



18 February 2021

Planning Officer: Carl Ewin  
Direct Telephone: (07) 4086 4656  
Our Reference: MCU/20/0007  
Your Reference: 20-526

The Product Makers (Australia) Pty Ltd  
C/- Urban Sync  
PO Box 2970  
CAIRNS QLD 4870

*Attn:* Matt Ingram

Dear Sir,

## **Decision Notice**

### ***Planning Act 2016***

I refer to your application and advise that on 17 February 2021, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### **APPLICATION DETAILS**

Application No:	MCU/20/0007
Street Address:	3276 & 3278 Mulligan Highway, Mount Molloy
Real Property Description:	Lots 2 & 3 on SP298325
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### **DECISION DETAILS**

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Special Industry (Production Plant)
Date of Decision:	17 February 2021

#### **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 of each stage of the development except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use of each stage, 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 Product Sale

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

3.6 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.

3.7 Environmental Management Plan

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

- All environmental impacts of the proposal and measures proposed to mitigate the impacts as included in the Environmental Impact Assessment produced by Wild Environmental Consultants (Project Ref.: JW191299 dated May 2020);
- Emergency management procedures;
- Refuse collection and disposal; and
- Management and supervision procedures.

The environmental management plan must address all three (3) stages of the development and 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 that addresses each stage of the development. 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 categorizing 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  <a href="mailto:CairnsSARA@dsdmip.qld.gov.au">CairnsSARA@dsdmip.qld.gov.au</a>
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—	Schedule 10, Part 3, Division 4, Table 3	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning



<p>(a) the application—</p> <p>(i) is for a preliminary approval that includes a 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>PO Box 2358 Cairns Qld 4870</p> <p><a href="mailto:CairnsSARA@dsdmip.qld.gov.au">CairnsSARA@dsdmip.qld.gov.au</a></p>
<b>Material change of use of premises near a substation site of subject to an easement</b>		
<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><a href="mailto:townplanning@ergon.com.au">townplanning@ergon.com.au</a></p> <p><b>Note: Referral agency may give advice only.</b></p>

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
20044 Sheet No: 01A	Locality Plan	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 02A	Site Plan 2	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 03	Site Plan 2	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 04	Shed 1 Plan & Elevation	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 05	Shed 2 Plan & Elevation	FNQ Design & Drafting	Feb 2020
JW201299	Irrigation Area Layout	Wild Environmental Consultants	Feb 2020

**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) 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.

**(b) 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.

**(c) 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](http://www.environment.gov.au).

(d) 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](http://www.datsip.qld.gov.au).

(B) REFFERAL AGENCY CONDITIONS

Queensland Treasury conditions dated 10 December 2020.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

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

**SUBMISSIONS**

There were no properly made submissions about the application.

**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”.

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**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](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



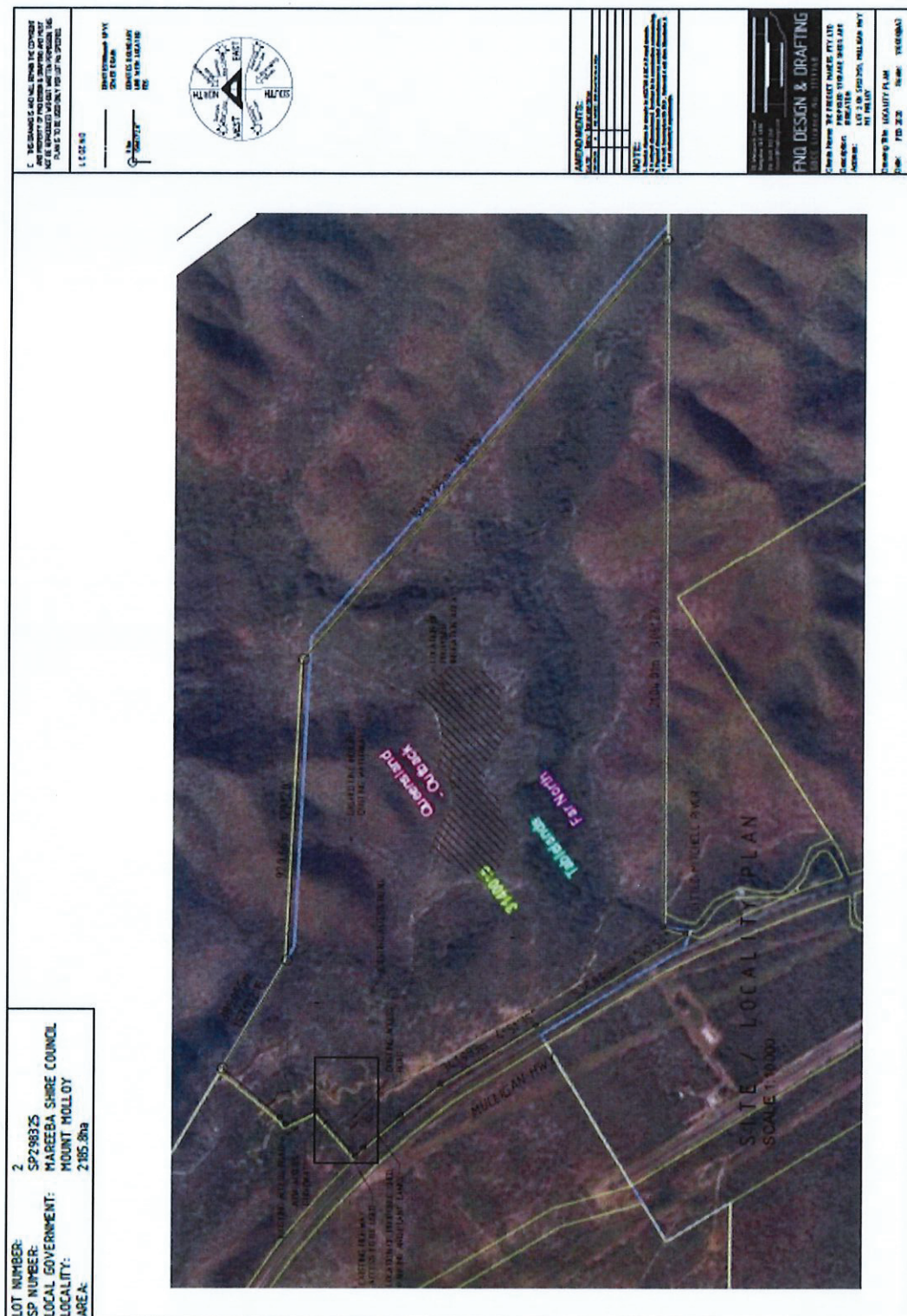
**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc:   Approved Plans/Documents  
         Referral Agency Response  
         Appeal Rights

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



## Approved Plans/Documents

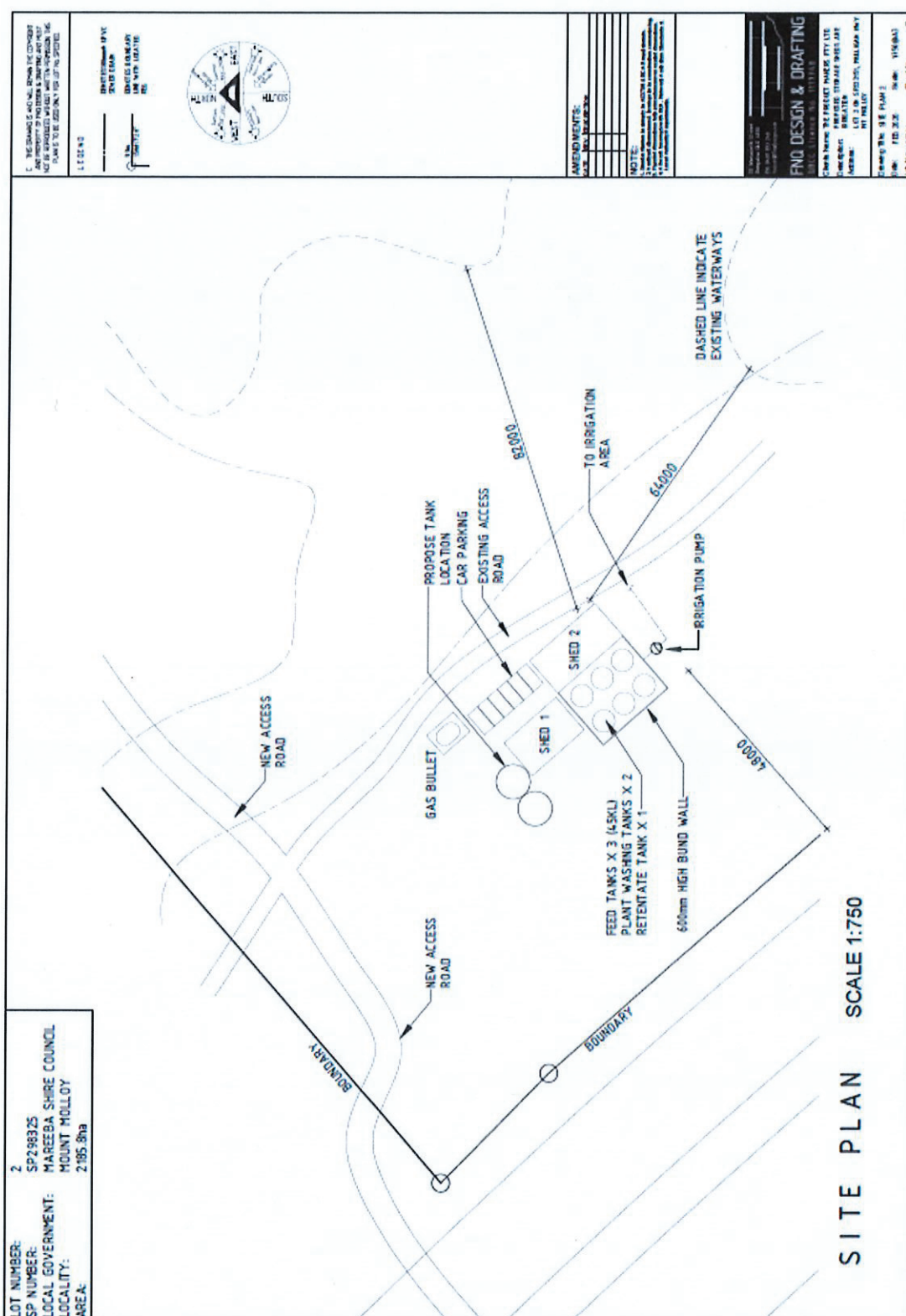


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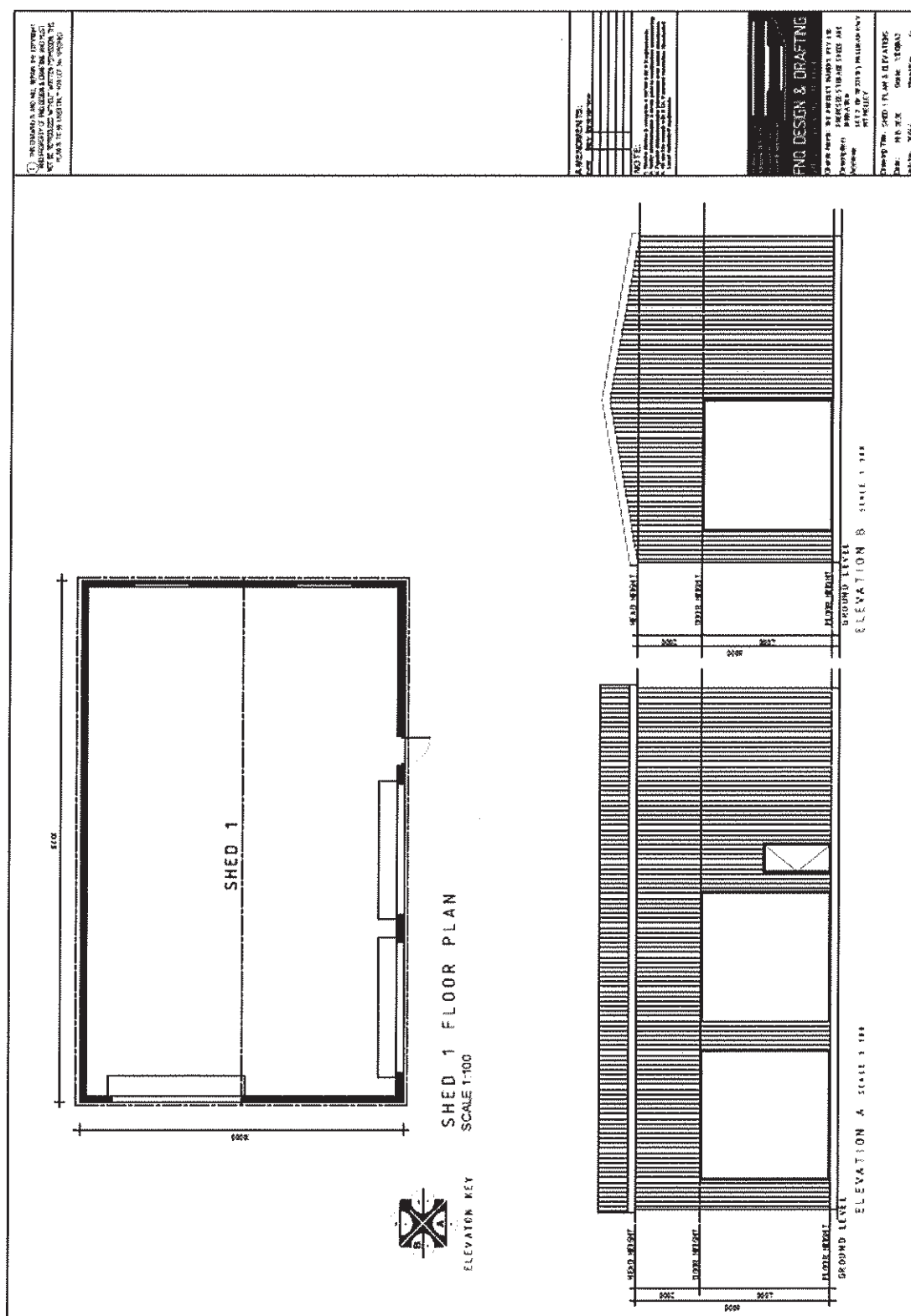


18/2/2021  
B. McQueen



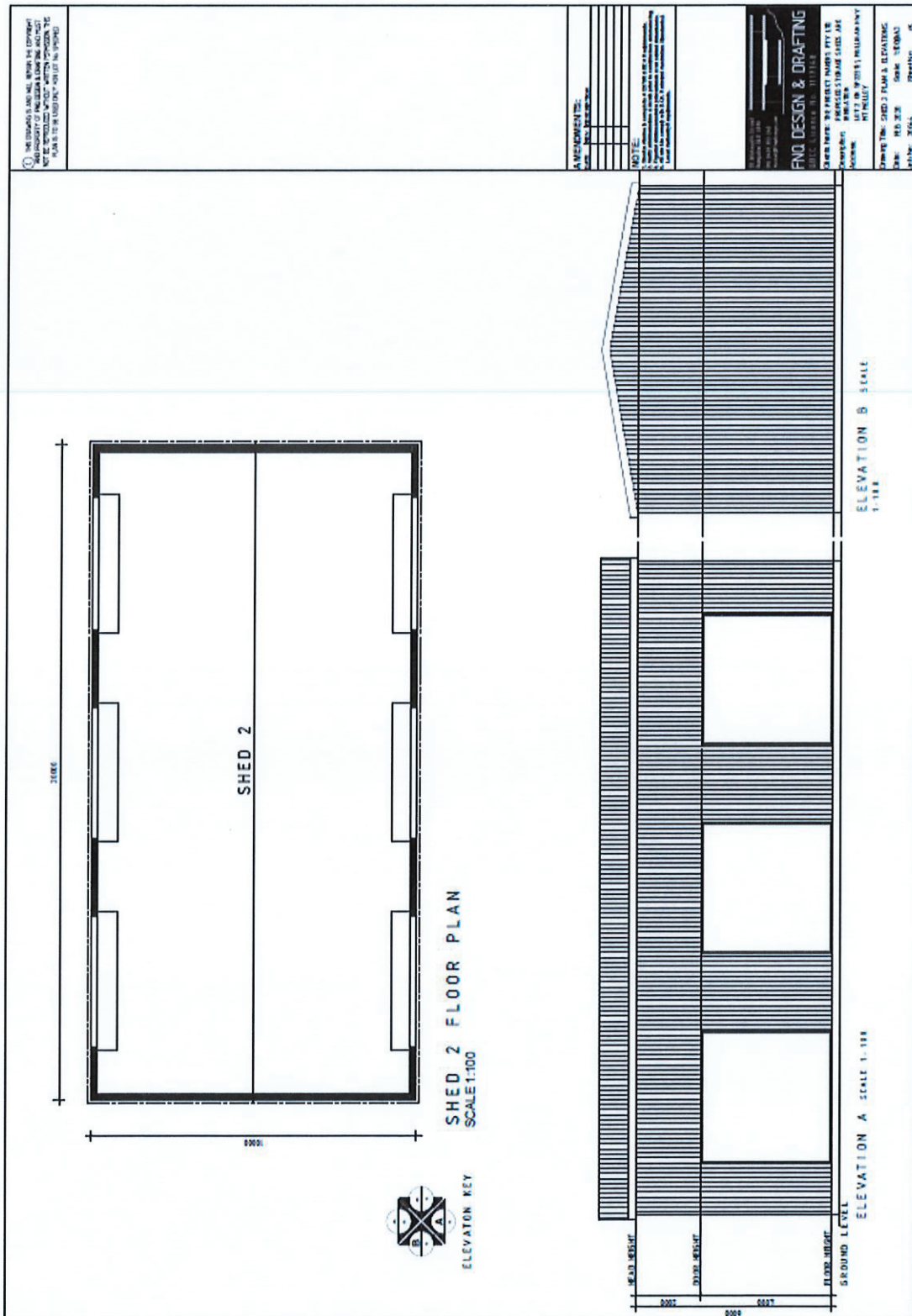


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B. v. R.



18/2/2021  
B. [Signature]









18/2/2021  
B. H. [Signature]

## Referral Agency Response

**From:** No Reply  
**Sent:** Thu, 10 Dec 2020 17:42:04 +1000  
**To:** matt@urbansync.com.au;joanne.manson@dsdmip.qld.gov.au;Planning  
(Shared)  
**Cc:** justin@urbansync.com.au  
**Subject:** 2005-16631 SRA application correspondence - MCU/20/0007  
**Attachments:** Attachment 5 - Approved plans and specifications - 2005-16631 SRA.pdf, DTMR  
s62A TIA - Application decision - Approval 2005-16631 SRA.pdf, Attachment 4 - Representations about a  
referral agency response.pdf, 2005-16631 SRA Response with conditions.pdf  
**Importance:** Normal

Please find attached a notice regarding application [2005-16631 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

*This is a system-generated message. Do not respond to this email.*  
RA6-N



Queensland Treasury

Email ID: RFI-0-1225-0009-3634



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Queensland Treasury

SARA reference: 2005-16631 SRA  
Assessment manager reference: MCU/20/0007  
Applicant reference: 20-526

10 December 2020

The Product Makers (Australia) Pty Ltd  
C/- Urban Sync Pty Ltd  
PO Box 2970  
CAIRNS QLD 4870  
justin@urbansync.com.au

Attention: Matt Ingram

Dear Sir / Madam

## SARA response — 3276 to 3278 Mulligan Highway, Mount Molloy

(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 20 May 2020.

### Response

Outcome:	Referral agency response – with conditions.
Date of response:	10 December 2020
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 (Special industry)
SARA role:	Referral Agency	

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Document Set ID: 3902075  
Version: 1, Version Date: 21/12/2020

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



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SARA trigger: Schedule 10, Part 3, Division 4, Subdivision 3, Table 1 – Clearing native vegetation  
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors  
(Planning Regulation 2017)

SARA reference: 2005-16631 SRA

Assessment Manager: Mareeba Shire Council

Street address: 3276 Mulligan Highway, Mount Molloy and 3278 Mulligan Highway, Mount Molloy

Real property description: Lot 2 on SP298325 and Lot 3 on SP298325

Applicant name: The Product Makers  
c/- Urban Sync

Applicant contact details: PO Box 2970  
Cairns QLD 4870  
justin@urbansync.com.au


### 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 Joanne Manson, Principal Planning Officer, SARA Far North QLD on 40373228 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Mareeba Shire Council, planning@msc.qld.gov.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

State Assessment and Referral Agency

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Document Set ID: 3902075

2005-16631 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
<b>Material change of use</b>		
<b>Schedule 10, Part 3, Division 4, Subdivision 3, Table 1 – Clearing native vegetation -</b> —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 conditions:		
1.	The clearing of vegetation under this development approval is limited to the areas identified as Area A (A <sup>1</sup> ) and Area B (B <sup>1</sup> – B <sup>3</sup> ) as shown on attached Technical Agency Response Plan (TARP) 2005-16631 SRA dated 3 June 2020.	At all times
2.	No built structure, other than for fences, tracks/roads and underground services, is to be established, constructed or located within area identified as Area B (B <sup>1</sup> – B <sup>3</sup> ) as shown on attached Technical Agency Response Plan (TARP) 2005-16631 SRA dated 3 June 2020.	At all times
3.	Any person(s) engaged or employed to carry out the clearing of vegetation 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 clearing authorised by this development approval.	Prior to clearing
<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors -</b> — 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 conditions:		
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 03/06/2020, Reference TMR20-30075 (500-1400), Issue B.</p> <p>(b) Road access works comprising of treatment and sealing works for a rural property access and a basic right-turn (BAR) 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 Crossing – General, specifically:</p> <ul style="list-style-type: none"> <li>Figure 7.4 (rural property access specifically designed for articulated vehicles); and</li> <li>Figure A 28 Basic right (BAR) turn treatment on a two-lane rural road.</li> </ul>	<p>(a) At all times</p> <p>(b) and (c) Prior to the commencement of use</p>
5.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> <li>create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>interfere with and/or cause damage to the existing</li> </ol>	(a) & (b) At all times

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	stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road.	
6.	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

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**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) v2.6. If a word remains undefined it has its ordinary meaning.
2.	To request an electronic file of the Derived Points (Attached to Plan: 2005-16631 SRA) as contained in this technical agency response, email a request to the Department of Resources at <a href="mailto:northvegetation@dnrme.qld.gov.au">northvegetation@dnrme.qld.gov.au</a> and include application reference (2005-16631 SRA).
3.	<p>A person must meet their obligations under the <i>Environmental Protection Act 1994</i> (the Act), and the regulations made under the Act. For example, the holder must comply with the following provisions of the Act:</p> <ul style="list-style-type: none"> <li>- general environmental duty (section 319)</li> <li>- duty to notify environmental harm (section 320-320G)</li> <li>- offence of causing serious or material environmental harm (sections 437-439)</li> <li>- offence of causing environmental nuisance (section 440)</li> <li>- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)</li> <li>- offence to place contaminant where environmental harm or nuisance may be caused (section 443)</li> </ul> <p><b>NOTE:</b> In accordance with Section 39 of the Act, a "person" includes a body of persons, whether incorporated or unincorporated.</p>
4.	<p>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 <i>Transport Infrastructure Act 1994</i> to carry out road works.</p> <p>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>



2005-16631 SRA

**Attachment 3—Reasons for referral agency response***(Given under section 56(7) of the Planning Act 2016)***The reasons for the department's decision are:**

- The proposed development involves clearing approximately 1.01ha of Category B regulated vegetation.
- The proposed development is located approximately 48m east of the Mulligan Highway, a state-controlled road and is setback a sufficient distance from the state-controlled road.
- Filling and excavation works will be limited and undertaken wholly within the premises.
- The proposed development will be increasing stormwater and drainage flows from the premises.
- The proposed development will be increasing the number of vehicle movements from the premises.
- The department carried out an assessment against the State Development Assessment Provisions, State code 1 and State code 16 and found the proposed development, with conditions, complies with the relevant provisions of the state codes.
- The proposed development:
  - avoids clearing, or where avoidance is not reasonably possible, minimises clearing to conserve vegetation, avoids land degradation, avoids the loss of biodiversity and maintains ecological processes
  - avoids impacts on the vegetation that is a matter of State environmental significance
  - does not create a safety hazard for users of the state-controlled road
  - does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding network
  - does not compromise the state's ability to maintain and operate state-controlled roads.

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

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**Attachment 4—Change representation provisions**

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State Assessment and Referral Agency

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Document Set ID: 3902075

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

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Our ref TMR20-030075 (500-1400)  
Your ref 20-526  
Enquiries Ronald Kaden



Department of  
Transport and Main Roads

4 June 2020

**Decision Notice – Permitted Road Access Location**  
**(s62(1) Transport Infrastructure Act 1994)**

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number MCU/20/0007, lodged with Mareeba Shire Council involves constructing or changing a vehicular access between Lot 2SP298325, 3SP298325, the land the subject of the application, and Mulligan Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

**Applicant Details**

Name and address The Product Makers (Australia) Pty Ltd  
C/- Urban Sync Pty Ltd  
PO Box 2970  
Cairns QLD 4870

**Application Details**

Address of Property 3276 Mulligan Highway, Mount Molloy QLD 4871  
Real Property Description 2SP298325, 3SP298325  
Aspect/s of Development Development Permit for Material Change of Use for Special Industry & ERA

**Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location for Lot 2 on SP298325 is near the southern boundary of Lot 3SP298325 via easement GSP298325 over Lot 3SP298325, in accordance with: 1. TMR Layout Plan (34A - 32.78km) Issue B 03/06/2020; and 2. Site Plan 2 prepared by FNQ Design & Drafting dated Feb 2020 reference 20044 sheet 2	At all times.
2	The use of the permitted road access location is to be restricted to Design vehicles up to a maximum size Six Axle (or more) articulated or rigid vehicle and trailer - Class 9 Long Heavy	At all times.

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'



No.	Conditions of Approval	Condition Timing
	Vehicle** Note: ** as described in Austroads Vehicle Classification System	
3	Direct access is prohibited between Mulligan Highway and Lot 2SP298325 at any other location other than the permitted road access location described in Condition 1.	At all times.

#### Reasons for the decision

The reasons for this decision are as follows:

- a) Lots 2 & 3 on SP 298325 have road frontage to the Mulligan Highway, a state-controlled road.
- b) Lot 3 on SP298325 has direct access to the Mulligan Highway.
- c) Lot 2 on SP298325 has access to the Mulligan Highway via easement GSP298325 over Lot 3 on SP298325.
- d) The proposed development will require a changed access due to increased traffic generation using the existing vehicular access.
- e) Therefore, a new s62 approval will be required to be issued by TMR to ensure that the changed access is consistent with the function and design of the state-controlled road

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

#### Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

#### Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed

before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in Attachment C for information.

**Further approvals**

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Development Control Officer, Corridor Management should be contacted by email at [ron.p.kaden@tmr.qld.gov.au](mailto:ron.p.kaden@tmr.qld.gov.au) or on (07) 4045 7151.

Yours sincerely



Peter McNamara  
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings  
Attachment B – Section 70 of TIA  
Attachment C – Appeal Provisions  
Attachment D – Permitted Road Access Location Plan



**Attachment A**  
**Decision Evidence and Findings**

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (34A - 32.78km)	Queensland Government Transport and Main Roads	03 June 2020	TMR20-30075 (500-1400)	B
Site Plan 2	FNQ Design & Drafting	Feb 2020	20044 Sheet 2	-

**Attachment B**  
**Section 70 of TIA**

*Transport Infrastructure Act 1994*  
Chapter 6 Road transport infrastructure  
Part 5 Management of State-controlled roads

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**70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other, or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

**original decision** means a decision described in schedule 3.

**reviewed decision** means the chief executive's decision on a review under section 485.



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*Transport Planning and Coordination Act 1994*  
Part 5, Division 2 – Review of Original Decisions

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**31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

**32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.





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Version: 1, Version Date: 21/12/2020







## 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.

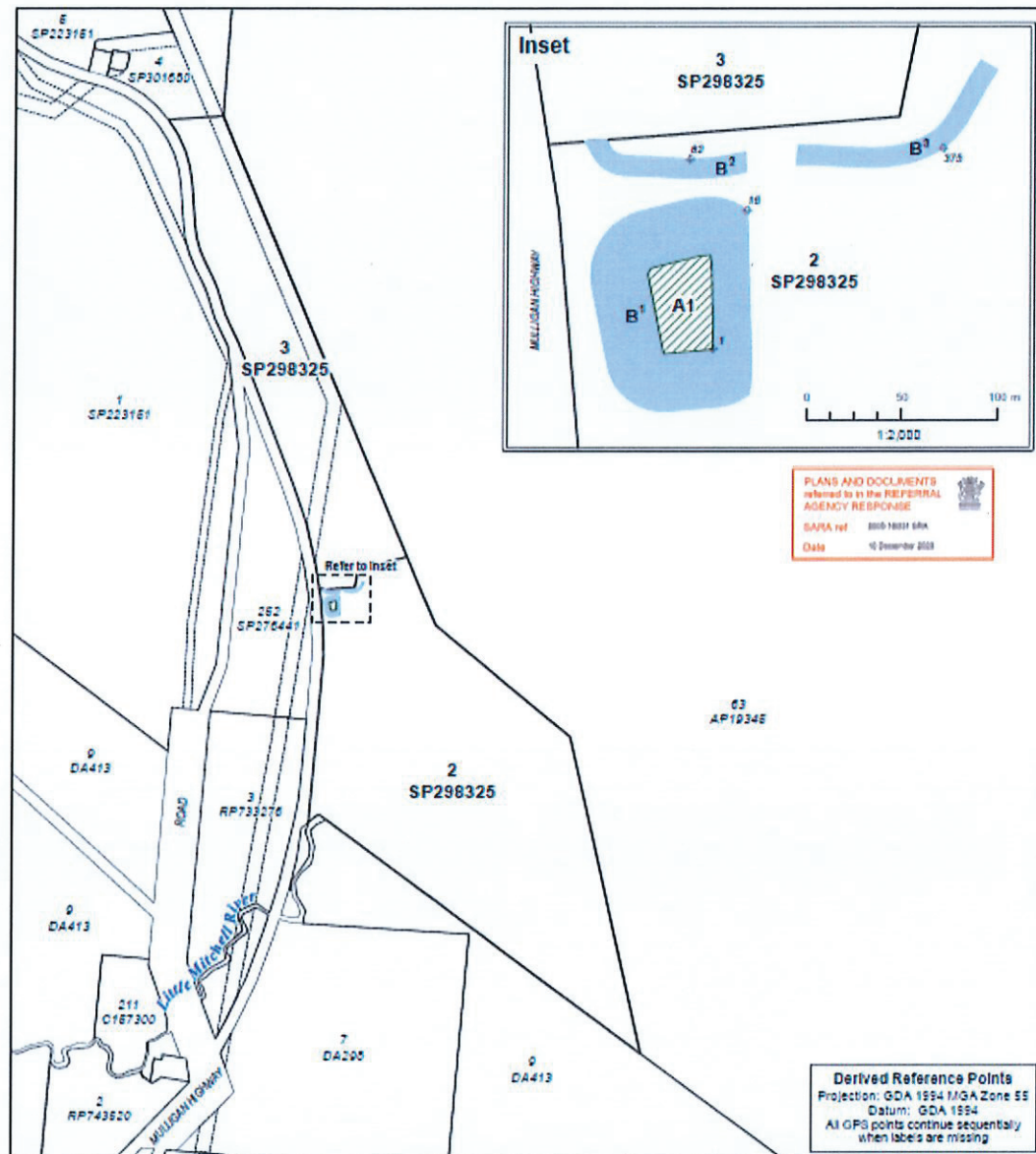
## Part 7: Miscellaneous

### 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.



0 500 1,000 1,500 2,000 m

1:20,000 @ A3 size

Projection: GDA 1994 MGA Zone 55 Datum: GDA 1994

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 contractor(s).

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 2005-16631 SRA

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>Derived Reference Points for GPS (see Attachment to plan) (Area start points shown only)</li> <li>Subject Lot(s)</li> <li>Area A (Part A<sup>1</sup>)</li> <li>Area B (Parts B<sup>1</sup> - B<sup>3</sup>)</li> </ul> <p>Note: This is a colour plan and should only be reproduced in colour</p> <p>Document SAVED: 30/06/20</p> <p>Version: 1, Version Date: 21/12/2020</p>	<p><b>Technical Agency Response Plan</b></p> <p><b>Plan of Area A (Part A<sup>1</sup>) &amp; Area B (Parts B<sup>1</sup> - B<sup>3</sup>) in Lot 2 on Plan SP298325 &amp; Lot 3 on Plan SP298325</b></p> <p>eLVAS Case ID: 2020/011513</p> <p>LOCAL GOVT: Mareeba Shire LOCALITY OF Mount Molloy</p> <p>Compiled from: DCDB, RVM &amp; NRM Notes on File</p> <p>Prepared by: SAR - g605 Department: DFRME Region: NORTH Date: 03 June 2020</p>	<p>Version: 1</p> <p><b>TARP</b> <b>2005-16631 SRA</b> Sheet 1 of 1</p>
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**Attachment to Plan: 2005-16631 SRA  
Derived Reference Points for GPS  
Datum: GDA 1994, Projection: MGA Zone 55**

Page 1 of 5

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.

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



**SARA ref:** 2005-16631 SRA  
**Date:** 10 December 2020

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
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**Attachment to Plan: 2005-16631 SRA  
Derived Reference Points for GPS  
Datum: GDA 1994, Projection: MGA Zone 55**

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SARA ref: 2005-16631 SRA

Date: 10 December 2020

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
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B2	225	324459	8150775	B2	285	324440	8150786	B2	345	324471	8150750
B2	226	324458	8150775	B2	286	324439	8150786	B2	346	324473	8150749
B2	227	324458	8150775	B2	287	324439	8150786	B2	347	324473	8150748
B2	228	324457	8150775	B2	288	324439	8150786	B2	348	324474	8150747
B2	229	324457	8150775	B2	289	324439	8150787	B2	349	324474	8150746
B2	230	324456	8150775	B2	290	324439	8150787	B2	350	324475	8150745
B2	231	324456	8150775	B2	291	324439	8150788	B2	351	324475	8150744
B2	232	324455	8150775	B2	292	324439	8150788	B2	352	324476	8150743
B2	233	324455	8150775	B2	293	324438	8150789	B2	353	324476	8150742
B2	234	324455	8150775	B2	294	324438	8150790	B2	354	324476	8150741
B2	235	324454	8150775	B2	295	324437	8150790	B2	355	324476	8150740
B2	236	324454	8150775	B2	296	324437	8150791	B2	356	324477	8150739
B2	237	324454	8150776	B2	297	324437	8150791	B2	357	324477	8150738
B2	238	324453	8150776	B2	298	324436	8150792	B2	358	324478	8150737
B2	239	324453	8150776	B2	299	324436	8150793	B2	359	324478	8150736
B2	240	324452	8150776	B2	300	324436	8150793	B2	360	324479	8150735

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**Attachment to Plan: 2005-16631 SRA  
Derived Reference Points for GPS  
Datum: GDA 1994, Projection: MGA Zone 55**

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

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

SARA ref: 2005-16631 SRA  
Date: 10 December 2020

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
B2	361	324479	8150784	B3	421	324607	8150782	B3	481	324580	8150779
B2	362	324480	8150784	B3	422	324607	8150782	B3	482	324580	8150779
B2	363	324480	8150784	B3	423	324606	8150782	B3	483	324579	8150779
B2	364	324483	8150784	B3	424	324606	8150782	B3	484	324579	8150779
B2	365	324483	8150784	B3	425	324605	8150781	B3	485	324578	8150780
B2	366	324484	8150784	B3	426	324605	8150781	B3	486	324578	8150780
B2	367	324485	8150784	B3	427	324604	8150781	B3	487	324578	8150780
B2	368	324486	8150784	B3	428	324604	8150781	B3	488	324577	8150780
B2	369	324487	8150784	B3	429	324604	8150781	B3	489	324577	8150780
B2	370	324487	8150784	B3	430	324604	8150781	B3	490	324577	8150780
B2	371	324488	8150784	B3	431	324603	8150781	B3	491	324576	8150780
B2	372	324489	8150784	B3	432	324603	8150781	B3	492	324576	8150780
B2	373	324490	8150784	B3	433	324602	8150781	B3	493	324573	8150780
B2	374	324491	8150784	B3	434	324602	8150781	B3	494	324573	8150780
B3	375	324634	8150789	B3	435	324601	8150781	B3	495	324572	8150780
B3	376	324623	8150789	B3	436	324601	8150781	B3	496	324572	8150780
B3	377	324623	8150789	B3	437	324601	8150781	B3	497	324571	8150780
B3	378	324622	8150788	B3	438	324601	8150781	B3	498	324571	8150780
B3	379	324622	8150788	B3	439	324600	8150780	B3	499	324571	8150780
B3	380	324622	8150788	B3	440	324600	8150780	B3	500	324571	8150780
B3	381	324622	8150788	B3	441	324599	8150780	B3	501	324568	8150780
B3	382	324621	8150788	B3	442	324599	8150780	B3	502	324567	8150780
B3	383	324621	8150788	B3	443	324599	8150780	B3	503	324566	8150780
B3	384	324620	8150787	B3	444	324598	8150780	B3	504	324566	8150780
B3	385	324620	8150787	B3	445	324597	8150780	B3	505	324564	8150780
B3	386	324619	8150787	B3	446	324597	8150780	B3	506	324564	8150780
B3	387	324619	8150787	B3	447	324597	8150780	B3	507	324563	8150780
B3	388	324619	8150786	B3	448	324596	8150780	B3	508	324563	8150780
B3	389	324619	8150786	B3	449	324596	8150780	B3	509	324562	8150780
B3	390	324618	8150786	B3	450	324595	8150780	B3	510	324562	8150780
B3	391	324618	8150786	B3	451	324595	8150780	B3	511	324559	8150781
B3	392	324617	8150786	B3	452	324594	8150780	B3	512	324558	8150781
B3	393	324617	8150786	B3	453	324594	8150780	B3	513	324557	8150781
B3	394	324617	8150786	B3	454	324593	8150780	B3	514	324556	8150781
B3	395	324616	8150785	B3	455	324593	8150780	B3	515	324556	8150781
B3	396	324616	8150785	B3	456	324592	8150780	B3	516	324556	8150781
B3	397	324616	8150785	B3	457	324592	8150780	B3	517	324552	8150781
B3	398	324616	8150785	B3	458	324592	8150779	B3	518	324551	8150781
B3	399	324615	8150785	B3	459	324592	8150779	B3	519	324551	8150781
B3	400	324615	8150785	B3	460	324591	8150779	B3	520	324550	8150781
B3	401	324615	8150785	B3	461	324591	8150779	B3	521	324547	8150781
B3	402	324614	8150784	B3	462	324590	8150779	B3	522	324548	8150791
B3	403	324614	8150784	B3	463	324590	8150779	B3	523	324550	8150791
B3	404	324613	8150784	B3	464	324589	8150779	B3	524	324550	8150791
B3	405	324613	8150784	B3	465	324589	8150779	B3	525	324550	8150791
B3	406	324613	8150784	B3	466	324588	8150779	B3	526	324550	8150791
B3	407	324613	8150784	B3	467	324588	8150779	B3	527	324551	8150791
B3	408	324612	8150783	B3	468	324588	8150779	B3	528	324551	8150791
B3	409	324612	8150783	B3	469	324587	8150779	B3	529	324552	8150791
B3	410	324611	8150783	B3	470	324587	8150779	B3	530	324552	8150791
B3	411	324611	8150783	B3	471	324586	8150779	B3	531	324555	8150791
B3	412	324610	8150783	B3	472	324586	8150779	B3	532	324555	8150791
B3	413	324610	8150783	B3	473	324583	8150779	B3	533	324556	8150791
B3	414	324609	8150783	B3	474	324583	8150779	B3	534	324556	8150791
B3	415	324609	8150783	B3	475	324582	8150779	B3	535	324556	8150791
B3	416	324609	8150783	B3	476	324582	8150779	B3	536	324557	8150791
B3	417	324609	8150782	B3	477	324582	8150779	B3	537	324557	8150791
B3	418	324609	8150782	B3	478	324582	8150779	B3	538	324557	8150791
B3	419	324608	8150782	B3	479	324581	8150779	B3	539	324558	8150791
B3	420	324608	8150782	B3	480	324581	8150779	B3	540	324558	8150791

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**Attachment to Plan: 2005-16631 SRA  
Derived Reference Points for GPS  
Datum: GDA 1994, Projection: MGA Zone 55**

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



**SARA ref.** 2005-16331 SRA  
**Date:** 10 December 2020

**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
B3	541	324559	8150791	B3	601	324612	8150794	B3	661	324642	8150833
B3	542	324559	8150791	B3	602	324612	8150794	B3	662	324643	8150835
B3	543	324562	8150790	B3	603	324613	8150795	B3	663	324646	8150834
B3	544	324564	8150790	B3	604	324613	8150795	B3	664	324650	8150831
B3	545	324565	8150790	B3	605	324614	8150795	B3	665	324652	8150830
B3	546	324565	8150790	B3	606	324615	8150796	B3	666	324652	8150830
B3	547	324568	8150790	B3	607	324615	8150796	B3	667	324652	8150830
B3	548	324568	8150790	B3	608	324615	8150796	B3	668	324652	8150830
B3	549	324569	8150790	B3	609	324617	8150797	B3	669	324651	8150829
B3	550	324569	8150790	B3	610	324617	8150797	B3	670	324648	8150824
B3	551	324571	8150790	B3	611	324618	8150797	B3	671	324647	8150823
B3	552	324571	8150790	B3	612	324618	8150799	B3	672	324647	8150822
B3	553	324572	8150790	B3	613	324619	8150799	B3	673	324646	8150822
B3	554	324573	8150790	B3	614	324619	8150799	B3	674	324646	8150821
B3	555	324574	8150790	B3	615	324619	8150799	B3	675	324646	8150820
B3	556	324576	8150790	B3	616	324620	8150799	B3	676	324645	8150820
B3	557	324577	8150790	B3	617	324621	8150801	B3	677	324645	8150819
B3	558	324578	8150790	B3	618	324622	8150801	B3	678	324644	8150818
B3	559	324579	8150790	B3	619	324622	8150802	B3	679	324643	8150815
B3	560	324580	8150789	B3	620	324623	8150802	B3	680	324643	8150815
B3	561	324580	8150789	B3	621	324623	8150803	B3	681	324642	8150814
B3	562	324581	8150789	B3	622	324624	8150803	B3	682	324642	8150814
B3	563	324582	8150789	B3	623	324624	8150804	B3	683	324642	8150813
B3	564	324583	8150789	B3	624	324624	8150804	B3	684	324642	8150813
B3	565	324583	8150789	B3	625	324625	8150805	B3	685	324641	8150812
B3	566	324587	8150789	B3	626	324625	8150805	B3	686	324641	8150812
B3	567	324587	8150789	B3	627	324625	8150805	B3	687	324641	8150811
B3	568	324588	8150789	B3	628	324626	8150807	B3	688	324641	8150811
B3	569	324589	8150789	B3	629	324627	8150807	B3	689	324640	8150811
B3	570	324589	8150789	B3	630	324627	8150808	B3	690	324640	8150811
B3	571	324590	8150789	B3	631	324627	8150808	B3	691	324640	8150809
B3	572	324591	8150789	B3	632	324628	8150809	B3	692	324638	8150806
B3	573	324592	8150790	B3	633	324628	8150809	B3	693	324638	8150806
B3	574	324593	8150790	B3	634	324628	8150810	B3	694	324637	8150805
B3	575	324593	8150790	B3	635	324629	8150811	B3	695	324637	8150805
B3	576	324594	8150790	B3	636	324631	8150814	B3	696	324637	8150804
B3	577	324595	8150790	B3	637	324632	8150816	B3	697	324637	8150804
B3	578	324596	8150790	B3	638	324632	8150816	B3	698	324636	8150803
B3	579	324596	8150790	B3	639	324632	8150817	B3	699	324636	8150803
B3	580	324597	8150790	B3	640	324633	8150818	B3	700	324636	8150803
B3	581	324598	8150790	B3	641	324633	8150818	B3	701	324636	8150803
B3	582	324599	8150790	B3	642	324634	8150820	B3	702	324636	8150803
B3	583	324600	8150791	B3	643	324636	8150823	B3	703	324635	8150802
B3	584	324600	8150791	B3	644	324636	8150823	B3	704	324635	8150802
B3	585	324601	8150791	B3	645	324636	8150824	B3	705	324635	8150801
B3	586	324602	8150791	B3	646	324636	8150824	B3	706	324635	8150801
B3	587	324602	8150791	B3	647	324637	8150824	B3	707	324634	8150801
B3	588	324603	8150791	B3	648	324637	8150824	B3	708	324634	8150801
B3	589	324604	8150791	B3	649	324637	8150825	B3	709	324634	8150800
B3	590	324604	8150792	B3	650	324637	8150825	B3	710	324634	8150800
B3	591	324605	8150792	B3	651	324637	8150825	B3	711	324633	8150799
B3	592	324606	8150792	B3	652	324637	8150826	B3	712	324633	8150799
B3	593	324606	8150792	B3	653	324637	8150826	B3	713	324633	8150799
B3	594	324607	8150792	B3	654	324638	8150827	B3	714	324633	8150799
B3	595	324608	8150793	B3	655	324638	8150827	B3	715	324632	8150798
B3	596	324608	8150793	B3	656	324638	8150828	B3	716	324632	8150798
B3	597	324609	8150793	B3	657	324638	8150828	B3	717	324632	8150797
B3	598	324610	8150793	B3	658	324639	8150828	B3	718	324632	8150797
B3	599	324610	8150794	B3	659	324639	8150828	B3	719	324631	8150797
B3	600	324611	8150794	B3	660	324639	8150829	B3	720	324631	8150797

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**Attachment to Plan: 2005-16631 SRA  
Derived Reference Points for GPS  
Datum: GDA 1994, Projection: MGA Zone 55**

**Notes:**

Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

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



**SARA ref:** 2005-16631 SRA

**Date:** 10 December 2020

Part ID	Unique ID	Easting	Northing
B3	721	324631	8150796
B3	722	324631	8150796
B3	723	324630	8150795
B3	724	324630	8150795
B3	725	324630	8150795
B3	726	324629	8150795
B3	727	324629	8150794
B3	728	324629	8150794
B3	729	324629	8150794
B3	730	324628	8150793
B3	731	324628	8150793
B3	732	324627	8150792
B3	733	324627	8150792
B3	734	324626	8150791
B3	735	324626	8150791
B3	736	324626	8150791
B3	737	324625	8150791
B3	738	324625	8150791
B3	739	324625	8150790
B3	740	324625	8150790
B3	741	324625	8150790
B3	742	324624	8150790
B3	743	324624	8150789
B3	744	324624	8150789

Part ID	Unique ID	Easting	Northing
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Part ID	Unique ID	Easting	Northing
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## 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.