



SARA reference: 2112-26392 SRA  
 Council reference: ROL 2021\_4526  
 Applicant reference: PR150526-1

7 January 2022

Chief Executive Officer  
 Douglas Shire Council  
 PO Box 723  
 Mossman Qld 4873  
 enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

## **SARA response—Boundary Realignment (2 lots into 2 lots) at 70 Bamboo Creek Road and Tononi Road, Bamboo**

(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 on 8 December 2021.

### **Response**

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Outcome:	Referral agency response – with conditions.
Date of response:	7 January 2022
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### **Development details**

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Description:	Development permit	Reconfiguring a lot for a Boundary Realignment (2 Lots into 2 Lots)
SARA role:	Referral Agency	
SARA trigger:	<b>Schedule 10, Part 3, Division 4, Table 2, Item 1</b>	(Planning

Regulation 2017) – Reconfiguring a lot involving vegetation clearing

SARA reference: 2112-26392 SRA  
Assessment Manager: Douglas Shire Council  
Street address: 70 Bamboo Creek Road and Tononi Road, Bamboo  
Real property description: Lot 94 on RP907342 and Lot 110 on RP907342  
Applicant name: Helen Coulthard  
Applicant contact details: C/- RPS Australia East Pty Ltd  
135 Abbott Street  
Cairns QLD 4870  
Stacey.Devaney@rpsgroup.com.au

## Representations

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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, Planning Officer, on 40373215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson  
A/Manager (Planning)

cc Helen Coulthard, Stacey.Devaney@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

## 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 plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
Schedule 10, Part 3, Division 4, Table 2, Item 1 – Reconfiguring a lot involving 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:		
1.	<p>The reconfiguring a lot must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• Helen Coulthard Proposed Boundary Re-alignment, prepared by RPS Australia East Pty Ltd, dated 30-11-2021, reference PR150526-1a.</li> </ul>	Prior to submitting the Plan of Survey to the local government for approval

## Attachment 2—Advice to the applicant

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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) v2.6. If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA decision are:

- The realigned boundary will pass through areas of category B regulated vegetation containing regional ecosystems of least concern, and essential habitat for the southern cassowary.
- The clearing footprint in category B areas and essential habitat is relatively small (0.58ha).
- The new boundary alignment will only result in slightly more clearing than could be done under the existing alignment.
- Clearing will not occur in or near watercourses or drainage features.
- Clearing will retain sufficient vegetation in the subject lot and adjacent landscape to maintain ecological connectivity.
- No clearing of endangered or of concern regional ecosystems will occur.
- There is currently 44.14ha of essential habitat for the Southern Cassowary mapped on the subject lots, with clearing reducing its extent by only approximately 1.3%.
- The adverse impacts of clearing have been reasonably minimised.
- The proposed development, with conditions, complies with the relevant provisions of State code 16: Native vegetation clearing.

### 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 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

## **Attachment 4—Change representation provisions**

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(page left intentionally blank – attached separately)

## **Attachment 5—Approved plans and specifications**

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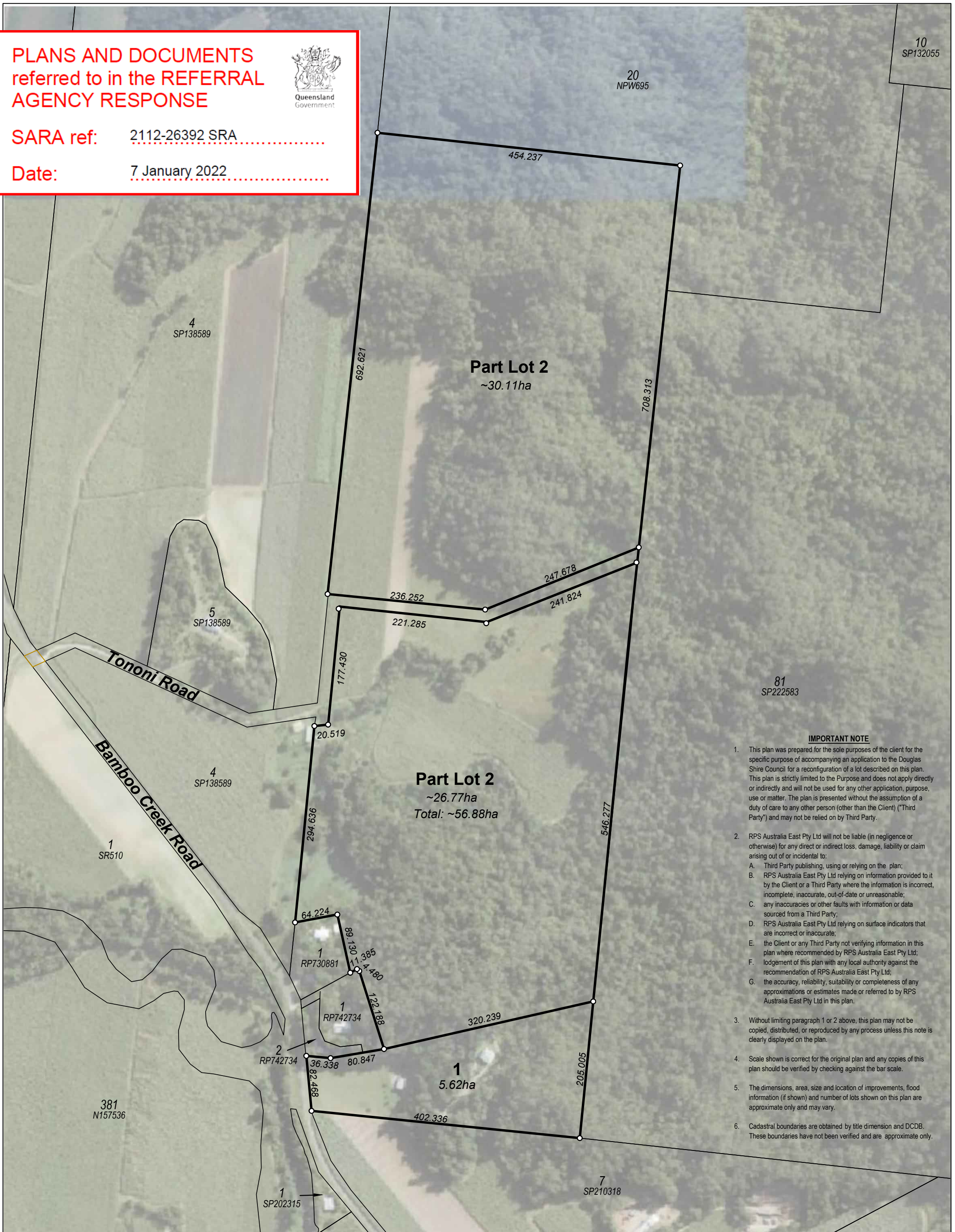
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**PLANS AND DOCUMENTS**  
referred to in the REFERRAL  
AGENCY RESPONSE



SARA ref: 2112-26392 SRA

Date: 7 January 2022



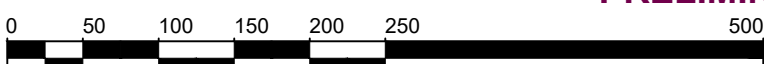
- IMPORTANT NOTE**
- This plan was prepared for the sole purposes of the client for the specific purpose of accompanying an application to the Douglas Shire Council for a reconfiguration of a lot described on this plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
  - RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
    - Third Party publishing, using or relying on the plan;
    - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
    - any inaccuracies or other faults with information or data sourced from a Third Party;
    - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
    - the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
    - lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
    - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
  - Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
  - Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
  - The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
  - Cadastral boundaries are obtained by title dimension and DCDB. These boundaries have not been verified and are approximate only.



**Helen Coulthard**  
Proposed Boundary Re-alignment

**PRELIMINARY - FOR DISCUSSION PURPOSES ONLY**

RPS Australia East Pty Ltd  
ACN 140 292 762  
135 Abbott St  
PO Box 1949  
CAIRNS QLD 4870  
T +61 7 4031 1336  
F +61 7 4031 2942  
W rpsgroup.com





# 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.