

DOUGLAS SHIRE COUNCIL	
Received	
File Name	ENC 11111111 / 1000000000
Document No	
8 OCT 2015	
Attention	Jordan Rogers
Information	

Date: 8th October 2015

Attn: Planning Department

Douglas Shire Council
Front Street
Mossman QLD 4873

40.2015.1091.01

Via: Email

enquires@douglas.qld.gov.au

Dear Sir/Madam

**RE: LODGEMENT OF A DEVELOPMENT APPLICATION PURSUANT TO SECTION 260
OF THE SUSTAINABLE PLANNING ACT 2009**

In lodging this Development Application we are seeking approval for the following aspects of development:

- **Development Permit** for a Material Change of Use for Outdoor Sport and Recreation for the purpose of (electrically assisted mountain bike tours) (Impact Assessment);

This application relates to land at 3781R Cape Tribulation Road, more formally described as Lot 1 on RP742906, Lot 2 on RP742906 and Lot 2 on RP741072.

APPLICATION MATERIAL

In accordance with Section 260 of the *Sustainable Planning Act 2009* (SPA) we provide the following information in support of this application:

- IDAS Application Form 1 and 5;
- Letter of land owner consent, declaration of consent by applicant;
- As per our correspondence dated 11 September 2015, we have provided payment of 20% of the applicable fee for Outdoor Sport and Recreation to the value of \$1,209.83 for application fees
- Mandatory supporting information as identified by the IDAS Forms:
 - » Town Planning Report

We trust this information is sufficient for your purposes; however should you require any further details or clarification please do not hesitate to contact Jordan Rogers by telephone at 40980043 or via email at jordanrogers@live.com.au

Yours sincerely

Jordan Rogers

R/N 104811

IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.2 effective 3 August 2015)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- Provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

Jordan Rogers

For companies, contact name

Postal address

24 Camelot Close

Suburb Cape Tribulation

State QLD

Postcode

4873

Country Australia

Contact phone number

40980043

Mobile number (non-mandatory requirement)

0402447222

Fax number (non-mandatory requirement)

Email address (non-mandatory requirement)

jordanrogers@live.com.au

Applicant's reference number (non-mandatory requirement)

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)
- Material change of use Reconfiguring a lot Building work Operational work
- b) What is the approval type? (Please only tick one box.)
- Preliminary approval under s241 of SPA Preliminary approval under s241 and s242 of SPA Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- Outdoor Sport and Recreation (Electrically Assisted Bike Tours)
- d) What is the level of assessment? (Please only tick one box.)
- Impact assessment Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)
- Material change of use Reconfiguring a lot Building work Operational work
- b) What is the approval type? (Please only tick one box.)
- Preliminary approval under s241 of SPA Preliminary approval under s241 and s242 of SPA Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
-
- d) What is the level of assessment?
- Impact assessment Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- Refer attached schedule Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water.) (Attach a separate schedule if there is insufficient space in this table.)

- Street address **and** lot on plan (All lots must be listed.)
 Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)			Cape Tribulation Road		1	RP742906	
ii)			Cape Tribulation Road		2	RP742906	
iii)			Cape Tribulation Road		2	RP741072	

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Conservation Planning Area	Northern Management Area – Rainforest Tourism Precinct	Cultural Heritage and Valuable Sites Overlay and Natural Hazards Overlay Code
ii)			
iii)			

Table E—Premises coordinates (Appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

145.781 hectares or 1,457,810sqm

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Shop and existing tours

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

No Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

No
 Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table G

Name of owner/s of the land	
<input type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer
Myall Creek

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

No Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

No Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

No—go to question 12 Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

No

Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?

No

Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application)

Description of attachment or title of attachment	Method of lodgement to assessment manager
IDAS forms 1 and 5	Email
Town Planning Report	Email

14. Applicant's declaration

By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of Infrastructure, Local Government and Planning (DILGP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date received form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

**Individual owner's consent to the making of a
development application under the *Sustainable Planning Act 2009***

I, HILFRED ANN MASON Lawrence Darcy Mason

as owner of premises identified as follows

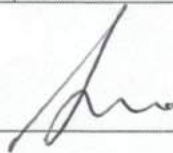
Lot 1 on RP742906, Lot 2 on RP742906 and Lot 2 on RP741072

consent to the making of a development application under the *Sustainable Planning Act 2009* by
Jordan Rogers

on the premises described above for the purposes of:

Outdoor Sport and Recreation (Electric Assisted Bike Tours)

Hilfred Mason



[signature of owner]

signed on the 30th day of SEPTEMBER 2015

IDAS form 5—Material change of use assessable against a planning scheme

(Sustainable Planning Act 2009 version 3.1 effective 3 August 2015)

This form must be used for development applications for a material change of use assessable against a planning scheme.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form must also be used for material change of use on strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* that requires assessment against the land use plan for that land. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

Mandatory requirements

1. Describe the proposed use. (Note: this is to provide additional detail to the information provided in question 1 of *IDAS form 1—Application details*. Attach a separate schedule if there is insufficient space in this table.)

General explanation of the proposed use	Planning scheme definition (include each definition in a new row) (non-mandatory)	No. of dwelling units (if applicable) or gross floor area (if applicable)	Days and hours of operation (if applicable)	No. of employees (if applicable)
Electrically Assisted Mountain Bike Tours	Outdoor Sport and Recreation			

2. Are there any current approvals associated with the proposed material change of use? (e.g. a preliminary approval.)

No Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

3. Does the proposed use involve the following? (Tick all applicable boxes.)

- | | | | | |
|--|-------------------------------------|----|--------------------------|-----|
| The reuse of existing buildings on the premises | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes |
| New building work on the premises | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes |
| The reuse of existing operational work on the premises | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes |
| New operational work on the premises | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | Yes |

Mandatory supporting information
4. Confirm that the following mandatory supporting information accompanies this application

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications		
A site plan drawn to an appropriate scale (1:100, 1:200 or 1:500 are recommended scales) which shows the following: <ul style="list-style-type: none"> • the location and site area of the land to which the application relates (<i>relevant land</i>) • the north point • the boundaries of the relevant land • any road frontages of the relevant land, including the name of the road • the location and use of any existing or proposed buildings or structures on the relevant land (note: where extensive demolition or new buildings are proposed, two separate plans [an existing site plan and proposed site plan] may be appropriate) • any existing or proposed easements on the relevant land and their function • the location and use of buildings on land adjoining the relevant land • all vehicle access points and any existing or proposed car parking areas on the relevant land. Car parking spaces for persons with disabilities and any service vehicle access and parking should be clearly marked • for any new building on the relevant land, the location of refuse storage • the location of any proposed retaining walls on the relevant land and their height • the location of any proposed landscaping on the relevant land • the location of any stormwater detention on the relevant land. 	<input checked="" type="checkbox"/> Confirmed	
A statement about how the proposed development addresses the local government's planning scheme and any other planning instruments or documents relevant to the application.	<input checked="" type="checkbox"/> Confirmed	
A statement about the intensity and scale of the proposed use (e.g. number of visitors, number of seats, capacity of storage area etc.).	<input checked="" type="checkbox"/> Confirmed	
Information that states: <ul style="list-style-type: none"> • the existing or proposed floor area, site cover, maximum number of storeys and maximum height above natural ground level for existing or new buildings (e.g. information regarding existing buildings but not being reused) • the existing or proposed number of on-site car parking bays, type of vehicle cross-over (for non-residential uses) and vehicular servicing arrangement (for non-residential uses). 	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	

A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
When the application involves the reuse of existing buildings		
Plans showing the size, location, existing floor area, existing site cover, existing maximum number of storeys and existing maximum height above natural ground level of the buildings to be reused.	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
When the application involves new building work (including extensions)		
Floor plans drawn to an appropriate scale (1:50, 1:100 or 1:200 are recommended scales) which show the following: <ul style="list-style-type: none"> the north point the intended use of each area on the floor plan (for commercial, industrial or mixed use developments only) the room layout (for residential development only) with all rooms clearly labelled the existing and the proposed built form (for extensions only) the gross floor area of each proposed floor area. 	<input type="checkbox"/> Confirmed	
Elevations drawn to an appropriate scale (1:100, 1:200 or 1:500 are recommended scales) which show plans of all building elevations and facades, clearly labelled to identify orientation (e.g. north elevation)	<input type="checkbox"/> Confirmed	
Plans showing the size, location, proposed site cover, proposed maximum number of storeys, and proposed maximum height above natural ground level of the proposed new building work.	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
When the application involves reuse of other existing work		
Plans showing the nature, location, number of on-site car parking bays, existing area of landscaping, existing type of vehicular cross-over (non-residential uses), and existing type of vehicular servicing arrangement (non-residential uses) of the work to be reused.	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
When the application involves new operational work		
Plans showing the nature, location, number of new on-site car parking bays, proposed area of new landscaping, proposed type of new vehicle cross-over (non-residential uses), proposed maximum new vehicular servicing arrangement (non-residential uses) of the proposed new operational work.	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Town Planning Report

Outdoor Sport and Recreation (Electric Bike Tours)

DEVELOPMENT PERMIT- MATERIAL CHANGE OF USE (IMPACT ASSESSMENT)

ASSESSMENT MANAGER- DOUGLAS SHIRE COUNCIL – 8th October 2015

Jordan Rogers

T: 07 40980043

E: jordanrogers@live.com.au

Contents

1	EXECUTIVE SUMMARY	4
2	SUBJECT SITE	5
	2.1.1 Site Details	5
	2.1.2 Planning Context	5
	2.1.3 Site Characteristics	5
	2.1.4 Surrounding Land Uses	6
3	PROPOSAL	6
4	SUSTAINABLE PLANNING ACT 2009 (SPA)	7
	4.1.1 State Planning Regulatory Provisions	7
	4.1.2 State Planning Policies	7
	4.1.3 Referral Agencies	7
	4.1.4 Public Notification	7
5	PLANNING SCHEME REVIEW	8
	5.1.1 Level of Assessment	8
	5.1.2 Development Definition	8
	5.1.3 Applicable Codes	8
6	DESIRED ENVIRONMENTAL OUTCOMES	9
6.1	Ecological Processes and Natural Systems	9
	6.1.1 Response - Ecological Processes and Natural Systems	9
6.2	Economic Development	9
	6.2.1 Response - Economic Development	10
6.3	Cultural, Economic, Physical and Social Well-being of the Community	10
	6.3.1 Response - Cultural, Economic, Physical and Social Well-being of the Community	10
7	PLANNING SCHEME CODES	11
7.1	Settlement Areas North of the Daintree River Locality Code	11
	7.1.1 Code Compliance	11
7.2	Conservation Planning Area Code	11
	7.2.1 Code Compliance	12
7.3	Vehicle and Parking Access General Code	12
	7.3.1 Code Compliance	12
7.4	Design and Siting of Advertising Devices Code	12
	7.4.1 Code Compliance	13
8	OVERLAYS	14
8.1	Cultural Heritage and Valuable Sites Overlay	14
	8.1.1 Code Compliance	14
8.2	Natural Hazards Overlay Code	14
	8.2.1 Code Compliance	14
9	CONCLUSION	15

I Executive Summary

Aspects of Development Sought: Development Permit for a Material Change of Use for Outdoor Sport and Recreation (Impact Assessment)

Applicant: Jordan Rogers
jordanrogers@live.com.au
07 40980043

Contact Persons: Jordan Rogers

2 Subject Site

2.1.1 Site Details

Key details of the subject site include:

Address:	3781R Cape Tribulation Road, Cape Tribulation
Real property description:	Lot 1 on RP742906, Lot 2 on RP742906 and Lot 2 on RP741072
Site area:	145.781 hectares across the three sites
Land owner:	Anne Winifred Mason – Lawrence Darcy Mason <i>(Please see attached owners consent)</i>

2.1.2 Planning Context

The planning context of the site includes:

Planning Scheme Locality:	Settlement Areas North of the Daintree River
Planning Area:	Conversation Planning Area Code
Precinct Plan:	Northern Management Area- Cape Tribulation
Precinct Zoning:	Rainforest Tourism Precinct

2.1.3 Site Characteristics

Key site characteristics include:

Topography:	The tour's starting point will occur from the existing shop area where it is flat. The track will gradually ascend toward the rear of the property.
Vegetation:	The existing site has been partially cleared. No further vegetation clearing is proposed. The tour track will utilise existing rainforest tracks.
Services:	The subject site has existing onsite water and sewerage facilities associated with Mason's Cafe
Waterways:	The proposal will cross Myall creek along the track. Riders will dismount and walk through the creeks. Water quality will be maintained and the proposal will not cause any environmental degradation.
Road frontages and length:	Approximately 1.1km road frontage across all three (3) sites to Cape Tribulation Road.
Existing use of site:	Shop

2.1.4 Surrounding Land Uses

Immediately surrounding land uses comprise a mix of eco-tourism, residential dwellings situated on large allotments and conservation rainforest.

3 Proposal

The proposal is seeking a development permit Material Change of Use to establish “Outdoor Sport and Recreation” for the purpose of operating guided tours on electrically assisted mountain bikes. The tour will span across three (3) adjoining freehold properties owned by the mason family. The tour will start at 3781R Cape Tribulation Road more formally known as Mason’s Café and traverse a 4km loop course utilising existing rainforest tracks.

- Each tour will comprised a 6/1 customer to guide ratio and will cater for around 60 people per day;
- The bikes will be transported via trailer to the site daily and kept at a secure location after business hours;
- The proposal involves no new infrastructure or building work;
- As stated above the tour will utilise existing rainforest tracks, therefore no vegetation clearing is proposed;
- A small “A Frame Sign” is proposed to be erected daily during business hours in a safe location in front of Mason’s Café;
- Adequate car parking is available at Mason’s Store to cater for the anticipated traffic flows generated by the proposed use.

The proposal presents an excellent opportunity to value ad to the existing ecotourism industry of Cape Tribulation and provides an alternative solution for visiting tourists to enjoy and experience the world heritage rainforest.



4 Sustainable Planning Act 2009 (SPA)

This section provides an overview of the assessment provisions within SPA.

4.1.1 State Planning Regulatory Provisions

We have reviewed the various current State Planning Regulatory Provisions and none of these are relevant to the subject site and the development proposal.

4.1.2 State Planning Policies

We have reviewed the various State Planning Policies and none of these are applicable to the subject site and the development proposal.

4.1.3 Referral Agencies

Reference is made to Schedule 7 of the *Sustainable Planning Regulation 2009* and no Referral Agencies are applicable to the proposal.

4.1.4 Public Notification

This application requires public notification pursuant to section 295 of *Sustainable Planning Act 2009*. Public Notification will be undertaken in accordance with section 297 including;

- Publish a notice at least once in a newspaper circulating generally in the locality of the land; and
- Place a notice on the land in the way prescribed under a regulation; and
- Give a notice to the owners of all land adjoining the land.

Notification period is 15 business days starting on the day after the last action under section 297(1) is carried out.

5 Planning Scheme Review

5.1.1 Level of Assessment

The table below summarises the assessable development subject to this application and the relevant level of assessment for each aspect of development.

Aspect of Development	Planning Instrument that determines Level of Assessment	Level of Assessment
Outdoor Sport and Recreation	Douglas Shire Council- Settlement Areas North of the Daintree River- Table 1	Impact Assessment

5.1.2 Development Definition

Outdoor Sport and Recreation means the use of premises for sport, physical exercise, recreation or public entertainment, predominantly outdoors. The use includes facilities commonly described as:

- Race track (for cars, motor cycles, horses, dogs, etc);
- Showground;
- Theme park;
- Pony club;
- Golf course (including ancillary services and facilities);
- Commercial sportsground; and
- Other facilities based on the appreciation and enjoyment of the natural features of a locality.

The use also includes a landing area for ultralite aircraft used for personal recreation and enjoyment and not for commercial gain.

5.1.3 Applicable Codes

The table below identifies the Planning Scheme Codes applicable to the development, the location of the response and critical issues.

Applicable Code	Trigger	Location of Response	Critical Issues (as relevant)
Settlement Areas North of the Daintree River Locality Code	Settlement Areas North of the Daintree River- Table 1	Point 7 Planning Scheme Codes	Nil
Conservation Planning Area Code	Settlement Areas North of the Daintree River- Table 1	Point 7 Planning Scheme Codes	Nil
Vehicle and Parking Access General Code	Settlement Areas North of the Daintree River- Table 1	Point 7 Planning Scheme Codes	Nil
Design and Siting of Advertising Devices Code	Settlement Areas North of the Daintree River- Table 1	Point 7 Planning Scheme Codes	Nil
Cultural Heritage and Valuable Sites Overlay	Settlement Areas North of the Daintree River- Table 1	Point 8 Overlays	Nil

Applicable Code	Trigger	Location of Response	Critical Issues (as relevant)
Natural Hazards Overlay Code	Settlement Areas North of the Daintree River- Table 1	Point 8 Overlays	Nil

Code compliance tables addressing compliance with applicable codes are included in point 8 of this report.

6 Desired Environmental Outcomes

6.1 Ecological Processes and Natural Systems

DEO 1 – The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.

DEO 2 – Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, Biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.

DEO 3 – Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dickson's Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.

DEO 4 – The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.

6.1.1 Response - Ecological Processes and Natural Systems

The proposal protects the environmental values of the shire by promoting low impact ecotourism and showcasing the unique environmental character of the wet tropics. The electric bike tours will utilise existing rainforest tracks on private freehold land with no further vegetation clearing proposed. Therefore the proposal will not disturb the ecologically significant rainforest systems and complies with the outcomes sought for ecological processes and natural systems.

6.2 Economic Development

DEO 5 – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.

DEO 6 – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.

DEO 7 – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing

industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.

DEO 8 – The economic development of the Shire is facilitated by the provision of infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire

6.2.1 Response - Economic Development

The proposal promotes ecotourism and complements the conservation economy of the shire. Furthermore the proposal contributes to the economic sustainability of the shire by providing new employment opportunities and business enterprise to support the established tourism industry within Cape Tribulation. Therefore the proposal complies with the outcomes sought for economic development.

6.3 Cultural, Economic, Physical and Social Well-being of the Community

DEO 9 – Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.

DEO 10 – A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.

DEO 11 – The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.

DEO 12 – Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.

6.3.1 Response - Cultural, Economic, Physical and Social Well-being of the Community

The proposal compliments the distinct character and unique sense of place that makes Cape Tribulation a world renowned location. The proposed tour provides an environmental friendly way to explore the wonders of the rainforest and allows people of all ages and fitness levels to participate through the use of electrically assisted mountain bikes. Therefore the proposal complies with the outcomes sought for Cultural, Economic, Physical and Social Wellbeing of the Community.

7 Planning Scheme Codes

7.1 Settlement Areas North of the Daintree River Locality Code

The purpose of this Code is to facilitate the achievement of the following outcomes for the Settlement Areas North of the Daintree River Locality:

- Protect the values of the WTWHA by ensuring that adjacent settlement areas are limited in extent and have a character and identity which are complementary to those values;
- Ensure that all development remains low key and sustainable and within the development limits imposed by the Daintree River ferry crossing and the vehicular capacity of the Alexandra Range crossing and the local Road network;
- Provide adequate services and facilities for settlement areas and an appropriate level of economic opportunity for local residents;
- Ensure that all development is designed and operated to achieve an environmentally sustainable outcome by taking into account the specific values of the area and/or Management Area and Precinct in which it is located and the site's constraints and opportunities;
- Ensure that all development is sensitive and sympathetic to its remote location in an area of unique Biodiversity and Scenic Amenity value; and
- Ensure the natural forested landscape character of the locality is protected and enhanced.

7.1.1 Code Compliance

The proposal provides an appropriate level of economic opportunity for the local community and complements the existing ecotourism focus which defines Cape Tribulation. Furthermore the proposal co-locates with the existing shop "Mason Café" which promotes better utilisation of existing services and facilities, thus reducing the proposals impact upon the surrounding environment. Subsequently the proposal complies with the outcomes sought by the Settlement Areas North of Daintree River Locality Code.

7.2 Conservation Planning Area Code

The purpose of this Code is to facilitate the achievement of the following outcomes for the Conservation Planning Area:

- Protect biological diversity, ecological integrity and Scenic Amenity;
- Ensure that any recreational or other uses of areas within the Planning Area that are in the control of the Crown or the Council, such as Reserves, National Parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that the conservation and scenic values of these areas are not adversely affected;
- Ensure that any use of land in private ownership in the Planning Area does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area; and

- Ensure that any low intensity facilities based on an appreciation of the natural environment or nature based recreation only establish when there is a demonstrated need and provided they will have minimal impact on the environmental and Scenic Amenity values of the Site or the surrounding area.

7.2.1 Code Compliance

The proposed use will be contained within the boundaries of freehold land and will not interfere with land/title held by the Crown or Council, such as Reserves, National Parks and the Wet Tropics World Heritage Area.

The proposal is sympathetic to the ecological integrity and scenic amenity of the area and no vegetation clearing is proposed. The natural landscape character of the conservation planning area will be protected and enhanced by the proposal and the existing rainforest tracks will be suitably maintained to ensure safe passage is provided. Subsequently the proposal complies with the outcomes sought by the Conservation Planning Area Code.

7.3 Vehicle and Parking Access General Code

The purpose of this Code is to ensure that:

- Sufficient vehicle parking is provided on-Site to cater for all types of vehicular traffic accessing and parking on the Site, including staff, guests, patrons, residents and short term delivery vehicles;
- Sufficient bicycle parking and end of trip facilities are provided on-Site to cater for customer and staff.
- On-Site parking is provided so as to be accessible and convenient, particularly for any short term use;
- The provision of on-Site parking, loading/unloading facilities and the provision of Access to the Site, do not impact on the efficient function of the street network or on the area in which the development is located; and
- New vehicle access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements.

7.3.1 Code Compliance

The proposed use being Outdoor Sport and Recreation will co-locate with the existing shop being Mason Café. The current parking provisions and access arrangement established by the shop can adequately support the additional vehicle movements created by the proposal. The tour will have a maximum of six (6) customers on each tour and will not adversely impact upon the existing use.

7.4 Design and Siting of Advertising Devices Code

The purpose of this Code is to:

- Ensure that Advertising Devices do not adversely impact on the streetscape or detract from the amenity of the locality;
- Ensure that Advertising Devices are appropriate to the scale of surrounding Buildings and the locality;

- Ensure that any Advertising Devices which are incorporated in the Site design of a development or the architecture of a Building, complement the Building or development;
- Limit the number of Advertising Devices to avoid excessive signage throughout the Shire; and
- Ensure that Advertising Devices do not dominate the surrounding vegetation, landscaping or natural features of the environment and scenic amenity values of the Shire.

7.4.1 Code Compliance

The proposed use will utilise a single “A Frame Sign” to advertise the business. The sign will be appropriately positioned outside Mason’s Café and will not detract from the amenity of the locality or streetscape. The proposed advertising device compliments the existing tourism/information hub of Mason Café and therefore complies with the requirements of the Advertising Devices Code.

8 Overlays

8.1 Cultural Heritage and Valuable Sites Overlay

The purpose of this Code is to ensure that cultural heritage features of value, places/Sites/elements of cultural/historical significance and valuable Sites to the local and wider community are identified, recorded, retained and conserved, where possible, in order to:

- Protect the cultural heritage of the Shire; • acknowledge the local history of the Shire as an important community asset;
- Ensure that cultural heritage features of value and places/Sites/elements of cultural/historical significance and valuable Sites are protected from damage or loss, inappropriate redevelopment and from inappropriate adjacent development, wherever possible.

8.1.1 Code Compliance

The Cultural and Valuable Sites overlay identifies Mason's Store as a significant site within the shire. The proposal involves no alterations to the existing building or new infrastructure which could detract from the cultural significance of Mason's Store. The proposal protects the cultural heritage of the site and acknowledges the local history of the shire as an important community asset. The proposal provides another opportunity to strengthen the emphasise upon ecotourism within Cape Tribulation and will not have a detrimental impact upon the cultural significance of Mason's Store. Therefore the proposal complies with the outcomes being sought for Cultural and Valuable Sites Overlay.

8.2 Natural Hazards Overlay Code

The intent of this Policy is to specify procedures and design requirements for developments which are located in highly sensitive environments with important conservation and scenic values. This Policy should be read in conjunction with the Planning Scheme, particularly the NASA Code and the particular Planning Area Code and Locality Code in which the proposed development is to be sited. This NASA Policy incorporates the following:

- Minimum Design Requirements for Development and/or Reconfiguration; and
- Minimum Requirements for Revegetation of Degraded Environments;

8.2.1 Code Compliance

The proposal complies with the Natural Hazards Overlay. No new buildings or infrastructure are proposed and tours will only occur when weather permits.

9 Conclusion

The application is seeking a development permit for Material Change of Use (Impact Assessment) to facilitate Outdoor Sport and Recreation (Electric Assisted Bike Tours). The tour will start from Mason's Café and traverse a 4km loop course, utilising existing rainforest tracks across three (3) adjoining freehold properties owned by the Mason family.

The proposal complies with the Desired Environmental Outcomes and the applicable Planning Scheme Codes. The proposal involves no new infrastructure or buildings and will operate a total seven (7) electrically assisted bikes including the tour guide, per tour. The bikes will be transported via trailer to the site daily and kept at a secure location after business hours. The proposal will co-locate with Mason's Café where adequate car parking is available.

Furthermore the proposal presents an excellent opportunity to value add to the existing ecotourism industry of Cape Tribulation and provides an alternative solution for all ages and fitness levels to enjoy and experience the rainforest.

Accordingly we recommend that the Council approve this application subject to reasonable and relevant conditions.

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

No Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

No
 Yes—complete either Table F, Table G or Table H as applicable

Table F

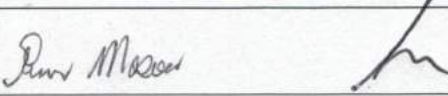
Name of owner/s of the land	Anne Winifred Mason – Lawrence Darcy Mason
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	30/9/15

Table G

Name of owner/s of the land	
<input type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer
Myall Creek