to the conditions required to facilitate development of the demountable buildings and continued compliance with conditions is the amendment to the references to the original approved plans throughout to specifically reference the current proposed plans included as Attachment 1 and 2.

It is understood that the existing approved site capacity is 120 persons under the town planning permit. It is not proposed to amend this capacity. It is however requested also that all references to a maximum of '60 camp sites' within the Development Permit are retained to allow the flexibility to convert the site back to a purely camp ground if the market demands for cabin accommodation aren't realised.

Request to Amend Approval for Operation of Camping Grounds

On the 31 March 2015, Douglas Shire Council issued a renewed Permit (Council Ref: 3035) for the Operation of Camping Grounds under Local Law No. 1 (Administration) 2011, refer to Attachment 7. The Permit specifically permits 60 Camping Sites (no Cabins) and is scheduled to expire on the 30 September 2015.

With respect to the application for a Permissible Change to the Town Planning permit currently before Council, if this request is granted favourable consideration by Council, it is respectfully requested that

Council update the Operation of Camping Grounds Permit issued under Local Law No. 1 (Administration) 2011 accordingly to allow up to ***60 camp sites and 6 cabins***.

Conclusion and Recommendation

This submission supports an application for a Permissible Change to an existing approval for Material Change of Use (Camping Grounds) and Request to Amend an Existing Approval for Operation of a Camp Ground on land located at 3812R Cape Tribulation Road, Cape Tribulation and formally described as Lot 11 on RP746567.

In summary, it is submitted that the proposed changes are unlikely to have any significant additional impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions. It is trusted this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the under signed.

Kind Regards,

Mr. Ross Kiernan

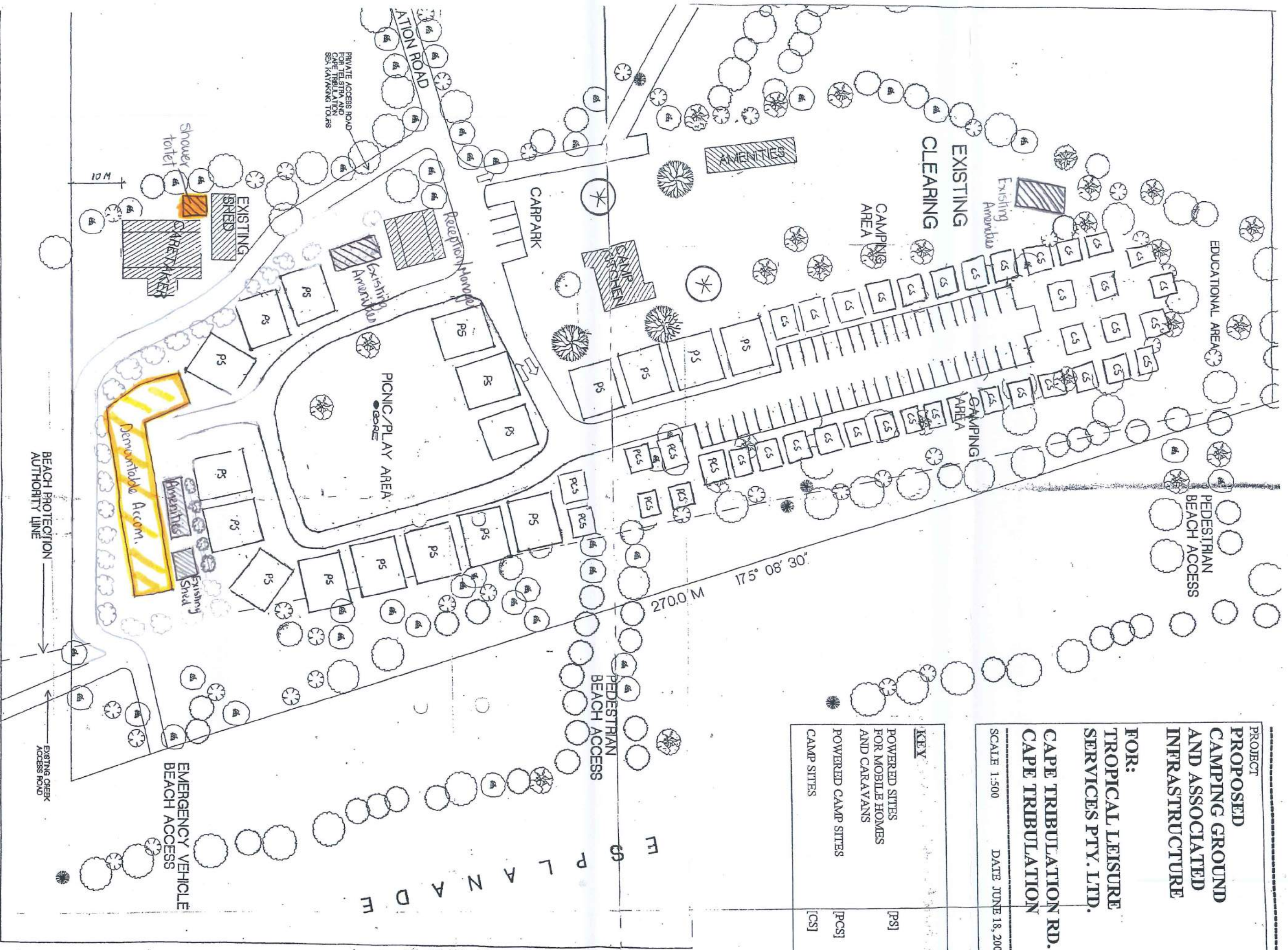
Attachment 1: Site Context Plan

Attachment 2: Plan of Proposed Development

**FOR:
TROPICAL LEISURE
SERVICES PTY. LTD.
CAPE TRIBULATION RD.
CAPE TRIBULATION**

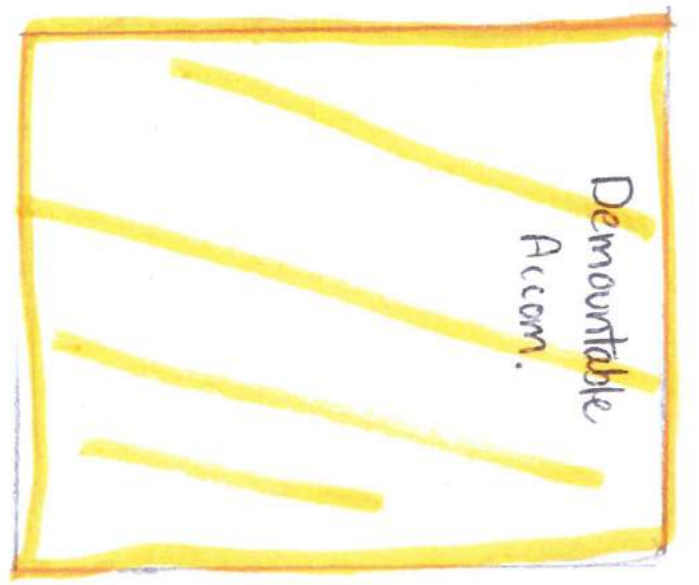
DATE JUNE 18, 2003

KEY	
POWERED SITES FOR MOBILE HOMES AND CARAVANS	[PS]
POWERED CAMP SITES	[PCS]
CAMP SITES	[CS]



CHANGES TO ORIGINAL

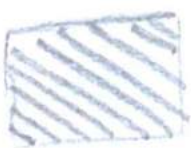
Existing
Clearing



Demountable
Accom.



Existing
Shed



Existing Shed



Shower / Toilet



Sewage Treatment
Plant

Attachment 3: Plan of Existing Development

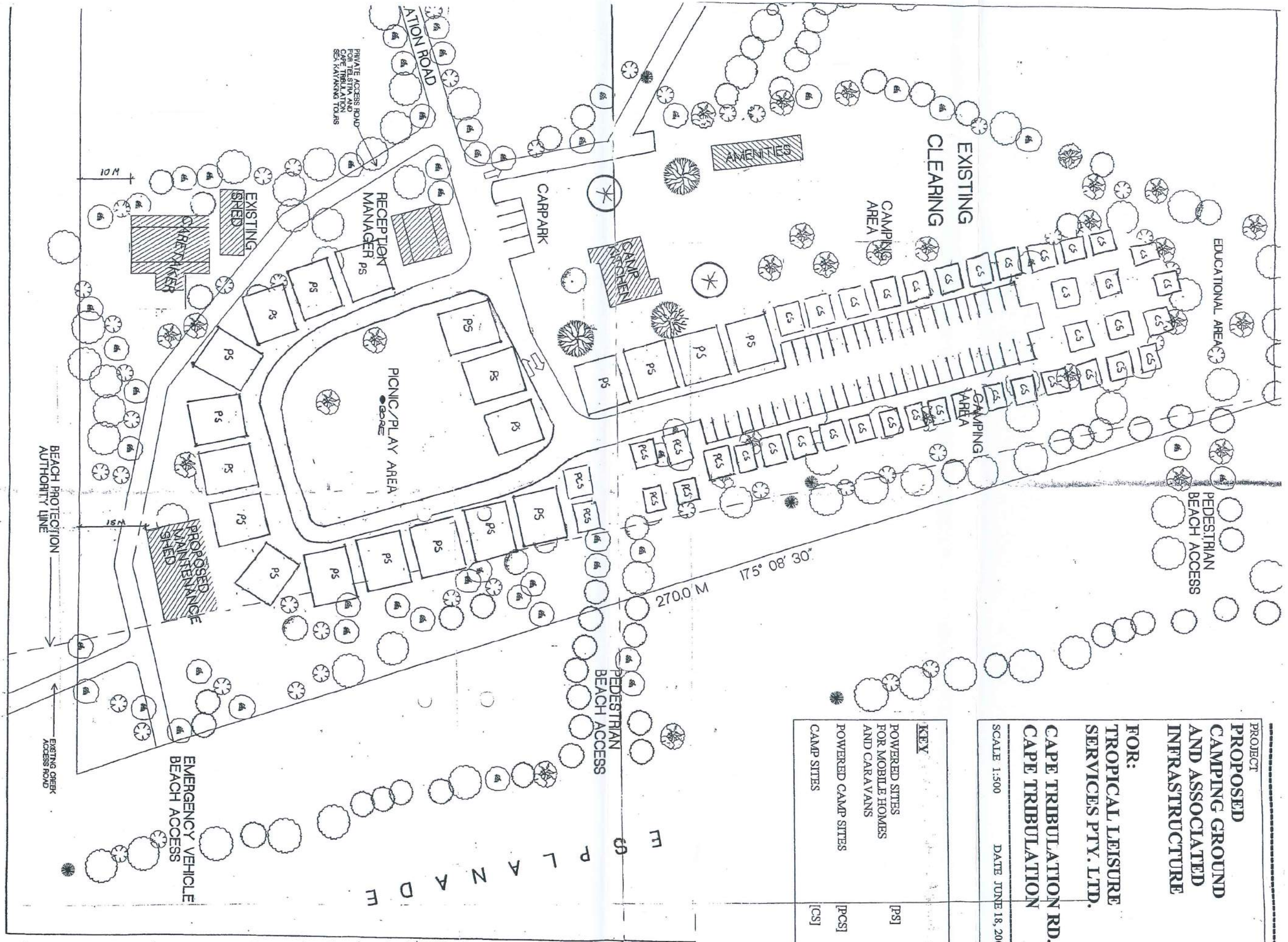
PROJECT
PROPOSED
CAMPING GROUND
AND ASSOCIATED
INFRASTRUCTURE

FOR:
TROPICAL LEISURE
SERVICES PTY. LTD.

CAPE TRIBULATION RD.
CAPE TRIBULATION

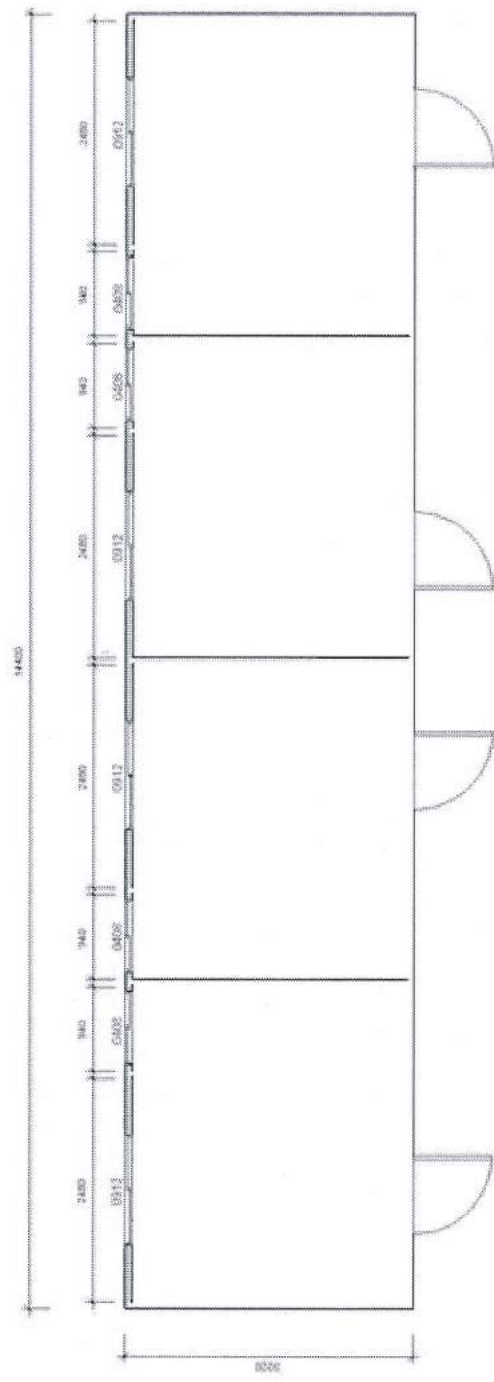
SCALE 1:500 DATE JUNE 18, 2003

KEY	
POWERED SITES FOR MOBILE HOMES AND CARAVANS	[PS]
POWERED CAMP SITES	[PCS]
CAMP SITES	[CS]



Original Approved Drawing

Attachment 4: Typical Demountable Floor Plan



Attachment 5: Original Town Planning Permit

Ms Liz Taylor - Consultant Planner
Planning Far North ☎ (07) 4051 0811

EAT:tap
TPC1112

2003/.

Mr Rod Colquhoun
C/- Peter Robinson Planner
PO Box 4751
CAIRNS QLD 4870

30th June 2003

Dear Mr Colquhoun

RE: DEVELOPMENT APPLICATION DECISION NOTICE, MATERIAL CHANGE OF USE OF PREMISES APPLICATION NO. TPC1112. DEVELOPMENT OF LAND LOCATED AT CAPE TRIBULATION ROAD, CAPE TRIBULATION DESCRIBED AS LOT 11 ON RP746567 FOR THE PURPOSE OF A CAMPING GROUND

The Development Application No. TPC1112 was assessed and approved with conditions. The decision was made by the Douglas Shire Council on the 26th June 2003.

The following schedule provides all the relevant details.

1. **Referral Agencies** : Nil
2. **Council decision** :
- A. That Council approves the annotation of the Planning Scheme for the subject land, currently zoned Special Facilities – (Motel comprising 30 units and ancillary uses to a maximum density of 120 persons. Development to be generally in accordance with Plan Number 812 – RE21) to Camping Ground (Maximum 60 Camp Sites) and Ancillary Facilities.
- B. That Council approve the development of land located at Cape Tribulation Road, Cape Tribulation and described as Lot 11 on RP 746567 for the development of a Camping Ground (Maximum 60 Camp Sites) and Ancillary Facilities. Development to be generally in accordance with Plan No 1, subject to the following conditions:-

.../2.

1. Before any works commence on site a Final Site Layout Plan shall be submitted to and approved by the Manager Planning Services which is in full compliance with Local Law 42 – Caravans, Caravan Parks: Tents and Camping; and by Council resolution 30 August 1990 – Minimum Requirements – Camping Grounds. In particular the plans shall incorporate but not be limited to the following development provisions:

Camping sites: (Maximum of 40 sites)

- Min. area of 27 m²
- Min. width of 6 m²

Caravan and motor home sites: (Maximum of 20 sites)

- Min. area 95 m²
- Min. width 9 m²

In addition, all campsites are required to be setback 3 metres from internal roads, 1.5m from side and rear boundaries and 6m from ablution facilities.

2. Any erection and use and occupation of the buildings shall at all times comply with the conditions laid down and provided for in the Douglas Shire Planning Scheme from time to time.
3. The provision of the *Integrated Planning Act 1997*, the Building Act, the Fire Safety Act, the Health Act, the *Food Act 1981* and all other relevant Acts and Regulations and the Local Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
4. Approval of satisfactory building plans and specifications in accordance with the Building Act, Council's Local Laws and the Shire of Douglas Planning Scheme where applicable and generally in accordance with the approved Final Site Layout Plan, required under Condition 1.
5. The issue of this Development Approval in no way implies building approval, either in principle or in detail, of any plans or the proposed development which may have been submitted with the application. Approval of any building works associated with the use shall be the subject of a separate Building Application in accordance with the Council's Local Laws.
6. The provisions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
7. The approval shall lapse four (4) years from the date of issue of the Development Permit unless the use is substantially commenced and all conditions complied with.

8. To ensure the High Biological and/or scenic Value of the site and the area is not compromised, the 120 person overnight visitor capacity shall at no time be exceeded or further accommodation be established which could accommodate visitor numbers above this threshold.

Construction Stage/Site Management

9. All vehicles associated with the development of the site shall be legally parked and in a manner so as to not adversely impact on the immediate locality.
10. No building materials associated with the development of the site, shall be stored or stacked on Council owned land (including road pavement, road reserve and/or parklands) at any time.
11. That all refuse and building materials or similar, associated with the development of the site shall be stored on the subject site in a neat and tidy manner and screened from public view.
12. The building site shall be maintained in good condition at all times to the reasonable satisfaction of Council.

Car Parking and Access

13. Sixty two (62) vehicle car parking spaces shall be provided on site. All car parking areas, driveway and vehicular manoeuvring areas shall be constructed and/or upgraded to an all weather surface standard and maintained to the requirements and satisfaction of the Manager Planning Services prior to commencement of the use. The car parking spaces shall be clearly designated on the ground.
14. The applicant shall provide a sign to the satisfaction of the Manager Planning Services, advising the location of the car parking areas and access thereto and details of the signage and the proposed location of the sign, shall be submitted at the time of lodgement of a Building Application.
15. Any landscaped areas adjoining the car parking areas shall be protected from vehicular encroachment by 150mm high vertical concrete kerb low level Koppers log barrier, or similar obstruction approved by the Manager Planning Services and details of the concrete kerb or similar shall be submitted at the time of lodgement of a Building Application.

Landscaping and Vegetation Retention

16. The applicant shall landscape the site. The applicant shall implement landscaping in accordance with an approved landscaped plan to the requirements and satisfaction of the Manager Planning Services. Existing natural vegetation shall be retained and only removed with the Manager Planning Services written approval.
17. Areas to be landscaped shall be established and maintained at all times to the satisfaction of the Manager Planning Services.

18. Any existing creek systems and drainage areas are to be left in their current state including no channel alterations and no removal of vegetation unless approved in writing by the Manager Planning Services.
19. Any clearing of vegetation required to establish the Camping Ground and Ancillary Facilities on site will require an application for a Permit to Damage Protected Vegetation to Council.

Health

20. The construction and operation of the Camping Ground shall be undertaken in accordance with Local Law 42 – Caravans, Caravan Parks: Tents and Camping; and by Council resolution 30 August 1990 – Minimum Requirements – Camping Grounds.
21. The applicant shall ensure that on completion of any site construction works the subject land shall be maintained in a clean and tidy condition at all times and to the requirements and satisfaction of the Manager Planning Services.
22. A plan of fixtures and fittings of the Camp Kitchen and details of the ablution block shall be submitted as the time of lodgement of the Building Application and shall be approved by the Manager Environmental Services.
23. Staff facilities shall be provided in accordance with the Workplace Health and Safety Act and Code of Practice to the satisfaction of the Manager Environmental Services.
24. (a) All toilets in the Camping Ground shall be fitted with dual flush cisterns to the satisfaction of the Manager Planning Services.
24. (b) Water flow regulators shall be fitted to all shower recesses, bathrooms and kitchen facilities where applicable and shall be submitted at the time of lodgement of a building application to the satisfaction of the Manager Planning Services.
25. The location of the refuse storage area shall be approved by the Manager Environmental Services, having regard to neighbouring properties. Refuse storage, removal and collection methods shall be in accordance with the “Environment Protection (Interim Waste) Regulations 1996”, and to the satisfaction of Council’s Manager Environmental Services.

Engineering Requirements

26. The applicant shall construct the following external works to the site frontage to the satisfaction of the Director Engineering Services:-
 - a) All weather access to the site shall be constructed and maintained over the shallow tabledrain, or alternatively, construct a culvert crossing, if necessary.

A copy of a plan of the works shall be submitted at the time of lodgement of a Building Application and shall be approved by the Director Engineering Services prior to the issue of a Building Approval. Such works shall be constructed in accordance with the Council's current specifications.

27. Any Potential Acid Sulphate Soils encountered during the construction phase shall be managed safely and appropriately as required by the State Planning Policy and a management plan to deal with the Acid Sulphate Soils shall be lodged with the Manager Engineering Services prior to construction working proceeding on site.
28. A reliable supply of potable water adequate for the needs of the Camping Ground and adequate storage of water for the Camping Ground needs to be demonstrated at the time of applying for carrying out building work to the satisfaction of Manager Engineering Services.
29. In this regard, a full and detailed independent investigation shall be submitted to and approved by the Engineering Services detailing the ability of the on site bore to provide adequate and reliable water supplies for all associated Camping Ground requirements. In addition the detail of water storage facilities proposed to service the Camping Ground shall be provided to the Manager Engineering Services.
30. Plans of the proposed waste water treatment, designed in accordance with the specifications detailed in the Impact Consultant's Report lodged with the application, are required to be submitted to the Manager Engineering Services at the time of lodgement of application for building works and are to be approved and constructed prior to the commencement of the use.
31. The proposed effluent treatment system shall be installed and maintained in good working order during the operation of the Camping Ground. The system shall be inspected by Council officers at regular intervals (at least every 6 months), to ensure the system is operating efficiently and being well maintained.

Miscellaneous

32. Details of any signage proposed in association with the development shall be submitted for approval of the Manager Planning Services prior to the issue of a Certificate of Classification for the proposed development.
33. Details of the colours of the existing and proposed buildings, including external walls and roofing, shall be lodged at the time of application for carrying out building works, to the satisfaction of the Manager Planning Services.
34. The storage of any machinery, material and vehicles shall be appropriately screened so as not to be directly visible from any road frontage or public vantage point of the land, to the satisfaction of the Manager Planning Services.
35. All structures not associated with the approved development shall be demolished and/or removed from the site prior to the commencement of the use.

Security

36. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$10,000.00, such Guarantee to be in a format considered satisfactory by the Manager Planning Services. The Bond or Guarantee shall be lodged prior to the issue of any Building Permit on the land in relation to this Consent Permit and the Council may call up the Guarantee to complete all or any part of the works mentioned herein to its satisfaction, should the applicant fail to do so.

- 3. **Approval Type** : Development Permit
- 4. **Rights of Appeal** : Attached standard form for applicant
- 5. **Assessment Manager** : Douglas Shire Council
- 6. **Compliance with Codes for Self-Assessable Development:** Not Applicable
- 7. **Properly made submissions** : Nil

Enclosed for your information are Sections 4.1.27 and 4.1.39 of the *Integrated Planning Act 1997* in relation to appeals to the Planning and Environment Court.

Should you require any further information in relation to this matter, please do not hesitate to contact Mr Liz Taylor, Consultant Planner, Planning Far North on telephone (07) 4051 0811.

Yours faithfully

T C Melchert
Chief Executive Officer

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

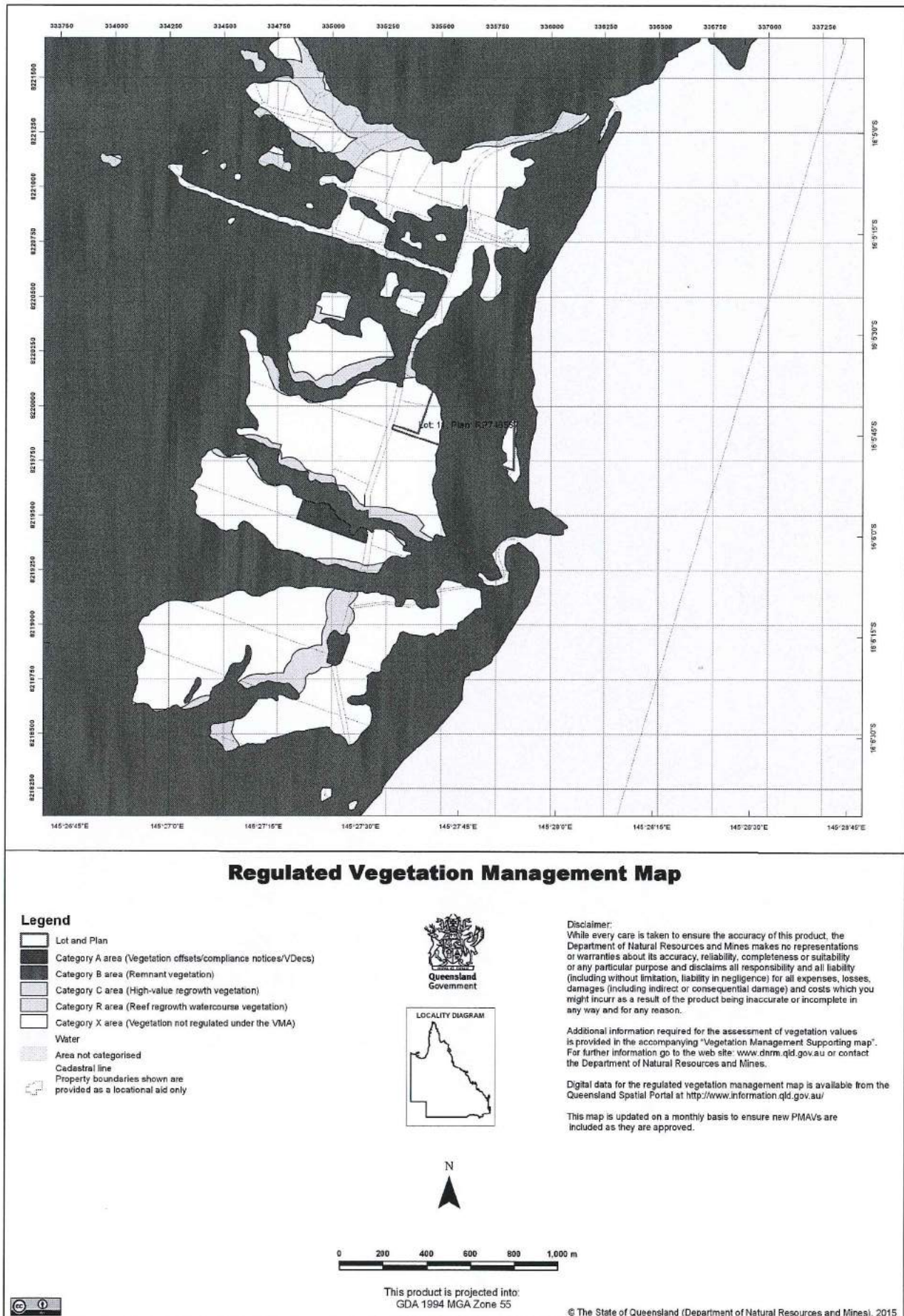
- 4.1.27.** (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification 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.

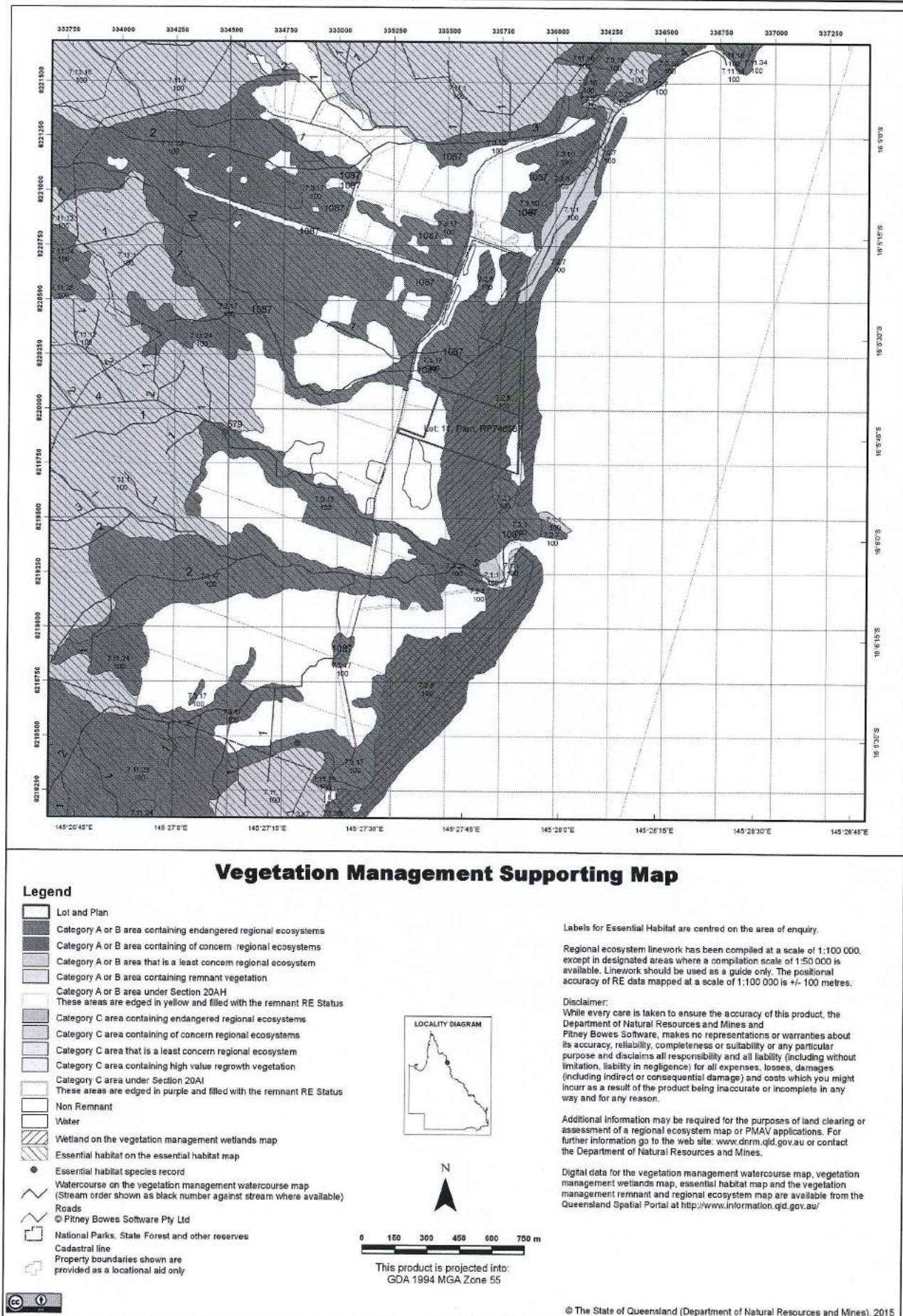
Division 10 – Making an appeal to court

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).

Attachment 6: Regulated Regrowth Vegetation Maps





Vegetation Management Act 1999 - Extract from the essential habitat database

Essential habitat is required for assessment under the:

- State Development Assessment Provisions - Module 8: Native vegetation clearing which sets out the matters of interest to the state for development assessment under the *Sustainable Planning Act 2009*; and
- Self-assessable vegetation clearing codes made under the *Vegetation Management Act 1999*

Essential habitat for one or more of the following species is found on and within 1.1 km of the identified subject lot/s or on and within 2.2 km of an identified coordinate on the accompanying essential habitat map.

This report identifies essential habitat in Category A, B and Category C areas.

The numeric labels on the essential habitat map can be cross referenced with the database below to determine which essential habitat factors might exist for a particular species.

Essential habitat is compiled from a combination of species habitat models and buffered species records.

The Department of Natural Resources and Mines website (<http://www.dnrm.qld.gov.au>) has more information on how the layer is applied under the State Development Assessment Provisions - Module 8:

Native vegetation clearing and the *Vegetation Management Act 1999*.

Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated.

Essential habitat, for protected wildlife, means a category A area, a category B area or category C area shown on the regulated vegetation management map-

- 1) (a) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database; or
- 2) (b) in which the protected wildlife, at any stage of its life cycle, is located.

Essential habitat identifies endangered or vulnerable native wildlife prescribed under the *Nature Conservation Act 1994*.

Essential habitat in Category A and B (Remnant vegetation species record) areas:1100m Species Information

Label	Scientific Name	Common Name	NCA Status	Vegetation Community	Altitude	Soils	Position in Landscape
579	<i>Litoria dayi</i>	Australian Lace-lid	E	Associated with fast flowing rocky streams and soaks in rocky areas in rainforest/monsoon vine forest, including margins.	Sea level to 1400m.	no soil information	Near/in streams.

Essential habitat in Category A and B (Remnant vegetation species record) areas:1100m Regional Ecosystems Information

Label	Regional Ecosystem (this is a mandatory essential habitat factor, unless otherwise stated)
579	7.1.1, 7.1.4, 7.2.1, 7.2.2, 7.2.3, 7.2.5, 7.2.6, 7.3.3, 7.3.4, 7.3.5, 7.3.10, 7.3.17, 7.3.20, 7.3.23, 7.3.25, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.49, 7.3.50, 7.5.2, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.16, 7.11.1, 7.11.2, 7.11.3, 7.11.7, 7.11.8, 7.11.12, 7.11.23, 7.11.24, 7.11.25, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.32, 7.11.38, 7.11.40, 7.12.1, 7.12.2, 7.12.6, 7.12.7, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.19, 7.12.20, 7.12.26, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.66, 7.12.68

Essential habitat in Category A and B (Remnant vegetation) areas:1100m Species Information

Label	Scientific Name	Common Name	NCA Status	Vegetation Community	Altitude	Soils	Position in Landscape
1087	<i>Casuarium casuarium johnsonii</i> (southern population)	Southern Cassowary (southern population)	E	Dense lowland and highland tropical rainforest, closed gallery forest, eucalypt forest with vine forest elements, swamp forest and adjacent melaleuca swamps, littoral scrub, eucalypt woodland and mangroves; often using a habitat mosaic; will cross open eucalypt, canefields and dry ridges between rainforest patches.	Sea level to 1500m.	no soil information	None

Essential habitat in Category A and B (Remnant vegetation) areas:1100m Regional Ecosystems Information

Label	Regional Ecosystem (this is a mandatory essential habitat factor, unless otherwise stated)
1087	7.1.3, 7.2.1, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.11, 7.3.1, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.10, 7.3.12, 7.3.17, 7.3.23, 7.3.25, 7.3.36, 7.3.37, 7.3.38, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.14, 7.11.1, 7.11.2, 7.11.5, 7.11.6, 7.11.7, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.18, 7.11.23, 7.11.24, 7.11.25, 7.11.28, 7.11.29, 7.11.30, 7.11.34, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.7, 7.12.9, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.39, 7.12.40, 7.12.44, 7.12.47, 7.12.50, 7.12.68. Also includes secondary habitat within identified priority corridors, and secondary habitat surrounded by primary habitat. Secondary regional ecosystems are 7.1.1, 7.1.2, 7.1.4, 7.1.5, 7.2.2, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.3.2, 7.3.9, 7.3.13, 7.3.14, 7.3.16, 7.3.19, 7.3.20, 7.3.21, 7.3.26, 7.3.28, 7.3.29, 7.3.30, 7.3.31, 7.3.34, 7.3.35, 7.3.39, 7.3.40, 7.3.43, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.8.11, 7.8.12, 7.8.13, 7.8.15, 7.8.16, 7.11.16, 7.11.19, 7.11.21, 7.11.26, 7.11.27, 7.11.31, 7.11.32, 7.11.36, 7.11.39, 7.11.40, 7.11.42, 7.11.43, 7.11.44, 7.11.46, 7.11.49, 7.12.10, 7.12.11, 7.12.12, 7.12.21, 7.12.22, 7.12.32, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.28, 7.12.29, 7.12.30, 7.12.34, 7.12.35, 7.12.37, 7.12.41, 7.12.45, 7.12.48, 7.12.49, 7.12.53, 7.12.59, 7.12.60, 7.12.61, 7.12.62, 7.12.67

Essential habitat in Category C (High value regrowth vegetation) areas:1100m Species Information

(no results)

Essential habitat in Category C (High value regrowth vegetation) areas:1100m Regional Ecosystems Information

(no results)

Attachment 7: Current Local Laws Permit

ENQUIRIES: Environmental Health & Regulatory Services
PHONE: (07) 4099 9444
OUR REF: 3035

31 March 2015

Kiernan Investments Pty Ltd
T/A: Cape Tribulation Camping
744-768 Stuart Dr
ROSENEATH QLD 4811

Dear Sir / Madam

**Approval Certificate for Operation of Camping Grounds 2014-2015
Local Law No.1 (Administration) 2011
Cape Tribulation Camping**

In accordance with Douglas Shire Council's Local Law No. 1 (Administration) 2011, please find enclosed the current Approval for your camping grounds.

Please ensure the details on the Approval are correct and advise Council of any changes, errors or omissions.

It is recommended that you display the Approval in a prominent position at the premises so that it is easily visible to the public.

For any enquiries in relation to the Approval please contact Council's Environmental Health & Regulatory Services on (07) 4099 9444.

Yours faithfully



E. Picerni
Team Leader Environmental Health & Regulatory Services



2014-2015

APPROVAL FOR OPERATION OF CAMPING GROUNDS

Local Law No.1 (Administration) 2011

APPROVAL NUMBER: 3035

Trading Name of Business:

Cape Tribulation Camping

Premises Address:

3812R Cape Tribulation Road CAPE TRIBULATION QLD 4873

Applicant Name:

Kiernan Investments Pty Ltd

Applicant Address/Address of Registered Office:

744-768 Stuart Drive ROSENEATH QLD 4811

Director's Name/s: *(if applicable)*

R J Kiernan

Premises Description:

Camping Ground

Ancillary Activity:

N/A

Number of Sites:

60

Number of Cabins:

N/A

Term of Approval:

From: **25 March 2015**

To: **30 September 2015**

Conditions of Approval:

Schedule 12 – Operation of camping grounds

Date of issue: 31/03/2015

A handwritten signature in black ink, appearing to read "E. Picerni".

E. Picerni

Team Leader Environmental Health & Regulatory Services

Conditions for Approval Number: 3035

Schedule 12 – Operation of camping grounds

Approval holders must:

Condition 1

Ensure that the maximum number of people accommodated at the camping ground does not exceed the limit specified on any development approval; and

Condition 2

Maintain all facilities in the camping ground to a good standard of hygiene and safety to the satisfaction of an authorised person; and

Condition 3

Provide and maintain a current site plan; and

Condition 4

Provide and maintain an adequate supply of water to the camping ground; and

Condition 5

Supply potable water for drinking and cooking; and

Condition 6

Ensure every outlet within the camping ground that receives non-potable water displays a permanent, prominent and legible sign "UNSUITABLE FOR DRINKING"; and

Condition 7

Provide appropriate facilities for collection, storage and disposal of waste to the satisfaction of an authorised person; and

Condition 8

Not locate or permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government; and

Condition 9

At all times keep the camping ground, its buildings, sanitary conveniences and other facilities in a clean, sanitary and safe condition to the satisfaction of an authorised person; and

Condition 10

Unless an accommodation is fitted with a sanitary convenience, as a minimum standard, provide for the exclusive use of the occupants separate sanitary conveniences for each sex in accordance with the table below; and

Table A

No. of Sites	No. of water closets and pans for females	No. of water closets and pans for males	Length of urinals for males
Up to 40	1 for every 7 sites or part thereof	1 for every 10 sites or part thereof	0.6m for every 20 sites or part thereof
Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	0.6m for every 20 sites or part thereof

Condition 11

In any case where 10 or more water closet fixtures are provided, ensure that at least 1 such water closet fixture and its compartment or cubicle is constructed, equipped and provided with access in accordance with AS1428, Code of Practice for Design Rules for Access by the Disabled; and

Condition 12

Ensure all sanitary conveniences are constructed so as to ensure privacy to the satisfaction of an authorised person; and

Condition 13

Unless an accommodation is fitted with ablutionary facilities, provide for the exclusive use of the occupants separate ablutionary facilities as per Table A above; and

Condition 14

Ensure a shower or bath is installed:

- (i) with separate drainage points for the discharge of water into the drainage system; and
- (ii) in a separate compartment or cubicle which is constructed so as to ensure privacy to the satisfaction of an authorised person; and

Condition 15

Provide for the exclusive use of the occupants, laundry facilities in the ratio of 1 laundry tub and 1 clothes washing machine and 1 clothes hoist, or suitable length of clothes line, for every 20 sites or part thereof; and

Condition 16

Provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and camp; and

Condition 17

A notice advising of the conditions must be displayed at each public entrance to the camping ground to which the conditions apply; and

Condition 18

Provide an on-site manager, available at all times the camping ground is operating, and have provision for emergency contact; and

Condition 19

Keep an up-to-date register of all persons accommodated at the camping ground. Such register must have the occupants forwarding contact details as well as name, address and site number; and

Condition 20

Comply with all requirements contained within the current fire safety report from Queensland Fire and Rescue Services.

Condition 21

The owner or manager must provide an adequate supply of "potable" water to be used for any of the accommodation activities conducted on the premises.

The owner or manager for a premises not connected to a town water supply must provide Council with documentation to demonstrate the private water supply used for any of the accommodation activities conducted on the premises is "potable", i.e. safe and fit for human consumption. Documented evidence to demonstrate the water is "potable" must be provided to Council by **30 September 2015**; and

Condition 22

Maintain to the satisfaction of an authorised person buffer zones between accommodation sites and roads, external boundaries, or facilities on the camping ground.

Condition 23

Provide overhead and internal lighting in the camping ground to the satisfaction of an authorised person for specified hours.

Condition 24

Require the operator to maintain the site in such a manner and to the satisfaction of an authorised officer so as not to inhibit the access, egress and transit through the camping ground of the emergency services and their vehicles, having regard to the minimum turning circles and height clearances of overhead structures.

Condition 25

The approval holder must provide an adequate supply of "potable" water to be used for any of the accommodation activities conducted on the premises.

The approval holder for a premises not connected to a town water supply must provide Council with documentation to demonstrate the private water supply used for any of the accommodation activities conducted on the premises is "potable", i.e. safe and fit for human consumption. The documented evidence must be consistent with the potable water parameters listed in **Table A**, and be provided to Council by **30 September 2015**.

Table A

Potable water parameters (100 ml sample)	NH&MRC (2011) Health Guidelines
<i>E.coli</i>	The NH&MRC (2011) Guideline is 0 CFU100mL
pH	The NH&MRC (2011) Guideline is pH 6.5 – 8.5
Turbidity	The NH&MRC (2011) Guideline is < 1 NTU, or The NH&MRC (2011) Guideline is < 5 NTU (where there is no disinfection)

Condition 26

Implement a Water Management Plan (WMP) for the private water supply of the business. The WMP must include the following:

- *A description of the water distribution system –
e.g. water source, pumps, storage, treatment, pipelines.*
- *Operational procedures for the water distribution system –
e.g. inspection and maintenance of pumps, filters and other associated equipment.*
- *Identify hazards –
e.g. flood areas, contaminated sites, animal holding/grazing areas, wastewater system, septic tank location.*
- *Document the water supply use for the business –
e.g. drinking, food preparation, cleaning and sanitation, clothes washing and irrigation.*
- *Records in association with the management and supply of potable water –
e.g. chemical and microbiological testing, servicing and maintenance logs, deliveries from carted water suppliers.*
- *Contingency plans for system failures or insufficient water supply –
e.g. warning signs, bottled water, boil water procedures.*
- *Emergency contacts –
e.g. Queensland Health, Local Council (EHO), Plumber, Electrician.*