

From: "No Reply" <mydas-notifications-prod2@qld.gov.au>
Sent: Thu, 6 Feb 2025 13:38:24 +1000
To: "Planning" <planning@msc.qld.gov.au>
Cc: "anthony.westbury@dsmip.qld.gov.au"
<anthony.westbury@dsmip.qld.gov.au>; "ramon@uitownplan.com.au" <ramon@uitownplan.com.au>
Subject: 2412-43887 SRA application correspondence
Attachments: 2412-43887 SRA Attachment 5 - Documents referenced in conditions.pdf, 2412-43887 SRA Attachment 4 - Representations about a referral agency response.pdf, 2412-43887 SRA Response with conditions.pdf
Importance: Normal

Please find attached a notice regarding application [2412-43887 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.

RA6-N



Email Id: RFLG-0225-0022-8651

Proposed Subdivision - Boundary Realignment

90, 96, & 186 Hume Road, 99 Coyle Road, Bibbohra (Lot 11 to 14 on SP306249) Plan# 3.0, dated 16.01.25

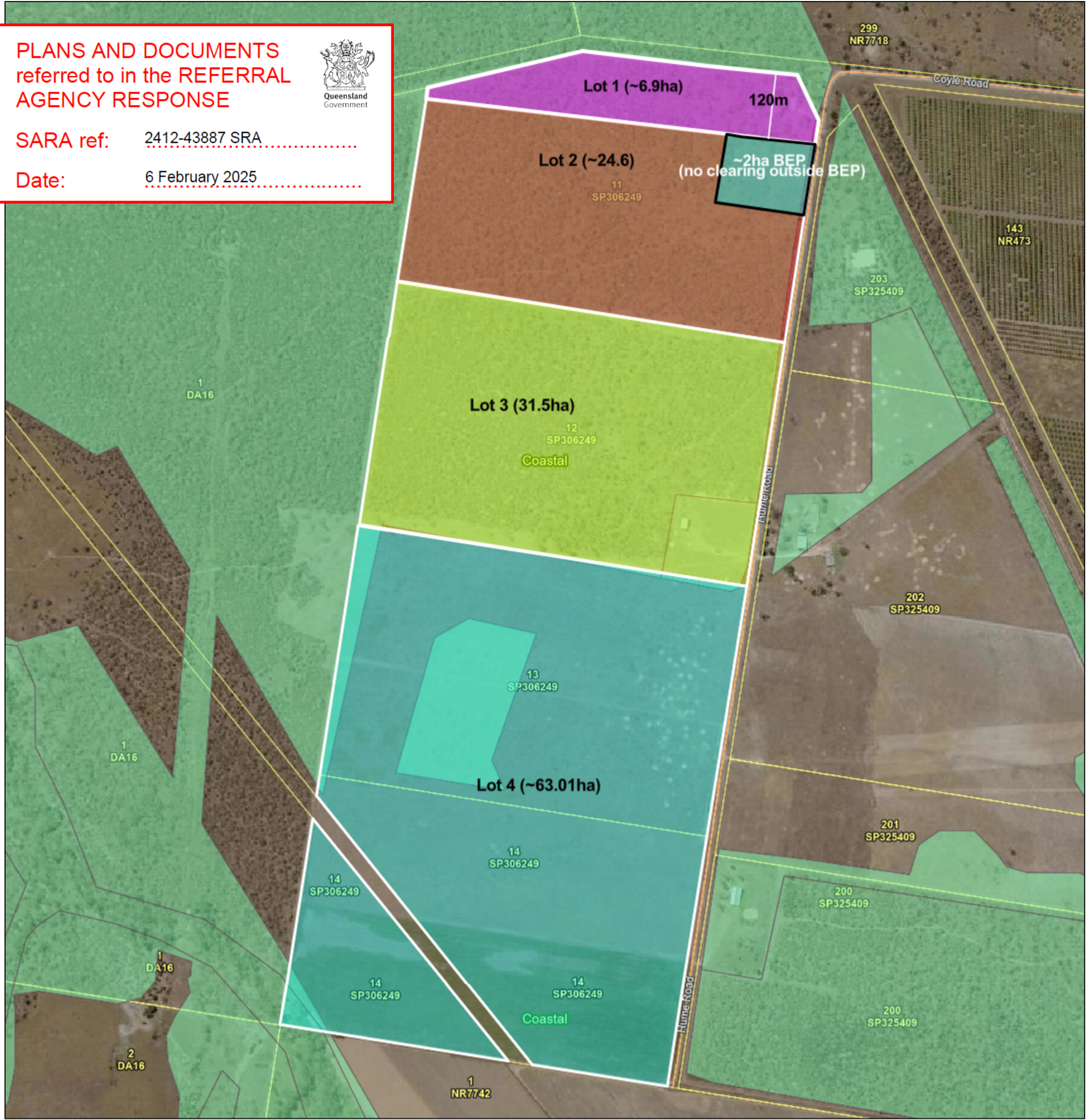

16°52'60"S 145°23'19"E

16°52'60"S 145°24'25"E

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2412-43887 SRA

Date: 6 February 2025



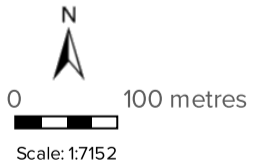
16°54'5"S 145°23'19"E

16°54'5"S 145°24'25"E

A product of



Legend located on next page



Printed at: A3
Print date: 16/1/2025
Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development

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.



2412SARA reference: 2412-43887 SRA
 Applicant reference: R7-24
 Council reference: RAL/24/0020

6 February 2025

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— Boundary Realignment (4 lots into 4 lots) at Coyle and Hume Roads, Bibbohra

(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 12 December 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	6 February 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 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 involving clearing native vegetation

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

SARA reference: 2412-43887 SRA
Assessment manager: Mareeba Shire Council
Street address: 99 Coyle Road, and 90, 96 and 186 Hume Road, Bibbohra
Real property description: Lot 11 on SP306249, Lot 12 on SP306249, Lot 13 on SP306249 and Lot 14 on SP306249
Applicant name: GJ & RM Simmonds
Applicant contact details: C/ U&i Town Plan
PO Box 426
Cooktown QLD 4895
ramon@uitownplan.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 Anthony Westbury, A/Senior Planning Officer, on 4037 3215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning Services

cc GJ & RM Simmonds c/ U&i Town Plan, ramon@uitownplan.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
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 – Reconfiguring a lot involving clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, 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(s):		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> Proposed Subdivision - Boundary Realignment 90, 96, & 186 Hume Road, 99 Coyle Road, Bibohra (Lot 11 to 14 on SP306249), prepared by the applicant using Queensland Globe, dated 16/1/2025, Plan# 3.0 	At all times.
2.	<p>Built infrastructure, other than for fences, roads, underground services as relevant, must not be established, constructed or located within 20 metres of the northern, southern, and western boundaries within the 2ha BEP (building envelope plan) as shown on the following plan:</p> <ul style="list-style-type: none"> Proposed Subdivision - Boundary Realignment 90, 96, & 186 Hume Road, 99 Coyle Road, Bibohra (Lot 11 to 14 on SP306249), prepared by the applicant using Queensland Globe, dated 16/1/2025, Plan# 3.0 	At all times.
3.	<p>Clearing of vegetation must only occur within the 2ha BEP (building envelope plan) as shown on the following plan:</p> <ul style="list-style-type: none"> Proposed Subdivision - Boundary Realignment 90, 96, & 186 Hume Road, 99 Coyle Road, Bibohra (Lot 11 to 14 on SP306249), prepared by the applicant using Queensland Globe, dated 16/1/2025, Plan# 3.0 	At all times.
4.	<p>Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.</p>	Prior to clearing.

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) v3.1. 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 decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 16: Native vegetation clearing, as it:

- Appropriately avoids and minimises clearing to avoid the loss of biodiversity and land degradation, maintain ecological processes, and conserve vegetation.
- Is not subject to any notice requiring compliance on the development site or vegetation management requirements for particular regulated areas.
- Locates the building envelope and new boundary outside category B remnant vegetation as much as possible.
- Does not result in a significant residual impact on a matter of state environmental significance.

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 3.1)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 4— Representations about a referral agency response

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

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