



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0317-038115  
Council reference: MCUC1957/2017  
Applicant reference: 71624

10 April 2017

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

*Attn: Daniel Lamond*

Dear Sir / Madam

**Concurrence agency response—with conditions**

Material change of use (multi-unit dwellings) at 2-4 St Crispins Avenue, Port Douglas described as Lot 25 on RP747342

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 27 March 2017.

**Applicant details**

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Applicant name: No 2 St Crispin's Pty Ltd  
C/- Planz Town Planning

Applicant contact details:  
PO Box 181  
Edge Hill QLD 4870  
plan@planztp.com

**Site details**

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Street address: 2-4 St Crispins Avenue, Port Douglas

Lot on plan: Lot 25 on RP747342

Local government area: Douglas Shire Council

**Application details**

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Proposed development: Development permit for material change of use (multi-unit dwellings – 11 x 2 bedroom units)

### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Multi-Unit Housing 11 Units	Code Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger                      Schedule 7, Table 3, Item 1—State-controlled road

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: material change of use</b>				
Ground Floor	Hunt Design	13 March 2017	-	-

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

For further information, please contact Michele Creecy, Senior Planning Officer, SARA Far North QLD on 4037 3206, or email [michele.creecy@dilgp.qld.gov.au](mailto:michele.creecy@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joanne Manson', with a stylized flourish at the end.

Joanne Manson  
A/ Manager Planning

cc: No 2 St Crispin's Pty Ltd C/- [plan@planztp.com](mailto:plan@planztp.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

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## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Aspect of development – material change of use (multi-unit housing – 11 units)</b>		
<b>Schedule 7, Table 3, Item 1</b> —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of <b>Department of Transport and Main Roads</b> to be the assessing 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.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>• Ground Floor prepared by Hunt Design, dated 13 March 2017.</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	The development must be generally in accordance with the Application for a Development Permit Material Change of Use – Multi-Unit Housing (11 Units) prepared by Planz Town Planning Pty Ltd, dated 13 March 2017, in particular: <ul style="list-style-type: none"> <li>• <u>19.1 Access to a state-controlled road state code</u> <ul style="list-style-type: none"> <li>o There are no existing authorised access points to the state-controlled road; and</li> <li>o The development will be accessed from St Crispins Avenue, not Davidson Street.</li> </ul> </li> </ul>	Prior to the commencement of use and to be maintained at all times.
3.	Noise attenuation measures to achieve the following noise criteria must be provided: <ul style="list-style-type: none"> <li>• <math>\leq 60</math> dB(A) <math>L_{10}</math> (18 hour) façade corrected (measured <math>L_{90}</math> (8 hour) free field between 10 pm and 6 am <math>\leq 40</math> dB(A)).</li> <li>• <math>\leq 63</math> dB(A) <math>L_{10}</math> (18 hour) façade corrected (measured <math>L_{90}</math> (8 hour) free field between 10 pm and 6 am <math>&gt; 40</math> dB(A)).</li> </ul>	Prior to the commencement of use and to be maintained at all times.
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.  (b) Any works on the land must not create any new discharge points for stormwater runoff onto the state-controlled road.	(a) and (b) At all times
5.	Direct access is not permitted between Port Douglas Road (Davidson Street) and the subject site.	At all times

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## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that the development does not have access to the state-controlled road (known as either Port Douglas Road or Davidson Street) and will always be accessed from St Crispins Avenue, Port Douglas)
- To ensure the development achieves acceptable noise levels by mitigating adverse impacts on the development from noise generated by a state transport corridor.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited were not required.
- To ensure the development achieves the performance outcomes in the relevant State Development Assessment Provisions (version1.10).

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### Attachment 3—Further advice

<b>General advice</b>	
<b>Ref.</b>	<b>State Planning Policy April 2016 interim development assessment provisions</b>
1.	<p>Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy April 2016, and in particular the interim development assessment provisions, such as</p> <ul style="list-style-type: none"> <li>- Liveable Communities (by considering the SPP code Fire services in development accessed by common private title)</li> <li>- Natural hazards, risks and resilience (flood hazards); and</li> <li>- Water quality (by considering the SPP code Water quality including Stormwater quality design objectives)</li> </ul> <p>to the extent it is relevant to the proposed development.</p>
<b>Ref.</b>	<b>Advertising device</b>
2.	<p>A local government should obtain advice from the Department of Transport and Main Roads (TMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: TMR has powers under section 139 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015</i> to require removal or modification of an advertising sign and / or a device which is deemed that it creates a danger to traffic.</p>
<b>Further development permits, compliance permits or compliance certificates</b>	
<b>Ref.</b>	<b>State Transport Corridor Noise</b>
3.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the Department of Local Government and Planning website:</p> <p><a href="http://www.dilgp.qld.gov.au/planning/state-planning-instruments/spp-interactive-mapping-system.html">http://www.dilgp.qld.gov.au/planning/state-planning-instruments/spp-interactive-mapping-system.html</a> and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors (NAPMAP) are located under Administrative Layers.</p>
<b>Ref.</b>	<b>Ancillary works and encroachments</b>
4.	In accordance with section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act</i>

1994 (TIA) and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006, the applicant / development must obtain TMR approval to carry out ancillary works and encroachments on a state-controlled road. Please 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 under section 50(2) of the TIA to carry out ancillary works and encroachments.

**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.**

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**Attachment 4—Approved plans and specifications**

