

DELEGATED REPORT

SUBJECT: GJ & RM SIMMONDS – RECONFIGURING A LOT – BOUNDARY REALIGNMENT – LOTS 11, 12, 13 & 14 ON SP306249 – 99 COYLE ROAD AND 90, 96 & 186 HUME ROAD, BIBOOHRA – RAL/24/0020

DATE: 3 March 2025

REPORT OFFICER'S TITLE: Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	GJ & RM Simmonds	ADDRESS	99 Coyle Road and 90, 96 and 186 Hume Road, Biboohra
DATE LODGED	5 December 2025	RPD	Lots 11, 12, 13 & 14 on SP306249
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

FILE NO	RAL/24/0020	AREA	Lots 11 – 31.5 ha Lot 12 – 31.5 ha Lot 13 – 32.4 ha Lot 14 – 30.61 ha
LODGED BY	U&i Town Plan	OWNER	GJ & RM Simmonds
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code assessment		
SUBMISSIONS	N/A – Code assessment only		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of State Development, Infrastructure, Local Government and Planning Referral Agency Response

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

Draft conditions were provided to the Applicant care of their consultant and have been agreed to.

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	GJ & RM Simmonds	ADDRESS	99 Coyle Road and 90, 96 and 186 Hume Road, Biboohra
DATE LODGED	5 December 2025	RPD	Lots 11, 12, 13 & 14 on SP306249
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), referral agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does **not** consider that the assessment manager's decision conflicts with a relevant instrument.

- (A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Boundary Realignment

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Plan #3.0	Proposed Subdivision – Boundary Realignment	U&i Town Plan	16/01/2025

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the development, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as on-site water supply and wastewater infrastructure, drainage, telecommunications and electricity infrastructure that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
 - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.6 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
 - 3.7 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
 - 3.8 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
 - 3.9 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(b) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au.

(c) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(d) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](http://Electric_ants_in_Queensland|Business_Queensland) or contact Biosecurity Queensland 13 25 23.

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 6 February 2025

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The application included the following site information:

“The subject land is described as Lot 11 to 14 on SP306249, located at 90, 96 & 186 Hume Road, 99 Coyle Road, Biboohra. The subject properties cover a combined total of 97.66 hectares, with frontage onto Hume and Coyle Road for approximately 1.76 kilometres along Hume Road, and 680 metres along Coyle Road. The property is located approximately 10km from the CBD of Mareeba and is surrounded by mix of lot sizes within the rural zone.”

A site summary is provided below:

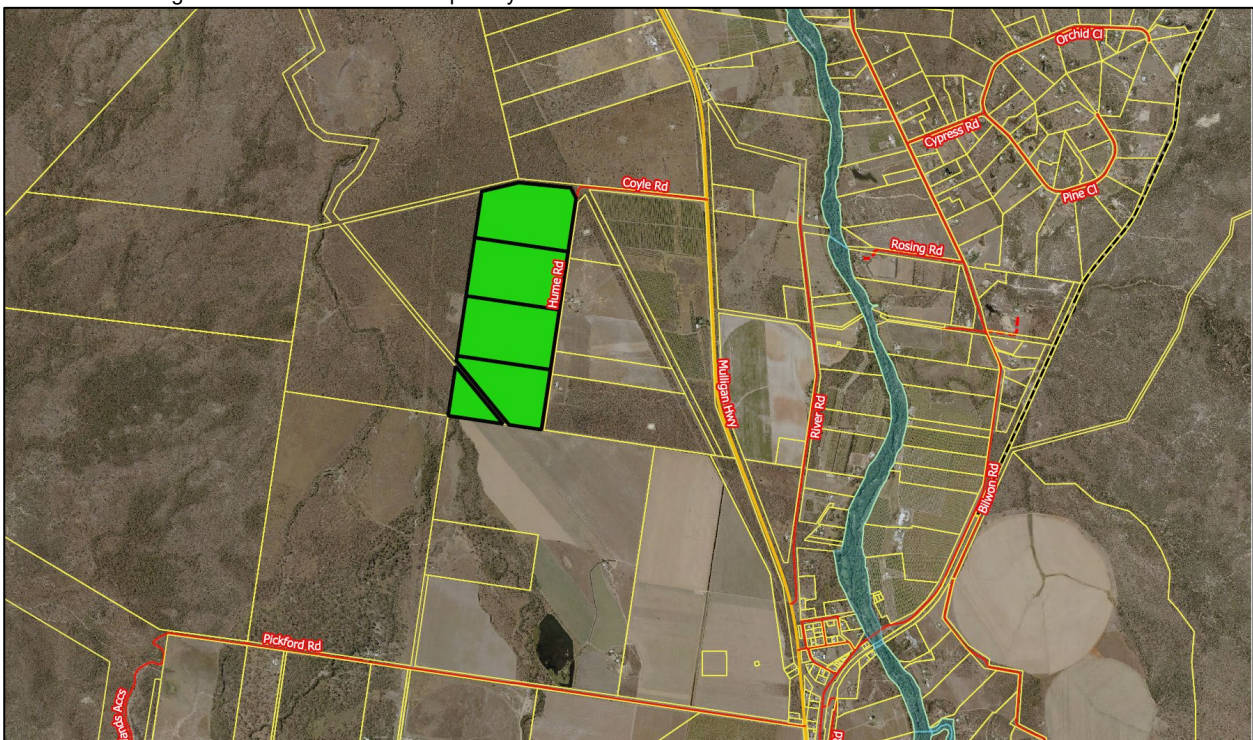
Table 2.0: Site summary

Street address:	90, 96 & 186 Hume Road, 99 Coyle Road, Biboohra
Real property description:	Lot 11 to 14 on SP306249
Local government area	Mareeba Shire Council
Tenure:	Freehold
Site area:	Lot 11: 31.5ha Lot 12: 31.5ha Lot 13: 32.4ha Lot 14: 30.61ha
Zone:	Rural zone
Current use:	Lot 11: Rural block with dwelling Lot 12: Rural Block with dwelling Lot 13 & 14: hay production
Road frontage:	Hume Road & Coyle Road
Adjacent uses:	Surrounding Rural properties
Topography / Vegetation:	The site is relatively flat and would appear to drain from east to west to the creek / drain west of the site. Lots 13 and 14 are clear and void of any vegetation, while lots 11 and 12 contain bushland of which is mapped as ‘of least concern remnant vegetation’.
Easements:	No easements relevant to any of the allotments.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

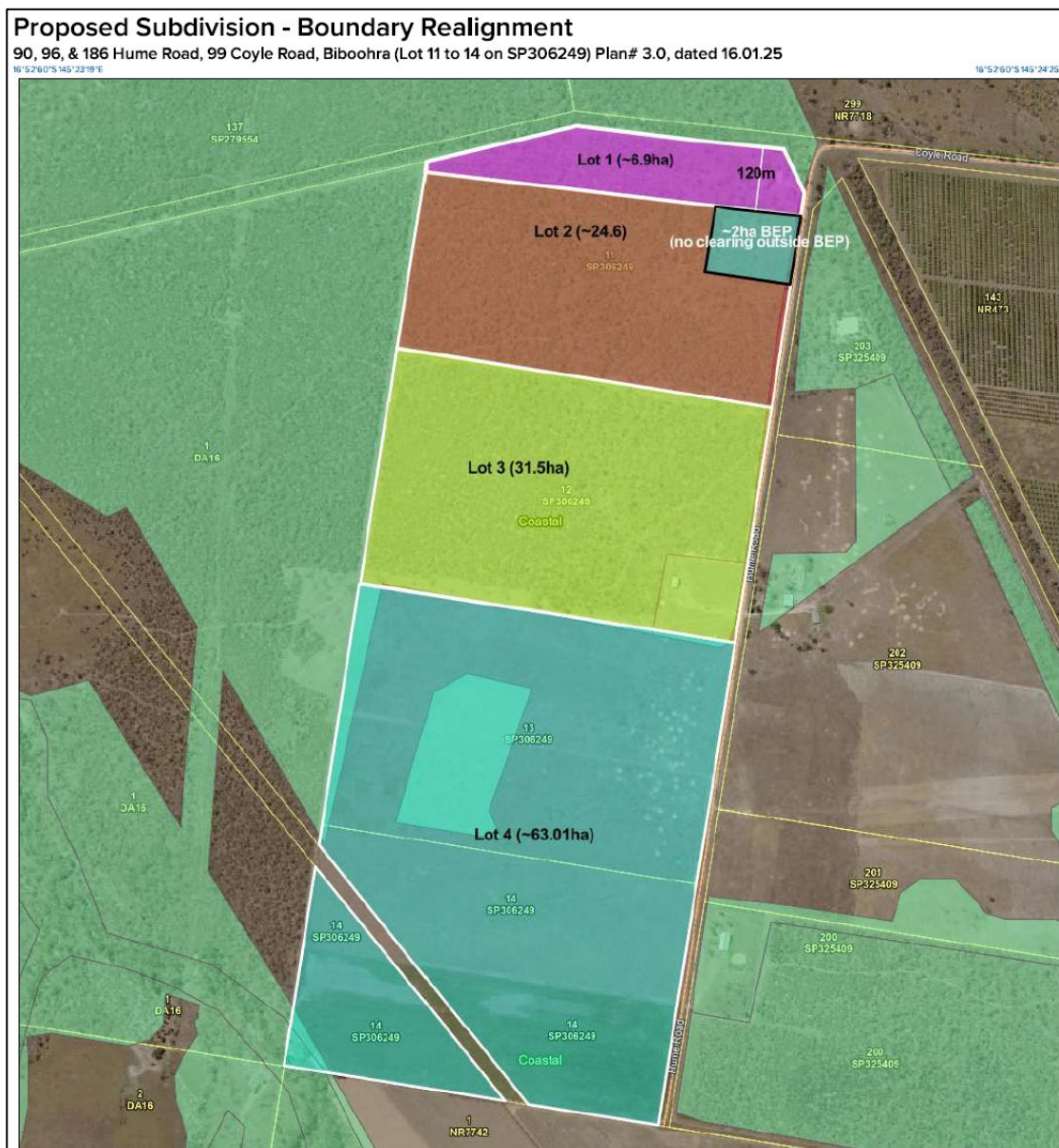
Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Boundary Realignment in accordance with the plan shown below and included as **Attachment 1**:



REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also maps the site as containing:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Area <ul style="list-style-type: none"> ○ <i>Rural Agricultural Area</i> ○ <i>Rural Other</i>
Zone:	Rural
Overlays:	Agricultural Land Overlay Airport Environs Overlay Environmental Significance Overlay Flood Hazard Overlay Transport Infrastructure Overlay

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code

9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Refer to code document for full commentary.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Infrastructure, Local Government and Planning as a Referral Agency.

That Department issued their referral agency response on 6 February 2025 (**Attachment 2**) and require that it be attached to any Decision Notice.

PLANNING DISCUSSION

Nil

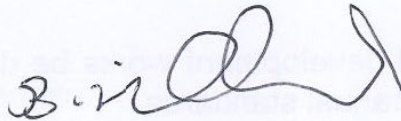
Date Prepared: 3 March 2025

DECISION BY DELEGATE

DECISION

Having considered the Supervisor Planning & Building's report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 3RD day of MARCH 2025



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSED PLANS (ECM DSI # 4459351)

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°54'5"S 145°23'18"E Legend located on next page 16°54'5"S 145°24'25"E

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

Document Set ID: 4459351 Version: 1, Version Date: 17/02/2025

ATTACHMENT 2

RA6-N



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

Page 1 of 7

2412-43887 SRA

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, Bibbohra (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, Bibbohra (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, Bibbohra (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:

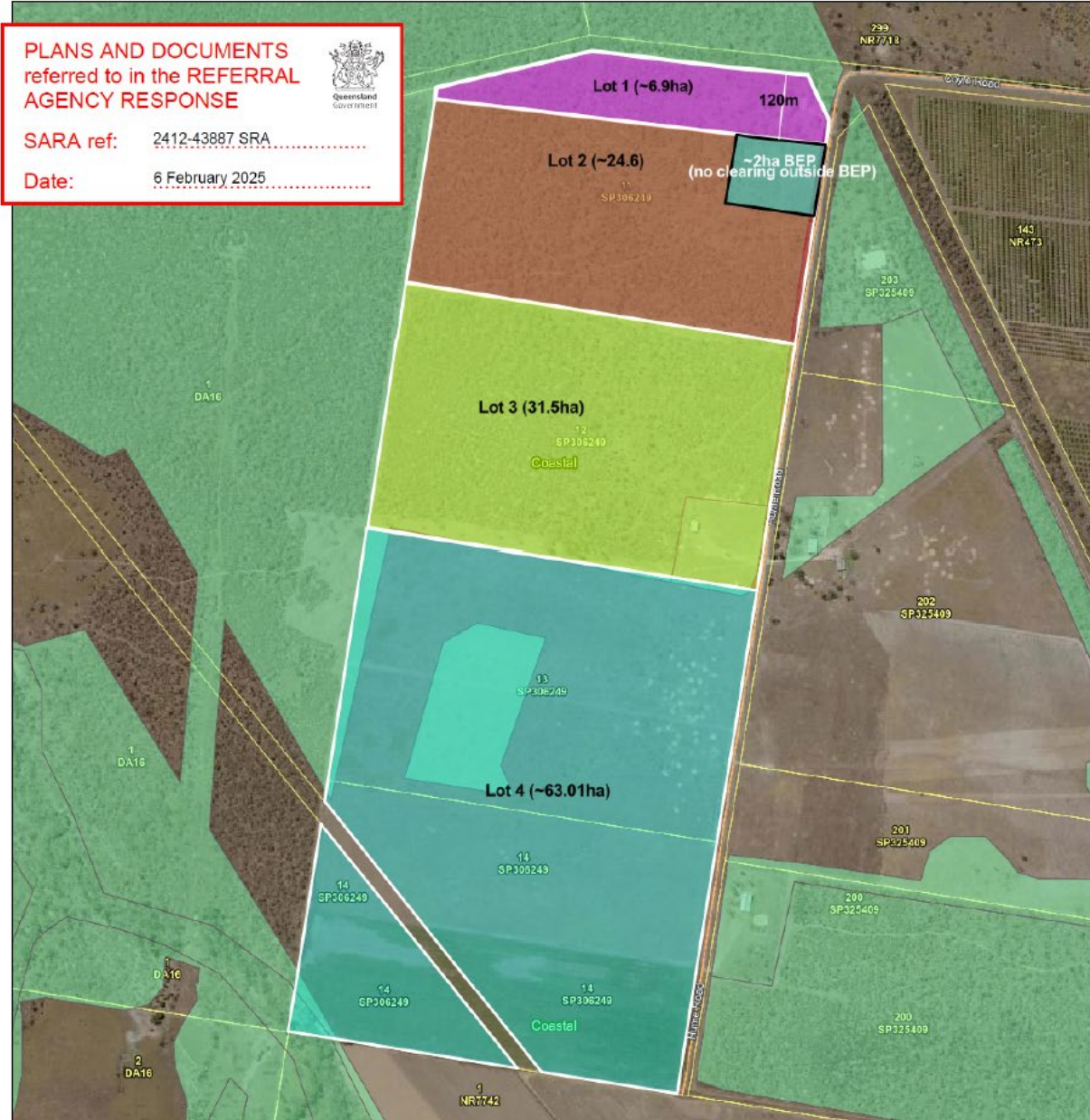
- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.1)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

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°23'18"E

16°52'60"S 145°24'25"E



16°54'55"S 145°23'18"E

16°54'55"S 145°24'25"E

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Queensland Government
 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.