



Department of
**State Development,
Infrastructure and Planning**

Our reference: SDA-0114-007405
Your reference: 8/36/82

Date: 27/02/2014

Ms Linda Cardew
Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman, Qld, 4873

Att: Jenny Elphinstone

Dear Ms Cardew

Concurrence agency response—with conditions

Esplanade, Cape Tribulation, Qld, 4895
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 21 January 2014.

Applicant details

Applicant name:	Trailfinders Pty Ltd c/- Elizabeth Taylor Town Planner
Applicant contact details:	4/9 Kamerunga Road Stratford, Qld, 4870

Site details

Street address:	Esplanade, Cape Tribulation, Qld, 4895
Real property description:	Tidal waters adjoining Lot 102 on SP250034

Site area: 219 square metres
 Local government area: Douglas Shire Council

Application details

Proposed development: Development permit for operational work for prescribed tidal works (recreational jetty)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Operational Work	Development permit	Bloomfield Lodge Jetty (existing structure)	Code Assessment

Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 2, Item 13 — Tidal works, or development in a coastal management district
 Schedule 7, Table 2, Item 15 – Tidal works, or development in a coastal management district

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

If you require any further information, please contact Joanne Manson, Senior Planning Officer, Regional Services – Far North on (07) 4048 1498 who will be pleased to assist.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Angela Foster'.

Angela Foster
Manager (Planning)

cc: Trailfinders Pty Ltd, c/- Elizabeth Taylor Town Planner, email: liz@elizabethtaylor.net.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice

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Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for operational works (prescribed tidal works)		
Tidal works, or development in a coastal management district - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of the Department of Environment and Heritage Protection to be the assessing authority for the development to which the development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Development must be carried out generally in accordance with the following plans and report, except as modified by concurrence agency conditions: <ul style="list-style-type: none"> Proposed new wharf for Peppers Bloomfield Lodge – Weary Bay, drawing number 0407WD1 by R John McKeown, dated June 2004; Planning report prepared by Elizabeth Taylor Town Planner. 	From the date the approval takes effect

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

Condition 1

- The department's assessment of the development application was undertaken on the RPEQ certified drawing detailing the proposal specifications and planning report lodged with the development application.

Findings on material questions of fact

- The development application was properly referred to the Department of State Development, Infrastructure and Planning on 21 January 2014.
- The development application contained an RPEQ certified drawing and planning report which the department relied on in making its referral agency assessment.
- Technical advice from the Department of Environment and Heritage Protection recommended the proposed development is supported subject to condition.
- Technical advice from the Department of Transport and Main Roads (Maritime Safety Queensland) advised that it has no requirements relating to the proposed development.

Evidence or other material on which the findings were based

- The development triggers referral agency assessment under the *Sustainable Planning Regulation 2009*.
- The department undertook an assessment against in accordance with the provisions of Section 282 of the *Sustainable Planning Act 2009*.
- The development application was assessed against the relevant code provisions prescribed in State Development Assessment Provisions (version 1.1); published by the Department of State Development, Infrastructure and Planning on 22 November 2013 (in effect 2 December 2013).
- *Coastal Protection and Management Act 1995*.
- *Coastal Protection and Management Regulation 2003*.

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Attachment 3—Further advice

General advice	
1.	The chief executive of the Department of Environment and Heritage Protection may give a notice under the Coastal Protection and Management Act 1995 directing a particular action be taken, within a reasonable time, as stated in the notice if the works have or are likely to: (a) have an adverse effect on coastal resources; or (b) to ensure the structure is maintained in a safe condition