



SARA reference: 2103-21727 SRA
 Council reference: ROL2021_4012
 Applicant reference: Q184103

12 July 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—Stage 2 New Port Estate Residential Subdivision at Captain Cook Highway, Craiglie

(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 on 24 March 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	12 July 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	Reconfiguring a Lot (1 Lot into 34 Lots, New Road and Balance Lot).
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-

controlled road

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1
(Planning Regulation 2017) - Reconfiguring a lot near a State-controlled road intersection

SARA reference: 2103-21727 SRA
Assessment Manager: Douglas Shire Council
Street address: Captain Cook Highway, Craiglie
Real property description: Lot 2 on SR431
Applicant name: Port Douglas Land Developments Pty Ltd
Applicant contact details: C/- Cardno (Qld) Pty Ltd
PO Box 1619
CAIRNS QLD 4870
billy.glover@cardno.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@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Port Douglas Land Developments Pty Ltd C/- Cardno, billy.glover@cardno.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 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
Reconfiguring a lot		
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 3, Item 1 – Reconfiguring a lot near a State-controlled road intersection—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.	<p>(a) A 2.4 - 2.6 metre noise barrier must be constructed in accordance with the Noise Impact Assessment Report, prepared by Cardno, dated 25 March 2019, reference I019_Q184013.</p> <p>(b) The noise barrier must be designed in accordance with:</p> <ul style="list-style-type: none"> (i) the Department of Transport and Main Roads' Road Traffic Noise Management Code of Practice, Volume 1, Chapter 6 and 7. (ii) Specification MRTS15 Noise Fences (March 2019). (iii) Standard Drawing Road Manual, Part 13, Number 1606. <p>(c) RPEQ certification must be provided to the Road Corridor Management Unit, Department of Transport and Main Roads, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au), confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road. (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. (iii) surcharge any existing culvert or drain on the state-controlled road. (iv) reduce the quality of stormwater discharge onto the state-controlled road. 	(a) & (b) At all times.
3.	Direct access is not permitted between Captain Cook Highway and the subject site.	At all times
4.	(a) Road works comprising of a channelized right-turn treatment with a short turn slot (CHR(S)) must be provided to upgrade the Captain Cook Highway / Beor Street intersection.	Prior to submitting the Plan of Survey to the local government for approval

	<p>(b) The road works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossings – General, specifically:</p> <ul style="list-style-type: none">• Figure A 29: Channelized right-turn treatment with a short turn slot (CHR(S)) two lane rural road for north bound vehicles turning right from Captain Cook Highway into Beor Street.	
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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) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>Transport Corridor Noise</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 transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors 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 transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking 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>
3.	<p>Advertising Device</p> <p>The proposed development is proposing to erect an advertising device that will be visible from a state-controlled road. The applicant should seek advice from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015 to require removal or modification of an advertising sign and / for a device which is deemed that it creates a danger to traffic.</p>
4.	<p>Roads Works Approval</p> <p>Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval.</p> <p>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).</p> <p>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 to Captain Cook Highway a state-controlled road, and Wabul Street and Andreassen Road, both local roads. There is no direct vehicle access to Captain Cook Highway with existing access available via Wabul Street and Andreassen Road.
- Proposed access for the Stage 2 development site will be via Wabul Street via the local road network, including the approved Stage 1 development, through to the Captain Cook Highway / Beor Street intersection.
- Road works to the Captain Cook Highway / Beor Street intersection will ensure the intersection can accommodate the increased traffic generation from the Stage 2 development and not result in a worsening of operating conditions on the state-controlled road network.
- Connections to council services, infrastructure and utilities will be obtained via the approved Stage 1 development and will not impact Captain Cook Highway.
- The development will be set back a sufficient distance (minimal distance approx. 22m) from the state-controlled road, and required excavation and filling will not adversely impact the state-controlled road.
- The noise barrier will minimise traffic noise impacts to future residents of the development.
- Stormwater and drainage flows are appropriately managed and will not impact the state-controlled road.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Captain Cook Highway.
- With conditions, the proposed development 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)

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.