

DELEGATED REPORT

SUBJECT: R & B TERRANOVA - MATERIAL CHANGE OF USE -
ROADSIDE STALL (PRODUCE STALL) AND TOURIST
ATTRACTION - LOT 46 ON NR6594 - 3595 KENNEDY
HIGHWAY, MAREEBA - MCU/19/0017

DATE: 21 January 2020

**REPORT OFFICER'S
TITLE:** Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	R & B Terranova	ADDRESS	3595 Kennedy Highway, Mareeba
DATE LODGED	11 November 2019	RPD	Lot 46 on NR6594
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Roadside Stall (Produce Store) and Tourist Attraction		

FILE NO	MCU/19/0017	AREA	74.24 hectares
LODGED BY	Freshwater Planning Pty Ltd	OWNER	R & B Terranova
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response - 24 December 2019

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

It is recommended that the application be approved in full with conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	R & B Terranova	ADDRESS	3595 Kennedy Highway, Mareeba
DATE LODGED	11 November 2019	RPD	Lot 46 on NR6594
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Roadside Stall (Produce Store) and Tourist Attraction		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Roadside Stall (Produce Store) and Tourist Attraction

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Shed Map	Terranova Farming Co	-
-	Shed Map - Staging	Terranova Farming Co	-

(C) **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, including but not necessarily limited to the subject of 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 each Stage of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of each Stage of the 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 external 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.

3.3 Waste Management

On site refuge storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.4 Hours of Operation

The operating hours shall be between 6:00am and 6:00pm each day.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage/Water Quality

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 concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.2 Carparking/Internal Driveways

4.2.1 The applicant/developer must ensure that an adequate number of carpark spaces are provided on-site to accommodate the demands of the roadside stall and tourist attraction.

At minimum, the following on site parking is to be provided:

- Roadside Stall - one (1) car parking space;
- Tourist Attraction - three (3) car parking spaces and one (1) bus parking space.

4.2.2 The designated car parking area and internal driveways servicing the development must be constructed to a minimum compacted gravel

standard to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.2.3 All internal driveways and carpark must be maintained to the above standard for the life of the development.

4.3 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(b) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 24 December 2019

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject site is situated at 3595 Kennedy Highway, Mareeba, and is described as Lot 46 on NR6594. The site is irregular in shape, with a total area of 74.24 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site is accessed from the Kennedy Highway via a single gravel crossover which is situated near the north-western corner of Lot 46. The Kennedy Highway is constructed to a bitumen sealed standard.

The site is improved by a dwelling house, several farm sheds and a large farm packing shed, all of which are sited in the north-western corner. The remainder of the site is used for agricultural/horticultural production in conjunction with the applicants adjoining Lot 47 on NR6594 (133.18 hectares).

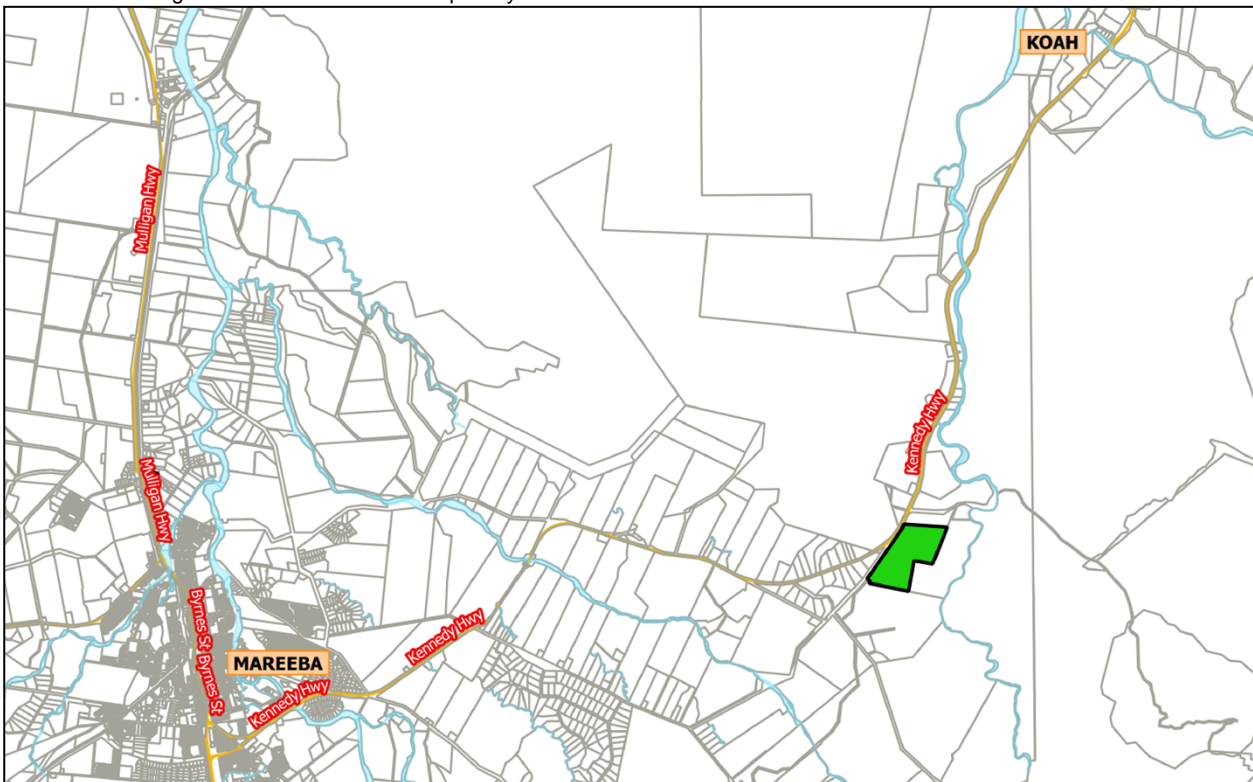
The site is relatively flat and has been entirely cleared of remnant vegetation.

Adjoining lots are all zoned Rural, with a cluster of Rural Residential zoned lots sited approximately 60 metres to the west. Boral's Tichum Quarry is located approximately 270 metres to the north.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Roadside Stall (Produce Store) and Tourist Attraction in accordance with the plans shown in **Attachment 1**.

The applicant provides the following description of the proposed development:

"A Development Permit for a Material Change of Use is sought over the site for a Staged Development to include the provision of a Roadside Stall within Stage 1 and a Tourist Attraction within Stage 2 of the Development. The first Stage of the proposal is to facilitate the part conversion of the Packing Shed into a Roadside Stall (Produce Store). The Mareeba Shire Planning Scheme defines a Roadside Stall as, 'Premises used for the roadside display and sale of goods in rural areas'. As per provided on the Proposal Plan, the area covered by the existing awning will be converted to provide a Market type Produce Display inclusive of a checkout and located in front of the existing parking provided onsite.

Depending on the success of the Roadside Produce Store, Stage 2 of the Development will see the implementation of a Tourist Attraction over the site. The Mareeba Shire Planning Scheme defines Tourist Attraction as 'Premises used for providing onsite entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site'. The proposed Tourist Attraction would provide a small guided walking tour of the Packing Shed and adjoining Fruit Trees ending up with a tasting the local produce within the Market Style Produce Store. This Stage will see the conversion of the open Market style Produce Store to be enclosed with the addition of some tables for the consumption of Food and Drink as per demonstrated on the Proposal Plans. This small-scale Tourist Attraction is proposed to showcase the local Fruit and the packing process of this Industry. This Tourist Attraction will contain an area of approximately 177 m² which encompasses approximately half (70 m²) of the Roadside Produce Store and a portion of the Packing Equipment Area for the guided tour (74 m²). It is understood that the proposal will also share the office/checkout and the kitchen for preparation of the local produce and drinks (33 m²).

The site contains frontage to the Kennedy Highway with no change to the existing access proposed. The existing structure that is to be partially converted for the Roadside Produce Store and Tourist Attraction is provided with access via the existing crossover to an internal Rural driveway and hardstand parking area. The site contains twelve (12) parking spaces inclusive of a disabled space. The minimal increase of traffic is considered not to detrimentally affect the existing Road Network. The proposal is provided with safe and appropriate access to the existing Road Network, being the Kennedy Highway. No change to the existing services of the site or the existing structure is envisaged with the proposal. The proposal is connected to all available services as existing, provided with the necessary additional services and will be delivered with an appropriate level of Stormwater disposal."

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Strategic Rehabilitation Area*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories
	<ul style="list-style-type: none"> ▪ Rural Agricultural Area
Zone:	Natural Resource Elements
	<ul style="list-style-type: none"> ▪ Key Resource Area
Overlays:	Rural zone
	<ul style="list-style-type: none"> ▪ Agricultural Land Overlay ▪ Bushfire Hazard Overlay ▪ Environmental Significance Overlay ▪ Extractive Resources Overlay ▪ Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Roadside stall	<i>Premises used for the roadside display and sale of goods in rural areas.</i>	<i>Produce stall</i>	<i>Market</i>
Tourist attraction	<i>Premises used for providing onsite entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site.</i>	<i>Theme park, zoo</i>	<i>Hotel, major sport, recreation and entertainment facility, nightclub entertainment facility</i>

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016**Relevant Development Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.5 Extractive resources overlay code
- 9.3.2 Commercial activities code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Extractive resources overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Commercial activities code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Rural activities code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Landscaping code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all relevant development works be designed and constructed in accordance with FNQROC Development Manual Standards.

(f) Adopted Infrastructure Charges Notice

The Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 2) 2019 applies to the development.

The subject land is not serviced by reticulated water and sewerage infrastructure.

As the subject land is accessed via the State controlled Kennedy Highway and is not likely to increase demand on open space infrastructure, the levying of an infrastructure contribution is not considered reasonable.

REFERRALS

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a referral agency (State controlled road).

That Department advised in a letter dated 24 December 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

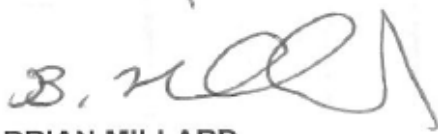
Date Prepared: 21 January 2020

DECISION BY DELEGATE

DECISION

Having considered the Planning Officer's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

Dated the 21ST day of JANUARY 2020



BRIAN MILLARD
SENIOR PLANNER

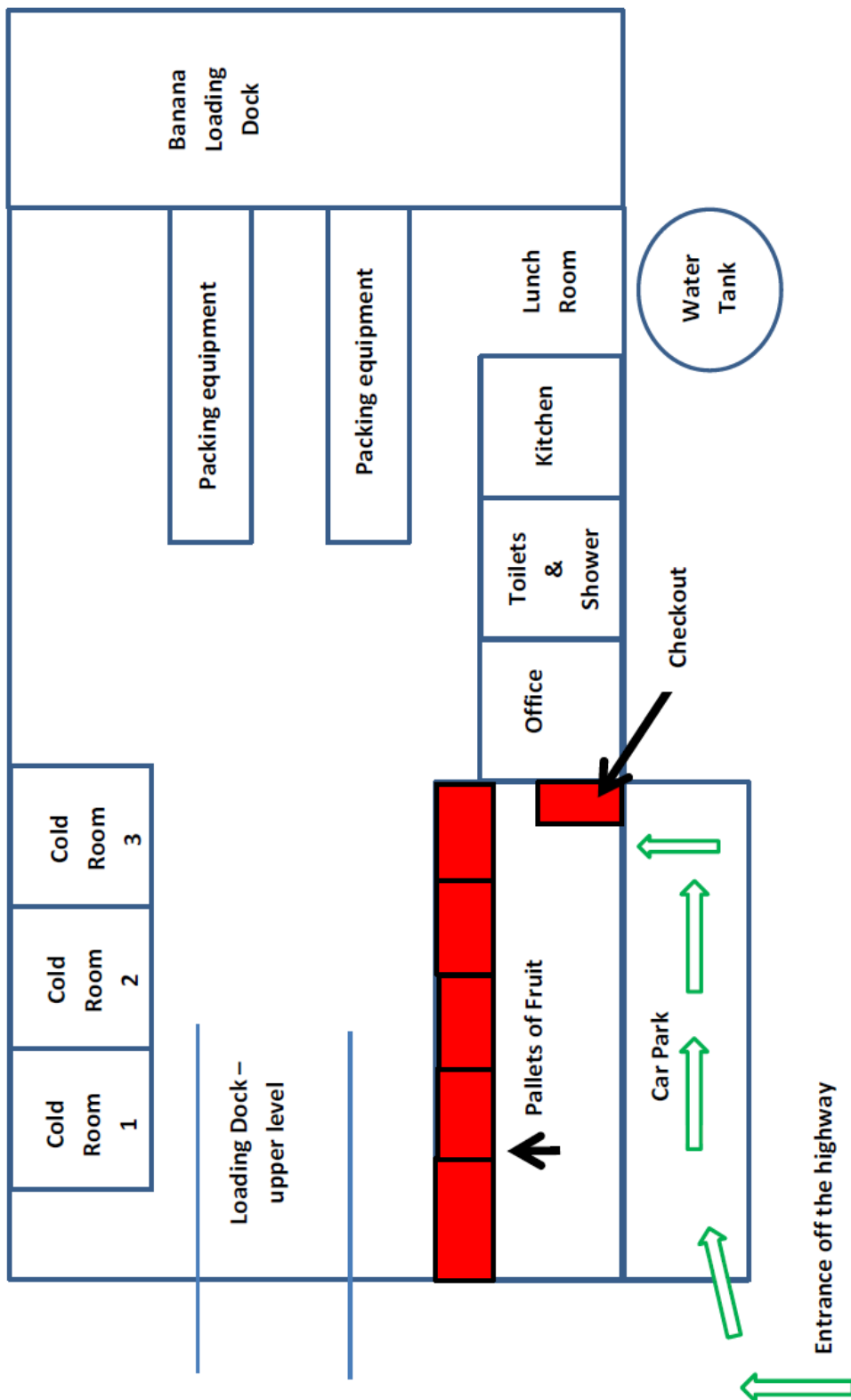
MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

Terranova Farming Co.

SHED MAP

Packing Shed
Marti Property
3595 Kennedy Highway

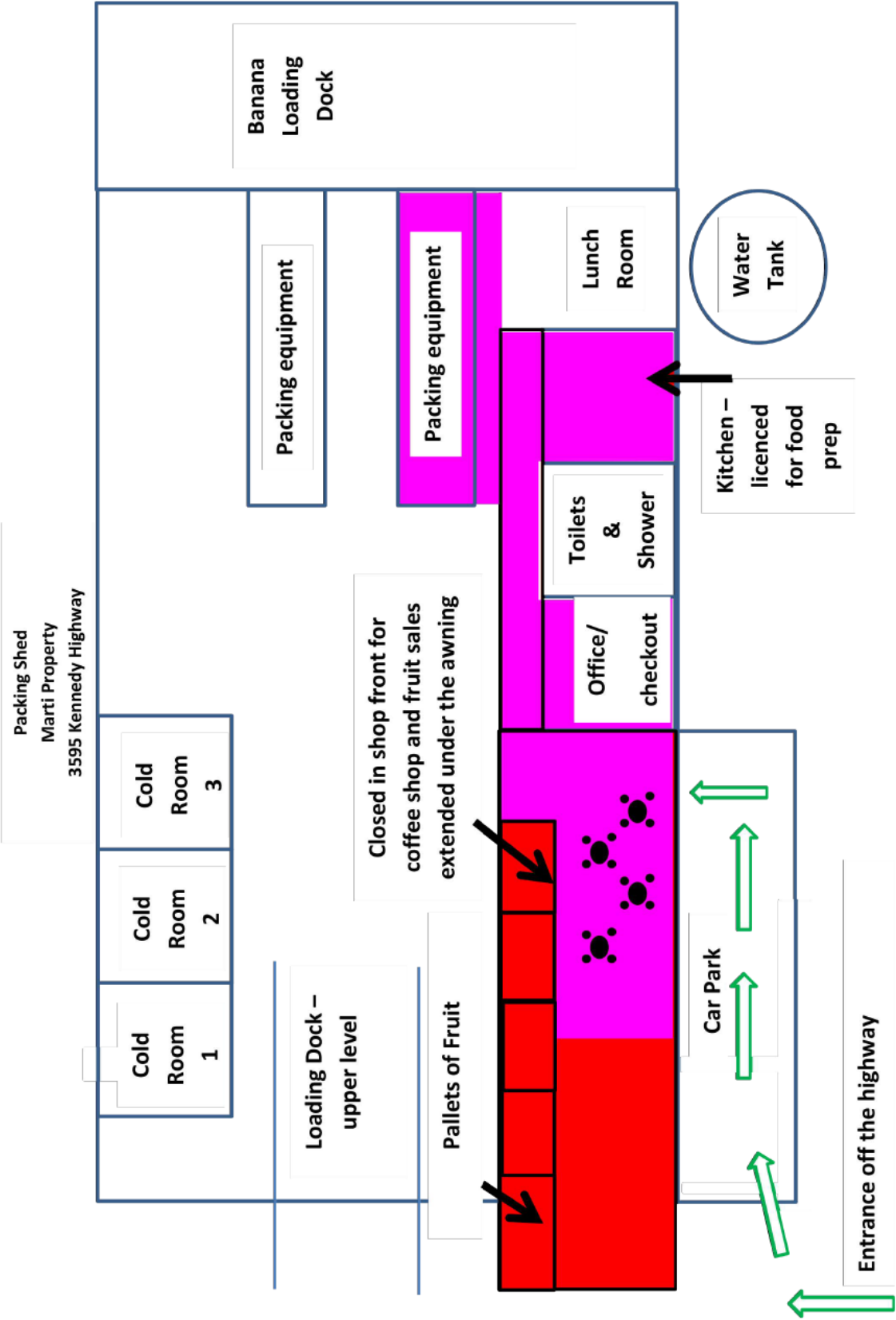


Stage 2 - Toursit Attraction

Stage 1 - Roadside Produce Store

Terranova Farming Co.

SHED MAP



ATTACHMENT 2

RA6-N



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

SARA reference: 1911-14132 SRA
 Council reference: MCU/19/0017
 Applicant reference: F19/17

24 December 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—3595 Kennedy Highway, Mareeba – Material Change of Use – Roadside Stall (Produce Store) and Tourist Attraction

(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 15 November 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	24 December 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 - Roadside Stall (Produce Store) and Tourist Attraction.
SARA role:	Referral Agency.	

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Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

1911-14132 SRA

SARA trigger: **Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1**
(Planning Regulation 2017) - Material change of use within 25m of a state-controlled road

SARA reference: 1911-14132 SRA

Assessment Manager: Mareeba Shire Council

Street address: 3595 Kennedy Highway, Mareeba

Real property description: Lot 46 on NR6594

Applicant name: Remo & Berniece Terranova

Applicant contact details: C/- Freshwater Planning Pty Ltd
17 Barron View Drive
Freshwater QLD 4870
freshwaterplanning@outlook.com

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR19-028790 (500-1410)
- Date: 17 December 2019

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads by email at ron.p.kaden@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.

For further information please contact Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Remo & Berniece Terranova C/- Freshwater Planning, freshwaterplanning@outlook.com

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
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—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 condition(s):		
1.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (32A – 35.71km) prepared by Queensland Government Transport and Main Roads, dated 17/12/2019, File Reference TMR19-28790 (500-1410), 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>
2.	<p>(a) Road works comprising of amending the existing road line-marking to create a channelized right-turn with a short turn slot (CHR(S)) and auxiliary left-turn (AUL(S)) must be provided at access location.</p> <p>(b) The road works must be designed and constructed in accordance with the Department of Transport and Main Roads' <i>Traffic and Road Use Management Manual, Volume 3 – Signing and Pavement Marking, July 2019</i>.</p>	Prior to the commencement of use.

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) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	<p>Advertising Device</p> <p>Advice should be obtained from the Department of Transport and Main Roads (DTMR) if you intend to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and/or for a device which is deemed that it creates a danger to traffic.</p>
3.	<p>Roads Works Approval</p> <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (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 <i>Transport Infrastructure Act 1994</i> 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).</p> <p>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.</p>

Attachment 3—Reasons for referral agency response

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

- The department carried out an assessment of the development application against the State Development and Assessment Provisions (SDAP), State Code 1: Development in a state-controlled road environment and has found that, with conditions, the proposed development complies with the relevant assessment benchmarks as follows:
 - o The proposed development is contained within the footprint of the existing rural shed.
 - o The existing access location to the state-controlled road will be retained.
 - o Sealing and upgrading of the access will maintain the safety and operating conditions on the state-controlled road.
 - o Road line marking upgrades will ensure there is no worsening of operating conditions on the state-controlled road network.
 - o Stormwater and drainage flows will not impact the state-controlled road.

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 [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)



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.