



SARA reference: 2107-23868 SRA
 Council reference: MCUC2021_4248/1
 Applicant reference: 21-19/001136

18 October 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—147 Port Douglas Road, Port Douglas Extension to Shopping Centre

(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 5 August 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	18 October 2021
Conditions:	Nil
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material Change of Use for extensions to the existing Shopping Centre, for Shopping Centre, Food and Drink Outlet (with no drive-through facility) and Office.
SARA role:	Referral Agency.	

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – State-controlled road

SARA reference: 2107-23868 SRA

Assessment Manager: Douglas Shire Council

Street address: 147 Port Douglas Road, Port Douglas

Real property description: 193RP747071

Applicant name: Port Douglas Constructions Pty Ltd

Applicant contact details: Planning Plus
PO Box 399
Redlynch QLD 4870
info@planningplusqld.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 3**.

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

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Port Douglas Constructions Pty Ltd, info@planningplusqld.com.au

enc Attachment 1 – Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—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 effective 7 February 2020. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposed development has been revised with a reduced building footprint, down from five (5) tenancies and 355m² gross floor area (GFA) to three (3) tenancies and 284m² GFA.
- Given the reduced floorspace and retention of the rear ingress/egress via Ribbon Avenue, the proposed development is not considered a significant traffic generator and is unlikely to impact on the function of a state-controlled road intersection or state-controlled road network.
- The site for the proposed development is located approximately 107 metres from Port Douglas Road, a state-controlled road.
- The proposed development will be screened by nature vegetation partly within the subject site and within the state-controlled road corridor.
- The proposed development is not increasing the impervious area of the premises.
- The proposed development will connect to existing stormwater infrastructure which discharges stormwater and drainage flows via Ribbon Avenue, a lawful discharge point.
- No stormwater and drainage run-off flows will be discharged via Port Douglas Road, a state-controlled road.
- The premises have direct vehicle access via Ribbon Avenue, a local council road and via Port Douglas Road, a state-controlled road.
- Port Douglas Road is not a limited access road.
- The proposed development will not require a new or changed access via Port Douglas Road.
- The existing access is improved by a channelized right turn (CHR) and auxiliary left turn (AUL) and complies with the Department of Transport and Main Roads' intersection standards for a shopping centre. This will also ensure that there is no queuing on Port Douglas Road.
- The proposed development will not require additional road works to improve the function and design of the state-controlled road intersection.
- On-site vehicle circulation will be via Ribbon Street, a local council road and Port Douglas Road, a state-controlled road.
- The design of the intersection with a channelized right turn (CHR) and auxiliary left turn (AUL) will adequately accommodate increased traffic generation from the proposed extensions to the existing shopping centre.

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 effective 7 February 2020), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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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.