

## 8 CORPORATE AND COMMUNITY SERVICES

**8.1 REEVER & OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/19/0018**

**Date Prepared:** 3 February 2020

**Author:** Planning Officer

**Attachments:**

1. **Proposal Plans** [↓](#)
2. **Submissions** [↓](#)
3. **Additional Supporting Information from Applicant** [↓](#)

### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Reever & Ocean Pty Ltd	<b>ADDRESS</b>	112 Barnwell Road, Kuranda
<b>DATE LODGED</b>	15 November 2019	<b>RPD</b>	Lot 17 on SP296830 & Lot 22 on SP304952
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.		
<b>FILE NO</b>	MCU/19/0018	<b>AREA</b>	Lot 17 - 63.12 ha Lot 22 - 107.7 ha
<b>LODGED BY</b>	wildPLAN Pty Ltd	<b>OWNER</b>	Reever & Ocean
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	30 Submissions		

### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. 30 properly made submissions were received during the mandatory public notification period. All 30 submissions objected to the proposed development and have been considered in the below report.

The applicant proposes the construction of on-site accommodation to facilitate overnight stays for tourists visiting the site's existing tourist attraction which is established under development approval MCU/18/0006. The proposed development will be constructed in two (2) stages and will utilise "glamping tents" which will have a solid timber deck flooring and canvas walls and roofs. To avoid confusion, the applicant has provided written clarification that approval for traditional cabin style accommodation is not being sought.

The two (2) stages of the development will proceed as follows:

- Stage 1 - tented camps for 28 persons, in the form of 14 x 1 bedroom tents; and
- Stage 2 - Tented camps for 26 persons, in the form of 5 x 2 bedroom tents and 3 x 1 bedroom tents.

The sites existing tourist attraction development (MCU/18/0006) includes dining facilities which are restricted to only operate between the hours of 7am and 7pm, seven (7) days per week.

The original planning report for this application was presented to Council for consideration at its Ordinary Meeting held on 22 January 2020. Concerns were raised at this meeting about the uncertainty with the accommodation design and how guests were to be catered for when the on-site dining facilities were closed.

As a result of these concerns, Council resolved the following:

*"That the Report Regarding ITEM -8.1 REEVER & OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/19/0018 be resubmitted at the February Meeting to address the outstanding queries to clarify the applicants intentions regarding the types of accommodation and how the guest would be catered for between 7pm and 7am."*

Additional advice was sought from the applicant to help clarify the abovementioned concerns (**Attachment 3**). The following written advice has been provided:

- The applicants are amenable to any approval being limited to "glamping tents" only (no traditional style cabins) which is consistent with that portrayed in the plans submitted with the application. This will be secured through condition of approval; and
- The development proposed under this application (glamping tents), is intended to align with the Tourist Attraction development approved under development approval MCU/18/0006. The Tourist Attraction facilities, namely those facilities for the provision of food and drink will **not** operate between the hours of 7pm and 7am. Guests staying in the proposed glamping tents will have their scheduled evening meal prior to 7pm and their breakfast after 7am. Notwithstanding this, it is intended that guests be provided with convenience food and drink between 7pm and 7am in the form of food hampers and/or mini-bar provisions, similar to any other conventional overnight guest accommodation. A BBQ area will also be provided for use by guests, as shown on the plans, with guests given the option to order BBQ packs to self-prepare as part of the farm immersion experience. These operational restrictions will be secured through conditions of approval.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and no conflicts with the Planning Scheme have been identified. The Planning Scheme generally encourages tourist development within the Rural zone where it can be demonstrated that no detrimental impact on primary production, agricultural activity and the natural environment is likely.

It is recommended that the application be approved in full, subject to conditions.



**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Reever & Ocean Pty Ltd	ADDRESS	112 Barnwell Road, Kuranda
DATE LODGED	15 November 2019	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D) relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AA-GL00	Cover Sheet	Develop North	11/11/19
AA-GL01	Tourism Accommodation Site Plan	Develop North	11/11/19
AA-GL02	Tourism Accommodation Stage 1 & 2	Develop North	11/11/19
AA-GL03	Typical 2 Bed Floor Plan & Elevation	Develop North	11/11/19
AA-GL04	Typical 1 Bed Floor Plan & Elevation	Develop North	11/11/19

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of each Stage of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of each Stage of the use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

## 3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All external works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

### 3.3 Waste Management

On site refuge storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

- 3.4 Accommodation buildings/structures provided on-site are to be limited to glamping tents ("tents") only, as shown on the submitted plans.
- 3.5 Guests residing in the tents are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).

### 3.6 Length of stay

The maximum length of stay for guests must not typically exceed three (3) consecutive months, unless otherwise approved by Council's delegated officer.

- 3.7 No more than 54 persons are to be accommodation on-site in the tents at any time.
- 3.8 No more than 150 tourists/visitors are permitted on-site (combination of tent accommodation guests and MCU/18/0006 Tourist Attraction visitors) unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is undertaken.

- 3.9 Tourist Attraction facilities authorised under development approval MCU/18/0006, namely those facilities being used for the provision of food and drink for overnight guests (staying in tents) must **not** operate between the hours of 7pm and 7am to align with the operational conditions of development approval MCU/18/0006.

Convenience food (food hampers, mini-bar etc.) may be provided to guests at any time for their preparation and consumption within the accommodation tents.

Food preparation at the communal BBQ area must also **not** occur between the hours of 10pm and 7am.

- 3.10 Amplified music or loudspeakers of any kind must not be used between the hours of 7pm and 7am unless in an emergency situation.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

An access crossover must be constructed (from the edge of Barnwell Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

##### 4.3 Carparking/Internal Driveways

The designated car parking area and internal driveways servicing the development must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

##### 4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

#### 4.5 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

**Note:** Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

#### 4.7 Landscaping

Prior to the commencement of the use, rehabilitation, in the form of the planting and maintenance of 50 plants (utilising locally occurring native flora), will be undertaken in the promotion of fauna dispersal on the site between areas of Matters of State Environmental Significance (MSES), to the satisfaction of Council's delegated officer.

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (c) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (d) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (e) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely

to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au)

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the “cultural heritage duty of care”). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

**THE SITE**

The subject land comprises two (2) adjoining allotments situated at 112 Barnwell Road, Kuranda, which are more particularly described as Lot 17 on SP296830 and Lot 22 on SP304952. The subject land has a combined area of 170.82 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The land is accessed via Barnwell Road which is constructed to a bitumen sealed standard up until the point that the road terminates at the north-east corner of Lot 22.

The subject land is presently used for the following rural land uses:

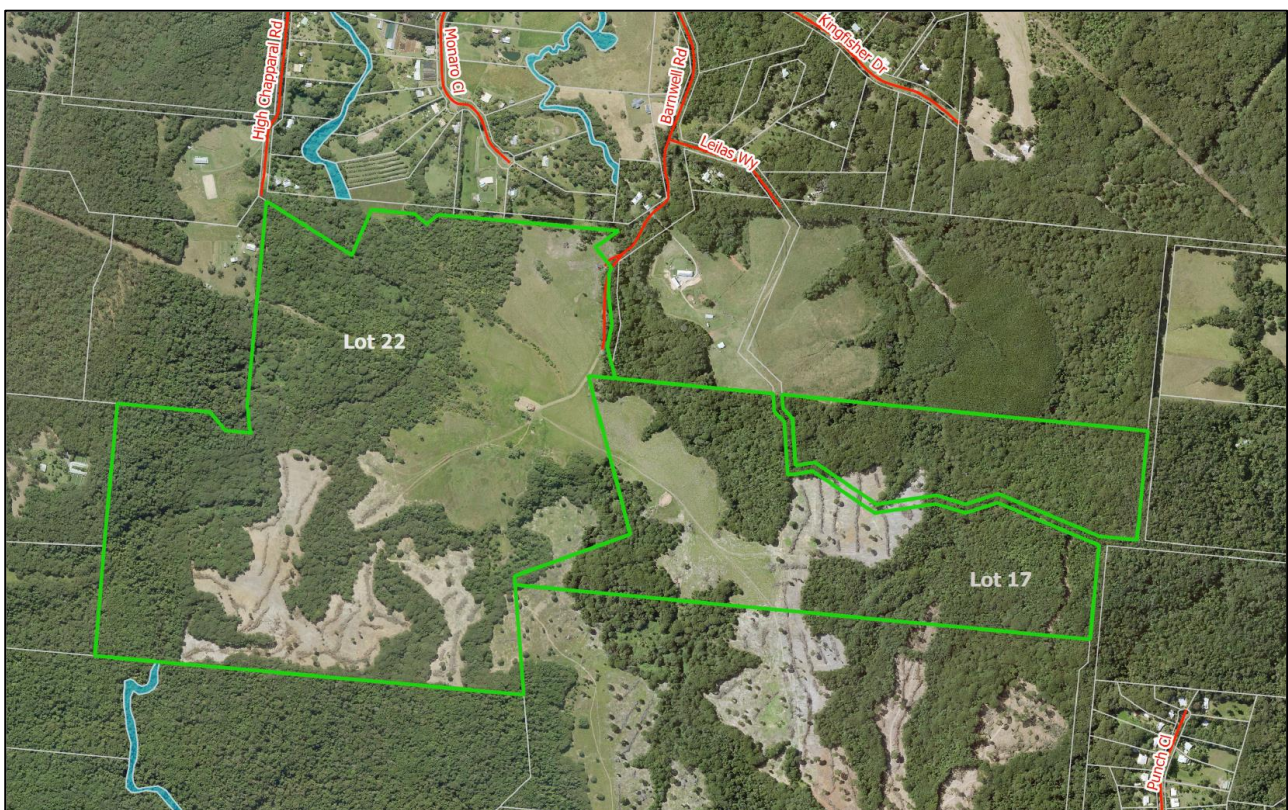
- KUR-Cow: The land is used for the grazing and husbandry of beef cattle as part of the KUR-Cow business, that provides for the exporting of beef.
- KUR-Organics: Part of the site is used for the growing of organic produce.
- Animal Keeping: Part of the site is used for the keeping of animals including (but not limited to) donkeys, alpacas, goats and horses.

- Tourist Attraction: Part of the site has approval for up to 300 tourists per day for tourist activities associated with the rural and environmental features of the site. The proposed tented camping accommodation will operate ancillary to the approved tourist attraction use, provide an option for overnight accommodation on-site.
- A large water storage dam used for on-site water supply as well as a landscape feature in associated with the approved tourist attraction use.

The remainder of the subject land is undeveloped and is best described as undulating acreage with a mix of large cleared grassed areas and a network of vegetated gullies and watercourses. The land is traversed by Owen Creek, Cain Creek and Haren Creek and also tributaries of Owen Creek, Cain Creek, Warril Creek and Haren Creek.

Remnant and regrowth vegetation is present on the site. Regrowth vegetation extends along the creek corridors that traverse the site.

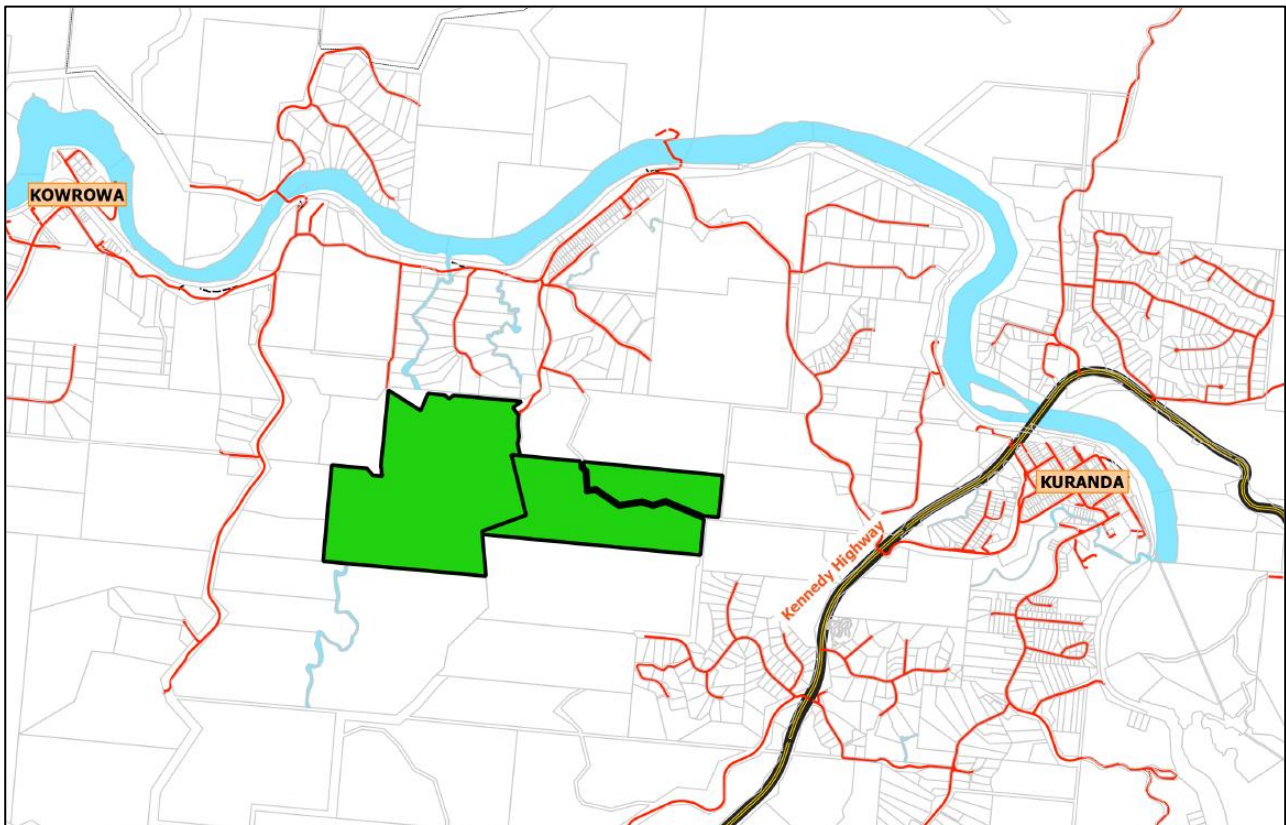
Land surrounding the site is zoned a mix of Rural Residential and Rural and comprises a mix of smaller rural residential allotments containing single detached dwellings and larger rural holdings that remain predominately vegetated and are predominately used as large lifestyle lots with some used for low intensity livestock grazing.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.





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## **PREVIOUS APPLICATIONS & APPROVALS**

### **OW/16/0001 - Operational Works - Earthworks (Water Storage Dam)**

On 20 July 2016 Council approved an application made by Civil Walker on behalf of the landowners, Reever and Ocean Pty Ltd, seeking a development permit for operational works - earthworks (water storage dam) on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 26 July 2016.

On 9 June 2017, Council, under delegated authority, approved a minor amendment to development approval OW/16/0001.

The water storage dam subject to development approval OW/16/0001 has been constructed in accordance with the conditions of approval and is considered to be lawfully established.

### **DA/16/0065 - Material Change of Use - Animal Keeping**

On 9 February 2017 Council approved an application made by Cardno on behalf of the landowners, Reever and Ocean Pty Ltd, seeking a development permit for material change of use - animal keeping on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 9 February 2017.

Development approval DA/16/0065 has been acted upon and it is considered that the use is occurring in compliance with the conditions of approval.

MCU/17/0012 - Material Change of Use - Nature Based Tourism

On 27 November 2017 Council approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as Lot 16, 17, 18, 22 on N157227, Lot 19 on N157452 and Lots 1 & 2 on RP703984 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 November 2017.

The use authorised under development approval MCU/17/0012 has now lapsed.

RAL/18/0015 - Reconfiguring a Lot - Boundary Realignment

On 16 May 2018 Council approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for reconfiguring a lot - boundary realignment of land described as Lot 16 on N157227 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 18 May 2018.

MCU/18/0006 - Material Change of Use - Tourist Attraction

On 16 May 2018, Council approved an application made by Cardno on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as part of Lot 16 on N157227, Lot 17 on SP296830, Lot 18 on SP296830, Lot 19 on SP296830 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 18 May 2018.

MCU/18/0017 - Material Change of Use - Rural Workers' Accommodation

On 15 August 2018, Council approved an application made by Cardno on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - rural workers' accommodation on land described as part of Lot 16 on N157227, Lots 17, 18, 19 & 22 on SP296830, Lot 20 on N157423, Lot 95 on N157452, Lot 129 on NR456, Lot 131 on N157491, Lot 290 on N157480 and Lot 43 on N157359, situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 16 August 2018.

RAL/18/0002 - Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages

On 23 October 2019, Council approved an application made by wildPLAN Pty Ltd on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages on land described as Lots 17, 18, 19 on SP296830, Lot 22 on SP304952 and Lot 20 on N157423, situated at 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 October 2019.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages in accordance with the plans shown in **Attachment 1**.

The following excerpt is provided as a summary of the proposed development:

**1. PROPOSED DEVELOPMENT**

*The proposed Nature-based Tourism development is to comprise of tented camps in two (2) stages:*

- Stage 1 – Tented camp for 28 persons, in the form of 14 x 1-bedroom tents
- Stage 2 – Tented camp for 26 persons, in the form of 5 x 2-bedroom tents and 3 x 1-bedroom tents

*Refer to **Schedule 1 – Proposal Plans**.*



*The development is proposed as a complementary land use to the existing Tourist Attraction (MCU/18/0006) by providing an overnight accommodation option for visitors to the Tourist Attraction.*

*Each accommodation unit will be self-contained in the form of ablutions; however, will not include kitchen facilities.*

*The tented camps are located to the South of the existing dam on Lot 22 and proximate to the built infrastructure of the existing Tourist Attraction (MCU/18/0006).*

*The development includes only the following supporting recreational infrastructure (located central to Stage 1):*

- *Barbeque facilities*
- *Children's playground.*

*No vegetation clearing is proposed as part of the Nature-based Tourism development.*

### **1.1 DEVELOPMENT SUMMARY**

**TABLE 1 DEVELOPMENT SUMMARY**

<b>Nature-based Tourism Material Change of Use</b>	
<b>Maximum height</b>	<i>The proposed tented camp accommodation, will not exceed 4 metres in height above ground level.</i>
<b>Gross Floor Area (GFA)</b>	<p><i>No GFA is proposed as part of the Nature-based Tourism development.</i></p> <p><i>The construction of the individual tented accommodation units will comprise a deck with a clearance of no more than one (1) metre from ground level and the tented accommodation is not proposed to include a fixed roof or walls (being of canvas on light-weight frame construction). Therefore, no "building" is proposed, and accordingly no GFA.</i></p>
<b>Transport and Access</b>	<p><i>Access to the site is provided via Barnwell Road.</i></p> <p><i>The Nature-based Tourism development will not attract vehicle movements in its own right i.e. visitors to the Tourist Attraction (MCU/18/0006) will have the option to stay overnight in on-site accommodation facilities.</i></p> <p><i>To reinforce the complementary interaction between the Tourist Attraction (MCU/18/0006) and the proposed Nature-based Tourism, the following conditions are recommended to be attached to any approval of the Nature-based Tourism development:</i></p> <ul style="list-style-type: none"> <li>• <i>Tourists are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).</i></li> <li>• <i>Not more than 54 persons are to be accommodated on-site in the proposed accommodation.</i></li> <li>• <i>Not more than 150 visitors to the site are to be accommodated on-site at any time unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is undertaken.</i></li> </ul> <p><i>Separate car parking is not proposed as part of the Nature-based Tourism development as car parking demand will not be created in addition to the existing Tourist Attraction.</i></p>
<b>Proposed servicing arrangements</b>	<p><i>The proposed development is intended to be serviced by the existing on-site bore water supply, which has sufficient capacity to service the development.</i></p> <p><i>The proposed development is intended to be serviced by on-site waste-water treatment in the form of bio-cycle treatment. It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).</i></p>

	Existing electricity supply (including solar and grid connection) as well as planned upgrades will provide sufficient electricity supply to the Nature-based Tourism development.
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## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

- **Land Use Categories**
  - Rural Other
- **Natural Environment Elements**
  - Biodiversity Areas
  - Ecological Corridor
  - Habitat Linkage
- Strategic Framework:
  - Zone: Rural zone
    - Airport Environs Overlay
    - Bushfire Hazard Overlay
    - Environmental Significance Overlay
    - Hill and Slope Overlay
    - Transport Infrastructure Overlay
  - Overlays:

## Planning Scheme Definitions

The proposed use is defined as:-

<b>Use</b>	<b>Definition</b>	<b>Examples include</b>	<b>Does not include the following examples</b>
<b>Nature-based tourism</b>	<p><i>The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically:</i></p> <ul style="list-style-type: none"> <li><i>• maintain a nature based focus or product</i></li> <li><i>• promote environmental awareness, education and conservation</i></li> <li><i>• carry out sustainable practices.</i></li> </ul>	<i>Environmentally responsible accommodation facilities including lodges, cabins, huts and tented camps</i>	<i>Environment facility</i>

## RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

### (A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

### (B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

### (C) Mareeba Shire Council Planning Scheme 2016

#### Strategic Framework

#### 3.3 Settlement pattern and built environment

##### 3.3.1 Strategic outcomes

- (5) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a*

*detrimental impact on rural productivity. The valued, relaxed rural lifestyle, character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*

#### Comment

Development is proposed ancillary to existing agricultural land uses and development (tourist attraction) on the subject land. The proposed nature-based tourism will therefore not compromise or fragment the existing primary production uses established on the land. Additionally, the proposed development, which includes low-impact 'glamping tent' accommodation, will not impact upon the valued relaxed rural lifestyle, character and scenic qualities of the of the rural area. The proposed development will not detract from the ability of the land to perform as a viable agricultural holding.

The proposed development complies with Strategic Outcome 5.

### *3.3.11 Element - Rural areas*

#### *3.3.11.1 Specific outcomes*

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.*
- (3) Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the rural area in a way which:
  - (a) does not impede or conflict with agricultural activities and production; and*
  - (b) does not compromise rural character and scenic qualities; and*
  - (c) does not adversely impact on ecological and biodiversity values.**
- (5) Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.*

#### Comment

The following response was provided by the Applicants consultant:

*"KUR-Cow farm is a working cattle station that is open to the general public (accessed only via KUR-Cow bus transport) in its capacity as a Tourist Attraction. The proposed development the subject of this application (Nature-based Tourism) seeks to provide for the overnight accommodation of visitors to the Tourist Attraction, pursuant to the Nature-based Tourism land use definition.*

*The development is proposed to be located on land adjacent an existing dam and within proximity to existing Tourist Attraction infrastructure, maintaining the balance of the site for existing operations. On this basis, the proposed ancillary development will not impede or*

*conflict with agricultural activities and production, as sought by parts 3.3.11.1(2) and 3.3.11.1(3a) of the Strategic Framework.*

*No clearing of regulated or native vegetation is required in respect of the proposed development. Therefore, the proposed development will not impact upon ecological or biodiversity values, as sought by part 3.3.11.1(3c).*

*In that the site is improved for agricultural and tourism purposes, the development, which is proposed to include tented camp accommodation (i.e. having a low-impact built form), will not compromise the rural character or scenic qualities of the area, as sought by part 3.3.11.1(3b).*

*The site continues to present as a viable holding (per part 3.3.11.1(6)). Additionally, in consideration of existing development, the proposed ancillary development is considered to be appropriately located and serviced in accordance with part 3.3.11.1(5), which supports the establishment of tourism land uses within 'other rural areas' in these circumstances.*

*Essentially, the proposed development is ancillary (and complementary) to existing development and will not adversely impact upon landscape and rural production values (3.3.11.1(2)). The development is therefore in accordance with the specific outcomes prescribed for Rural areas."*

Council officers agree with the consultants comments. The proposed development complies with Strategic Outcomes 1, 3 and 5.

### 3.7 Economic Development

#### 3.7.7 - Element - Tourism

##### 3.7.7.1 Specific Outcomes

- (4) *The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's activity centres are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.*
- (5) *A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:*
  - (a) *tourist attractions and facilities within activity centres;*
  - (b) *cultural interpretive tours;*
  - (c) *nature based tourism;*
  - (d) *sports and recreational activities;*
  - (e) *tourist attractions;*
  - (f) *adventure tourism;*
  - (g) *farm based tourism;*
  - (h) *food based tourism;*
  - (i) *bed and breakfasts;*
  - (j) *camping and recreational vehicle facilities;*
  - (k) *cycle tourism.*

- (6) *Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.*

#### Comment

The following response was provided by the Applicants consultant:

*"The proposed development recognises and seeks to provide for the appreciation of the scenic qualities of the regional landscape, in accordance with part 3.7.7.1(4) of the Strategic Framework. The accommodation proposed is low-impact and has been sensitively designed, scaled and located so as not to compromise the natural landscape values and agricultural values of the shire, as sought by 3.7.7.1(6). The establishment of small-scale, low impact, Nature-based Tourism facilities across the rural landscape is supported in part 3.7.7.1(5)."*

Council officers agree with the commentary provided. The proposed development complies with Strategic Outcomes 4, 5 and 6.

#### **Relevant Developments Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Zone Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Airport Environs Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.

Environmental Significance Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Hill and Slope Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Transport Infrastructure Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.
Works, Services and Infrastructure Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcome where no acceptable outcome is provided) contained within the code.

#### **(D) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

#### **REFERRAL AGENCY**

This application did not trigger referral to any Referral Agency.

#### **Internal Consultation**

Development Engineering/Technical Services

#### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 25 November 2019 to 13 December 2019. The applicant submitted the notice of compliance on 23 December 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

30 properly made submissions, and 1 not properly made submission were received during the public notification period.

The grounds for objection/support are summarised and commented on below:

**Objection/concern:**

The nature of the intended land use and its relationship with the existing Tourist Attraction development approval (MCU/18/0006).

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*"Submissions received in response to the nature of the intended land use primarily had regard to understanding:*

- *The nature of the 'Nature-based Tourism development' proposed, in the context of the definition of 'Nature-based Tourism development' in the Planning Scheme; and*
- *The relationship between the proposed development and the existing Tourist Attraction, including any conflicts with prior development conditions.*

***The nature of the Nature-based Tourism development proposed***

*As stated within the application material, the proposed development seeks to provide an overnight accommodation option for visitors to the Tourist Attraction.*

*The application further identifies Nature-based Tourism to be the land use definition that most appropriately reflects the proposed land use because of its specific reference to accommodation, which is not captured by the Planning Scheme definition for Tourist Attraction.*

*The Planning Scheme definition for Nature-based Tourism is provided below (emphasis added):*

***Nature-based Tourism***

*The use of land or premises for a **tourism activity, including tourist and visitor short-term accommodation**, that is intended for the conservation, interpretation and appreciation of areas of **environmental, cultural** or heritage value, **local ecosystem** and **attributes of the natural environment**.*

*Nature-based tourism activities typically:*

- *Maintain a nature based focus or product*
- *Promote environmental awareness, education and conservation*
- *Carry out sustainable practices.*

*Examples include: **Environmentally responsible accommodation facilities** including lodges, **cabins**, huts and **tented camps**.*

*The Applicant confirms that the development:*

- *Is for a tourism activity (specifically tourist / visitor short-term accommodation, in the form of a tented camps) per the definition for Nature-based Tourism;*
- *Is sited within a natural setting (providing for the appreciation and interpretation of both the local ecosystem and attributes of the natural environment – particularly for international visitors); and*
- *Provides for the conservation of local environmental attributes, including via the siting of the development, which necessitates no clearing.*



*In accordance with the above, it is considered that Nature-based Tourism is the relevant land use in respect of the proposed development.*

***The relationship between the proposed development and the existing Tourist Attraction, including any conflicts with prior development conditions.***

*In terms of the relationship between the proposed development and the existing Tourist Attraction, the Applicant confirms that the proposed development is complementary to the Tourist Attraction, providing an overnight accommodation option for visitors to the Tourist Attraction.*

*The proposed development will not conflict with conditions of approval for the Tourist Attraction. However, in respect to landscaping and to the extent that the Nature Based Tourism development may impact the landscaping plan, the Applicant is willing to accept a condition of approval requiring that a landscaping plan for the Nature Based Tourism development be provided to the satisfaction of the Chief Executive Officer.*

**Barnwell Road Upgrades**

*It is acknowledged by the Applicant that visitation restrictions and thresholds exist in respect of the Tourist Attraction approval, relative to the operational capacity of Barnwell Road.*

*It is noted that the proposed development, which is ancillary to the Tourist Attraction, will not attract visitors to the site in its own right (i.e. the proposed development does not contradict with Condition 4.2 (Barnwell Road Upgrades) of the Tourist Attraction approval). As proposed within the development application, the Applicant is willing to accept conditions of approval regarding Barnwell Road upgrades per the Tourist Attraction approval.*

**Operating Hours**

*Within the submissions, concern was also raised regarding the limited operating hours of the Tourist Attraction – and the impact of closure between 7pm and 7am on guests of the proposed accommodation (particularly in terms of limited kitchen facilities).*

*In this regard, it is noted that the operating hours of the Tourist Attraction are not proposed to change. In that the Nature-based Tourism presents a 'pared back' accommodation option, the hours of operation of the Tourist Attraction will not impact upon the operation of the proposed accommodation (i.e. after-hours access to the kitchen facilities of the Tourist Attraction are not proposed as part of the development).*

*In keeping with the nature of the proposed development (i.e. overnight visitor accommodation), the development is proposed to be operational 24 hours, 7 days per week."*

---

**Objection/concern:**

The nature of the proposed built form.

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*The application seeks approval for tented accommodation only.*

*Gross Floor Area*

*Concern was also raised within submissions regarding the additional GFA that would exist on-site should the Applicant construct buildings (instead of structures). This was noted to be of relevance with respect to the impact assessment trigger for a Tourist Attraction within the Rural Zone (being the exceedance of 200m<sup>2</sup> GFA).*

*It is noted that approval for a separate land use is proposed (i.e. Nature-based Tourism), which is not subject to a GFA threshold. In that Nature-based Tourism is subject to different categories of development, there is no material difference to Council's assessment should the development include additional GFA.*

*Moreover, the 200m<sup>2</sup> GFA trigger for Tourist Attraction is a trigger for the elevation of the level of assessment from code assessment to impact assessment, it is not an express limitation on the scale of any proposed Tourist Attraction."*

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**Objection/Concern:**

The scale of the proposed development in consideration of the zoning of the land.

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*"Concern was raised within the submissions regarding the exceedance of stated level of assessment thresholds for code assessable Nature-based Tourism (including number of guests, accommodation units and rooms proposed). As a result of the exceedance of identified thresholds, impact assessment was triggered.*

*The Applicant has demonstrated that there are 'relevant matters' that lend support to approval of the proposed development (as further discussed in Section 6 of the Planning Report).*

*Specifically:*

- The scale of the proposed development is relevant and proportionate to the approved future potential Tourist Attraction population. Specifically, the proposed development seeks to meet the emerging accommodation demands of the existing visitor base to the Tourist Attraction.*

- *The proposed Nature-based Tourism development will remain subordinate to the Tourist Attraction, providing accommodation for 18% of the future potential Tourist Attraction population.*
  - *The scale of the proposed development is less than could suitably be accommodated on the site, if considering the 'area to guest' ratio prescribed for code assessment. Specifically, the structure of the levels of assessment for Nature-based Tourism provide that 10 guests on 15 hectares or less is subject to code assessment (therefore representing an 'appropriate' or suitable area to guest ratio). Considering the total size of the site (at 170.82 hectares, where considering both Lot 17 and Lot 22), the site could suitably accommodate up to 113 persons (rounded down), or 71 persons (rounded down) if considering only Lot 22. The proposal seeks to accommodate only 54 persons."*
- 

**Objection/Concern:**

Amenity concerns, with respect to nearby rural residential development and for visitors to the premises (in the context of existing operational land uses).

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*"Within the submissions, concerns regarding amenity were raised in respect of both nearby rural residential development and for visitors to the premises (in the context of existing land uses).*

*In that the proposed development involves accommodation only, noise and light emanating from the activity is not expected to impact upon the amenity of nearby Dwellings which have no direct line-of-sight to the proposed development. It is noted that the closest Dwelling on a property adjoining the site is located approximately 370 metres to the north of the site.*

*Further, existing on-site operations are not expected to impact guest amenity, in that on-site animal keeping and agricultural activities and the Tourist Attraction will form part of guest expectations for the experience (i.e. similar to 'Farm-stay' operations, which provide guests with an insight into agricultural operations). Tourist Attraction activities will not be in operation beyond 7pm (per the Tourist Attraction development approval), mitigating noise and light impacts to guests."*

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**Objection/Concern:**

Response to natural and health hazards.

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

"Cyclones

*Concern was raised within the submissions regarding the risk of cyclones to the proposed development. The Applicant confirms that structures and buildings will be constructed to the relevant building standards, where applicable.*

Biting Insects

*Concern was raised within the submissions regarding construction within the vicinity of a dam and the potential for the spread of airborne diseases via mosquitos.*  
*The Planning Scheme does not contain assessment benchmarks regarding biting insects (including mosquitos). Regardless, the Applicant confirms that screens and use of topical sprays will be adopted to deter mosquitos."*

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**Objection/Concern:**

Servicing, including water provision, wastewater treatment and waste disposal.

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*"Within the submissions, concern was raised regarding water supply, wastewater and waste disposal.*

Water Supply

*Regarding water supply, concern was raised regarding the suitability of the bores to provide potable water. Council has been provided results from samples taken from the subject bores for testing, which confirm that the water sourced is safe for consumption.*

*The Applicant is willing to accept a condition of approval requiring that bores are maintained in accordance with the relevant standards.*

Wastewater

*Regarding wastewater, concern was raised regarding the use of bio-cycle systems for wastewater treatment, particularly with respect to the outputs of the system and potential impacts on nearby waterways. The Applicant confirms that a bio-cycle system is currently utilised on the site for wastewater treatment.*

*Any additional wastewater created by the extended stay of any visitors to the Tourist Attraction will be treated on site, consistent with existing operations. On-site wastewater treatment satisfies the requirements of the Planning Scheme regarding wastewater treatment, in that the site is located within the Rural Zone and outside a reticulated sewerage service area.*

*Comments were also raised regarding the potential for Environmentally Relevant Activities (ERA) to be undertaken in relation to sewage treatment (ERA 63), based on the exceedance of Equivalent Person (EP) thresholds. The Applicant confirms that an Environmental Authority for ERA 63 will be sought post-approval if required.*

*Accordingly, the Applicant requests that Council impose a condition of approval requiring that on-site effluent disposal is provided in accordance with the relevant standards.*

#### *Waste disposal*

*The development application identifies that waste disposal will occur per existing arrangements. Existing service and waste disposal areas are in accordance with A07.1 of the Parking and Access Code."*

Refer to Planning Discussion section of the report for further commentary regarding the on-site water supply.

---

#### **Objection/Concern:**

The economic need for the proposed development.

#### **Response:**

The economic need and viability of a particular development is not a relevant town planning concern for this particular type of development. Notwithstanding this, the following commentary has been provided by the Applicant's Consultant:

*"Within submissions, concern was raised regarding the economic need (and therefore viability) of the proposed development, citing the failure of prior tourism operations within the locality.*

*Tourism is an important driver for the region's economy, which the proposed development seeks to contribute to and strengthen. The local and regional tourism industry therefore establishes the need for the development.*

*In that the proposed development seeks to accommodate a small percentage of the potential future Tourist Attraction population (at approximately 18%), the ancillary Tourist Attraction establishes the demand for the development.*

*The proposed development will also provide local employment opportunities, sustaining the local economy.*

*The failures of prior, non-related operations are not relevant to the proposed development."*

---

**Objection/Concern:**

Impacts on environmental significance.

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*"Concern was raised within the submissions regarding impacts on environmental significance, particularly via runoff and impacts to the ecological corridor located within proximity to the proposed development.*

*It is relevant to note that tented camps are identified by the Planning Scheme to be 'environmentally responsible accommodation facilities' – due to their minimal impact on the land and surroundings.*

*With respect to the Environmental Significance Code, the proposed development is noted to comply with all applicable assessment benchmarks of the Code.*

*It is noted that development is proposed within an 'Ecological corridor', as identified on the Environmental Significance Overlay Maps (OM-004a-o).*

*Notwithstanding this, the proposed development will maintain existing vegetated corridors (in that no clearing is required to facilitate the proposed development) and can also provide for the enhancement of part of the ecological corridor (subject to reasonable and relevant conditions) – therefore maintaining wildlife movement and contributing to the maintenance of habitat and biological diversity.*

*Development is not proposed within a waterway buffer area and therefore will not impact upon a waterway or wetland. No clearing of regulated or native vegetation is required in respect of the proposed development.*

*Development is not proposed within a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o).*

*The Applicant identifies that stormwater will continue to drain per existing arrangements and that erosion and sediment control measures will be adopted during construction, to protect the environmental values of local waterbodies.*

*The Applicant is willing to accept conditions of approval regarding the above. On this basis, it is considered that development can be appropriately conditioned to ensure that development will not negatively impact upon matters of environmental significance."*

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**Objection/Concern:**

The consistency of the proposed development with the applicable provisions of applicable planning instruments.

**Response:**

The following commentary has been provided by the Applicant's Consultant and Council officers consider it to be a soundly based planning response:

*"Within submissions received, concern was raised regarding the consistency of the proposed development with the applicable provisions of local and State planning instruments. The Town Planning Report demonstrates that the proposed development is compliant with the local and State planning framework, as further detailed below.*

*Mareeba Shire Planning Scheme 2016*

*The Town Planning Report demonstrates that the proposed development is compliant with the applicable provisions of the Planning Scheme, including the Strategic Framework.*

*Within the assessment and with respect to the Strategic Framework, it was noted that:*

*The proposed development recognises and seeks to provide for the appreciation of the scenic qualities of the regional landscape, in accordance with part 3.7.7.1(4) of the Strategic Framework. The accommodation proposed is low-impact and has been sensitively designed, scaled and located so as not to compromise the natural landscape values and agricultural values of the shire, as sought by 3.7.7.1(6). The establishment of small-scale, low impact, Nature-based Tourism facilities across the rural landscape is supported in part 3.7.7.1(5).*

*One (1) alternative solution to an Acceptable Outcome is proposed (AO1.1 of the Parking and Access Code), which is to rely on the Tourist Attraction car parking (noting that additional car parking would not be utilised). The proposed development complies with the corresponding Performance Outcome (as demand for additional car parking is nil).*

*Given the nature and siting of the proposed development, the proposed development will not compromise the long-term use of the land for rural purposes.*

*On this basis, the proposed development is compliant with the applicable provisions of the Planning Scheme.*

*Concern was also raised within submissions regarding the consistency of the proposed development with Council's strategic vision for the Shire.*

*With respect to the 'strategic vision' for the Shire, it is noted that the proposed development:*

- *Provides a unique tourism offering alongside agricultural operations, contributing to Mareeba Shire thriving as a vibrant and diverse community;*
- *Represents an economic activity that will provide employment opportunities and attract tourists to the region, contributing to the shires ongoing prosperity;*

- *Appropriately balances environmental health considerations in that no clearing is required to facilitate the proposed development, which can also provide for the enhancement of part of the ecological corridor (subject to reasonable and relevant conditions); and*
- *Will bear no negative impacts on community wellbeing (being for low impact tourist accommodation).*

*In the context of the Strategic Intent for the shire, specifically as articulated within section 3.2.2 of the Planning Scheme ('The way forward: Mareeba Shire in 2031'), the following points are made in support of the proposed development:*

- *The proposed development represents an economic activity in the form of tourism, which Mareeba Shire seeks to foster;*
- *The proposed development provides for the diversification of the local economy, contributing to the ongoing prosperity of the Shire including via increases in local and international tourist activity;*
- *The proposed development represents development that is ancillary and subordinate to existing agricultural activities, providing for the continuation of regionally important agricultural activities; and*
- *The proposed tourism development represents a 'value adding' operation, provided in synergy with an existing high quality 'paddock to plate' enterprise that is accessible to local, national and international markets.*

*It is therefore clear that the proposed development is consistent with Council's strategic objectives for the Shire.*

*Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural Zone)*

*Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural Zone) has regard to subdivision within the Rural Zone and therefore is not applicable to the proposed development.*

*Far North Queensland Regional Plan 2009 – 2031*

*The site is located within the Regional Landscape and Rural Production Area (RLRPA) designation of the Regional Plan.*

*The RLRPA is intended to 'support diversification of rural economies by allowing a range of developments, including: small to medium scale tourist activities...' such as the proposed Nature-based Tourism development, particularly where the regional landscape values are protected. In this regard it is noted that the Nature-based Tourism development is not located in:*

- *An area of high ecological significance, as mapped from a State Interest perspective*
- *An area of good quality agricultural land, as mapped from a State Interest perspective.*

*The proposed development is for Nature-based Tourism in the form of 'environmentally responsible accommodation facilities', therefore providing for the protection of regional landscape values as sought by the Regional Plan.*



*Additionally, the proposed Nature-based Tourism development is complementary to the Tourist Attraction, Animal Keeping and Animal Husbandry (cattle grazing) operations that occur on site, consistent diversification of the rural economy objectives sought by the Regional Plan."*

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**Objection/Concern:**

Conditioning the development to comply does not provide assurance to the community. The developer has a history of non-compliance with conditions of approval.

**Response:**

Where a development can be conditioned to comply with Planning Scheme provisions, it should be approved subject to these conditions. Any non-compliance will be investigated and dealt with by Council officers. Whether a particular landowner/developer has a history of non-compliance or not, is not a factor that can be considered during the assessment of a development application. Any previous non-compliance that has been experienced on the subject land has been appropriately remedied in a timely manner.

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**Objection/Concern:**

Kitchen facilities are not provided for guests and it is unclear where guests will eat.

**Response:**

It is intended that tent guests will utilise existing dining facilities provided on-site as part of the previous approved Tourist Attraction use (MCU/18/0006) which is considered lawful. The Tourist Attraction facilities, namely those facilities for the provision of food and drink will **not** operate between the hours of 7pm and 7am. Guests staying in the proposed glamping tents will have their scheduled evening meal prior to 7pm and their breakfast after 7am. Notwithstanding this, it is intended that guests be provided with convenience food and drink between 7pm and 7am in the form of food hampers and/or mini-bar provisions, similar to any other conventional overnight guest accommodation. A BBQ area will also be provided for use by guests, as shown on the plans, with guests given the option to order BBQ packs to self-prepare as part of the farm immersion experience. Food preparation at the BBQ area will not be permitted between the hours of 10pm and 7am. These operational restrictions will be secured through condition of approval.

**Submitters**

Name of Principal submitter	Address
1. Nadine O'Brien	345 Fantin Road, Koah QLD 4881
2. Cheryl Tonkin	76 High Chapparal Road, Myola QLD 4881
3. Luciano Ceciliot	76 High Chapparal Road, Myola QLD 4881
4. Debra Isgar	19 High Chapparal Road, Myola QLD 4881
5. Allan Isgar	19 High Chapparal Road, Myola QLD 4881
6. Honey and Michael Bresnan	36 Monaro Close, Kuranda QLD 4881
7. Anne Warner	46 Masons Road, Kuranda QLD 4881
8. Steven Nowakowski on behalf of Kur-Alert	PO Box 560, Kuranda QLD 4881
9. Jax Bergersen Kuranda Conservation	1 Pademelon Lane, Kuranda QLD 4881
10. Sarah Isaacs	345 Fantin Road, Koah QLD 4881
11. Bob and Karen Jones	9636 Kennedy Highway, Upper Barron Atherton 4883
12. Ingrid Marker	1311 Tully/Mission Beach Road, Carmoo QLD 4852
13. Solar Moon	11 Butler Drive, Kuranda QLD 4881
14. Peter Reay	36 McCleod Street, Cairns QLD 4870
15. Stacey O'Brien	2/7 Mazlin Street, Edge Hill QLD 4870
16. Peter Cohen	2 Punch Close, Kuranda QLD 4881
17. Maureen Birgan	78 Barnwell Road, Kuranda QLD 4881
18. Deborah Crow and Lyle Grigor	54 Rosewood Drive, Russett Park Kuranda 4881
19. Kathryn Edwards	28 Monaro Close, Myola QLD 4881
20. John Edwards	28 Monaro Close, Myola QLD 4881
21. Robert Edwards	28 Monaro Close, Myola QLD 4881
22. Nicola Gibbon	28 Monaro Close, Myola QLD 4881
23. Raymond Ganley	77 Monaro Close, Kuranda QLD 4881
24. Sri Diah Widjanti	77 Monaro Close, Kuranda QLD 4881
25. Jo Martin on behalf of Kuranda Region Planning Group	451 Oak Forest Road, Kuranda QLD 4881
26. Cathy Retter on behalf of Kuranda Enviro-care	19 Kullaroo Close, Kuranda QLD 4881
27. Alison Kempe	3 Punch Close, Kuranda QLD 4881
28. Catherine Harvey	9 Scrub Street, Kuranda QLD 4881

**PLANNING DISCUSSION****On-site Water Supply**

The proposed development will be provided with a water supply via the numerous bores that are already on-site. Concerns were raised regarding the impact of the proposed development on the groundwater supply, in particular, how the development will impact on the sustainability of the groundwater supply. The applicants have provided the following information regarding the existing bores and the developments anticipated water supply demand:

"

- *Water Bore 2 (WB) and WB3 (refer below bore map) are currently the bores in operation that supply water to the existing Tourist Attraction*
- *WB2 and WB3 have a supply capacity of 3L/sec and 3.5L/sec, respectively availing a total capacity of 6.5L/sec based on test logs.*
- *The Tourist Attraction development currently draws on WB2 at 1.5L/sec and WB3 at 2L/sec (based on maximum pump capacity) with a total pump capacity of 3.5L/sec. The WB2 and WB3 pumps operate for approximately 2hr/day, which draws a total of 21,600L/day*

- *The existing Tourist Attraction uses only 4% of the available, recommended daily maximum sustainable groundwater supply available from existing bores on site (Rob Lait and Associates (2017)).*
- *The additional water demand created by the overnight stay of Tourist Attraction visitors (attributed to showers etc between the hours of 7pm and 7am) is 3,780 litres, which would take the total water demand up to 4.7% of the available, recommended daily maximum sustainable groundwater supply available from existing bores*
- *In conclusion, the proposed tented accommodation in addition to the existing Tourist Attraction can be provided with a sustainable water supply from existing bores."*



Based on the above, it is considered that the existing bores on site are capable of providing a more than adequate sustainable water supply to the proposed development and one that is also not likely to impact on the sustainability of the surrounding areas groundwater supply.



















TYPICAL FRONT ELEVATION



TYPICAL 1 BEDROOM FLOOR PLAN

**DEVELOPMENT APPLICATION**

11/11/2019 9:48:36 AM

**DEVELOP NORTH**  
PLAN | DESIGN | CONSTRUCTION

REVISIONS	
No.	Description
1	TOURISM ACCOMMODATION

DESIGNED BY: *See 1*    CHECKED BY: *RL*

DATE:

CONCRETE SHOP:

DIMENSIONS TAKE PRECEDENCE OVER SCALING ON DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND APPLIANCES SETOUT ON SITE BEFORE CONSTRUCTION. INCONSISTENCIES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF DEVELOP NORTH.

SHEET NAME:  
TYPICAL 1 BED FLOOR PLAN & ELEVATION

PROJECT ADDRESS:  
113 BARNWELL RD, BARNWELL

PROJECT NAME:  
TOURISM ACCOMMODATION

PROJECT NUMBER:  
NCH

ISSUE DATE:

SCALE:

SHEET NUMBER:  
AA-GL04



**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:16:27 +1000  
**To:** Planning (Shared)  
**Subject:** Alison Kempe submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

---

**From:** Alison Kempe <[montmart@tpg.com.au](mailto:montmart@tpg.com.au)>  
**Sent:** Friday, 13 December 2019 5:00 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Cc:** [eiskuranda@gmail.com](mailto:eiskuranda@gmail.com); Alison Kempe <[aricat8@tpg.com.au](mailto:aricat8@tpg.com.au)>  
**Subject:** Re: Impact Submission – MCU190018

To whom it may concern,

I am writing regarding The Development Application by Reeve and Ocean for Nature Based Tourism at 112 Barnwell Road, Kuranda (Lot 22 SP304952 / Lot 17 SP296830

There are several concerns about this application, especially given the proponent's history of illegal dam construction and clearing, and their lack of adequate specifications regarding environmental issues for previous proposals for this site, which had they care for and knowledge of what nature-based tourism is, they would not have been missing.

I would ask that much more detail be given around:

1. where water is coming from, how much will be required and how this will affect the local creeks and other users of water in the area. As you know, the Kuranda Tree Frog, a critically endangered endemic species of frog, has creeks on this property as main habitat and is very sensitive to muddying of the water, which happens with activities such as quad bikes, which are not 'nature based tourism but are activities currently carried out by "Kur-Cow'.
2. What is going to happen with the waste from these cabins/ tents and is there a guarantee that it will be handled appropriately?
3. If cabins are to be allowed rather than tents, please assess on the gross floor area of the cabins, not tents, as that is the more realistic option given the climatic conditions in Kuranda.

This proponent also has a history of appearing to try to circumvent approvals appropriate to their long term intentions for the property, and 'develop by stealth'. I would ask that any proposal be thoroughly assessed against appropriate instruments.

Sincerely

Alison Kempe  
3 Punch Close  
Kuranda QLD 4881  
[aricat8@tpg.com.au](mailto:aricat8@tpg.com.au)  
0438669120

Document Set ID: 3661815  
Version: 1 Version Date: 16/12/2019

**From:** Debra Isgar  
**Sent:** Thu, 12 Dec 2019 08:03:12 +1000  
**To:** Info (Shared)  
**Subject:** MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Draft submission notes 1 - for Community use - glamping - KE[4529].docx

Please find attached copy of my concerns regarding the proposed development.

Kind Regards,

Allan Isgar.  
 19 High Chapparal Rd, Myola

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “.... *Environmental health and community well-being*....”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

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There is much missing information in the DA. This is included in the following notes and comments:

- MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
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- COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- the rural zoning of the land for grazing purposes;
- a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- this proposal for nature based tourism including accommodation
- There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

- There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
- HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
- CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
- There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the

applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
- Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.
- There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
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- There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.

- No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
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  - Night activities, noise (particularly that which travels down the valley)
  - Events
  - Food and liquor consumption
- The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
- Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
  - In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
    - These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
    - We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
- NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem	These are mostly 'animal husbandry' activities NOT nature based activities
	MSCPS Onsite entertainment, recreation i.e. theme park or zoo

and attributes of the natural environment	
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  - When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  - Explain how the NBT activities will be different and separate to the activities of the TA.
  - It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  - If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.
- TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - Food, as there are no kitchens included in the tents
    - There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.



- Liquor, there is no Liquor License after 7pm
- Water supply to baths, without plumbing to the tents
- Ensure health of tourists
  - without drainage from the baths;
  - with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
  - where located beside a dam with muddy edges and ideal mosquito breeding areas.
- What erosion controls will be included around the eroded dam site?
- Night lighting to enable the safe movement of visitors around the site
- Disposal of waste
- Power and communications
- Emergency – access by ambulance etc to individual accommodations
- CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  - There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  - Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
  - The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
    - The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true

nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

- The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

- ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  - The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
  - Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
- ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
  - In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
  - This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  - There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently

must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.

- The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
- The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
- The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
- EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
  - Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
  - There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
- TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
  - Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
  - Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

- TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.
- Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

- The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.
- WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.
  - There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.
  - If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
    - DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*

- The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
- Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” - – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
- WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
  - Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  - There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
- KITCHEN FACILITIES are not provided.
  - There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - There is no detail about the management of all waste including food waste.
  - The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
- CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
  - If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
  - If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?

- GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
  - No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  - What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  - Application states “tent “platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
- CURRENT ON-SITE DAM – This is the location for some of the ‘tent’ accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
  - There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  - Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  - There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  - Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  - DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name:

Document Set ID: 3661113  
Version: 1 Version Date: 12/12/2019

Street address:

Email:

Phone:

Document Set ID: 3661113  
Version: 1 Version Date: 12/12/2019

**From:** Planning (Shared)  
**Sent:** Fri, 13 Dec 2019 11:13:36 +1000  
**To:** Planning (Shared)  
**Subject:** Anne Warner submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

**From:** anne midgley <[annem05@me.com](mailto:annem05@me.com)>  
**Sent:** Thursday, 12 December 2019 8:16 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Fwd: Re impact submission -MCU190018

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Onsite entertainment, recreation i.e. theme park or zoo

Typical activities:

MSC TA application, p.5

Nature based focus

Quad bike activities

Promote environmental awareness, education and conservation

Horse riding

Carry out sustainable practices

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- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  - 1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  - 2. Explain how the NBT activities will be different and separate to the activities of the TA.
  - 3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  - 4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.
- 4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
    - 1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iiii. Ensure health of tourists
    - 1. without drainage from the baths;
    - 2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    - 3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
  - v. What erosion controls will be included around the eroded dam site?
  - vi. Night lighting to enable the safe movement of visitors around the site
  - vii. Disposal of waste
  - viii. Power and communications
  - ix. Emergency – access by ambulance etc to individual accommodations
- 5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  - 1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.

2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.

3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?

i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.

1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.

2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.

8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of

NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.

1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.

1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.

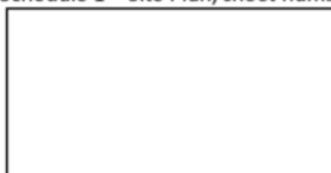
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.

1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and

that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE – There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.

2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.

i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*

3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.

4. Waste water – applicant states in the analysis of the codes compliance that "Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." – this is an uncertain statement – the application should know one way or the other whether the wastewater

disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.

13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.

1. Water supply – applicant states in the analysis of the codes compliance that *“Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).”* – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !

2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.

14. KITCHEN FACILITIES are not provided.

i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.

ii. There is no detail about the management of all waste including food waste.

iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.

15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.

1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.

2. If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?

16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.

2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.

3. Application states “tent “platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds



require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.

17. CURRENT ON-SITE DAM – This is the location for some of the ‘tent’ accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.

1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

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9

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:26:59 +1000  
**To:** Planning (Shared)  
**Subject:** Another email from Rosina Aston for Cathy Retter on behalf of Kuranda Envirocare submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** KEC submission MCU 19 0018 - glamping for 54 persons.docx

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**From:** Rosina Aston <[r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)>  
**Sent:** Friday, 13 December 2019 5:09 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Cc:** [cathy.retter.kuranda@gmail.com](mailto:cathy.retter.kuranda@gmail.com)  
**Subject:** FW: MCU 19/0018 - Nature based tourism accomodation submission to impact assessment

Kindest Regards

**Rosina Aston**  
**Principal Consultant and Facilitator**  
[r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

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**From:** Rosina Aston [[mailto:r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)]  
**Sent:** Friday, 13 December 2019 4:55 PM  
**To:** 'info@msc.qld.gov.au'  
**Cc:** 'cathy.retter.kuranda@gmail.com'  
**Subject:** MCU 19/0018 – Nature based tourism accomodation submission to impact assessment

Good afternoon.

Please find attached submission for MCU 19/0018 – Nature based tourism accomodation

Kindest Regards



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Document Set ID: 3661819  
Version: 1 Version Date: 16/12/2019

## Submission re MCU190018 –

### Nature Based Tourism incl short term accommodation in the rural zone

Dated: Friday 13 December 2019.

#### Background

Kuranda Envirocare is a not for profit organisation carrying out on ground environmental works on public and private land in the Kuranda region. Our aim is to enhance and repair biodiversity and uphold and protect the Wet Tropics environmental values which cover the Kuranda region. We spend time raising public awareness of the nature of the high value and irreplaceable nature of the Wet Tropics landscape in which Kuranda area residents reside.

Though within any organisation there are differing views and a range of opinions, nonetheless, in the main we are not opposed to development but rather focused on the environmental, social and economic outcomes. We believe that any development should be of a scale and nature appropriate to the sensitive environmental values of the specific site ie "good" development, not just development at any cost. Those days should be seen as being over.

We would also expect that for transparency and clarity any development proposals should be presented in such a way that it is clear what the environmental outcomes will be from that development. As a Guardian council to the Great Barrier Reef, it is incumbent on this council to consider changes to the water quality flowing in the Barron river catchment as well as matters of MSES under the overlays within the State Planning Act and Nature Conservation Act.

Our membership agreed a statement which is present on our website and which we can apply to this DA.

That is: No net negative change to the quality of the water and the vegetation on the site. There should be a high level of environmental requirements given to the application due to the degree to which MSES which should be taken into account as part of the DA.

#### Our analysis

**Overall** environmentally we see no consideration given to the environmental constraints of the site except with regard to no trees to be cut down under the Veg. management Act.

No ecological report has been provided as required under the planning scheme. This report should be required and should have reference to

- proposed treatment of bore water which currently does not meet WHO standards for drinking and food preparation due to levels of heavy metals (see bore water analysis in Kur World draft EIS documents)

- proposed method of on site effluent treatment for 100 EP (equivalent persons). Commercial Biocycle systems can produce Class C water quality but this is below standard to send to high ecological value receiving waters in Owen creek. See details below regarding constraints from the Kur World Stage 1B on-site effluent disposal study for approximately the same EP (ie the maximum allowable under the tourist attraction ie 300 day visitors). Design of such a system must cater for max. allowable under all current approvals even if conditions of those other approvals (eg Tourist attraction) have not yet been met. There is also a relevant trigger relating to ERA 63, requiring a permit process. Referral to EPA should have been made as a concurrence agency.

**Other** missing information relates to the general nature of the DA

- the council should be firm on the definition of Nature based tourism interpretation or they risk the definition becoming a defective way of providing short term accommodation within the rural zone.

- given that the proposal requires on site operation outside of the current operating hours approval, application should have been made concurrently for the required approvals beyond 7am to 7 pm as the proponent needs to give consideration to impacts relating to this type of operation in a rural zone. At present this application is silent on that matter.

-The proponent argues that tents are interchangeable with cabins therefore the greater of the tent and cabin requirements should apply. In this case the Gross floor area constraints should be applied during assessment against the codes.

-there is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the health of the tourists in the closely located proposed accommodation, given that stormwater drainage from the animal area may currently pass through that area and infiltrate the dam. Again there is no assessment provided as to associated risks. This poor quality dam water overflow may also impact on the area of human effluent disposal, changing the requirements. Again the proposal remains silent on how the elements of stormwater control will be managed given the introduction of hardened surfaces being roofs and raised walkways whether cabins or tents.

### **In conclusion**

This DA appears to be particularly obscure in a number of areas. We believe that this application should have been reviewed and information requests sought and received before release for community submission. This seems to be a major oversight within the council planning process and does not instill confidence within our community as to the robust and objective nature of the planning assessment process.

We respectfully request that council obtain a much more comprehensive proposal from the proponent, addressing all missing information in the current DA and including an ecological report with cumulative impacts assessed relating to effluent design elements and including ERA permits required before consideration be given to any council conditions to be applied to this application.

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### **Detail considerations for effluent disposal**

(as outlined in the Kur World stage 1B effluent disposal study for on site effluent disposal)

The DA states that the proposed development will be serviced by onsite waste water treatment in the form of Biocycle. However, the application does not give any details of the system or its operation and thus it is not possible to make a decision on the adequacy of the proposal in terms of public safety or potential environmental impact. Biocycle treatment treats water to secondary standard.

A report was prepared by the proponent as part of its KurWorld EIS (NRA. 2017. Kur-World Effluent Irrigation Feasibility Study). This report modelled scenarios for Stage 1A of that proposal for an EP of 185-296 which is larger than the current proposal (55 EP plus day visitors). Nevertheless, the conclusions of the modelling remain relevant to the current application and demonstrate:

- whilst site soils provide a high capacity for phosphorus adsorption they have low hydraulic conductivity limiting rate of irrigation. Therefore, significant area would be required for effluent irrigation
- significant wet season storage is required

- significant management is required in terms of establishment and harvesting of ground covers that will uptake nutrients
- the risk of discharge from the system cannot not be eliminated and would occur at least once per annum
- wet weather ingress to storages must be managed and limited to minimise discharge
- slopes >20% and areas near waterways (without vegetated buffers) are not suitable for effluent irrigation
- discharge has the capacity to impact the receiving environment.

The proponent has not shown that there is the ability to manage wastewater treatment on site especially when similar treatment is proposed for adjoining subdivision applications. This aspect of the proposal is not a detail that can be addressed at a latter stage but a fundamental component of the development and reflects that the DA has not been correctly prepared.

In addition:

**ERA 63 (1) (a)** is triggered for any STP “that has a total peak capacity of at least 21EP”. So this DA proposal does trigger the need for an Environmental Authority. The application indicates that assessment of ERAs has been devolved to the local authority (ie is not a concurrence ERA which would require State assessment). This is correct if no discharge occurs but the proponent has failed to discuss how such discharge could be avoided.

*It is noted that an approval for ERA 63(1)(a), Sewage Treatment, under the EP Regulation 2019 will be required (total peak capacity of at least 21 EP). The DA application fails to identify any Concurrence ERA presumably, in the case of sewage treatment, based on Schedule 2, Part 13 (63)(3)(1)(i) which defines the ERA 63 (1)(a) as not a Concurrence ERA ‘if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme’. However, based on work commissioned by the proponent and referenced above, this is unlikely to be the case and discharge to the natural environment will occur.*

*The proponent has failed to demonstrate how this will be avoided or indeed provided any details of how waste water will be managed. Based on this, Schedule 2, Part 13(63)(3)(1)(ii) of the EP Regulation 2019 applies and the ERA is a Concurrence ERA requiring State assessment. The DA application needs to be amended to reflect this.*

SUBMITTED BY:

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Phone: 0419 624 940

**From:** Catherine Harvey  
**Sent:** Fri, 13 Dec 2019 18:33:01 +1000  
**To:** Info (Shared)  
**Cc:** eiskuranda@gmail.com  
**Subject:** Catherine Harvey submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Importance:** Normal

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for "Glamping and Nature Based Tourism approval".

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved 'Tourism Attraction' (TA) and this new application for 'Nature Based tourism' (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent's proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular ".... *Environmental health and community well-being*....". It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council's Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.



This includes:

- i. the rural zoning of the land for grazing purposes;
- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- iii. this proposal for nature based tourism including accommodation

2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.

4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.

3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.

1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under

“Accommodation activities” for purposes of Section 9.3.1.3 – the accommodation activities code.

- ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
  1. Light pollution
  2. Night activities, noise (particularly that which travels down the valley)
  3. Events
  4. Food and liquor consumption

- v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
    - 1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
    - 2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

<b>NBT activities as defined in the MSCPS</b>	<b>TA activities as defined in Proponent's application &amp; MSC TA approval</b> These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any

proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  - 1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  - 2. Explain how the NBT activities will be different and separate to the activities of the TA.
  - 3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  - 4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
    1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iv. Ensure health of tourists
    1. without drainage from the baths;
    2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
  - v. What erosion controls will be included around the eroded dam site?
  - vi. Night lighting to enable the safe movement of visitors around the site
  - vii. Disposal of waste
  - viii. Power and communications
  - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.

3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
  - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).
6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
  2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
  1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and



separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.

2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
  4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
  5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
  6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
  2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.

10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.

1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.
2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.

- i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
  3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
  4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - ii. There is no detail about the management of all waste including food waste.
  - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.

2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

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Document Set ID: 3661794  
Version: 1 Version Date: 16/12/2019

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:15:55 +1000  
**To:** Planning (Shared)  
**Subject:** Cathy Retter on behalf of Kuranda Envirocare submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** KEC submission MCU 19 0018 - glamping for 54 persons.docx

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**From:** Rosina Aston <[r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)>  
**Sent:** Friday, 13 December 2019 4:55 PM  
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**Cc:** [cathy.retter.kuranda@gmail.com](mailto:cathy.retter.kuranda@gmail.com)  
**Subject:** MCU 19/0018 - Nature based tourism accomodation submission to impact assessment

Good afternoon.

Please find attached submission for MCU 19/0018 – Nature based tourism accomodation

Kindest Regards



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

## Submission re MCU190018 –

### Nature Based Tourism incl short term accommodation in the rural zone

Dated: Friday 13 December 2019.

#### Background

Kuranda Envirocare is a not for profit organisation carrying out on ground environmental works on public and private land in the Kuranda region. Our aim is to enhance and repair biodiversity and uphold and protect the Wet Tropics environmental values which cover the Kuranda region. We spend time raising public awareness of the nature of the high value and irreplaceable nature of the Wet Tropics landscape in which Kuranda area residents reside.

Though within any organisation there are differing views and a range of opinions, nonetheless, in the main we are not opposed to development but rather focused on the environmental, social and economic outcomes. We believe that any development should be of a scale and nature appropriate to the sensitive environmental values of the specific site ie "good" development, not just development at any cost. Those days should be seen as being over.

We would also expect that for transparency and clarity any development proposals should be presented in such a way that it is clear what the environmental outcomes will be from that development. As a Guardian council to the Great Barrier Reef, it is incumbent on this council to consider changes to the water quality flowing in the Barron river catchment as well as matters of MSES under the overlays within the State Planning Act and Nature Conservation Act.

Our membership agreed a statement which is present on our website and which we can apply to this DA.

That is: No net negative change to the quality of the water and the vegetation on the site. There should be a high level of environmental requirements given to the application due to the degree to which MSES which should be taken into account as part of the DA.

#### Our analysis

**Overall** environmentally we see no consideration given to the environmental constraints of the site except with regard to no trees to be cut down under the Veg. management Act.

No ecological report has been provided as required under the planning scheme. This report should be required and should have reference to

- proposed treatment of bore water which currently does not meet WHO standards for drinking and food preparation due to levels of heavy metals (see bore water analysis in Kur World draft EIS documents)

- proposed method of on site effluent treatment for 100 EP (equivalent persons). Commercial Biocycle systems can produce Class C water quality but this is below standard to send to high ecological value receiving waters in Owen creek. See details below regarding constraints from the Kur World Stage 1B on-site effluent disposal study for approximately the same EP (ie the maximum allowable under the tourist attraction ie 300 day visitors). Design of such a system must cater for max. allowable under all current approvals even if conditions of those other approvals (eg Tourist attraction) have not yet been met. There is also a relevant trigger relating to ERA 63, requiring a permit process. Referral to EPA should have been made as a concurrence agency.

**Other** missing information relates to the general nature of the DA

- the council should be firm on the definition of Nature based tourism interpretation or they risk the definition becoming a defective way of providing short term accommodation within the rural zone.

- given that the proposal requires on site operation outside of the current operating hours approval, application should have been made concurrently for the required approvals beyond 7am to 7 pm as the proponent needs to give consideration to impacts relating to this type of operation in a rural zone. At present this application is silent on that matter.

-The proponent argues that tents are interchangeable with cabins therefore the greater of the tent and cabin requirements should apply. In this case the Gross floor area constraints should be applied during assessment against the codes.

-there is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the health of the tourists in the closely located proposed accommodation, given that stormwater drainage from the animal area may currently pass through that area and infiltrate the dam. Again there is no assessment provided as to associated risks. This poor quality dam water overflow may also impact on the area of human effluent disposal, changing the requirements. Again the proposal remains silent on how the elements of stormwater control will be managed given the introduction of hardened surfaces being roofs and raised walkways whether cabins or tents.

### **In conclusion**

This DA appears to be particularly obscure in a number of areas. We believe that this application should have been reviewed and information requests sought and received before release for community submission. This seems to be a major oversight within the council planning process and does not instill confidence within our community as to the robust and objective nature of the planning assessment process.

We respectfully request that council obtain a much more comprehensive proposal from the proponent, addressing all missing information in the current DA and including an ecological report with cumulative impacts assessed relating to effluent design elements and including ERA permits required before consideration be given to any council conditions to be applied to this application.

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### **Detail considerations for effluent disposal**

(as outlined in the Kur World stage 1B effluent disposal study for on site effluent disposal)

The DA states that the proposed development will be serviced by onsite waste water treatment in the form of Biocycle. However, the application does not give any details of the system or its operation and thus it is not possible to make a decision on the adequacy of the proposal in terms of public safety or potential environmental impact. Biocycle treatment treats water to secondary standard.

A report was prepared by the proponent as part of its KurWorld EIS (NRA. 2017. Kur-World Effluent Irrigation Feasibility Study). This report modelled scenarios for Stage 1A of that proposal for an EP of 185-296 which is larger than the current proposal (55 EP plus day visitors). Nevertheless, the conclusions of the modelling remain relevant to the current application and demonstrate:

- whilst site soils provide a high capacity for phosphorus adsorption they have low hydraulic conductivity limiting rate of irrigation. Therefore, significant area would be required for effluent irrigation
- significant wet season storage is required



- significant management is required in terms of establishment and harvesting of ground covers that will uptake nutrients
- the risk of discharge from the system cannot not be eliminated and would occur at least once per annum
- wet weather ingress to storages must be managed and limited to minimise discharge
- slopes >20% and areas near waterways (without vegetated buffers) are not suitable for effluent irrigation
- discharge has the capacity to impact the receiving environment.

The proponent has not shown that there is the ability to manage wastewater treatment on site especially when similar treatment is proposed for adjoining subdivision applications. This aspect of the proposal is not a detail that can be addressed at a latter stage but a fundamental component of the development and reflects that the DA has not been correctly prepared.

In addition:

**ERA 63 (1) (a)** is triggered for any STP “that has a total peak capacity of at least 21EP”. So this DA proposal does trigger the need for an Environmental Authority. The application indicates that assessment of ERAs has been devolved to the local authority (ie is not a concurrence ERA which would require State assessment). This is correct if no discharge occurs but the proponent has failed to discuss how such discharge could be avoided.

*It is noted that an approval for ERA 63(1)(a), Sewage Treatment, under the EP Regulation 2019 will be required (total peak capacity of at least 21 EP). The DA application fails to identify any Concurrence ERA presumably, in the case of sewage treatment, based on Schedule 2, Part 13 (63)(3)(1)(i) which defines the ERA 63 (1)(a) as not a Concurrence ERA ‘if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme’. However, based on work commissioned by the proponent and referenced above, this is unlikely to be the case and discharge to the natural environment will occur.*

*The proponent has failed to demonstrate how this will be avoided or indeed provided any details of how waste water will be managed. Based on this, Schedule 2, Part 13(63)(3)(1)(ii) of the EP Regulation 2019 applies and the ERA is a Concurrence ERA requiring State assessment. The DA application needs to be amended to reflect this.*

SUBMITTED BY:

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**From:** cheryl tonkin  
**Sent:** Thu, 12 Dec 2019 09:17:13 +1000  
**To:** Info (Shared)  
**Subject:** MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - Cheryl Tonkin - MCU/19/0018  
**Attachments:** Draft Submission - Cheryl.odt

My submission regarding the proposed DA application by Reeve and Ocean Pty Ltd.

Please find attached.

Regards  
 Cheryl Tonkin



Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

I wish to submit my concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse, murky, dodgy and high on semantics. I believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the **Community** should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... **Environmental health and community well-being**...”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful, suspect and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- **There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs**

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The **MSC planning scheme definition states** the intent **that any Tourism Attraction should not include accommodation**. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – **The current approvals together with this development application are all generally located on the same footprint** of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- 1.i. the rural zoning of the land for grazing purposes;
- 1.ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- 1.iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new

application. **Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.**

Any approval that would include **'conditions' does not provide assurance to the Community.** *Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate.* There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the *land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.*
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is *no information about the impacts of noise, odour or light* and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
  1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet **MSCPS does not allow accommodation for Tourism Attractions on rural land.** Please explain how *this application for accommodation is not a method of changing the intent of the planning scheme.* MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a **de-facto** way of providing short-term accommodation in the Rural zone.
    - 1.i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
    - 1.ii. **Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent and additional changes to the DA achieved through variations that will be code assessable.**

2. There is **no information about the cumulative effect of an approval for both the TA and NBT**. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- 2.i. **There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.**
- 2.ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- 2.iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- 2.iv. **Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.**
- 2.iv.1. **Light pollution**
- 2.iv.2. **Night activities, noise (particularly that which travels down the valley)**
- 2.iv.3. **Events**
- 2.iv.4. **Food and liquor consumption**
- 2.v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor. All, as expected **to no avail.**
3. Please **address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.**
- 3.i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the **Proponent is ‘cherry-picking’ restrictions for discussion and not being**



transparent about their intentions.

3.i.1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.

3.i.2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.

4. NBT ACTIVITIES - The *MSCPS provides definitions for Nature Based Tourism activities*. These do *not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006)* as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	These are mostly 'animal husbandry' activities NOT nature based activities MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- 4.i. The *proponent has not detailed the activities with which the NBT visitors will be engaged*. These activities, *which may be both day and night together with any proposed 'event' activities, need to be described in the DA*. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

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4.ii.1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.

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  - 1.i. Food, as there are no kitchens included in the tents
    - 1.i.1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - 1.ii. Liquor, there is no Liquor License after 7pm
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    - 1.iv.3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
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6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as

“Short term accommodation” and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

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  2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 ‘events’ per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
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  2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
  4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
  5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
  6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests



that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC (?????) the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.

1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.

10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.

1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as



'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.

2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
    - 2.i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
  3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
  4. Waste water -- applicant states in the analysis of the codes compliance that "Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." -- this is an uncertain statement -- the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the 'tents' and how the supply and drainage will be managed.
1. Water supply – applicant states in the analysis of the codes compliance that "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*" – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- 1.i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - 1.ii. There is no detail about the management of all waste including food waste.
  - 1.iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. **CYCLONES – The application states that the site is not in a cyclone area.** Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
  2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: ***Cheryl Tonkin***

Street address: 76 High Chapparal Rd., Myola.

Email: Cheryl.Tonkin@gmail.com

Phone: 0407-670-954

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:06:16 +1000  
**To:** Planning (Shared)  
**Subject:** Deborah Crow and Lyle Grigor submission for MCU Nature Based Tourism - 112  
Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Deborah and Lyle's Submission.odt

**From:** cheryl tonkin <[cheryl.tonkin@gmail.com](mailto:cheryl.tonkin@gmail.com)>  
**Sent:** Friday, 13 December 2019 3:06 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Re:- Impact Submission - MCU190018

I am emailing this for a couple who do not have either the internet or and email address. Your correspondence with them will have to be via mail.

Deborah Crow and Lyle Grigor,  
54 Rosewood St.,  
Russett Park, Kuranda.

Regards,

Cheryl



Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- 1.i. the rural zoning of the land for grazing purposes;
- 1.ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- 1.iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new



application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
  1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
    - 1.i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
    - 1.ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- 2.i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- 2.ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- 2.iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- 2.iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
- 2.iv.1. Light pollution
- 2.iv.2. Night activities, noise (particularly that which travels down the valley)
- 2.iv.3. Events
- 2.iv.4. Food and liquor consumption
- 2.v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
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that the MSCPS intent is for the rural zone values may be compromised.

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  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: **Deborah Crow** and **Lyle Grigor**

Street address: 54 Rosewood Rd., Russett Park. Kuranda.

Email: N/A

Phone: 0420-879-788

**From:** Debra Isgar  
**Sent:** Thu, 12 Dec 2019 07:58:40 +1000  
**To:** Info (Shared)  
**Subject:** MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Draft submission notes 1 - for Community use - glamping - KE[4529].docx

Please find attached a copy of my concerns regarding the proposed development.

Kind Regards,

Debra Isgar  
 19 High Chapparal Rd, Myola

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “.... *Environmental health and community well-being*....”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

.....

There is much missing information in the DA. This is included in the following notes and comments:

- MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  - The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  - The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.

- COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- the rural zoning of the land for grazing purposes;
  - a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
  - this proposal for nature based tourism including accommodation
- There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

- There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
- HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
- CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
- There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the



applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
- Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.
- There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.

- No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
  - Light pollution
  - Night activities, noise (particularly that which travels down the valley)
  - Events
  - Food and liquor consumption
- The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
- Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
  - In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
    - These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
    - We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
- NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

<b>NBT activities as defined in the MSCPS</b>	<b>TA activities as defined in Proponent’s application &amp; MSC TA approval</b>
	These are mostly ‘animal husbandry’ activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem	MSCPS Onsite entertainment, recreation i.e. theme park or zoo

and attributes of the natural environment	
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  - When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  - Explain how the NBT activities will be different and separate to the activities of the TA.
  - It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  - If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.
- TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - Food, as there are no kitchens included in the tents
    - There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.

- Liquor, there is no Liquor License after 7pm
- Water supply to baths, without plumbing to the tents
- Ensure health of tourists
  - without drainage from the baths;
  - with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
  - where located beside a dam with muddy edges and ideal mosquito breeding areas.
- What erosion controls will be included around the eroded dam site?
- Night lighting to enable the safe movement of visitors around the site
- Disposal of waste
- Power and communications
- Emergency – access by ambulance etc to individual accommodations
- CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  - There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  - Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
  - The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
    - The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true

nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

- The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

- **ACCOMMODATION - PRIMARY RESIDENCE** - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  - The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
  - Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
- **ACCOMMODATION MAXIMUM** - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
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  - Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  - DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name:

Document Set ID: 3661112  
Version: 1 Version Date: 12/12/2019

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Document Set ID: 3661112  
Version: 1 Version Date: 12/12/2019

**From:** Planning (Shared)  
**Sent:** Fri, 13 Dec 2019 10:40:35 +1000  
**To:** Planning (Shared)  
**Subject:** Honey and Michael Bresnan submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

---

**From:** Honey & Michael Bresnan <[hm.bresnan@icloud.com](mailto:hm.bresnan@icloud.com)>  
**Sent:** Thursday, 12 December 2019 1:08 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Re: Impact Submission – MCU190018

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone  
 Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for "Glamping and Nature Based Tourism approval".

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved 'Tourism Attraction' (TA) and this new application for 'Nature Based tourism' (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent's proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular ".... *Environmental health and community well-being*....". It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council's Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

.....  
 There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.

2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.  
This includes:
  - i. the rural zoning of the land for grazing purposes;
  - ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
  - iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.  
Any approval that would include ‘conditions’ does not provide assurance to the Community. Recent history with this Proponent would suggest that ‘conditions’ are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.
3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in ‘animal husbandry’ at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *“the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
  1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
    - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn’t categorised under “Accommodation activities” for purposes of Section 9.3.1.3 – the accommodation activities code.
    - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.

ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.

iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.

iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.

1. Light pollution
2. Night activities, noise (particularly that which travels down the valley)
3. Events
4. Food and liquor consumption

v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.

3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.

- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
  1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
  2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

<b>NBT activities as defined in the MSCPS</b>	<b>TA activities as defined in Proponent's application &amp; MSC TA approval</b> These are mostly ‘animal husbandry’ activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed ‘event’ activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.

1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
2. Explain how the NBT activities will be different and separate to the activities of the TA.
3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include ‘water’ and provide an independent environmental assessment.



4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
  1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iv. Ensure health of tourists
  1. without drainage from the baths;
  2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
  3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
    - v. What erosion controls will be included around the eroded dam site?
    - vi. Night lighting to enable the safe movement of visitors around the site
    - vii. Disposal of waste
    - viii. Power and communications
    - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
  3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
    - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).
6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
  2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
  1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
  2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
  4. The on-site waste water impacts are down played in the common material and rely on AS/NZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
  5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
  6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
  1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
  2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
  1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
  2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,



- 2.

impacts.

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the

12. WASTE– There is no detail about how the ablutions waste in each ‘tent’ will be managed.
  1. There is no detail about the requirement for an EPA review should the ‘equivalent persons’ calculation for waste exceed 22 persons.
  2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
    - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
  3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
  4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” - – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
  1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
  - i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - ii. There is no detail about the management of all waste including food waste.
  - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
  1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
  2. If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent" platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

## SUBMITTED BY:

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**From:** Planning (Shared)  
**Sent:** Fri, 13 Dec 2019 11:16:09 +1000  
**To:** Planning (Shared)  
**Subject:** Jax Bergersen - Kuranda Conservation Community Nursery Inc submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

---

**From:** Jax <[envirojax@gmail.com](mailto:envirojax@gmail.com)>  
**Sent:** Friday, 13 December 2019 9:36 AM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Impact Submission – MCU190018

Please accept this as our submission regarding the Development Application No. MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism application”.

Our concern lies in the introduction of accommodation units, loosely described as tents or cabins. This is proposed to occur on rural zoned land designated as rural production land. In light of the issuing of the TLPI on 9 December 2019, development of such land is restricted. The intent of the TLPI is to ensure that decisions made by council are consistent with the FNQ Regional Plan and MSC's own planning scheme. The FNQ Regional Plan states that there will be no development within the Myola valley. If council was to approve development which is inconsistent with these existing documents, it is highly likely to be successfully challenged in the P&E Court.

While tents might be an allowable development, permanent cabin structures could arguably not be.

As the DA stands, it is grossly inconsistent with the relevant MSC Planning Scheme in that the number of guests and their respective accommodation far exceed that allowable. On these grounds alone, an approval decision by council would be very ill advised.

We are now accustomed to inadequate and shabby DAs from the proponent and would be very surprised if council would take the risk of approving this application without requesting a great deal more detail regarding water use, waste, tourism activity and accommodation types.

We the undersigned strongly require Mareeba Shire councillors not to risk an approval which we believe could be successfully challenged in the P&E Court for the reasons stated above.

SUBMITTED BY:  
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Document Set ID: 3661567  
Version: 1 Version Date: 13/12/2019





**KURANDA**  
**conservation**  
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Donations \$2 and over to our Gift Fund are tax deductible and fund our program to preserve the Cassowary

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:15:19 +1000  
**To:** Planning (Shared)  
**Subject:** Jo Martin on behalf of Kuranda Region Planning Group submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Nature based tourism in relation to MCU190018.pdf

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**From:** Jo Martin <[ojo@ojoonline.com](mailto:ojo@ojoonline.com)>  
**Sent:** Friday, 13 December 2019 4:47 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Submission for MCU190018

Hi,

Please find attached my submission for MCU190018 on Barnwell.

My details are:  
Jo Martin  
451 Oak Forest Road.  
Kuranda QLD 4881

Thank you.

Kind regards,

jo

For Kuranda Region Planning Group

Summary
1. Nature based tourism References
2. What does Nature based tourism look like ?
3. Nature based tourism is not cows
4. Mareeba Shire Council Planning Scheme

# Nature based tourism in relation to MCU 190018

*MCU NATURE BASED TOURISM*

*LOT 22 and LOT 17*

*BY REEVER AND OCEAN*

13 December 2019

KRPG Code: BARN361834

Prepared by: Jo Martin

Document excerpts

Study notes

- A *Farm Theme Park* is not 'Nature based tourism' – by definition [SEE slides 3-14, 14-17]
- WTMA considers cattle grazing “generally *incompatible* with Wet Tropics World Heritage management” [SEE slide 13]
- While the proposed site is not strictly inside WTWHA, '*Nature based tourism*' on the site should be focused on Wet Tropics Bioregion assets such as the 135 million year old rainforest and rare endangered wildlife – not a cattle farm with mustering displays, pony tricks, noisy quad bikes scaring wildlife away, KUR-Cow steak lunch [SEE slides 18-22]
- KUR-Cow Farm Theme Park does not meet the criteria for 'Nature based tourism' in MSC Planning Scheme 2016 [SEE slide 23-24], *Queensland or Australia* [SEE slides 15-17], nor does it set a good precedent / benchmark for future regional tourism
- Mareeba Shire Council, FNQ should not be diluting the *intention* or the *legislation* around 'Nature based tourism' [SEE slides 3-14]



**Nature-based tourism is a significant component of Queensland's visitor economy**, ranking among top travel motivators for international visitors to the country.

Our national heritage and natural assets provides us with a unique competitive advantage in the global market - but it must be appropriately protected, managed and developed.



"...experiences that support the conservation of our special natural places..."

#### Queensland Ecotourism Plan

The draft [Queensland Ecotourism Plan 2015-2020](#) was released by the Department of National Parks, Recreation, Sport and Racing (NPSR) at the [2015 DestinationQ Forum](#). The plan provides operators, government, community and other stakeholders with clear direction on how Queensland can leverage its competitive advantages, while conserving the natural environment. The vision:

**Queensland is an internationally celebrated ecotourism destination, delivering world-class experiences that support the conservation of our special natural places and unique Indigenous and cultural heritage.**

<https://teq.queensland.com/en-au/industry-resources/industry-sectors/nature-based-tourism>

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019





“...recognition, understanding and appreciation of the unique values of the Wet Tropics...”

### 3 VISION FOR WET TROPICS NATURE BASED TOURISM

#### 3.1 Vision

The vision for tourism in the Wet Tropics WHA is:

*Regional, national and international recognition, understanding and appreciation of the unique values of the Wet Tropics WHA through:*

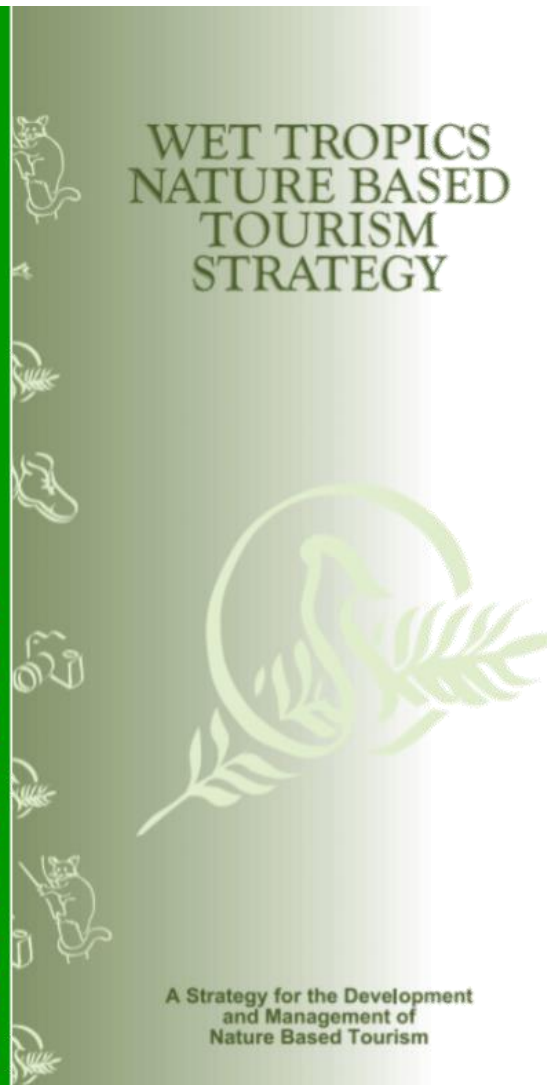
- the development and maintenance of dynamic, culturally appropriate and ecologically sustainable, professional and innovative presentation opportunities to world best standards, and
- cooperative partnerships between the tourism industry, managing agencies, indigenous people, conservation groups and the community,

*to ensure ongoing protection of World Heritage values.*

[https://www.wettropics.gov.au/site/user-assets/docs/naturebased\\_tourism\\_rev.pdf](https://www.wettropics.gov.au/site/user-assets/docs/naturebased_tourism_rev.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

1. Nature based tourism References



### 3.2 Objectives

Objectives for nature based tourism of the Wet Tropics WHA and surrounds are:

- World Heritage Values:* Tourism which supports implementation of Australia's duty to "protect, conserve, present, rehabilitate and transmit to future generations" the Area's World Heritage values.
- Natural Values:* Tourism which is consistent with:
- the conservation requirements of all endemic plant and animal species and regional ecosystems
  - protection of soil, landforms and waterways from non-natural degradation, and
  - rehabilitation processes on degraded lands.
- Cultural Heritage Values:* Tourism which contributes to an appreciation, understanding and protection of Aboriginal and non-Aboriginal cultural heritage values; and empowers Aboriginal people as tourism industry participants.
- Tourism Values:* The provision of opportunities for both commercial visitors and free and independent travellers to access, enjoy and develop an increased awareness of the natural and cultural values of the Area in an ecologically sustainable, culturally appropriate and economically viable manner.
- Community Values:* Tourism which complements community desires and aspirations and positively contributes to the regional community quality of life and economy.
- Recreational Values:* Tourism which is consistent with the provision of a diversity of quality recreational opportunities and based on the interests, and legitimate expectations of residents and visitors.

"protect, conserve, present, rehabilitate and transmit to future generations"

[https://www.wettropics.gov.au/site/user-assets/docs/naturebased\\_tourism\\_rev.pdf](https://www.wettropics.gov.au/site/user-assets/docs/naturebased_tourism_rev.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019



Queensland Government

## Department of National Parks, Sport and Racing

### What is ecotourism?

Ecotourism encompasses nature-based activities that increase visitor appreciation and understanding of natural and cultural values. They are experiences that are managed to ensure they are ecologically, economically and socially sustainable, contributing to the wellbeing of the natural areas and local communities where they operate.

The World Tourism Organisation defines ecotourism as:

- All nature-based forms of tourism in which the main motivation of the tourists is the observation and appreciation of nature as well as the traditional cultures prevailing in natural areas.
- It contains educational and interpretation features.
- It is generally, but not exclusively organised by specialised tour operators for small groups. Service provider partners at the destinations tend to be small, locally owned businesses.
- It minimises negative impacts on the natural and socio-cultural environment.
- It supports the maintenance of natural areas which are used as ecotourism attractions by:
  - generating economic benefits for host communities, organisations and authorities managing natural areas with conservation purposes;
  - providing alternative employment and income opportunities for local communities; and
  - increasing awareness towards the conservation of natural and cultural assets, both among locals and tourists.

<https://www.npsr.qld.gov.au/tourism/ecotourism/>

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

“...main motivation of tourists is the observation and appreciation of nature...”

“... minimises negative impacts on the natural and socio-cultural environment.”

“increasing awareness towards the conservation of natural and cultural assets, both among locals and tourists.”



1. Nature based tourism References

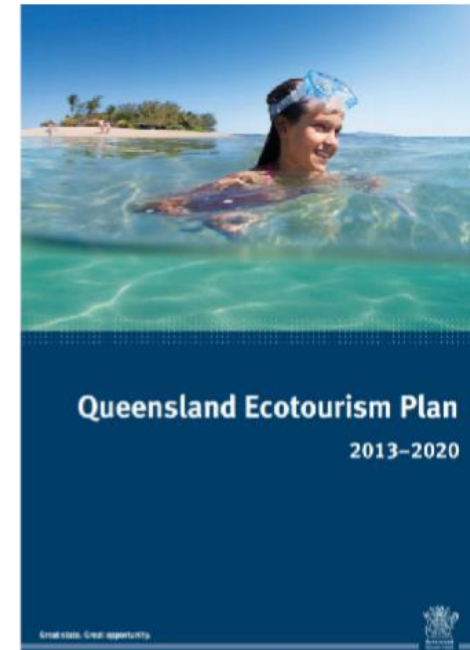
## The vision for ecotourism in Queensland

The vision to be achieved by 2020:

**Queensland is Australia's number one ecotourism destination and recognised as a world leader in ecotourism, delivering best practice nature-based experiences that contribute to the conservation of our natural resources and cultural heritage.**

Accreditation plays an important role in contributing to the quality of ecotourism experiences and assuring visitors that ecotourism operators are committed to best practice and high quality nature-based experiences.

*"In the global competitive tourism market, being able to differentiate ourselves is critical in maintaining and increasing our market share. We need to make sure our visitors have a consistently great experience that they tell their friends and family about. Industry certification is essential in achieving this. QTIC members have consistently argued for minimum best practice standards. We support the government in taking action to provide a cost efficient approach for operators, foster a sustainable approach for certification programs and maintain best practice standards. QTIC will be working closely with government to achieve this". Daniel Gschwind, Chief Executive, Queensland Tourism Industry Council.*



"...best practice nature-based experiences that contribute to the conservation of our natural resources and cultural heritage."

"Accreditation plays an important role ... assuring visitors that ecotourism operators are committed to best practice and high quality nature-based experiences."

<https://www.cabinet.qld.gov.au/documents/2013/Aug/Ecotourism%20Plan/Attachments/Plan.PDF>

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

1. Nature based tourism References

To inspire environmentally sustainable and culturally responsible tourism

The definition of ecotourism adopted by Ecotourism Australia is:

"Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."



"...primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."

"...leaves minimal impact on the environment."

"Tourism in a natural area..."



## NATURE TOURISM

Tourism in natural areas that leaves minimal impact on the environment.



## ECOTOURISM

Tourism in a natural area that focuses on optimal resources use, leaves minimal impact on the environment and offers interesting ways to learn about the environment with operators that use resources wisely, contribute to conserving the environment and help local communities.

<https://www.ecotourism.org.au/>

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019



## What is ecotourism?



**Ecotourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation.**

### 4. Environmental management

Nature tourism and ecotourism activities should not degrade the natural environment. Tourism operations should be developed and managed to conserve and enhance the natural and cultural environments in which they operate in, through the recognition and application of ecologically sustainable practices.

“Nature tourism... should not degrade the natural environment.”

**4.6 Construction methods and materials:** Construction has maximised the use of renewable and recycled materials and has involved practices to minimise environmental impacts.

**4.7 Site disturbance and landscaping:** The operation involves minimal disturbance; any areas disturbed are rehabilitated to restore ecological processes.

“Site disturbance and landscaping... minimal disturbance.”

**4.10 Water supply and conservation:** Operations involve minimal use of an ecologically sustainable supply of water.

**4.11 Wastewater:** Sewage and effluent is minimised and has no significant environmental impact.

**4.12 Noise:** The product and operations enable customers to experience the natural soundscape.

“...ecologically sustainable supply of water.”

“...experience natural soundscape.”

<https://www.ecotourism.org.au/assets/PDFs/Program-Summary-ECO-ROC-with-Criteria-09-2017.pdf>

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

## 1. Nature based tourism References

*Product information, operational records and customer feedback demonstrate that:*

- The majority of each customer's activity time is spent within a natural area or with a natural area focus;*
- The prime focus of the product is presentation of the natural values of the local area;*
- The product helps customers to directly and personally experience nature and do so without causing damage; and*
- If located in an urban or "rural" area, the applicant must justify how the product has a natural area focus in the supporting information space below.*

*SOURCE: Ecotourism Australia via email*



"...majority... customer's... time is spent within a natural area or with a natural area focus."

"...prime focus... presentation of natural values of the local area."

"...personally experience nature... without causing damage."

"...'rural' area... product has a natural area focus..."

## APPENDIX B – TOURISM LAND USE DEFINITIONS

USE	DEFINITION	EXAMPLES INCLUDE
<b>SHORT TERM ACCOMMODATION</b>		
<i>Short-Term Accommodation</i>	The use of premises for temporary short-term accommodation for tourists and visitors (typically not exceeding three consecutive months).	Accommodation Hotel, Backpacker Hostel, Bed and Breakfast, Cabins, Camping Ground, Caravan Park, Nature-Based Tourism, Farm-Stay, Holiday Letting, Motel, Resort Complex and Serviced Apartment.
<i>Ecotourism Product</i>	Ecotourism encompasses a broad spectrum of environmentally responsible activities that increase visitor appreciation, develop a better understanding of the natural and cultural heritage and are carefully managed to be ecologically, economically and socially sustainable. Ecotourism Australia defines ecotourism as 'ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation'.	
<i>Farm-Stay</i>	The use of a working farm to provide short-term accommodation for tourists and visitors to experience farm living. It is a secondary business to primary production.	Homesteads, Cabins, Huts and tented camps.



"...ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."

"...working farm... experience farm living."

[https://www.qtic.com.au/sites/default/files/qtic-planning\\_for\\_the\\_future\\_of\\_tourism\\_in\\_queensland\\_oct13.pdf](https://www.qtic.com.au/sites/default/files/qtic-planning_for_the_future_of_tourism_in_queensland_oct13.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

11



1. Nature based tourism References

LEISURE AND TOURISM FACILITIES		
<i>Environmental Facility</i>	Facilities utilised for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value.	Environmental facilities include but are not limited to Nature-based attractions, Walking tracks, Seating and shelters, Boardwalks and Observation decks.
<i>Recreation Facility (Outdoor)</i>	The use of a premise/s for the provision of outdoor recreation, entertainment or sporting facilities which may be operated on a commercial basis. Facilities may also include ancillary uses such as club houses, equipment, store rooms and change rooms.	Recreation facilities (outdoor) include but are not limited to Public Swimming pools, golf courses, zoos, equestrian centres, outdoor theatres, paintball games facility, outdoor sports and grounds/fields.



“...conservation, interpretation and appreciation...”

“...outdoor recreation, entertainment...”

[https://www.qtic.com.au/sites/default/files/qtic-planning\\_for\\_the\\_future\\_of\\_tourism\\_in\\_queensland\\_oct13.pdf](https://www.qtic.com.au/sites/default/files/qtic-planning_for_the_future_of_tourism_in_queensland_oct13.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019



## Policy

Wet Tropics Management Authority

### Grazing in the Wet Tropics WHA

*Policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Wet Tropics Management Authority. Policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*



The Wet Tropics Management Authority's Scientific Advisory Committee has advised that the grazing of stock is generally incompatible with the goals of Wet Tropics World Heritage Area management. The Scientific Advisory Committee also advise that although the most significant problems created by grazing animals within the Wet Tropics World Heritage Area are those of feral cattle, the grazing of domestic herds is also causing serious problems in some areas. The potential impacts of grazing on World Heritage values include:

- modification of the structure of vegetation and the floristic composition of the understorey and ground cover,
- loss of habitat diversity,
- initiation and exacerbation of soil erosion and consequent effects on water quality,
- introduction and spread of invasive weeds, particularly exotic pasture grasses and legumes,
- alteration of the amount and distribution of fuel throughout the landscape, potentially reducing the incidence, intensity and extent of fires,
- impacts of fencing, mustering activities, access roads and other infrastructure.

Cows are nice creatures – but they are *not* “eco” or “nature” and do not belong in Wet Tropics Bioregion.

[https://www.wettropics.gov.au/site/user-assets/docs/policy10\\_grazing.pdf](https://www.wettropics.gov.au/site/user-assets/docs/policy10_grazing.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

13

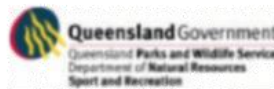


1. Nature based tourism References



**Queensland Government**

**Department of National Parks, Sport and Racing**

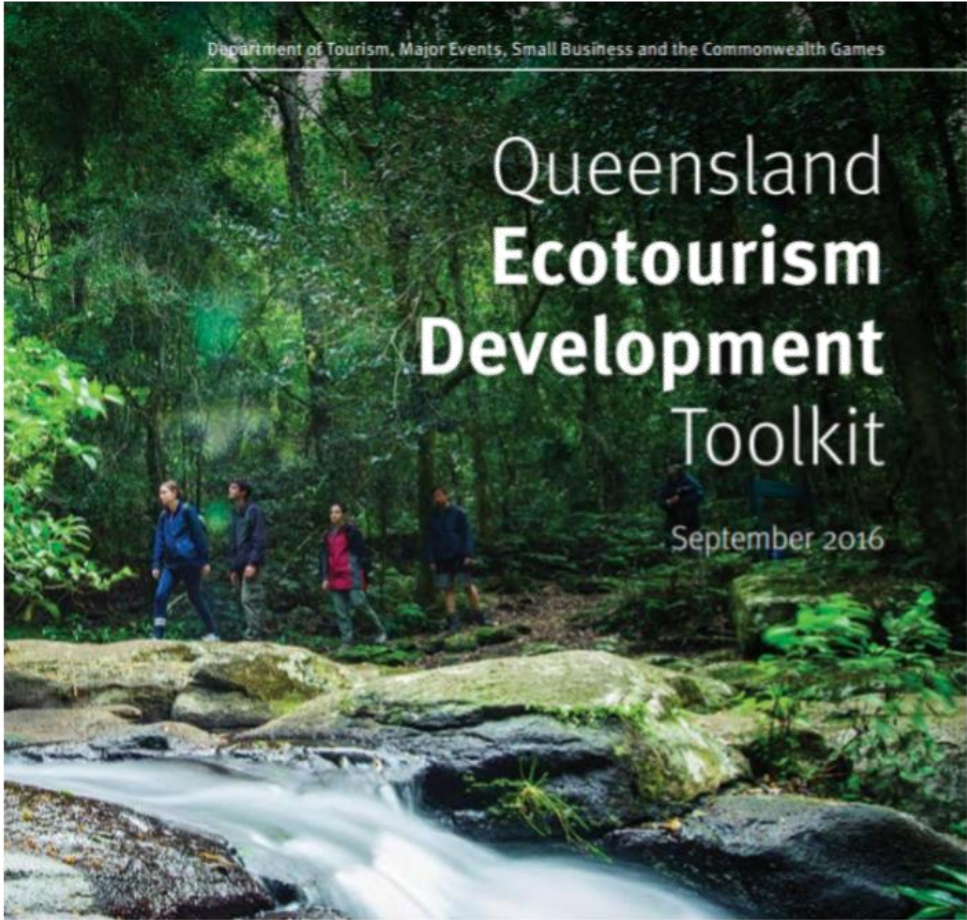


Higher order documents  
are very clear about what  
'Nature based tourism'  
*actually* looks like.



Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

2. What does Nature based tourism look like ?

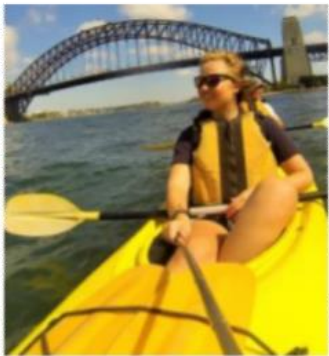


Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019





2. What does Nature based tourism look like ?



Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019



2. What does Nature based tourism look like ?



Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

KUR-World  
Great Barrier Reef  
庫林世界



Cows are nice creatures  
– but they are *not* “eco” or  
“nature” and do not belong in  
Wet Tropics Bioregion.

KUR-Cow is a Farm Theme Park –  
not ‘Nature based tourism’



3. Nature based tourism is not cows

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

18



3. Nature based tourism is not cows

Not 'Nature based tourism'



KUR-Cow promo China version

<https://www.youtube.com/watch?v=HMHZynXQE1o>

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

3. Nature based tourism is not cows

KUR Cow Ranch basic final

[https://www.youtube.com/watch?v=TsQKD6\\_7F9I](https://www.youtube.com/watch?v=TsQKD6_7F9I)

Not 'Nature based tourism'



Not 'Nature based tourism'



Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019



3. Nature based tourism is not cows

KUR Cow Ranch basic final

[https://www.youtube.com/watch?v=TsQKD6\\_7F9I](https://www.youtube.com/watch?v=TsQKD6_7F9I)

Not 'Nature based tourism'



Not 'Nature based tourism'



Document Set ID: 3664813  
Version: 1 Version Date: 16/12/2019

3. Nature based tourism is not cows



Not 'Nature based tourism'



Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019



## Schedule 1 Definitions

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Nature-based tourism	The use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically: <ul style="list-style-type: none"> <li>maintain a nature based focus or product</li> <li>promote environmental awareness, education and conservation</li> <li>carry out sustainable practices.</li> </ul>	Environmentally responsible accommodation facilities including lodges, cabins, huts and tented camps	Environment facility
Tourist attraction	Premises used for providing onsite entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site.	Theme park, zoo	Hotel, major sport, recreation and entertainment facility, nightclub entertainment facility

Page 394

Page 403



“local ecosystem”

“natural environment”

“nature based focus”

“environmental awareness”

“education and conservation”

“onsite entertainment, recreation”

“theme park”

[https://websync.msc.qld.gov.au/public\\_documents/files/327/Mareeba%20Shire%20Planning%20Scheme%20-A](https://websync.msc.qld.gov.au/public_documents/files/327/Mareeba%20Shire%20Planning%20Scheme%20-Amendment%202017.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

## 4. Mareeba Shire Council Planning Scheme

Table 5.5.9—Rural zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
-----	--	--

Nature-based tourism	<b>Accepted development</b>	
	If for a temporary use.	
	<b>Code assessment</b>	
	If:	Rural zone code
	(a) not accepted development;	Parking and access code
	(b) on a lot greater than 15 hectares;	Works, services and infrastructure code
	(c) setback 100 metres from any property boundary;	
	(d) a maximum of 10 guests being accommodated at any one time;	
	(e) guest accommodation is located within 200 metres of the primary dwelling house; and	
	(f) a maximum of:	
	(i) 2 dwellings or accommodation units in addition to the primary dwelling or accommodation unit; or	
	(ii) 5 rooms are provided for guest accommodation in addition to the primary dwelling.	

Tourist attraction	<b>Code assessment</b>	
	If less than 200m <sup>2</sup> cumulative Tourist attraction gross floor area.	Rural zone code Landscaping code Works, services and infrastructure code



Page 154

Page 156

[https://websync.msc.qld.gov.au/public\\_documents/files/327/Mareeba%20Shire%20Planning%20Scheme%20-Amendment%202017.pdf](https://websync.msc.qld.gov.au/public_documents/files/327/Mareeba%20Shire%20Planning%20Scheme%20-Amendment%202017.pdf)

Document Set ID: 3661813  
Version: 1 Version Date: 16/12/2019

24

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:07:24 +1000  
**To:** Planning (Shared)  
**Subject:** Kathryn Edwards submits 4 x submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Submission - glamping - JE.docx, Submission - glamping - KE.docx, Submission - glamping - NG.docx, Submission - glamping - RE.docx  
**Importance:** High

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**From:** Kathryn <jandkedwards@bigpond.com>  
**Sent:** Friday, 13 December 2019 4:01 PM  
**To:** Planning (Shared) <planning@msc.qld.gov.au>  
**Cc:** Info (Shared) <info@msc.qld.gov.au>  
**Subject:** FW: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping  
**Importance:** High

Hello to MSC customer service. I have just phoned and spoken with Christine (customer service). Could you phone me (40937297) and confirm that you have received this submission. It closes at 5pm and I am concerned that you have not yet received it.  
Kathryn

Natascha,  
Thankyou.  
As you can see, I forwarded this at 11.26am today.  
I am not sure why you have not yet received the submission.  
Regards,  
Kathryn Edwards

---

**From:** Kathryn [<mailto:jandkedwards@bigpond.com>]  
**Sent:** Friday, 13 December 2019 11:26 AM  
**To:** 'Planning (Shared)'  
**Cc:** [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)  
**Subject:** RE: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping

Thank you for letting us know.  
They have now been amended.  
With regards,  
J, K, R Edwards and N Gibbon.

---

**From:** Planning (Shared) [<mailto:planning@msc.qld.gov.au>]  
**Sent:** Friday, 13 December 2019 10:47 AM  
**To:** [jandkedwards@bigpond.com](mailto:jandkedwards@bigpond.com)  
**Subject:** FW: Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping

Hi John & Kathryn

If you would like to lodge the 4 attachments as separate submissions please amend the names at the bottom of the submission with the correct name and address so I can include them as individual submissions.

**Natacha**

Administration Officer - Planning



**Phone:** 1300 308 461 | **Fax:** 07 4092 3323

**Email:** [planning@msc.qld.gov.au](mailto:planning@msc.qld.gov.au) | **Website:** [www.msc.qld.gov.au](http://www.msc.qld.gov.au)

65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

The Mareeba Shire Council wishes to advise that all offices and libraries will be closed for Christmas/New Year from 1:00 PM Friday, 20th December 2019, re-opening on Monday 6th January 2020.

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**From:** Kathryn <[jandkedwards@bigpond.com](mailto:jandkedwards@bigpond.com)>

**Sent:** Thursday, 12 December 2019 7:23 PM

**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>

**Subject:** Submission - MCU190018 Reeve and Ocean P/L - Nature Based Tourism & Glamping

Please find attached our submissions to the impact assessment for MCU19008.

John, Kathryn, Robert Edwards  
and Nicola Gibbon,  
Raintree Pocket  
28 Monaro Close, Myola. 4881.  
Phone: 4093 7297  
Email: [jandkedwards@bigpond.com](mailto:jandkedwards@bigpond.com)





Submission re MCU190018 – Nature Based Tourism incl tourist and visitor accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “ .... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

**The tourist attraction (TA) approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.**

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs.

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;

- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
  - iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
- i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
  - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
  - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
  - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
  - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
    1. Light pollution
    2. Night activities, noise (particularly that which travels down the valley)
    3. Events
    4. Food and liquor consumption
  - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It

seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
  2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
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- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
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  - iii. Water supply to baths, without plumbing to the tents
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    1. without drainage from the baths;
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6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.
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Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.
  2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.
12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.
  1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.

2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
    - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
  3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
  4. Waste water -- applicant states in the analysis of the codes compliance that "Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." -- this is an uncertain statement -- the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the 'tents' and how the supply and drainage will be managed.
1. Water supply – applicant states in the analysis of the codes compliance that "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*" – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - ii. There is no detail about the management of all waste including food waste.
  - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
  2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

John Edwards

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Phone: 0740937297

Submission re MCU190018 – Nature Based Tourism incl tourist and visitor accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “ .... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

**The tourist attraction (TA) approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.**

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs.

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;



- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
  - iii. this proposal for nature based tourism including accommodation
- 2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.  
  
Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.
- 3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
- 4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
- 3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
  - 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
    - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
    - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
  - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
  - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
  - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
    1. Light pollution
    2. Night activities, noise (particularly that which travels down the valley)
    3. Events
    4. Food and liquor consumption
  - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It



seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
  2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
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SUBMITTED BY:

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Submission re MCU190018 – Nature Based Tourism incl tourist and visitor accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “ .... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

**The tourist attraction (TA) approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.**

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs.

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
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2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;

- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
  - iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
- i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
  - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
  - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
  - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
  - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
    1. Light pollution
    2. Night activities, noise (particularly that which travels down the valley)
    3. Events
    4. Food and liquor consumption
  - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It

seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
  2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  2. Explain how the NBT activities will be different and separate to the activities of the TA.
  3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
    1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iv. Ensure health of tourists
    1. without drainage from the baths;
    2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
  - v. What erosion controls will be included around the eroded dam site?
  - vi. Night lighting to enable the safe movement of visitors around the site
  - vii. Disposal of waste
  - viii. Power and communications
  - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
  3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
    - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).



6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.
7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
  2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
  1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
  2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
  4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances.
  5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
  6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.



9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
  1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
  2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
  1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
  2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
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- 2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.
 

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.
- 3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
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  - 1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
    - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
    - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
  - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
  - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
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    1. Light pollution
    2. Night activities, noise (particularly that which travels down the valley)
    3. Events
    4. Food and liquor consumption
  - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It



seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
  2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

<b>NBT activities as defined in the MSCPS</b>	<b>TA activities as defined in Proponent's application &amp; MSC TA approval</b> These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
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- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  2. Explain how the NBT activities will be different and separate to the activities of the TA.
  3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
    1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iv. Ensure health of tourists
    1. without drainage from the baths;
    2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
  - v. What erosion controls will be included around the eroded dam site?
  - vi. Night lighting to enable the safe movement of visitors around the site
  - vii. Disposal of waste
  - viii. Power and communications
  - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
  3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
    - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base” is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as “Short term accommodation” and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.
7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current ‘Barnwell’ house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described ‘Barnwell’ house as a visitor attraction facility and not as a primary residence for the property.
  2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 ‘events’ per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
  1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
  2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
  4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances.
  5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.
  6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.

9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.

1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.

10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.

1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.

11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tented camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tented camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.

1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as



'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.

2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each 'tent' will be managed.

1. There is no detail about the requirement for an EPA review should the 'equivalent persons' calculation for waste exceed 22 persons.



2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
    - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
  3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
  4. Waste water -- applicant states in the analysis of the codes compliance that "Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." -- this is an uncertain statement -- the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the 'tents' and how the supply and drainage will be managed.
1. Water supply – applicant states in the analysis of the codes compliance that "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*" – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - ii. There is no detail about the management of all waste including food waste.
  - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
  2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Kathryn Edwards

28 Monaro Close, Myola via Kuranda. 4881.

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Phone: 0740937297



**From:** Johnno Ceciliot  
**Sent:** Thu, 12 Dec 2019 09:19:43 +1000  
**To:** Info (Shared)  
**Subject:** MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean  
 Pty Ltd - Luciano Ceciliot - MCU/19/0018  
**Attachments:** Draft Submission - Chano.odt

Please find attached.

Regards,  
 Luciano Ceciliot

Document Set ID: 3661111  
 Version: 1 Version Date: 12/12/2019



Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

I wish to submit my concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse, murky, dodgy and high on semantics. I believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the **Community** should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... **Environmental health and community well-being**...”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful, suspect and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- **There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs**

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The **MSC planning scheme definition states** the intent **that any Tourism Attraction should not include accommodation**. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – **The current approvals together with this development application are all generally located on the same footprint** of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- 1.i. the rural zoning of the land for grazing purposes;
- 1.ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- 1.iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new

application. **Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.**

Any approval that would include **'conditions' does not provide assurance to the Community.** *Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate.* There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

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2. There is **no information about the cumulative effect of an approval for both the TA and NBT**. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

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- 4.i. The *proponent has not detailed the activities with which the NBT visitors will be engaged*. These activities, *which may be both day and night together with any proposed 'event' activities, need to be described in the DA*. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
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- 4.ii.2. *Explain how the NBT activities will be different and separate to the activities of the TA.*
- 4.ii.3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include *'water'* and provide an independent environmental assessment.
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  - 1.iv. Ensure health of tourists
    - 1.iv.1. without drainage from the baths;
    - 1.iv.2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    - 1.iv.3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
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“Short term accommodation” and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

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  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
- 1.i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - 1.ii. There is no detail about the management of all waste including food waste.
  - 1.iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. **CYCLONES – The application states that the site is not in a cyclone area.** Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
  2. If the Proponent '**discovers**' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.

1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

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Email: Cheryl.Tonkin@gmail.com

Phone: 0458-938-777



**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:05:23 +1000  
**To:** Planning (Shared)  
**Subject:** Maureen Birgan submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018

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**From:** Catherine Harvey <[catharvey55@gmail.com](mailto:catharvey55@gmail.com)>  
**Sent:** Friday, 13 December 2019 3:33 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Cc:** [eiskuranda@gmail.com](mailto:eiskuranda@gmail.com)  
**Subject:** FW: Impact Submission - MCU190018

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for "Glamping and Nature Based Tourism approval".  
 This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.  
 This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved 'Tourism Attraction' (TA) and this new application for 'Nature Based tourism' (NBT) which includes accommodation.  
 There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent's proposal.  
 The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular ".... *Environmental health and community well-being*....". It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council's Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

.....  
 There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a). Any accommodation*

options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.

2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;
  - ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
  - iii. this proposal for nature based tourism including accommodation
2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.  
  
Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.
  3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
  4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.

3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.

1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the



applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.

- i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
- ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.

2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
- ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
- iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
- iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
  1. Light pollution
  2. Night activities, noise (particularly that which travels down the valley)
  3. Events
  4. Food and liquor consumption

- v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT Is stated as an overnight proposal.
    - i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It seems that the Proponent is ‘cherry-picking’ restrictions for discussion and not being transparent about their intentions.
      1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
      2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
  4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

NBT activities as defined in the MSCPS	TA activities as defined in Proponent's application & MSC TA approval These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any

proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.

ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.

1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
2. Explain how the NBT activities will be different and separate to the activities of the TA.
3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.

4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
    1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iv. Ensure health of tourists
    1. without drainage from the baths;
    2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
  - v. What erosion controls will be included around the eroded dam site?
  - vi. Night lighting to enable the safe movement of visitors around the site
  - vii. Disposal of waste
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4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” – – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.
  1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
  2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.
14. KITCHEN FACILITIES are not provided.
  - i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
  - ii. There is no detail about the management of all waste including food waste.
  - iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.
15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.
  1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.

2. If the Proponent 'discovers' that there is a relevant cyclone rating, does this mean that any approval for 'tents' will be changed to 'cabins' or other permanent cyclone rated structures?
16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states "tent "platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won't require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the 'tent' accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

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Document Set ID: 3661806  
Version: 1 Version Date: 16/12/2019

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:25:18 +1000  
**To:** Planning (Shared)  
**Subject:** Maureen Birgan submits not properly made submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018.msg  
**Attachments:** 6FA10EE234884654AF226455C3ECDF8B.png, 2CDCB1723F4049D08C5A29CC304C2398.png

**From:** Maureen Birgan <[mobirgan@gmail.com](mailto:mobirgan@gmail.com)>  
**Sent:** Friday, 13 December 2019 4:01 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Cc:** [eiskuranda@gmail.com](mailto:eiskuranda@gmail.com)  
**Subject:** Fwd: FW: Impact Submission - MCU190018



Document Set ID: 3661818  
Version: 1 Version Date: 16/12/2019





Document Set ID: 3661818  
Version: 1 Version Date: 16/12/2019



Document Set ID: 3661818  
Version: 1 Version Date: 16/12/2019

**From:** nadine O'Brien  
**Sent:** Tue, 3 Dec 2019 14:31:00 +1000  
**To:** Info (Shared)  
**Cc:** KUR-Alert - Full Group  
**Subject:** MCU Nature Based Tourism - 112 Barnwell Road, Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** MCU190018.pdf

To the assessment manager  
Submission to MCU190018

I ask the development application be refused on the following grounds:

1. Development application page 22, 3.3.14-Natural Hazard Mitigation.

The applicant claims the site is not known to be located within a cyclone

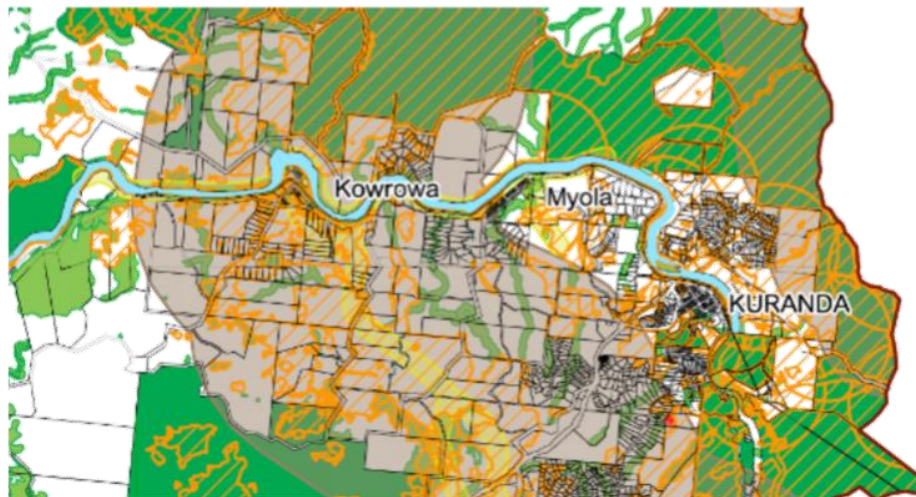
impact area. This is not accurate as the whole of Mareeba Shire lies within the cyclone impact area.

The proposed development does not comply with cyclone building standards.

There are no emergency cyclone shelters in the area to accommodate guests in the event of a cyclone.

2. The close proximity of the development to water, poses especially in a tropical environment, a great health risk. Mosquito borne diseases such as Dengue fever and Ross River fever for example are endemic to this area. As the guests most likely would be international, the risk of Malaria being introduced into that area, is also an issue.

3. The site is located within an ecological corridor. The grey area in the map below shows the corridor. Connectivity is severely compromised by this development, especially taking into account all the other developments already approved on this property.



Document Set ID: 3658428  
Version: 1 Version Date: 03/12/2019

4. There is no need for this scale of tourist accommodation in Kuranda. "Kuranda Resort" at Greenhills Road has failed a number of times. There also is already a caravan/camping ground in Kuranda.
5. There is no supporting approved development in place, that can support overnight visitors without their own transport(the proponent suggests they arrive by bus). MCU180006 is only allowed to operate between 7am and 7pm. For example, there will be no access to food after 7pm. In fact guests will be marooned in the middle of nowhere.

Nadine O'Brien  
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Tel:40850054  
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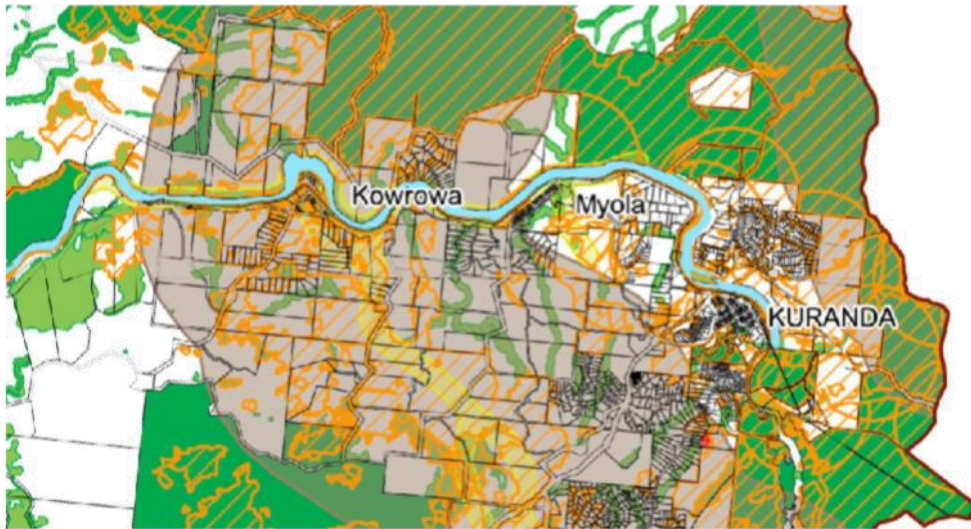
To the assessment manager

03 December 2019

Submission to MCU190018

I ask the development application be refused on the following grounds:

1. Development application page 22, 3.3.14-Natural Hazard Mitigation.  
The applicant claims the site is not known to be located within a cyclone impact area. This is not accurate as the whole of Mareeba Shire lies within the cyclone impact area.  
The proposed development does not comply with cyclone building standards.  
There are no emergency cyclone shelters in the area to accommodate guests in the event of a cyclone.
2. The close proximity of the development to water, poses especially in a tropical environment, a great health risk. Mosquito borne diseases such as Dengue fever and Ross River fever for example are endemic to this area. As the guests most likely would be international, the risk of Malaria being introduced into that area, is also an issue.
3. The site is located within an ecological corridor. The grey area in the map below shows the corridor. Connectivity is severely compromised by this development, especially taking into account all the other developments already approved on this property.



4. There is no need for this scale of tourist accommodation in Kuranda. "Kuranda Resort" at Greenhills Road has failed a number of times. There also is already a caravan/camping ground in Kuranda.
5. There is no supporting approved development in place, that can support overnight visitors without their own transport (the proponent suggests they arrive by bus). MCU180006 is only allowed to operate between 7am and 7pm. For example, there will be no access to food after that. In fact guests will be marooned in the middle of nowhere.

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nadine\_obrien@yahoo.com.au

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:04:14 +1000  
**To:** Planning (Shared)  
**Subject:** Peter Cohen submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** MCU NATURE BASED TOURISM LOT 22 and LOT 17.docx

**From:** Peter Cohen <[peter.cohen1941@gmail.com](mailto:peter.cohen1941@gmail.com)>  
**Sent:** Friday, 13 December 2019 2:06 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** OBJECTION TO MCU APPLICATION 190018

Good Afternoon,  
Please find attached my objections to the  
MCU 190018 APPLICATION FOR NATURE BASED TOURISM LOT 22 and LOT 17  
BY REEVER AND OCEAN CURRENTLY OPERATING AS A TOURIST ATTRACTION.

Thank you,

Peter Cohen  
Punch Close, Kuranda. 4881  
Phone. 0427935654



**MCU NATURE BASED TOURISM LOT 22 and LOT 17  
BY REEVER AND OCEAN MCU 190018  
CURRENTLY OPERATING AS A TOURIST ATTRACTION**

I wish to submit my concerns regarding D/A MCU 19/0018 for Glamping and Nature Based Tourism as this appears to me to be nothing but Development by Stealth.

**LOT 17 and LOT 22.**

The Proponent is requesting permission for the application to include Lot 17 whilst nowhere within the application is there any mention of development considered for this Lot so why is Lot 17 included in the application ?.

The Proponent states clearly in the submission “ *In that Lot 17 forms part of the subject site* ” yet makes no attempt to tell us why or how it is involved. As the Proponent has not offered any advice on or clarified why Lot 17 has been included in the application then Lot 17 should be removed from any approval.

**NATURE BASED TOURISM AND TOURIST ATTRACTION**

The Proponent states in many other areas throughout the application, advices such as those quoted below and these are only a few of the many examples that are contained within.

*“ The development is proposed as a complementary land use to the existing Tourist Attraction (MCU/18/0006) by providing an overnight accommodation option for visitors to the Tourist Attraction.”.*

*“ The Nature-based Tourism development is complementary and subordinate to the existing, approved Tourist Attraction (MCU/18/0006)”*

*“ The proposed development has been designed to provide accommodation for existing Tourist Attraction visitors to the site (i.e. the **Nature-based Tourism development will not attract visitation or vehicle movements in its own right)**”*

*“ No changes to service and waste disposal areas are proposed, in that the proposed development will be ancillary to the existing Tourist Attraction.”*

*“ No changes to servicing area, site access and manoeuvring areas are proposed, in that the proposed development will be ancillary to the existing Tourist Attraction. “*

So quite simply, the Proponent would like MCU 19/0018 Nature based Tourism to become part of the Tourist Attraction MCUs 18/0006 simply for the accommodation. This then presents a problem as the Tourist Attraction ( the reason people are coming to the site ) , under the Provisions has no Accommodation component. The Proposal as submitted resembles either Short Term accommodation or a Tourist Park and this is what should have been applied for.

The definitions alone for Nature Based Tourism are not consistent with the Current Tourism Attraction activities. How does Rodeo type activities in an Arena relate to Nature based Tourism that is intended for the conservation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically maintain a nature based focus or product, Promote environmental awareness, education and conservation and carry out sustainable practices. Where is the intended activities for the Nature Based Tourism described to support this application ? – they are simply ignored in the pursuit of gaining the permission for accommodation.

#### **GROUND FLOOR AREA**

If the Proponent was to convert the tents to fixed wall constructions or to erect cabins with fixed walls and ceilings instead of tents, then this would exceed the Ground Floor Area limitation of 200m<sup>2</sup> which is the restriction applicable to the existing Tourist attraction. We have already seen the Proponent circumvent this GFA limitation by building a huge steel framed Tent for the dining section of the Tourist attraction. The Proponent also specifically states in the Development summary application that

“ No GFA is proposed as part of the Nature-based Tourism development. “  
“Therefore, no “building” is proposed, and accordingly no GFA “ .

Yet in the next paragraph of the same section

“ Notwithstanding that the proposal is for tented camps, the Applicant has requested that any Nature-based Tourism approval provide the flexibility to allow the “**conversion of tents to more permanent Structures** “

“ To this end, the Applicant requests that the approval specifically allow for “cabins” to be considered interchangeable with “tents” .

I argue that the cabins should be the main feature being applied for given they will have longer term impacts and the application should reflect that fact and not mislead people by having interchangeable buildings.

This request must be viewed for what it is, which is a deliberate attempt by the Proponent to circumvent Council rules and regulations and gain approval for what will become Permanent accommodation structures. This request by the Proponent must be declined by Council as any conversions of the actual Tents themselves or their replacement into, or with more Permanent structures having fixed walls and ceilings will increase the Total Ground Floor Area of the existing total Tourist attraction Site beyond what is allowed.

#### **APPLICABLE NUMBERS AND SITING UNDER NATURE BASED TOURISM**

Nature based tourism accommodation usually involves a maximum of up to 10 guests being accommodated at any one time with a maximum of only two dwellings allowed on any Lot in addition to a Primary building. This Proponent is requesting 22 Tented Camps for a total of 54 people. This is far in excess of what the Mareeba Shire Planning Scheme allows and I do not find the Proponents reasoning of the increased land size a justifiable reasoning for exceeding the Provisions of the Scheme.

Further, the Satellite accommodation units are usually located in close proximity to what is referred to as the Primary dwelling house or unit. The Proponent advises in the application that Barnwell House serves this function however Barnwell house by the Applicants own admission (in an earlier Development Application) is not a Residential Dwelling and is unoccupied so this criteria is lacking in support of the application.

#### **CYCLONE AREA**

The area is a known Cyclone area however the Proponent states that it is not a known Cyclone impact area. Ref. 3.3.14. This statement is entirely incorrect as Cyclones have impacted Kuranda and the Myola valley in the past and no doubt will do so again in the future quite possibly more so than in the past.

#### **COST AND CONSTRUCTION**

Reading the Proponents answer to Question 21 in Part 7 where it is stated that the total costs involved with this application will not amount to more than \$ 150,000 in total gives the idea that the project is of a minor nature involving simply pitching a few Tents. This is very misleading as pricing obtained from Glamping Tent suppliers would indicate that the cheapest possible 1 Bedroom Tents alone are around \$ 25000 plus to supply and they involve an erection

time of 20 man days for each tent. Adding to this the costs involved for the electricity and plumbing works for water and sewerage and we are probably looking at a figure closer to a million dollars, far in excess of the only given figure of \$ 150,000 in Question 21 for the Project cost. **Why is this ?**

### **WASTE WATER**

There is conflicting information given in the application about Waste Water . In one section it is noted that the existing waste-water treatment system "*may require upgrade* " and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required) yet further down it is stated that " Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2." There is a vast difference in the amount of Waste Water generated by people who attend the Tourist attraction for any 3 or so hour period as opposed to what is generated by 54 people on a 24 hours a day basis, plus permanent staff, plus animals in addition to the daily visitors and I think these numbers have not been investigated properly. One of the purposes of the Rural Zone code is to " prevent adverse impacts on ecological values and the amount of additional Waste Water generated by this application is certainly going to have an effect on the breeding populations of the Myola Tree Frog whose habitat is Owen creek. Owen Creek will receive the increased run off from the additional Waste Water as it is downhill from the Waste Water discharge Site.

### **WATER SUPPLY**

The proposed development is intended to be serviced by the existing on-site bore water supply, which has supposedly "sufficient capacity to service the development." I note that in one of the answers given the Proponent advises the "*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a)*". Considering that there could be a total of 54 guests on a 24 hour basis in addition to the 96 other possible day guests, staff and all the animals on the property I would have thought that something better than " *understood to comply* " with proof of sufficient capacity determined was warranted , especially now, as bores are known to be running dry in the area.

These objections have been made by

Peter Cohen.

Punch Close, Kuranda. 4881.

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:11:53 +1000  
**To:** Planning (Shared)  
**Subject:** Raymond Ganley submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Submission.pdf

---

**From:** Raymond Ganley <[rajanti1@bigpond.com](mailto:rajanti1@bigpond.com)>  
**Sent:** Friday, 13 December 2019 4:09 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Submission re Development Application MCU/19/0018

Please find attached submission.

Ray Ganley

### Submission

Re: MCU/19/0018 Lot22 on SP304952 / Lot 17 on SP296830

I would submit that the above application is incomplete and lacks clarity in many areas giving rise to many questions which I believe should be answered before being considered for approval. Following is a list of questions arising from the application.

- **How would this development be consistent with Nature Based Tourism as described in the Mareeba Shire Planning Scheme?**

There are no Nature Based activities on offer at the KURCOW Tourist Attraction while the TA which is supposedly the basis for tourist's attendance at the NBT facility, and there are no nature based activities proposed in the DA. Tourists are transported to site to participate in non nature based activities such as watching a rodeo, riding quad motorbikes, dining on slaughtered cattle etc. A visit to the KURCOW website and ticket office describes what is on offer. Nature Based Tourism is a complete misnomer in relation to this application and the MSPS. No elements of NBT are fulfilled. MSPS better describes this venture as a Tourist Park with at least some elements meeting that description ie.cabins.
- **What are the actual structures intending to be built as part of the NBT?**

The DA is very unclear on this point. It wishes to use the term 'tented camp' and cabins totally interchangeably. Both of the terms appear in the MSPS as do huts and lodges. Are these interchangeable also? What exactly is a tented camp or cabin or hut or lodge? If tented camp means tents, and the term tents is often used throughout the document then the only official Qld Government description comes from the Queensland Development Code Part 3.2 ., with associated building code.
- **Why would the restrictions on Gross Floor Area not apply to this application as stated in the application?**

If tents are interchangeable with cabins, or huts or lodges then the GFA must be taken into consideration.
- **What are the arrangements for dealing with waste and waste water?**

The DA is again vague on what the intentions are for dealing with waste water. BIO CYCLE systems are mentioned but does this mean waste is to be processed by upgrading the current on site facility and pumping waste to that facility, or is the intention to provide biocycle systems adjacent the *tented* area with the possibility of contaminated water leaching into Owen Creek either directly or via the dam?
- **Why would the proposed development not be required to meet the minimum boundary setback?**

The MSPS has been quite specific in detailing boundary requirements, The fact that in this case the development exceeds the minimum setback is a modification the developer needs to make to his/her plan rather than have the rules bent in their favour. The argument has been presented that the setback distance is not from an



external boundary. There is nothing to say that that internal boundary could not become an external boundary in the future as a result of sale of a lot etc. The developer is also at liberty to join the two lots thus removing the boundary.

- **How does the DA meet the Nature Based Tourism in a Rural Zone visitor limit of 10 persons?**

The MSPS makes no provision for visitor numbers to be scaled according to any adjacent Tourist Attraction visitor numbers. It clearly defines the maximum number of visitors without exception.

- **What are the arrangements for the provision of potable water to the *tented camps*?**

The DA states that water supply will be from bores. Chemical Analysis reports on groundwater samples from the KURWORLD site, as submitted as part of the EIS, notes the exceedance of values for some heavy metals, with a case of arsenic at more than double and Aluminium at almost 4 times the recommended concentration as per Australian Drinking Water Guideline. Additionally, pH values in most bores fall below ADWG limits.

- **What are the proposed operating hours of the NBT camp?**

The DA is completely opaque in this regard, with no information provided. It is noted that the DA allows for groups of up to 54 persons to occupy and overnight in the camp at any one time. With possible party groups this could mean operating hours will be 24 hours per day. This is quite an alarming development for residents adjoining or residing near the site, considering the noise and light pollution which will be generated. Additionally it also makes a mockery of the term 'Nature Based Tourism' when its own presence will destroy the quietude that characterizes the area and is essential for the on going existence of many shy nocturnal creatures.

- **What is intended for the provision of meals to guests staying at the NBT?**

The DA notes that the proposed accommodation units will not have cooking facilities included. Again the DA does not describe any arrangements for the cooking or serving of meals to guests other than a barbeque area is provided. It would be unreasonable for the proponent to request that this DA be approved while omitting to provide such information in the application.

SUBMITTED BY:

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Phone: 0418480407

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:26:05 +1000  
**To:** Planning (Shared)  
**Subject:** Rosina Aston for Cathy Retter on behalf of Kuranda Envirocare submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** KEC submission MCU 19 0018 - glamping for 54 persons.docx

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**From:** Rosina Aston <[r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)>  
**Sent:** Friday, 13 December 2019 5:02 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Cc:** [cathy.retter.kuranda@gmail.com](mailto:cathy.retter.kuranda@gmail.com)  
**Subject:** FW: MCU 19/0018 - Nature based tourism accomodation submission to impact assessment

Kindest Regards

**Rosina Aston**  
**Principal Consultant and Facilitator**  
[r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

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**From:** Rosina Aston [[mailto:r\\_aston@smartchat.net.au](mailto:r_aston@smartchat.net.au)]  
**Sent:** Friday, 13 December 2019 4:55 PM  
**To:** 'info@msc.qld.gov.au'  
**Cc:** 'cathy.retter.kuranda@gmail.com'  
**Subject:** MCU 19/0018 – Nature based tourism accomodation submission to impact assessment

Good afternoon.

Please find attached submission for MCU 19/0018 – Nature based tourism accomodation

Kindest Regards



Before printing this e-mail think if you really need to print it! Save paper. Protect the environment.

Document Set ID: 3661816  
Version: 1 Version Date: 16/12/2019

## Submission re MCU190018 –

### Nature Based Tourism incl short term accommodation in the rural zone

Dated: Friday 13 December 2019.

#### Background

Kuranda Envirocare is a not for profit organisation carrying out on ground environmental works on public and private land in the Kuranda region. Our aim is to enhance and repair biodiversity and uphold and protect the Wet Tropics environmental values which cover the Kuranda region. We spend time raising public awareness of the nature of the high value and irreplaceable nature of the Wet Tropics landscape in which Kuranda area residents reside.

Though within any organisation there are differing views and a range of opinions, nonetheless, in the main we are not opposed to development but rather focused on the environmental, social and economic outcomes. We believe that any development should be of a scale and nature appropriate to the sensitive environmental values of the specific site ie "good" development, not just development at any cost. Those days should be seen as being over.

We would also expect that for transparency and clarity any development proposals should be presented in such a way that it is clear what the environmental outcomes will be from that development. As a Guardian council to the Great Barrier Reef, it is incumbent on this council to consider changes to the water quality flowing in the Barron river catchment as well as matters of MSES under the overlays within the State Planning Act and Nature Conservation Act.

Our membership agreed a statement which is present on our website and which we can apply to this DA.

That is: No net negative change to the quality of the water and the vegetation on the site. There should be a high level of environmental requirements given to the application due to the degree to which MSES which should be taken into account as part of the DA.

#### Our analysis

**Overall** environmentally we see no consideration given to the environmental constraints of the site except with regard to no trees to be cut down under the Veg. management Act.

No ecological report has been provided as required under the planning scheme. This report should be required and should have reference to

- proposed treatment of bore water which currently does not meet WHO standards for drinking and food preparation due to levels of heavy metals (see bore water analysis in Kur World draft EIS documents)

- proposed method of on site effluent treatment for 100 EP (equivalent persons). Commercial Biocycle systems can produce Class C water quality but this is below standard to send to high ecological value receiving waters in Owen creek. See details below regarding constraints from the Kur World Stage 1B on-site effluent disposal study for approximately the same EP (ie the maximum allowable under the tourist attraction ie 300 day visitors). Design of such a system must cater for max. allowable under all current approvals even if conditions of those other approvals (eg Tourist attraction) have not yet been met. There is also a relevant trigger relating to ERA 63, requiring a permit process. Referral to EPA should have been made as a concurrence agency.

**Other** missing information relates to the general nature of the DA

- the council should be firm on the definition of Nature based tourism interpretation or they risk the definition becoming a defective way of providing short term accommodation within the rural zone.

- given that the proposal requires on site operation outside of the current operating hours approval, application should have been made concurrently for the required approvals beyond 7am to 7 pm as the proponent needs to give consideration to impacts relating to this type of operation in a rural zone. At present this application is silent on that matter.

-The proponent argues that tents are interchangeable with cabins therefore the greater of the tent and cabin requirements should apply. In this case the Gross floor area constraints should be applied during assessment against the codes.

-there is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the health of the tourists in the closely located proposed accommodation, given that stormwater drainage from the animal area may currently pass through that area and infiltrate the dam. Again there is no assessment provided as to associated risks. This poor quality dam water overflow may also impact on the area of human effluent disposal, changing the requirements. Again the proposal remains silent on how the elements of stormwater control will be managed given the introduction of hardened surfaces being roofs and raised walkways whether cabins or tents.

#### **In conclusion**

This DA appears to be particularly obscure in a number of areas. We believe that this application should have been reviewed and information requests sought and received before release for community submission. This seems to be a major oversight within the council planning process and does not instill confidence within our community as to the robust and objective nature of the planning assessment process.

We respectfully request that council obtain a much more comprehensive proposal from the proponent, addressing all missing information in the current DA and including an ecological report with cumulative impacts assessed relating to effluent design elements and including ERA permits required before consideration be given to any council conditions to be applied to this application.

---

#### **Detail considerations for effluent disposal**

(as outlined in the Kur World stage 1B effluent disposal study for on site effluent disposal)

The DA states that the proposed development will be serviced by onsite waste water treatment in the form of Biocycle. However, the application does not give any details of the system or its operation and thus it is not possible to make a decision on the adequacy of the proposal in terms of public safety or potential environmental impact. Biocycle treatment treats water to secondary standard.

A report was prepared by the proponent as part of its KurWorld EIS (NRA. 2017. Kur-World Effluent Irrigation Feasibility Study). This report modelled scenarios for Stage 1A of that proposal for an EP of 185-296 which is larger than the current proposal (55 EP plus day visitors). Nevertheless, the conclusions of the modelling remain relevant to the current application and demonstrate:

- whilst site soils provide a high capacity for phosphorus adsorption they have low hydraulic conductivity limiting rate of irrigation. Therefore, significant area would be required for effluent irrigation
- significant wet season storage is required

- significant management is required in terms of establishment and harvesting of ground covers that will uptake nutrients
- the risk of discharge from the system cannot not be eliminated and would occur at least once per annum
- wet weather ingress to storages must be managed and limited to minimise discharge
- slopes >20% and areas near waterways (without vegetated buffers) are not suitable for effluent irrigation
- discharge has the capacity to impact the receiving environment.

The proponent has not shown that there is the ability to manage wastewater treatment on site especially when similar treatment is proposed for adjoining subdivision applications. This aspect of the proposal is not a detail that can be addressed at a latter stage but a fundamental component of the development and reflects that the DA has not been correctly prepared.

In addition:

**ERA 63 (1) (a)** is triggered for any STP “that has a total peak capacity of at least 21EP”. So this DA proposal does trigger the need for an Environmental Authority. The application indicates that assessment of ERAs has been devolved to the local authority (ie is not a concurrence ERA which would require State assessment). This is correct if no discharge occurs but the proponent has failed to discuss how such discharge could be avoided.

*It is noted that an approval for ERA 63(1)(a), Sewage Treatment, under the EP Regulation 2019 will be required (total peak capacity of at least 21 EP). The DA application fails to identify any Concurrence ERA presumably, in the case of sewage treatment, based on Schedule 2, Part 13 (63)(3)(1)(i) which defines the ERA 63 (1)(a) as not a Concurrence ERA ‘if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme’. However, based on work commissioned by the proponent and referenced above, this is unlikely to be the case and discharge to the natural environment will occur.*

*The proponent has failed to demonstrate how this will be avoided or indeed provided any details of how waste water will be managed. Based on this, Schedule 2, Part 13(63)(3)(1)(ii) of the EP Regulation 2019 applies and the ERA is a Concurrence ERA requiring State assessment. The DA application needs to be amended to reflect this.*

SUBMITTED BY:

Name: Cathy retter on behalf of Kuranda Envirocare

Street address: 19 Kullaroo Close

Email: [cathy.retter.kuranda@gmail.cim](mailto:cathy.retter.kuranda@gmail.cim) also [info@envirocare.org.au](mailto:info@envirocare.org.au)

Phone: 0419 624 940



**From:** Planning (Shared)  
**Sent:** Fri, 13 Dec 2019 11:17:44 +1000  
**To:** Planning (Shared)  
**Subject:** Sarah Isaacs submits 6 submissions for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** submission MCU190018 Isaacs.jpg, submission MCU190018 Jones.jpg, submission MCU190018 Marker.jpg, submission MCU190018 Moon.jpg, submission MCU190018 Reay.jpg, submission MCU190018 S.O'Brien.jpg

-----Original Message-----

From: Sarah Isaacs <sarahi3451@gmail.com>  
 Sent: Friday, 13 December 2019 6:33 AM  
 To: Info (Shared) <info@msc.qld.gov.au>  
 Subject: to assessment officer planning department- submissions MCU190018

Please find attached 6 submissions for MCU190018.

Thank you,

Sarah

--  
 Sarah Isaacs  
 345 Fantin Rd  
 Koah  
 4881  
 ph 07 4085 0054

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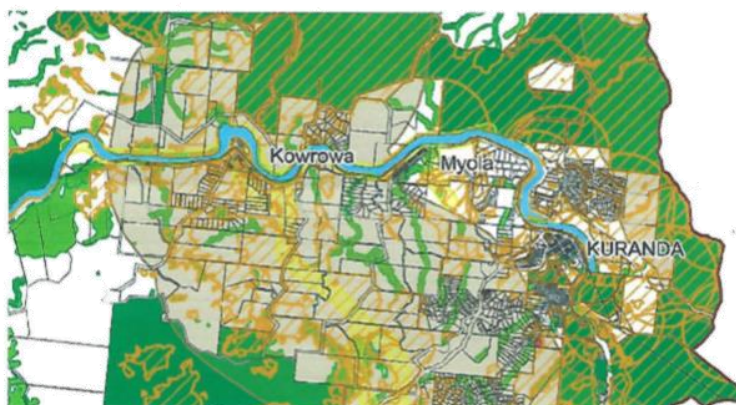
Document Set ID: 3661568  
Version: 1 Version Date: 13/12/2019

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Date: 12.12.19

Name: Sarah Isaac

Address: 345 Fantin Rd Koal 4881 QLD

Phone number 07 4085 0054

email: sarah3451@gmail.com

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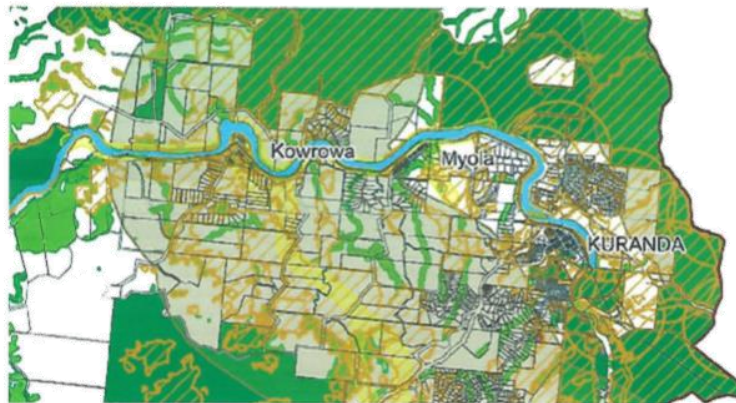
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Date: 8 December 2012

Name: Bob & Karen Jones

Address: 9636 Kennedy Hwy, Upper Barron  
Atherton

Phone number 0404 930 946 (dodgy service)

email: colonel-bob-jones@mail.com

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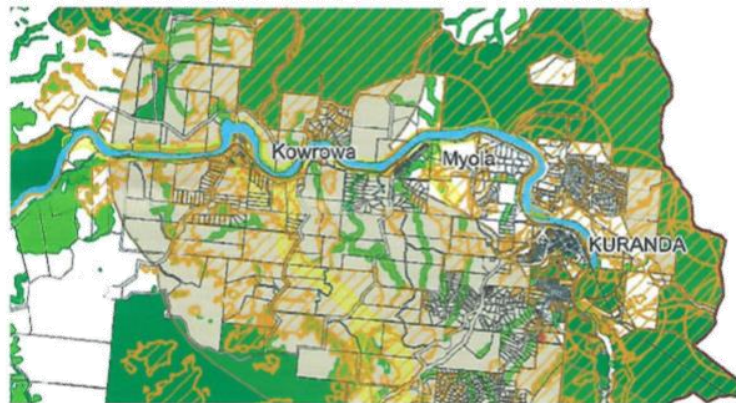


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Date: 7.12.19  
Name: INGRID MARKER  
Address: 1311 TULLY/MISSION BEACH RD  
CARMOO 4852  
Phone number: 0438 688229  
email: cassowary.keystone.conservation@hotmail.com

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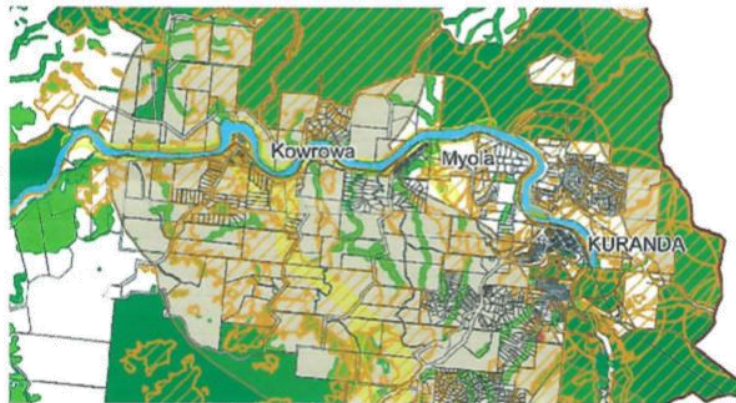
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Date: 8/12/19  
Name: Solar Moan  
Address: 11 Butler Drive  
Kuranda  
Phone number: 0419 175147  
email: twianmoan@hotmail.com

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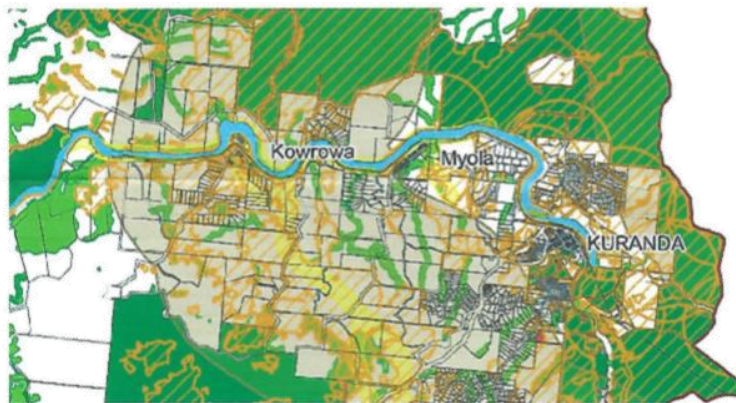
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Date: 8/12/2019  
 Name: PETER REAY  
 Address: 36 MCLEOD STREET  
 CURRA 4870  
 Phone number: 0427 915 956  
 email: preay1@gmail.com

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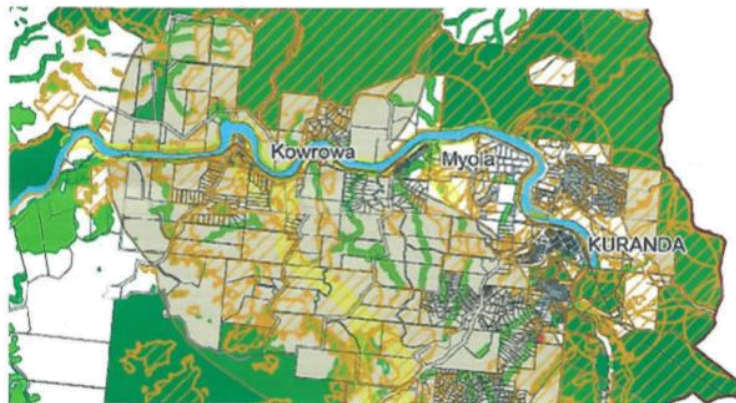
13 DEC.

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Date: 8-12-19.  
Name: Stacey O'Brien  
Address: 2/7 Mazlin St Edge Hill

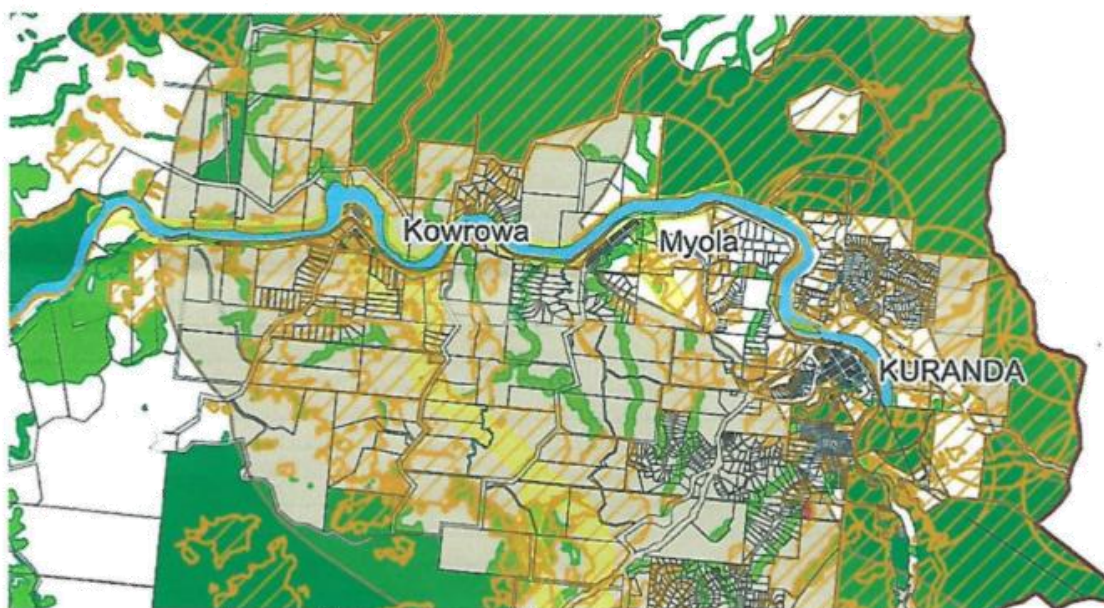
Phone number 0439 201 249  
email: stacey.o'Brien@my.jco.edu.au

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Date: 12.12.19

Name: Sarah Isaac

Address: 345 Fenton Rd Kool 4881 QLD

Phone number 07 4085 0034

email: sarah3451@gmail.com

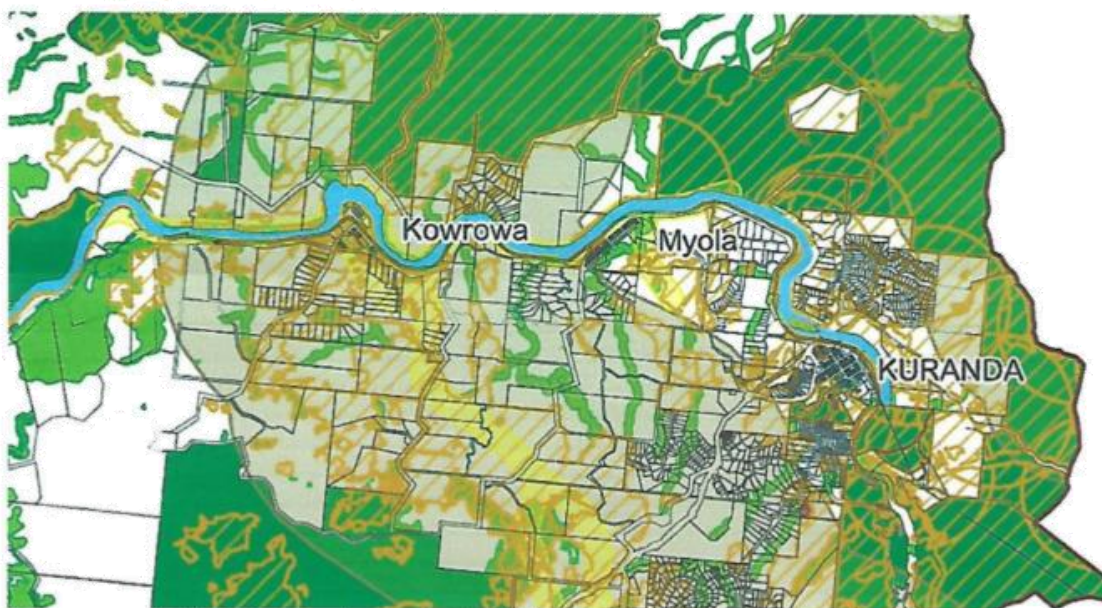


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Date: 8 December 2019  
 Name: Bob & Karen Jones  
 Address: 9636 Kennedy Hwy, Upper Barron  
 Atherton  
 Phone number: 0404 930 946 (dodgy service)  
 email: ~~colonel~~ colonel-bob-jones@mail.com

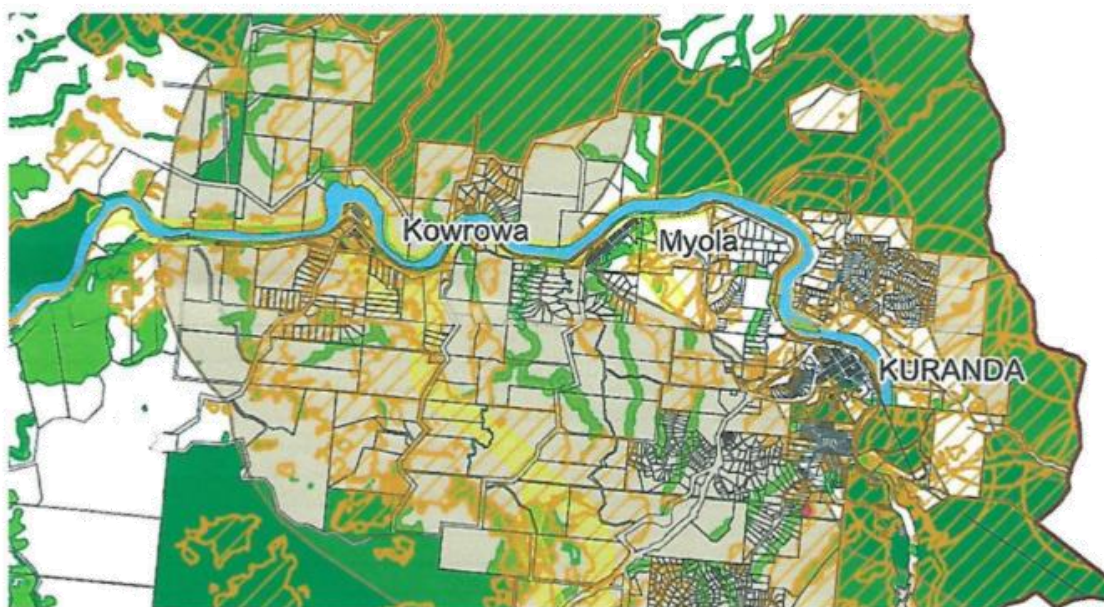


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CARMOO 4852

Phone number 0438 688229

email: cassowary keystone conservation @ hotmail.com

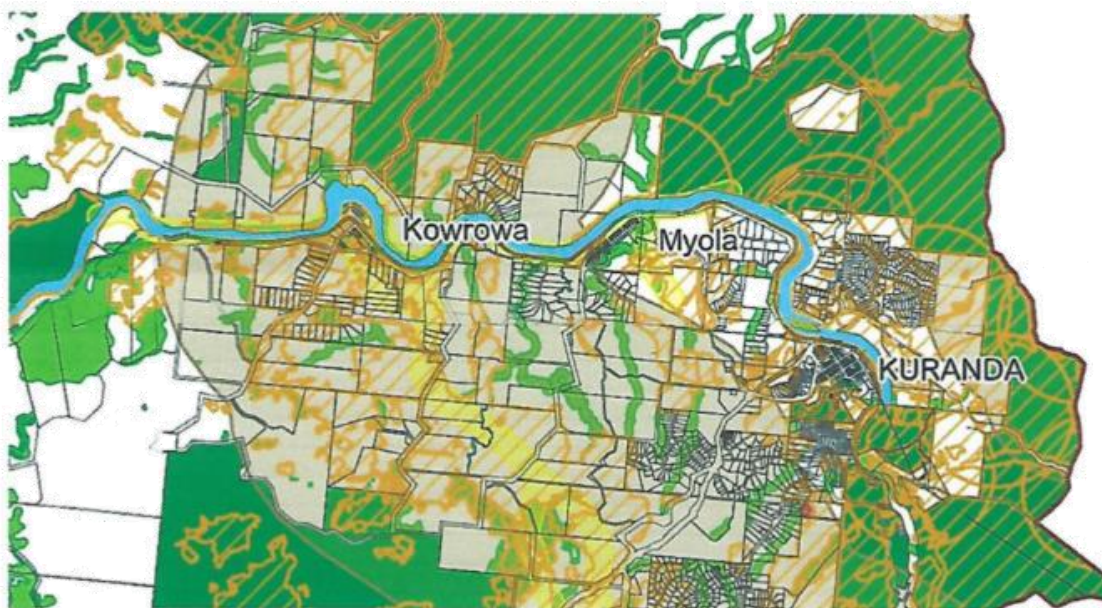


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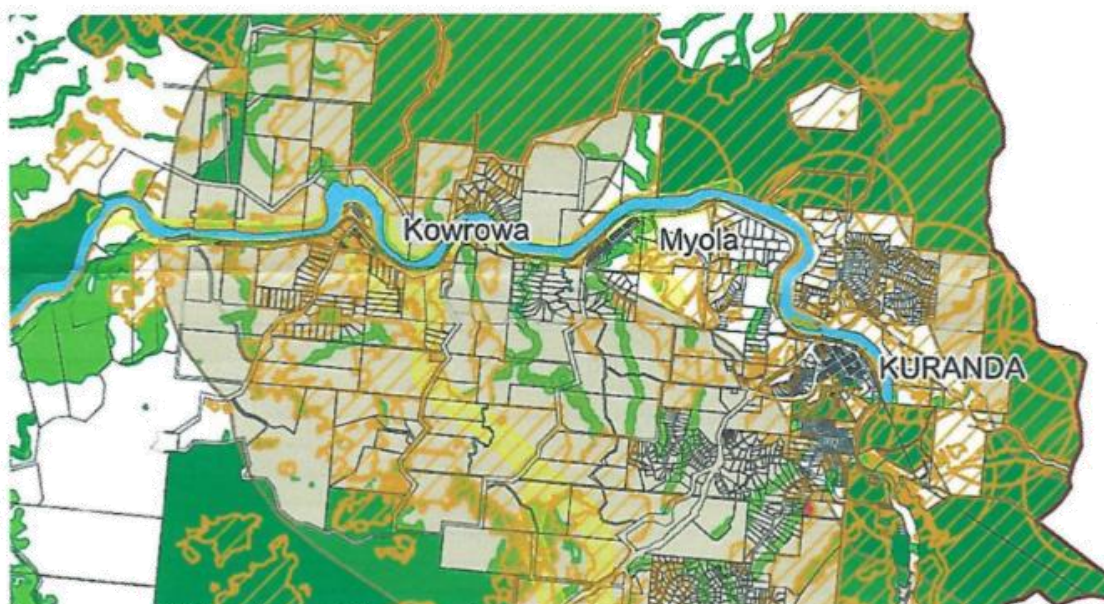


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 Address: 36 McCLEOD STREET  
 CURRUM 4870  
 Phone number 0427 915 956  
 email: preay1@gmail.com



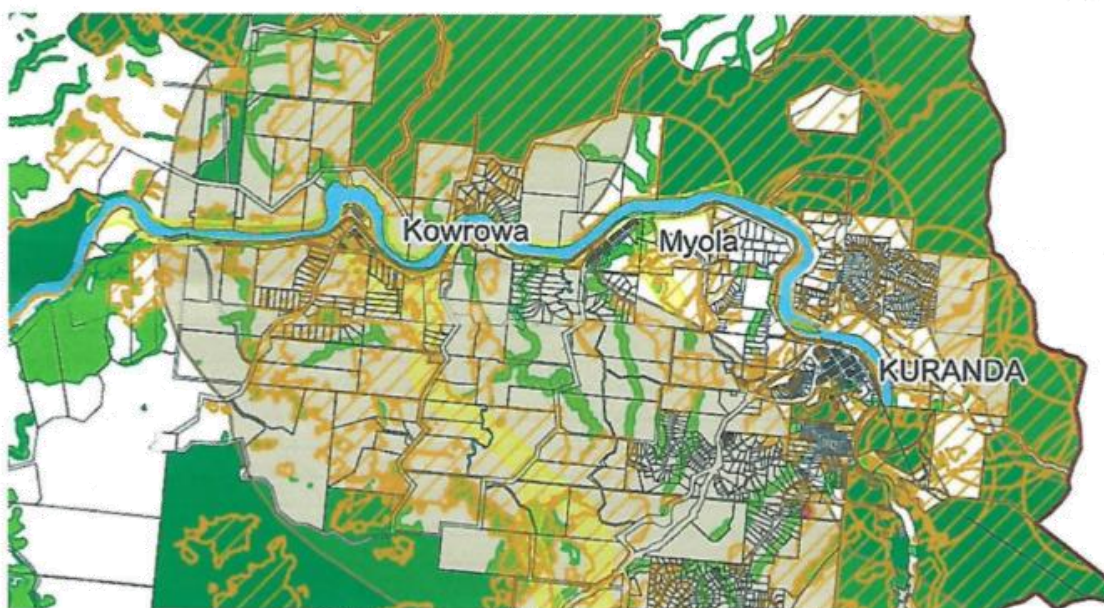
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Date: 8-12-19,  
Name: Stacey O'Brien  
Address: 2/7 mazlin st Edgettill

Phone number 0439 201 249  
email: stacey.obrien@my.jcu.edu.au.

**From:** Planning (Shared)  
**Sent:** Mon, 16 Dec 2019 09:12:53 +1000  
**To:** Planning (Shared)  
**Subject:** Sri Diah Widjajanti submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Submission MCU 190018.pdf

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**From:** Raymond Ganley <[rajanti1@bigpond.com](mailto:rajanti1@bigpond.com)>  
**Sent:** Friday, 13 December 2019 4:20 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** MCU /19/0018 Development Application

Please find attached submission

Sri Diah Widjajanti

Submission re MCU190018 – Nature Based Tourism incl short term accommodation in the rural zone

Due date – Friday 13 December 2019.

We wish to submit our concerns with regard to the DA MCU/19/0018 submitted by Reeve and Ocean Pty. Ltd. for “Glamping and Nature Based Tourism approval”.

This DA appears to be deliberately obtuse and we believe that this application could have been reviewed before release for community submission.

This application is on rural zoned land designated as rural production land. There is much interchange between the currently approved ‘Tourism Attraction’ (TA) and this new application for ‘Nature Based tourism’ (NBT) which includes accommodation.

There are a number of issues which have not been addressed in the application. The application is impact assessable and the Community should have the opportunity to comment on ALL proposed activities and intentions which may be included in the Proponent’s proposal.

The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “... *Environmental health and community well-being....*”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.

The Proponent has not established a NEED for this development in our Community.

- There are negative issues for environment, water quality, noise at night, waste disposal, undermining the planning scheme intent and no jobs

There is much missing information in the DA. This is included in the following notes and comments:

1. MSCPS 2016 – The planning scheme separately defines the activities of Tourism Attraction (TA) and Nature Based Tourism (NBT).
  1. The MSC planning scheme definition states the intent that any Tourism Attraction should not include accommodation. If the intent of the planning scheme were to include accommodation then it should be stated. The proponent needs to explain why this intent should be altered for MCU190018.
  2. The planning scheme describes Tourism Attraction as *small-scale, low impact tourist facilities established across the rural landscape (MSCPS 3.7.7.1(5)(a)*. Any accommodation options in the rural landscape are limited to bed and breakfasts and NBT. The Proponent has not explained how this DA can fit the rural zoned location.
2. COMPLIANCE – The current approvals together with this development application are all generally located on the same footprint of land which is owned by Reeve and Ocean Pty. Ltd.

This includes:

- i. the rural zoning of the land for grazing purposes;
- ii. a tourist attraction with a focus on a cattle show and animal zoo with horse and quad bike riding, food and liquor;
- iii. this proposal for nature based tourism including accommodation

2. There are complex layers of compliance issues when combining the current approvals and the new application. Self-regulation does not seem to be an appropriate option given that Reeve and Ocean have been the subject of many Community complaints in the past 3 ½ years.

Any approval that would include 'conditions' does not provide assurance to the Community. Recent history with this Proponent would suggest that 'conditions' are not observed and that self-regulation is not appropriate. There is no information about how these compliance issues will be administered by the Proponent or ensured by MSC on behalf of the Community.

3. There is no discussion about the strong environmental significance or critically endangered flora and fauna; or that the land is located close to a rural residential valley, where impacts may affect the amenity of established neighbours.
4. HEALTH AND WELL-BEING - There is no information about the proximity of tents/cabin accommodation to the animal shelters on site. There is no information about the impacts of noise, odour or light and the impact to the animals (included in 'animal husbandry' at night) or the health and wellbeing of the tourists in the closely located proposed accommodation.
3. CURRENT APPROVAL RESTRICTIONS - The Proponent states that this Nature Based Tourism (NBT) application will be both complementary and subordinate to their current Tourism Attraction (TA) approval already on site. . In the DA, 6.21 p.27.. *"the proposed Nature-based Tourism development is a complementary land use to the existing Tourist Attraction... the accommodation proposed is to meet the accommodation needs of the visitor base of the Tourist Attraction.* There is no discussion which indicates the inclusion of NBT activities.
  1. There is no explanation as to how the NBT can be complementary to the TA whilst they are defined in the MSCPS as very different activities. It is stated that the accommodation option is proposed to directly meet the needs of the TA, yet MSCPS does not allow accommodation for Tourism Attractions on rural land. Please explain how this application for accommodation is not a method of changing the intent of the planning scheme. MSC should be firm on how the definition of Nature Based Tourism is interpreted – if used as the applicant proposes then the definition becomes a de-facto way of providing short-term accommodation in the Rural zone.
    - i. The expected low key nature of accommodation associated with Nature based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
    - ii. Please provide assurance that any approval for this impact assessable DA will not be followed by subsequent changes to the DA achieved through variations that will be code assessable.



2. There is no information about the cumulative effect of an approval for both the TA and NBT. NBT is defined as LOW IMPACT environmentally responsible accommodation and the MSCPS 2017 allows maximums as below in Column 1, whilst the Proponent is applying for much higher maximums (Column 2). More detail is required as to how these significant increases (Column 3) meet the intention of the planning scheme.

Column 1 MSCPS defines NBT maximums as:	Column 2 This DA is asking for:	Column 3 Difference
10 guests	54 guests	>5 times allowable limit
5 separate rooms	14 x 1 bed tents – 2 rooms each = 28 rooms 5 x 2 bed tent – 3 rooms each = 15 rooms 1 x 3 bed tent – 4 rooms Each = 4 rooms TOTAL 47 rooms	>9 times allowable limit
2 separate buildings	22 separate buildings	>11 times allowable limit
1 primary residence	0 primary residence	<allowable in MSCPS

- i. There is no discussion of the risk of impacts to the environment, neighbourhood amenity, rural production values etc of any further development applications on the site.
  - ii. In order to protect the environmental values of the site and any cumulative impacts, it is requested that conditions similar to those imposed on DA180001 (3.9 & 3.10, pg.3) be included in any approval.
  - iii. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC Matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
  - iv. Details are not provided as to how the NBT activities and accommodation will affect the nearby rural residential properties.
    1. Light pollution
    2. Night activities, noise (particularly that which travels down the valley)
    3. Events
    4. Food and liquor consumption
  - v. The MSCPS lists NBT as a temporary use in the rural zone code. The DA gives no information as to whether this NBT is proposed as temporary or permanent. This proponent was the subject of much community objection with a previous application for NBT to 30/6/18. MSC received a large number of complaints via individual letters, a petition and complaints to Councillors and the Mayor.
3. Please address the restrictions imposed upon the TA which does not have a DA approval for operations after 7pm because the NBT is stated as an overnight proposal.
- i. In the DA 6.21 – the Proponent accepts that the current TA approval establishes a population limit, yet there is no acceptance of the current 7pm approval limits on visitors to the site. It

seems that the Proponent is 'cherry-picking' restrictions for discussion and not being transparent about their intentions.

1. These operations include – vehicle movements, noise, food and beverage (liquor license). All visitors must depart by 7pm.
  2. We have very strong objections to any tourist operations on site outside the current restrictions between 7pm and 7am.
4. NBT ACTIVITIES - The MSCPS provides definitions for Nature Based Tourism activities. These do not seem to be compatible with the activities currently approved for the Tourism Attraction (MCU18006) as explained in the Table below:

<b>NBT activities as defined in the MSCPS</b>	<b>TA activities as defined in Proponent's application &amp; MSC TA approval</b> These are mostly 'animal husbandry' activities NOT nature based activities
Use of land: For conservation, interpretation and Appreciation of areas of environmental cultural or heritage value, local ecosystem and attributes of the natural environment	MSCPS Onsite entertainment, recreation i.e. theme park or zoo
Typical activities: Nature based focus Promote environmental awareness, education and conservation Carry out sustainable practices	MSC TA application, p.5 Quad bike activities Horse riding Tractor & trailer pull rides, horse and cart rides, cow milking and presentation on rural operations. Animal husbandry, cattle handling Australian and North Qld culture & lifestyle

- i. The proponent has not detailed the activities with which the NBT visitors will be engaged. These activities, which may be both day and night together with any proposed 'event' activities, need to be described in the DA. In particular any environmentally significant activities which will require referral, particularly if they involve any of the water systems or flora, fauna on the property.
- ii. DA application – Water resources 23.6 p.9 – Proponent has answered NO to taking overland flow water or use of bore water.
  1. When overland flow water is collected by the on-site dam it is prevented from any overland flow to support the ecology of Owen Creek.
  2. Explain how the NBT activities will be different and separate to the activities of the TA.
  3. It is noted on the DA under 23.6 - Water Resources, that there will be no interfering with water in a watercourse. The Proponent needs to detail any activities which include 'water' and provide an independent environmental assessment.
  4. If they involve night activities which will impact nocturnal fauna and/or neighbouring residents.



4. TENTS (TENTED ACCOMMODATION) - Accommodation facilities for tents located on the site. The facilities supplied for tourists being accommodated have not been discussed or detailed in the DA. The DA does not describe such facilities which may include:
  - i. Food, as there are no kitchens included in the tents
    1. There is an established BBQ area but no details are provided i.e. water supply, waste and rubbish removal, cleaning, shelter in rain.
  - ii. Liquor, there is no Liquor License after 7pm
  - iii. Water supply to baths, without plumbing to the tents
  - iv. Ensure health of tourists
    1. without drainage from the baths;
    2. with the tents located over an overland water flow catchment into the dam. The Proponent's DA ref. 23.6 Water resources, states that no overland water flows will be interfered with by this proposal.
    3. where located beside a dam with muddy edges and ideal mosquito breeding areas.
  - v. What erosion controls will be included around the eroded dam site?
  - vi. Night lighting to enable the safe movement of visitors around the site
  - vii. Disposal of waste
  - viii. Power and communications
  - ix. Emergency – access by ambulance etc to individual accommodations
5. CABINS – There are no details of the suggested building option which may involve cabins. The wording which describes the accommodation options is frequently interchanged between 'cabins' and 'tents' and the Proponent needs to provide clarity about the aspect of the proposal.
  1. There are no details about the building designs, location and layouts of cabins should they become the chosen option.
  2. Layout of tents seems to be entirely on Lot 22, yet they state Lot 22 and Lot 17. With no detailed layouts of the 'tent' site there is concern that the inclusion of Lot 17 to the DA may automatically include further 'tents' cabins without further impact assessments by the Community.
  3. The Kuranda region currently has a poor outcome from previous permanent tourist accommodation approval. This is the Kuranda Rainforest Resort, which met with much Community objection when built and has morphed into a low standard permanent accommodation with poor outcomes for local residents. Please provide information as to how this temporary tourism accommodation proposal will be restricted from morphing into permanent cabins. How will this be enforced?
    - i. The proposal appears to be a de facto way of providing higher density accommodation in Rural zone. The applicants appear to be exploiting the accommodation component of the land use definition without addressing the true nature of the "Nature Based" component. (see conflict in definitions of Nature Based Tourism and Tourist attraction).

6. The massed clustering of the proposed accommodation and a lack of nexus with a Nature base" is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be assessed as such. The planning scheme limit on the number of guests expected for Nature Based Tourism also reflects the expected low key nature of this use.

The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying in the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006.

7. ACCOMMODATION - PRIMARY RESIDENCE - MSCPS requires NBT accommodation to be located within 200m of the primary residence on the site. That a maximum of 2 dwellings is allowed for the accommodation with a maximum of 5 rooms.
  1. The Proponent has not provided details of the primary residence on the site. If the intention is to use the current 'Barnwell' house, then the Proponent needs to detail how this will comply, as this building was included in the DA for the Tourist Attraction and plans were supplied as part of that DA. These plans described 'Barnwell' house as a visitor attraction facility and not as a primary residence for the property.
  2. Has the Proponent provided satisfactory evidence that all proposed tents will be located on the site within the 200m boundary area from ANY proposed residence as required by the MSCPS.
8. ACCOMMODATION MAXIMUM - MSCPS 2016 requires that NBT accommodation will allow a maximum of 10 guests and 14 'events' per calendar year within the rural zone. The Proponent provided calculations (6.2.1 p.27) based on overall land area owned by Reeve and Ocean P/L to provide an argument for increasing the number of NBT guests overnight from 10 to 54. The evidence in the MSCPS to support this calculation has not been provided.
  1. In 6.2.1 p.27 - The Proponent has not addressed the intent of the rural zoning in the MSCPS which is to protect the rural production areas. If the calculations (6.2.1) are used and separate lots are each allowed accommodation for 10 guests with a primary residence then the rural production activity must be diminished.
  2. This application has asked for 54 guests, which is 5 times in excess of the allowed maximum under the MSCPS.
  3. There is a current approval for 12 rural worker accommodations on site. This is not addressed in the DA as part of a cumulative persons number on the site, but these additional people on site using infrastructure need to be taken into account, i.e. water, waste, health & safety etc. The site infrastructure and environmental constraints currently must cater for 12 (workers) + 150 (tourists) + 54 (proposed overnight tourists) + staff + an approved increase of 150 when the road is upgraded. The impact of the cumulative persons effect needs to be detailed in the submission.
  4. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act. No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are they no release works?
  5. The Proponent needs to provide evidence that this number of guests (54) can comply with the intent of the planning scheme and not undermine the value of the rural operations of the land as required in this rural zone.

6. The approval for Tourism Attraction MCU18006 refers to the MSCPS Rural Zone PO3 states that the accommodation density is complementary and subordinate to the rural values of the land and that residential density does not exceed 2 dwellings per lot (PO3, A03.2) Lot 22, which is the main subject of the application already has more than 8 buildings and this application adds 22 dwellings. This suggests that the MSCPS intent is for the rural zone values may be compromised.
9. EVENTS - The Proponent currently has a self-regulation arrangement to report to MSC the number of 'events' per year on the rural zone land. Any 'events' such as activities for NBT should be included in the allowed 14 per calendar year. No information has been provided about NBT 'events'.
  1. Will any approval allow a cumulative effect over the rural zone allowance of 14 calendar days per year for 'events'? Will the TA be allowed 14 days as well as the NBT be allowed 14 days, totalling 28 days per calendar year?
  2. There is no information which details how compliance for the NBT will be achieved to meet the TA approval conditions on the maximum number of guests per day (150) or the number of 'events' (14) per calendar year allowed.
10. TRANSPORT - The Proponent's DA for Tourism Attraction was required to provide a referral for State Transport Infrastructure.
  1. Transport options for overnight tourists have not been detailed? Do transport options involve helicopters?
  2. Can the proponent provide assurance that if approved, the numbers of visitors to the overall site (TA and NBT) will not be more than 150 per day (24 hours) and that any NBT approval for 150 people will include and not add to any approval for 54 people. This does not mean that we accept the NBT approval proposal.
11. TENTS OR CABINS – The term used in the DA is tents/cabins; the definitions in the MSCPS are 'tent camps' OR cabins. 'Tented camps' indicates a temporary accommodation option. The Proponent has submitted the DA and has not used the 'term tented' camps. There is not enough clarity regarding the accommodation option. The information supplied to the Community for impact assessment submissions does not differentiate between tents and cabins. The MSCPS term for 'tent camps' should be applied. The terms appear interchangeably and it is unclear as to what type of accommodation option is proposed in the DA (Example - Refer DA Schedule 1, Site Plan, sheet number AA-ALL02 (Issue E) 11/11/19 – the site plan used the term 'cabins' for both Stage 1 and Stage 2.
  1. Schedule 1 – Site Plan, sheet number AA-GL02 (Issue E), 11/11/19,
 

Tourism Accommodation Stage 1 & 2. The site plan specifically describes the accommodation as 'cabins' as this snip from the document shows. The label is NOT tents/cabins. It would appear that this DA is for 'cabins', without including the cabins in any detailed description for the impact assessment to the Community.
  2. The Proponent is asked to provide details of exactly what type of accommodation is proposed and the full details of that accommodation so that the community can assess the impacts.

12. WASTE– There is no detail about how the ablutions waste in each ‘tent’ will be managed.

1. There is no detail about the requirement for an EPA review should the ‘equivalent persons’ calculation for waste exceed 22 persons.
2. If waste is dealt with via the onsite TA bio-cycle system, there is no information about the current capacity and ability to accept further waste.
  - i. DA - P.11 - *It is noted that the existing waste-water treatment system may require upgrade and that relevant Plumbing and Drainage Works approval(s) will be sought at the relevant time (if required).*
3. The biocycle discharge is located in the area of the dam spillway and any dam runoff combined with biocycle discharge would flow overland into Owen Creek and impact downstream residential neighbourhoods and the Myola frog population.
4. Waste water - – applicant states in the analysis of the codes compliance that “Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.” - – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.

13. WATER SUPPLY – There are no details about the water supply to the ‘tents’ and how the supply and drainage will be managed.

1. Water supply – applicant states in the analysis of the codes compliance that “*Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).*” – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code !
2. There is no detail as to determine whether the bore water meets drinkable water quality standards and how such standards will be maintained.

14. KITCHEN FACILITIES are not provided.

- i. There is no detail to describe how guests will be catered for, where they will eat, where the food will be supplied from and stored. Section 2 – Division 1 – 8.2 the proponent has stated that NO existing buildings will be used. There are buildings within the TA (kitchen; toilets; bio-cycle) but no detail is provided about their use by NBT.
- ii. There is no detail about the management of all waste including food waste.
- iii. The supply of liquor is not addressed, even though the current DA TA excludes supply past 7pm.

15. CYCLONES – The application states that the site is not in a cyclone area. Most of Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr. More information on planned infrastructure and accommodation is needed.

1. If the Proponent is of the belief that cyclone ratings do not apply for buildings on this site, then the Council is requested to review the category ratings for all other established buildings on the site which were certified independently by Develop North Pty. Ltd.
2. If the Proponent ‘discovers’ that there is a relevant cyclone rating, does this mean that any approval for ‘tents’ will be changed to ‘cabins’ or other permanent cyclone rated structures?



16. GROSS FLOOR AREA (GFA) – the current Tourist Attraction is limited to a gross floor area of 200m square in the rural zone code. Accommodation, if approved, would increase the GFA with additional infrastructure which is not detailed in this DA.
1. No details are provided to enable a determination of the final GFA if the NBT GFA is added to the TA GFA. Will any approval be subject to the GFA being restricted to the MSCPS allowance of 200m square.
  2. What consideration is made to the cumulative effect of the Tourism Attraction with this proposed Nature Based Tourism. The NBT is effectively growing the TA to a size that would have been impact assessable when it was applied for in July 2018. That size would have exceeded allowances such as GFA in the rural zone.
  3. Application states “tent “platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the GFA of the tents is irrelevant in assessing the impacts of this proposal.
17. CURRENT ON-SITE DAM – This is the location for some of the ‘tent’ accommodation. The previous approval by MSC included landscaping around the edge of the dam (landscape plan provided in DA) and grass coverage of the dam surrounds and the dam wall.
1. There is no detail about site beautification (shade trees) or grass coverage or landscaping at the edge of the dam to prevent mosquito breeding.
  2. Have the landscaping requirements of the Tourism Attraction (Table 9.4.2.3A) approval and the Operational Works Approval for the dam been satisfied?
  3. There are no risk assessment details regarding the water safety issues where accommodation is located close to the dam.
  4. Has night lighting been assessed regarding cane toad attraction in the areas near the dam water. Night lighting attracts cane toads. If night lighting is proposed around the dam area then there is a need for a risk assessment to breeding survival of the Myola frog.
  5. DA, Part 2 – Location Details of the DA state that the location is adjacent to a water body named as Owen Creek. The dam, which is also a water body, is very close to the development but has not been listed.

SUBMITTED BY:

Name: Sri Diah Widjajanti

Street address: 77 Monaro Close, Kuranda

Email: jajanti1@gmail.com

Phone: 0413199542

**From:** Planning (Shared)  
**Sent:** Fri, 13 Dec 2019 11:15:12 +1000  
**To:** Planning (Shared)  
**Subject:** Steven Nowakowski - President Kur-Alert Inc. submission for MCU Nature Based Tourism - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - MCU/19/0018  
**Attachments:** Kur-Alert Submission 12-12-2019.pdf

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**From:** Steven Nowakowski <[info@stevennowakowski.com](mailto:info@stevennowakowski.com)>  
**Sent:** Thursday, 12 December 2019 10:36 PM  
**To:** Info (Shared) <[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)>  
**Subject:** Submission on MCU 190018

Hello Mareeba Shire Council,

Please find attached a submission on MCU190018

Kind Regards,  
Steven Nowakowski  
President Kur-Alert Inc.  
m) 0402 810 411

PO Box 560  
KURANDA QLD 4881



**KUR-ALERT Inc.**

PO Box 560  
KURANDA QLD 4881

12<sup>th</sup> December 2019

**MCU NATURE BASED TOURISM LOT 22 and LOT 17  
BY REEVER AND OCEAN MCU 190018  
CURRENTLY OPERATING AS A TOURIST ATTRACTION**

1. There are no details of cabins – one should not have to assume or imagine what cabins might look like even if they are just hard walled versions of the tents. The applicants require an option to “convert” the tent structures to permanent cabins – the cabins would constitute permanent structures that could enable longer term accommodation options – the Development Application should be re-presented with the permanent cabins as the dominant land use that is likely to have longer term cumulative effects . The potential impacts of the cabins should therefore require more information on their design and impacts and likely term of occupation.
2. The proposal is not consistent with the Strategic vision contained in the Planning Scheme, in particular “.... *Environmental health and community well-being*....”. It is noted that Strategic vision is extrinsic to the planning scheme however it is unhelpful and insulting to have development that conflicts with elements of Council’s Strategic vision.
3. No further development of the sites should be undertaken until EPBC matters have been addressed – EPBC matters likely to be impacted upon by cumulative impacts of the overlying MCU and ROL approvals.
4. Application states that the site is not in a cyclone area. Is this a joke? Most of coastal northern Queensland is located in Wind Region C where structures are to be built to withstand a Category 4 cyclone with wind speeds in region of 252km/hr.
5. Application states “tent” platforms and poles will not require a Building approval? - The tent structures have pole supports and other tie down mechanisms, very likely to require Building Approvals – misleading to believe that these structures won’t require a Building approval when simple garden sheds require approvals! On that basis it is misleading to assert that the ground floor area of the tents is irrelevant in assessing the impacts of proposal.
6. De facto way of providing higher density accommodation in Rural Zone. The applicants are exploiting the accommodation component of the land use definition without addressing the true nature of the “Nature Based” component. (*see conflict in definitions of Nature Based Tourism and Tourist attraction*)

7. The expected low-key nature of accommodation associated with Nature Based tourism is reflected in the fact that Nature based Tourism isn't categorised under "Accommodation activities" for purposes of Section 9.3.1.3 – the accommodation activities code.
8. The on-site waste water impacts are down played in the common material and rely on ASNZ1547 – the numbers of visitors authorised to use the site (potentially 300 + 54 or 150 + 54) may potentially exceed thresholds requiring an ERA 63STW under the Environmental Protection Act –

No information provided in the application to show why the EP Act is not applicable in the circumstances, i.e. are there no release works?

9. The relationship of the proposed land use with the previously approved MCU (MCU/18/0006) for a Tourist Attraction is tenuous and over relied upon. There is no information on the "nature based" component of the current application. The Tourist Attraction MCU has little, if any, nature based aspects other than limited quad bike rides. The main aspects of MCU/18/0006 are cattle and horse farming activities – these are animal husbandry activities not Nature Based Activities. This anomaly is reinforced in Section 4.4 of the application that states *"The proposed Nature-based Tourism development is complementary to the Tourist Attraction and Animal Husbandry (cattle grazing) operations that occur on site, which consistent with the FNQRP represents the diversification of the rural economy."*  
The Nature Based Tourism is noted as being complimentary to the Tourist Attraction but there is no substance to what constitutes the "Nature Based" activities.

The applicants summary in Table 7-1 on page 21 expands on the myth that the proposal constitutes "Nature Based Tourism" by stating the following:

*"The proposed development the subject of this application (Nature-based Tourism) seeks to provide for the overnight accommodation of visitors to the Tourist Attraction, pursuant to the Nature-based Tourism land use definition."* – the applicants admit in this statement that they are only exploiting using the accommodation aspects of the definition of Nature Based Tourism with no attendant nature-based tourism activity. This constitutes a very simplistic use of the definition and nullifies any further use of the land use throughout the planning assessment.

The following extract from the Nature Based Tourism definition highlights the expectations of what this activity should constitute (our under lining ):

term "The use of land or premises for a tourism activity, including tourist and visitor short accommodation that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment."

The massed clustering of the proposed accommodation and a lack of nexus with a Nature Base is at odds with what would be expected of this land use – visually and aesthetically the tents/cabins are better described as "Short term accommodation" and should be

assessed as such. The planning scheme limit on the number of guests expected for Nature Based tourism also reflects the expected low-key nature of this use.

10. The tourist attraction approval is issued over lots that do not make up lots contained in the subject application – surely if the Nature Based tourism application is relying on the tenuous link with the Tourist activity the application should cover the same lots as those in MCU18/18/0006. Note this comment is being made without prejudicing our assertion that no Nature Based Tourist activity exists upon which to link the tents and cabins.
11. If the applicant is relying on activities established under MCU18/0006 then some attempt should have been made to show compliance with key relevant conditions in that approval, especially Condition 3.10, provision of a record of monthly tourist numbers, in order for the public to assess potential impacts of the new land use. Note this comment is made without prejudicing our assertion that no Nature Based Tourist activity exists upon which to link the tents and cabins
12. Water supply – applicant states in the analysis of the codes compliance that *“Water supply to the site is provided by bores, which are understood to comply with AO1.2(a).”* – this is an uncertain statement – the application should know one way or the other whether the water supply bores comply with the relevant code!
13. Waste water – applicant states in the analysis of the codes compliance that *“Wastewater treatment is provided on-site via bio-cycle systems, which are understood to be in accordance AO2.2.”* – this is an uncertain statement – the application should know one way or the other whether the wastewater disposal complies with the relevant code, and further, whether the waste water should be addressed under the ERA63 STW process.
14. The application is silent on how and where the persons staying on site will be provide with meals. There is no approvals for a food and drink outlet on sites.
15. The proposed land use (putting aside the anomalies with respect to how it is defined) will have hours of operation outside that of other uses within the sites.
16. MSC should be firm on how the definition of Nature Based Tourism is interpreted – is used as the applicant proposes then the definition becomes a defacto way of providing short-term accommodation in the Rural zone.



Steven Nowakowski  
President Kur-Alert Inc.  
m) 0402 810 411

**Carl Ewin**

---

**From:** Dominic Hammersley <dominic@wildplan.com.au>  
**Sent:** Wednesday, 5 February 2020 10:52 AM  
**To:** Brian Millard; Carl Ewin  
**Subject:** RE: Hi Carl and Brian - Do we have a verdict?

Hi Brian and Carl,

Please find below clarifications:

- The Applicant is satisfied that any approval be limited to tents as portrayed in the proposal plans. However, it is relevant to note that the Nature-Based Tourism definition contemplates both tent and cabin accommodation.
- As stated in the development application, the Tourist Attraction is not proposed to operate outside the approved hours of operation of 7pm to 7am. Accordingly, the Tourist Attraction facilities, namely those facilities for the provision of food and drink will **not** operate between the hours of 7pm and 7am. It is important to note that the proposed accommodation is for visitors to the Tourist Attraction, which has scheduled meals between 7am and 7pm i.e. visitors that stay in the accommodation will have their scheduled evening meal prior to 7pm, and their breakfast after 7am. Notwithstanding, guests will be provided with convenience food and drink between 7pm and 7am e.g. in the form of a food hamper and/or mini-bar, similar to bed and breakfast and other short-term accommodation where snack and/or convenience food is available to guests. It is also relevant to note that guests will have access to BBQ facilities as identified on the proposal plans, and guests will be given the option to order BBQ packs for them to self-prepare as part of the farm immersion experience if they choose not to take part in the evening meal session for the Tourist Attraction.

Council has also requested further information regarding water supply:

- Water Bore 2 (WB) and WB3 (refer attached bore map) are currently the bores in operation that supply water to the existing Tourist Attraction
- WB2 and WB3 have a supply capacity of 3L/sec and 3.5L/sec, respectively availing a total capacity of 6.5L/sec based on test logs.
- The Tourist Attraction development currently draws on WB2 at 1.5L/sec and WB3 at 2L/sec (based on maximum pump capacity) with a total pump capacity of 3.5L/sec. The WB2 and WB3 pumps operate for approximately 2hr/day, which draws a total of 21,600L/day
- The existing Tourist Attraction uses only 4% of the available, recommended daily maximum sustainable groundwater supply available from existing bores on site (Rob Lait and Associates (2017)).
- The additional water demand created by the overnight stay of Tourist Attraction visitors (attributed to showers etc between the hours of 7pm and 7am) is 3,780 litres, which would take the total water demand up to 4.7% of the available, recommended daily maximum sustainable groundwater supply available from existing bores
- In conclusion, the proposed tented accommodation in addition to the existing Tourist Attraction can be provided with a sustainable water supply from existing bores.

Regards,  
Dom



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**8.2 REQUEST FROM REEVER & OCEAN PTY LTD**

**Date Prepared:** 10 February 2020

**Author:** Senior Planner

**Attachments:** 1. Reeve & Ocean Pty Ltd letter 10 February 2020 [↓](#)

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**EXECUTIVE SUMMARY**

Correspondence has been received from Reeve & Ocean Pty Ltd requesting Council assistance in dealing with the challenges posed by the Coronavirus and the related China travel ban.

Reeve & Ocean Pty Ltd operate the KUR-Cow farm at Barnwell Road, Kuranda. The KUR-Cow farm is restricted to bused tourists only, with the option of self-drive tourists being ruled out by the conditions of the various development approvals.

Reeve & Ocean Pty Ltd requests that Council re-establish delegated authority to the Chief Executive Officer to determine a new development application by Reeve & Ocean Pty Ltd for a temporary Nature-based Tourism development, which would allow for self-drive tourists until 30 June 2020.

Allowing this application to be determined under delegated authority would allow Council to get a decision back to Reeve & Ocean Pty Ltd in the quickest possible time. The recent China travel ban has had a significant effect on tourist numbers, therefore creating urgency. Should Council choose to delegate this authority the Officers report would be circulated to the Councillors in advance of a decision being made and their input and views taken into account.

**RECOMMENDATION**

That in response to the Coronavirus emergency, Council delegate authority to the Chief Executive Officer to make a decision, after consultation with the Councillors, in respect to Reeve & Ocean Pty Ltd's proposed code assessable Material Change of Use application for a temporary Nature-based Tourism development, which would allow for self-drive tourists until 30 June 2020.

**BACKGROUND**

Reeve & Ocean Pty Ltd have written to Council (**Attachment 1**) requesting Council assistance in dealing with the challenges posed by the Coronavirus and the related China travel ban.

Reeve & Ocean Pty Ltd operate the KUR-Cow farm at Barnwell Road, Kuranda. The KUR-Cow farm is restricted to bused tourists only, with the option of self-drive tourists being ruled out by the conditions of the various development approvals.

To date, the bused tourist market servicing KUR-Cow has been almost exclusively Chinese tourists. The immediate impact of the China travel ban has seen the average daily tourist numbers drop from 79 per day in January 2020, to a forecast of 5 per day in February 2020.

With no known end for the China travel ban, the continued operation of KUR-Cow with such low visitor numbers is ultimately unsustainable.

Reeve & Ocean Pty Ltd intend to lodge a new development application for a temporary Nature-based Tourism development which would allow for self-drive tourists until 30 June 2020. Reeve & Ocean Pty Ltd hope that a temporary approval for self-drive tourists will keep KUR-Cow sustainable until the China travel ban is lifted.



The new development application for a temporary Nature-based Tourism will be code assessable under the Mareeba Shire Council Planning Scheme 2016.

Reever & Ocean Pty Ltd requests that Council re-establish delegated authority to the Chief Executive Officer to determine a new development application by Reever & Ocean Pty Ltd for a temporary Nature-based Tourism development which would allow for self-drive tourists until 30 June 2020.

Council at its Ordinary Meeting held on 24 January 2018 considered a petition requesting the withdrawal of delegated authority from the Chief Executive Officer. Council resolved as follows:

*"That Council maintains the Planning Delegations of 20 June 2017 and requests that any further Planning application with regard to the property in Kuranda known as the old "Barnwell" property, currently owned by Reever and Ocean, be presented to Council for decision."*

The effect of the above resolution is that all code assessable and impact assessable applications over the KUR-Cow site must be presented to a Council meeting for decision. Typically, most non-KUR-Cow code assessable applications can be determined under delegated authority.

The absence of the delegated authority option for the KUR-Cow site potentially adds a month to the decision-making time for a code assessable application. This additional decision-making time can be greater should Council hold a matter over to the following meeting.

Allowing Reever & Ocean Pty Ltd's proposed application to be determined under delegated authority would allow Council to get a decision back to Reever & Ocean Pty Ltd in the quickest possible time.

In the event that application was recommended for refusal, or there was disagreement with proposed conditions, the application would be presented to the earliest possible Council meeting for determination.

Reever & Ocean Pty Ltd's request for temporary tourism signage should be considered together with the proposed future material change of use application.

## **RISK IMPLICATIONS**

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The KUR-Cow site is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

A code assessable application will be a bounded assessment against the relevant planning scheme codes.

The traffic impact and the safety of Council's road network will be a key consideration in determining the application.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Capital***

Nil.

### ***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Economy and Environment:** A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

**IMPLEMENTATION/COMMUNICATION**

Reever & Ocean Pty Ltd will be informed of Council's decision in writing.



Chief Executive Officer  
Mareeba Shire Council  
65 Rankin St  
Mareeba QLD 4880

By Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

To the elected representatives of Mareeba Shire Council,

Reever & Ocean Pty Ltd own and operate KUR-Cow, a Tourist Attraction at 112 Barnwell Road, Kuranda ('the land'). The land was once contemplated for KUR-World, a \$670 million tourism and residential development, complete with equestrian centre, health and wellbeing retreat, and eco-resort amongst other facilities. However, the KUR-World coordinated project declaration lapsed in December 2019 because an impasse was reached with the Queensland State Government with respect to the capacity and safety deficiencies of the Kuranda Range Road. Accordingly, KUR-World is not a project that will be realised in the Mareeba Shire Council Local Government Area, nor will any other project of this magnitude, because the Queensland State Government has stated that it will not upgrade Kuranda Range Road to current design standards.

Reever & Ocean Pty Ltd believes it is a responsible member of the local community, and has likely submitted more development applications to Mareeba Shire Council over the last 2 years than any other single entity i.e. we have sought approval for all development on the land, including approval for dam works which, following earthworks, we came to understand required an Operational Works development permit.

KUR-Cow has now been in operation since August 2018, and as with all tourism start-ups it has taken some time to stabilise the operation. However, we now face a threat to this recently realised stability, to which we seek Council's assistance.

Coronavirus, and the Australian Government response to ban direct travel between Australia and mainland China threatens the survival of KUR-Cow, as well as many other tourism and export businesses in Australia.

The first week of February saw KUR-Cow visitors drop to an average of 23 visitors per day (rounded up). Our February forecast based on bookings and cancellations to date will result in an average of 5 visitors per day (rounded up). We do not currently see an end in sight to these devastatingly low numbers until the perceived Coronavirus threat is controlled.

KUR-Cow was built by locals and is run by locals, but if the Coronavirus remains a sustained threat, more local jobs will disappear from Kuranda.


We request emergency assistance from Council in the form of the following:

1. That Council acknowledge that the singling out of matters relating to the land for the express consideration of full Council is unique, and given the lapsing of the KUR-World coordinated project declaration, and the demonstrated compliance of Reever and Ocean Pty Ltd, it is no longer necessary to require that all matters relating to the land be brought before Council. This will allow Council to provide timely decision-making consistent with the expectations of any other Applicant in the Shire. Therefore, it is requested that the previous resolution should cease with the commencement of the caretakers period for the 2020 Local Government election, and recommence only with any new resolution brought forward by the newly elected Council.
2. That, despite the above, Council provide delegated authority to the CEO to make a decision in respect to an imminent development application for a temporary Nature-Based Tourism development application, seeking to allow self-drive tourists up to 30 June 2020 (as a temporary measure to offset the perceived threat of Coronavirus, in the hope that KUR-Cow can sustain with the assistance of domestic visitors).

3. Council allow the erection of temporary tourism road signs (brown signs) on Myola Road for the period ending 30 June 2020, or until such time as our international visitors reach an average of 75 per day (whichever is the lesser).

The impacts of Coronavirus have had severe impacts on the local tourism industry; this is a request for disaster-relief, consistent with the Queensland State Government's call for a disaster-relief response in Far North Queensland.

Kind Regards,

Per 

Ken Lee  
Director, Reeve & Ocean Pty Ltd