

**From:** No Reply <mydas-notifications-prod2@qld.gov.au>  
**Sent:** Wednesday, 21 December 2022 5:44 PM  
**To:** Enquiries  
**Cc:** anthony.westbury@dsdmip.qld.gov.au; Patrick.Clifton@rpsgroup.com.au  
**Subject:** 2211-32252 SRA application correspondence  
**Attachments:** 2211-32252 SRA Attachment 5 - Approved plans and specifications.pdf;  
2211-32252 SRA Attachment 4 - Representations provisions.pdf; 2211-32252 SRA  
Response with conditions.pdf

Please find attached a notice regarding application [2211-32252 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

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Email Id: RFLG-1222-0016-1443



SARA reference: 2211-32252 SRA  
Council reference: MCUC2022\_5179/1  
Applicant reference: 24 Macrossan Street

21 December 2022

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

Attention: Jenny Elpinstone

Dear Sir/Madam

## **SARA response—Shop and Multiple Dwelling at 24 Macrossan Street, Port Douglas (Lot 118 on PTD2091)**

(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 30 November 2022.

### **Response**

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Outcome:	Referral agency response – with conditions.
Date of response:	21 December 2022
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	Material change of use for shop and multiple dwelling
SARA role:	Referral Agency	
SARA trigger:	<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4</b> (Planning	

Regulation 2017) – Material change of use near a state-controlled road

SARA reference: 2211-32252 SRA

Assessment Manager: Douglas Shire Council

Street address: 24 Macrossan Street, Port Douglas

Real property description: Lot 118 on PTD2091

Applicant name: Macrossan Street 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 4**.

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

For further information please contact Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

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

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

## 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 plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—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 condition(s):		
1.	<p>The balcony and pool areas of Apartment 1 and Apartment 2 on Level 1 as shown on First Floor Plan prepared by Hunt Design, dated 23/11/22, Reference DA-04 and Revision 1 as amended in red must include:</p> <p>(a) balustrades to the external edges that are solid, gap-free and continuous for their complete length other than gaps required for drainage purposes in accordance with the Building Code of Australia; and</p> <p>(b) highly acoustically absorbent material treatment for the total area of the roof panels above these areas.</p>	Prior to the commencement of use and to be maintained at all times.
2.	The road access location is to be located generally in accordance with TMR Layout Plan (6504 – 5.75km), prepared by Queensland Government Transport and Main Roads, dated 06/09/2021, Reference TMR21-33788 (500-1624), Issue B.	At all times.

## 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) v3.0. If a word remains undefined it has its ordinary meaning.
2.	<p><b>Awning design</b></p> <p>The awning design and other encroachments and works beyond the site boundary into the state-controlled road corridor are not assessed as part of this application. Separate approval processes for awning and footpath works are required 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>.</p> <p>Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit via email <a href="mailto:cairns.office@tmr.qld.gov.au">cairns.office@tmr.qld.gov.au</a>. This approval must be obtained prior to commencing any works in the state-controlled road reserve. If approved the process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p>
3.	<p><b>Transport noise corridor</b></p> <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.</p> <p>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 State Planning Policy Interactive Mapping System website: <a href="https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking">https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking</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 are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p>

## 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 decision are:

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

- The proposed development is unlikely to compromise the safety, function, and efficiency of Macrossan Street (Port Douglas Road), a state-controlled road.
- Vehicle access to Macrossan Street is located and constructed in accordance with the appropriate Department of Transport and Main Roads standards.
- The site is fully impervious with the proposed development unlikely to cause additional stormwater impacts to Macrossan Street.
- The multiple dwelling is located, and can be constructed, to minimise noise impacts from vehicles using Macrossan Street.

### 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 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

## **Attachment 4—Representations provisions**

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(page left intentionally blank – attached separately)

## **Attachment 5—Approved plans and specifications**

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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 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.





**Permitted Road Access Location**  
 At the south eastern boundary of Lot 118PTD2091  
 and approx 70m north west of Grant St (5.75km RHS)  
 GPS location x 145.463820, y -16.482126

**PLANS AND DOCUMENTS**  
 referred to in the  
**DEVELOPMENT APPROVAL**

**SARA ref:** 2211-32252 SRA

**Date:** 21 December 2022



Branch/Unit : <b>Corridor Management / Far North District</b>	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
State Controlled Road	Easement
Subject Land	

## TMR Layout Plan (6504 - 5.75km)



Queensland Government  
 Transport and Main Roads

Plan: <b>1 / 1</b>	Issue: <b>B</b>	Date: <b>06/09/2021</b>
Drawn by: <b>RPK</b>	File ref: <b>TMR21-33788 (500/1624)</b>	



