



SARA reference: 2210-31678 SRA
 Council reference: CA2022_5129/1
 Applicant reference: AU006371

21 November 2022

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

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA response—11-15 Dickson Street, Craiglie—Multiple Dwelling and Reconfiguring a Lot (1 lot into 2 Lots)

(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 26 October 2022.

Response

| | |
|-------------------|---|
| Outcome: | Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application. |
| Date of response: | 21 November 2022 |
| Advice: | Advice to the applicant is in Attachment 1 . |
| Reasons: | The reasons for the referral agency response are in Attachment 2 . |

Development details

| | | |
|---------------|---|---|
| Description: | Development permit | Material Change of Use (Multiple Dwelling) Reconfiguring a Lot (1 Lot into 2 Lots) |
| SARA role: | Referral Agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a State-controlled road | |

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1
(Planning Regulation 2017) – Reconfiguring a lot near a State-controlled road intersection

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(Planning Regulation 2017) – Material change of use near a State-controlled road and intersection

SARA reference: 2210-31678 SRA
Assessment Manager: Douglas Shire Council
Street address: 11-15 Dickson Street, Craiglie
Real property description: 11SP323472
Applicant name: Peace World Pty Ltd
Applicant contact details: C/- RPS AAP Consulting Pty Ltd
PO Box 1949
Cairns QLD 4870
Patrick.Clifton@rpsgroup.com.au

Representations

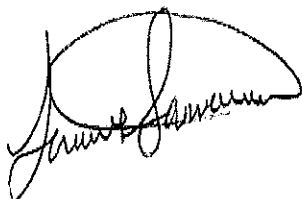
An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/Manager (Planning)

cc Peace World Pty Ltd C/- RPS AAP Consulting Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—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, commenced 18 February 2022. If a word remains undefined it has its ordinary meaning. |

Attachment 2—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 complies with the relevant assessment benchmarks in the State Development and Assessment Provisions (SDAP), State Code 1: Development in a state-controlled road environment, and has found that it as follows:
 - o The proposed development is unlikely to compromise the safety, function, and efficiency of the Captain Cook Highway, a state-controlled road, and the Captain Cook Highway / Old Port Road intersection.
 - o Access to the subject site is located approximately 55m from the Captain Cook Highway carriageway and does not have direct access to the highway.
 - o Existing and proposed access is via Dickson Street, a local road, at distances of approximately 50m and 70m from the Captain Cook Highway / Old Port Road intersection.
 - o Any increase in stormwater and drainage run-off is unlikely to impact the Captain Cook Highway.
 - o The proposed development is considered low scale with any increase or change to traffic generation able to be adequately accommodated by the Captain Cook Highway / Old Port Road intersection.

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), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 3—Change representation provisions

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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 Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

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.²
- 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.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² 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.³

³ 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.