



19 September 2019

Planning Officer: Carl Ewin
Direct Telephone: (07) 4086 4656
Our Reference: MCU/19/0009
Your Reference: 19-462

Martin Anton
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that 18 September 2019, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU/19/0009
Street Address: 3276 & 3278 Mulligan Highway, Mount Molloy
Real Property Description: Lot 2 & 3 on SP223151
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)
Date of Decision: 18 September 2019

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "*necessary infrastructure condition*" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.4 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

3.5 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No operations are permitted on Sundays or Public Holidays.

3.6 Product Sale

All recycled products are to be sold off-site only with no individual sales/transactions permitted from the subject site.

3.7 Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

3.8 Environmental Management Plan

The applicant/developer shall provide Council with an environmental management plan prepared by a suitably qualified professional which addresses (as a minimum):

- ☐ All environmental impacts of the proposal and measures proposed to mitigate the impacts;
- ☐ Emergency management procedures;
- ☐ Refuse collection and disposal; and
- ☐ Management and supervision procedures.

The environmental management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.

The applicant/developer or on-site manager must ensure the approved use is operated in accordance with the environmental management plan at all times and for the life of the development.

4. Infrastructure Services and Standards

4.1 Stormwater Management

4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.1.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.2 Erosion and Sediment Control Plan

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 Prior to the development commencing, the applicant must develop an Erosion and Sediment Control Plan. The plan must detail what measures/procedures will be implemented on-site to prevent erosion and sediment run-off during construction and operation.

4.2.3 The applicant/developer must ensure that the Erosion and Sediment Control Plan is complied with at all times.

4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dsmip.qld.gov.au
Material change of use that is assessable development under a local categorising instrument (clearing native vegetation)		
Development application for a material change of use that is assessable development under a local categorising instrument and relates to a lot that is 5ha or larger, if— (a) the application— (i) is for a preliminary approval that includes a	Schedule 10, Part 3, Division 4, Table 3	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870

<p>variation request; and</p> <p>(ii) relates to a lot that contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; and</p> <p>(iii) is for a material change of use, other than a non-referable material change of use; or</p> <p>(b) the application is not stated in paragraph (a) and all of the following apply—</p> <p>(i) the material change of use does not involve prescribed clearing;</p> <p>(ii) accepted operational work may be carried out because of the material change of use, or the material change of use involves operational work that is assessable development under section 5;</p> <p>(iii) the accepted operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land, land the subject of an occupation licence under the Land Act, or land the subject of a lease given under the Land Act for agriculture or grazing purposes</p>		<p>CairnsSARA@dsmip.qld.gov.au</p>
Material change of use of premises near a substation site of subject to an easement (advice agency only)		
<p>Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if—</p> <p>(a) all or part of the premises are within 100m of a substation site; or</p> <p>(b) both of the following apply—</p> <p>(i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act;</p> <p>(ii) the easement is for a transmission grid or supply network</p>	<p>Schedule 10, Part 9, Division 2, Table 2</p>	<p>Town Planning Ergon Energy PO Box 264 Fortitude Valley Qld 4006</p> <p>townplanning@ergon.com.au</p>

A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet 2	Site Plan	-	-
-	Indicative Site Layout Plan	-	-

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER'S ADVICE

(a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(B) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 26 August 2019.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were no properly made submissions received.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

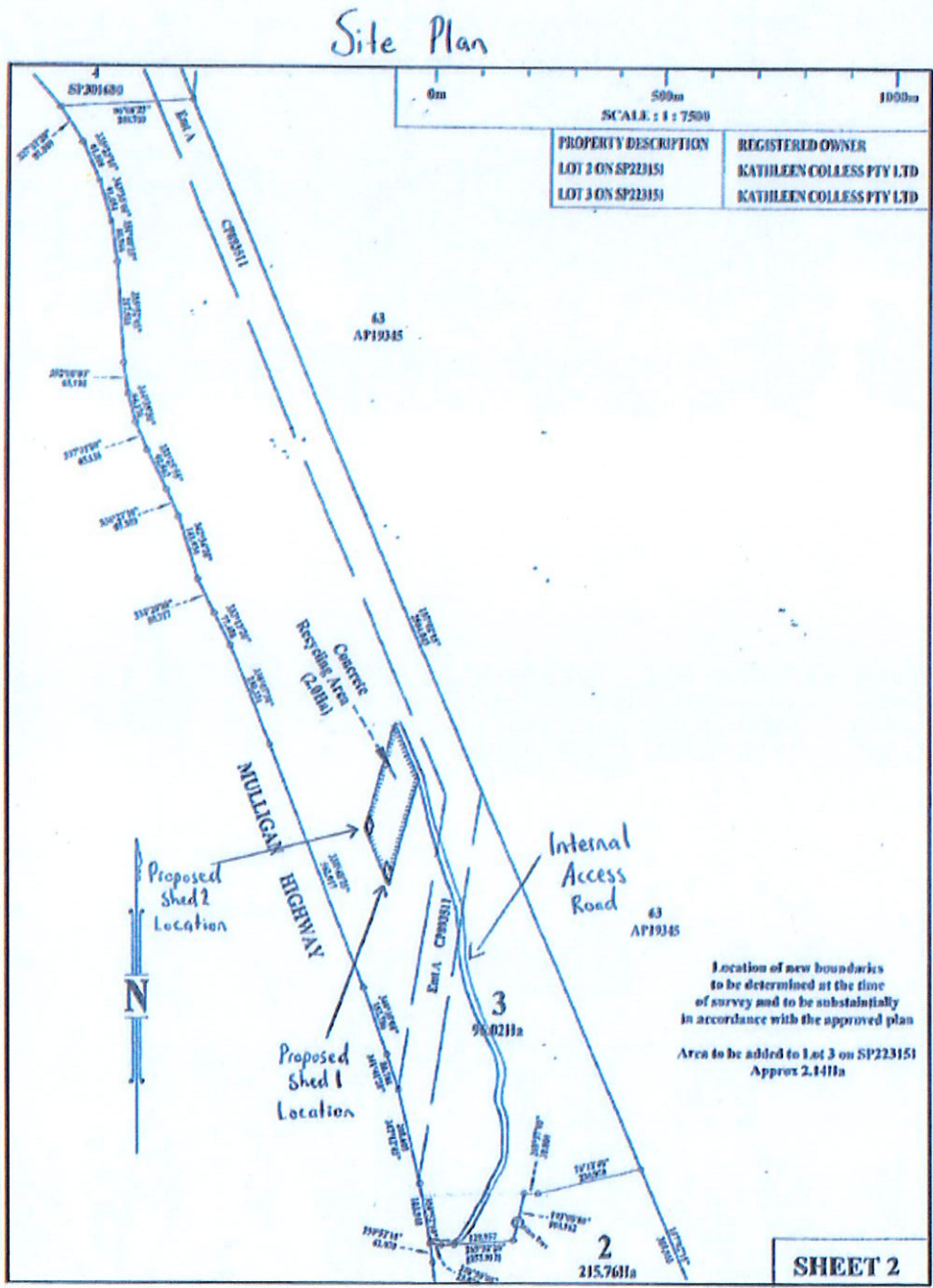


BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

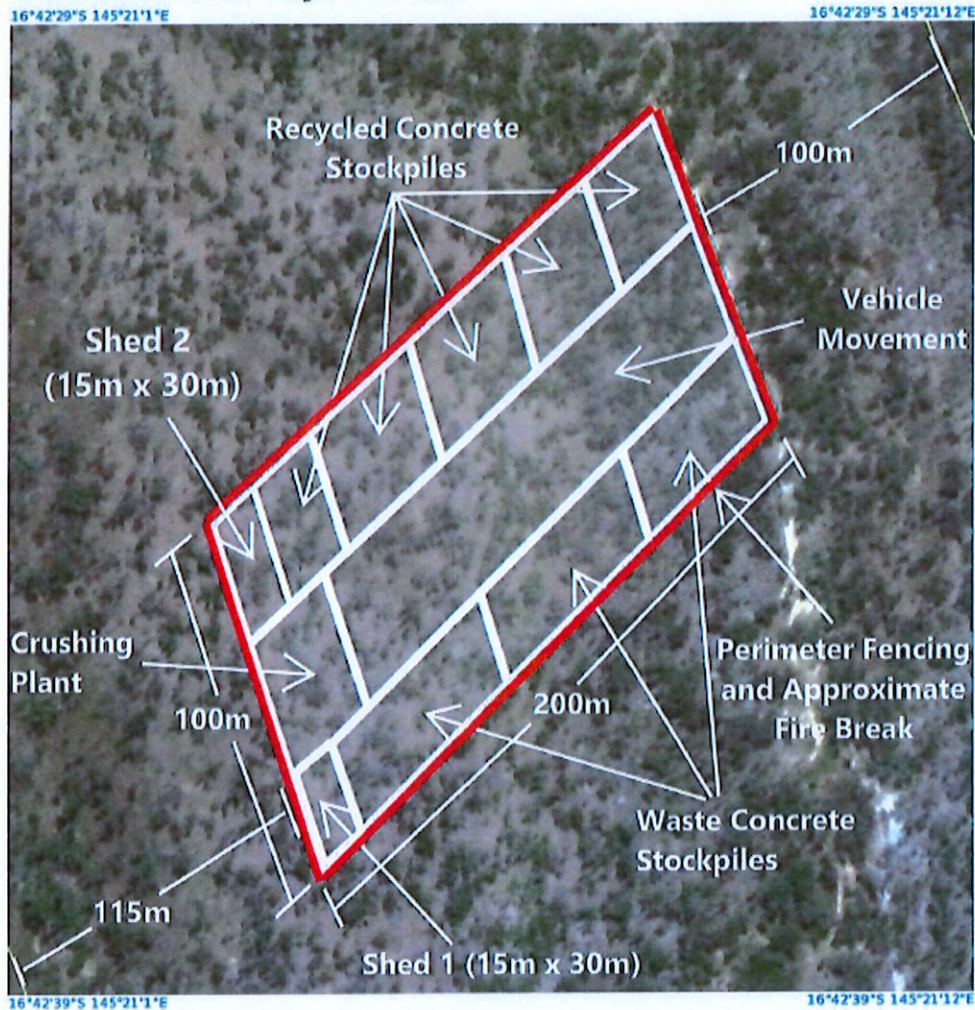
Copy: Department of State Development, Manufacturing, Infrastructure and Planning
CairnsSARA@dsmip.qld.gov.au

Approved Plans/Documents



19/9/2019
B. [Signature]

Indicative Site Layout Plan



A product of
 Queensland Globe



50 metres

Print Date: 16/6/2019
Paper Size: A4
Imagery

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19/9/2019
B. n. [Signature]

Referral Agency Response

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1907-12219 SRA
Council reference: MCU/19/0009
Applicant reference: 19-462

26 August 2019

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

SARA response—3276 Mulligan Highway, Mount Molloy; 3278 Mulligan Highway, Mount Molloy

Development Application for Material change of use for Development Permit for a Material Change of Use for High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year) (Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 17 July 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	26 August 2019
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	Material change of use for Development Permit for a Material Change of Use for High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)
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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1907-12219 SRA

SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation (Planning Regulation 2017) Development application for a material change of use on a lot that contains native vegetation Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 – State-controlled road (Planning Regulation 2017) Development application for a material change of use within 26m of a State-controlled road
SARA reference:	1907-12219 SRA
Assessment Manager:	Mareeba Shire Council
Street address:	3276 Mulligan Highway, Mount Molloy; 3278 Mulligan Highway, Mount Molloy
Real property description:	2SP223151; 3SP223151
Applicant name:	Martin Anton
Applicant contact details:	PO Box 2970 Cairns QLD 4870 justin@urbansyno.com.au
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none">• Approved• Reference: TMR19-027837 (500-1400)• Date: 20 August 2019 If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au or on 07 4045 7151.

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.

1907-12219 SRA

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Martin Anton, cf- justin@urbansync.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

1907-12219 SRA

1907-12219 SRA

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
Material change of use		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources Mines and Energy 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.	The clearing of vegetation under this development approval is limited to the area identified as Area A as shown on attached Technical Agency Response Plan (TARP) 1907-12219 SRA dated 16 August 2019.	At all times
2.	No built structure, other than for fences, roads, hardstands, and underground services, is to be established, constructed or located within area identified as Area B as shown on the attached Technical Agency Response Plan (TARP) 1907-12219 SRA dated 16 August 2019.	At all times
3.	Any person(s) engaged or employed to carry out the <u>clearing of vegetation</u> under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing
Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 – State-controlled road — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department on 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 condition(s):		
4.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan (34A – 32.78km) prepared by Queensland Government Transport and Main Roads, dated 13/08/2019, File Reference TMR19-27837 (500-1400), Issue A.</p> <p>(b) Road access works comprising of a sealed rural property access must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossings – General, Figure 7.4 (rural property access specifically designed for articulated vehicles on a two-way road).</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
5.	Signage, indicating 'trucks turning' is to be installed either side of the road access in accordance with section 1.12.2 Longitudinal Placement of the Department of Transport and Main Roads' <i>Manual of Uniform Traffic Control Devices, Part 1: General introduction and sign illustrations, July 2019.</i>	Prior to the commencement of use.

1907-12219 SRA

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 2.4 effective 16 November 2018. If a word remains undefined it has its ordinary meaning.
2.	Words underlined in these conditions have the same meaning given in the Glossary of Terms found within the state code 18: Clearing native vegetation.
3.	Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements').
4.	To request an electronic file of the Derived Points (Attached to Plan: 1907-12219 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy (DNRME) at northvegetation@dnrme.qld.gov.au and include application reference (1907-12219 SRA).
5.	In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

1907-12219 SRA

Attachment 3—Reasons for referral agency response

(Given under section 58(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The impacts on connectivity or loss of biodiversity and the impact on ecosystem function is considered minimal as the scale of clearing is small and the extent of adjoining remnant vegetation is extensive.
- There are no wetlands within 100m of the proposed clearing.
- The proposed clearing for the access track is 10m which is within the 20m limit allowed.
- Sufficient vegetation will be retained to maintain connectivity and ecological processes on the premises as well as in the surrounding landscape.
- The risk of salinity indicator is considered to be marginal.
- The vegetation on the subject lots as least concern vegetation. There are no endangered or of concern regional ecosystems.
- The subject lots contains no essential habitat.
- There are no compliance activities, any vegetation management requirements for a particular regulated area or offsets related to the premises.
- The Mulligan Highway is not a limited access road.
- The existing shared vehicular access can accommodate vehicles up to a maximum size 'Four Axle Truck – Class 5 Medium Length Heavy Vehicle'.
- The proposal will involve Class 8 'Five Axle Articulated' vehicle/s using the access.
- The shared access will be required to be upgraded to accommodate articulated vehicles on a two-way road.
- The upgrade of the current access will improve entry and exit movements.
- Truck turning signage is required to be erected to warn and inform road users of truck movements ahead.
- The 'lease area' for the proposed concrete recycling yard is located approximately 115m east of the Mulligan Highway, a state-controlled road. This is a sufficient setback from the state-controlled road.
- Filling and excavation works will be limited and undertaken wholly within the 'lease area'.
- Stormwater and drainage flows are discharged naturally on-site and it is unlikely that stormwater and drainage flows will directly impact the state-controlled road.

Material used in the assessment of the application:

- The development application material, submitted plans and information request response
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4 effective 16 November 2018), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1907-12219 SRA

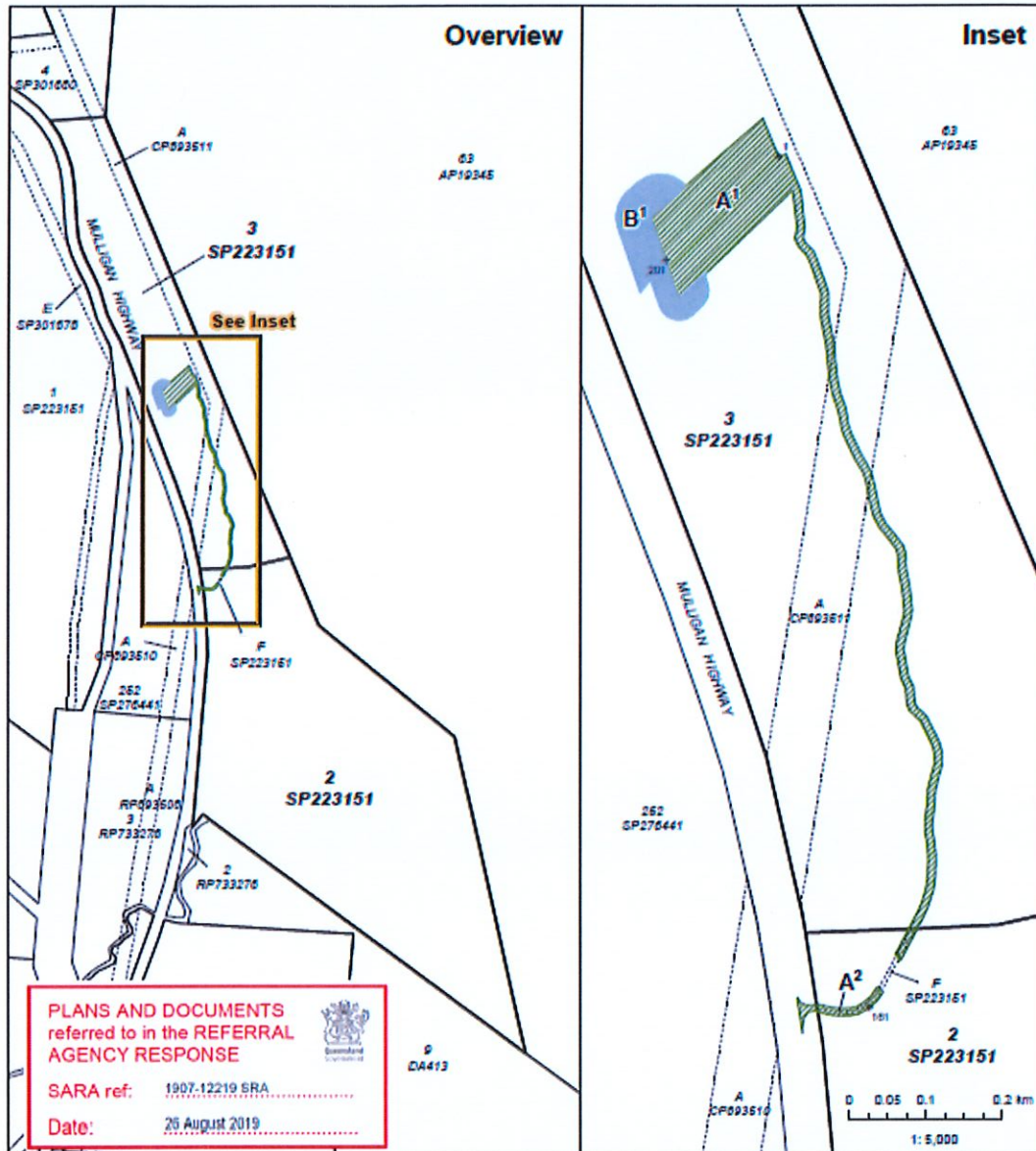
Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

1907-12219 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)



1:20,000 @ A3 size
0 0.25 0.5 0.75 1 1.25 km
Projection: UTM (MGA Zone 55) Datum: GDA54

Note: 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 contractors.

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 Decision Notice 1907-12219 SRA

LEGEND Derived Reference Points for GPB (See Attachment to Plan) (Area start points shown only) Subject Lots Area A (Parts A1 - A2) Area B (Part B1)	Technical Agency Response Plan Plan of Area A (Parts A¹ - A²) and Area B (Part B¹) in Lots 2 & 3 on SP223151		 N Queensland Government
	LOCAL GOVT: MAREEBA SHIRE LOCALITY OF MOUNT MOLLY, SOUTHDGE File Reference: #Doc 0520003303 Compiled from DCDB, RVM & NRM Notes on file Department: DNRM Region: North Prepared by: PJS - p563 Date: 16 August 2019		eLVAS Case: 2019/003227 Version: 1 TARP 1907-12219 SRA Sheet 1 of 1

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**Attachment to Plan: SDA-1907-12219
Derived Reference Points for GPS**

Datum: GDA 1994, Projection: Transverse Mercator 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 proceed in a clockwise direction.




Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A1	1	324363	8151916	A1	61	324569	8151087	A1	121	324517	8151403
A1	2	324372	8151919	A1	62	324568	8151056	A1	122	324508	8151416
A1	3	324372	8151919	A1	63	324568	8151056	A1	123	324496	8151430
A1	4	324391	8151875	A1	64	324567	8151051	A1	124	324496	8151431
A1	5	324391	8151874	A1	65	324566	8151049	A1	125	324488	8151447
A1	6	324392	8151868	A1	66	324565	8151043	A1	126	324484	8151461
A1	7	324397	8151824	A1	67	324565	8151036	A1	127	324477	8151494
A1	8	324395	8151810	A1	68	324567	8151025	A1	128	324474	8151503
A1	9	324398	8151804	A1	69	324569	8151002	A1	129	324462	8151524
A1	10	324409	8151792	A1	70	324569	8150976	A1	130	324450	8151551
A1	11	324410	8151791	A1	71	324567	8150959	A1	131	324446	8151563
A1	12	324414	8151780	A1	72	324561	8150939	A1	132	324444	8151575
A1	13	324423	8151756	A1	73	324556	8150926	A1	133	324441	8151587
A1	14	324429	8151739	A1	74	324531	8150878	A1	134	324434	8151606
A1	15	324428	8151721	A1	75	324523	8150864	A1	135	324431	8151623
A1	16	324428	8151709	A1	76	324519	8150871	A1	136	324428	8151647
A1	17	324434	8151684	A1	77	324517	8150873	A1	137	324426	8151669
A1	18	324436	8151670	A1	78	324522	8150883	A1	138	324424	8151662
A1	19	324436	8151648	A1	79	324547	8150930	A1	139	324419	8151707
A1	20	324440	8151625	A1	80	324552	8150942	A1	140	324418	8151708
A1	21	324444	8151609	A1	81	324557	8150961	A1	141	324419	8151721
A1	22	324451	8151590	A1	82	324559	8150976	A1	142	324419	8151738
A1	23	324453	8151577	A1	83	324559	8151002	A1	143	324413	8151752
A1	24	324455	8151565	A1	84	324557	8151023	A1	144	324425	8151776
A1	25	324459	8151554	A1	85	324555	8151033	A1	145	324401	8151786
A1	26	324471	8151528	A1	86	324555	8151034	A1	146	324389	8151799
A1	27	324483	8151507	A1	87	324555	8151043	A1	147	324385	8151807
A1	28	324487	8151496	A1	88	324555	8151044	A1	148	324385	8151809
A1	29	324494	8151463	A1	89	324556	8151051	A1	149	324385	8151810
A1	30	324497	8151450	A1	90	324557	8151062	A1	150	324387	8151824
A1	31	324504	8151436	A1	91	324558	8151067	A1	151	324382	8151866
A1	32	324515	8151423	A1	92	324559	8151088	A1	152	324381	8151872
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Attachment to Plan: SDA-1907-12219
Derived Reference Points for GPS
Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55 Page 2 of 2

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 proceed in a clockwise direction.

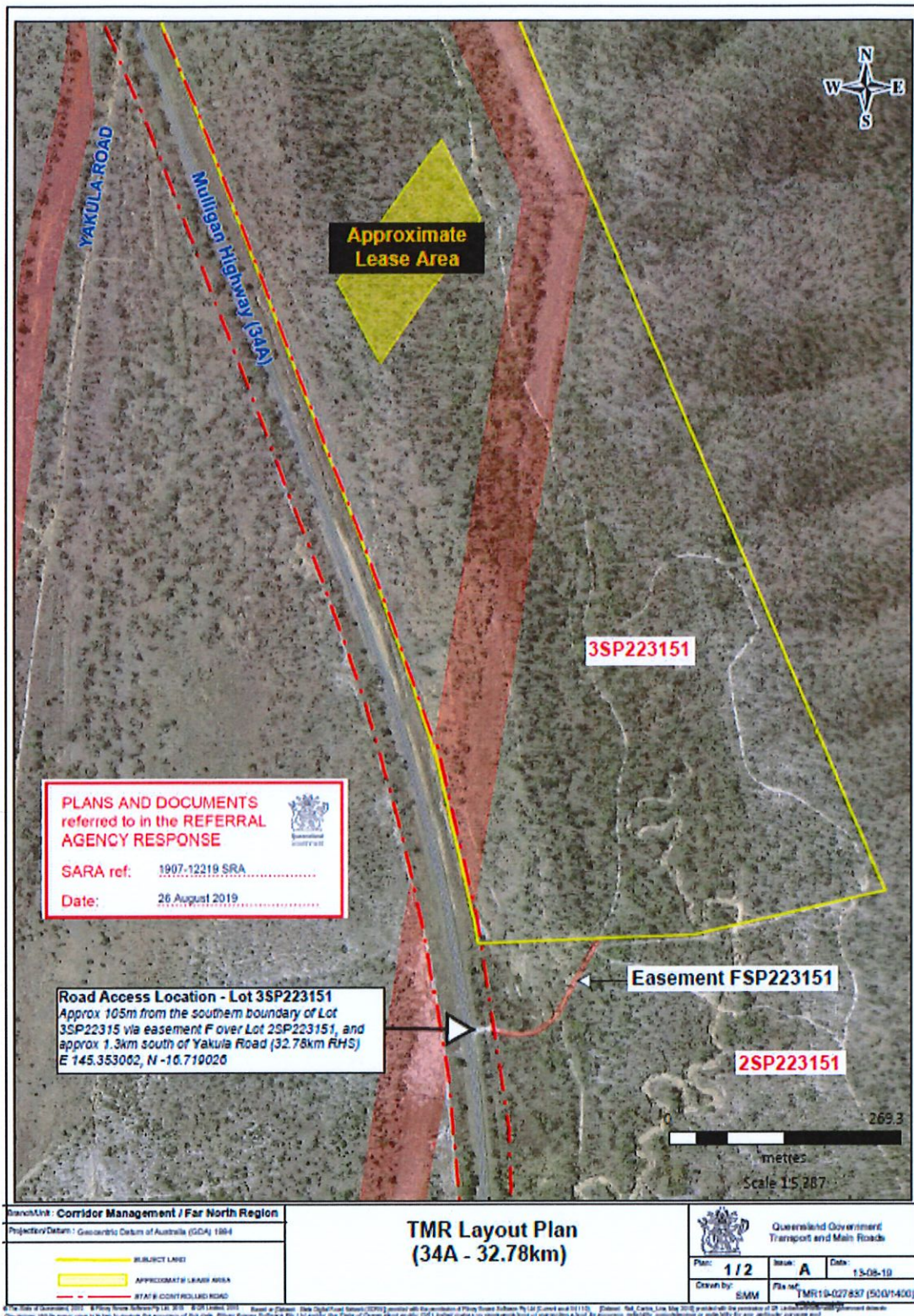
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B1	208	324266	8151728								
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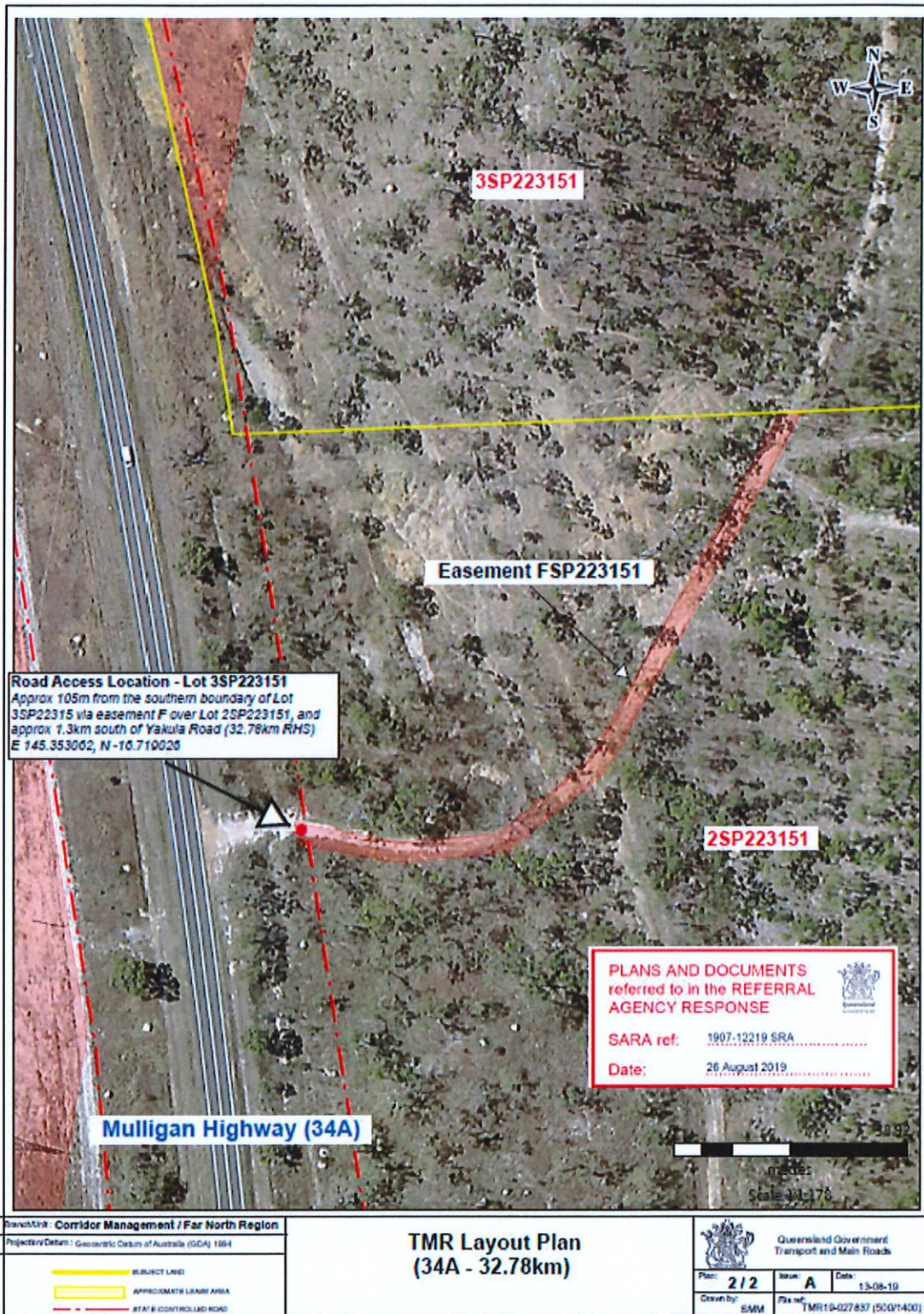
**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**

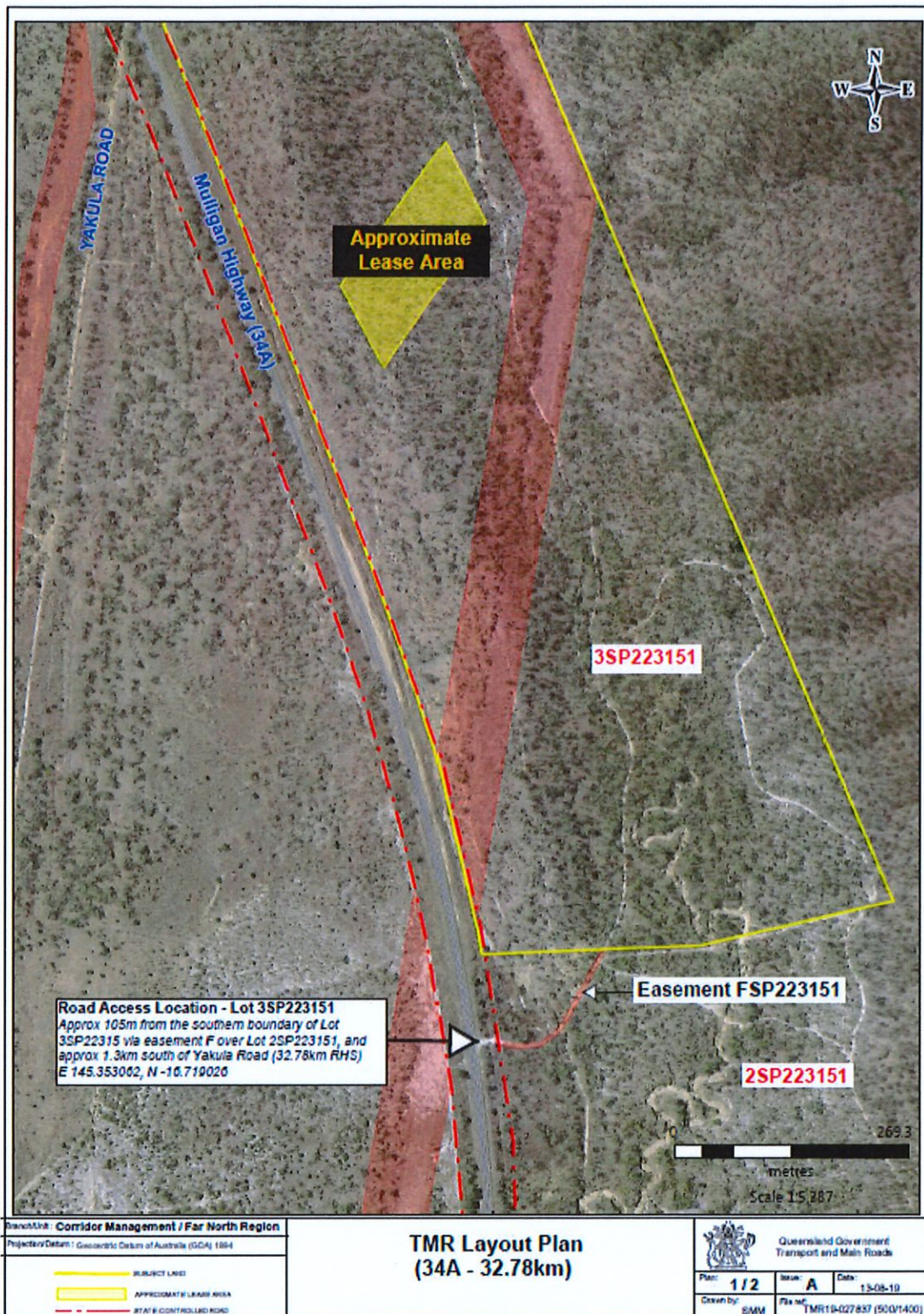


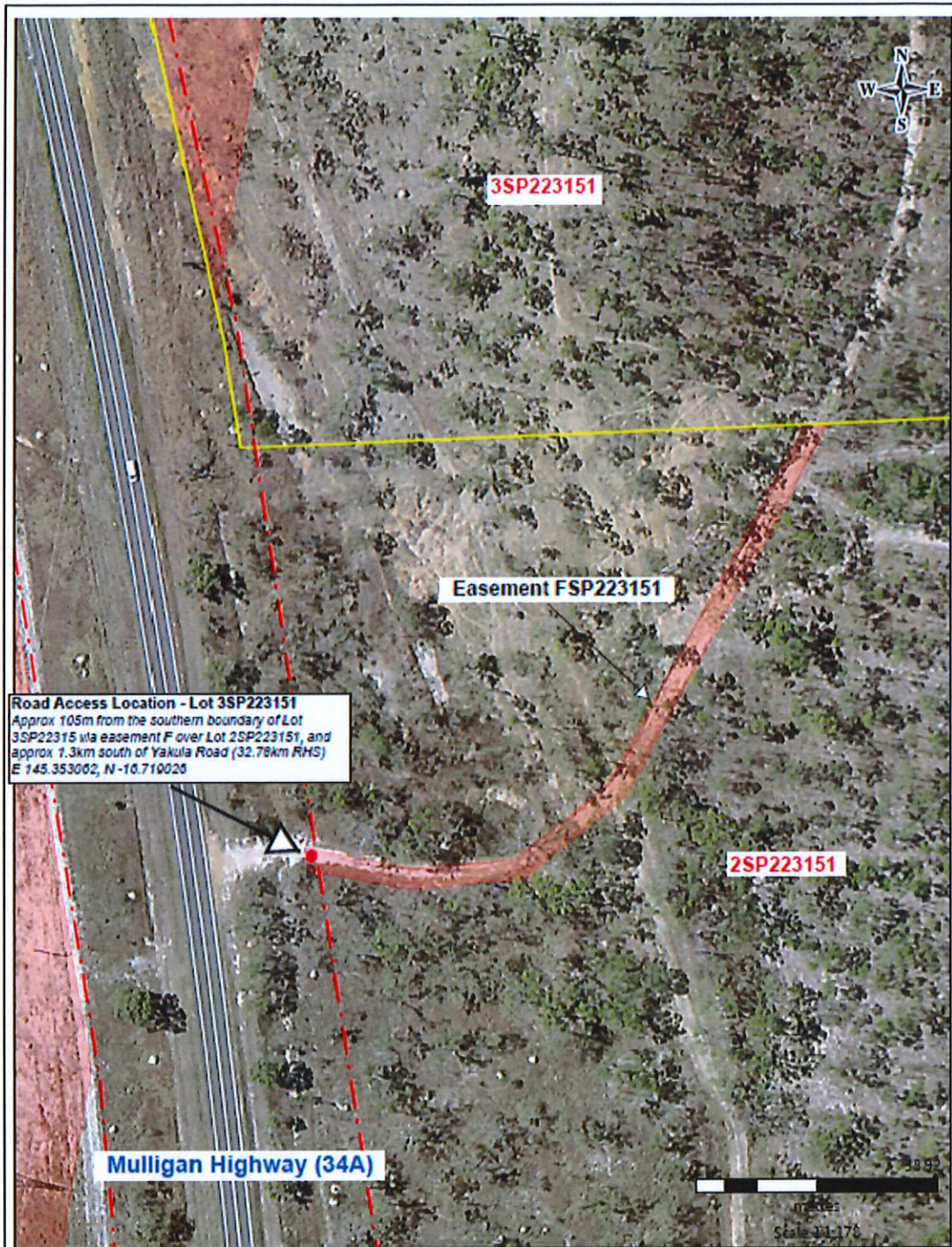
SARA ref: 1907-12219 SRA

Date: 26 August 2019



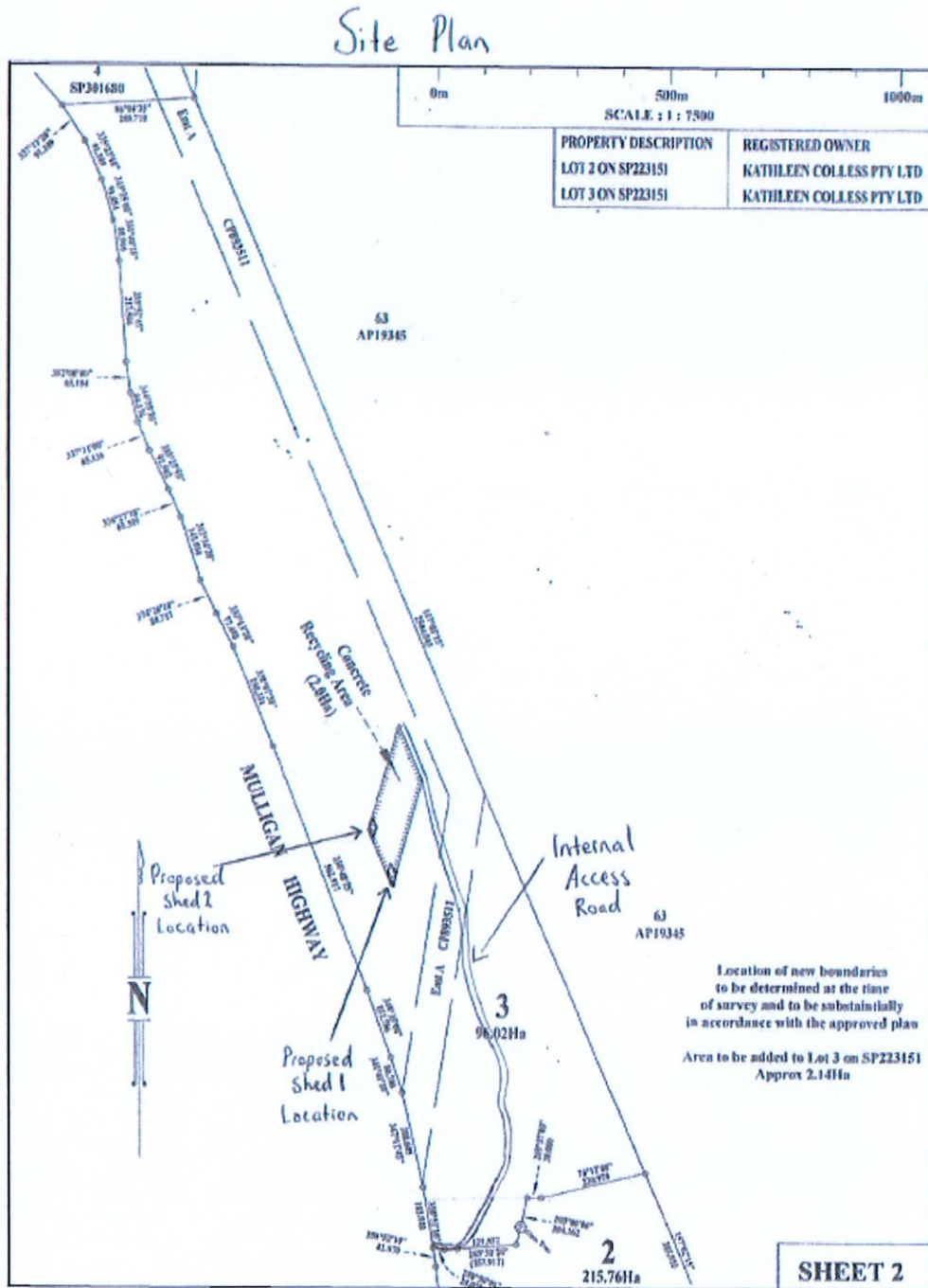






Branch/Unit: Corridor Management / Far North Region		TMR Layout Plan (34A - 32.78km)		Queensland Government Transport and Main Roads	
Project/Date: Queensland's Office of Road Safety (ORS) 1804					
SUBJECT LAND APPROXIMATE LAMPY AREA RTA# CONTROLLED ROAD		Drawn by: BMM	File ref: TMR19-027837 (500/1400)		

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Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding representations about a referral agency response (concurrency).

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency 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 28.1; 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.

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.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* states –

- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and

- (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter-
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.