

SARA reference: 2510-49051 SRA
Council reference: RAL/25/0024
Applicant reference: R5-25

25 November 2025

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

Dear Sir/Madam

SARA referral agency response—3823 Kennedy Highway, Mareeba

(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 30 October 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	25 November 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 - Subdivision (1 into 2 Lots) + Easement (water)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 –	

Reconfiguring a lot near a state-controlled road intersection

SARA reference: 2510-49051 SRA

Assessment manager: Mareeba Shire Council

Street address: 3823 Kennedy Highway, Mareeba

Real property description: Lot 488 on NR6428

Applicant name: B & J Herbohn
C/- U&I Town Plan

Applicant contact details: 35 Sutherland St
Mareeba QLD 4880
ramon@uitownplan.com.au

Human Rights Act 2019 considerations: 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.

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 Helen Reilly, Planning Officer, on 4037 3239 or via email CairnsSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter
A/ Manager Planning

cc B & J Herbohn, 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 provisions

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)

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(s):		
1.	Direct access is not permitted between the Kennedy Highway and proposed Lot 2.	At all times.

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 3.3). If a word remains undefined it has its ordinary meaning.
Transport noise corridor	
2.	<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 Interactive Mapping System website: https://www.planning.qld.gov.au/planning-framework/mapping 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 <i>Transport Infrastructure of the State Planning Policy (SPP) mapping system</i>.</p>
Kennedy Highway upgrade planning	
3.	Lot 488 on NR6428 (the subject site) falls within the study area of the Kennedy Highway 4-lane upgrade project which is identified as 'Category B' transport planning. The current planning is concept only and no funding has been allocated to this project.

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 does not involve any obstructions, advertising devices or construction of buildings or structures that would undermine the physical integrity, operational performance or safety of the state-controlled road
- the proposed development does not involve any landscaping that would create a safety hazard for users of the state-controlled road
- the proposed development does not result in a material worsening of the operating performance, structural integrity or safety hazards on the state-controlled road as a result of anticipated stormwater, overland flow, flooding and drainage impacts
- the proposed development has no public passenger transport infrastructure, public passenger services or active transport infrastructure along the site's frontage to the state-controlled road
- the proposed development does not compromise the safety and operating performance of the state-controlled road intersection
- the proposed development does not require a new or changed access to the state-controlled road and therefore does not contribute to a net worsening of the operational performance, impede delivery of future of any planned upgrades of the state-controlled road or adversely impact the functional requirements or safety of the state-controlled road
- any filling and excavation associated with the proposed development would not cause adverse impacts to the structural integrity of the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), 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

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