

OUR REF: MCUI 852/2015 (766722)

5 February 2016

Mr & Mrs David & Marney Gordon
2039R Cape Tribulation Rd
DIWAN QLD 4873

Dear Sir/Madam

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 2039R
CAPE TRIBULATION ROAD, DIWAN**

With reference to the abovementioned Development Application, which was determined under Instrument of Delegation on 5 February 2016, 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 Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

Paul Hoyer
General Manager Sustainable Communities

Att

APPLICANT DETAILS

David & Marney Gordon
2039R Cape Tribulation Rd
DIWAN QLD 4873

ADDRESS

2039R Cape Tribulation Road, Diwan

REAL PROPERTY DESCRIPTION

Lot 1 on RP745175

PROPOSAL

Tourist Attraction

DECISION

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

DECISION DATE

5 February 2016

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

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 expressions means:

Drawing or Document	Reference	Date
Wagon Tour Plan	Plan 852-2015A	5 February 2016
Site Plan	Plan 852-2015B	5 February 2016
Proposed Shed Plan	FNO487777	2011

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.

Limitation on Use

3. The wagon tour is to be conducted using the route generally as shown on the approved drawings. Consent of owners to conduct the wagon tours is to be obtained prior to commencement of the tours.
4. Retail sales are restricted to the sale of arts and crafts and local produce conducted from a maximum of 12 'market' size stalls confined to the shed on the site.
5. All produce sold from the stalls is confined to produce grown in local farms (i.e. sourced from north of the Daintree River only). No prepared foods are to be sold from the premises.

Hours of Operation

6. The proposed use is limited to 7:00 am – 6:00 pm daily.

Access and Parking

7. An informal on-site car parking area is to be provided generally in accordance with the approved plan. Access and parking is not required to be sealed, unless the volume of traffic generated by the proposed use is deemed by Council officers to warrant such works. The informal car parking arrangement must be managed so as not to generate dust nuisances in dry conditions or introduce mud onto Cape Tribulation in wet conditions.
8. The disabled car parking bay must be relocated to be adjacent to the shed, must be sealed and provide continuous sealed access for persons with disability to the shed.

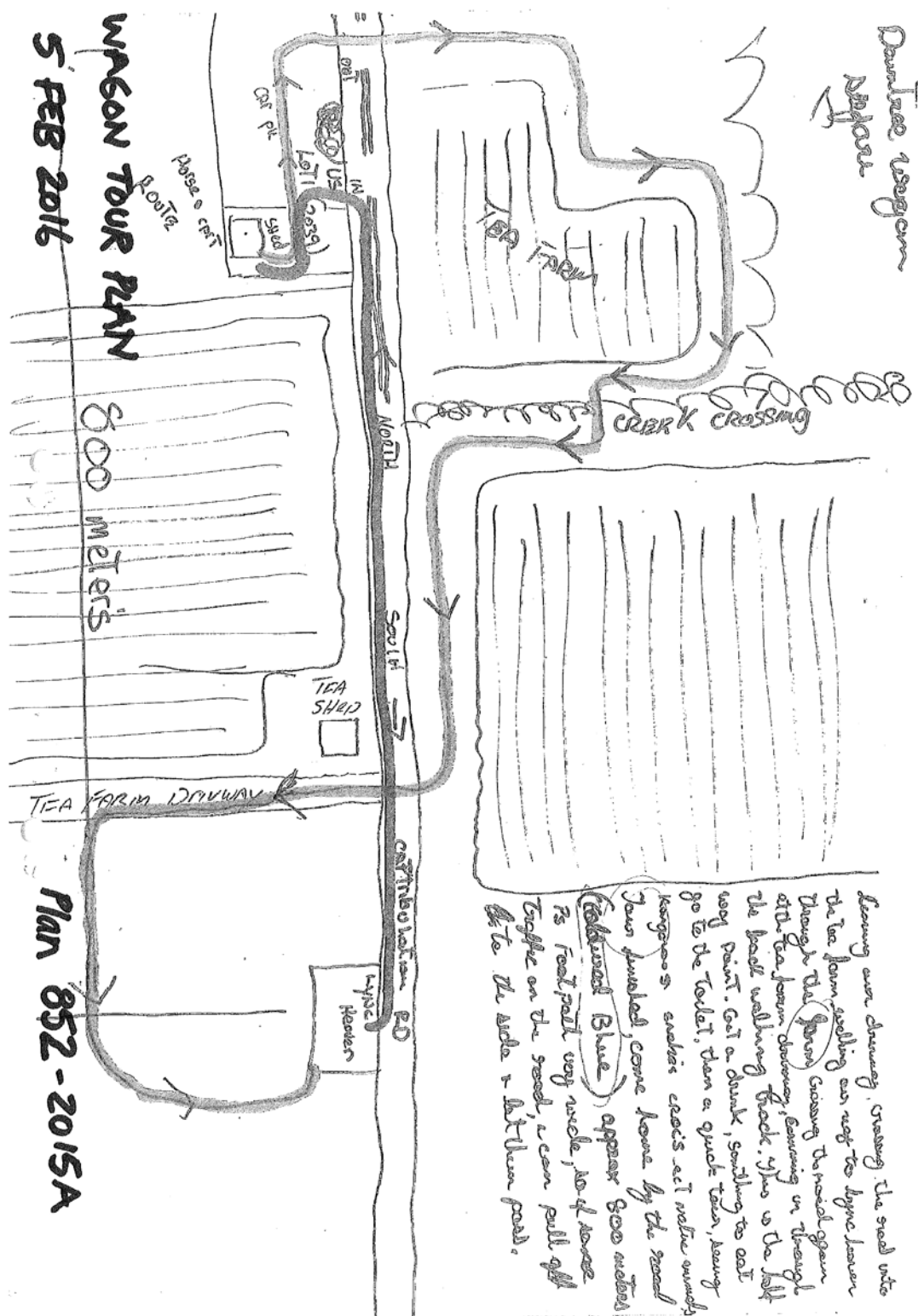
Advertising Signage

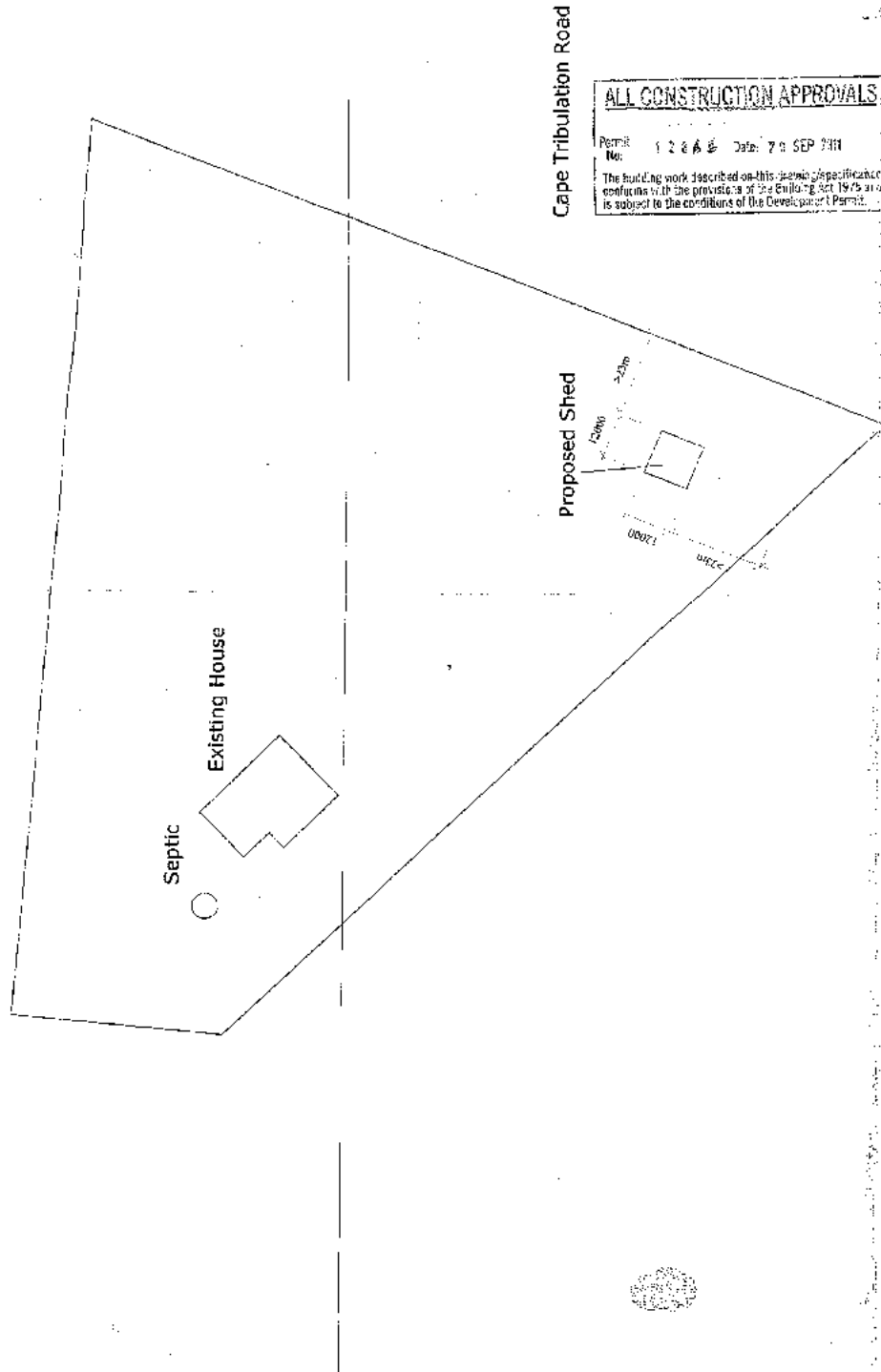
9. The proposed advertising sign is limited to one (1) sign only which is to be located on the premises in a location to be agreed following a site inspection with Council officers. The siting and dimensions of the sign is to be agreed in writing prior to installation. No other off-premises advertising signage is part of this approval.

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 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.dilgp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

End of Decision Notice





ALL CONSTRUCTION APPROVALS
 Permit No: 12266 Date: 7th SEP 2011
 The building work described on this permit is specific and conforms with the provisions of the Building Act 1975 and is subject to the conditions of the Development Permit.