



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

Our reference: SDA-0214-007933
Your reference: MCUI 5/2014 (8/8/1308)

Date: 7 March 2014

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

Dear Ms. Cardew,

Concurrence agency response—with conditions

Material Change of Use (Outdoor Sports & Recreation) – 1082R Mossman-Daintree Road,
Rocky Point (Lot 43 on SP219618)
(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 7 February 2014.

Applicant details

Applicant name:	Gordon Pringle
Applicant contact details:	PO Box 677 Mossman Qld 4873

Site details

Street address:	1082 Mossman-Daintree Road, Rocky Point
Real property description:	Lot 43 on SP219618
Site area:	40.45 hectares
Local government area:	Douglas Shire Council

Application details

Proposed development: Development Permit for Material Change of Use (Outdoor Sports & Recreation – horse trail rides)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Description of Proposal	Level of Assessment
Material Change of Use	Development permit	Horse Trail ride facility utilising existing buildings	Impact 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 3, Item 1 – State-controlled road

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 Elizabeth Crombie, Senior Planning Officer, on 07 4039 8099 or via email at CairnsSARA@dsdip.qld.gov.au, who will be pleased to assist.

Yours sincerely



Angela Foster
Manager Planning

cc: Gordon Pringle, info@daintreestation.com
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 Material Change of Use (Outdoor Sports & Recreation)		
State-controlled road – 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 Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>Development must be carried out generally in accordance with the following plans and letter, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> • Photo Site Plan - Appendix A. • Aerial Photo Lot 43 indicating road access and horse trail - Appendix C. • Carpark Area Site Plan, dated 29/11/2013. • Letter application to Council prepared by the applicant, dated 3 December 2013. 	Prior to the commencement of use and to be maintained at all times.
2.	<p>(a) The permitted road access location for the development between Lot 43 on SP219618 and Mossman - Daintree Road (a state-controlled road) is generally in accordance with Appendix C (Aerial Photo Lot 43) that is, via the unnamed Council rural road.</p> <p>AND</p> <p>(b) Vehicular access to Lot 43 on SP219618 will be via the existing sealed access from the unnamed Council road, approximately 685 metres from the Mossman - Daintree Road intersection.</p>	(a) & (b) Prior to the commencement of use and to be maintained at all times.
3.	Direct access is not permitted between the subject site and the state-controlled road at any other location than the permitted road access location.	At all times.
4.	Vehicles must enter and exit the subject site at the permitted road access location in a forward direction.	At all times.

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the proposed development generally proceeds in accordance with cited planning report and associated plans of development that depicts how the development will be carried out;
- to ensure the development achieves the performance outcomes within the State Development Assessment Provisions – Module 19;
- to ensure that any impacts from the development are controlled and minimised; and
- to ensure that the development does not compromise the safe and efficient or operation of the State-controlled road.

Findings on material questions of fact

- The development application was properly referred to the Department of State Development, Infrastructure and Planning on 6 February 2014. The subject site has land frontage and Mossman-Daintree Road, a state-controlled road. Road access to the development from Mossman-Daintree Road is gained via an unnamed rural road.
- The development application contained the relevant IDAS forms and plans of development, which the department relied on in making its referral agency assessment.
- The development will not generate a significant increase in traffic volumes onto a state-controlled road. Further, the existing sealed intersection with the Mossman - Daintree Road is well formed and can accommodate any increase in traffic volumes from the development.
- The development proposal is considered to meet or proposes acceptable outcomes or actions that meet with the performance outcomes specified in the statutory planning instrument, the State Development Assessment Provisions.

Evidence or other material on which the findings were based

- All supporting material submitted by the applicant.
- The development triggers referral agency assessment under the *Sustainable Planning Regulation 2009*.
- The department undertook an assessment in accordance with the provisions of Section 282 of the *Sustainable Planning Act 2009*.
- *Transport Infrastructure Act 1994*.
- State Development Assessment Provisions published by the Department of State Development, Infrastructure and Planning – Modules 1, 18 and 19.

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Attachment 3—Further advice

General advice	
1.	<p>Advertising device</p> <p>Under section 43 of the Transport Infrastructure Act 1994, a local government must obtain DTMR approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p>
Further development permits, compliance permits or compliance certificates	
2.	<p>The proposed development includes the construction of a vehicle movement and parking area. The location of the carpark, as shown on the proposed plans and site photos provided in the application, is located in (or near) a moderate/high value waterway (see Attachment 4). Accordingly, any operational work for the carpark may be considered constructing or raising waterway barrier works.</p> <p>It is recommended that the applicant undertake a pre-lodgement meeting with the Department of State Development, Infrastructure and Planning before lodging any application for operational works.</p> <p>Applicants can lodge a pre-lodgement meeting request via MyDAS online (http://www.dsdipl.qld.gov.au/development-applications/mydas.html) or by emailing the request to CairnsSARA@dsdipl.qld.gov.au.</p>