

**DELEGATED REPORT**

**SUBJECT:** ANYTIME TABLELANDS PTY LTD – MATERIAL CHANGE OF USE – INDOOR SPORT AND RECREATION (GYMNASIUM) – LOT 45 ON SP167408 – 80-88 BYRNES STREET, MAREEBA – MCU/25/0007

**DATE:** 4 June 2025

**REPORT OFFICER'S TITLE:** Supervisor Planning & Building

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Anytime Tablelands Pty Ltd	<b>ADDRESS</b>	80-88 Byrnes Street, Mareeba
<b>DATE LODGED</b>	8 April 2025	<b>RPD</b>	Lot 45 on SP167408
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Indoor Sport and Recreation (Gymnasium)		

<b>FILE NO</b>	MCU/25/0007	<b>AREA</b>	3,383m2
<b>LODGED BY</b>	Urban Sync Pty Ltd	<b>OWNER</b>	Northern Suppliers Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Centre zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**

1. Proposal Plan/s
2. State Assessment and Referral Agency response dated 30 May 2025

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**EXECUTIVE SUMMARY**

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

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

The application and supporting material has 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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Anytime Tablelands Pty Ltd	<b>ADDRESS</b>	80-88 Byrnes Street, Mareeba
<b>DATE LODGED</b>	8 April 2025	<b>RPD</b>	Lot 45 on SP167408
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Indoor Sport and Recreation (Gymnasium)		

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 – Indoor Sport and Recreation (Gymnasium)

(B) **APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
DA00.01	Site Plan	Archi Spectrum Pty Ltd	26.03.25
DA01.01a	Existing Tenancy Floor Plan	Archi Spectrum Pty Ltd	12.03.25
DA02.01a	Proposed Tenancy Floor Plan	Archi Spectrum Pty Ltd	12.03.25
DA03.01a	Existing & Proposed External Elevations	Archi Spectrum Pty Ltd	12.03.25
DA03.02a	Existing & Proposed External Elevations	Archi Spectrum Pty Ltd	12.03.25

(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, as applicable to the relevant stage, 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 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

### 3.6 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve.

## 4. Infrastructure Services and Standards

### 4.1 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) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) 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.
- (b) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (d) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (e) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.dcceew.gov.au](http://www.dcceew.gov.au).

- (f) Cultural Heritage

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

- (g) 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.

(E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 30 May 2025.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

## THE SITE

The subject site is situated at 80-88 Byrnes Street, Mareeba, and is described as Lot 45 on SP167408. The site is rectangular in shape, with a total area of 3,383 square metres and is zoned Centre under the Mareeba Shire Council Planning Scheme.

The site has frontages of approximately 55 metres to Byrnes Street and 55 metres to Railway Avenue. Byrnes Street is constructed to dual lane bitumen standard which angle parking on each side and central parking separating each lane. Railway Avenue is bitumen sealed for the full frontage.

The site is improved by the former RSLA complex which has most recently been repurposed for shops and a food and drink outlet. The food and drink outlet has ceased operations and it is this area which is the subject of this application.

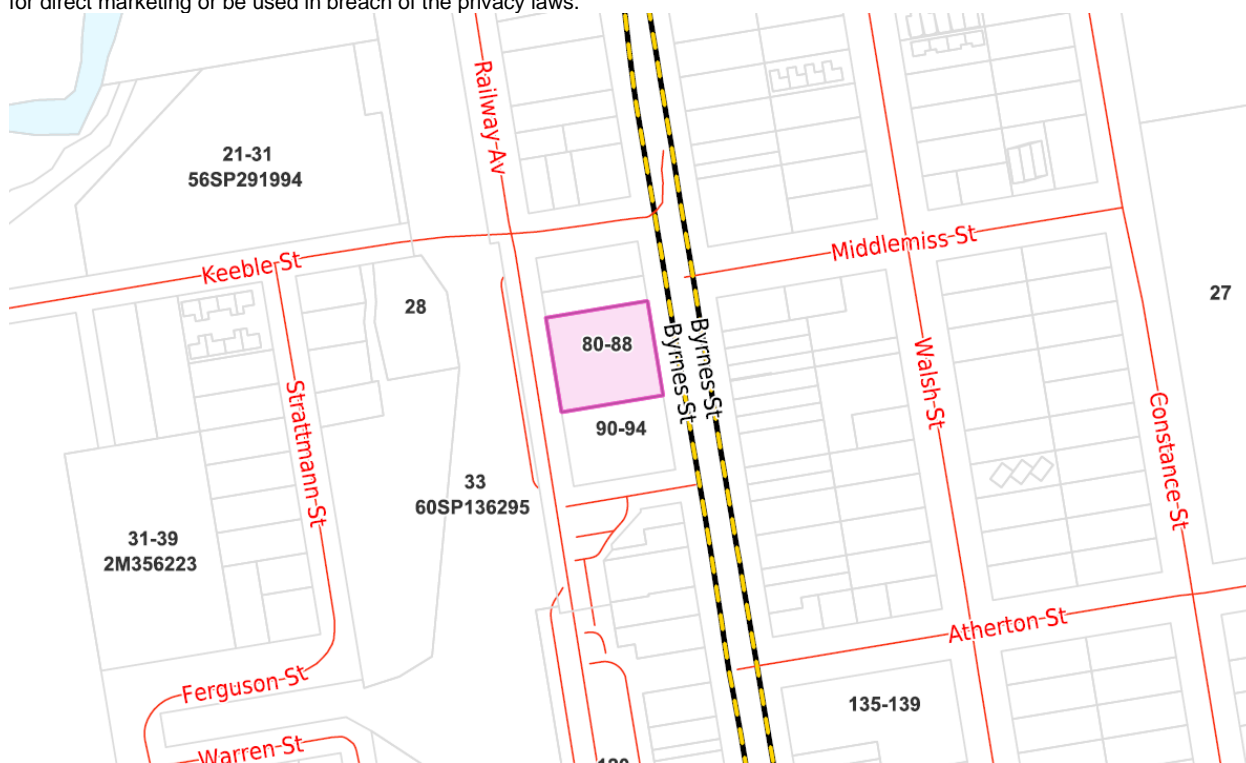
Several concrete driveways provide vehicle access off Railway Avenue. Limited on site parking is available on each driveway. No other on-site parking is available.

The site is serviced by power, reticulated water, and sewer services. Adjoining properties are developed for various commercial pursuits. The Railway Avenue public car park is sited directly to the west on the opposite side of Railway Avenue.



**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

The site was previously the Mareeba RSLA branch and has featured a multitude of uses over the past 50 years.

These include clubhouse, nightclub, food and drink outlet, function facility, cinema and shops.

The site retains deemed car parking for these uses.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Indoor Sport and Recreation (Gymnasium) in accordance with the plans shown in **Attachment 1**.

This development proposes the redevelopment of an existing tenancy for a new 'Anytime Fitness' gymnasium.

The proposed development will include the following elements:

- **Configuration:**

Public lobby consisting of managers open office and a members/guests area;  
Strength, cardiovascular, functional and weight training areas;  
Members lobby; and  
Amenity/utilities area.

- **Hours of Operation:**

Twenty-four (24) hours a day, seven (7) days a week for members;  
10am – 7pm Monday – Thursday and 10am – 4pm Friday and Saturday for non-members  
Note: These hours MAY vary from time to time;  
Classes will run mornings and afternoons Monday – Saturday – max ten (10) people per class.

- **Staff:**

One (1) to two (2) staff max (generally in the hours of 10am – 7pm Monday – Thursday and 10am – 4pm Friday and Saturday);

- **Max Capacity:**

Approx. 40 people;

- **Height, Site Coverage, Setbacks & Landscaping:**

No changes to existing;

- **Tenancy Area:**

666m<sup>2</sup>;

The proposed development will utilise the existing water and sewer connections provided to the site/tenancy. Any new works will be undertaken in accordance with the FNQROC Development Manual.

The proposed development will utilise the existing underground electricity and telecommunications connections provided to the site/tenancy.

No proposed development will not require any changes to the sites existing stormwater system with stormwater from the site continuing to be discharged to Byrnes Street and Railway Avenue at the same volumes/speeds as present.

No changes to the existing vehicular accesses to Railway Avenue are proposed.

## 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' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Centre Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>State Controlled Road</li> <li>B-double Route</li> <li>Principal Cycle Route</li> </ul>
Zone:	Centre Zone
Mareeba Local Plan:	Precinct A - Town Centre Core Element - Byrnes Street Core
Overlays:	Airport Environs Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Indoor sport and recreation	Premises used for leisure, sport or recreation conducted wholly or mainly indoors.	Amusement parlour, bowling alley, gymnasium, squash courts, enclosed tennis courts	Cinema, hotel, nightclub Entertainment facility, theatre

## RELEVANT PLANNING INSTRUMENTS

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



**(a) Far North Queensland Regional Plan 2009-2031**

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

**(b) State Planning Policy**

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

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

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

- 6.2.1 Centre zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.7 Sport and recreation 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.

<b>Relevant Codes</b>	<b>Comments</b>
Centre zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Sport and recreation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
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### (e) 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 all development works be designed and constructed in accordance with FNQROC Development Manual standards.

### (f) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Resolution (No. 1) of 2024 identifies a charge rate for indoor sport and recreation (gymnasium) non-court area of \$155.40 per m<sup>2</sup> of gross floor area (GFA).

The proposed development will occupy an area of 666m<sup>2</sup> previously used as a food and drink outlet. The development area retains a credit of \$139.90/m<sup>2</sup> x 666m<sup>2</sup> (\$93,173.40) for the former food and drink outlet use.

The redevelopment of the 666m<sup>2</sup> area for the indoor sport and recreation (gymnasium) will reduce the GFA to 568m<sup>2</sup>.

The applicable charge for the indoor sport and recreation (gymnasium) is \$155.40/m<sup>2</sup> x 568m<sup>2</sup> or \$88,267.20.

As the available credit is greater than the charge, no additional infrastructure charge is payable.

### REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency as a Referral Agency for premises near a State transport corridor.

That Department advised in a letter dated 30 May 2025 that they require the conditions to be attached to any approval (**Attachment 2**).

### Internal Consultation

Not applicable.

### PLANNING DISCUSSION

Nil

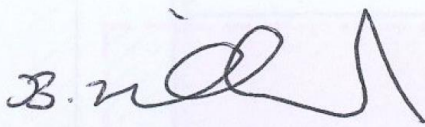
**Date Prepared:** 4 June 2025

## DECISION BY DELEGATE

## DECISION

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

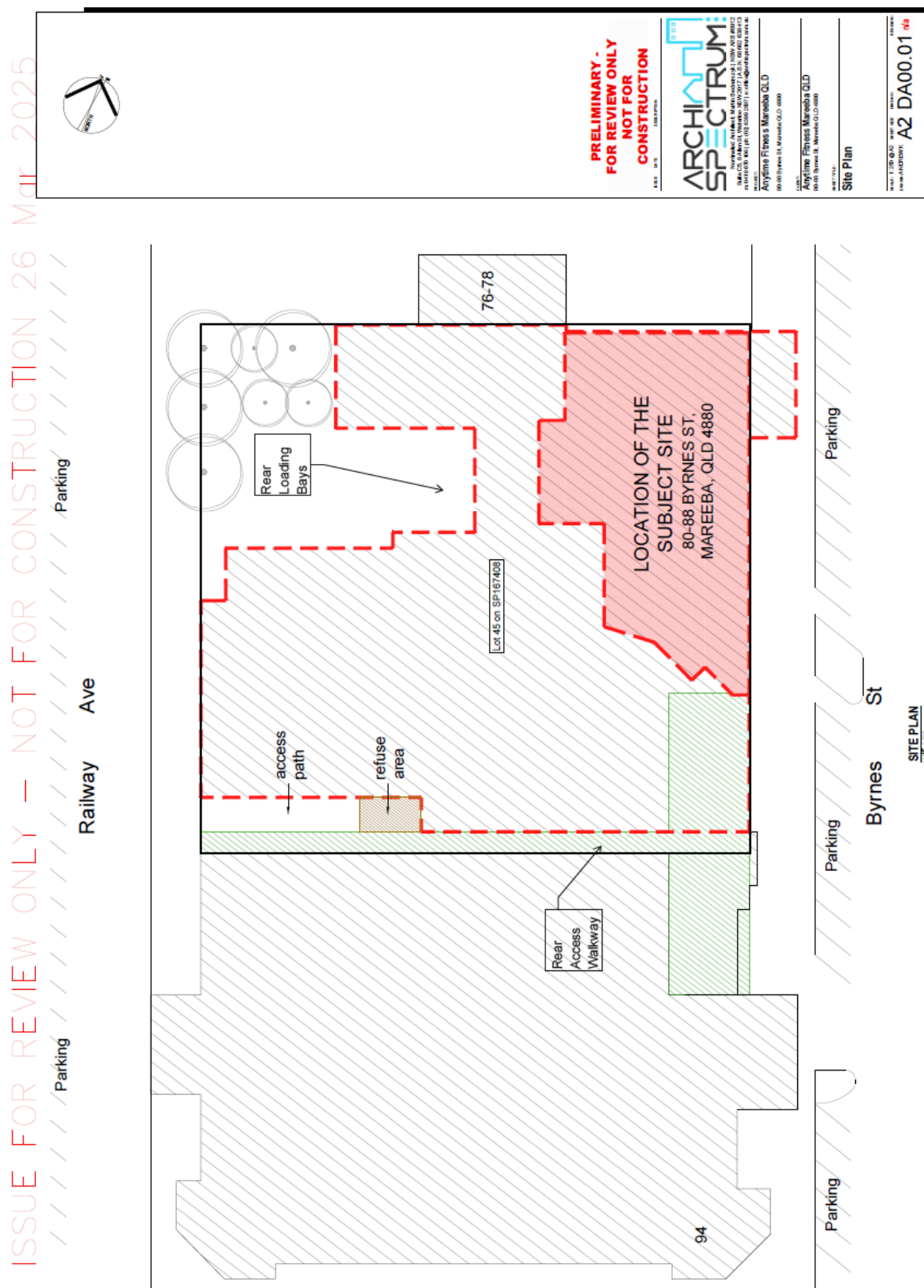
Dated the 4<sup>TH</sup> day of JUNE 2025



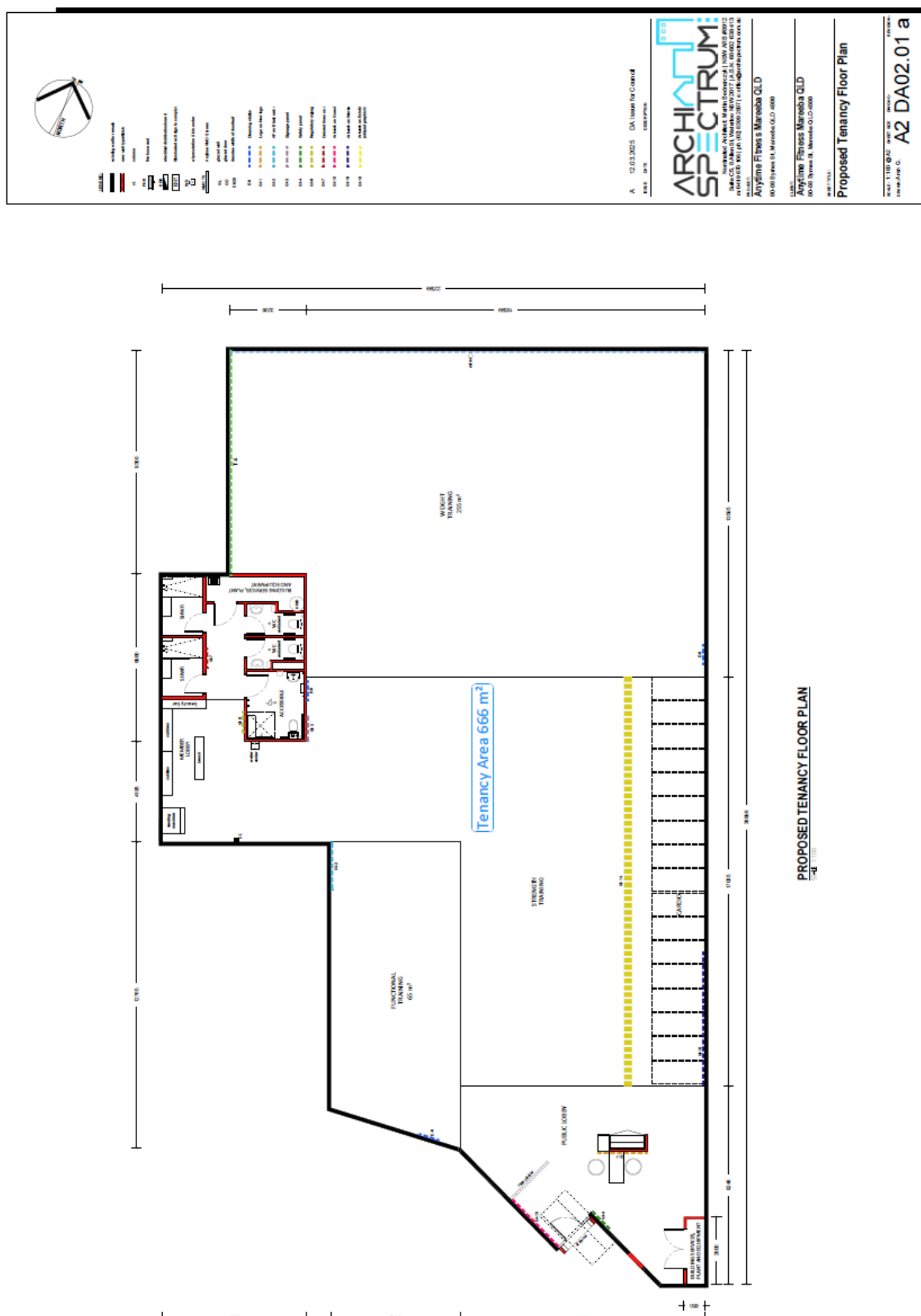
**BRIAN MILLARD**  
**COORDINATOR PLANNING & BUILDING**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS













## ATTACHMENT 2

RA9-N



SARA reference: 2504-45784 SRA  
 Council reference: MCU/25/0007  
 Applicant reference: 25-1170

30 May 2025

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

Attention: Carl Ewin

Dear Sir/Madam

## SARA referral agency response—80-88 Byrnes 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 (SARA) on 2 May 2025.

### Response

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Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	30 May 2025
Advice:	Advice to the applicant is in <b>Attachment 1</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b>

### Development details

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Description:	Development permit	Material Change of Use - Indoor Sport and Recreation (Gymnasium).
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017). Development application for a material change of use of premises near a state transport corridor.	

2504-45784 SRA

SARA reference: 2504-45784 SRA  
 Assessment manager: Mareeba Shire Council  
 Street address: 80-88 Byrnes Street, Mareeba  
 Real property description: Lot 45 on SP167408  
 Applicant name: Anytime Tablelands Pty Ltd  
 C/- Urban Sync Pty Ltd  
 Applicant contact details: PO Box 2970  
 Cairns QLD 4870  
 admin@urbansync.com.au  
*Human Rights Act 2019* considerations: The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore, it is reasonable to conclude the decision is compatible with 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 (Chapter 1, 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 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Ashleigh Slater  
 A/Manager - Planning Services (SEQ South)

cc Anytime Tablelands Pty Ltd, admin@urbansync.com.au  
 enc Attachment 1 - Advice to the applicant  
 Attachment 2 - Reasons for referral agency response  
 Attachment 3 - Representations about a referral agency response provisions

**Attachment 1—Advice to the applicant**

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<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP), (version 3.2). 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*)

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### The reasons for SARA's decision are:

The proposed development complies with the relevant provisions of SDAP State code 1: Development in a state-controlled road environment, in that the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, or road transport infrastructure.

The proposed development complies with the relevant provisions of SDAP State code 2: Development in a railway environment, in that the development:

- does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.2, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

2504-45784 SRA

**Attachment 3— Representations about a referral agency response provisions**

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(page left intentionally blank – attached separately)

## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
  - (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
  - (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.