

SARA assessment report—referral agency

1.0 Application summary

SARA reference	2503-45111 SRA
Applicant name	Davidson Developments Pty Ltd C/- Aspire Town Planning and Project Services
Site address	12 Davidson Street, Port Douglas
Type of application	Development permit for Material Change of Use (Dual Occupancy), and reconfiguring a lot (1 Lot into 2 Lots)
Description of proposal	<p>The proposal seeks the following:</p> <p>Reconfiguring a lot (1 into 2)</p> <ul style="list-style-type: none">• The proposed development will create 2 new lots with a total road frontage (20.182m) to Davidson Street, a State-controlled road.• The proposed lot sizes are both 506m² <p>Material change of use</p> <ul style="list-style-type: none">• The proposed dual occupancy will consist of a single-story dual occupancy with shared wall; both dwellings are proposed to be on freehold titles.• The proposed dual occupancies will have separate private outdoor spaces at the rear of the dwellings.• Separate garages and vehicle access is via the state-controlled road.
Referral matters under the Planning Regulation 2017 (Planning Regulation)	Planning Regulation 2017: <ul style="list-style-type: none">• Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1. Reconfiguring a lot near a State transport corridor (10.9.4.2.1.1)• Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1. Material change of use of premises near a State transport corridor (10.9.4.2.4.1)
State Development Assessment Provisions (SDAP)	<ul style="list-style-type: none">• Version 3.2• State code 1: Development in a state-controlled road environment
Related applications under a separate Act	This application is also taken to be an application for a road access location under section 62A(2) of the <i>Transport Infrastructure Act 1994</i> .
Properly made date	26 February 2025
Properly referred date	13 March 2025
Response due date	24 April 2025

2.0 Assessment Summary

Pre-lodgement advice	No pre-lodgement advice was issued.
Technical Agency advice	The development application was referred to the following Technical Agency(s):

	<ul style="list-style-type: none"> • Department of Transport and Main Roads (DTMR) with Technical Agency Response (TAR) provided on xxx recommending approval subject to conditions (Link)
Information request	No information request was issued.
Advice notice	No advice notice was issued.
DSDIP officer recommendation	Approve the development application subject to conditions.
Reason for recommendation	Compliant with State code 1 of SDAP
Recommendation different to Technical Agency advice	Not applicable
Delegate for decision	As per SARA's operational policy and <u>instrument of delegation</u> , the Planning Manager (AO8) has delegation to consider this application.

3.0 Site Context

Real property description	Lot 706 on PTD2092
Local Government Area	Douglas Shire
Site area	1012m ²
Relevant site matter(s)	<ul style="list-style-type: none"> • Within 25m of a State-controlled road
Non relevant mapped State matters	Nil
Existing use	Vacant - Dwelling house was demolished in 2024
Site history	A search of the application material, SARA's records and Council's DA Online system has not identified any existing development approvals that SARA must have regard to.

4.0 Location imagery

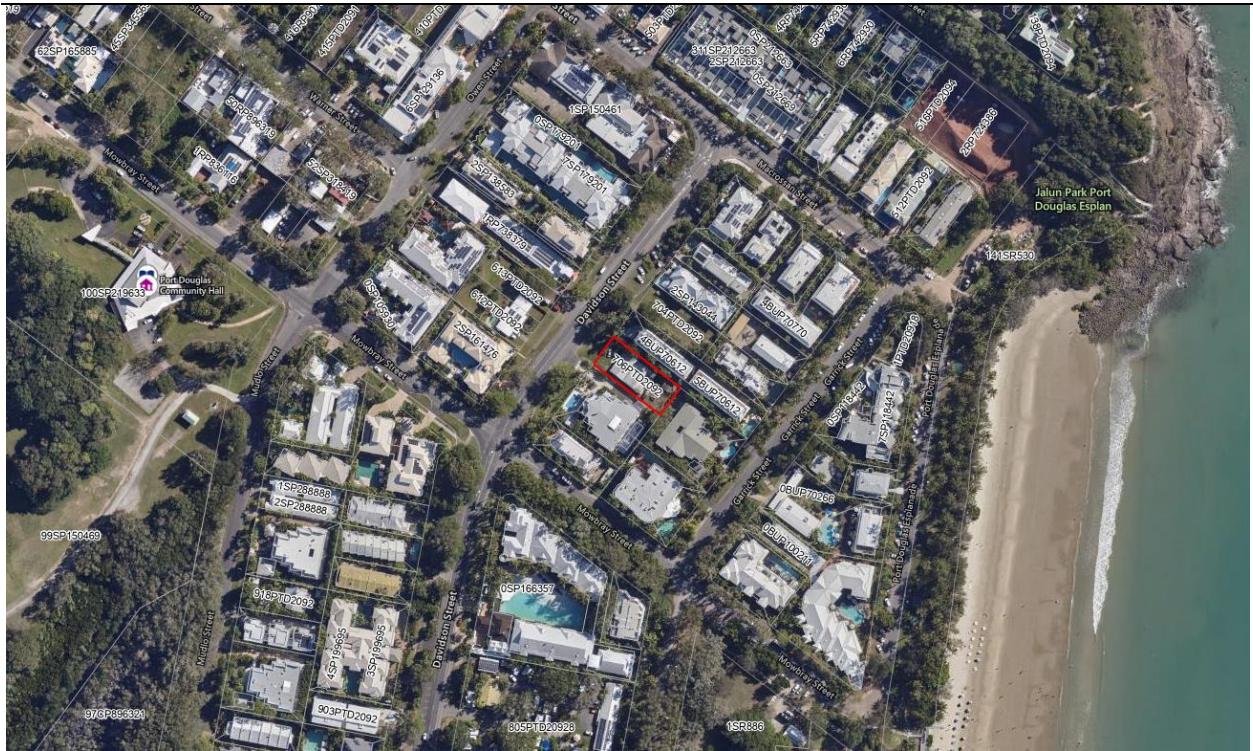


Figure 1: Site location



Figure 2: Aerial image of the site (note: the dwelling has been demolished)



Figure 3: online DA Mapping System

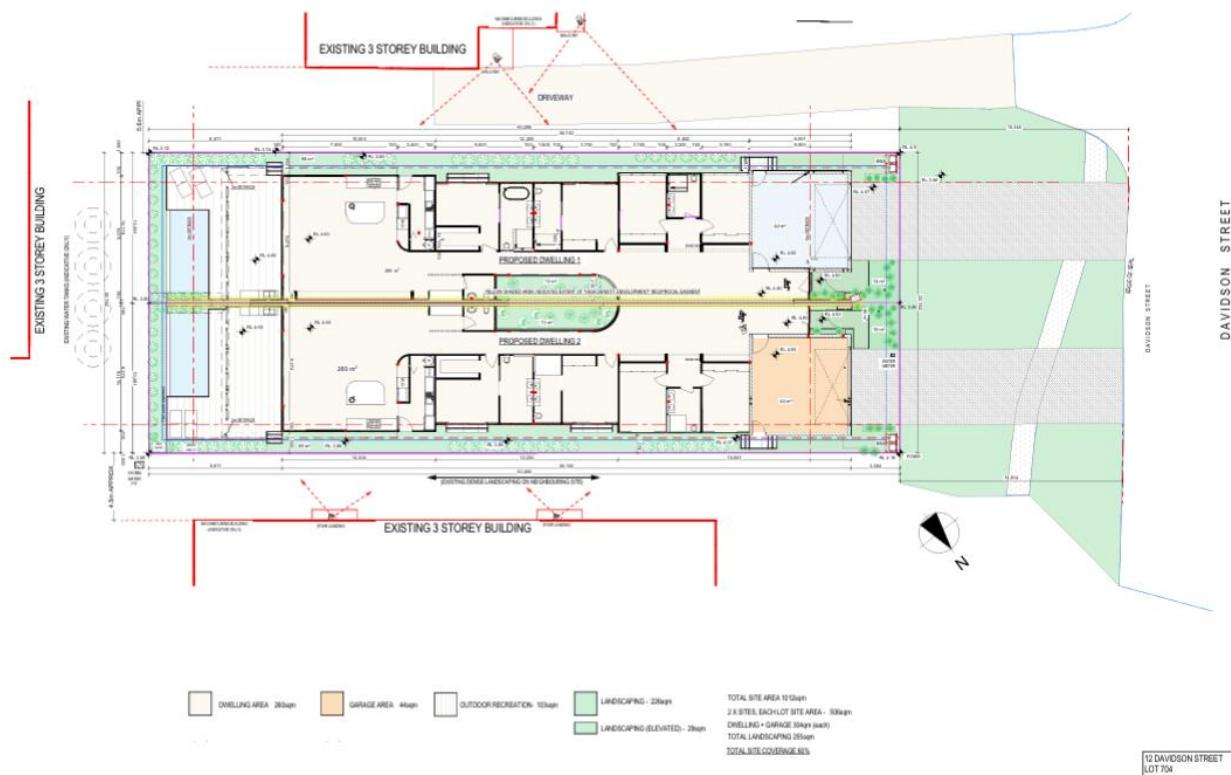


Figure 4: Site Plan

5.0 Assessment

5.1 State matters not triggered for referral

None.

5.2 Assessment against SDAP

SARA has assessed the development application against the requirements identified in Schedule 10 Part 9 of the Planning Regulation 2017, being SDAP version 3.2. SARA is satisfied that the proposed development is consistent with State code 1 of SDAP as follows:

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

The Department of State Development, Infrastructure and Planning (DSDIP) assessed the application against State code 1 and took into consideration the DTMR advice and has come to the view that the application can be supported with conditions.

Performance outcome (PO) / Acceptable outcome (AO)

PO1 – PO5: Buildings, structures, infrastructure, services and utilities

PO7: Landscaping

PO8 – PO14 Stormwater overland flow, Flooding and Drainage Infrastructure

PO15 – PO18: Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection and Public Transport

PO25 – PO27: Network impacts

PO31 – PO36: Filling, excavation, building foundations and retaining structures

PO37: Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor

PO39 – PO41: Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor

DTMR response

DTMR has assessed the development application against State code 1, and determined the development achieves compliance with the AOs and POs of the state code. A summary of the key points of DTMR's assessment is provided below:

The Site Plan illustrates the proposed development is sufficiently setback approximately 18.6m from the state-controlled road. The subject site is vacant following the demolition of the existing residence in 2024. The site is connected to existing services, infrastructure and utilities available within the state-controlled road reserve.

The application proposes landscaping within the state-controlled road corridor; therefore, a road corridor permit is required to undertake the works.

- DTMR recommend advice for a road corridor permit is provided to the applicant.

The subject site is flat, however, falls to the east (away from the state-controlled road) towards the drainage easement (Lot M on RP733859) at the rear of the site. The proposed development will increase the impervious area of the site and therefore peak stormwater discharge. Designs drawings illustrate all stormwater (overland flows and piped) from the proposed development will drain to the rear of the site and discharged via the drainage easement.

- DTMR recommend a condition to ensure that all stormwater and drainage runoff is discharged via the drainage easement and not into the state-controlled road.

Vehicular access via an unconstructed road access driveway within the state-controlled road corridor. The proposed development will require new vehicular access via two new sealed road access driveways.

DTMR requires the accesses to be constructed generally in accordance with FNQROC Standard Drawing S1105 Rural Allotment Accesses.

- A s62 approval is required
- DTMR recommend a condition for the road access works to ensure no adverse impacts to the state-controlled road.

As the subject site is setback 18.6m from the pavement edge of the state-controlled road any required filling, excavation or retaining structures will be contained within the subject site and are unlikely to directly impact on the state-controlled road.

The proposed development is a noise sensitive development. The subject site is impacted by the following transport corridor noise categories:

- category 0: noise level < 58 dB(A)
- category 1: 58 dB(A) =< noise level < 63 dB(A), and
- category 2: 63 dB(A) =< noise level < 68 dB(A).

Compliance with QDC requirements is sufficient to mitigate against transport corridor noise.

DSDIP response

The SARA officer has considered DTMR's assessment of the proposed development and is satisfied with the assessment that has been carried out.

The design protects the dwellings from environmental emissions from the state-controlled road as private open spaces are located at the rear of the building away from the state-controlled road. Garages are located in front of the building adjacent to the state-controlled road.

While a stormwater management plan is not provided in the application material the design drawings indicate stormwater will flow to the legal point of discharge (existing stormwater easement). As such a model condition for stormwater is recommended.

The SARA officer agrees that the proposed development, with conditions, complies with the relevant provisions of State code 1.

5.3 Conditions and advice

DSDIP has reviewed the three model conditions recommended by DTMR, and confirms the conditions are reasonable and relevant to ensure the proposed development does not compromise the safety, function, and efficiency of the state-controlled road.

DTMR recommended conditions and advice

DTMR recommend the following conditions be attached to any development approval with SARA amendments made in strikethrough and red text:

No.	Conditions of Development Approval	Condition Timing
Development Permit – Reconfiguring a Lot (1 Lot into 2 Lots)		
Vehicular access onto the state-controlled road		
1.	<p>NF01b – Model Condition</p> <p>(a) Road accesses are located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A.</p> <p>(b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition.</p> <p>(c) Design and construct the road access works, referred to in part</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>

No.	Conditions of Development Approval	Condition Timing
	(b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.	(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.
Development Permit – Material Change of Use (Dual Occupancy)		
Stormwater management		
2.	<p>IP04 – Model Condition</p> <p>Stormwater management of the development must not cause a worsening to the operating performance of the state-controlled road, such that 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) concentrate or increase the velocity of flows to the state-controlled road. (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. (iv) surcharge any existing culvert or drain on the state-controlled road. (v) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. 	At all times.
Vehicular access onto the state-controlled road		
3.	<p>NF01b – Model Condition</p> <p>(a) Road accesses are located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A.</p> <p>(b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition.</p> <p>(c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.</p> <p>(b) and (c) Prior to the commencement of use.</p>

DTMR recommend the following advice be provided to the applicant with SARA amendments made in strikethrough and red text:

General advice	
Ref.	Transport Noise Corridor
1.	<p>Transport Noise Corridor mapping indicates that Lot 706 on PTD2092 (the subject site) is impacted by transport corridor noise from Davidson Street (Port Douglas Road), a state-controlled road.</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</p>

	<p>designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. 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 (SPP) Interactive Mapping System website: https://spp.dsdp.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 tab of the State Planning Policy (SPP) mapping system.</p>
--	---

Further development permits required

Ref.	Road Works Approval
2.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road.</p> <p>Please contact the Cairns district office of the Department of Transport and Main Roads DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au 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 DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
Ref.	Road Corridor Permit
3.	<p>Under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> (TIA) and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006, an approval for a road corridor permit is required from the Department of Transport and Main Roads DTMR for any ancillary works and encroachments on a state-controlled road.</p> <p>The applicant is required to contact the Cairns district office of the Department of Transport and Main Roads DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application and obtain a road corridor permit to carry out ancillary works and encroachments within a state-controlled road.</p> <p>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.</p>

5.4 Planning Regulation 2017 considerations

SARA has given regard to the following matters as identified in section 22(3)(a) of the Planning Regulation 2017 being:

- Local government planning scheme strategic outcomes, purpose statements and overlays
- Regional plan strategic intent and desired regional outcomes
- State Planning Policy July 2017 (SPP), parts C and D
- Any temporary State Planning Policy
- Any infrastructure designation
- Any previous and current development approvals applying to the site
- Common material received by SARA.

The relevant matters contained within section 22(3)(a) are outlined below.

State Planning Policy

No obvious conflicts were identified with the State interest statements in Part C or D of the SPP.

Regional Plan

The proposed development is within the Urban Footprint of the Far North QLD Regional Plan 2009 - 2031. No obvious conflicts were identified with the intent of this land use category.

Planning Scheme

The proposed development is within the Tourist Accommodation zone and is code assessable under the Douglas Shire Planning Scheme 2018. The purpose of the Tourist Accommodation zone code is to provide for short-term accommodation supported by community uses and small-scale services and facilities in locations where there are tourist attractions.

The purpose of the code is achieved through overall outcomes including: a range of accommodation activities, with an emphasis on short-term accommodation is established at a scale and density to service tourist needs.

The development application material states "The proposed Dual Occupancy is designed to be suitable for either permanent residents or short-term accommodation, ensuring flexibility to support tourist needs in line with the intent of the zone. Acknowledging that further approval may be required to establish Short Term Accommodation use rights."

SARA has determined that potential inconsistencies are not relevant to SARAs assessment as the application can be conditioned to comply with the SDAP.

5.5 Human rights assessment

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

The decision being considered is whether to give a referral agency response with conditions for a development application for material change of and reconfiguring a lot on land at Lot 706 on PTD2092.

A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. The following relevant human rights for this decision have been considered as follows:

Human right	Assessment
Equity before the law (s15)	<ul style="list-style-type: none">This human right is not relevant as the decision of the referral agency response does not result in, and is not a result of, discrimination of a person based on human characteristics.The decision is based on planning considerations only, in accordance with the <i>Planning Act 2016</i>.
Freedom of movement (s19)	<ul style="list-style-type: none">This human right is relevant as the development will establish lots which will not be accessible to members of the public.However, freedom of movement is already limited given the current freehold status of the parcel to be subdivided, as the public are not authorised to access private property due to trespass laws. The creation of an additional lot does not further limit movement.The decision does not limit a person's ability to enter or leave Queensland.As such, the decision does not limit this human right.
Freedom of expression (s21)	<ul style="list-style-type: none">This human right is not relevant to the assessment of the referral agency response.While the information considered as part of the referral agency assessment is limited, the decision has no impact on the ability for a

	<p>person to hold an opinion and the decision has no impact on the freedom to seek, receive or impart information.</p> <ul style="list-style-type: none"> All application material lodged by the applicant is made publicly available, along with all notices issued by the referral agency. Other documents relating to the decision, such as informal written correspondence, is available via a right to information request under the <i>Right to Information Act 2009</i>.
Taking part in public life (s23)	<ul style="list-style-type: none"> This human right is relevant as the development application process is a function of the public service, which people have the right to access and participate in. SARA's referral agency assessment is code assessable, meaning the application does not involve a period of public consultation and there is no requirement under the <i>Planning Act 2016</i> to consider submissions made by the public in deciding the application. However, a person's ability to participate in the conduct of public affairs is not limited, as public consultation has occurred during the establishment of the assessment benchmarks considered in deciding the referral agency response. The right to seek a declaration in the Planning and Environment Court on the interpretation and application of the <i>Planning Act 2016</i> in the development assessment process is afforded to all. The decision does not impact the ability of a person to vote or be elected to public office. The decision does not limit this human right.
Property rights (s24)	<ul style="list-style-type: none"> This human right is relevant because the referral agency response may result in changes to property rights. The decision will not limit a person's right to own property. Under common law principles, the imposition of reasonable restrictions on the use or development of the land under the regulatory framework is in accordance with the law, and therefore is not unlawful or arbitrary (<i>Swancom Pty Ltd v Yarra CC [2009] VCAT 923</i>). As such, the decision does not limit this human right.
Right to a fair hearing (s31)	<ul style="list-style-type: none"> This human right is not relevant in deciding the referral agency response, as the application is not decided through a court hearing. This human right will be relevant in the event that the decision is appealed in the Planning and Environment Court.

The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore, it is reasonable to conclude the decision is compatible with human rights.

5.6 Material relied on in the assessment

- The development application material and submitted plans
- Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.2)
- The Development Assessment Rules
- SARA DA Mapping system
- Human Rights Act 2019*

6.0 Recommendation to the delegate

6.1. Recommendation

It is recommended that SARA as referral agency:

1. the delegate approve the referral agency response, and
2. that SARA as referral agency:
 - approves all of the application and requires conditions to attach to any development approval as detailed in the referral agency response
 - provides advice to the assessment manager about transport noise corridor requirements and further developments and permits as detailed in the referral agency response
 - advises the assessment manager of further development permits that may be required as detailed in the referral agency response.

6.2. Reason(s) for the recommendation:

The proposed development can be conditioned to comply with the relevant provisions of State code 1: Development in a state-controlled road environment, as it:

- 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 structural integrity or physical condition of state-controlled roads, road transport infrastructure
- does not adversely impact the function and efficiency of state-controlled road
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

7.0 Recommending officer

Report author	Elise Fox	Student Planning Officer
Reviewer/Case officer	Sue Lockwood	Planning Officer

Delegate consideration

After considering the proposal, the assessment report and the decision material, I Javier Samanes:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued.

8.0 Changed application after SARA has issued its referral agency response

8.1 Change summary

SARA reference	2503-45111 SRA
Applicant name	Davidson Developments Pty Ltd C/- Aspire Town Planning and Project Services
Site address	12 Davidson Street, Port Douglas
Type of change	Minor change (not affecting the assessment process) under 28.2 of the DA Rules.
Matters subject to the change	<p>The changed application is to revise the building design of the dual occupancy as a result of negotiations between the applicant and council. The changes include:</p> <ul style="list-style-type: none">• A new second storey to accommodate an additional bedroom with an open balcony facing the state-controlled road (Figure 1 below).• Increased building setbacks that more closely align with the minimum requirements of the planning scheme.• Removal of on-street landscaping within the state-controlled road corridor. <p>Douglas Shire Council considers the change to be a minor change.</p>
Referral matters under the Planning Regulation 2017 (Planning Regulation)	Planning Regulation 2017: <ul style="list-style-type: none">• Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1. Reconfiguring a lot near a State transport corridor (10.9.4.2.1.1)• Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1. Material change of use of premises near a State transport corridor (10.9.4.2.4.1)
Related applications under a separate Act	This application is also taken to be an application for a road access location under section 62A(2) of the <i>Transport Infrastructure Act 1994</i> .
Lodgement date of changed application	7 July 2025
Response due date	28 July 2025

8.2 Assessment summary

Technical Agency advice	The changed application was referred to the Department of Transport and Main Roads (DTMR) who provided their response on 17 July 2025 (Link)
Information request	No information request was issued.
Advice notice	No advice notice was issued.
DSDILGP officer recommendation	Amend the referral agency response accordingly
Reason for recommendation	The referral agency response (with the addition of a condition) will remain compliant with SDAP, State code 1: Development in a state-controlled road environment

Recommendation different to Technical Agency advice	N/A
Delegate for decision	In accordance with the Operational Policy: Guide to exercising delegated authority – SARA dated November 2024 and Instrument of Delegation dated October 2024, the Manager has delegation to consider this application.

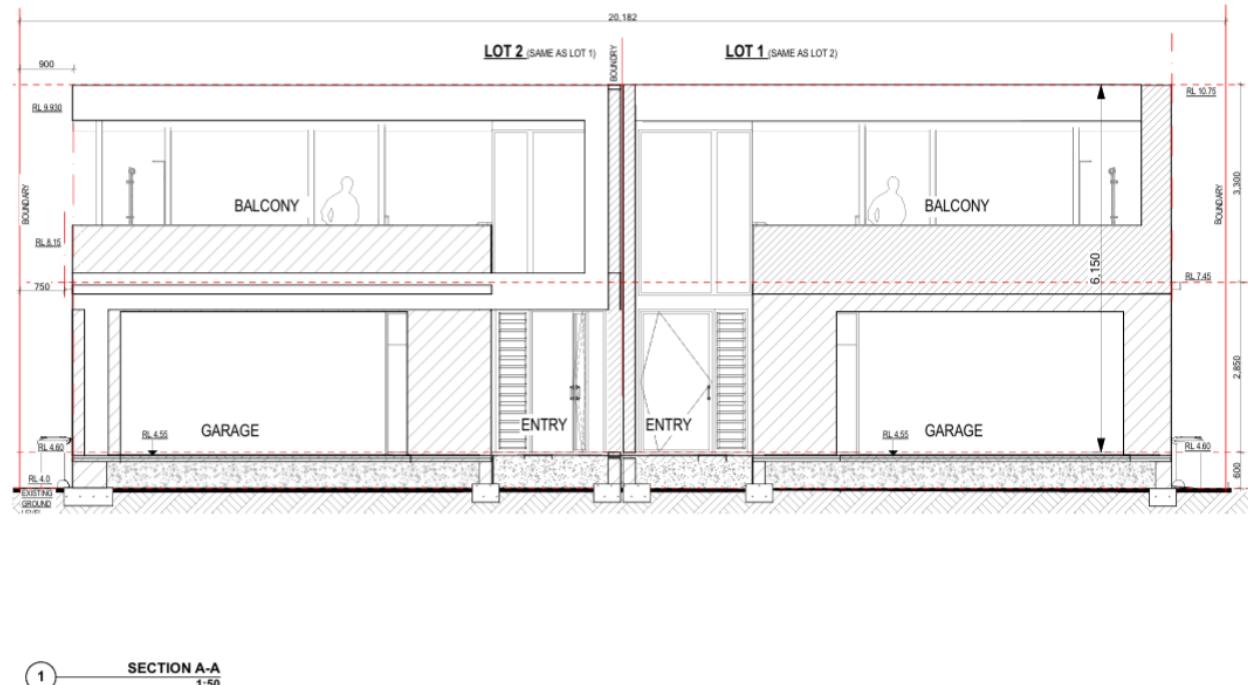


Figure 1 – changed application – addition of second story bedroom with open balcony

8.3 Assessment

SARA has assessed the development application against the requirements identified in State code 1: Development in a state-controlled road environment, and is satisfied that the proposed development is consistent with the code as follows:

8.3.1 State code 1 assessment

DSDILGP assessed the application against State code 1 and took into consideration DTMR's response and has come to the view that the application can be supported with conditions.

DTMR response

DTMR has assessed the development application against State code 1, and determined the development achieves compliance with the acceptable outcomes (AOs) and performance outcomes (POs) of the state code. DTMR issued its technical agency assessment in response to the changed application to DSDILGP on 17 July 2023, and a summary of the key points of the assessment is provided below:

- DTMR recommend a new condition requiring the installation of a continuous solid gap-free structure or balustrade on the balconies facing the state-controlled road to ensure compliance with PO42, Table 1.5 of

State code 1.

- DTMR considers compliance with the Queensland Development Code Mandatory Part 4.4 is sufficient to mitigate against transport corridor noise for habitable rooms on the second storey.
- DTMR state that a new s62 decision is not required as the revised building design does not introduce new impacts or change the approved road access locations.
- DTMR recommend the removal of the road corridor permit advice note, considering the proposed on-street landscaping within the state-controlled road reserve has been removed.

DSDILGP response

DSDILGP has considered DTMR's assessment of the proposed development and is satisfied with the assessment that has been carried out. DSDILGP agrees with DTMR's recommendation that the proposed development, with conditions, complies with the relevant provisions of State code 1 of the SDAP, in that:

- The proposed development introduces open balconies and therefore adverse effects of noise from the state-controlled road. The SARA officer agrees with the recommended addition of the a new condition (model condition CA03) to minimise noise intrusion on the development from the state-controlled road.
- There are no changes to the driveway crossovers.
- Landscaping has been removed from within the road reserve. SARA agrees with DTMR that the advice regarding a road corridor permit is no longer required.

SARA confirms applicant agreement to the proposed new condition (condition 4) via email dated 25/7/2025.

8.4 Condition changes

DSDILGP has reviewed the model conditions recommended by DTMR, and confirms the conditions are reasonable and relevant to ensure the proposed development does not compromise the safety, function and efficiency of the state-controlled road. Condition 4 has been included in bold and underlined text below.

No.	Conditions of Development Approval	Condition Timing
Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot 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.	<ol style="list-style-type: none">Road accesses must be located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A.Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition.Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.	<p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.</p>
Material change of use		
10.9.4.2.4.1 – 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:		

No.	Conditions of Development Approval	Condition Timing
2.	<p>Stormwater management of the development must not cause a worsening to the operating performance of the state-controlled road, such that 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) concentrate or increase the velocity of flows to the state-controlled road; (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iv) surcharge any existing culvert or drain on the state-controlled road; (v) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. 	At all times.
3.	<p>(a) Road accesses must be located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A.</p> <p>(b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition.</p> <p>(c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
4.	<p><u>Install on the balconies facing Port Douglas Road, as shown on Section A-A prepared by RECS Consulting Engineers & Building Designers dated 26-6-25, Sheet DA 7, Revision A, as amended in red by SARA:</u></p> <p>(a) <u>a continuous solid gap-free structure, constructed of glass, concrete blocks, bricks or fibre cement sheeting, or balustrade, other than gaps required for drainage purposes in accordance with the Building Code of Australia; and</u></p> <p>(b) <u>highly acoustically absorbent material treatment for the total area of the soffit above these balconies.</u></p>	<p><u>Prior to the commencement of use and to be maintained at all times</u></p>

Advice regarding a road corridor permit is removed as shown in strikethrough text below.

Attachment 2—Advice to the applicant

General advice	
4.	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 3.2. If a word remains undefined it has its ordinary meaning.
Transport Noise Corridor	
5.	Transport Noise Corridor mapping indicates that Lot 706 on PTD2092 (the subject site) is impacted by transport corridor noise from Davidson Street (Port Douglas Road), a state-controlled road.

	<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 <i>Building Act 1975</i> 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 (SPP) 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 tab of the SPP mapping system.</p>
Further development permits required	
6.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road.</p> <p>Please contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au 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 DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
7.	<p>Road Corridor Permit</p> <p>Under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State Controlled Roads) Regulation 2006</i>, an approval for a road corridor permit is required from DTMR for any ancillary works and encroachments on a state-controlled road.</p> <p>The applicant is required to contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application and obtain a road corridor permit to carry out ancillary works and encroachments within a state-controlled road.</p> <p>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.</p>

8.5 Recommendation to the delegate

8.5.1 Changed referral agency response under section 28.2 of the DA Rules

It is recommended that:

1. The delegate approve the referral agency response, and
 2. That SARA as referral agency:
- give an amended referral agency response to the assessment manager, as the applicant has provided written agreement for the amended response.

8.5.2 Reason(s) for the recommendation:

The proposed development can be conditioned to comply with the relevant provisions of State code 1: Development in a state-controlled road environment, as it:

- 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 structural integrity or physical condition of state-controlled roads, road transport infrastructure
- does not adversely impact the function and efficiency of state-controlled road
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

8.6 Recommending officer

Case officer	Sue Lockwood	Principal Planner
Delegate		Manager

Delegate consideration for a change to an application

After considering the proposal to change the application, the assessment report and the decision material, I **xxxxx** as the delegate:

1. confirm that the SARA recommendation is approved
2. the decision material is to be issued.



SARA reference: 2503-45111 SRA
 Council reference: MCUC 2025_5721/2
 Applicant reference: 2024-10-39

28 July 2025

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

Attention: Daniel Lamond

Dear Sir/Madam

SARA referral agency response—12 Davidson 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 13 March 2025.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	28 July 2025	
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 (Dual Occupancy)
	Development permit	Reconfiguration of a lot (1 Lot into 2 Lots)
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:	2503-45111 SRA
Assessment manager:	Douglas Shire Council
Street address:	12 Davidson Street, Port Douglas
Real property description:	Lot 706 on PTD2092
Applicant name:	Davidson Developments Pty Ltd C/- Aspire Town Planning and Project Services
Applicant contact details:	PO Box 1040 Mossman QLD 4873 admin@aspireqld.com
State-controlled road access permit:	<p>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:</p> <ul style="list-style-type: none"> Approved Reference: TMR25-045230 Date: 8 April 2025 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au</p>
<i>Human Rights Act 2019</i> considerations:	The decision has been assessed for compatibility with human rights under the <i>Human Rights Act 2019</i> . The decision was found not to limit human rights under the <i>Human Rights Act 2019</i> therefore, it is reasonable to conclude the decision is compatible with human rights.

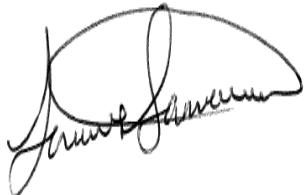
Representations

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 Sue Lockwood, A/Principal Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/ Manager (Planning)

cc Davidson Developments 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—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
Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot 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.	<ul style="list-style-type: none"> (a) Road accesses are located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A. (b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G. 	<ul style="list-style-type: none"> (a) At all times. (b) and (c) Prior to submitting the Plan of Survey to the local government for approval.
Material change of use		
10.9.4.2.4.1 – 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.	<p>Stormwater management of the development must not cause a worsening to the operating performance of the state-controlled road, such that 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) concentrate or increase the velocity of flows to the state-controlled road; (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iv) surcharge any existing culvert or drain on the state-controlled road; and (v) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. 	At all times.
2.	<ul style="list-style-type: none"> (a) Road accesses are located generally in accordance with TMR Layout Plan (6504 – 5.20km) prepared by Queensland Government Transport and Main Roads, dated 8/04/2025, reference TMR25-045230, Issue A. (b) Provide road access works comprising of a sealed road access at the road access locations, referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Far North Queensland Regional Organisation of Council's (FNQROC) Standard Drawing 	<ul style="list-style-type: none"> (a) At all times. (b) and (c) Prior to the commencement of use.

	S1105 – Rural Allotment Accesses, dated 05/12/23, Revision G.	
3.	<p>Install on the balconies facing Port Douglas Road, as shown on Section A-A prepared by RECS Consulting Engineers & Building Designers dated 26-6-25, Sheet DA 7, Revision A, as amended in red by SARA:</p> <p>(a) a continuous solid gap-free structure, constructed of glass, concrete blocks, bricks or fibre cement sheeting, or balustrade, other than gaps required for drainage purposes in accordance with the Building Code of Australia; and</p> <p>(b) highly acoustically absorbent material treatment for the total area of the soffit above these balconies.</p>	<p>(a) and (b) Prior to the commencement of use and to be maintained at all times.</p>

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 3.2. If a word remains undefined it has its ordinary meaning.
Transport Noise Corridor	
2.	<p>Transport Noise Corridor mapping indicates that Lot 706 on PTD2092 (the subject site) is impacted by transport corridor noise from Davidson Street (Port Douglas Road), a state-controlled road.</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 <i>Building Act 1975</i> 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 (SPP) Interactive Mapping System website: https://spp.dsdp.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 tab of the SPP mapping system.</p>
Further development permits required	
3.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road.</p> <p>Please contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au 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 DTMR 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's decision are:

The proposed development can be conditioned to comply with the relevant provisions of State code 1: Development in a state-controlled road environment, as it:

- 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 structural integrity or physical condition of state-controlled roads, road transport infrastructure
- does not adversely impact the function and efficiency of state-controlled road
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, or road transport infrastructure
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using 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 SDAP (version 3.2), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

(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.

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2503-45111 SRA

Date: 28 July 2025

Permitted Road Access Location (Proposed Lot 2)

Near the common boundary with Lot 0BUP70612, and approx 90m north of Mowbray Street (5.18km RHS)

GPS location x 145.466187, y -16.485812

Access Restrictions

- a) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Permitted Road Access Location (Proposed Lot 1)

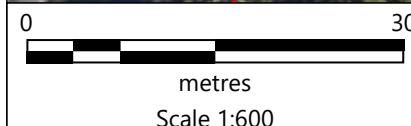
Near the common boundary with Lot 0BUP70699, and approx 70m north of Mowbray Street (5.16km RHS)

GPS location x 145.466100, y -16.485919

Access Restrictions

- a) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System



Branch/Unit : Corridor Management / Far North District

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

Land parcels Subject land
 Easements
 State-controlled road corridor

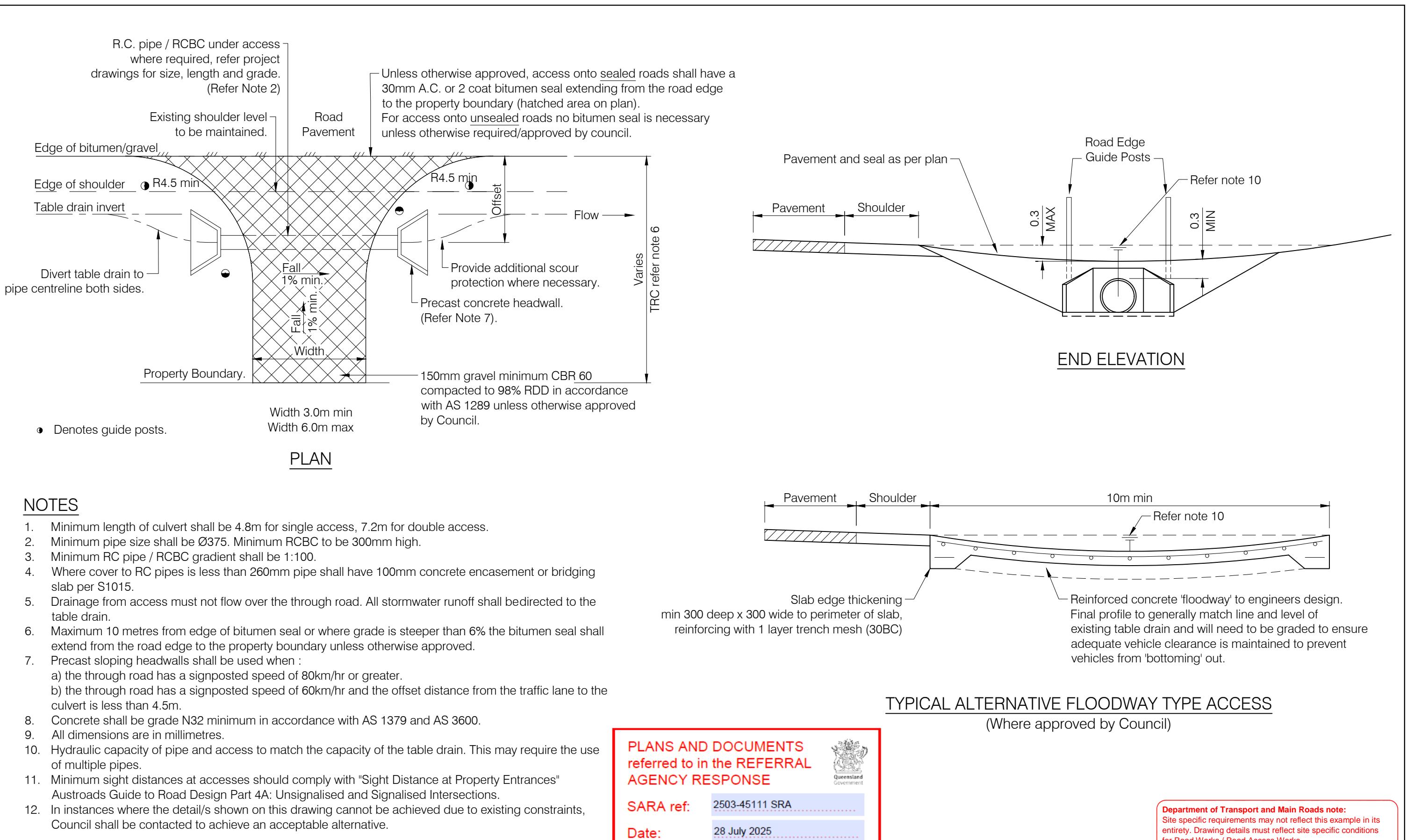


**TMR Layout Plan
(6504 - 5.20km)**

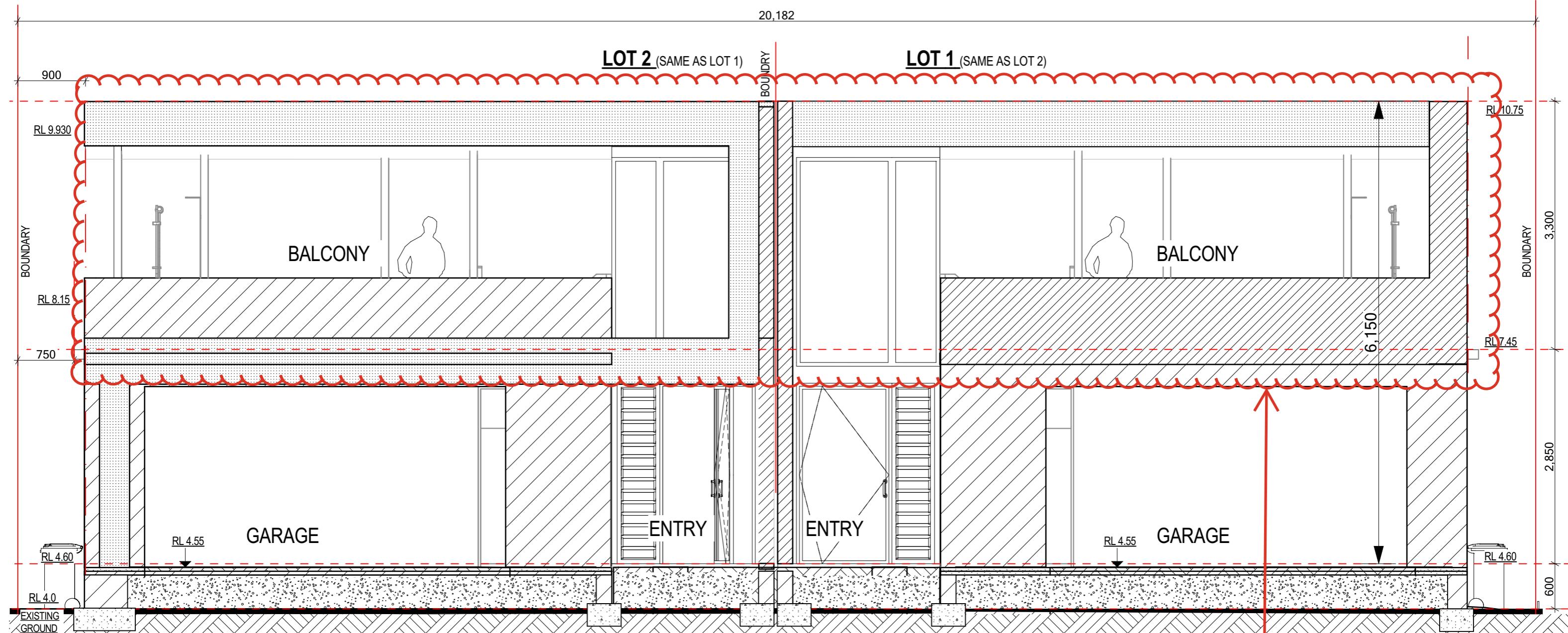


Queensland Government
Transport and Main Roads

Plan: 1 / 1	Issue: A	Date: 8/04/2025
Drawn by: RPK		File ref: TMR25-045230



			DISCLAIMER			Standard Drawing S1105
G	MINOR AMENDMENT TO NOTES	05/12/23	The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.		RURAL ALLOTMENT ACCESSES	F G
F	MINOR AMENDMENTS	27/08/20				
	REVISIONS	DATE				



1

SECTION A-A
1:50

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2503-45111 SRA

Date: 28 July 2025

Project NEW DWELLINGS
Location 12 DAVIDSON STREET, PORT DOUGLAS
Client DAVIDSON DEVELOPMENTS
PROJECT 101- 2024



CONSULTING ENGINEERS
& BUILDING DESIGNERS

RPEQ No.5412

QBCC No.1106533

RECS PTY LTD, SHOP 22 / LEVEL 2, SALTWATER BUILDING 26-30 MACROSSAN STREET, PO BOX 894, PORT DOUGLAS QLD 4877,
P. 07 4099 6010 E: admin@recs.net.au ABN 95 081 197 006

THESE DRAWINGS ARE INDICATIVE ONLY OF THE DESIGN ON THE DATE SHOWN. ALTERATIONS AND AMENDMENTS CAN BE MADE TO THE DESIGN AT ANY TIME BY RECS CONSULTING ENGINEERS & BUILDING DESIGN (RECS). THESE DRAWINGS ARE NOT TO BE READ OR USED IN ANY WAY FOR CONSTRUCTION OR ANY CONTRACT DOCUMENTATION PURPOSES. DRAWINGS ISSUED BY RECS FOR THIS PROJECT AFTER THIS DATE WILL SUPERSEDE THIS ISSUE. SUPERSEDED DRAWINGS SHALL NOT BE RELIED UPON FOR ANY PURPOSE. DO NOT SCALE DRAWINGS

CONTRACTORS AND SUBCONTRACTORS
MUST REFER TO THE DRAWINGS
BEFORE COMMENCING ANY WORK OR
PREPARING SHOP DRAWINGS.
USE OF THESE DRAWINGS ONLY
COPYRIGHT OF THIS DRAWING OR DESIGN
IS HELD BY THE DESIGNER. RECS
CONTAINS CONFIDENTIAL INFORMATION.
NO PART OF THIS DRAWING OR DESIGN MAY
BE REPRODUCED IN ANY FORM WITHOUT THE
THE WRITTEN CONSENT OF THE DESIGNER.
THE BUILDER AND SUB CONTRACTORS ARE
RESPONSIBLE FOR ARRANGING ANY NECESSARY INSPECTIONS OF
THE WORKS AND OBTAINING ANY NECESSARY COMPLIANCE OR
CERTIFICATION DOCUMENTATION.

ISSUE A - AMENDED DEVELOPMENT APPLICATION 26-6-25
ISSUE B -
ISSUE C -
ISSUED
DRAWN BY
DESIGN LP
PROJECT STATUS: DEVELOPMENT APPLICATION

SECTION A-A

SHEET DA 7
REVISION A
SCALE @ A3 SHEET
PRINT DATE 26/06/2025 1:17 PM

8 April 2025

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 MCUC 2025_5721/2, lodged with Douglas Shire Council involves constructing or changing a vehicular access between Lot 706PTD2092, the land the subject of the application, and Port Douglas Road (Davidson Street) (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 Davidson Developments Pty Ltd C/- Aspire Town Planning and Project Services
PO Box 1040
Mossman QLD 4873

Application Details

Address of Property 12 Davidson Street, Port Douglas QLD 4877
Real Property Description 706PTD2092
Aspect/s of Development Development Permit, Development Permit for Reconfiguration of a Lot, Material Change of Use for Reconfiguration of a lot - 1 Lot into 2 Lots), Material Change of Use for Dual Occupancy

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	<p>The Permitted Road Access Locations are:</p> <p>(a) Proposed Lot 1 - Near the common boundary with Lot 0BUP70699,</p> <p>(b) Proposed Lot 2 - Near the common boundary with Lot 0BUP70612,</p> <p>in accordance with:</p> <p>(i) TMR Layout Plan (6504 - 5.20km) Issue A dated 08/04/2025. (Attachment D)</p>	At all times.

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

No.	Conditions of Approval	Condition Timing
2	Direct access is prohibited between Port Douglas Road (Davidson Street) and the subject land at any other locations other than the Permitted Road Access Locations described in Condition 1.	At all times.
3	<p>The use of the permitted road access location described in Condition 1 is to be restricted to:</p> <p>a) Design vehicles up to a maximum size short towing trailer - Class 2 Medium Length Light Vehicle**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
4	<p>Road works at the locations described in Condition 1 comprising sealed residential vehicle accesses must be constructed and maintained, generally in accordance with:</p> <p>a) FNQROC Standard Drawing S1105 - Rural Allotment Access</p>	<p>MCU - Prior to commencement of use</p> <p>ROL - Prior to submitting the Plan of Survey to the local government for approval.</p>

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site (Lot 706 on PTD2092) has road frontage but no vehicle access Port Douglas Road, a state-controlled road.
- b) The development application is for:
 - Development Permit for Reconfiguring a Lot – 1 Lot into 2 Lots; and
 - Development Permit for Material Change of Use – Dual Occupancy.
- c) The proposed development will require two (2) new vehicular accesses via Port Douglas Road.
- d) A s62 approval will be required to be issued to formalise the new road access driveways between Lot 706 on PTD2092 and Port Douglas 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. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-

controlled road network are maximised. This may or may not require all future access to be provided via the local road network.

3. 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, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
A/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 - 5.20km)	Queensland Government Transport and Main Roads	08 April 2025	TMR25-045230 (as Attachment D)	A
Site Plan	RECS Consulting Engineers & Building Designers	Print date 19 February 2025	DA 2	B
Rural Allotment Access	FNQROC	05 December 2023	S1105	G
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.

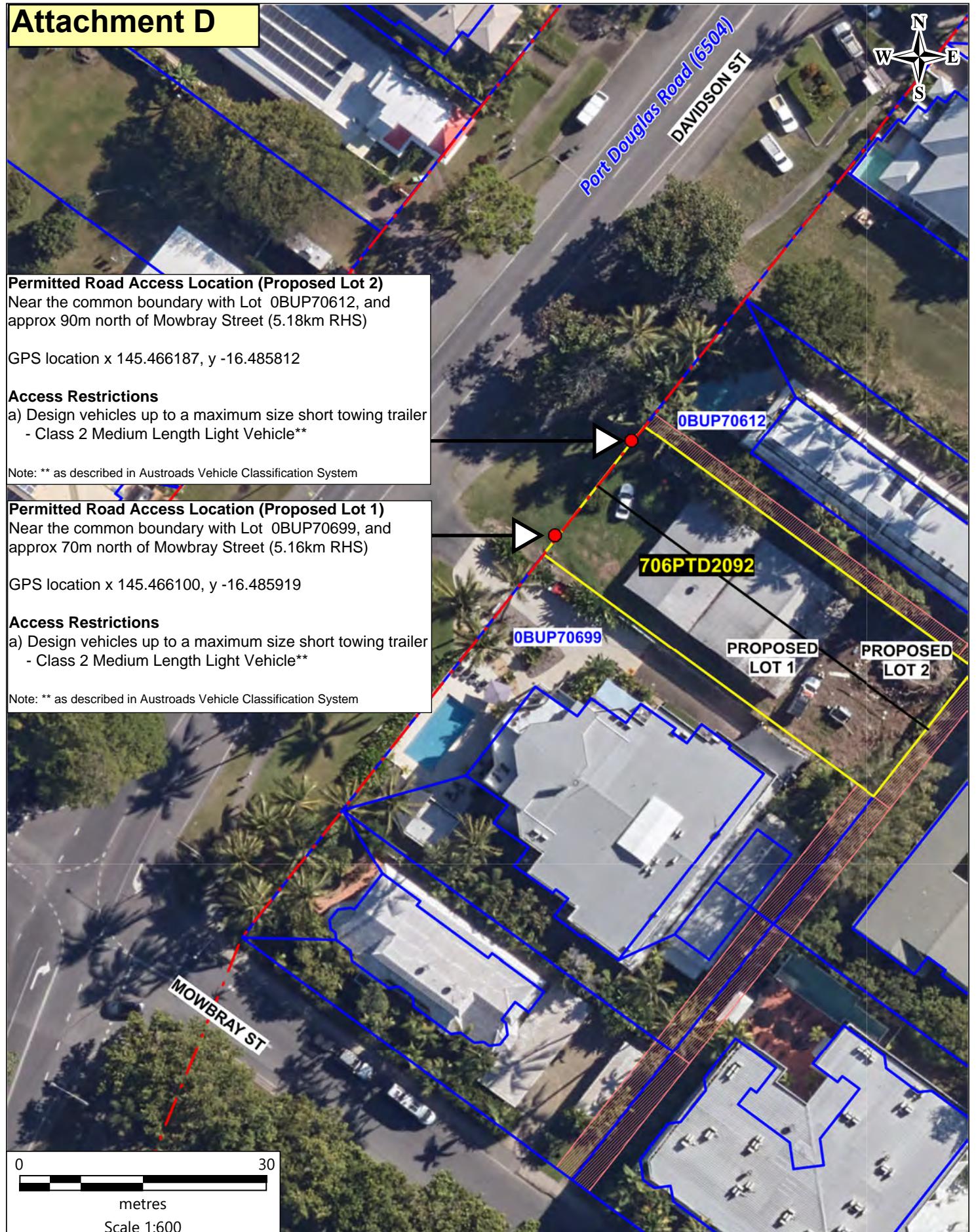
(2) However, if—

- (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.

Attachment D



Branch/Unit : Corridor Management / Far North District

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

Land parcels Subject land
 Easements
 State-controlled road corridor

TMR Layout Plan (6504 - 5.20km)



Queensland Government
Transport and Main Roads

Plan: 1 / 1	Issue: A	Date: 8/04/2025
Drawn by: RPK		File ref: TMR25-045230