

OUR REF: MCUI 5/2014 (prev 8/8/1308) (422100)

3 June 2014

Mr Gordon Pringle
PO Box 677
MOSSMAN QLD 4873

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR
1082R MOSSMAN-DAINTREE ROAD, ROCKY POINT**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 3 June 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 Michelle Henderson of Council's Development and Environment Branch on telephone number (07) 4099 9457.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Gordon Pringle
PO Box 677
MOSSMAN QLD 4873

ADDRESS

1082R Mossman-Daintree Road, Rocky Point

REAL PROPERTY DESCRIPTION

Lot 43 on SP219618

PROPOSAL

Outdoor Sports & Recreation (Horse Trail Rides)

DECISION

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

DECISION DATE

3 June 2014

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of State Development, Infrastructure and Planning	Advice or Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

There are no further Development Permits required.

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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
Aerial/Site Plan	Plan provided by GJ Pringle Council ref no 413178	Received 6 Dec 2013
Floor Plan/Elevation	Plan provided by GJ Pringle Council ref no 417595	Received 11 Mar 2014
Aerial Floor Plan/Elevation	Plan provided by GJ Pringle Council ref no 417595	Received 11 Mar 2014

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; and
 - 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.

Damage to Council Infrastructure

3. In the event that any part of Council's existing water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

On-Site Effluent Disposal

4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. The approved on-site effluent disposal consists of an existing septic system.

The septic system is to be checked by a licenced plumber and drainer and pumped out prior to Commencement of Use if required. Any increase in the number of equivalent persons using the facility or any additional fixtures installed, would require a recalculation.

Vehicle Parking

5. The amount of vehicle parking must be a minimum of ten (10) car spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, and vehicular manoeuvring areas must be appropriately surfaced (gravelled) and drained.

Protection of Landscaped Areas from Parking

6. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Landscaping Plan

7. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Provision of a landscaping buffer to screen the approved use, particularly the onsite parking area and the Shed, from the existing House;
 - b. Dense planting is to be used, with a three tier approach of trees, shrubs and groundcovers;
 - c. Species selection is to have regard to Council's Planning Scheme Policy No 7 Landscaping, which outlines a minimum of 75 per cent of dense planting is to be endemic or native species, and palms used as accent plants only;
 - d. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Parking Signage

8. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located within Lot 43 on SP219618 near the adjoining boundary with the Mossman-Daintree Road frontage.

Lawful Point of Discharge

9. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Refuse Storage

10. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Council.
11. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Advertising Signage

12. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Removal of Horse Manure

13. The applicant must ensure that all horse manure is removed from the beach and foreshore area either through use of an appropriate manure catching device, or by immediate pickup and subsequent removal. Motorised vehicles are only to be utilised on the beach subject to attaining approval for a Prescribed Activity under the relevant Local Law.

Maximum Participant Numbers

14. This approval allows for a maximum of two (2) tours per day, a maximum of ten (10) horses per tour (including guides) and a maximum of 20 horses per day (including guides).

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
DTMR	SDA-0214-007933	29 April 2014	420059

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

FURTHER 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 section 339 and section 341 of the *Sustainable Planning Act 2009*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. This approval does not provide approval to undertake a Prescribed Activity as defined under Council's Local Law. Further, this approval does not enable the conduct of the activity within the Great Barrier Reef Coast Marine Park, which is subject to a Marine Parks Permit.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdp.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Outdoor Sport & Recreation is defined as:

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.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

RIGHTS OF APPEAL

Attached

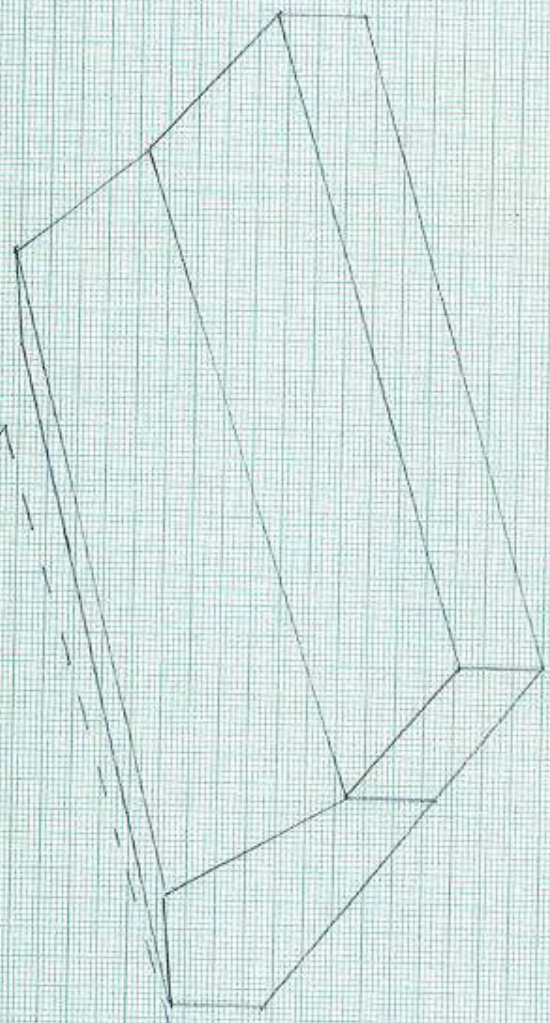
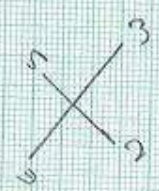
End of Decision Notice

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



Appendix: F

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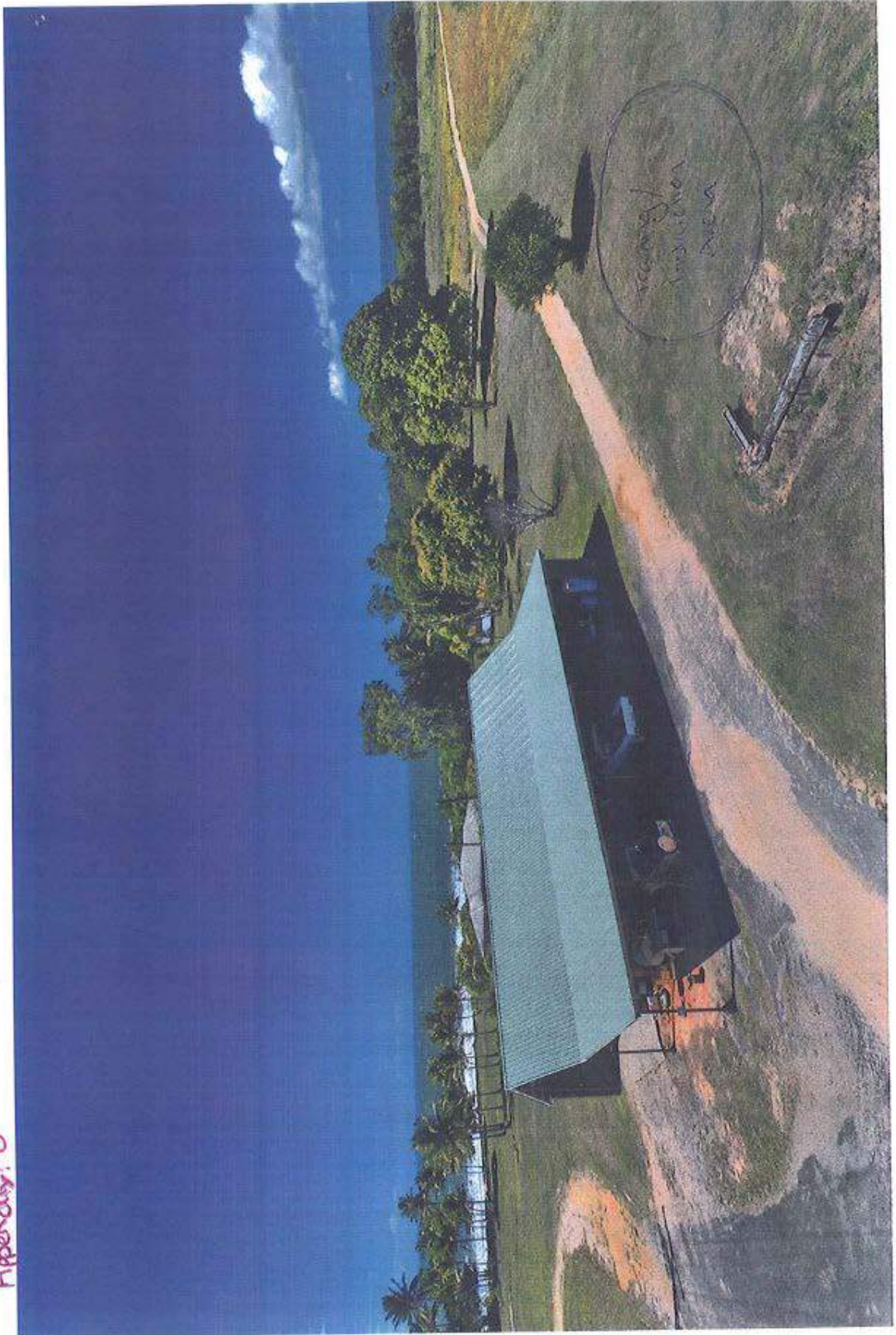


Planned Car Draw



Car Draw

Appendix: D



APPENDIX 2: CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

SDA-0214-007933



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

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

Date: 29 April 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 23 April 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

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

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>	<p>(a) & (b)</p> <p>Prior to the commencement of use and to be maintained at all times.</p>
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 23 April 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.

Our reference: SDA-0214-007933
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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.dsdip.qld.gov.au/development-applications/mydas.html) or by emailing the request to CairnsSARA@dsdip.qld.gov.au.</p>