

**DELEGATED REPORT**

**SUBJECT:** REEVER AND OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM (NATURAL ENVIRONMENT, CULTURE AND HERITAGE APPRECIATION) - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/20/0003

**DATE:** 28 February 2020

**REPORT OFFICER'S TITLE:** Senior Planner

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Reever and Ocean Pty Ltd	<b>ADDRESS</b>	112 Barnwell Road, Kuranda
<b>DATE LODGED</b>	25 February 2020	<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 (natural environment, culture and heritage appreciation)		

<b>FILE NO</b>	MCU/20/0003	<b>AREA</b>	170.82 hectares
<b>LODGED BY</b>	wildPLAN Pty Ltd	<b>OWNER</b>	Reever and Ocean Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:** 1. Proposal Plan/s

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**EXECUTIVE SUMMARY**

*Council is in receipt of a development application described in the above application details.*

*The application is code assessable and was not required to undergo public notification.*

*It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.*

*Draft conditions were provided to the Applicant/ care of their consultant and have been agreed.*

*It is recommended that the application be approved in full with conditions.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Reever and Ocean Pty Ltd	<b>ADDRESS</b>	112 Barnwell Road, Kuranda
<b>DATE LODGED</b>	25 February 2020	<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 (natural environment, culture and heritage appreciation)		

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 (natural environment, culture and heritage appreciation)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AA-GL01a	Nature Based Tourism Site Plan Feb 2020	Develop North	24/02/2020
Figure 1	Erosion and Sediment Control Points of Interest	NRA Consultants	Nov 2017

(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 the 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 the use except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of 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.

### 2.3 Approval Lapse Date

In accordance with section 65 (2) of the Act, This development permit will cease to have effect on **2 September 2020**. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 2 September 2020.

## 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 refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

### 3.4 Hours of Operation

The operating hours shall be between 7am and 7pm, Monday to Sunday.

3.5 A maximum of 70 tourists per day (on average) are permitted on the subject site in association with the approved use.

3.6 No more than 150 tourists/visitors (combination of MCU/18/0006, MCU/19/0018 and MCU/20/0002 tourist/visitors) are permitted on-site unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is completed.

3.7 In order to reduce amenity impacts, quad bike activities associated with the approved use are not permitted within 150 metres of the northern boundary of Lot 22 on SP304952 at any time.

Note - Quad bike activities associated with the existing use, namely animal husbandry, is permitted within this area.

- 3.8 The maximum noise level of any ATV (quad bike) operated in the conduct of the approved use shall not exceed 63dBA (measured at 50 metres from the ATV or at the boundary of any land not forming part of this development approval).
- 3.9 Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.
- 3.10 The Applicant is to provide Council monthly tourist figures, within five (5) business days of the start of each calendar month.

#### 4. Infrastructure Services and Standards

##### 4.1 Traffic Signage

- 4.1.1 Prior to the commencement of the use, the applicant must submit a design for the treatment of traffic within the section of Barnwell Road between the Leila's Way intersection and the access into Lot 22 on SP304952.

The design must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ).

The design must be prepared in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and take into account site-specific factors, including, but not limited to road geometry and impact of traffic associated with the operation.

- 4.1.2 Prior to the commencement of the use, traffic signs must be installed in accordance with the applicant's design and relevant standards. Signs must be maintained by the applicant at all times during the use, to the satisfaction of Council's delegated officer.
- 4.1.3 Once the signage is installed, the applicant must not remove or alter the signage without approval from Council's delegated officer.

##### 4.2 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.

##### 4.3 Environmental Management

- 4.3.1 Any material likely to degrade the water (eg oils, lubricants, solvents, coolants, degreasing agents etc) must be stored within a bunded area, or an appropriately designed chemical storage

container, suitable for preventing the escape of material into surface or underground water resources.

4.3.2 An emergency spill containment kit must be kept on site at all times during the operation of the approved use.

4.3.3 A vehicle wash down facility must be provided on-site to reduce the spread of weed species. The vehicle wash down facility is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.

4.3.4 All access tracks, driveways and the like are to be maintained so that the risk and consequence of erosion is minimised, to the satisfaction of Council's delegated officer. All batters are to be vegetated or otherwise protected from scour, to the satisfaction of Council's delegated officer.

4.3.5 All tracks, including all creek/waterway crossings, driveways and the like used for ATV (quad bike) tours are to be maintained for the life of the development, so that the risk and consequence of erosion/sedimentation is minimised, to the satisfaction of Council's delegated officer.

4.3.6 Crossings

The crossing of creeks internal to the site by quad bikes used for tourist activities shall:

- (a) be limited to the use of "South Crossing 1" and "South-East Crossing 3" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;
- (b) involve a maximum of 60 crossings per day (single movement) over any single creek crossing location; and
- (c) not involve the use of "South Crossing 2" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;

Note: 60 crossings (single movement) is equivalent to 30 return trips.

The crossing of creeks internal to the site by foot:

- (a) only occurs where involving an essential crossing; or
- (b) where for a non-essential crossing only occurs where a foot scrub is used immediately prior to the non-essential crossing.

Note: An "essential crossing" is considered a crossing where no feasible alternative to a crossing by foot is available. This may include (but not be limited to) a crossing in response to a stranded vehicle, dangerous situation, potential for environmental harm or emergency situation.

Note: A foot scrub is required to be undertaken to limit the spread of Chytrid fungus.

Between 2 March 2020 and 31 May 2020, the following management protocols are to be implemented and followed in relation to the crossing of creeks internal to the site by vehicles associated with the use:

- (a) On-site rain gauge stations are to be monitored on a daily basis;
- (b) Where more than 25mm of rainfall is recorded within a 24 hour period, from the monitoring undertaken in accordance with paragraph (a), the crossing of any on-site creek for tourist activities is not to occur; and
- (c) The crossing of any on-site creek for tourist activities may recommence only when the level of water within a creek returns to pre-rainfall levels.

#### 4.3.7 Speed Limits

The following speed limits are applicable to quad bikes used for tourist activities:

- (a) Where within a waterway corridor – 5km/h (walking pace)
- (b) Where within 100 metres of a waterway corridor – 10km/h
- (c) Where paragraphs (a) and (b) do not apply – 20km/h

#### 4.3.8 Quad Bikes

Any quad bike used in association with the use must not leave the site unless:

- (a) The quad bike is transported by truck (and not under its own power) and the movement of the quad bike off site is for maintenance or servicing reasons; or
- (b) The movement of the quad bike is associated with an existing lawful rural use of the site.

#### 4.3.9 Sediment and Erosion Control

The following sediment and erosion control measures are to be implemented on the site to limit the risk of sediment entering the watercourses, as appropriate:

- (a) Whoa-boy diversion drains, to divert water to grassed areas on the internal unsealed access-ways each side of the creek crossing;
- (b) Sections of appropriately sized rock at least 1.5 metres either side of any creek crossing and extending the full width of the access road, that will act as a shaker grid to dislodge dirt and debris prior to entering crossing;
- (c) Coir logs – pinned with wooden stakes, laid either side of the crossing to clean water entering the crossing and clean water leaving the crossing;

- (d) Embankments (where applicable) on either side of unsealed access ways covered with geofabric.

#### 4.3.10 Internal Signs

The following signage is to be erected on the site:

- (a) Signs located at the entrance to each creek crossing advising vehicle operators of the applicable speed limit under this approval; and
- (b) Signage located in the vicinity of the main tourist area, providing information on the Kuranda tree frog.

#### 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.

### (D) ASSESSMENT MANAGER'S ADVICE

- (a) 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.

- (b) 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.

- (c) 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).

(d) 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:

- This approval ceases to have effect (lapses) on **2 September 2020** (refer to Condition 2.3)

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## 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:

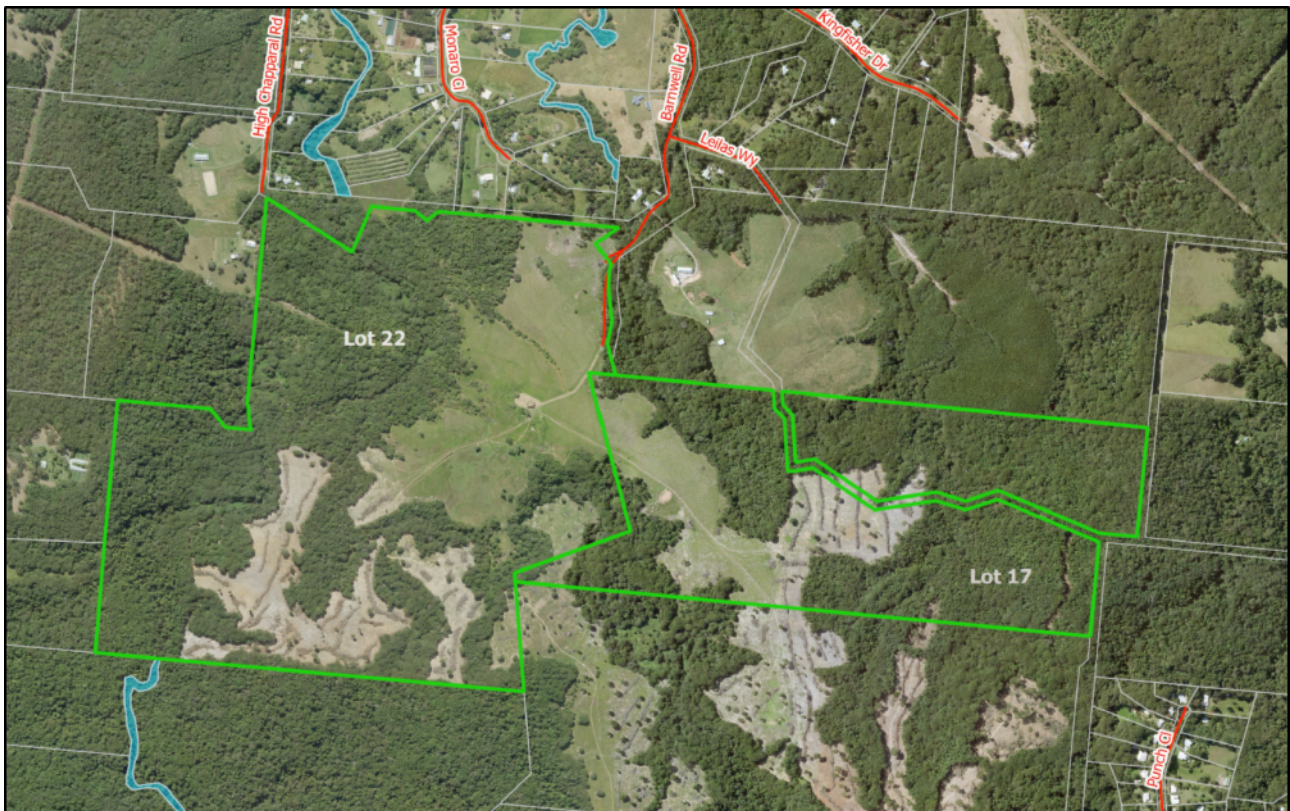
- KUR-Cow: The land is used for the grazing and husbandry of beef cattle as part of the KUR-Cow business, that provides for the exporting of beef.
- KUR-Organics: Part of the site is used for the growing of organic produce.
- Animal Keeping: Part of the site is used for the keeping of animals including (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.

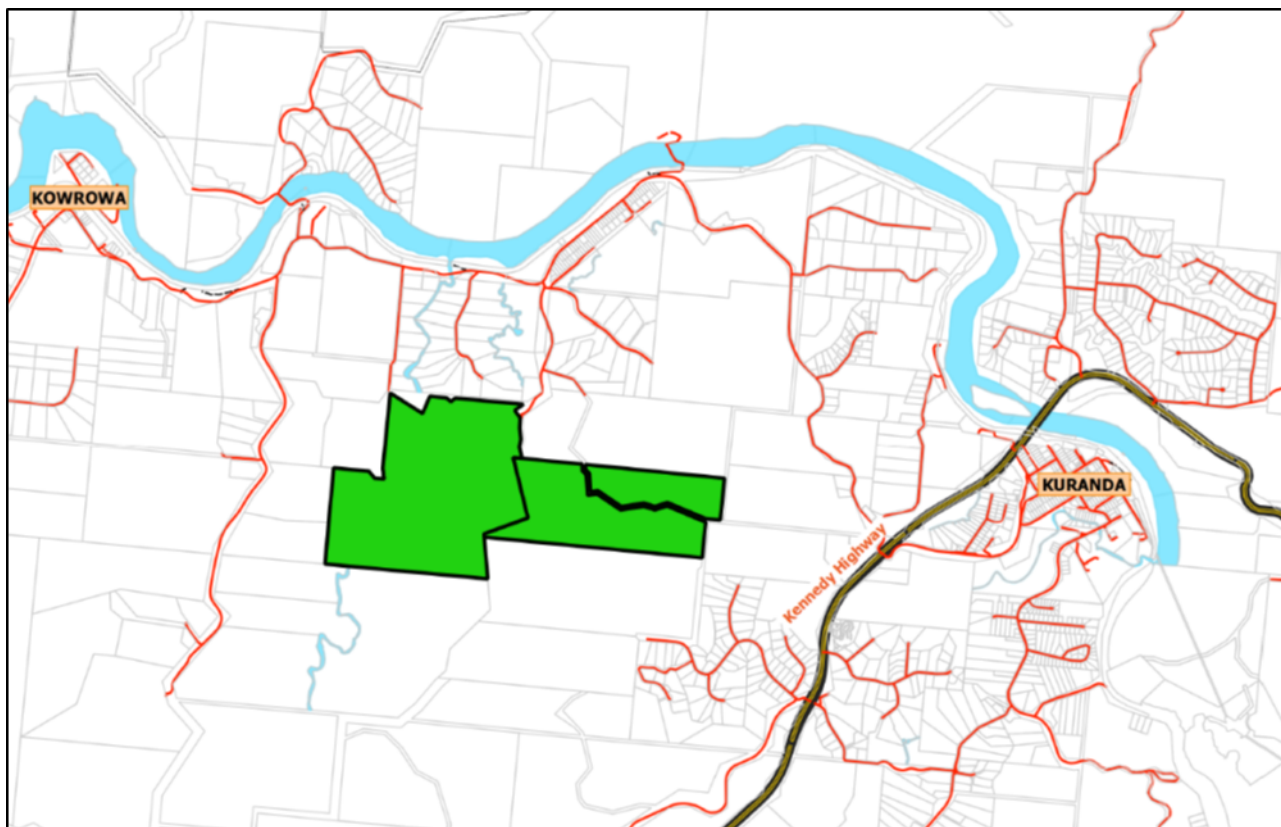
Remnant and regrowth vegetation is present on the site. Regrowth vegetation extends along the creek corridors that traverse the site.

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, Reeve 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.

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, Reeve 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.

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 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.

#### 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.

#### 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.

#### 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.

#### MCU/19/0018 - Material Change of Use - Nature-based tourism

On 19 February 2020, Council approved an application made by wildPLAN Pty Ltd on behalf of Reeve and Ocean Pty Ltd, seeking a development permit for Material Change of Use - Nature-based tourism including tourist and visitor short-term accommodation provided in two (2) stages on land described as Lot 17 on SP296830 and Lot 22 on SP304952, situated at 112 Barnwell Road, Kuranda.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Nature-based tourism in accordance with the plans shown in **Attachment 1**.

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

### **3.1 BACKGROUND**

*Tourism is one of Queensland's most significant employers, supporting almost 10% of all Queensland jobs through more than 52,000 tourism businesses (61% of those in regional areas). However, the Coronavirus (COVID-19) emergency has had an alarming impact on tourism in Queensland, heightened by the current ban on travel between mainland China and Australia, these impacts have also affected the existing Tourist Attraction on the site, which to date, has been heavily reliant on Chinese tourists.*

*Accordingly, a Nature-based tourism land use is proposed for a limited period, that allows free and independent travel to the site, with a maximum number of 70 tourists per day in an effort to sustain the operation and maintain local employment.*

*At its meeting on 19 February 2020, the Mareeba Shire Council made the following resolution in recognition of the impacts of the Coronavirus (COVID-19) on the existing Tourist Attraction:*

*That in response to the Coronavirus emergency and the effect on the tourism industry, Council as a matter of urgency, 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 for a period not to exceed six (6) months. This delegation may not be further delegated.*

*Nature-based tourism is defined in the Mareeba Shire Planning Scheme 2016 as follows:*

***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.*

*Nature-based tourism is defined in the Planning Regulations 2017 as follows:*

***nature-based tourism*** means the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation or interpretation of-  
(a) an area of environmental, cultural or heritage value; or  
(b) a local ecosystem; or  
(c) the natural environment.

*Examples of nature-based tourism-*  
*environmentally responsible accommodation facilities including cabins, huts, lodges and tents.*

*The Planning Regulations 2017 definition prevails to the extent of any inconsistency; however, despite the differences between the definitions, there is not considered to be any inconsistencies.*

*Nature-based tourism is considered eminently suitable for the site, which is characterised by open pasture, remnant and regrowth eucalypt woodland and open forest interspersed with waterways and natural drainage channels, which is important habitat for a range of high profile threatened species that have been recorded on or near to the site, including:*

- *Kuranda Tree Frog (Litoria myola)*
- *Bare-rumped Sheathtail Bat (Saccolaimus saccolaimus)*
- *Greater Large-eared Horseshoe Bat (Rhinolophus philippinensis)*
- *Spectacled Flying-fox (Pteropus conspicillatus)*
- *Tapping Green-eyed Frog (Litoria serrata)*
- *Macleay's Fig-parrot (Cyclopsitta diophthalma macleayana)*
- *Tube-nosed Insectivorous Bat (Murina florium).*

*The site also includes likely habitat for the Southern Cassowary (Casuarius casuarius johnsonii) and Red Goshawk (Erythroriorchis radiatus).*

*In addition to the ecological attributes of the site, the site is of heritage significance, owing to:*

- *The former Barnwell residence, constructed in the mid 1900's, which remains in its original location (Thorp, 2017)*
- *A stand of mango trees, with at least two trees to be approximately 100 years old (Thorp, 2017)*
- *The grave of James Hamilton, a coffee grower in Myola in the late 1800's to early 1900's (Thorp, 2017).*

### **3.2 THE PROPOSED LAND USE**

*Nature-based tourism, for the use of existing land and premises for a tourism activity, that is intended for the conservation, interpretation and appreciation of areas of environmental, heritage value.*

*Nature-based tourism activities are to include, but are not limited to the following:*

- *Heritage appreciation, including tours and/or access to the former Barnwell residence, the grave of James Hamilton, the stand of historic mango trees and the lush open pastures, that are representative of the historic pastoral practices that have occurred on the site for over 100 years*
- *The appreciation of nature, including environmental education activities such as tree planting and the raising of awareness of the celebrated Kuranda Tree Frog (Litoria myola)*
- *Sustainability awareness, as represented by the organic farm and sustainable land management practices such as sustainable groundwater harvesting and sustainable grazing and pasture management.*

*The Nature-based tourism development is proposed for a period of six (6) months. It is respectfully requested that in the event Council approves the development, a condition of approval limits the period of operation of the Nature-based tourism development. The Nature-based tourism land use is proposed to have a maximum of 70 persons per day.*

*The Nature-based tourism land use is proposed to operate between the hours of 7am and 7pm, 7 days per week.*

*The Nature-based tourism land use is proposed to use the existing premises, including all current facilities on site.*



*No physical development, whether Building Work, Plumbing and Drainage Work or Operational Works is proposed.*

*The Nature-based tourism development excludes tourist and visitor short-term accommodation."*

## 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

	<b>Land Use Categories</b>
	<ul style="list-style-type: none"> <li>• Rural Other</li> </ul>
	<b>Natural Environment Elements</b>
Strategic Framework:	<ul style="list-style-type: none"> <li>• Biodiversity Areas</li> <li>• Ecological Corridor</li> <li>• Habitat Linkage</li> </ul>
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none"> <li>• Airport Environs Overlay</li> <li>• Bushfire Hazard Overlay</li> <li>• Environmental Significance Overlay</li> <li>• Hill and Slope Overlay</li> <li>• Transport Infrastructure Overlay</li> </ul>

## 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>
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## 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

#### Relevant Development 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.

#### (e) Planning Scheme Policies

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.

#### (f) Adopted Infrastructure Charges Notice

The proposed development will result in a modest increase in conventional vehicle traffic along Barnwell and Myola Roads. Concurrent with this increase in conventional vehicles will be a decrease in the number of heavy vehicle (bus) movements.



Furthermore, the proposed development will operate on the subject land for a temporary period only, ceasing on 2 September 2020.

In this instance it is not considered reasonable to require the applicant/developer to contribute to or upgrade Council's trunk infrastructure.

## **REFERRALS**

This application did not trigger referral to any Referral Agency.

## **Internal Consultation**

Development Engineering/Technical Services

## **PLANNING DISCUSSION**

Nil

***Date Prepared:***            *28 February 2020*

## DECISION BY DELEGATE

## DECISION

Having considered the Senior Planner's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

Dated the 2<sup>nd</sup> day of March 2020



PETER FRANKS  
CHIEF EXECUTIVE OFFICER

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

[illegible]



