

SARA reference: 1904-10894 SRA  
Council reference: ROL 3061/2019  
Applicant reference: 6038/01-L-EC2114

30 May 2019

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—20-30 Langley Road, Port Douglas**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 30 April 2019.

### **Response**

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Outcome:	Referral agency response – with conditions.
Date of response:	30 May 2019
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 (1 lot into 13 lots)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 20, Division 4, Table 2, Table 1 (Planning Regulation 2017)	
	Wetland protection area	
SARA reference:	1904-10894 SRA	
Assessment Manager:	Douglas Shire Council	

Street address: 20-30 Langley Road, Port Douglas  
Real property description: Lot 5 on RP804926  
Applicant name: KS3 Pty Ltd  
Applicant contact details: PO Box 891  
TOWNSVILLE QLD 4810  
erin@flanaganconsulting.com.au

## Representations

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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 Joanne Manson, Principal Planning Officer, SARA Far North QLD on 40373228 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc KS3 Pty Ltd, c/- Flanagan Consulting, erin@flanaganconsulting.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Change representation provisions

## 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)

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
<p><b>Schedule 10, Part 20, Division 4, Table 2, Table 1 - Wetland protection area</b> —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the <b>Department of Environment and Science</b> 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 conditions:</p>		
1.	<p>Erosion and sediment control measures which are in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i>, are to be installed and maintained to prevent the release of sediment to the HES wetland as shown on the map of referable wetlands as defined in the Environmental Protection Regulation 2008.</p> <p><b>Note:</b> HES referable wetlands are wetlands shown on the <a href="#">map of referable wetlands</a> as defined in the Environmental Protection Regulation 2008.</p>	For the duration of the works
2.	<p>Stormwater discharge must be treated in accordance with the Queensland Best Practice Environmental Management Guidelines before stormwater flow enters the HES wetland as shown on the map of referable wetlands as defined in the Environmental Protection Regulation 2008.</p> <p><b>Note:</b> HES referable wetlands are wetlands shown on the <a href="#">map of referable wetlands</a> as defined in the Environmental Protection Regulation 2008.</p>	At all times
3.	<p>(a) A Fauna Spotter Catcher (an authorised person who holds a rehabilitation permit with a spotter catcher endorsement under the <i>Nature Conservation Act 1992</i>), must be present on site to monitor earthworks and to respond to any situations that may arise from the discovery of native wildlife.</p> <p>(b) If any native wildlife are identified onsite, work must cease. The Fauna Spotter Catcher must supervise the relocation of any identified wildlife prior to clearing and earthwork operations recommencing and relocate any found wildlife species at an appropriate location in close proximity of the subject site.</p>	<p>(a) Prior to works commencing</p> <p>(b) While clearing/earthworks are occurring</p>

## Attachment 2—Advice to the applicant

<b>General advice</b>	
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) [v2.4]. If a word remains undefined it has its ordinary meaning.
<b>Tampering with an Animal Breeding Place of a Protected Species</b>	
2.	<p>Under the Nature Conservation (Wildlife Management) Regulation 2006, in order to tamper with the breeding place of a protected species (identified in the <i>Nature Conservation Act 1992</i>) appropriate authorisation is required.</p> <p>For further guidance on this please see the Species Management Program information on the Department of Environment and Science's <a href="#">website</a>.</p>
<b>Protected plants</b>	
3.	<p>A clearing permit under the <i>Nature Conservation Act 1992</i> will be required to remove any protected plants from the premises.</p> <p>More information on the clearing of protected plants can be found on the Department of Environment and Science's <a href="#">website</a>.</p> <p>It is recommended you meet with the Department of Environment and Science prior to applying for a permit under the <i>Nature Conservation Act 1992</i>.</p> <p>The completed <a href="#">pre-design conference application form</a> should submit to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a>.</p> <p>The Department of Environment and Science can be contacted via email at <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or by contacting 1300 130 372 (option 4) for information regarding clearing requirements under the <i>Nature Conservation Act 1992</i>.</p>

### **Attachment 3—Reasons for referral agency response**

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

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

- The department carried out an assessment of the development application against the relevant state codes and complies with the relevant performance outcomes.
- The proposed development is not located in a high ecological significance wetland.
- The proposed development avoids adverse impacts on the adjacent high ecological significance wetland.
- With conditions the proposed development does not impact on matters 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 *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

## **Attachment 4—Change representation provisions**

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(page left intentionally blank – attached separately)

# Development Assessment Rules—Representations about a referral agency response (concurrency)

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 (concurrency)**.

## Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

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

- 28.1. Despite part 2, a concurrency 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 concurrency 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 concurrency 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 concurrency 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 concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency 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 concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency 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 concurrency agency under section 30, and the concurrency agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **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.