



SARA reference: 2503-45404 SRA  
Council reference: CA 2025\_5732/1  
Applicant reference: C1302

16 May 2025

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873  
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

## SARA referral agency response – Captain Cook Highway, Port Douglas

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 14 April 2025.

### Response

Outcome:	Referral agency response – with conditions	
Date of response:	16 May 2025	
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval	
Advice:	Advice to the applicant is in <b>Attachment 2</b>	
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>	

### Development details

Description:	Development permit	Material change of use for undefined use (workers' accommodation), tourist park, caretaker's accommodation and operational work for an advertising device
SARA role:	Referral agency	

SARA triggers: Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) – Development impacting on State transport infrastructure  
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) – Material change of use near a state transport corridor (road)

SARA reference: 2503-45404 SRA

Assessment manager: Douglas Shire Council

Street address: Captain Cook Highway, Port Douglas

Real property description: Part of Lot 2 on RP745166

Applicant name: Krystal Marie DeMenna

Applicant contact details: C/- Hardy Town Planning and Consulting  
PO Box 1256  
CAIRNS QLD 4870  
nick@hardyplanning.com.au

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

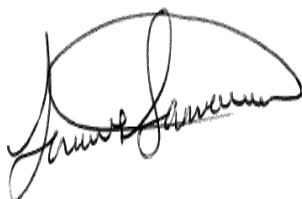
## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Charlton Best, A/Principal Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
A/ Manager (Planning)

cc Krystal Marie DeMenna, nick@hardyplanning.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Development impacting on State transport infrastructure and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use near a state transport corridor (road) – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:	
1.	Direct access is not permitted between the Captain Cook Highway and the subject site (Lot 2 on RP745166).	At all times.
2.	<p>(a) Provide road works comprising a Channelised Right-turn (CHR) treatment and an Auxiliary Left-turn (AUL) treatment, including Category V5 Lighting at the intersection of the unnamed local road and the Captain Cook Highway.</p> <p>(b) Design and construct the road works, required in part (a) of this condition in accordance with:</p> <ul style="list-style-type: none"> <li>• Austroads Guide to Road Design: Part 4A Unsignalised and Signalised Intersections, dated 2023. <ul style="list-style-type: none"> <li>o Figure 7.3: Channelised right-turn (CHR) on a two-lane rural road; and</li> <li>o Figure 8.4: Auxiliary left-turn treatment (AUL) on a rural road.</li> </ul> </li> <li>• Department of Transport and Main Roads' Road Planning and Design Manual, 2<sup>nd</sup> Edition, <ul style="list-style-type: none"> <li>o Volume 3 – Guide to Road Design, dated October 2024; and</li> <li>o Volume 6 – Lighting, dated March 2021.</li> </ul> </li> </ul>	(a) and (b) Prior to the commencement of use.

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.2). If a word remains undefined it has its ordinary meaning.
2.	<p><b>Road works approval</b></p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 or email <a href="mailto:cairns.office@tmr.qld.gov.au">cairns.office@tmr.qld.gov.au</a> to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p><b>Road corridor permit</b></p> <p>An application for a Road Corridor Permit is required for any ancillary works and encroachments on a state-controlled road. Under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> (TIA) and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>, the applicant must obtain a Road Corridor Permit from the Department of Transport and Main Roads (DTMR) to carry out ancillary and encroachments works on a state-controlled road.</p> <p>The applicant is required to contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for a Road Corridor Permit to carry out ancillary works and encroachments.</p> <p>Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters/structures, vegetation clearing, landscaping and planting.</p>

## Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA's decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 1 and State code 6 of the SDAP, in that:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Captain Cook Highway, a state-controlled road, or the state-controlled road network.
- The proposed development will not impact on the ability or cost to plan, construct, maintain or operate state transport corridors.
- The development has been conditioned to ensure that vehicular access do not adversely impact upon a state-controlled road.
- The proposed development is unlikely to result in a notable flooding impact upon the nearby state transport corridor.
- Required connections to council services, essential utilities and infrastructure for the proposed development can be obtained without impacting on the state-controlled road.
- SARA has carried out an assessment of the development application against State code 1: Development in a state-controlled road environment and State code 6: Protection of state transport networks and has found that with conditions, the proposed development complies with relevant performance outcomes.

### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.2)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

## **Attachment 4—Representations about a referral agency response provisions**

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