



SARA reference: 2501-44100 SRA
 Applicant reference: 24-19/001338
 Council reference: DA/4858

7 February 2025

Chief Executive Officer
 Cook Shire Council
 PO Box 3
 COOKTOWN QLD 4895
 mail@cook.qld.gov.au

Attention: Lisa Miller

Dear Sir/Madam

SARA referral agency response—Reconfiguring a Lot (1 lot into 2 lots) at 28 Jensens Crossing Road, Cooktown

(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 7 January 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	7 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 (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-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1

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

(Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection

Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017)
– Reconfiguring a lot involving clearing native vegetation

SARA reference: 2501-44100 SRA
 Assessment manager: Cook Shire Council
 Street address: 28 Jensens Crossing Road, Cooktown
 Real property description: Lot 7 on RP704416
 Applicant name: T Y Bass
 Applicant contact details: C/- Planning Plus
 PO Box 399
 REDLYNCH QLD 4870
 info@planningplusqld.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



Anthony Walsh
 Manager Planning

cc T Y Bass, info@planningplusqld.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 9, Division 4, Subdivision 2, Table 1 and Table 3 – Reconfiguring a lot near a state-controlled road and intersection—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.	Direct access is not permitted between Endeavour Valley Road and proposed Lot 1, or between the part of Jensens Crossing Road located within the state-controlled road corridor of Endeavour Valley Road and proposed Lot 1.	At all times.
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):		
2.	Clearing of vegetation must not occur within the areas identified as Area B (B1-B3) as shown on the attached: <ul style="list-style-type: none"> (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2501-44100 SRA, Sheet 1 of 1, version 1, dated 7 February 2025; and (b) Attachment to Vegetation Management Plan VMP 2501-44100 SRA, Derived Reference Points for GPS. 	At all times.
3.	Built infrastructure, other than for fences, roads, underground services, firebreaks and fire management, must not be established, constructed or located within Area C (C1) as shown on the attached: <ul style="list-style-type: none"> (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2501-44100 SRA, Sheet 1 of 1, version 1, dated 7 February 2025; and (b) Attachment to Vegetation Management Plan VMP 2501-44100 SRA, Derived Reference Points for GPS. 	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) v3.1. If a word remains undefined it has its ordinary meaning.
2.	<p>Access Location</p> <p>The application material indicates that vehicular access for proposed Lot 1 will be via Jensens Crossing Road, a local council road.</p> <p>The northern section of Jensens Crossing Road is located within the state-controlled road corridor of Endeavour Valley Road.</p> <p>The vehicular access location for proposed Lot 1 via Jensens Crossing Road should be located a minimum distance of 74m from the centreline of Endeavour Valley Road to ensure compliance with SARA condition 1.</p>

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 1: development in a state-controlled road environment and State code 16: Native vegetation clearing, as it:

- Is unlikely to compromise the safety, function, and efficiency of Endeavor Valley Road, a state-controlled road, or the Endeavour Valley Road / Jensens Crossing Road intersection.
- Will have a new vehicle access for proposed Lot 1 located a sufficient distance from the Endeavour Valley Road / Jensens Crossing Road intersection.
- Is considered a small-scale development and traffic generation is unlikely to impact on the function of Endeavour Valley Road and the state-controlled road network.
- Appropriately avoids and minimises vegetation clearing, to avoid the loss of biodiversity and land degradation, maintain ecological processes, and conserve vegetation.
- Locates future buildings and the 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)

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

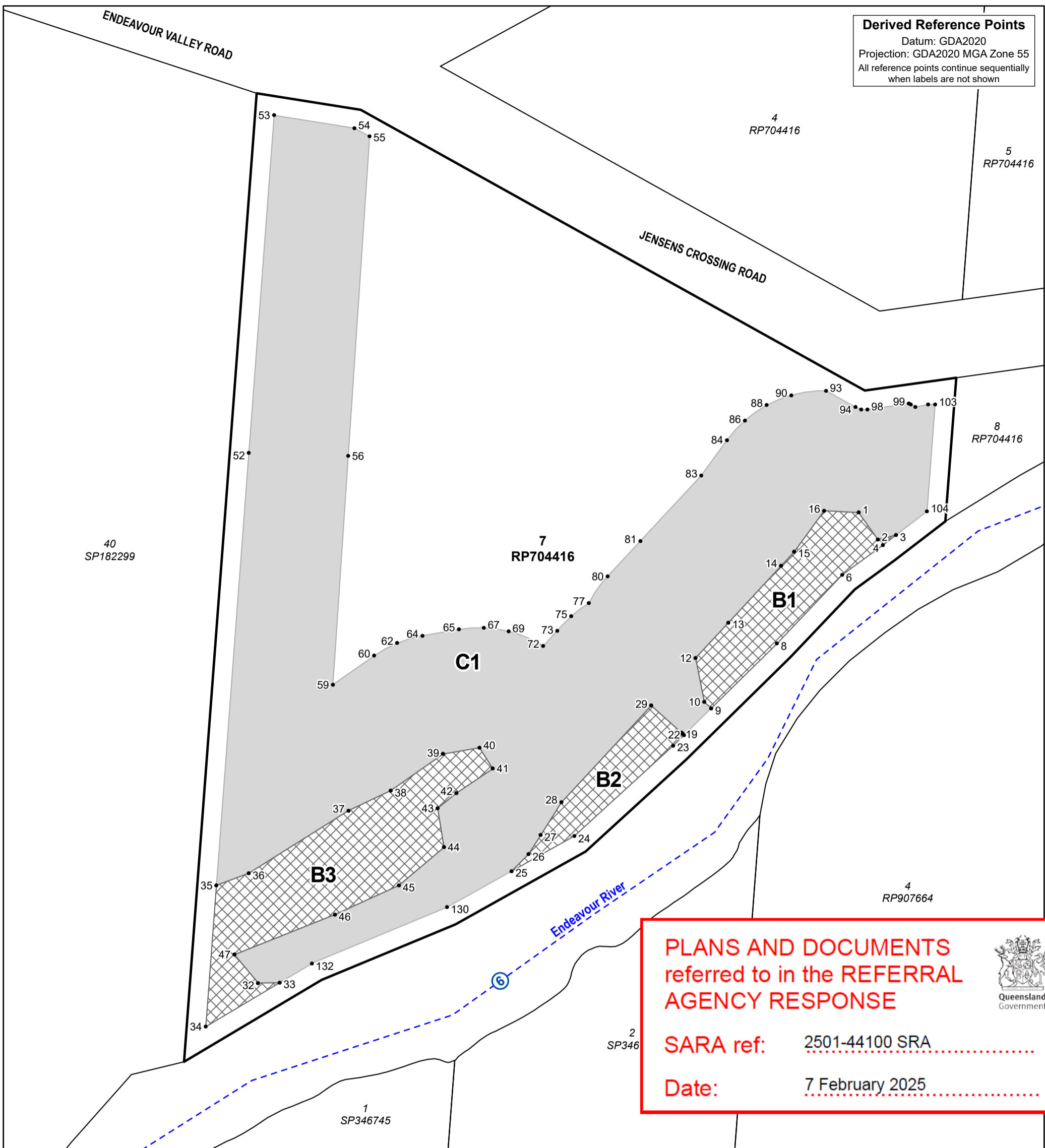
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

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.

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)


Derived Reference Points
 Datum: GDA2020
 Projection: GDA2020 MGA Zone 55
 All reference points continue sequentially when labels are not shown



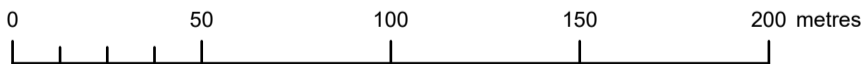
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2501-44100 SRA

Date: 7 February 2025



SCALE 1:2,000 @ A3 paper size



Projection: GDA2020 MGA Zone 55 Datum: GDA2020

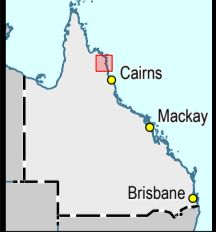

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.
 Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.
 The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2501-44100 SRA

LEGEND

- 1 Derived Reference Points (see attachment)
- ▭ Subject Lot
- ▨ Area B - Clearing must not occur
- ▩ Area C - Firebreak/safety buffer (only certain infrastructure permitted)
- ① Watercourse and/or drainage feature (Stream order label)

Note: This is a colour map and must be reproduced in colour

Vegetation Management Plan

Plan of Area B (Parts B1 - B3) and Area C (Part C1) in Lot 7 on Plan RP704416

Version: 1 eLVA Case ID: 2025/000044



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VMP 2501-44100 SRA

Sheet 1 of 1


Attachment: 2501-44100 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55

Notes: Derived Reference Points are provided to assist in the location of Area boundaries.
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
 Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
B1	1	297657	8293061
B1	2	297667	8293047
B1	3	297677	8293049
B1	4	297670	8293044
B1	5	297648	8293028
B1	6	297614	8292992
B1	7	297580	8292958
B1	8	297576	8292962
B1	9	297572	8292985
B1	10	297589	8293003
B1	11	297616	8293033
B1	12	297623	8293041
B1	13	297639	8293062
B2	14	297564	8292946
B2	15	297565	8292945
B2	16	297565	8292945
B2	17	297566	8292944
B2	18	297560	8292939
B2	19	297508	8292891
B2	20	297475	8292873
B2	21	297484	8292882
B2	22	297490	8292892
B2	23	297501	8292909
B2	24	297548	8292960
B3	25	297342	8292814
B3	26	297353	8292814
B3	27	297315	8292791
B3	28	297320	8292866
B3	29	297337	8292872
B3	30	297390	8292905
B3	31	297412	8292915
B3	32	297439	8292934
B3	33	297458	8292938
B3	34	297465	8292927
B3	35	297446	8292914
B3	36	297436	8292906
B3	37	297440	8292885
B3	38	297416	8292865
B3	39	297382	8292850
B3	40	297330	8292829
C1	41	297337	8293093
C1	42	297350	8293270
C1	43	297393	8293263
C1	44	297401	8293259
C1	45	297389	8293091
C1	46	297381	8292971
C1	47	297403	8292986
C1	48	297415	8292993
C1	49	297428	8292996
C1	50	297447	8293000
C1	51	297461	8293001
C1	52	297474	8292999
C1	53	297492	8292991
C1	54	297499	8292999
C1	55	297506	8293007
C1	56	297516	8293014
C1	57	297525	8293028
C1	58	297543	8293046
C1	59	297575	8293081
C1	60	297588	8293099

Part ID	Unique ID	Easting	Northing
C1	61	297597	8293109
C1	62	297609	8293117
C1	63	297622	8293123
C1	64	297640	8293125
C1	65	297655	8293116
C1	66	297658	8293115
C1	67	297662	8293115
C1	68	297683	8293118
C1	69	297684	8293118
C1	70	297687	8293117
C1	71	297694	8293118
C1	72	297697	8293118
C1	73	297693	8293062
C1	74	297677	8293049
C1	75	297667	8293047
C1	76	297657	8293061
C1	77	297639	8293062
C1	78	297623	8293041
C1	79	297616	8293033
C1	80	297589	8293003
C1	81	297572	8292985
C1	82	297576	8292962
C1	83	297580	8292958
C1	84	297566	8292944
C1	85	297565	8292945
C1	86	297565	8292945
C1	87	297564	8292946
C1	88	297548	8292960
C1	89	297501	8292909
C1	90	297490	8292892
C1	91	297484	8292882
C1	92	297475	8292873
C1	93	297441	8292854
C1	94	297370	8292824
C1	95	297353	8292814
C1	96	297342	8292814
C1	97	297330	8292829
C1	98	297382	8292850
C1	99	297416	8292865
C1	100	297440	8292885
C1	101	297436	8292906
C1	102	297446	8292914
C1	103	297465	8292927
C1	104	297458	8292938
C1	105	297439	8292934
C1	106	297412	8292915
C1	107	297390	8292905
C1	108	297337	8292872
C1	109	297320	8292866

PLANS AND DOCUMENTS
 referred to in the REFERRAL
AGENCY RESPONSE



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