



SARA reference: 2108-24049 SRA
Council reference: MCUC2021_4256/1
Applicant reference: 20211130

7 September 2021

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—Material Change of Use for Shop at 24 Macrossan Street, 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 State Assessment and Referral Agency (SARA) on 10 August 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	7 September 2021
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 referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use for Shop
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Material change of use near a state-controlled road

SARA reference: 2108-24049 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/- GMA Certification Group
PO Box 831
Port Douglas QLD 4877
patrick.C@gmacert.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 40373215 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Macrossan Street Pty Ltd C/- GMA Certification Group, patrick.C@gmacert.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)

No.	Conditions	Condition timing
Material change of use		
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:		
1.	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) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>Awning design and footpath works</p> <p>Separate approval processes for the awning and footpath works are required under the <i>Transport Infrastructure Act 1994</i>.</p> <p>Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit via email cairns.office@tmr.qld.gov.au. 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> <p>The Road Corridor Permit process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA decision are:

- The site has road frontage and an existing vehicle access to Macrossan Street (Port Douglas Road), a state-controlled road.
- The proposed development will utilise the existing access and no upgrades or changes to the access are required.
- The site is relatively flat with existing pavement, and the proposed development is unlikely to involve a large amount of excavation or filling works.
- The site is fully impervious, and the proposed development is unlikely to cause additional stormwater impacts to the state-controlled road.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Macrossan Street.
- The proposed development, with conditions, complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

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 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

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.



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

Access Restrictions

- a) Left-In, Left-Out vehicle movements only
- b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2108-24049 SRA

Date: 7 September 2021

Branch/Unit :

Corridor Management / Far North District

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: 1 / 1

Issue: **B**

Date: **06/09/2021**

Drawn by:
RPK

File ref:
TMR21-33788 (500/1624)