Mareeba SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

2 November 2026

Planning Officer: Carl Ewin
Our Reference: MCU/23/0009
Your Reference: 18-13/001435

Jacqshar Pty Ltd
C/- Planning Plus
Att: Evan Yelavich
PO Box 399
REDLYNCH QLD 4870

Dear Applicants,

Other Change to an Existing Approval
Planning Act 2016

I refer to your request to make a other change to an existing approval of the original Decision issued on 10 August 2023. On 28 October 2026, Council decided your requested changes subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/23/0009
Street Address:	1886 Kennedy Highway, Kuranda
Real Property Description:	Lot 46 on SP328230 and Lot 175 on FTY1871
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

The following type of approval had been issued:

"Material Change of Use – Extractive Industry (Expansion of Existing Quarry)"

In relation to the request to make a "Other Change" to the existing approval, at Council's Ordinary Meeting held on the 28 October 2026, Council decided to approve a "Other Change" to the development approval. Councils Decision is as follows:

Type of Approval:	**Change Application (Other Change) to Existing Development Permit for Material Change of Use – Extractive Industry (Expansion of Existing Quarry)**

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is **6 (six) 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*.

OTHER CHANGE ASSESSMENT MANAGER CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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 the 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 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.

3.4 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.

3.5 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 5:00pm Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.

3.7 All operations pursuant to the extractive industry must be carried out in accordance with the Integrated Site Management Plan, except where modifications are required by the conditions of this approval or the related Environmental Authority.

3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The combined extraction volume of development approvals MC2003/27 and MCU/23/0009 must not exceed 100,000 tonnes per annum.

3.10 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

3.11 Prevention of the spread of weeds and pests

The applicant must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

REFERRAL AGENCIES

The referral agencies applicable to this "Other Change" application are:

- Schedule 10, Part 3, Division 4, Table 3 - Clearing native vegetation
- Schedule 10, Part 5, Division 4, Table 2 – Environmentally relevant activity not devolved to local government
- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – State transport infrastructure thresholds (Purpose 17 – Extractive industry)
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use near a State transport corridor

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
016-2302-00-DRG-0001A	Quarry Expansion Plan	Neon Consulting	16.03.23
016-2302-00-DRG-0002A	Waterway Top of Bank Assessment	Neon Consulting	16.03.23
439201-1 Rev. B	**Sales Permit Site Plan**	**RPS**	**30/04/2026**
439201-2 Rev. B	**Proposed Staged Expansion Area**	**RPS**	**30/04/2026**

OTHER CHANGE ASSESSMENT MANAGER ADVISORY NOTES

(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.dcceew.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.dsdsatsip.qld.gov.au.

(e) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(f) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a ***general biosecurity obligation***) to manage biosecurity risks and threats that are

under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at Electric ants in Queensland | Business Queensland or contact Biosecurity Queensland 13 25 23.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS "Other Change"

There were no properly made submissions about the "Other Change" 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".

OTHER DETAILS

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

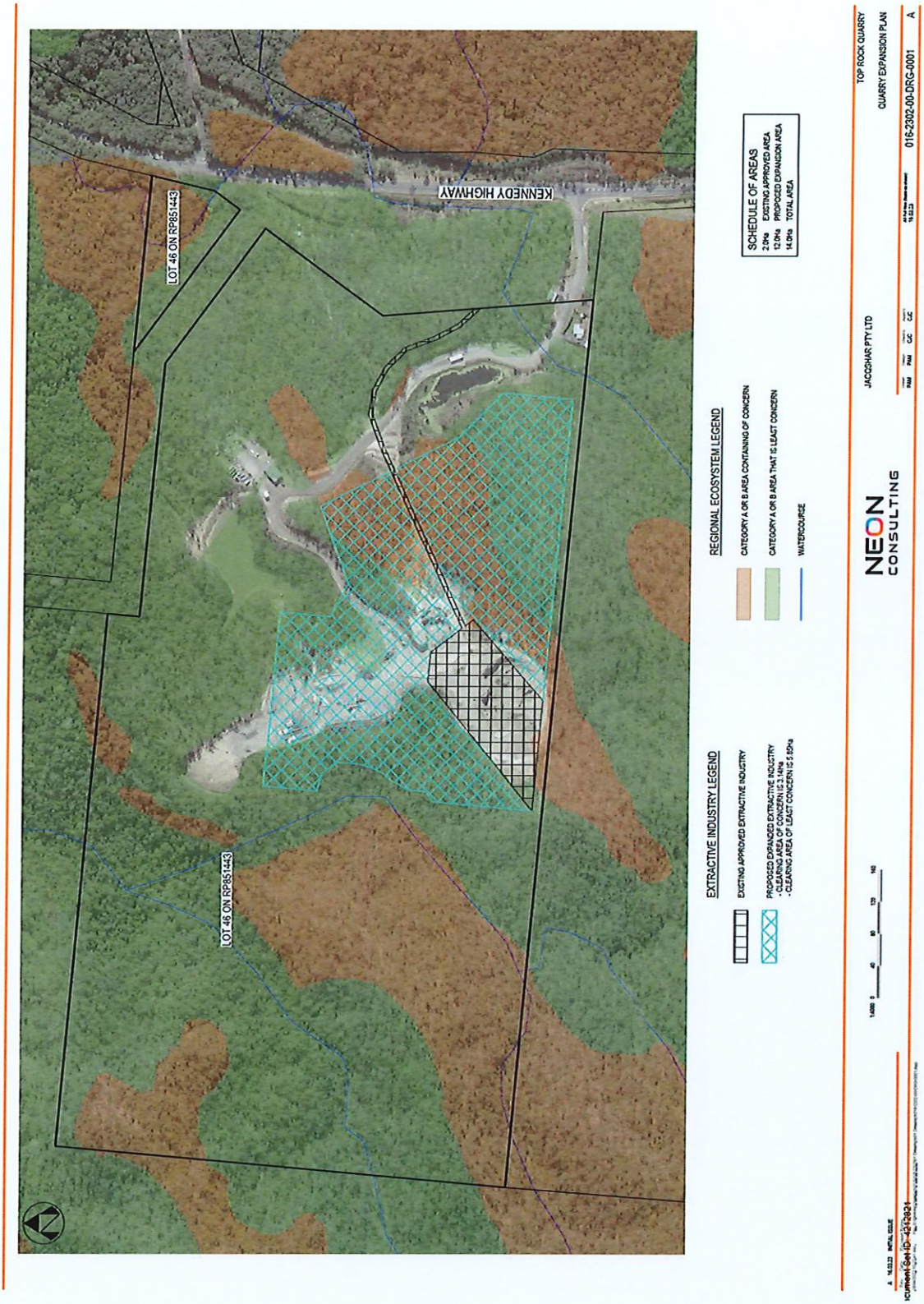
Yours faithfully

BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

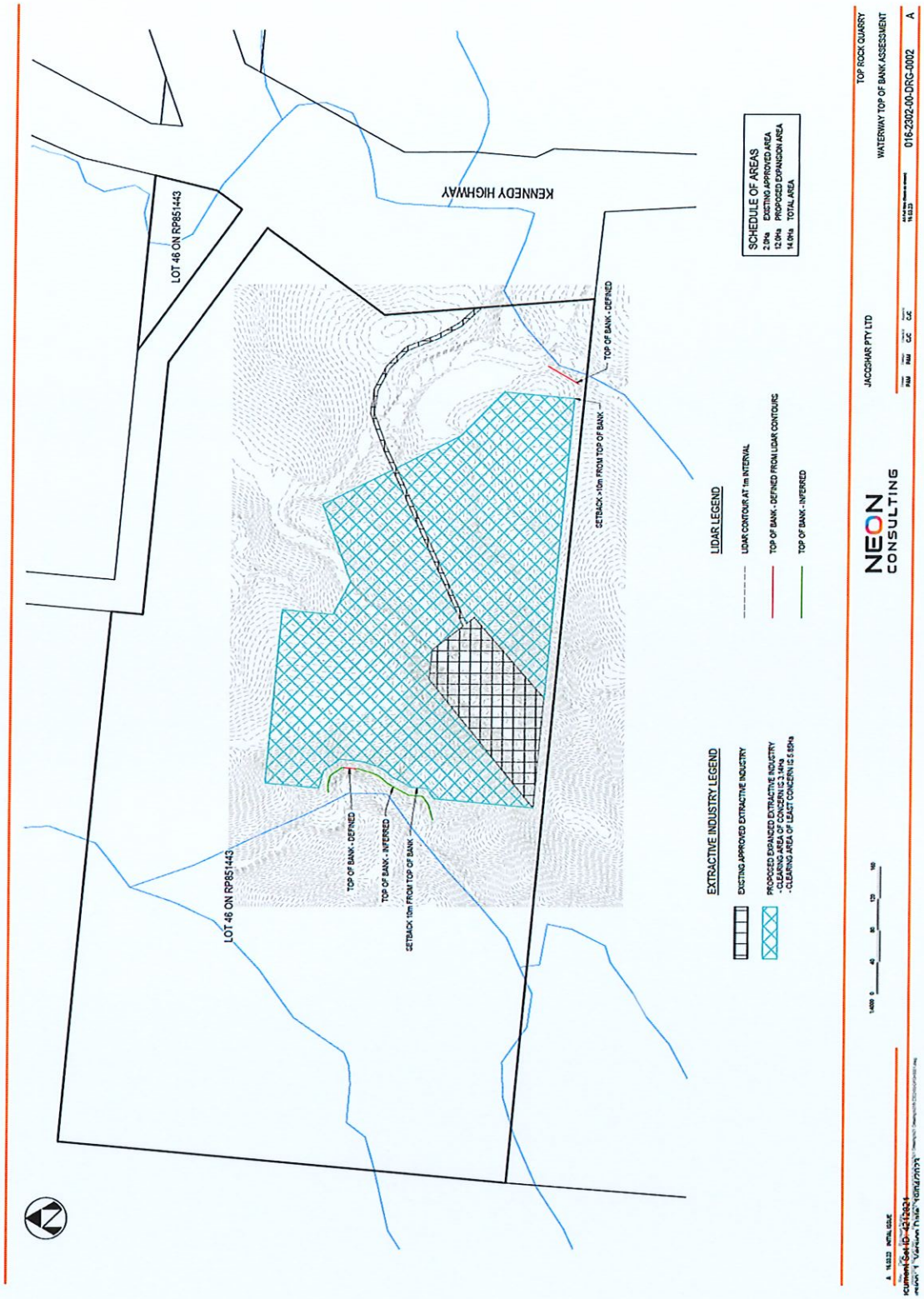
DECISION NOTICE HISTORY
MCU/23/0009 – Original Decision Notice – Dated 10 August 2023
MCU/23/0009 – Other Change Decision Notice – Dated 2 November 2026

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

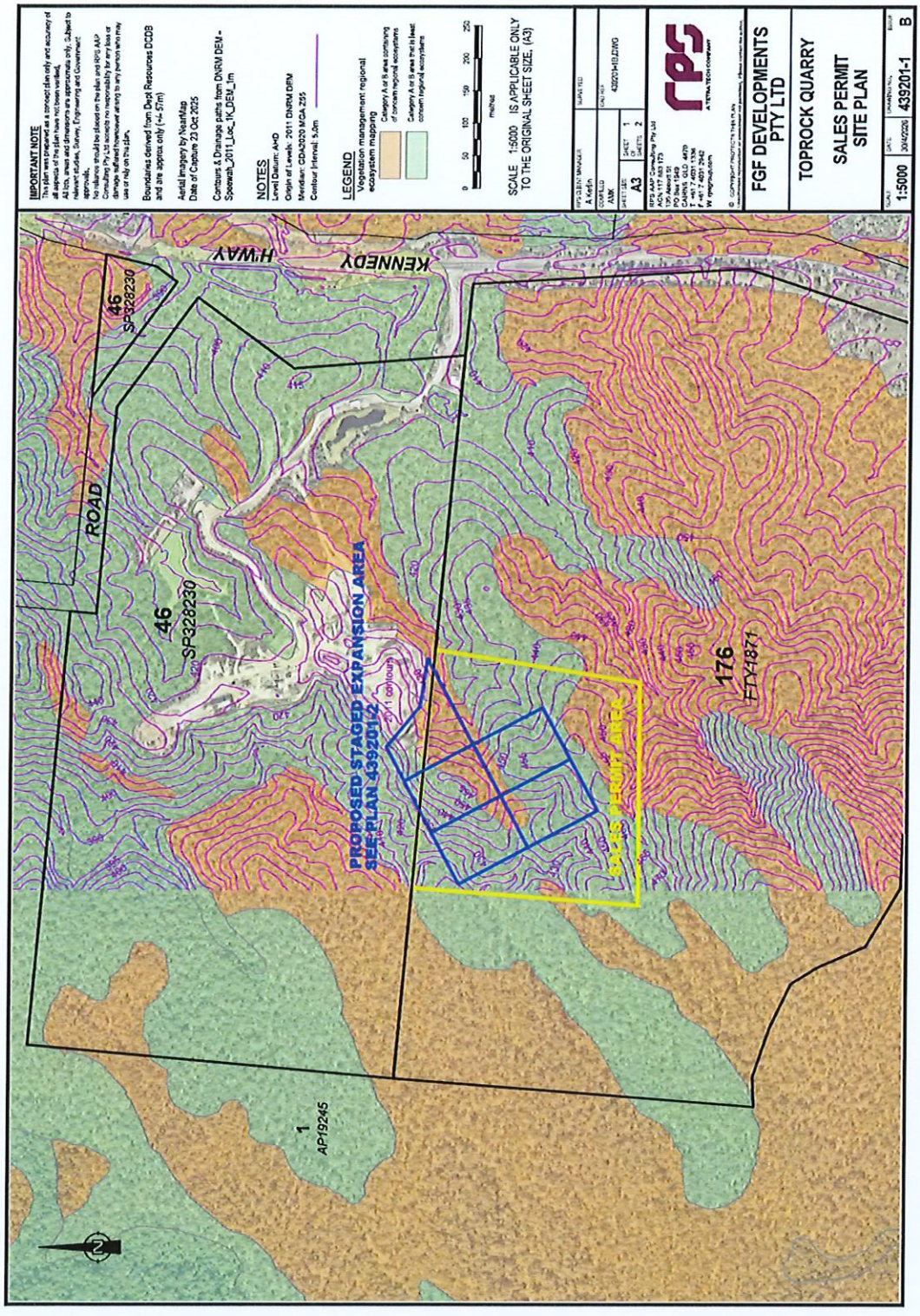
Approved Plans/Documents



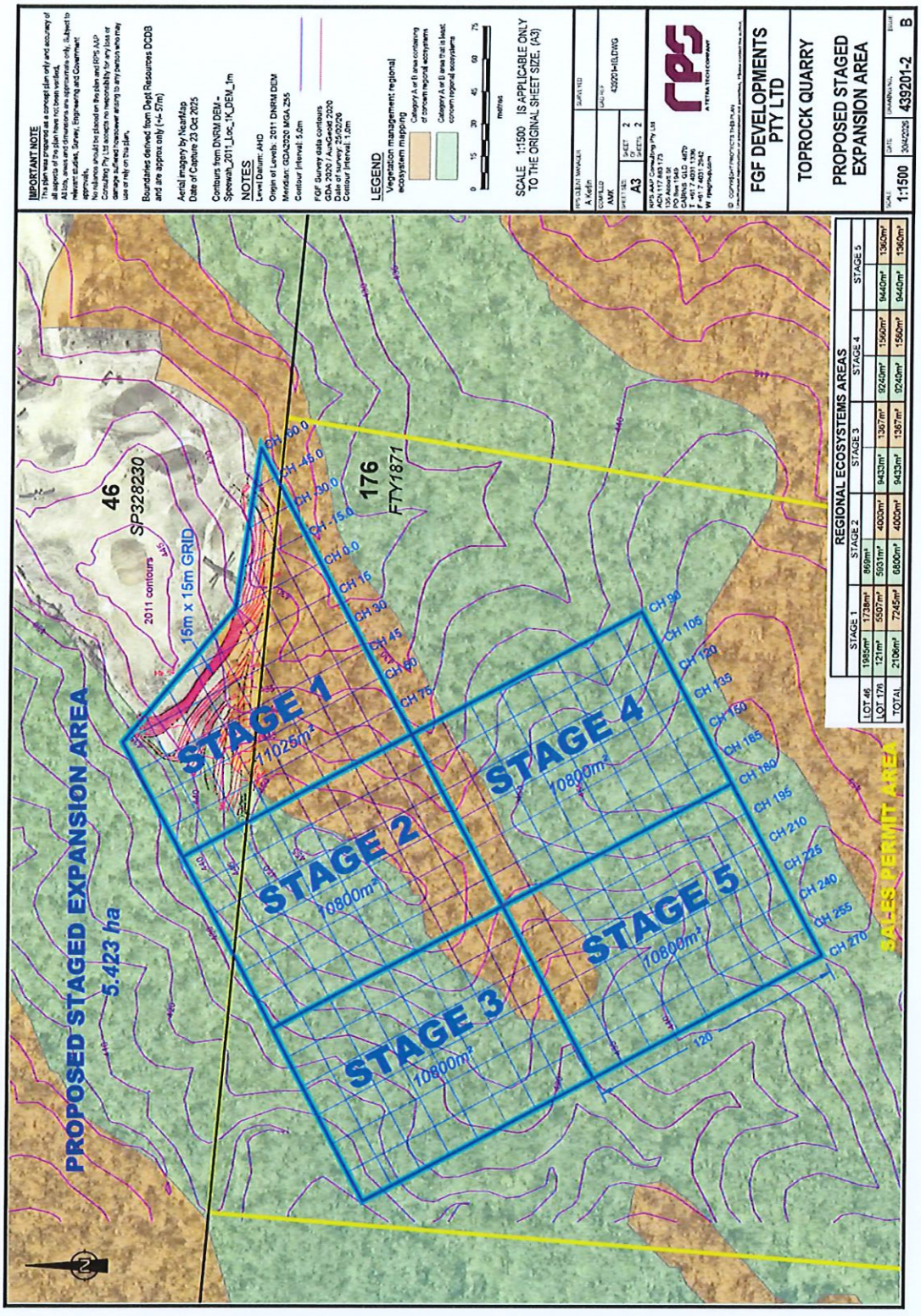
2/11/2026


KENNEDY HIGHWAY
LOT 46 ON RP851443
LOT 46 ON RP851443
TOP OF BANK - DEFINED
SETBACK >10m FROM TOP OF BANK
TOP OF BANK - DEFINED
TOP OF BANK - INFERRED
SETBACK 10m FROM TOP OF BANK
SCHEDULE OF AREAS
2.0Ha EXISTING APPROVED AREA
12.0Ha PROPOSED EXPANSION AREA
14.0Ha TOTAL AREA
LIDAR LEGEND
LIDAR CONTOUR AT 1m INTERVAL
TOP OF BANK - DEFINED FROM LIDAR CONTOURS
TOP OF BANK - INFERRED
EXTRACTIVE INDUSTRY LEGEND
EXISTING APPROVED EXTRACTIVE INDUSTRY
PROPOSED EXPANDED EXTRACTIVE INDUSTRY
- CLEARING AREA CONSISTING OF 3.5Ha
- CLEARING AREA OF LEAST CONCERN IS 6.5Ha
NEON CONSULTING
JACOSHAR PTY LTD
TOP ROCK QUARRY
WATERWAY TOP OF BANK ASSESSMENT
016-2302-00-DRG-0002
A

2/11/2026


IMPORTANT NOTE
NOTES
LEGEND
SCALE 1:5000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3)
FGF DEVELOPMENTS PTY LTD
TOPROCK QUARRY
SALES PERMIT SITE PLAN
1:5000
439201-1
B
KENNEDY H'WAY
ROAD
46 SP328230
46 SP328230
PROPOSED STAGED EXPANSION AREA SEE PLAN 439201-2
176 FTY1871
1 AP19245

2/11/2026
B. [illegible]


PROPOSED STAGED EXPANSION AREA
5.423 ha
46
SP328230
176
FTY1871
2011 contours
15m x 15m GRID
STAGE 1
11025m²
STAGE 2
10800m²
STAGE 3
10800m²
STAGE 4
10800m²
STAGE 5
10800m²
SALES PERMIT AREA
REGIONAL ECOSYSTEMS AREAS
STAGE 1
STAGE 2
STAGE 3
STAGE 4
STAGE 5
LOT 46 1985m² 1728m² 869m² 4000m² 9433m² 1367m² 9240m² 1560m² 9440m² 1360m²
LOT 176 121m² 5507m² 5931m² 4000m² 9433m² 1367m² 9240m² 1560m² 9440m² 1360m²
TOTAL 2106m² 7245m² 6800m² 4000m² 9433m² 1367m² 9240m² 1560m² 9440m² 1360m²
IMPORTANT NOTE
NOTES
LEGEND
Vegetation management regional ecosystem mapping
SCALE 1:1500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3)
FGF DEVELOPMENTS PTY LTD
TOPROCK QUARRY
PROPOSED STAGED EXPANSION AREA
1:1500
B

2/11/2026

REFERRAL AGENCY RESPONSE – "Other Change"

RA29-N

DELIVERING FOR QUEENSLAND | Queensland Government

Department of
State Development,
Infrastructure and Planning

SARA reference: 2607-53431 SRA
Applicant reference: 18-13/001435
Council reference: MCU/23/0009

28 August 2026

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

Attention: Brian Millard

Dear Mr Millard

SARA referral agency response – Change (Other) to Development Permit for Material Change of Use - Kennedy Highway, Mareeba

(Given under section 28 of the Development Assessment Rules)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 17 July 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	28 August 2026
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	Change Application (Other Change) To Existing Development Permit for Material Change of Use - Extractive Industry (Expansion of Existing Quarry)
SARA role:	Referral agency	

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

Document Set ID: 4697861
Version: 1, Version Date: 09/09/2026

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SARA trigger:	o Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) Material change of use that involves clearing native vegetation o Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) Development impacting on state transport infrastructure o Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) Material change of use of premises near a state transport corridor
SARA reference:	2607-53431 SRA
Assessment manager:	Mareeba Shire Council
Street address:	1886 Kennedy Highway, Mareeba
Real property description:	Lot 175 on FTY1871 and Lot 46 on SP328230
Applicant name:	Jacqshar Pty Ltd
Applicant contact details:	C/- Planning Plus PO Box 399 REDLYNCH QLD 4870 info@planningplusqld.com.au
Human Rights Act 2019 considerations:	Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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.

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For further information please contact Taryn Pace, Principal Planning Officer, on (07) 4037 3244 or via email CairnsSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely

Kaye Atkins
Executive Director, Planning Services

cc Jacqshar Pty Ltd, info@planningplusqld.com.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Document Set ID: 4697861
Version: 1, Version Date: 09/09/2026

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Attachment 1—Changed Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Material change of use that involves clearing native vegetation —The chief executive administering the *Planning Act 2016* nominates the Director-General of the Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Clearing of native vegetation must: (a) only occur within area A (A^1 - A^4) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2607-53431 SRA, Sheet 1, Version 3; and (ii) Attachment to Plan: 2607-53431 SRA, Derived Reference Points, prepared by Queensland Government, no reference and undated.	At all times
2.	Enter into an agreed delivery arrangement to deliver an environmental offset, in accordance with the *Environmental Offsets Act 2014*, to counterbalance the significant residual impacts on the matter/s of state environmental significance being: • clearing prescribed regional ecosystems that are of concern regional ecosystems being: o Stage 1: 0.44ha Of Concern Regional Ecosystem 7.11.33a o Stage 2: 0.63ha Of Concern Regional Ecosystem 7.11.33a o Stage 3: 0.76ha Of Concern Regional Ecosystem 7.11.33a o Stage 4: 1.33ha Of Concern Regional Ecosystem 7.11.33a o Expansion Stage 1: 0.05ha Of concern Regional Ecosystem 7.11.33a • 7.87 hectares of Essential habitat for Litoria serrata (tapping green eyed frog) within the following regional ecosystems: o Stage 1: total 0.76ha of Essential Habitat (0.44ha Of Concern RE 7.11.33a and 0.32ha Least Concern RE 7.11.51a) o Stage 2: total 0.67ha of Essential Habitat (0.63ha Of Concern RE 7.11.33a and 0.04ha Least Concern RE 7.11.51a) o Stage 3: total 1.96ha of Essential Habitat (0.76ha Of Concern RE 7.11.33a and 1.2ha Least Concern RE 7.11.51a) o Stage 4: total 2.57ha of Essential Habitat (1.33ha Of Concern RE 7.11.33a and 1.24ha Least Concern RE 7.11.51a) o Stage 5: total 1.14ha of Essential Habitat mapped as Least Concern RE 7.11.51a o Stage 6: total 0.76ha of Essential Habitat mapped as Least Concern RE 7.11.51a	Prior to commencing any works that impact on clearing prescribed regional ecosystems that are Of concern regional ecosystems and clearing defined regional ecosystems that are Essential habitat

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	o Expansion Stage 1: 0.05ha Of concern Regional Ecosystem 7.11.33a	

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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016*, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

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Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.0 and version 3.6:
  - State code 1: Development in a State-controlled Road environment (State code 1)
  - State code 6: Protection of state transport networks (State code 6)
  - State code 16: Native vegetation clearing (State code 16).
- The development complies with the assessment benchmarks of State code 1 and State code 6 of SDAP as appropriate access is provided to the site and the proposal does not seek to increase the extraction limit already approved on the site.
- The development complies with the assessment benchmarks of State code 16 of SDAP in that the development:
  - seeks to avoid and minimise impacts on native vegetation
  - avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible
  - maintains ecological processes and ensures the regional ecosystem remains in the landscape
  - provides environmental offsets through an agreed delivery arrangement in accordance with the *Environmental Offsets Act 2014* to counterbalance the significant residual impacts on matters of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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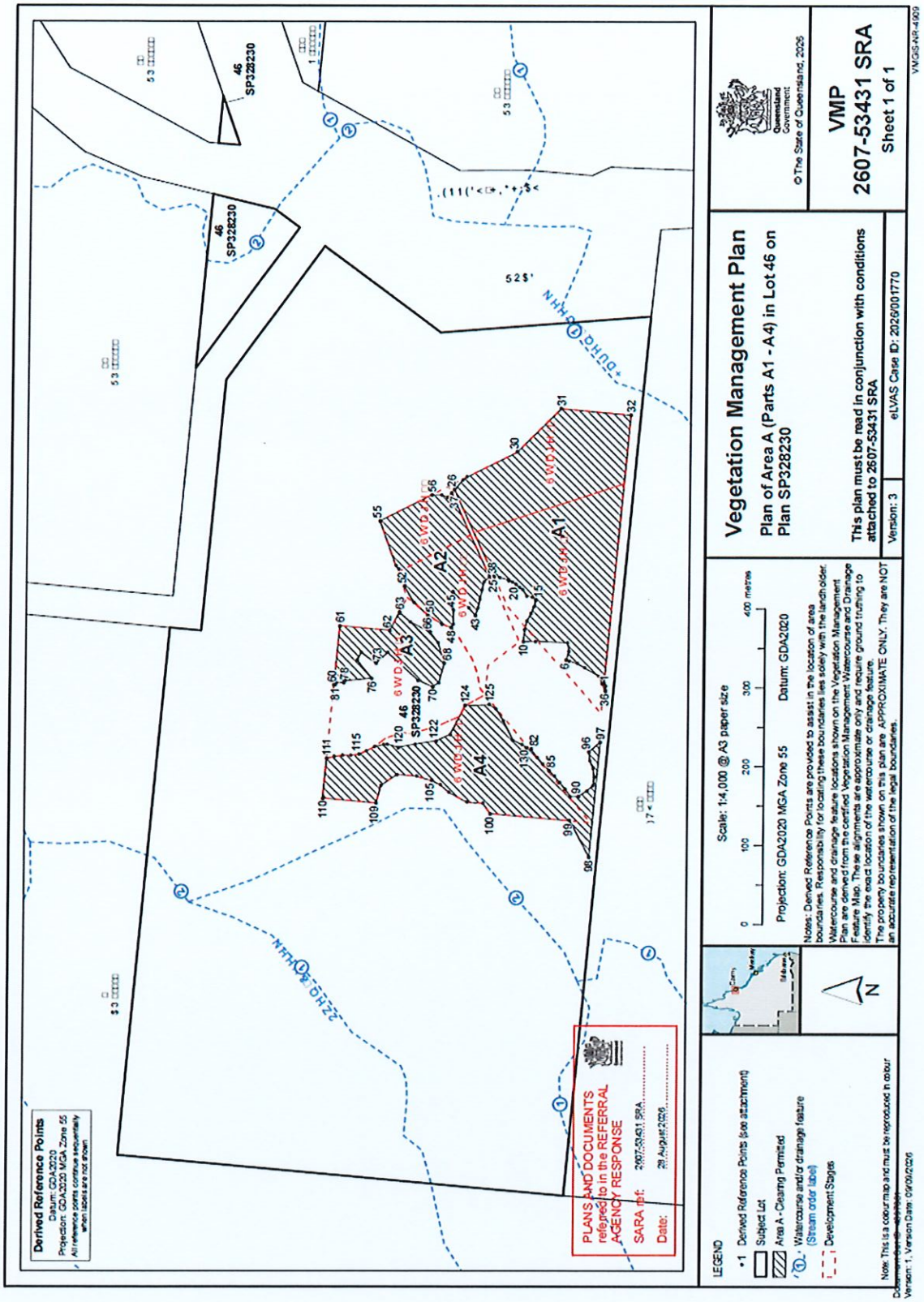
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Attachment 5—Documents referenced in conditions

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Version: 1, Version Date: 09/09/2026


Vegetation Management Plan
Plan of Area A (Parts A1 - A4) in Lot 46 on Plan SP328230
This plan must be read in conjunction with conditions attached to 2607-53431 SRA
Version: 3
eLVAS Case ID: 2026/001770
VMP
2607-53431 SRA
Sheet 1 of 1
©The State of Queensland, 2026
Scale: 1:4,000 @ A3 paper size
Projection: GDA2020 MGA Zone 55
Datum: GDA2020
Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder. Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature. The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.
LEGEND
Derived Reference Points (see attachment)
Subject Lot
Area A - Clearing Permitted
Watercourse and/or drainage feature (Stream order label)
Development Stages
Derived Reference Points
Datum: GDA2020
Projection: GDA2020 MGA Zone 55
All reference points continue sequentially when labels are not shown
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref: 2607-53431 SRA
Date: 28 August 2026
A1
A2
A3
A4
46 SP328230
22HQ.BOHAN
52$'
Note: This is a colour map and must be reproduced in colour
Version: 1, Version Date: 03/09/2026
VMGIS-AR-4909

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2607-53431 SRA

Date: 28 August 2026

Attachment: 2607-53431 SRA
Derived Reference Points
Datum: GDA2020, 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 continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
A1	1	360360	8136005
A1	2	360369	8136009
A1	3	360380	8136028
A1	4	360385	8136037
A1	5	360389	8136047
A1	6	360389	8136051
A1	7	360401	8136048
A1	8	360412	8136049
A1	9	360414	8136069
A1	10	360413	8136105
A1	11	360428	8136103
A1	12	360439	8136101
A1	13	360449	8136095
A1	14	360458	8136092
A1	15	360466	8136090
A1	16	360470	8136084
A1	17	360471	8136101
A1	18	360479	8136106
A1	19	360482	8136110
A1	20	360486	8136115
A1	21	360489	8136119
A1	22	360491	8136124
A1	23	360491	8136124
A1	24	360496	8136135
A1	25	360495	8136142
A1	26	360606	8136184
A1	27	360608	8136192
A1	28	360618	8136183
A1	29	360622	8136178
A1	30	360663	8136115
A1	31	360708	8136060
A1	32	360700	8135972
A1	33	360361	8136003
A1	34	360357	8136000
A1	35	360360	8136001
A1	36	360361	8136001
A2	37	360602	8136197
A2	38	360495	8136148
A2	39	360489	8136155
A2	40	360479	8136157
A2	41	360466	8136160
A2	42	360456	8136162
A2	43	360447	8136166
A2	44	360456	8136174
A2	45	360476	8136154
A2	46	360453	8136154
A2	47	360435	8136154
A2	48	360431	8136196
A2	49	360435	8136206
A2	50	360447	8136227
A2	51	360462	8136244
A2	52	360483	8136266
A2	53	360505	8136264
A2	54	360509	8136268
A2	55	360566	8136259
A2	56	360599	8136222
A2	57	360599	8136222
A2	58	360599	8136210
A2	59	360596	8136202
A3	60	360358	8136346
A3	61	360433	8136339
A3	62	360427	8136275
A3	63	360451	8136263
A3	64	360450	8136262
A3	65	360438	8136249
A3	66	360425	8136223
A3	67	360411	8136213
A3	68	360366	8136205
A3	69	360361	8136211
A3	70	360356	8136219
A3	71	360364	8136238
A3	72	360399	8136277
A3	73	360366	8136292
A3	74	360399	8136311
A3	75	360390	8136316
A3	76	360367	8136298
A3	77	360364	8136331
A3	78	360361	8136333
A3	79	360360	8136343
A3	80	360359	8136344
A3	81	360358	8136344
A4	82	360277	8136094
A4	83	360266	8136066
A4	84	360258	8136079
A4	85	360250	8136071
A4	86	360242	8136064
A4	87	360234	8136068
A4	88	360226	8136051
A4	89	360217	8136044
A4	90	360217	8136034
A4	91	360224	8136023
A4	92	360231	8136016
A4	93	360241	8136014
A4	94	360252	8136016
A4	95	360263	8136020
A4	96	360273	8136021
A4	97	360256	8136007
A4	98	360140	8136020
A4	99	360156	8136045
A4	100	360195	8136145

Part ID	Unique ID	Easting	Northing
A4	101	360208	8136154
A4	102	360209	8136174
A4	103	360222	8136197
A4	104	360231	8136208
A4	105	360237	8136220
A4	106	360242	8136239
A4	107	360245	8136264
A4	108	360230	8136285
A4	109	360208	8136290
A4	110	360214	8136359
A4	111	360265	8136354
A4	112	360267	8136344
A4	113	360269	8136334
A4	114	360269	8136323
A4	115	360270	8136313
A4	116	360274	8136303
A4	117	360280	8136293
A4	118	360282	8136281
A4	119	360283	8136277
A4	120	360279	8136262
A4	121	360283	8136241
A4	122	360287	8136214
A4	123	360295	8136196
A4	124	360332	8136178
A4	125	360333	8136147
A4	126	360328	8136138
A4	127	360313	8136129
A4	128	360289	8136117
A4	129	360282	8136106
A4	130	360279	8136099

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules[1] 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.

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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.

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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.

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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 us 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 and 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.