

OUR REF: TW 5503/2013 (417722)

13 March 2014

Trailfinders Pty Ltd
C/- Elizabeth Taylor
Town Planner
4/9 Kamerunga Road
STRATFORD QLD 4870

Dear Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR ESPLANADE, CAPE TRIBULATION**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 11 March 2014, please find attached the relevant Decision Notice.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development and Environment Branch on telephone number (07) 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Trailfinders Pty Ltd
C/- Elizabeth Taylor
Town Planner
4/9 Kamerunga Road
STRATFORD QLD 4870

ADDRESS

Esplanade, Cape Tribulation

REAL PROPERTY DESCRIPTION

Lot 102 on SP250034

PROPOSAL

Jetty

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

11 March 2014

TYPE

Operational Work (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Tidal works or development in a coastal management district	Department of State Development, Infrastructure and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

None Applicable

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Plan of New Wharf	Drawing No. 0407WD1 prepared by R. John McKeown	June 2004
Site Plan and Indicative Site Plan For Jetty	Unreferenced drawings submitted with application	Undated
Town Planning Application	Prepared by Elizabeth Taylor, Town Planner	16 December 2013

The plan referenced above is included in Appendix 1.

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of State Development, Infrastructure and Planning	SDA-0114-007405	27 February 2014	416903

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
4. Advice Statement for EPBC Act

You are advised that the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance.

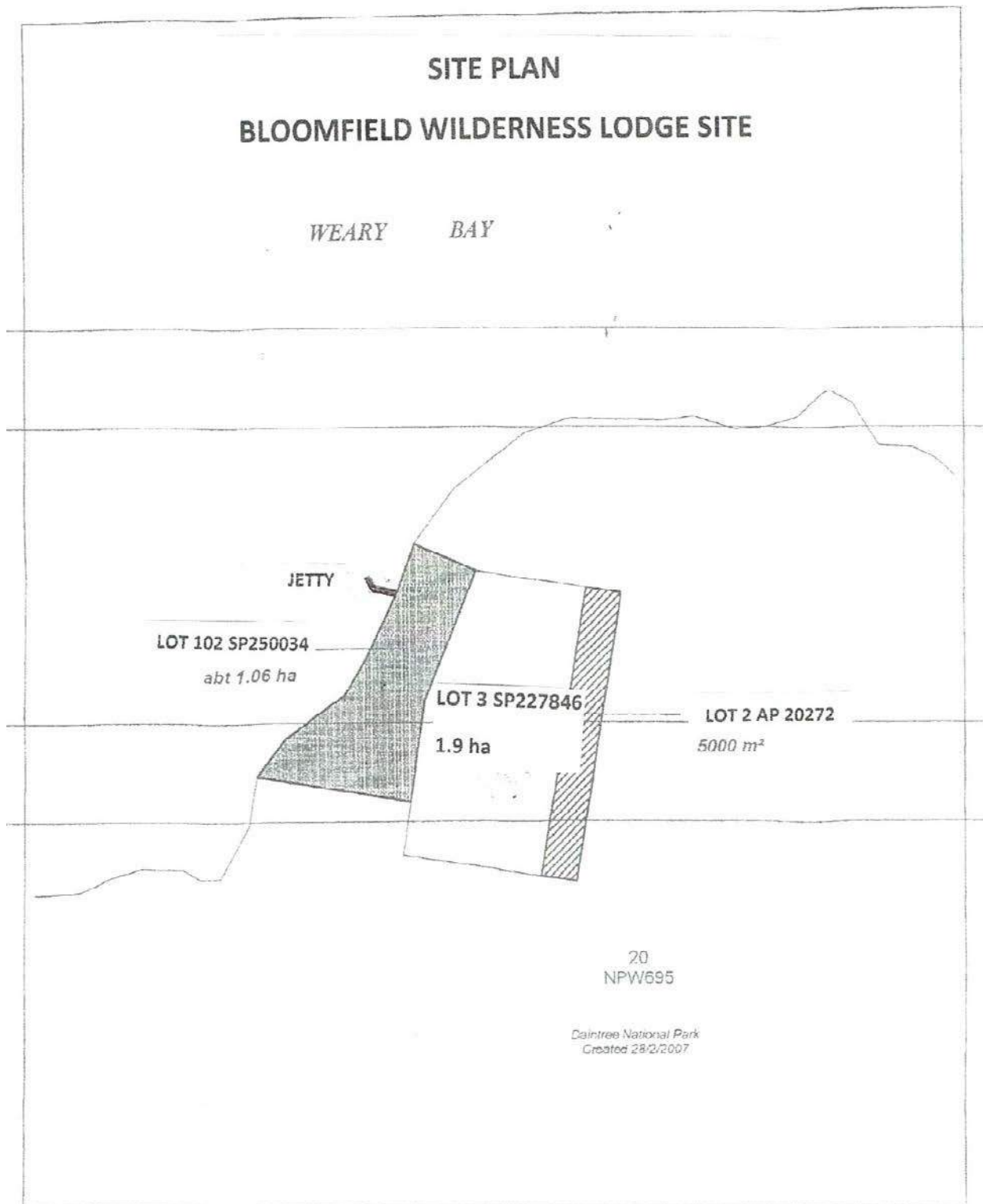
Further information on the *EPBC Act* can be obtained from the Department of Sustainability, Environment, Water, Population and Communities' website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct 2009).

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

SDA-0114-007405



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

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

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Yours sincerely



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

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

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Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for operational works (prescribed tidal works)		
<p>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):</p>		
1.	<p>Development must be carried out generally in accordance with the following plans and report, except as modified by concurrence agency conditions:</p> <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

Our reference: SDA-0114-007405
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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