

SARA reference: 2605-52688 SRA  
Council reference: ROL 2026\_5941/1

25 June 2026

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

**Attention: Ms Rebecca Taranto**

Dear Ms Taranto

## SARA referral agency response—Cape Tribulation Road, Kimberley

(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 10 June 2026.

### Response

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Outcome:	Referral agency response – with conditions
Date of response:	25 June 2026
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 (RAL) – 1 Lot into 2 Lots
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 17, Division 3, Subdivision 5, Table 1 (Planning Regulation 2017) Reconfiguring a lot in a coastal management district	

SARA reference: 2605-52688 SRA  
Assessment manager: Douglas Shire Council  
Street address: Cape Tribulation Road, Kimberley  
Real property description: Lot 83 on SR596  
Applicant name: Landscapes Queensland Ltd as trustee for Queensland Trust for Nature c/o- Baybrook  
Applicant contact details: PO Box 22  
Kedron QLD 4031  
admin@baybrook.com.au

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019*. It has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## 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 Peter Mulcahy, Principal Planning Officer, on (07) 4331 5611 or via email [WBBSARA@dsdilgp.qld.gov.au](mailto:WBBSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Jarod Platt  
A/Manager

cc Landscapes Queensland Ltd as trustee for Queensland Trust for Nature  
c/o- Baybrook, admin@baybrook.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 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
<b>Development Permit for Reconfiguring a Lot (RAL) – 1 Lot into 2 Lots</b>		
10.17.3.5.1 – Reconfiguring a lot in a coastal management district—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of the Environment, Tourism, Science and Innovation 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>The reconfiguration of a lot must be undertaken generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>- <i>Subdivision Proposal Plan</i> prepared by Legacy Survey Drafting, dated 11 March 2026, Drawing No. A1 1146, Sheet 1 of 2, Issue A</li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.
2.	<p>Areas within the erosion prone area are to be retained as a development free zone.</p> <p>Note: Development free zone means:</p> <ul style="list-style-type: none"> <li>• there is to be no new permanent development, other than fencing, landscaping and coastal protection works construction within this zone.</li> <li>• no coastal protection works are permitted under this authority; separate approvals should be sought for coastal protection works.</li> </ul>	At all times.

## Attachment 2—Advice to the applicant

<b>General advice</b>	
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 3.6). If a word remains undefined it has its ordinary meaning.
<b>Wetland Protection Area Development Assessment Trigger</b>	
2.	<p>The application material states that “<i>the development will not facilitate development other than possibly a domestic structures/dwelling house in the north-east corner of proposed Lot 101</i>”. The term <i>domestic housing activity</i> is defined within Schedule 24 of the Planning Regulation 2017.</p> <p>SARA notes that the majority of the subject site is mapped within a Wetland Protection Area and associated trigger area. The Planning Regulation 2017 prescribed assessable development for certain development within a Wetland Protection area and associated trigger area. Note that a <i>domestic housing activity</i> is not considered assessable under Schedule 10, Part 20, Division 2, Section 34 of the Planning Regulation 2017.</p> <p>Where future assessable development is proposed over the subject site, SARA recommends that the applicant obtain separate pre-lodgement advice prior to the lodgement of a development application.</p>

## 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's decision are:

SARA assessed the development against the following codes of the State Development Assessment Provisions (SDAP), version 3.6:

- State code 8: Coastal development and tidal works (State code 8)

The development complies with the assessment benchmarks of State code 8 of SDAP in that the development:

- maintains coastal processes
- conserves coastal resources
- avoids impacts on Matters of State Environmental Significance (MSES)

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- SARA SPP 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 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.

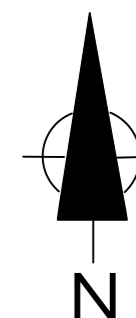
## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

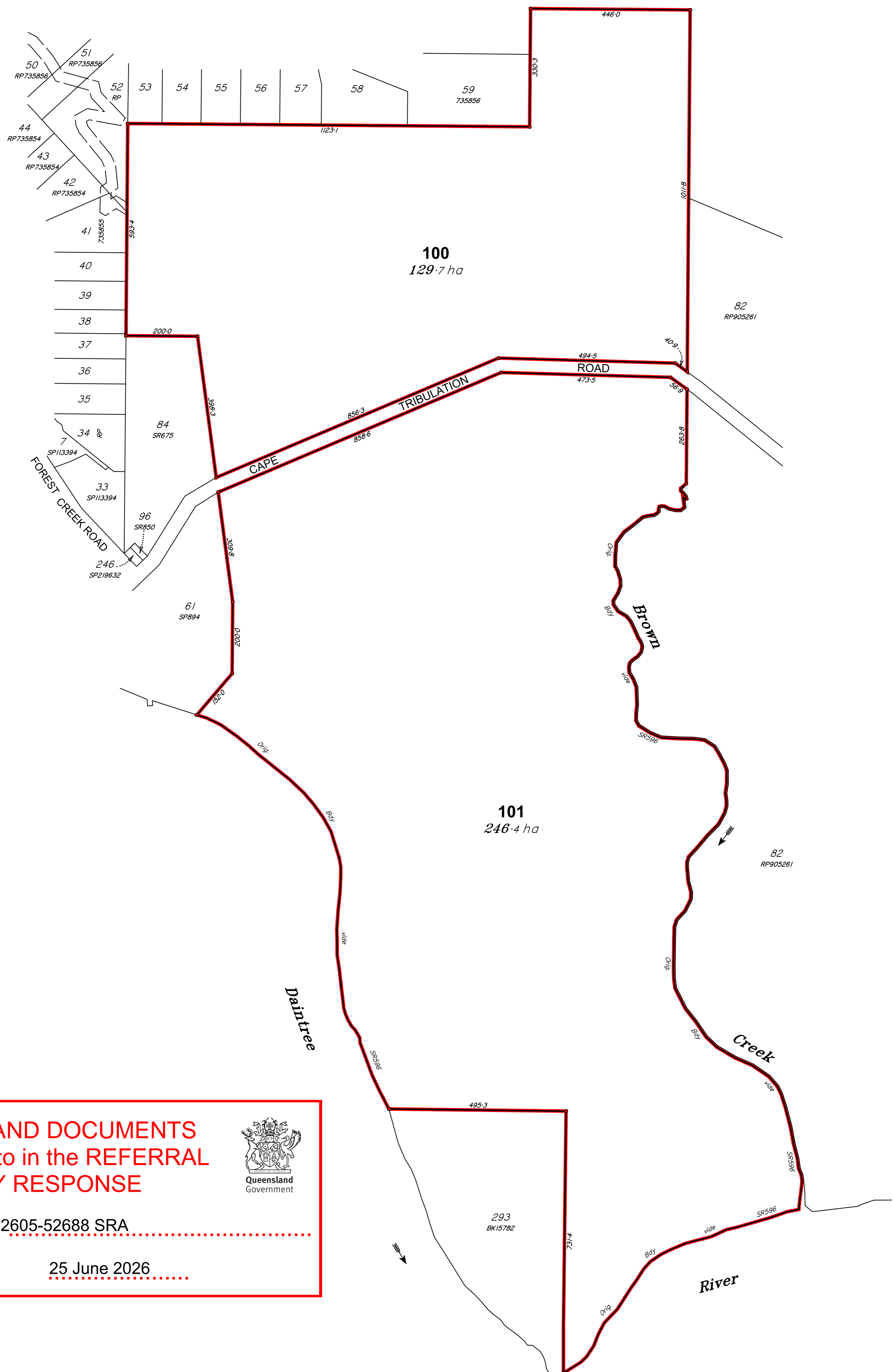
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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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.



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

**SARA ref: 2605-52688 SRA**

**Date: 25 June 2026**



LEGEND  
— Subject Site

Issue	Revision	Int	Date
A	Original issue	AA	11/03/20