



SARA reference: 2404-40198 SRA
 Council reference: LM:tt:DA/4743:AD2024/0001519
 Applicant reference: Nil

8 October 2024

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—232 Jensens Crossing Road

(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 April 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	8 October 2024
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 4 lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1 (10.3.4.2.1) Planning Regulation 2017 - Clearing native vegetation	
SARA reference:	2404-40198 SRA	

Assessment manager: Cook Shire Council
Street address: 232 Jensens Crossing Road, Cooktown
Real property description: Lot 4 on RP705900
Applicant name: Clint Lemon & Natalie Maltby-Lemon
Applicant contact details: PO Box 263
Cooktown QLD 4895
natalie.maltby@googlemail.com

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 Isley Peacey, Senior Planning Officer, on 4037 3202 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Ms Natalie Maltby-Lemon, natalie.maltby@googlemail.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 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
Development permit - Reconfiguring of a lot - 1 into 4 lots		
10.3.4.2.1 – Native vegetation clearing —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources 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>Clearing of native vegetation may:</p> <p>(a) only occur within Area A (A1 - A3) and Area C (C1-C6) as shown on the attached:</p> <p style="padding-left: 40px;">(i) Vegetation Management Plan, prepared by Queensland Government, reference 2404-40198 SRA Sheet 1 of 1 of version 2; and</p> <p style="padding-left: 40px;">(ii) Attachment to Vegetation Management Plan 2404-40198 SRA Derived Reference Points for GPS;</p> <p>(b) not exceed 2.18 hectares.</p>	At all times
2.	<p>Built infrastructure, other than roads, fences and underground services, must not be established, constructed or located within Area C (Parts C1 – C6) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference 2404-40198 SRA Sheet 1 version 2; and</p> <p>(b) Attachment to Vegetation Management Plan 2404-40198 SRA Derived Reference Points for GPS.</p> <p>Note: Schedule 21 of the Planning Regulation 2016 provides where exempt clearing work can occur.</p>	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 3.0). 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's decision are:

The development complies with State code 16: Native vegetation clearing (State code 16) of the State Development Assessment Provisions (SDAP) version 3.0. Specifically, the development:

- avoids clearing, or where avoidance is not reasonably possible, minimises clearing to:
 - o conserve vegetation;
 - o avoid land degradation;
 - o avoid the loss of biodiversity;
 - o maintain ecological processes;
- minimises contributions to greenhouse gas emissions;
- for vegetation retention purposes, is undertaken in a manner that retains or regenerates vegetation by sustainably managing the impacts of the clearing on regional ecosystems, biodiversity and ecological processes over time;
- is consistent with any notice requiring compliance on the land subject to the development application unless a better environmental outcome can be achieved;
- is consistent with vegetation management requirements for particular regulated areas unless a better environmental outcome can be achieved;
- avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not 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 SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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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

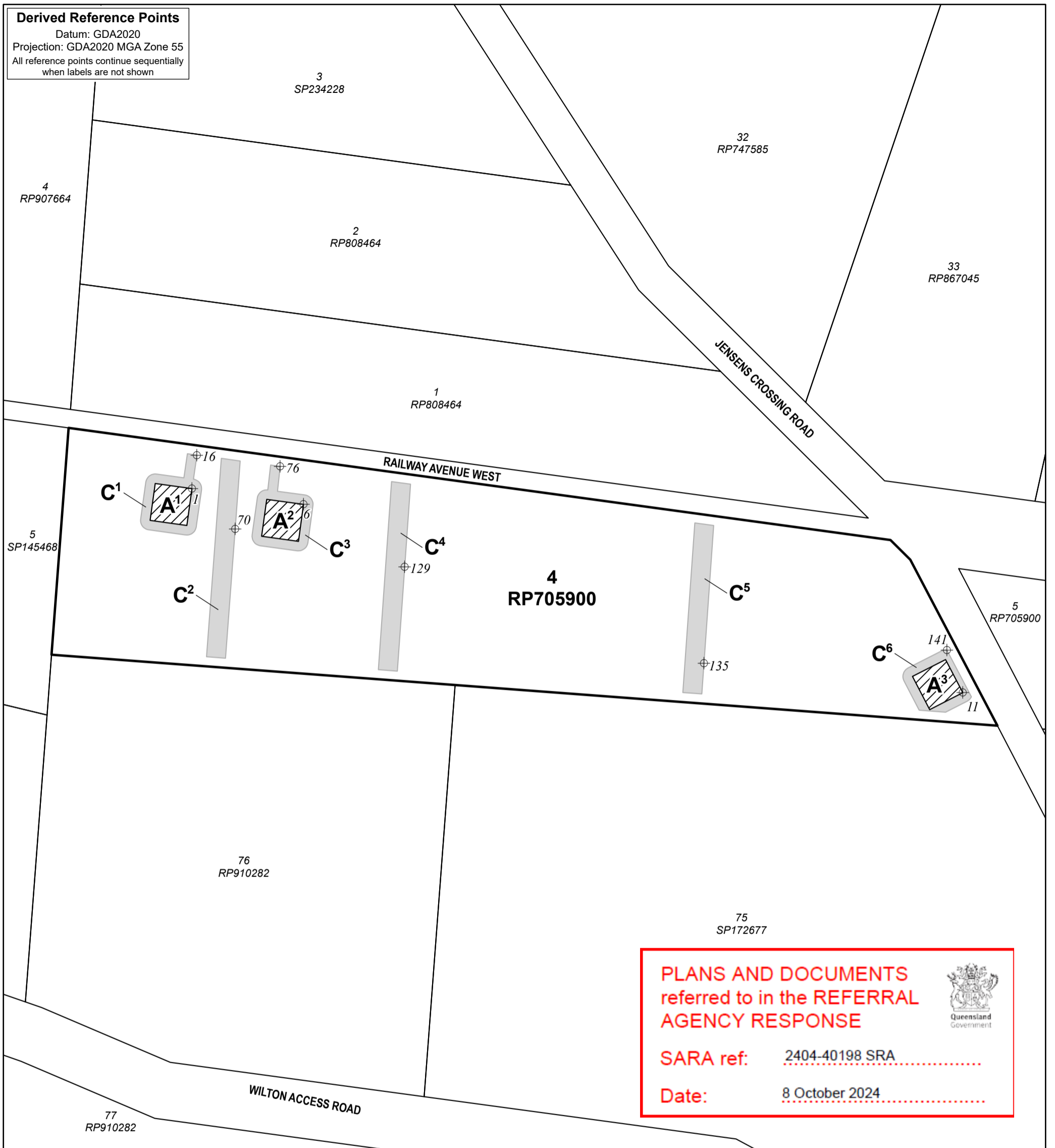
30 Representations about a referral agency response

- 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.

Derived Reference Points

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



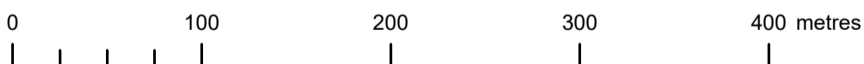
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2404-40198 SRA

Date: 8 October 2024



1:4 000 @ A3 paper size



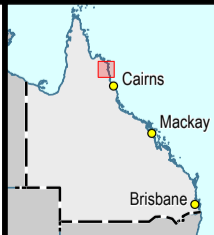
Projection: GDA2020 MGA Zone 55 Datum: GDA2020

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 2404-40198 SRA

LEGEND

- Derived Reference Start Points (see attachment)
- Subject Lot(s)
- Area A - Clearing Permitted
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)



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

Vegetation Management Plan

Plan of Area A (Parts A¹ - A³) and Area C (Parts C¹ - C⁶) in Lot 4 on Plan RP705900



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**VMP
 2404-40198 SRA
 Sheet 1 of 1**

Version: 2

eLVAS Case ID: 2024/002185

Attachment: 2404-40198 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
A1	1	297983	8292140
A1	2	297978	8292102
A1	3	297939	8292107
A1	4	297945	8292146
A1	5	297983	8292140
A2	6	298100	8292124
A2	7	298095	8292085
A2	8	298056	8292090
A2	9	298061	8292129
A2	10	298100	8292124
A3	11	298791	8291926
A3	12	298756	8291909
A3	13	298738	8291943
A3	14	298773	8291961
A3	15	298791	8291926
C1	16	297988	8292175
C1	17	297985	8292150
C1	18	297986	8292150
C1	19	297987	8292149
C1	20	297989	8292149
C1	21	297990	8292148
C1	22	297991	8292147
C1	23	297992	8292145
C1	24	297992	8292144
C1	25	297993	8292142
C1	26	297993	8292141
C1	27	297993	8292139
C1	28	297988	8292102
C1	29	297987	8292100
C1	30	297987	8292099
C1	31	297987	8292097
C1	32	297986	8292096
C1	33	297985	8292095
C1	34	297984	8292094
C1	35	297982	8292093
C1	36	297981	8292092
C1	37	297979	8292092
C1	38	297978	8292092
C1	39	297976	8292092
C1	40	297976	8292092
C1	41	297938	8292097
C1	42	297936	8292097
C1	43	297935	8292098
C1	44	297933	8292099
C1	45	297932	8292100
C1	46	297931	8292101
C1	47	297930	8292102
C1	48	297930	8292104
C1	49	297929	8292105
C1	50	297929	8292107
C1	51	297929	8292108
C1	52	297935	8292147
C1	53	297935	8292149
C1	54	297936	8292150
C1	55	297937	8292152
C1	56	297938	8292153
C1	57	297939	8292154
C1	58	297941	8292155
C1	59	297942	8292155
C1	60	297944	8292156

Part ID	Unique ID	Easting	Northing
C1	61	297946	8292156
C1	62	297975	8292152
C1	63	297978	8292177
C1	64	297988	8292175
C1	65	297939	8292107
C1	66	297978	8292102
C1	67	297983	8292140
C1	68	297945	8292146
C1	69	297939	8292107
C2	70	298028	8292098
C2	71	298018	8291962
C2	72	297998	8291964
C2	73	298014	8292172
C2	74	298034	8292169
C2	75	298028	8292098
C3	76	298075	8292164
C3	77	298073	8292137
C3	78	298101	8292134
C3	79	298103	8292133
C3	80	298104	8292133
C3	81	298105	8292132
C3	82	298107	8292131
C3	83	298108	8292130
C3	84	298109	8292129
C3	85	298109	8292127
C3	86	298110	8292126
C3	87	298110	8292124
C3	88	298110	8292122
C3	89	298104	8292084
C3	90	298104	8292082
C3	91	298103	8292080
C3	92	298102	8292079
C3	93	298101	8292078
C3	94	298100	8292077
C3	95	298098	8292076
C3	96	298097	8292075
C3	97	298095	8292075
C3	98	298093	8292075
C3	99	298056	8292080
C3	100	298055	8292080
C3	101	298053	8292081
C3	102	298052	8292081
C3	103	298050	8292082
C3	104	298049	8292083
C3	105	298048	8292084
C3	106	298047	8292085
C3	107	298047	8292087
C3	108	298046	8292088
C3	109	298046	8292090
C3	110	298046	8292092
C3	111	298046	8292092
C3	112	298051	8292130
C3	113	298052	8292132
C3	114	298052	8292134
C3	115	298053	8292135
C3	116	298055	8292136
C3	117	298056	8292137
C3	118	298057	8292138
C3	119	298059	8292139
C3	120	298061	8292139

Part ID	Unique ID	Easting	Northing
C3	121	298062	8292139
C3	122	298065	8292165
C3	123	298075	8292164
C3	124	298056	8292090
C3	125	298095	8292085
C3	126	298100	8292124
C3	127	298061	8292129
C3	128	298056	8292090
C4	129	298206	8292058
C4	130	298198	8291949
C4	131	298178	8291950
C4	132	298192	8292148
C4	133	298212	8292145
C4	134	298206	8292058
C5	135	298520	8291957
C5	136	298517	8291925
C5	137	298497	8291927
C5	138	298510	8292104
C5	139	298530	8292102
C5	140	298520	8291957
C6	141	298774	8291971
C6	142	298800	8291922
C6	143	298799	8291921
C6	144	298798	8291919
C6	145	298797	8291918
C6	146	298795	8291917
C6	147	298773	8291906
C6	148	298745	8291908
C6	149	298729	8291939
C6	150	298728	8291940
C6	151	298728	8291942
C6	152	298728	8291943
C6	153	298728	8291945
C6	154	298728	8291946
C6	155	298729	8291948
C6	156	298730	8291949
C6	157	298731	8291950
C6	158	298732	8291951
C6	159	298733	8291952
C6	160	298768	8291970
C6	161	298770	8291971
C6	162	298771	8291971
C6	163	298773	8291971
C6	164	298774	8291971
C6	165	298738	8291943
C6	166	298756	8291909
C6	167	298791	8291926
C6	168	298773	8291961
C6	169	298738	8291943