

SARA reference: 2510-48919 SRA  
Council reference: OP 2025\_5849/1 (1329359)  
Applicant reference: 402031

2 December 2025

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

Attention: Rebecca Taranto

Dear Sir/Madam

## SARA referral agency response – Cape Tribulation Road, Cape Tribulation (Noah Creek temporary crossing)

(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 November 2025.

### Response

Outcome:	Referral agency response – with conditions	
Date of response:	2 December 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	Operational works for Waterway barrier work and Prescribed tidal work (temporary bypass crossing of Noah Creek)
SARA role:	Referral agency	
SARA triggers:	Schedule 10, Part 6, Division 4, Subdivision 3, Table 1, Item 1	

(Planning Regulation 2017) – Operational work for waterway barrier work

Schedule 10, Part 17, Division 3, Table 1, Item 1 (Planning Regulation 2017) – Operational work that is tidal works or work in a coastal management district

SARA reference: 2510-48919 SRA  
 Assessment manager: Douglas Shire Council  
 Street address: Cape Tribulation Road, Cape Tribulation  
 Real property description: Adjoining Lot 900 on SP296959  
 Applicant name: Douglas Shire Council  
 Applicant contact details: C/- RPS AAP Consulting Pty Ltd  
 135 Abbott Street  
 Cairns QLD 4870  
 stacey.devaney@rpsconsulting.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 Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Poppy Ellis-Southwell  
 A/Manager

cc Douglas Shire Council, stacey.devaney@rpsconsulting.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
Schedule 10, Part 6, Division 4, Subdivision 3, Table 1, Item 1 – Operational work for waterway barrier work — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Primary Industries to be the enforcement authority for the development to which this referral agency response notice relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>Development is limited to the operational work to raise or construct a temporary waterway barrier work that is a pipe culvert crossing within Noah Creek as shown on the following plans:</p> <ul style="list-style-type: none"> <li>Sidetrack layout plan, prepared by Premise, dated 01/10/2025, Job Code P001388, Sheet Number SKC21, Revision 4.</li> <li>Sidetrack typical sections plan, prepared by Premise, dated 01/10/2025, Job Code P001388, Sheet Number SKC22, Revision 2.</li> </ul>	For the duration of the works.
2.	<p>Submit written notice to the Department of Primary Industries at <a href="mailto:notifications@dpi.qld.gov.au">notifications@dpi.qld.gov.au</a> advising when the development authorised under this referral agency response:</p> <p>(a) Will start.</p> <p>(b) When the temporary culvert has been completely removed from the waterway and restoration works to bankside vegetation has been completed.</p> <p>Any notice must state the application's reference number: 2510-48919 SRA.</p>	<p>(a) At least 5 business days but no greater than 20 business days prior to the commencement of the works.</p> <p>(b) Within 15 business days of the completion of the fisheries development works.</p>
3.	Maintain the development in accordance with the plans referenced in condition 1, and the requirements of any conditions included in this referral agency response.	At all times.
4.	Spoil is not disposed of on tidal lands or within waterways and is managed to prevent acid soil development.	At all times.
5.	This fisheries development (as defined by the <i>Fisheries Act 1994</i> ) constitutes a place that is required to be open for inspection by an inspector, pursuant to section 145 of the <i>Fisheries Act 1994</i> .	At all times.
6.	<p>In the event of fish stranding or entrapment as a result of the approved works:</p> <p>(a) Fish salvage must be undertaken generally in accordance with the Business Queensland <a href="#">Guidelines for fish salvage</a>.</p> <p>(b) Submit written notice to the Department of Primary Industries at <a href="mailto:notifications@dpi.qld.gov.au">notifications@dpi.qld.gov.au</a> advising at any time(s) fish salvage is undertaken in accordance with part (a) of this</p>	(a) and (b) For the duration of the works.

	<p>condition.</p> <p>Any notice must state the application's reference number: 2510-48919 SRA.</p>	
7.	<p>Any person(s) engaged or employed to carry out works under this development approval must:</p> <p>(a) Be provided with a full copy of this development approval, including the approved plans and specifications; and</p> <p>(b) Maintain a legible copy of the development approval, including the approved plans and specifications, on site and kept available for inspection.</p>	(a) and (b) For the duration of the works.
8.	Construct and maintain the temporary waterway barrier(s) to avoid fish injury, mortality and/or entrapment.	At all times.
9.	Remove the temporary waterway barrier.	Within 30 days of bridge replacement (Council reference: OP 2020_3516/2) being completed.
10.	Restore the waterway bank profiles and replant them with suitable native riparian species once the temporary waterway barrier is removed.	Within 10 business days of completion of the works and prior to post works notification.
<p>Schedule 10, Part 17, Division 3, Table 1 – Tidal works or work 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 referral agency response notice relates for the administration and enforcement of any matter relating to the following conditions:</p>		
11.	<p>The construction of the sidetrack must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>Sidetrack layout plan, prepared by Premise, dated 01/10/2025, Job Code P001388, Sheet Number SKC21, Revision 4.</li> <li>Sidetrack typical sections plan, prepared by Premise, dated 01/10/2025, Job Code P001388, Sheet Number SKC22, Revision 2.</li> </ul>	For the duration of the works.
12.	For the proposed works, only use clean materials which are free from prescribed water contaminants.	For the duration of the works.
13.	Development must prevent the release of sediment to tidal waters by installing and maintaining erosion and sediment control measures which are in accordance with the Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).	For the duration of the works.
14.	Should the sidetrack collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as	(a) and (b) As soon as reasonably practicable subsequent to the

	<p>intended, the works must be:</p> <p>(a) Reinstated in accordance with this development approval; or</p> <p>(b) Removed and disposed of at an appropriately licensed facility.</p>	damage.
15.	<p>Submit "As Constructed drawings" to <a href="mailto:palm@desti.qld.gov.au">palm@desti.qld.gov.au</a> or mail to:</p> <p>Department of the Environment, Tourism, Science and Innovation Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p>	Within 20 business days of the completion of the works.
16.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines, prepared by the State of Queensland, 2024.</p> <p>(b) Submit certification from an appropriately qualified person on acid sulfate soil, confirming that the affected soil has been neutralised or contained in accordance with (a) above to <a href="mailto:palm@detsi.qld.gov.au">palm@detsi.qld.gov.au</a> or mailed to:</p> <p>Department of the Environment, Tourism, Science and Innovation Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p><b>Note:</b> <u>Appropriately qualified person</u> means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained.</p> <p>(b) At the time the soils have been neutralised or contained.</p>
17.	Remove the entire sidetrack from tidally influenced waters.	By 1 November 2026.

## 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*)

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

SARA has carried out an assessment of the development application against State code 8: Coastal development and tidal works of the SDAP and has found that, the proposed development complies with relevant performance outcomes, namely:

- with conditions the development will not impact on the environmental values of receiving waters
- the works do not result in a significant residual impact on a matter of state environmental significance.

SARA has carried out an assessment of the development application against State code 18: Constructing or raising waterway barrier works in fish habitats of the SDAP and has found that, the proposed development complies with relevant performance outcomes, namely:

- the temporary waterway barrier works will maintain fish movement and connectivity throughout waterways and within and between fish habitats
- the temporary waterway barrier works will continue to maintain the health and productivity of fisheries resources and fish habitat
- the temporary waterway barrier works will not impact the community and fishing sectors' use of the area and access to fisheries resources
- the temporary waterway barrier works will avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated.

### 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 3.3)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *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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