

SARA reference: 2604-51886 SRA
Council reference: CA 2025_5880/1
Applicant reference: 2025-09-82 - Seymour Group

13 August 2026

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

Attention: Kieren Nyko

Dear Sir/Madam

Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

On 6 July 2026, the State Assessment and Referral Agency (SARA) received notice of a change to the development application described below. SARA has assessed the changes and now provides this changed referral agency response which replaces the response dated 26 May 2026.

Response

Outcome:	Changed referral agency response – with conditions
Date of response:	13 August 2026
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the changed referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguring a lot (1 lot into 40 lots and common property)
	Preliminary approval	Material change of use for use rights consistent with the low-medium density residential zone and to vary the effect of the planning scheme by amending the table of assessment for short term accommodation

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 transport corridor Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) – Material change of use of premises near a State transport corridor
SARA reference:	2604-51886 SRA
Assessment manager:	Douglas Shire Council
Street address:	71-85 Port Douglas Road, Port Douglas
Real property description:	Lot 1 on SP150468
Applicant name:	Seymour Land Pty Ltd
Applicant contact details:	C/- Aspire Town Planning and Project Services PO Box 1040 Mossman QLD 4873 admin@aspireqld.com
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: • Approved • Reference: TMR26-049812 • Date: 11 August 2026 If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (DTMR) at Far.North.Queensland.IDAS@tmr.qld.gov.au.
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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



Brett Nancarrow
Manager (Planning)

cc Seymour Land Pty Ltd c/- Aspire Town Planning and Project Services, admin@aspireqld.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—Changed 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 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State transport corridor and 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 conditions:	
1.	Stormwater infrastructure works must be undertaken generally in accordance with the following plans: (a) Preliminary Stormwater Drainage Catchment Plan prepared by Bourn Engineers, dated 24.06.26, Drawing DA400, Revision 2. (b) Preliminary Detention Basin Layout Plan prepared by Bourn Engineers, dated 24.06.26, Drawing DA401, Revision 2.	Prior to submitting the Plan of Survey to the local government for approval.
2.	(a) Construct a noise barrier between 2.0m - 2.2m including returns at the locations shown by Map 7 of the Road Traffic Noise Intrusion Assessment Report prepared by SLR Consulting Australia Pty Ltd, dated 4 August 2026, Reference 620.042901.00001 and Revision 1.1. (b) Design the noise barrier generally in accordance with: • Section 7.2 Noise Barriers and Section 8.0 Conclusion of the Road Traffic Noise Intrusion Assessment Report prepared by SLR Consulting Australia Pty Ltd, dated 4 August 2026, Reference 620.042901.00001 and Revision 1.1 and the following standards: - o the Department of Transport and Main Roads' Road Traffic Noise Management Code of Practice, Volume 1, Chapter 7 and technical Specification MRTS15 - o the Department of Transport and Main Roads' Standard Drawings. (c) RPEQ certification must be provided to Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	(a) – (c): Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.
3.	(a) Road accesses are located generally in accordance with Preliminary Site Entrance Intersection Functional Layout Plan prepared by Bourn Engineers, dated 24.06.26, Reference DA500 and Revision 2, as amended in red by SARA. (b) Road access works including road lighting must be provided at the road access location referred to in part (a) of this condition	(a) At all times. (b) and (c): Prior to submitting the Plan of Survey to the local

	comprising of: (i) a sealed channelised right-turn treatment with a short turn slot (CHR(S)); and (ii) a sealed Basic left-turn treatment (BAL). (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with: (i) Preliminary Site Entrance Intersection Functional Layout Plan prepared by Bourn Engineers, dated 24.06.26, Reference DA500 and Revision 2 (ii) Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, June 2026 • Figure 7.2: Channelised right-turn treatment with a short turn slot (CHR(S)) on a two-lane rural road • Figure 8.2: Basic left-turn treatment (BAL) (iii) Department of Transport and Main Roads', Road Planning and Design Manual, 2nd edition • Volume 3 – Guide to Road Design, September 2025 • Volume 6 – Lighting, March 2021.	government for approval.
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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) (version 3.5). If a word remains undefined it has its ordinary meaning.
Further development permits required	
2.	Road Works Approval The proposed development will be required to extend and widen the existing service road (driveway) to the proposed access location within the Port Douglas Road corridor, a state-controlled road. Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.
3.	Road Corridor Permit – Landscaping The development is proposing to undertake landscaping / planting works including an entry statement feature within the Port Douglas Road corridor, a state-controlled road. An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006. Please contact the Cairns district office of the Department of Transport and Main Roads by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application and obtain a road corridor permit. 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.

Attachment 3—Reasons for changed referral agency response

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

The reasons for the SARA's decision are:

SARA assessed the development against the following code of the State Development Assessment Provisions (SDAP), version 3.5:

- State code 1: Development in a state-controlled road environment (State code 1)

The development can be conditioned to comply with the assessment benchmarks of State code 1 of SDAP in that the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads.

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 3.5)
- the Development Assessment Rules
- SARA DA 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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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

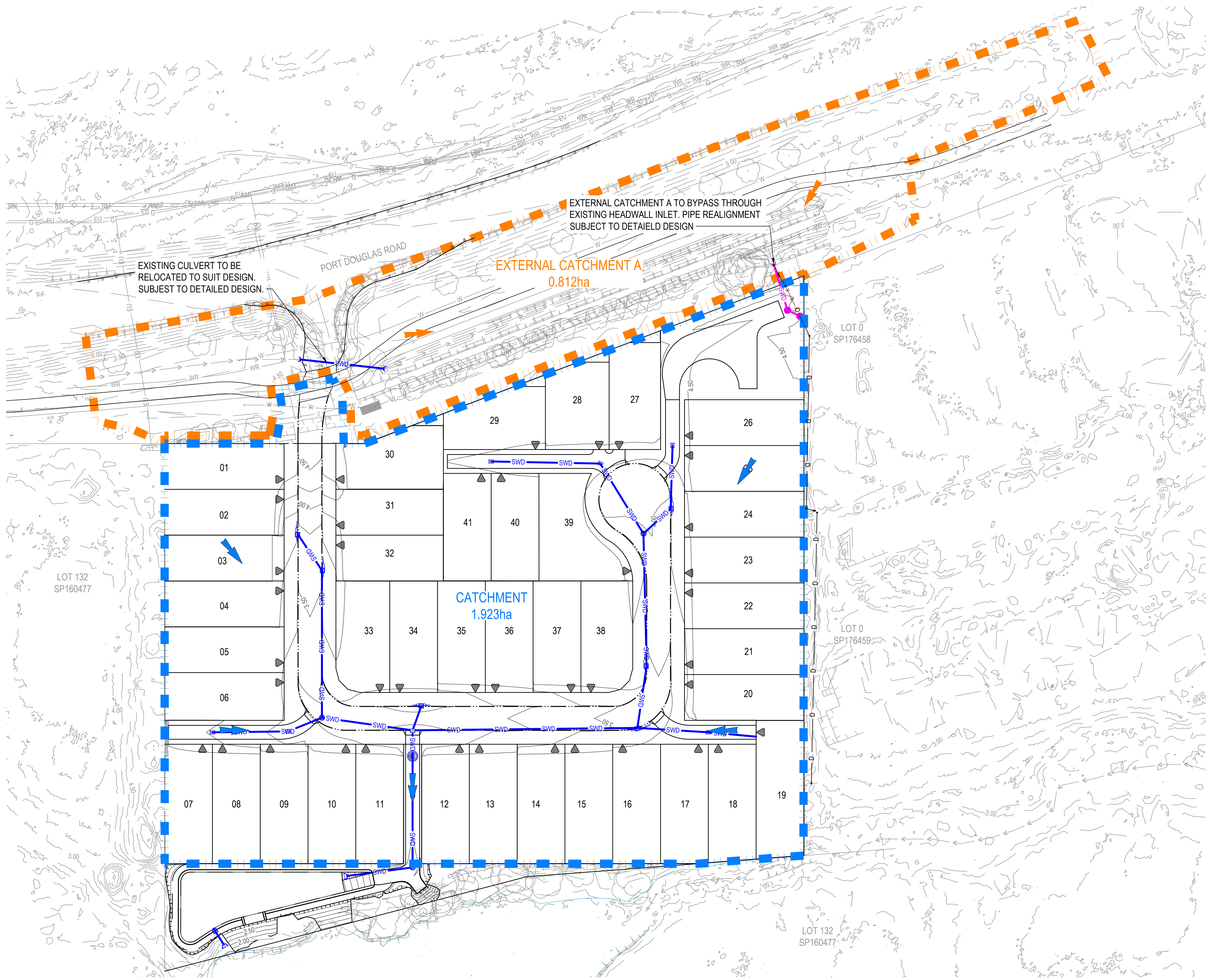
³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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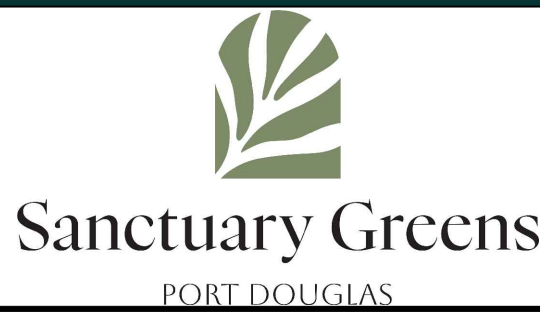


NOTE:
REFER DRAWING BE25041-001-DA200 FOR LEGEND

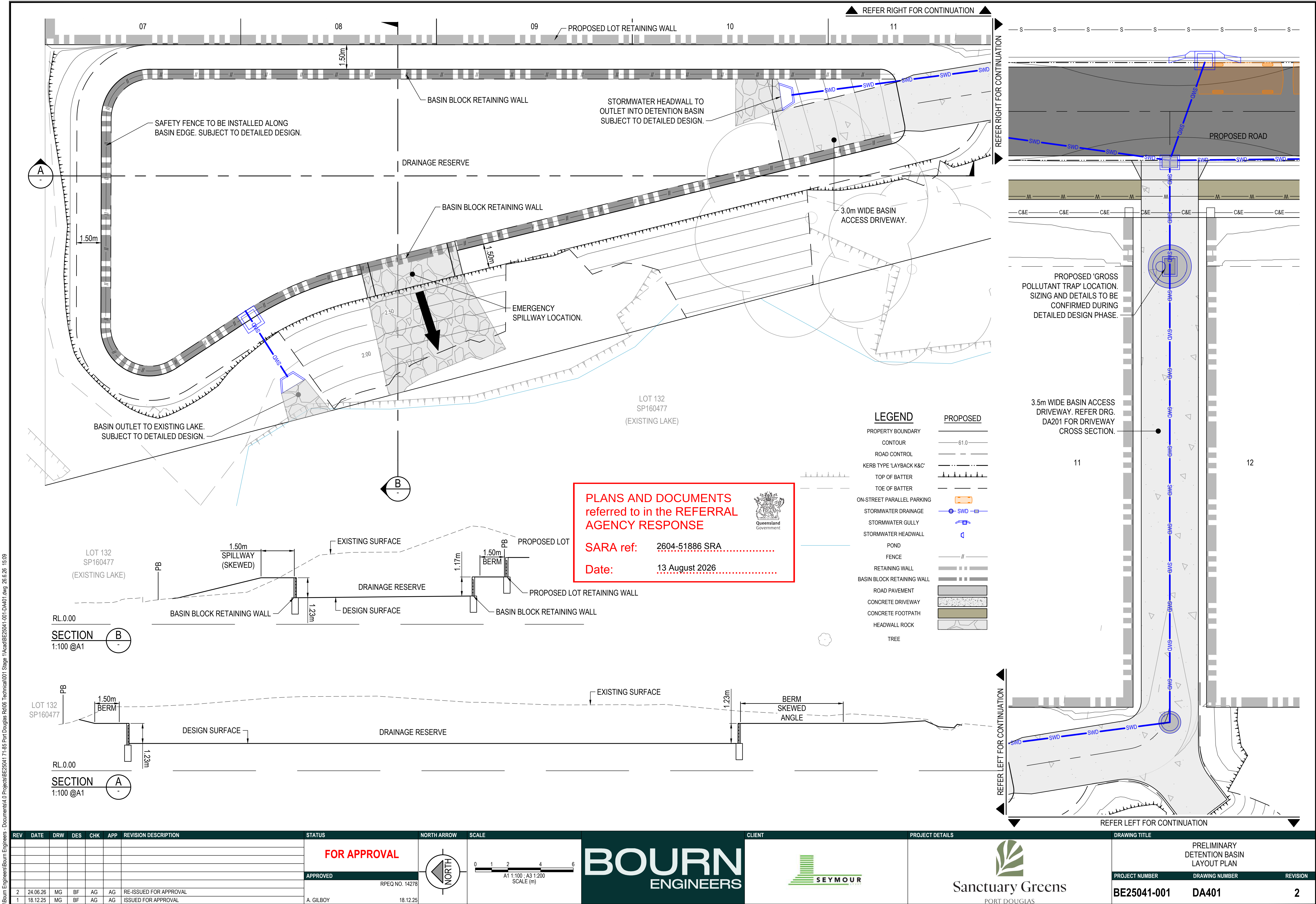
REV	DATE	DRW	DES	CHK	APP	REVISION DESCRIPTION
2	24.06.26	MG	BF	AG	AG	RE-ISSUED FOR APPROVAL
1	18.12.25	MG	BF	AG	AG	ISSUED FOR APPROVAL

STATUS	NORTH ARROW	SCALE
FOR APPROVAL		0 5 10 20 30 A1 1:500 ; A3 1:1000 SCALE (m)
APPROVED		
RPEQ NO. 14278		
A. GILBOY		18.12.25

BOURN
ENGINEERS



DRAWING TITLE	PROJECT NUMBER	DRAWING NUMBER	REVISION
PRELIMINARY STORMWATER DRAINAGE CATCHMENT PLAN	BE25041-001	DA400	2



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Subdivision of Land Parcel SP150468 at 71-85 Port Douglas Road, Port Douglas

Road Traffic Noise Intrusion Assessment

Seymour Group Pty Ltd

PO Box 2454 Chermside Centre
QLD 4032

Prepared by:

SLR Consulting Australia Pty Ltd

SLR Project No.: 620.042901.00001

4 August 2026

Revision: 1.1

Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
1.1	4 August 2026	TA & SH	RO	SH
1.0	19 December 2025	TA	RO	SH

Basis of Report

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Seymour Group Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

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7.0 Recommendations

7.1 SDAP State Code 1 Requirements

As indicated in **Section 4.1**, the proposed development will be located within 25m from a state-controlled road. Therefore, the applicable requirements from the SDAP State Code 1 are to be implemented. These are as follows:

- The development provides a noise barrier, earth mound or alternative noise attenuation measures where these strategies cannot be practically applied, to achieve a maximum free field noise level of ≤ 60 dBA $L_{A10,18hr}$ within the development.
- Building facade elements meet the minimum QDC MP4.4 Weighted Sound Reduction Index (R_w) (refer to **Section 7.2**).
- Balconies, podiums and roof decks, where above ground floor level, must include:
 - o Continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia).
 - o Highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums and roof decks.

A Noise Reduction Coefficient (NRC) of 0.7 or greater is recommended for the balcony soffits. This is readily achievable with perforated fibre-cement systems with insulation inside the cavity. An acoustically tested system is to be selected to ensure the acoustic performance is achieved.

The SDAP State Code 1 specification for solid balustrade and sound absorptive soffit does not state a noise criterion for its implementation. Thus, to address the SDAP requirement, it is recommended that the treatments be implemented to all balconies of habitable spaces with a predicted QDC MP4.4 Noise Category 1 or greater, as minimum.

7.2 Noise Barriers

For the external noise levels to meet the SDAP State Code 1 PO38 and PO39 external noise criteria and the predicted QDC MP4.4 noise categories detailed in **Section 6.0**, noise barriers are recommended to be built as follows:

- The location of the modelled 2.0 m and 2.2 m high noise barriers is shown in **Figure 7-1**.

The noise barriers can be made of an earth mound, acoustic fence or a combination thereof. **Table 6-1** shows the approximate ground elevation at the base of the barrier at mid span of the adjacent allotment and the approximate elevation of the closest road lane.
- The noise barriers modelled elevation is detailed in **Table 6-1**, and final barrier heights as specified in **Figure 7-1** can incorporate retaining walls, and are relative to the adjacent allotment pad heights in **Appendix B**.
- The barriers must generally be installed without gaps between panels and posts. Small gaps between the bottom of the panels are permissible if required for drainage. However, these must be minimised.
- The noise barriers must have a minimum surface density of 12.5 kg/m^2 (excluding structural components):



- o Appropriate materials can include overlapped timber, fibre cement, masonry, or a combination thereof.
- o Other construction materials are also suitable where the panels (structural components excluded) meet the minimum surface density and the barrier is built following the above guidance.
- o Noise barriers are required to be designed and constructed in accordance with Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019.

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Subdivision of Land Parcel SP150468 at 71-85
Port Douglas Road, Port Douglas

Map

7

Prepared for Seymour Group Pty Ltd
By SLR Consulting Australia Pty Ltd

1.8 m and 2.0 m Noise Barrier Locations

Project engineer: TA
Created: 04-Aug-2026
Processed with SoundPLAN 8.2
Project No.: 620.042901.00001

Signs and symbols

- 2.0 m Noise Barrier
- 2.2 m Noise Barrier

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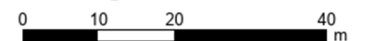


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Length scale 1:700



8.0 Conclusion

SLR Consulting Pty Ltd (SLR) have completed a road traffic noise assessment of the proposed subdivision of land parcel SP150468 at 71-85 Port Douglas Road, Port Douglas, known as 'Sanctuary Greens'. This report addresses the road traffic noise intrusion from the state-controlled Port Douglas Road transport noise corridor onto residential allotments within the Project.

The assessment was conducted following guidance from the Queensland Department of Transport and Main Roads (DTMR) – Transport Noise Management: Code of Practice Volume 1 - Road Traffic Noise, dated November 2013 (CoP Vol 1).

A computational noise model was used to predict future road traffic noise levels from Port Douglas Road, considering a 10-year horizon after Project completion (assumed 2038).

For the external noise levels to meet the SDAP State Code 1 PO38 and PO39 external noise criteria and the predicted noise categories detailed in this report, noise barriers are recommended to be built as follows:

The location of the modelled 2.0 m and 2.2 m high noise barriers is shown in **Figure 7-1**. The noise barriers can be made of an earth mound, acoustic fence or a combination thereof. **Table 6-1** shows the approximate ground elevation at the base of the barrier at mid span of the adjacent allotment and the approximate elevation of the closest road lane.

- The noise barriers modelled elevation is detailed in **Table 6-1**, and final barrier heights as specified in **Figure 7-1** can incorporate retaining walls, and are relative to the adjacent allotment pad heights in **Appendix B**.
- The barriers must generally be installed without gaps between panels and posts. Small gaps between the bottom of the panels are permissible if required for drainage. However, these must be minimised.
- The noise barriers must have a minimum surface density of 12.5 kg/m² (excluding structural components):
 - o Appropriate materials can include overlapped timber, fibre cement, masonry, or a combination thereof.
 - o Other construction materials are also suitable where the panels (structural components excluded) meet the minimum surface density and the barrier is built following the above guidance.
 - o Noise barriers are required to be designed and constructed in accordance with Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019.

The residual noise levels after the implementation of 2.0 m and 2.2 m high noise barriers were assessed against noise criteria derived from the Queensland Development Code Mandatory Part 4.4 (QDC MP4.4).

QDC MP4.4 Categories applicable to all the Project allotments are presented in **Table 6-1**.

The R_w rating applicable to the dwelling facade elements with reference to the QDC MP4.4 Categories are presented in **Table 4-6**. Acceptable forms of construction are reproduced from Schedule 2 of QDC MP4.4 reproduced in **Table 4-7**, noting that other forms of construction are acceptable where they meet the required R_w rating.

The predicted QDC MP4.4 Noise Categories presented in this report generally represent the highest Noise Category for any part of the allotment (rather than on the building envelope).

A lower Noise Category may be applicable depending on the position and layout of the building on the allotment. The constructed dwellings and other allotment fences will also screen road noise. For these reasons, the Noise Categories are considered a conservative assessment of transport noise.

A lower Noise Category should be acceptable at specific facades of the future dwellings depending on the layout of these within the allotment, pending demonstration of the road traffic noise levels onto specific habitable spaces within a dwelling via an allotment specific noise assessment based on architectural drawings, presented by the allotment owner.

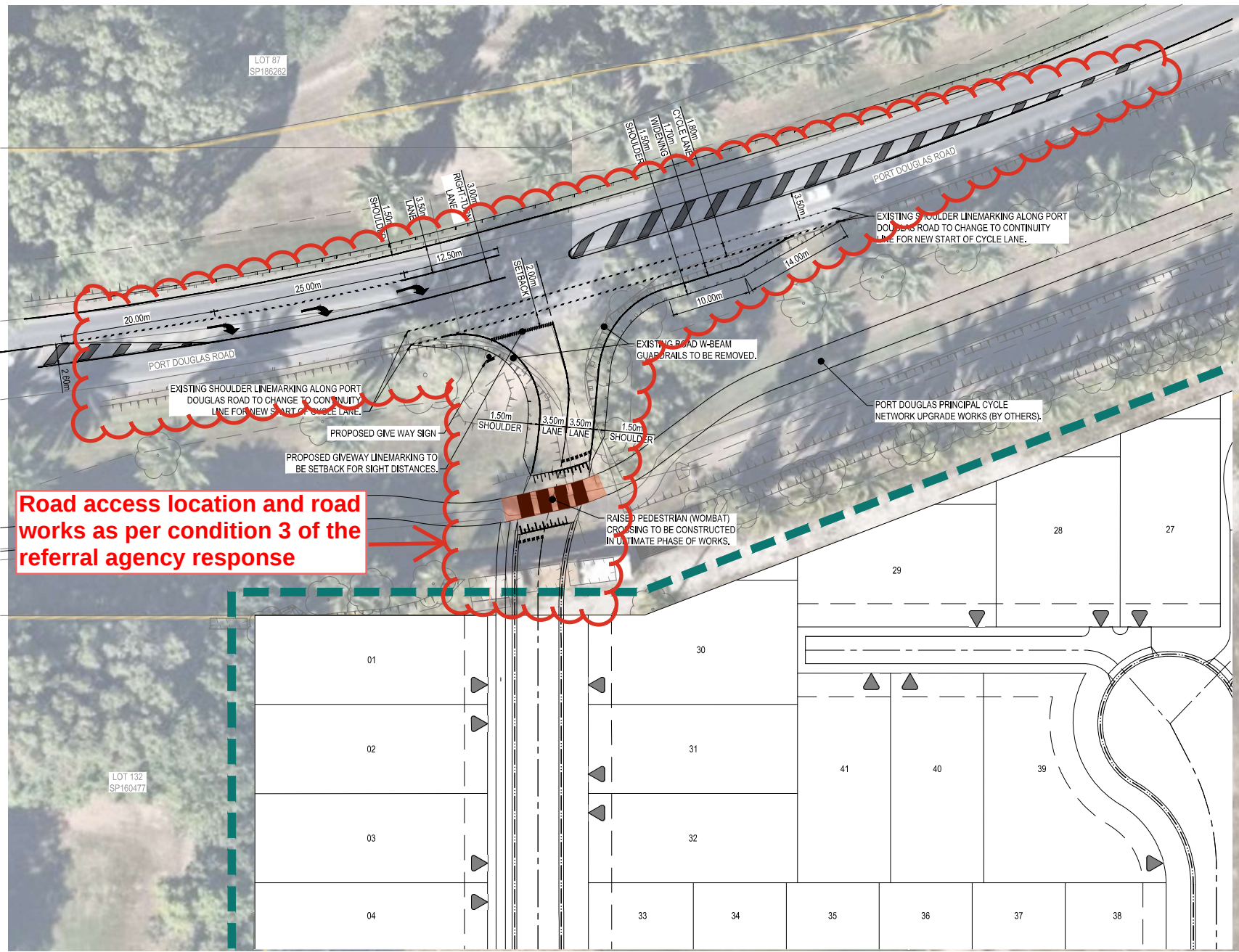
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EXISTING	LEGEND	PROPOSED
---	PROPERTY BOUNDARY	---
---	ROAD CONTROL	---
---	KERB TYPE 'LAYBACK K&C'	---
---	EDGE OF BITUMEN	---
---	INDICATIVE DRIVEWAY LOCATION	---
---	W-BEAM GUARDRAIL	---
---	CYCLE WAY/WOMBAT CROSSING	---

Road access location and road works as per condition 3 of the referral agency response

Amended in red by SARA on
13 August 2026

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REV	DATE	DRW	DES	CHK	APP	REVISION DESCRIPTION	STATUS	NORTH ARROW	SCALE	CLIENT	PROJECT DETAILS	DRAWING TITLE
2	24.06.26	MG	BF	AG	AG	RE-ISSUED FOR APPROVAL	FOR APPROVAL					PRELIMINARY SITE ENTRANCE INTERSECTION FUNCTIONAL LAYOUT PLAN
1	16.12.25	MG	BF	AG	AG	ISSUED FOR APPROVAL	APPROVED					

LOT 87
SP186262

LOT 132
SP160477

01

02

03

04

30

31

32

33

34

35

36

37

38

39

40

41

27

28

29

2.5m

5m

10m

15m

A1 1:250 / A3 1:500

SCALE (m)

BOURN

ENGINEERS

SEYMOUR

Sanctuary Greens

FORT DOUGLAS

PROJECT NUMBER

DRAWING NUMBER

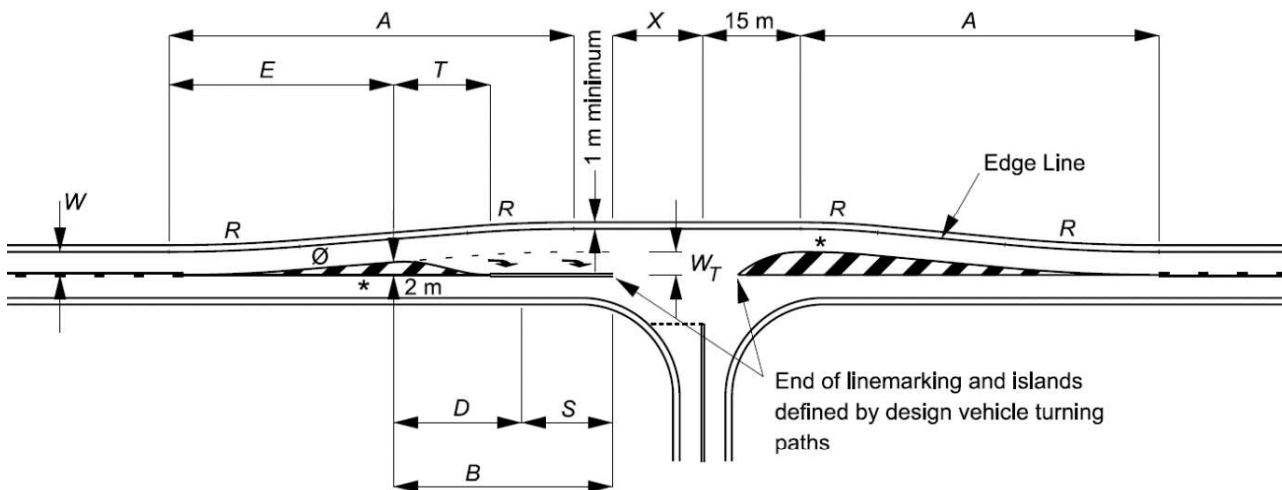
REVISION

BE25041-001

DA500

2

Figure 7.2: Channelised right-turn treatment with a short turn slot [CHR(S)] two-lane rural road



Notes:

Ø – double barrier line not to be used this side of the island.

* – Islands are to comprise linemarking only, i.e. no raised or depressed medians. Diagonal rows of RRPMs within the painted islands should be used to improve the delineation of diagonal pavement marking.

The holding line is typically placed in prolongation of the kerb line or edge line, however, it may be set back if there is a problem with the design vehicle over-running the holding line, or if it is desired to hold vehicles back some distance from the intersecting roadway (AS 1742.2 - 2009). The setback needs to be balanced such that sight distance is not negatively impacted to create a safety issue and the needs of pedestrians is met.

The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.1:

W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy

W_T = Nominal width of turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum

A = Length of lateral movement (Table 7.1)

B = Total length of auxiliary lane including taper, diverge/deceleration and storage (m)

E = Distance from start of taper to 2.0 m width (m) and is given by:

$$E = 2 \left(\frac{A}{W_T} \right)$$

T = Taper length (m) and is given by:

$$T = \frac{0.33VW_T}{3.6}$$

S = Storage length to cater for one design turning vehicle (m)

V = Design speed of major road approach (km/h)

X = Distance based on design vehicle turning path, typically 10–15 m

Source: Department of Main Roads (2006).

7.2.4 Rural Channelised T-junction – Full Length (CHR)

For this layout, all traffic is required to deviate and therefore the road alignment for the through movement must be designed to suit the operating speed. This deviation requires the pavement to be widened to provide a full-length right-turn lane as shown in Figure 7.3.

The minimum lengths of deceleration (D) for different design speeds are shown in Table 5.2 and should be based on the comfortable deceleration rate of 2.5 m/s². The storage length (S) is usually determined through the use of computer programs such as SIDRA.

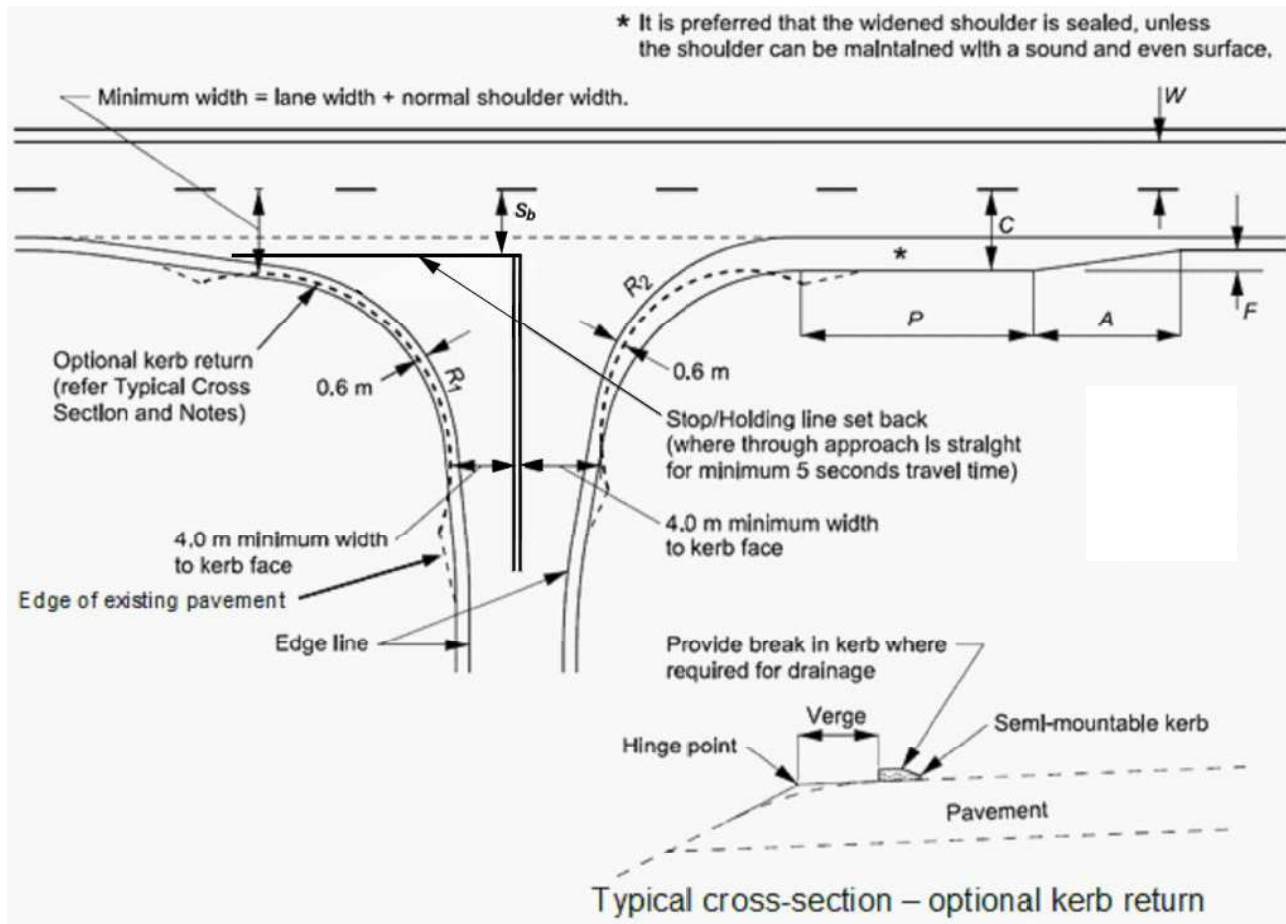
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Figure 8.2: Rural basic left-turn treatment (BAL)



Notes:

- R_1 and R_2 are determined by the swept path of the design vehicle.
- The dimensions of the treatment are defined thus:
 - W = Nominal through lane width (m) (including widening for curves).
 - C = On straights – 6.0 m minimum.
On curves – 6.0 m plus curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).
 - $A = \frac{0.5VF}{3.6}$
 - V = Design speed of major road approach (km/h).
 - F = Formation/carriageway widening (m).
 - P = Minimum length of parallel widened shoulder (Table 8.1).
 - S_b = Setback distance between the centre of the major road and the give way or stop line in the minor road. The holding line is typically placed in prolongation of the kerb line or edge line, however, it may be set back if there is a problem with the design vehicle over-running the holding line, or if it is desired to hold vehicles back some distance from the intersecting roadway (AS 1742.2 - 2009). The setback needs to be balanced such that sight distance is not negatively impacted to create a safety issue and the needs of pedestrians is met.

Source: Department of Main Roads (2006).

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Our ref TMR26-049812
Your ref
Enquiries Ronald Kaden



11 August 2026

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number CA 2025_5880/1, lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 1SP150468, the land the subject of the application, and Port Douglas Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Seymour Land Pty Ltd
C/- Aspire Town Planning and Project Services
PO Box 1040
Mossman QLD 4873

Application Details

Address of Property 71 Port Douglas Road, Port Douglas QLD 4877
Real Property Description 1SP150468
Aspect/s of Development Preliminary Approval for use rights associated with the Low-Medium Density Residential Zone and Development Permit for Reconfiguring a Lot (1 Lot into 40 Lots and Common Property)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1.	The permitted road access location is approximately 35 meters from the northeastern boundary of Lot 1 on SP150468 and 150 metres south of the Mirage Roundabout, in accordance with: 1. TMR Layout Plan (6504 - 2.70km) Issue D 11/08/2026.	At all times.
2.	Direct access is prohibited between Port Douglas Road and Lot 1 on SP150468 at any other location other than the permitted road access location described in Condition 1 .	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
3.	The use of the permitted road access location is to be restricted to: (a) Design vehicles up to a maximum size Three axle truck or bus - Class 4 Medium Length (up to 14.5m) Heavy Vehicle** Note: ** as described in Austroads Vehicle Classification System	At all times.
4.	Road access works comprising of a sealed Channelised right-turn treatment (short) and a sealed Rural basic left turn treatment (BAL) must be provided at the permitted access location, generally in accordance with: • Austroads Guide to Road Design Part 4A, Figure 7.2: CHR(S), and • Austroads Guide to Road Design Part 4A, Figure 8.2: (BAL).	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

Reasons for the decision

The reasons for this decision are as follows:

- (a) Currently, Lot 1 on SP150468 (the subject site) has road frontage and vehicle access via Port Douglas Road, a state-controlled road.
- (b) The proposed development is seeking a changed vehicular access to accommodate increased traffic generation between Lot 1 on SP150468 and Port Douglas Road.
- (c) The traffic impact assessment prepared by SLR Consulting Australia Pty Ltd has identified that the existing vehicular access will be required to be upgraded to accommodate increased traffic generation from the proposed reconfiguration (1 lot into 40 lots).
- (d) The changed vehicular access is via Port Douglas Road is required to be upgraded to a to a Austroads Channelised right-turn treatment with a short turn slot (CHR(S) and a Rural basic left-turn treatment (BAL).
- (e) A new section 62 decision is required to be issued for the changed road access location via a state-controlled road.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and

- b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Technical Officer (Development Control) should be contacted by email at caid_cm@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
TMR Layout Plan (6504 - 2.70km)	Queensland Government Transport and Main Roads	11/08/2026	TMR26-49812	D
Preliminary Site Entrance Intersection Functional Layout Plan	Bourn Engineers	24.06.26	DA500	2
Traffic Impact Assessment	SLR Consulting Australia Pty Ltd	2 July 2026	620.042901.00002	2.1
Channelised right-turn treatment with a short turn slot (CHR(S) on a two-lane rural road	Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections	May 2023	Figure 7.2	-
Basic left-turn treatment (BAL)	Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections	May 2023	Figure 8.2	-
Vehicle Access to state-controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.
- (9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



1SP150468

Permitted Road Access Location

Approx 35m from the north eastern boundary of Lot 1SP150468, and approx 150m south of Mirage Roundabout (2.70km LHS)

GPS location x 145.462850, y -16.507794

Access Restrictions

a) Design vehicles up to a maximum size Three axle truck or bus
- Class 4 Medium Length (to 14.5m) Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

0 60.01

Metres

Scale 1:1,500

Branch/Unit : **Corridor Management / Far North District**

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

Land parcel

Subject land

State-controlled road corridor

**TMR Layout Plan
(6504 - 2.70km)**



Queensland Government
Transport and Main Roads

Plan: **1 / 1**

Issue: **D**

Date: **11/08/2026**

Drawn by:
DMW

File ref:
TMR26-049812