



SARA reference: 2409-42202 SRA
 Council reference: RAL/24/0011
 Applicant reference: -

3 October 2024

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba QLD 4880
 planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

SARA referral agency response — Black Mountain Road and 23-24 Coconut Grove, Kuranda

(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 9 September 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	3 October 2024
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 - Boundary realignment
SARA role:	Referral agency	

SARA trigger: Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) – Reconfiguring a lot that involves clearing native vegetation

SARA reference: 2409-42202 SRA

Assessment manager: Mareeba Shire Council

Street address: Black Mountain Road and 23-24 Coconut Grove, Kuranda

Real property description: Lot 130 on N157636 and Lots 94 & 95 on SP184838

Applicant name: Hardy Financial Pty Ltd

Applicant contact details: PO Box 32
Woden ACT 2606
Steve.Hardy@hindmarsh.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Mr Steve Hardy, Steve.Hardy@hindmarsh.com.au

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		
Schedule 10, Part 3, Division 4, Table 2 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources 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>The new allotment boundaries must be located generally in accordance with the following plan:</p> <p>(a) Proposal Plan to Reconfigure Lot 130 on N157636, Lot 94 & 95 on SP184838 Coconut Grove, Kuranda, prepared by A de La Fonteyne dated 27/7, reference 1afsg20240727B, revision A.</p>	Prior to submitting the Plan of Survey to the local government for approval.

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 3.0). If a word remains undefined it has its ordinary meaning.

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 has reasonably avoided clearing where possible and reasonably minimised the adverse impacts of clearing where it cannot be reasonably avoided.
- SARA has carried out an assessment of the development application against State code 16: Native vegetation clearing, and has found that with conditions, the proposed development complies with relevant performance outcomes.

Material used in the assessment of the application

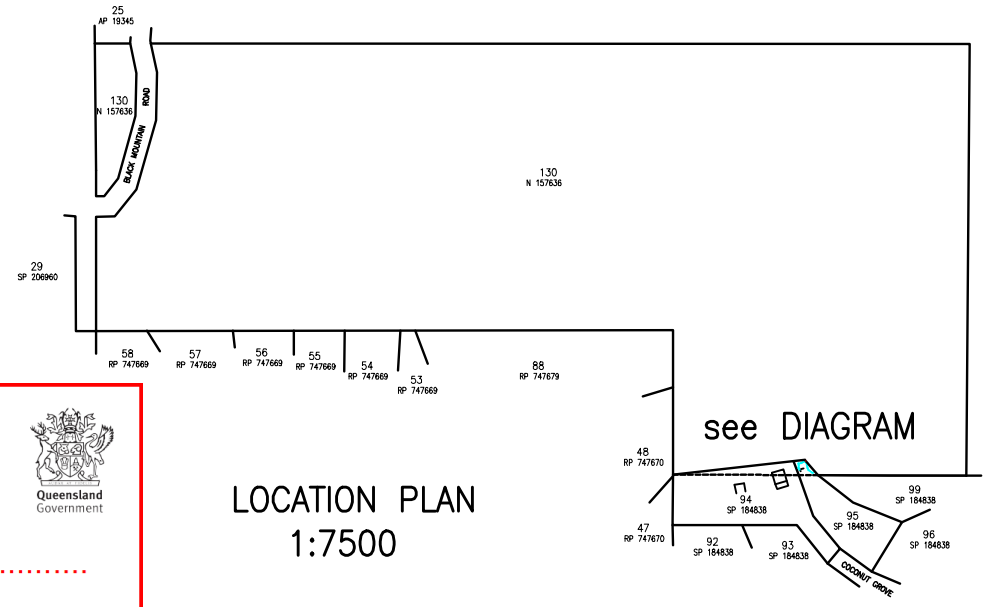
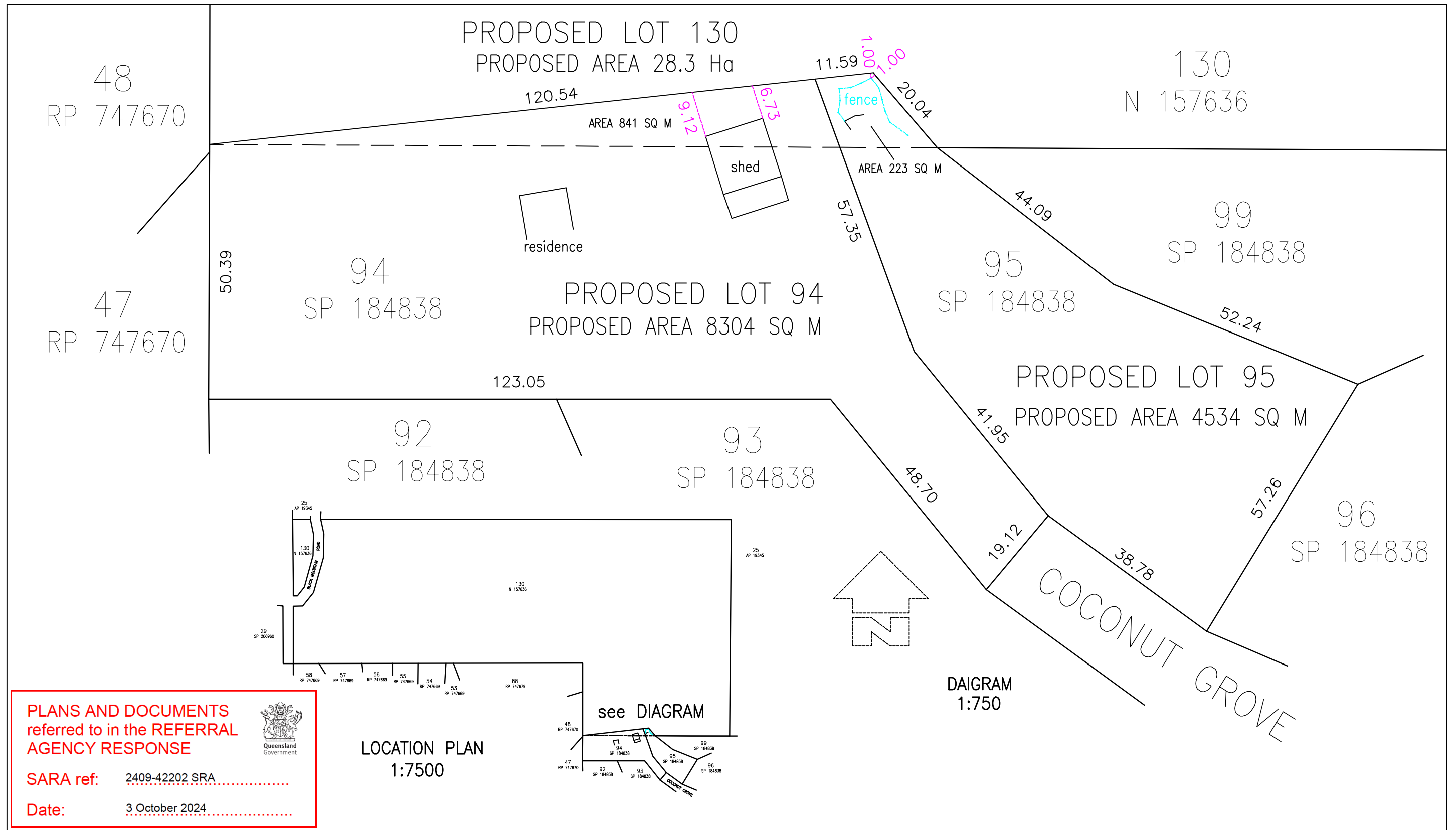
- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2409-42202 SRA

Date: 3 October 2024



title: PROPOSAL PLAN TO RECONFIGURE
 Lot 130 on N 157636, Lot 94 & 95 on SP 184838
 COCONUT GROVE, KURANDA

client: S HARDY

REVISIONS			
NO.	DETAIL	DATE	INIT.
A	Initial Version	27/7	AF

LOCAL AUTH. : MAREEBA SHIRE COUNCIL

Note: Distances & Areas subject to final survey.

A de la Fonteyne
 surveyfarnorth@gmail.com
 Mob: 0419714477

SCALE	SEE PLAN
PROPERTY DESC.	Lot 130 on N 157636 & Lots 94 & 95 on SP 184838
FILE	1afsg20240727B
REV.	A

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.