



20 June 2025

65 Rankin Street

PO Box 154 MAREEBA QLD 4880

P: 1300 308 461

F: 07 4092 3323

W: www.msc.qld.gov.au

E: info@msc.qld.gov.au

Planning Officer: Carl Ewin

Direct Telephone: 07 4086 4656

Our Reference: RAL/18/0002

Your Reference: WP24 025 REE

Reever and Ocean Pty Ltd
C/- wildPLAN
PO Box 8028
CAIRNS QLD 4870

Dear Applicants,

Minor Change to an Existing Approval *Planning Act 2016*

I refer to your Change Application (Minor Change) dated 23 April 2025, made in respect of approved Reconfiguration of a Lot – Subdivision development (5 lots into 49 lots) in two stages – RAL/18/0002, and advise that on 18 June 2025, Council decided the change application.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: RAL/18/0002
Street Address: Barnwell Road, Kuranda
Real Property Description: Lot 17, 18, 19 on SP296830, Lot 22 on SP304952 and
Lot 20 on N157423
Planning Scheme: Mareeba Shire Council Planning Scheme 2016
(approved under Mareeba Shire Planning Scheme 2004)

DECISION DETAILS

The following type of approval had been issued:

Type of Approval: Development Permit for Reconfiguring a Lot – Subdivision
(5 lots into 49 lot) in two stages

In relation to the Change Application, at the Ordinary Council meeting on 18 June 2025, Council resolved to approve the changes as follows:

The Decision Details (Type of Approval) included in Council's Decision Notice issued on 28 October 2019 be amended as follows:

Type of Approval	Development Permit for Reconfiguration a Lot – Subdivision (5 lots into 49 lots <u>and access easement</u>) in <u>two</u> <u>three</u> stages
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The approved plan/s of Council's Decision Notice issued on 28 October 2019 be amended as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	<u>Non-Urban Residential Stage 1A (Creation Access Easement)</u>	wildPLAN	<u>15/04/2025</u>
HRP16299-003-MP-08 J	Non Urban Residential Proposed Lot Layout and Staging Plan	Cardno	28/08/2019

Condition 2.1 Timing of Effect of Council's Decision Notice issued on 28 October 2019 be amended as follows:

- 2.1 *The conditions of the development permit, as applicable to each stage, must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the respective stage, except where specified otherwise in these conditions of approval.*

Note: Conditions 3.9, 3.10 and 4.1 – 4.8 are not applicable for Stage 1A (creating only an access easement)

Condition 4.3(i) Roadworks – Internal of Council's Decision Notice issued on 28 October 2019 be amended as follows:

4.3 Roadworks – Internal

- (i) *The alignment of Road A must be amended to eliminate the three (3) bends in proximity to the entrance to the Kur-Cow facility on proposed Lot 44-, unless it can be demonstrated through sound engineering reasoning that the three (3) bends are necessary for the safe and efficient function of the road network and as agreed to by Council officers as part of a subsequent application for operational works.*

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is four (4) 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*.

CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

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, as applicable to each stage, must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the respective stage, except where specified otherwise in these conditions of approval.~~

At Council's Ordinary Meeting held on 18 June 2025, Condition 2.1 Timing of Effect of Council's Decision Notice issued on 28 October 2019 be amended as follows:

- 2.1 The conditions of the development permit, as applicable to each stage, must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the respective stage, except where specified otherwise in these conditions of approval.

Note: Conditions 3.9, 3.10 and 4.1 – 4.8 are not applicable for Stage 1A (creating only an access easement)

3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges 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 or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced

- where required by the relevant authority unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. If any existing building/structures are in proximity to any new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Charges
All outstanding rates, charges and expenses pertaining to the land are to be paid in full.
- 3.9 Ecological Assessment Report - Stage 1
Prior to an application for operational works being made for Stage 1 of the development, the applicant/development is to submit to Council an Ecological Assessment Report prepared generally in accordance with the methodology outlined within *Planning Scheme Policy 2 - Ecological Assessment Reports* of the Mareeba Shire Council Planning Scheme 2016.
In particular, the Ecological Assessment Report must establish the extent of *Litoria Myola* habitat within the development site.
All aspects of the development must avoid any adverse impacts on the *Litoria Myola* habitat.
- 3.10 Environmental Covenants
The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of preserving native animals, plants and their habitat.
The covenant will be of a form that is acceptable to the Registrar of Titles and Council's delegated officer and will apply to the following areas of the development site:
- All land mapped as Category R Regulated Vegetation except for where this land is within a Drainage Reserve under the control of Council;
 - All land mapped as State and Regional Conservation Corridor (FNQ Regional Plan 2031 - Areas of Ecological Significance) where this land is not within a Drainage Reserve under the control of Council;
 - All land identified as habitat of *Litoria Myola* in the Ecological Assessment Report (Condition 3.9); and

- All other essential/critical habitat identified in the Ecological Assessment Report (Condition 3.9)

The covenant must stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):

- (a) no existing living native vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no fixtures, fences or improvements other than those approved by the Council shall be erected on site;
- (c) to prohibit the construction of any dams or other structures or undertaking of any activities which may interrupt the natural hydrology, on any part of the site at any time.
- (d) no native animals within the covenant area shall be killed or interfered with;
- (e) no domestic dogs (except dogs registered under the Guide Dogs Act) or domestic cats are to be kept within the covenant area at any time;
- (f) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental impact on the covenant area;

Notwithstanding clause (a) to (f), if any native or indigenous animal on the covenant area/s poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

The covenant agreement/s shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Natural Resources, Mines and Energy.

The covenant document shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the covenant/s.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed to each lot (from the edge of the road pavement servicing the lot to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

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

-
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
 - (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
 - (d) At minimum the Stormwater Quality Management must identify:
 - (i) any stormwater quality improvement devices;
 - (ii) first flush run off;
 - (iii) demonstrating no adverse effect on surrounding or downstream water quality; and
 - (iv) utilisation of sediment control and other pollution control devices.
 - (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
 - (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
 - (g) Drainage reserves must be dedicated over those areas identified as Drainage Reserve on Drawing No. HRP 16299-003-MP-08 F.
 - (h) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
 - (i) All stormwater drainage must be discharged at a lawful point of discharge.

At Council's Ordinary Meeting held on 18 June 2025, Condition 4.3(i) Roadworks – Internal of Council's Decision Notice issued on 28 October 2019 be amended as follows:

4.3 Roadworks – Internal

- (i) ~~The alignment of Road A must be amended to eliminate the three (3) bends in proximity to entrance to the Kur-Cow facility on proposed Lot 44.~~
- (i) The alignment of Road A must be amended to eliminate the three (3) bends in proximity to the entrance to the Kur-Cow facility on proposed Lot 44, unless it can be demonstrated through sound engineering reasoning that the three (3) bends are necessary for the safe and efficient function of the road network and as agreed to by Council officers as part of a subsequent application for operational works.
- (ii) Road A and Road B shall be constructed to Access Street standards (Table D1.1) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.

4.4 Roadworks - Barnwell Road - Stage 1

The applicant/developer must upgrade the full length of Barnwell Road to the following standard:

- a. **Formation:** 8 metres
- b. **Pavement Width:** 6.5 metres
- c. **Seal Width:** 6.5 metres
- d. **Shoulders:** 0.75 metres gravel
- e. Myola Road / Barnwell Road intersection upgrade (as required), likely pavement widening on the left in to Barnwell Road.

Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.

4.5 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 On-Site Wastewater Management

At the time of construction of a new building on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.7 Electricity Provision/Supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of underground power reticulation to each lot.

4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

Alternatively, the applicant/developer must provide satisfactory evidence that each lot can be effectively serviced by the National Broadband Network Scheme, to the satisfaction of Council's delegated officer.

REFERRAL AGENCY CONDITIONS

The referral agencies applicable to this application are:

Aspect of development stated in schedule 20	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dlgp.qld.gov.au
Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if— (a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and (b) the development meets or exceeds the threshold— (i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or (ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and (c) for development in local government area 1—the development is not for an accommodation		

activity or an office at premises wholly or partly in the excluded area However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.		
Reconfiguring a lot that is assessable development under s 21		
Development application for reconfiguring a lot that is assessable development under section 21, if- (a) a lot that the application relates to is 5ha or larger; and (b) the size of any lot created is 25ha or less; and (c) either- (i) the reconfiguration involves operational work that is assessable development under section 5, other than operational work that is only the clearing of regulated regrowth vegetation; or (ii) on any lot created, accepted operational work, other than operational work that is only the clearing of regulated regrowth vegetation, may be carried out	Schedule 10, Part 3, Division 4, Table 2	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dlgp.qld.gov.au

A copy of any referral agency conditions are attached.

APPROVED PLANS/DOCUMENTS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
HRP16299-003-MP-08 J	Non Urban Residential Proposed Lot Layout and Staging Plan	Cardno	28/08/2019

At Council's Ordinary Meeting held on 18 June 2025, the approved plan/s of Council's Decision Notice issued on 28 October 2019 be amended as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	<u>Non-Urban Residential Stage 1A (Creation Access Easement)</u>	wildPLAN	15/04/2025

ADVISORY NOTES

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

ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

- (d) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

- (e) 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.

- (f) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered covenant

- (g) 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.

(h) Cultural Heritage

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

(B) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 27 September 2019.

PROPERTY NOTES

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered covenant

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

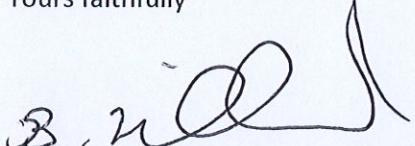
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

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.

If you have any further queries in relation to the above, please contact Council on the above number.

Yours faithfully



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

DECISION NOTICE HISTORY

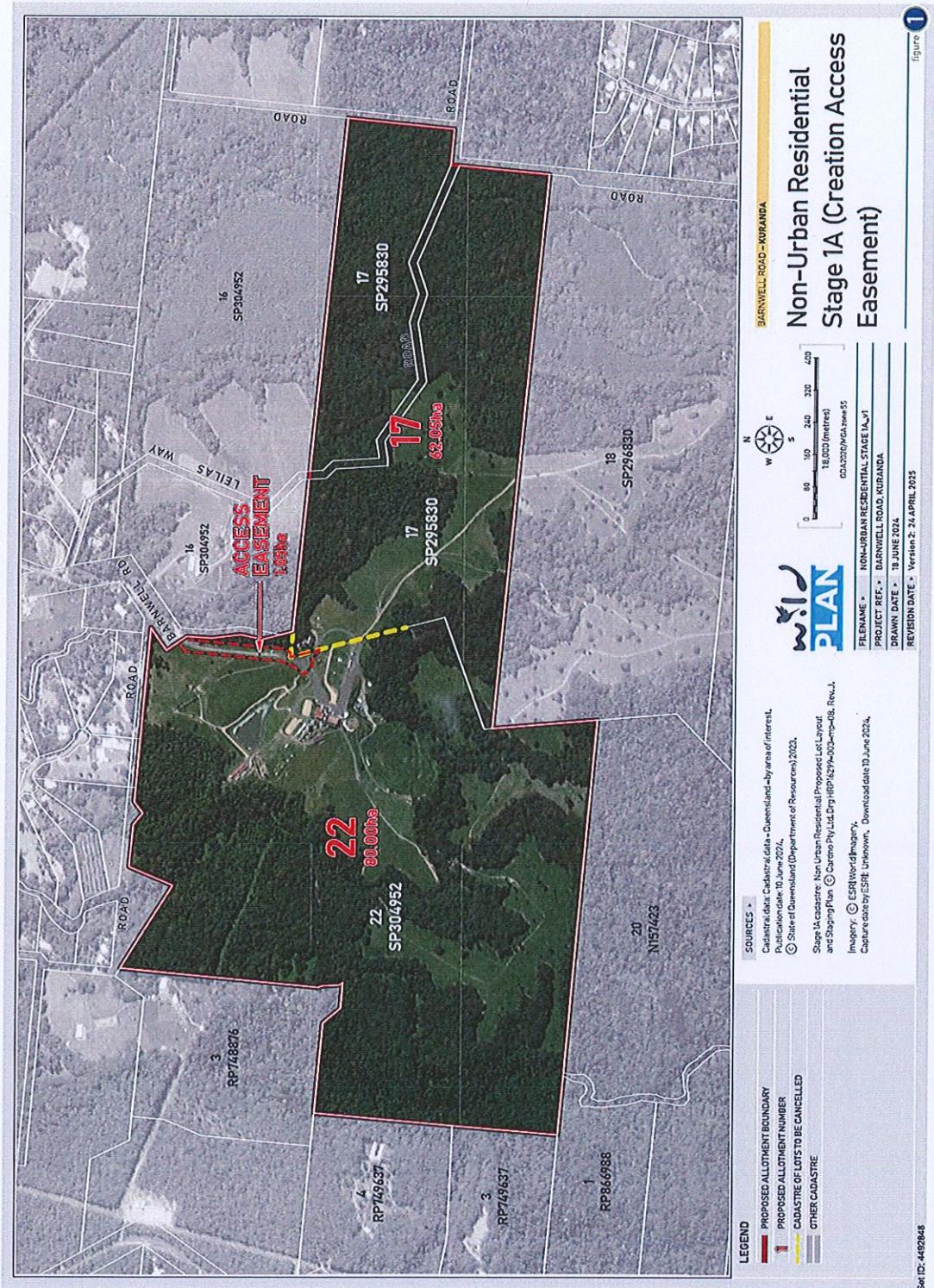
RAL/18/0002 - Original Decision Notice Dated: 28 October 2019

RAL/18/0002 – Adopted Infrastructure Charges Notice Dated: 28 October 2019

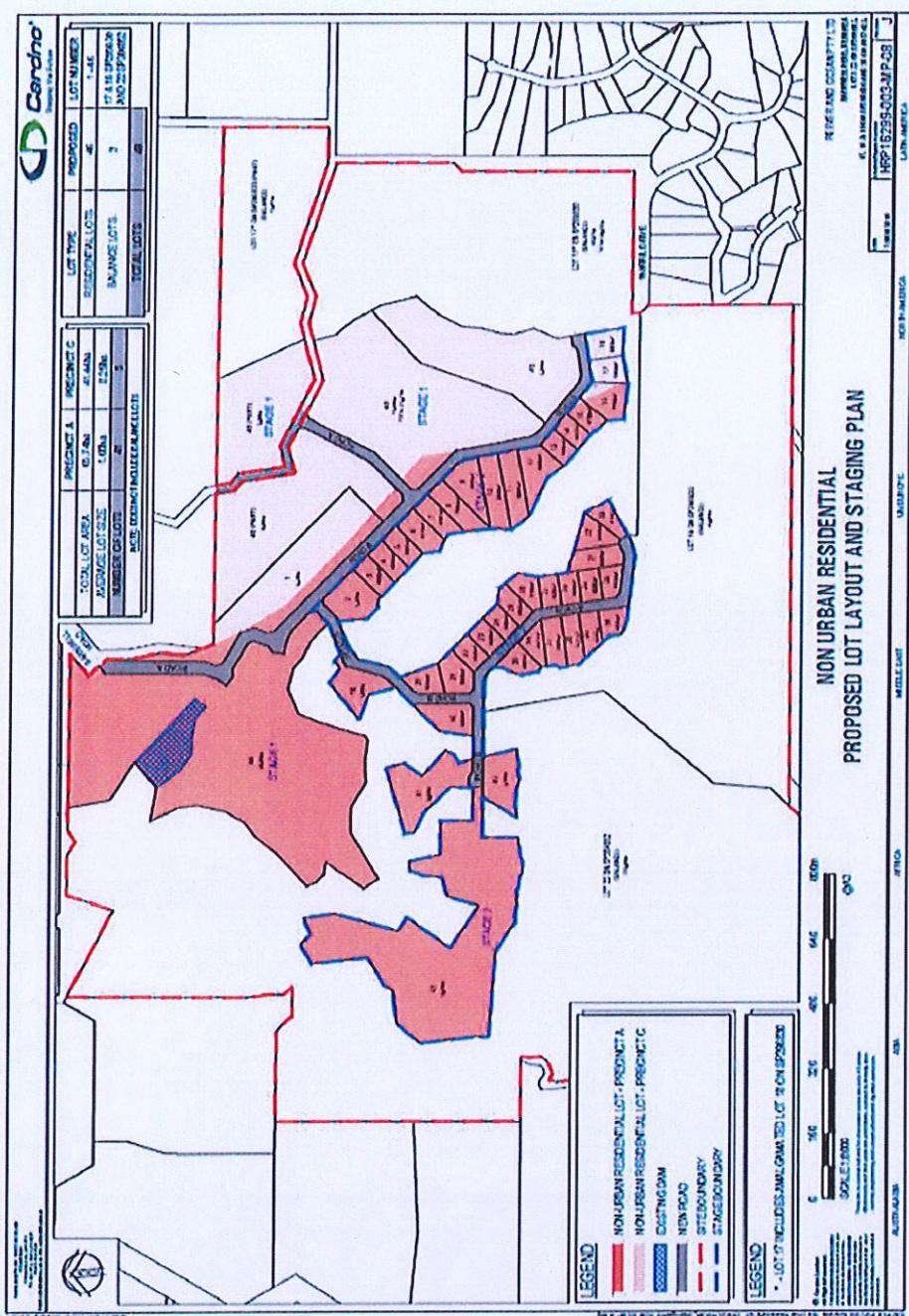
RAL/18/0002 – Minor Change to an Existing Approval Dated: 20 June 2025

Encl: Approved Plans/Documents
Referral Agency Response
Appeal Rights

Approved Plans/Documents



20/6/2025
20/6/2025



Referral Agency Response

RA&N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

SARA reference: 1802-4193 SRA
Council reference: RAL/18/0002
Applicant reference: HRP18299/003

27 September 2019

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

Attention: Brian Millard

Dear Mr. Millard

SARA response—301 Boyles Road, Kuranda QLD 4881

(Referral agency response given under section 58 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 18 June 2018.

Response

Outcome:	Referral agency response – with conditions
Date of response:	27 September 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2.
Reasons:	The reasons for the referral agency response are in Attachment 3.

Development details

Description:	Development permit Reconfiguring a lot for 5 Lots into 49 lots
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017)
Development application for a reconfiguring a lot which involves operational work for the clearing of native vegetation	

DA Advisory Team (DAAT)
Level 13, 1 William Street
BRISBANE QLD 4000
PO Box 15009 CITY EAST QLD 4002

1802-4193 SRA

SARA reference: 1802-4193 SRA
Assessment Manager: Mareeba Shire Council
Street address: 301 Boyles Road, Kuranda QLD 4881
Real property description: Lots 17, 18 and 19 on SP296830, Lot 22 on SP296830 (now described as Lot 22 SP304952) and Lot 20 on N157423
Applicant name: Reever and Ocean Pty Ltd
Applicant contact details: c/- Wild Plan Pty Ltd
PO Box 8028
CAIRNS QLD 4870
dominic@wildplan.com.au

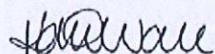
Representations

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 Duncan Livingstone, Principal Planner, on 3452 7180 or via email DAAT@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Kate Wall
Acting Executive Director

cc Reever and Ocean Pty Ltd, c/- Wild Plan Pty Ltd dominic@wildplan.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

1802-4193 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
Reconfiguring a lot which involves operational work for the clearing of native vegetation		
Clearing native vegetation - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines 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.	No clearing of vegetation is to occur within areas identified as: a) Area A (Parts A ¹ -A ⁶) as shown on the attached Technical Agency Response (Vegetation) Plan, reference, TARP 1802-4193 SRA, Sheets 1 – 4, Date 10 th September 2019 b) Derived coordinate points for GPS listed in Attachment to Technical Agency Response (Vegetation) Plan, reference, TARP 1802-4193 SRA, Sheets 1 – 4, Date 10 th September 2019.	At all times
2.	No built structure, other than for fences, roads and underground services is to be established, constructed or located within areas identified as Area B (Parts B ¹ -B ⁵) as shown on attached TARP 1802-4193 SRA dated 10 September 2019.	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

1802-4193 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.1]. If a word remains undefined it has its ordinary meaning.
Category C and Category R Areas	
3.	Please note, clearing vegetation to the extent the clearing is in any category C areas or category R areas is not for a relevant purpose under the <i>Vegetation Management Act 1999</i> . Accordingly clearing of vegetation in these areas cannot be approved under a development approval. If your proposed development includes clearing vegetation in any category C areas or category R areas you should ensure this clearing can be undertaken as exempt clearing work or in accordance with an Accepted Development Vegetation Clearing Code (ADVCC). Clearing vegetation in any category C areas or category R areas that is not exempt or in accordance with an ADVCC is prohibited development. Information on exempt clearing work or ADVCCs is available online at www.qld.gov.au (search 'exempt clearing work' or 'accepted development vegetation clearing codes').
Digital Data	
4.	To request an electronic file of the Derived Points (Attached to Plan: 1802-4193 SRA) as contained in this response, email a request to the Department of Natural Resources, Mines and Energy (DNRME) at northvegetation@dnrme.qld.gov.au and include application reference (1802-4193 SRA).

1802-4193 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 proposal complies with *State code 16: Native vegetation clearing*.
- The proposal mitigates the impacts associated with vegetation clearing.

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

1802-4183 SRA

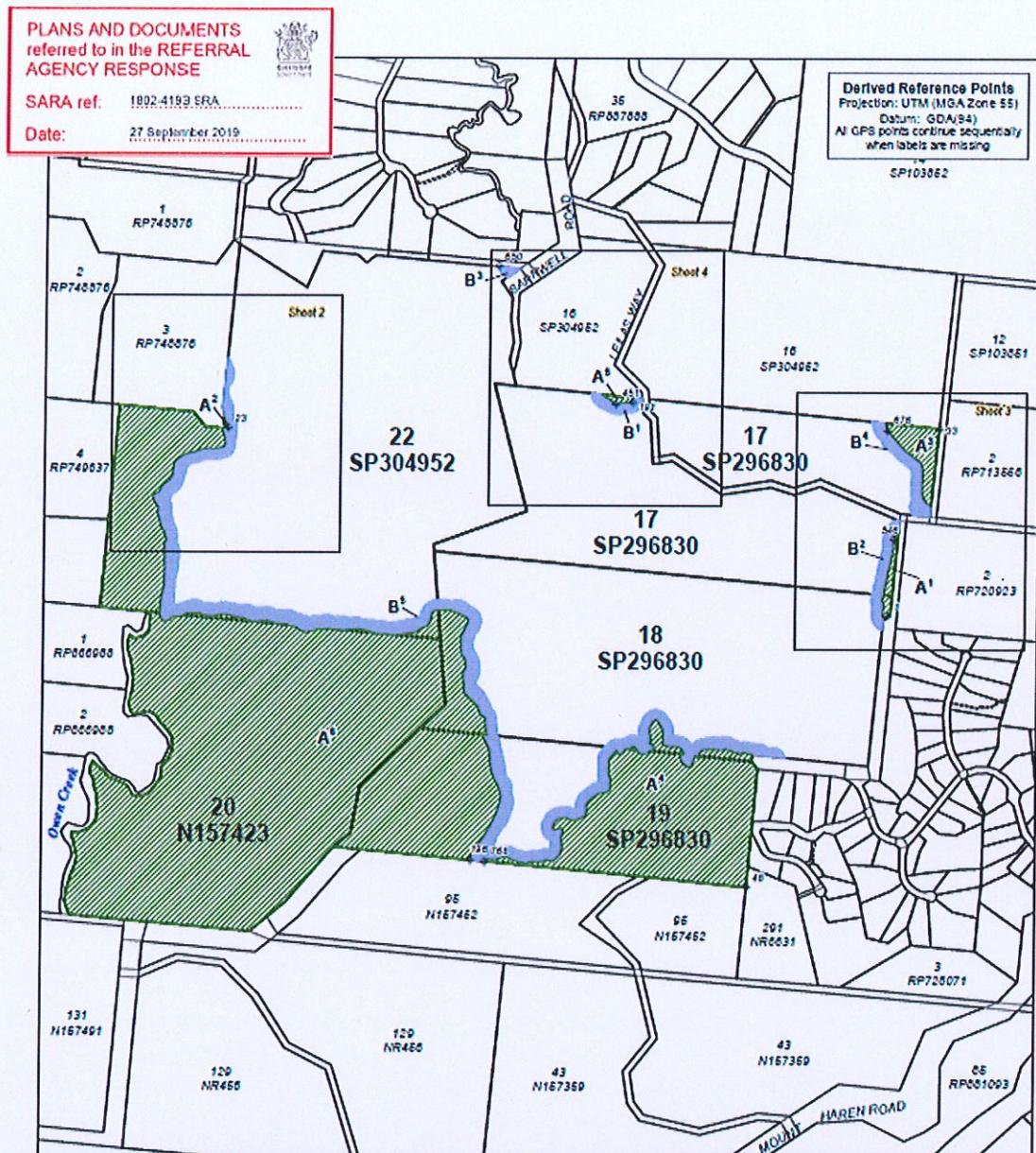
Attachment 4—Change representation provisions

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1802-4193 SRA

Attachment 5—Approved plans and specifications

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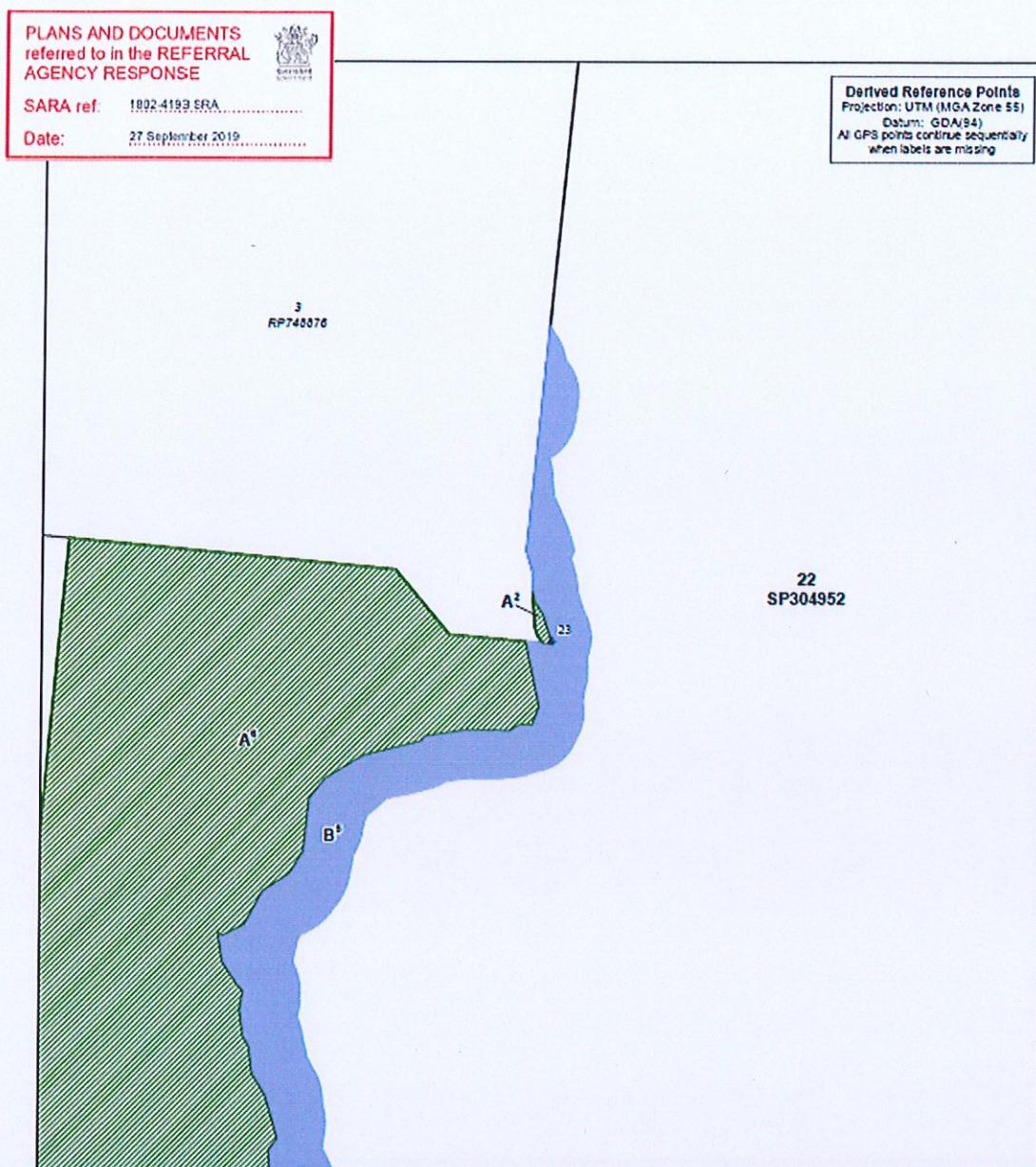
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Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response 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.

LEGEND	Technical Agency Response (Vegetation) Plan		eLVAQ. 2018/004234
	+ Derived Reference Points for GPS (see Attachment to plan) (Area start points shown only)	N	
Subject Lot(s)			
Area A (Parts A1 - A3)			
Area B (Parts B1 - B3)			
Note: This is a colour plan and should only be reproduced in colour.	CENTRE: MAREEBA LOCALITY OF KURANDA	REGION: NORTH LOCAL GOVT: MAREEBA SHIRE	reference, TARP 1802-4193 SRA
		Date: 10th September 2019	Sheet 1 of 4

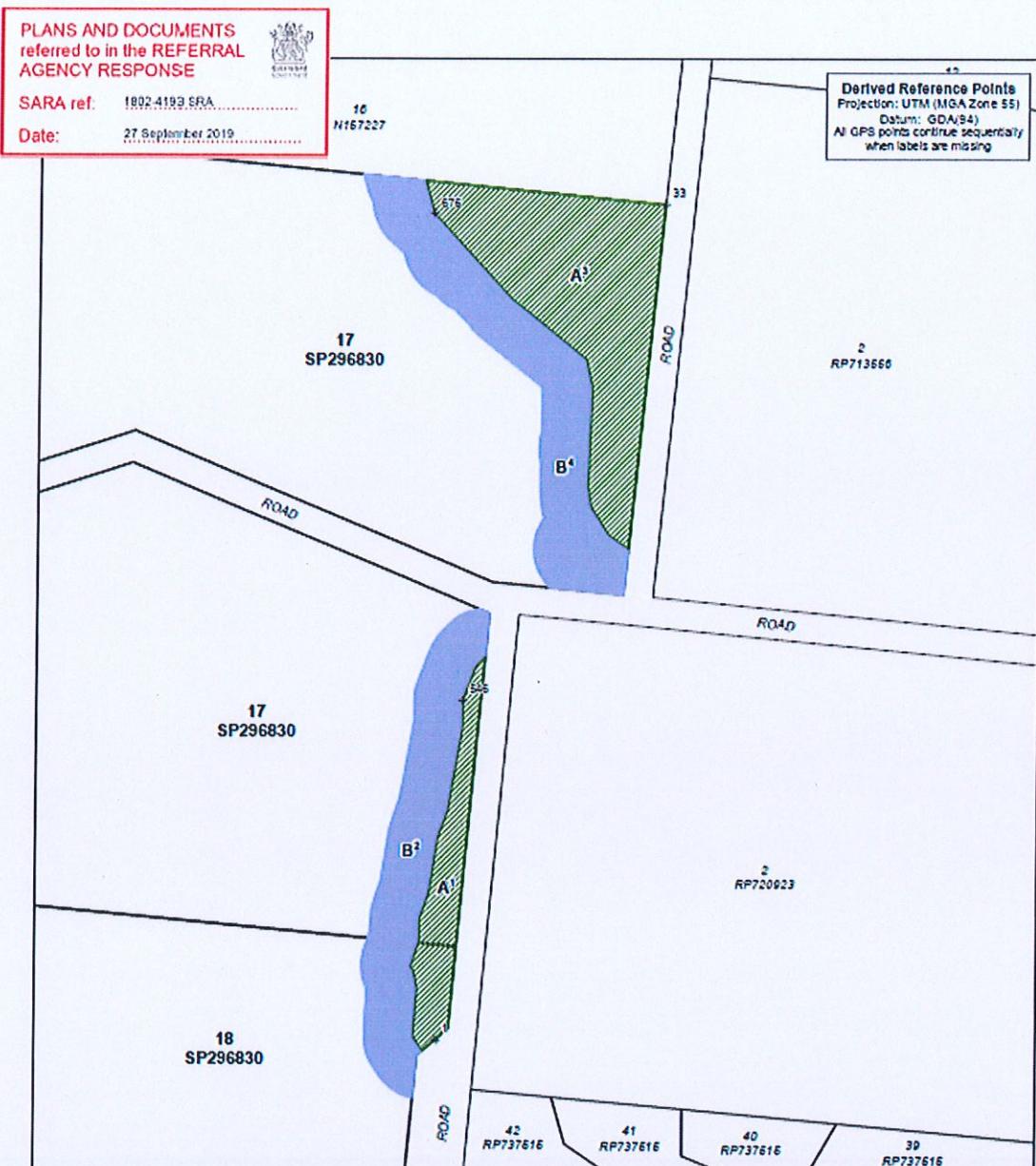


1:2500 @ A3 size
0 25 50 100 150 200 250 m
Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response 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.

LEGEND	Technical Agency Response (Vegetation) Plan	
<ul style="list-style-type: none"> Derived Reference Points for GPS (see Attachment to plan) (Area start points shown only) 		
<input type="checkbox"/> Subject Lot(s) <input checked="" type="checkbox"/> Area A (Parts A1 - A') <input checked="" type="checkbox"/> Area B (Parts B1 - B')		
Note: This is a colour plan and should only be reproduced in colour.	eLVAS. 2018/004234	
	CENTRE: MAREeba LOCALITY OF KURANDA	REGION: NORTH LOCAL GOVT: MAREeba SHIRE
		Date: 10th September 2019
		reference, TARP 1802-4193 SRA Sheet 2 of 4

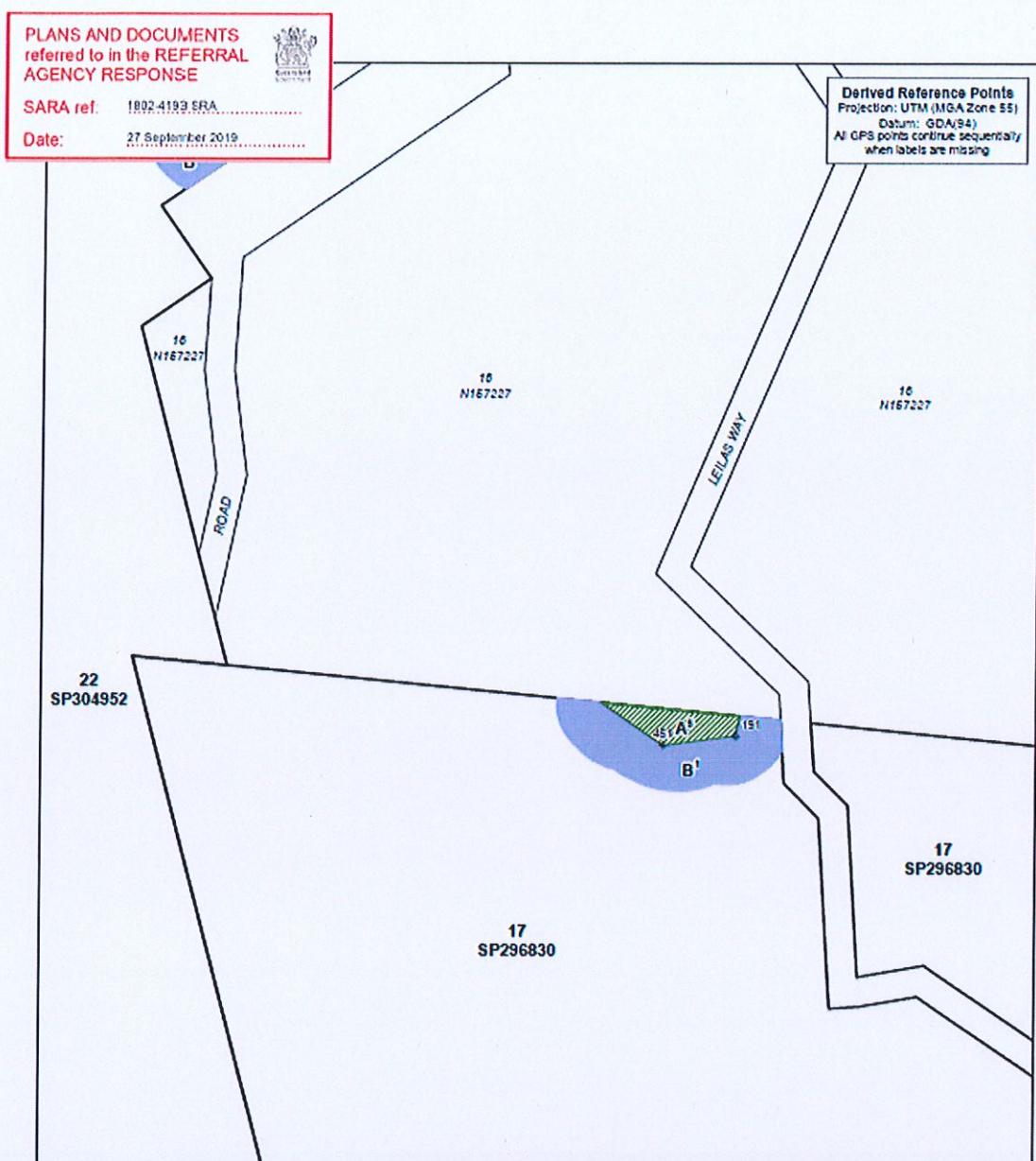


1:2500 @ A3 size
0 25 50 100 150 200 250 m
Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response 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.

LEGEND	Technical Agency Response (Vegetation) Plan	N Queensland Government
<ul style="list-style-type: none"> Derived Reference Points for GPS (see Attachment to plan) (Area start points shown only) Subject Lot(s) Area A (Parts A1 - A2) Area B (Parts B1 - B2) <p>Note: This is a colour plan and should only be reproduced in colour.</p>	eLVAS. 2018/004234	
	CENTRE: MAREeba LOCALITY OF KURANDA REGION: NORTH LOCAL GOVT: MAREeba SHIRE	
	Date: 10 th September 2019	reference, TARP 1802-4193 SRA Sheet 3 of 4



1:2500 @ A3 size
0 25 50 100 150 200 250 m
Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

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LEGEND	Technical Agency Response (Vegetation) Plan	N Queensland Government
+ Derived Reference Points for GPS (see Attachment to plan) (Area start points shown only)	eLVAS. 2018/004234	
<input type="checkbox"/> Subject Lot(s)	CENTRE: MAREeba LOCALITY OF KURANDA	reference, TARP
<input checked="" type="checkbox"/> Area A (Parts A1 - A2)	REGION: NORTH LOCAL GOVT: MAREeba SHIRE	1802-4193 SRA
<input checked="" type="checkbox"/> Area B (Parts B1 - B2)	Date: 10 th September 2019	Sheet 4 of 4
Note: This is a colour plan and should only be reproduced in colour.		

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.
- 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.

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