

SARA reference: 2508-47491 SRA  
Council reference: ROL 2025\_5808/1  
Applicant reference: 2025-07-67 - McDowall - Cape Tribulation Road, Lower Daintree

1 September 2025

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

Attention: Jenny Elphinstone

Dear Ms Elphinstone

## SARA referral agency response—Cape Tribulation Road, Lower Daintree

(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 6 August 2025.

### Response

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Outcome:	Referral agency response – with conditions
Date of response:	1 September 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

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Description:	Development permit – Reconfiguring a Lot for Boundary Realignment (2 lots into 2 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 17, Division 3, Table 5, Item 1 (Planning Regulation 2017)

Reconfiguring a lot in a coastal management district

SARA reference: 2508-47491 SRA

Assessment manager: Douglas Shire Council

Street address: Cape Tribulation Road, Lower Daintree

Real property description: Lot 4 on RP886628; Lot 8 on SP143026

Applicant name: Colin Andrew McDowell

Applicant contact details: c/- Daniel Favier T/A Aspire Town Planning and Project Services  
PO Box 1040  
MOSSMAN QLD 4873  
admin@aspireqld.com

*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 Lawson Costello, A/Senior Planning Officer, on (07) 4924 2914 or via email ToowoombaSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Paul Gleeson  
A/Manager

cc Colin Andrew McDowell, admin@aspireqld.com

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 5 - Documents referenced in conditions

## 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) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
Schedule 10, Part 17, Division 3, Table 5, Item 1 (Planning Regulation 2017) – Reconfiguring a lot in a coastal management district—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of the Environment, Tourism, Science and Innovation 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 condition(s):		
1.	<p>The reconfiguration of a lot must be undertaken generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• <i>Proposed Plan of Reconfiguration (Boundary Realignment) Cape Tribulation Road, Lower Daintree (Lot 4 on RP886628 and Lot 8 on SP143026) dated 24 July 2025.</i></li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.

## Attachment 2—Advice to the applicant

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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 3.3). If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

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

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

SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.3:

- State code 8: Coastal development and tidal works

The development complies with the assessment benchmarks of State code 8 of SDAP in that the development:

- protects life, buildings and infrastructure from the impacts of coastal erosion.
- maintains coastal processes.
- conserves coastal resources.
- accounts for the projected impacts of climate change.
- avoids impacts to matters of state environmental significance.
- does not result in a significant residual impact on a matter of state environmental significance

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

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

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

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## **Attachment 5—Documents referenced in conditions**

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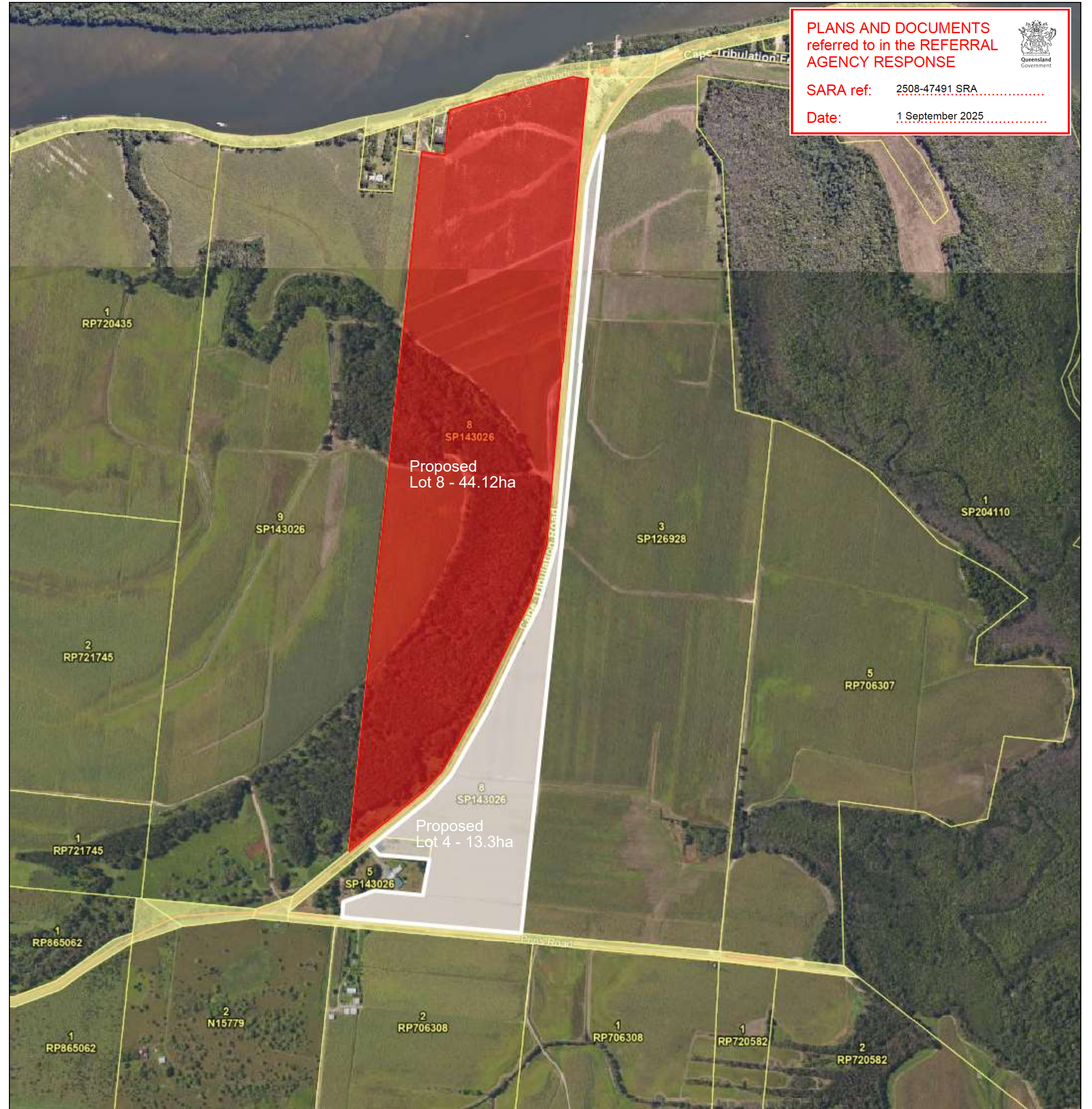
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# Proposed Plan of Reconfiguration (Boundary Realignment)

Cape Tribulation Road, Lower Daintree (Lot 4 on RP886628 and Lot 8 on SP143026)

16°15'39"S 145°22'54"E16°15'39"S 145°24'8"E



16°16'52"S 145°22'54"E16°16'52"S 145°24'8"E

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Legend located on next page



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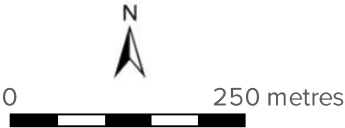
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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2508-47491 SRA

Date: 1 September 2025



Scale: 1:8000

Printed at: A3

Print date: 24/7/2025

Not suitable for accurate measurement.

Projection: Web Mercator EPSG 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



Queensland Government

Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development



# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.



## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. 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.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.