

8.1 MAREEBA SHIRE COUNCIL - MATERIAL CHANGE OF USE - SHOP (BUY BACK SHOP) - LOT 517 ON SP171524 & PART OF LOT 569 ON M3568 - 38 VAUGHAN STREET, MAREEBA - MCU/21/0019

Date Prepared: 8 November 2021

Author: Senior Planner

Attachments:

1. Proposal Plans
2. State Assessment and Referral Agency response dated 10 November 2021

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Mareeba Shire Council	ADDRESS	38 Vaughan Street, Mareeba
DATE LODGED	6 October 2021	RPD	Lot 517 on SP171514 & part of Lot 569 on M3568
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shop (Buy Back Shop)		
FILE NO	MCU/21/0019	AREA	Lot 517 - 29.2 hectares Lot 569 - access only
LODGED BY	U&i Town Plan	OWNER	Mareeba Shire Council
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Community Facilities zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme 2016 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	Mareeba Shire Council	ADDRESS	38 Vaughan Street, Mareeba
DATE LODGED	6 October 2021	RPD	Lot 517 on SP171514 & part of Lot 569 on M3568
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shop (Buy Back Shop)		

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 - Shop (Buy Back Shop)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
ARO0112-SK02	Buy Back Shop Concept Image - Revised	ARO	30 August 2021
-	Buy Back Shop - Perspective Plan	-	-

(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, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 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.
 - 3.3 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.
 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 concentrated by the development must be collected from site and discharged to an approved legal point of discharge.
 - 4.2 Car Parking/Internal Driveways/Pedestrian Linkages

The applicant/developer must ensure the development is provided with car parking and internal driveways generally in accordance with Drawing No. ARO0112-SK02.

All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, bitumen or asphalt sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.3 Fencing

4.3.1 A 1.8 metre high solid colorbond fence, of neutral colour, shall be erected along the entire southern side of the buy back shop

4.3.2 All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Lighting

Where lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

(D) 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.

(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.

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 10 November 2021.

(F) RELEVANT PERIOD

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

- Nil

THE SITE

The subject site is described as Lot 517 on SP171524 and part of Lot 569 on M3568, situated at 38 Vaughan Street, Mareeba.

Lot 517 has an area of 29.2 hectares and contains the Mareeba Transfer Station and Landfill which has operated on this land since the mid 1980's. Lot 569 on M3568 is included in this application because the Mareeba Transfer Station and Landfill access road traverses Lot 569, allowing for vehicle access between Lot 517 and Vaughan Street.

The subject site in general, with the exception of various waste storage cells, is relatively flat. Existing drainage networks are established throughout the facility to catch and divert the water away from the site. Minimal vegetation remains within Lot 517 and is largely limited to landscaping buffering which screens the Mareeba Transfer Station and Landfill from the adjoining cemetery.

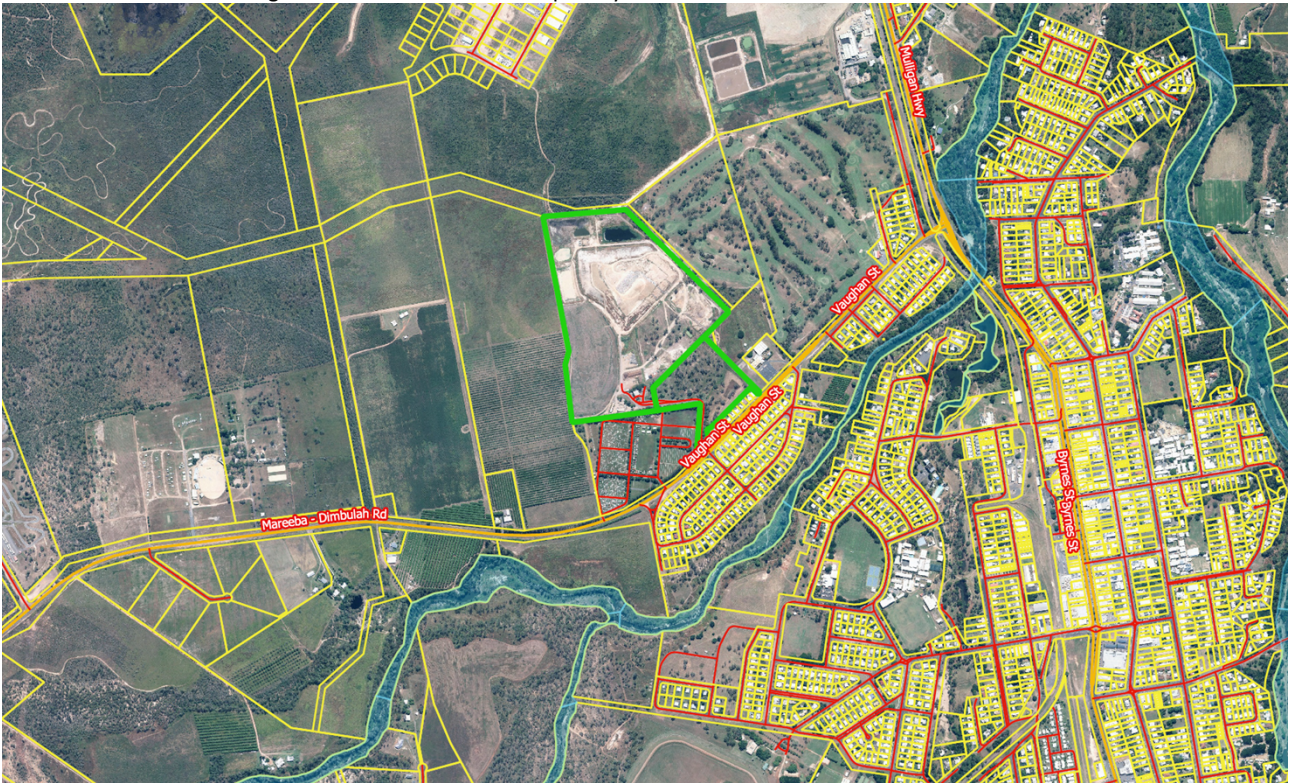
Surrounding land uses include the Mareeba Cemetery, Vaughan Street residential lots, the Mareeba International Club, Mareeba Golf Course, the Mareeba Industrial Park and rural land to the west.

Both Lot 517 and Lot 569 are within the Community Facilities zone of the Mareeba Shire Planning Scheme 2016.



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 - Shop (Buy Back Shop) in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following description for the proposed development:

"The proposed buy back shop is proposed to be located immediately to your left after you drive past the toll house. The Buy Back Shop does two things well: we support the environment by repurposing unwanted goods instead of sending them to landfill, all while offering a variety of rescued items back to the local community. For example, locally in 2019/20, the Buy Back Shop in Cairns Regional Council saved approximately 800 tonnes of waste from being sent to landfill, with the current financial year figures heading towards 1,200 tonne diversion.

The shop finds and collects treasures destined for landfill and offers them back to the community to reduce waste. Although shoppers never know what they might find at the second-hand shop, common items include: building materials; household appliances and cookware; vintage goods, collectables and restoration pieces; clothing and accessories; furniture; baby items; art pieces; and bicycles.

Proposed Structure

The Buy Back Shop will comprise of a new shed like structure that is 9m wide x 21m long, with an awning along the front approximately 3m wide. Opening onto the covered awning area will be 6 x roller doors opening into the shed, with a PA door opening onto the internal car parking area. The proposed structure will cover a total area of 252m².

Things you might find - Items for sale

The opportunities are endless when you think about what could be found at the Buy Back Shop, and the best part about it is, every time you come along, you'll find something unique that wasn't there the time before.

- *Building materials*
- *Household appliances and cookware*
- *Vintage goods, collectables and one off restoration pieces*
- *Clothing and accessories*
- *Indoor and outdoor furniture*
- *Musical instruments, books and games for all ages*
- *Baby items*
- *Supplies for parties, weddings and birthday celebrations*
- *Bicycles and scooters*
- *Art and decorative pieces*

- *Tools and items for the shed and garden*

Donate your goods to be rescued - How to give back

If you're doing a spring clean, or just have some unwanted items that no longer fulfil their purpose (or perhaps they're just not what they once were), instead of throwing them in the bin, we aim to have it set up so that the public drop them off at our Transfer Stations for FREE (conditions may apply). This aspect is yet to be confirmed however outlines the intentions for the facility. By providing this type of service it will give someone else a chance to make use out of something that no longer serves its purpose for you and do the environment a favour while you're at it. If it comes to us and we think it deserves another chance, it doesn't go to landfill.*

Local support

We hope to receive stock from all over the community where different circumstances allow for unwanted goods to land in our hands as a result of:

- *Hotel/venues refurbishments*
- *De-cluttering the home / business*
- *"Too hard to fix" basket*
- *Unloved items*
- *Events (parties, weddings, birthday celebrations)*

Eleven (11) on site carparking are proposed for the buy back shop.

A solid 1.8 metre high colorbond screen fence has been erected to the west and the south of the proposed buy back shop, largely screening the proposed development from the adjoining Mareeba Cemetery.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

The proposed buy back shop is sited outside of both areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Residential Area Transport Elements <ul style="list-style-type: none"> • State Controlled Road • B-double Route
Zone:	Community Facilities zone
Overlays:	Airport Environs 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
Shop	Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store	Adult store, food and drink outlet, showroom, market

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

Strategic Framework

3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

- (3) Other than small scale *industry areas*, commercial activities will not occur outside *centre areas* unless there is an overriding need in the public interest, there are no alternative sites in *centre areas*, there is no adverse impact on *centre areas* or the area surrounding the development and the site is readily accessible by a range of transport modes.

Comment

The buy back shop is proposed on this site because it relies upon the existing waste management facility.

The establishment of the buy back shop in this location will not prejudice the operation of the Mareeba CBD.

The development complies.

3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

- (1) The role and function of Mareeba as the *major regional activity centre* for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.

Comment

The proposed development complies.

3.6.9 Element—Waste management

3.6.9.1 Specific outcomes

- (1) Waste facilities have adequate capacity to service the community and industry and provide a sustainable method of waste disposal.

Comment

The buy back shop will redirect some waste from landfill, leading to a more sustainable waste management process.

- (2) Waste facilities are designed and operated to minimise adverse impacts on the community and the environment and are protected from encroachment of inappropriate and odour sensitive development.

Comment

The buy back shop will redirect some waste from landfill, leading to a more sustainable waste management process.

- (3) Significant waste management facilities, including Mareeba landfill and Springmount waste facility, provide for the long term solid waste disposal needs of the eastern part of the shire. Their ongoing operations are protected from incompatible development.

Comment

The development complies.

- (4) On-site waste disposal and recycling areas are provided by development to meet operational requirements of storage, screening and collection.

Comment

The development complies.

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

- (1) Commercial development will be facilitated by:
 - (a) consolidation and co-location of centre activities in existing *centre areas*;

- (b) identification of space adjacent to *centre areas* to cater for the expansion of commercial activities;
- (c) infrastructure provision in areas identified as able to cater for new commercial development;
- (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.

Comment

The buy back shop is proposed on this site because it relies upon the existing waste management facility.

The establishment of the buy back shop in this location will not prejudice the operation of the Mareeba CBD.

The development complies.

- (2) Out-of-centre retail development is avoided and should only occur if there is a clearly demonstrated over-riding community need and evidence demonstrating that the development would not adversely impact existing *centre areas*.

Comment

The buy back shop is proposed on this site because it relies upon the existing waste management facility.

The establishment of the buy back shop in this location will not prejudice the operation of the Mareeba CBD.

The development complies.

Relevant Developments Codes

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

- 6.2.2 Community facilities zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.2 Commercial 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
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Community facilities 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).
Mareeba local plan 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).
Airport environs 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).
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).

(D) Planning Scheme Policies/Infrastructure Charges Plan

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 any development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency as a concurrence agency for infrastructure related matters (State controlled road).

That Department advised in a letter dated 10 November 2021 that they have no requirements for this development (**Attachment 2**).

Internal Consultation

Technical Services

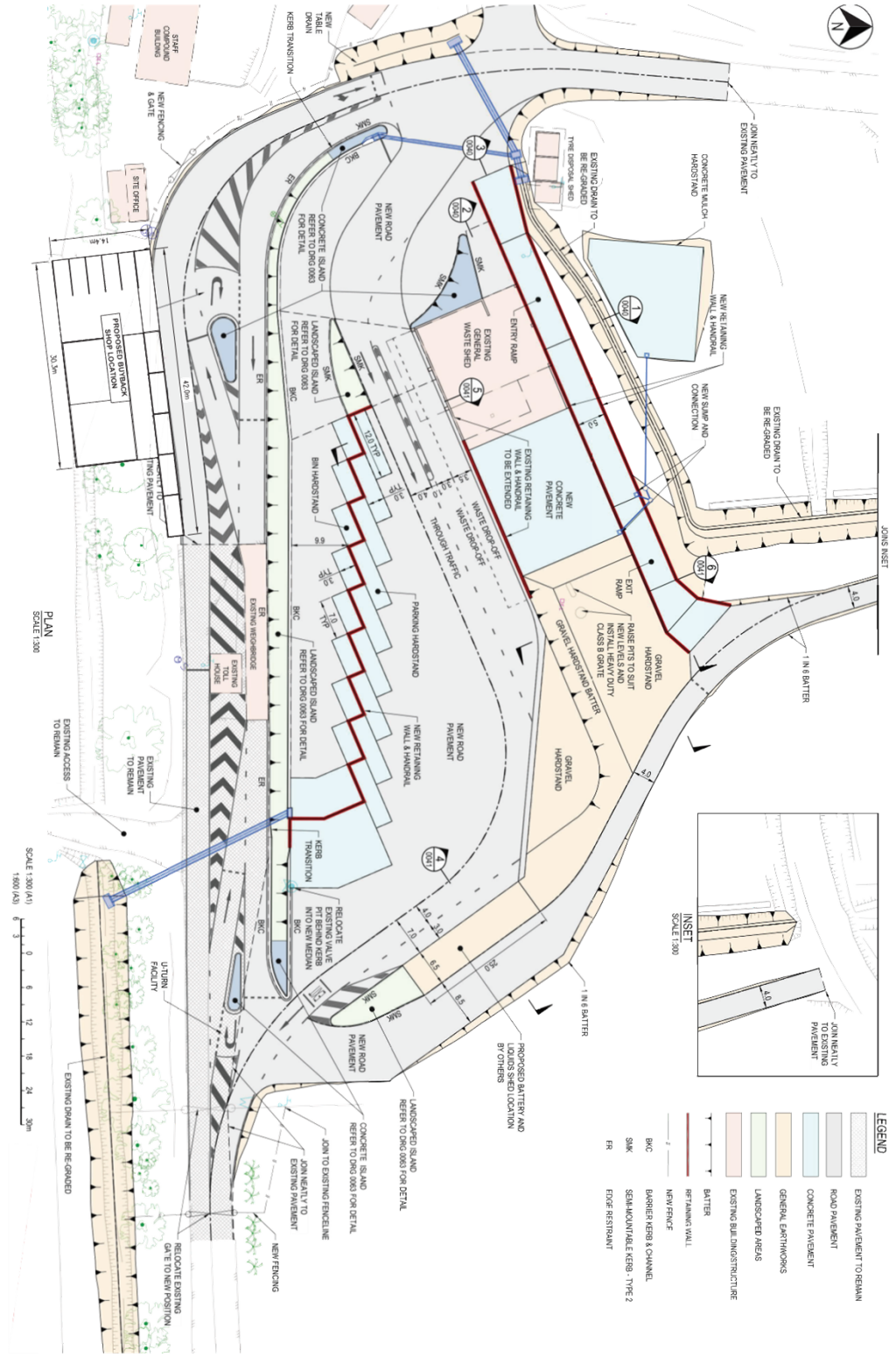
PUBLIC NOTIFICATION

The development proposal was placed on public notification from 20 October 2021 to 10 November 2021. The applicant submitted the notice of compliance on 12 November 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Nil



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ARO

MAREEBA SHIRE COUNCIL
 BUYBACK SHOP

CONCEPT IMAGE - REVISED
 ARO0112-SK02 Not To Scale
 All File Size
 Acad No: ARO0112-SK02(1)DWG 31th August 2021



RA9-N



SARA reference: 2110-25303 SRA
 Council reference: MCU/21/0019
 Applicant reference: M8-21

10 November 2021

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

Attention: Ramon Samanes

Dear Sir/Madam

SARA response—38 Vaughan Street, Mareeba

(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 14 October 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	10 November 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use - Shop (Buy Back Shop)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a state-controlled road	

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

2110-25303 SRA

SARA reference: 2110-25303 SRA
Assessment Manager: Mareeba Shire Council
Street address: 38 Vaughan Street, Mareeba
Real property description: Lots 517 on SP171524 and 569 on M3568
Applicant name: Mareeba Shire Council
C/- U&i Town PLaN
Applicant contact details: PO Box 426
Cooktown QLD 4895
ramon@uitownplan.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 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373222 or via email CairnsSARA@dssilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

cc Mareeba Shire Council c/- U&i Town PLaN, ramon@uitownplan.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—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) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for the department's decision are:

- The subject site does not have vehicular access nor road frontage via a state-controlled road; vehicle access to the proposed development is via the Mareeba Land Fill Access Road which traverses over Lot 569 on M3568.
- The proposed development is not a significant traffic generator, and is unlikely to compromise the safety, efficiency and operating conditions of Vaughan Street.

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

2110-25303 SRA

Attachment 3—Change representation provisions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment 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.