

SARA reference: 2511-49102 SRA
 Council reference: DA/4982
 Applicant reference: 416361

9 December 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—7639-7641 Mulligan Highway, Lakeland

(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 6 November 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	9 December 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 into 2 Lots)
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 (10.9.4.2.1.1) (Planning Regulation 2017)	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 –	

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

SARA reference: 2511-49102 SRA

Assessment manager: Cook Shire Council

Street address: 7639-7641 Mulligan Highway, Lakeland

Real property description: Lot 9 on SP147285

Applicant name: Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharrock Pty Ltd

Applicant contact details: C/- RPS AAP Consulting Pty Ltd
PO Box 1949
Cairns QLD 4870
Patrick.clifton@rpsconsulting.com

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@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Poppy Ellis-Southwell
A/Manager

cc Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharrock Pty Ltd,
Patrick.Clifton@rpsconsulting.com

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
	10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor and (10.9.4.2.3.1) – Reconfiguring a lot near a state-controlled road 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 the Mulligan Highway and proposed Lot 1.	At all times.
2.	(a) Close and remove the unapproved access between Lot 9 on SP147285 and the Mulligan Highway located approximately 590m west of the Quarry access. (b) The road works to close and remove access, referred to in part (a) of this condition, must be in accordance with Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition. (c) Provide evidence to the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au that the unapproved gravel access via the Mulligan Highway has been closed and permanently removed in accordance with parts (a) and (b) of this condition.	Prior to submitting the Plan of Survey to the local government for approval.

Attachment 2—Advice to the applicant

General advice	
1.	<p>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.</p>
2.	<p>Vehicular access for proposed Lot 1 will be via Dawson Road, a local government road. The southern section of Dawson Road is located within the state-controlled road gazettal of the Mulligan Highway and is under the jurisdiction of the Department of Transport and Main Roads. Direct access between the section of Dawson Road situated within the Mulligan Highway gazettal and proposed Lot 1 is not permitted.</p> <p>The vehicular access location for proposed Lot 1 via Dawson Road is required to be located a minimum distance of 105m from the centreline of the Mulligan Highway to ensure compliance with condition 1 of the referral agency response.</p> <p>The state-controlled road gazettal can be viewed using the free online mapping tools available at https://www.planning.qld.gov.au/planning-framework/mapping. The state-controlled road gazettal is located under SARA DA Mapping within State Transport of the Development Assessment Mapping System (DAMS).</p>
3.	<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 Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p>

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:

- SARA assessed the development against the following code of the State Development Assessment Provisions (SDAP), version 3.3:
 - State code 1: Development in a state-controlled road environment (State code 1).
- The development can be conditioned to comply with the assessment benchmarks of State code 1 of SDAP in that the development:
 - does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
 - does not adversely impact the structural integrity or physical condition of the state-controlled road
 - does not adversely impact the function and efficiency of the state-controlled road or increase impacts to the road network.

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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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.