



23 January 2013

The Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast Mail Centre QLD 4560

Attention: Greg Smith

Dear Sir/Madam

2ND CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: Preliminary Approval for Material Change of Use pursuant to section 3.1.6 of IPA 1997 to Override the Planning Scheme to allow Residential Development within the preliminary approval area in accordance with the Parklakes 2 Preliminary Approval Documents dated: November 2012 (Issue H)

Real Property Description: Lot 1 RP104917, Lot 2 RP104917, Lot 2 RP172913, Lot 2 RP26881, Lot 2 SP170715, Lot 8 SP110911

Street Address: 163-181 & 183-185 & 187 Camp Flat Road and Yandina-Bli Bli Road, Bli Bli QLD 4560

Assessment Manager ref.: MCU07/0192

Local Government Area: Sunshine Coast Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) on 4 December 2012 (original application received 4 October 2010). This response supersedes the department previous concurrence response issued 5 November 2012.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads; the purpose mentioned in section 258(2) of the *Transport Infrastructure Act 1994* for railways and land use and transport coordination under the *Transport Planning and Coordination Act 1994*.

Department of Transport and Main Roads
Program Delivery and Operations
North Coast Region / Sunshine Coast Office
12 First Avenue Maroochydore Queensland 4558
PO Box 1600 Sunshine Plaza Post Shop Maroochydore
Queensland 4558

Our ref TMR11-000484
Your ref GCS:MCU07/0192
Enquiries Darryl Kong
Telephone +61 7 5370 5557
Facsimile +61 7 5370 5598
Website www.tmr.qld.gov.au
Email Darryl.R.Kong@tmr.qld.gov.au

Pursuant to section 3.3.18 of the *Integrated Planning Act 1997* (IPA), the department approves the application in full with conditions which are enclosed as *Attachment 1 – 2nd Department of Transport and Main Roads Conditions of Development Approval*. Please include the department's conditions of development approval in your Decision Notice.

The department requires a copy of council's Decision Notice for the application within five business days after the day decision is made (as required under section 3.5.15 of the IPA).

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Darryl Kong, on 07 5370 5557.

Yours sincerely



Darryl Kong
Senior Town Planner (Development Assessment)

Enc. (1)

C/c Covey & Associates Pty Ltd
124 Duporth Avenue PO Box 16
Maroochydore QLD 4558



Our ref.: TMR11-000484
Your ref.: KO:MV:20040453-LA

C/c Covey & Associates Pty Ltd
124 Duporth Avenue PO Box 16
Maroochydore QLD 4558

Attention: Kerstin Offergeld

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Darryl Kong, on 07 5370 5557.

Yours sincerely

A handwritten signature in black ink, appearing to read "Darryl Kong".

Darryl Kong
Senior Town Planner (Development Assessment)

23 January 2013

Enc. (1)



**2nd Department of Transport and Main Roads
 Concurrence Agency Conditions and Statement of Reasons**

Proposed Development: Preliminary Approval for Material Change of Use pursuant to section 3.1.6 of IPA 1997 to Override the Planning Scheme to allow Residential Development within the preliminary approval area in accordance with the Parklakes 2 Preliminary Approval Documents dated: November 2012 (Issue H)


Real Property Description: Lot 1 RP104917, Lot 2 RP104917, Lot 2 RP172913, Lot 2 RP26881, Lot 2 SP170715, Lot 8 SP110911

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Assessment Manager ref.: MCU07/0192


Local Government Area: Sunshine Coast Regional Council

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
1	<p>Development must be carried out generally in accordance with the following plan/s and report/s, except as modified by these concurrence agency conditions:</p> <ul style="list-style-type: none"> 3rd Acknowledgement Notice package from Covey Associates Pty Ltd: Re: Parklakes II – Master Plan Extension, signed: Shane Rynne. Dated: 30 November 2012. Planning Report: Development Application Report Preliminary Approval For a Material Change of Use (Section 3.1.6 – Parklakes II – Master Plan, File Number: 060360 	at all times.	<p>The purposes of the <i>Transport Infrastructure Act 1994 (TIA)</i>.</p> <p><i>Transport Planning and Coordination Act 1994</i></p> <p>The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plan/s and/or report/s which depict how the proposed development will be carried out.</p>

	No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
		<p>prepared by: Ken Hicks and Associated, Dated: November 2007</p> <ul style="list-style-type: none"> Planning Report: Parklakes Extension Master Planned Community, Parklakes – Preliminary Approval Document, Development Application Version prepared by: Ken Hicks and Associated, Dated: November 2010 Response to Information Request Package dated: 12 October 2012; Letter from Kerstin Offergeld (Covey Associates Pty Ltd), RE: Response to Information Request and Traffic Engineering Report dated: October 2012, Version RFI-V06 		
	2	<p>(a) A single permitted direct road access (new local road) between Yandina – Bli Bli Road and the development is permitted at the location generally in accordance with Covey and Associates "Overall Staging Plan" referenced Project 04453 Sheet 4 Issue Rev F dated 18/02/2012</p> <p>And</p> <p>(b) The applicant must physically remove all other existing direct property access between Yandina – Bli Bli Road and the development</p>	<p>(a) - (d) Prior to the commencement of use and to be maintained at all times</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA).</p> <p>Restricting direct vehicular access other than at the permitted road access locations is required to minimise impact on the safety and efficiency of the state – controlled road network.</p> <p>Comments or additional information: This is a decision under section 62(1) of the TIA in conjunction with a development approval for a</p>



No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	And		permitted road access location.
	(c) Vehicle access between the development and Yandina – Bli Bli Road via Camp Flat Road is not permitted.		
	And		
	(d) Vehicle access between the development and Yandina – Bli Bli Road via the local road reserve on the northern boundary of the proposed Stage 7 is not permitted		
3	<p>(a) the applicant must construct road access works at the approval road access location detailed in condition 2 (a) above, to incorporate at least the following:</p> <ul style="list-style-type: none"> • A dedicated Auxiliary Left-turn Treatment (AUL) on the Major Road and channelized T junction – Full length (CHR); OR alternatively a single circulation lane roundabout; • Safe provision for cyclist and pedestrian movement; • Design speed to suit the relevant the relevant current posted speeds; • Any required (i.e. new, alteration and / or reinstatement) overhead lighting, footpaths and verges, road pavement, drainage, medians, traffic signs and directional signage, traffic signals, line marking, service etc. <p><i>Note: The applicant is advised that the above road access works</i></p>	<p>(a)- (b) Prior to the commencement of use</p> <p>(d) Prior to the commencement of any works within the state-controlled road</p> <p>(e) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA).</p> <p>The road access works are required as a result of the development and its associated traffic impacts to ensure the safety and efficacy of the state-controlled road network</p> <p>Comments or additional information: In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5370 5555 to make an application for approval under section 33 of the TIA to carry out</p>

 Queensland Government	No. Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>may also be stage constructed that is, the new intersection may initially be configured as the Channelised T arrangement with the proposed roundabout upgrade to occur in the later stages of development.</p> <p>And</p> <p>(b) The works must be designed and constructed in accordance with the Department of Transport and Main Roads' Road to Planning and Design Manual and AUSTRROADS Guide to Road Design.</p> <p>(c) The works must be provided by the applicant at no cost to the Department of Transport and Main Roads.</p> <p>(d) The applicant must arrange for detailed engineering plans and specification for the proposed works to be submitted to the Department of Transport and Main Roads for acceptance and the department's written approval for construction granted. The engineering design, plans and specification submitted to the department must be certified by an appropriate Registered Professional Engineer of Queensland (RPEQ).</p> <p>(e) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) and (b) of this condition.</p>		<p>road works.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx.</p> <p>Where service within the state-controlled road reserve will be impacted by the development, the applicant will need to contact the relevant service provider.</p>



No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
4	<p>(a) The applicant must construct external road upgrades and modification at the Nambour – Bli Bli Road intersection with Yandina – Bli Bli Road (Willis Road), generally in accordance with the arrangement shown on Covey and Associated concept plan "Willis Road Bli Bli Roundabout Concept Sketch" referenced Project No. 04453, Issue C dated: 14/08.</p> <p>And</p> <p>(b) the applicant must construct external road upgrades and modifications on Yandina – Bli Bli Road to provide at least 3.5m through lane and 2.0m sealed shoulder in each direction of travel. The works are to extend south from the approved new intersection in condition 2 (a) above to join to the upgrade works constructed as part of the Parklakes 1 development.</p> <p>And</p> <p>(c) The applicant must construct external road upgrades and modification at the intersection of Yandina – Bli Bli Road / Lefes Road / School Road to include signal control.</p> <p>(d) All works required under this condition must be designed and constructed in accordance with the Department of Transport and Main Roads' Planning and Design Manual and AUSTRROADS Guide to Road Design and incorporate at least the following:</p> <ul style="list-style-type: none"> • Safe provision for cyclist and pedestrian movement; 	<p>(a)- (b) Prior to the commencement of use</p> <p>(c) Prior to the development generated peak hour traffic exceeding 325 vph (equivalent to enrolment of the educational establishment exceeding 750 students OR the release of the 200th residential Lot), OR year 2021 whichever occurs first.</p> <p>(f) Prior to the commencement of any works within the state-controlled road</p> <p>(g) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or</p>	<p>The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA).</p> <p>The road access works are required as a result of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network</p> <p>Comments or additional information: In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5370 5555 to make an application for approval under section 33 of the TIA to carry out road works.</p> <p>The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx.</p> <p>Where service within the state-controlled road reserve will be impacted by the development, the applicant will need to contact the relevant</p>



No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<ul style="list-style-type: none"> Design speed to suit the relevant the relevant current posted speeds; Any required (i.e. new, alteration and / or reinstatement) overhead lighting, footpaths and verges, road pavement, drainage, medians, traffic signs and directional signage, traffic signals, line marking, services etc. 	<p>prior to the commencement of use, whichever occurs first</p>	<p>service provider.</p>
	<p>(e) The works must be provided by the applicant at no cost to the Department of Transport and Main Roads.</p>		
	<p>(f) The applicant must arrange for detailed engineering plans and specification for the proposed works to be submitted to the Department of Transport and Main Roads for acceptance and the department's written approval for construction granted. The engineering design, plans and specification submitted to the department must be certified by an appropriate Registered Professional Engineer of Queensland (RPEQ).</p>		
	<p>(g) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with part (a) and (b) of this condition</p>		
5	<p>The applicant must ensure the provision of the "Education Establishment" within Precinct R1: Residential 1 / School is designed in accordance with Transport and Main Roads technical guideline: Planning for safe transport infrastructure at schools dated: April 2011.</p>	<p>Prior to the commencement of use and to be maintained at all times</p>	<p>Land Use and Transport Coordination under the <i>Transport Planning and Coordination Act 1994</i> (TPCA). The way the object of s8A of the TPCA is to be</p>


Queensland Government	No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	6	<p>(a) The development must be in accordance with the Stormwater Management Plan: Flood Study – Parklakes II prepared by Water Technology Pty Ltd – Chris Catalano and dated: 23/08/2012.</p> <p>Stormwater management for the development must ensure no worsening or actionable nuisance to the state-controlled road network caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects.</p> <p>AND</p> <p>(b) Any excavation, filling, paving, landscaping, construction or any other works to the land must not:</p> <ul style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road. 	<p>(a) & (b) Prior to submitting the Plan of Survey to the local government for approval</p> <p>(c) Upon the completion of works and to be maintained at all times</p>	<p>achieved includes ensuring development supports public passenger transport and public passenger transport infrastructure is provided, as far as practicable, to support public passenger transport.</p> <p>The purposes of the <i>Transport Infrastructure Act 1994 (TIA)</i>.</p> <p>The safety and efficiency of state-controlled roads can be adversely affected by changes to stormwater runoff as a result of development.</p> <p>Additional comments or information: Please refer to the Department of Transport and Main Roads' Road Drainage Manual which can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx.</p> <p>Further guidance regarding stormwater management is also provided in the Queensland Urban Drainage Manual available at www.derm.qld.gov.au and in the Environmental Protection Act 1994 and Environmental Protection (Water) Policy 2009 which are available at www.legislation.qld.gov.au</p>



No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	AND		
	(c) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.		In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5370 5555 to make an application for approval under section 33 of the TIA to carry out road works.
7	(a) The applicant must provide to the Department of Transport and Main Roads a RPEQ certified Road Traffic Noise Assessment Report, in accordance with <i>Chapter 4 of the Road Traffic Noise Management: Code of Practice</i> , demonstrating that the development, including any noise attenuation treatments, achieves the following environmental emission (noise) criteria for all accommodation activities and residential care facilities exposed to state-controlled road traffic noise: <ul style="list-style-type: none"> • External noise criteria of ≤ 60 dB(A) L₁₀ (18hr) facade corrected (measured L₉₀ (8hr) free field between 10pm and 6am ≤ 40 dB(A)), or • External noise criteria of ≤ 63 dB(A) L₁₀ (18hr) facade 	(a) & (b) Prior to submitting the Plan of Survey to the local government for approval	The purposes of the <i>Transport Infrastructure Act 1994 (TIA)</i> . The development is creating a noise sensitive use in proximity to a state-controlled road.
		(c) Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first	Comments or additional information: In accordance with Section 50(2) and Schedule 6 of the TIA and Part 5 and Schedule 1 of the Transport Infrastructure (State-Controlled Roads) Regulation 2006, you must have written approval to carry out ancillary works and encroachments on a state-controlled road. These development conditions do not constitute



No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	<p>corrected (measured L_{90} (8hr) free field between 10pm and 6am > 40 dB(A))</p>		<p>such an approval. You will need to contact the Department of Transport and Main Roads on 5370 5555 to make an application for a Road Corridor Permit under section 50(2) of the TIA to carry out ancillary works and encroachments. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>
	<p>In demonstrating that the development meets these criteria, the Road Traffic Noise Assessment Report must allow for predicted road traffic noise levels on state-controlled roads for up to 10 years from the estimated time of completion of the development.</p>		
	<p>AND</p>		
	<p>(b) The development must be in accordance with the Road Traffic Noise Assessment Report required in part (a) of this condition.</p>		<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the Department of Local</p>
	<p>AND</p>		
	<p>(c) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) and (b) of this condition</p>		

 <p>No. Conditions of Development</p>	Condition Timing	Jurisdiction and Reasons
8	<p>The applicant must ensure the provision of the road hierarchy that facilitate urban active transport movements. The applicant must ensure the pathway network is compliant Maroochy Shire Council Planning Scheme Policy No. 6: Transport Traffic and Parking for an urban environment.</p> <p>The pathway network must at least facilitate logical direct connections internal and external to the site ensuring the following:</p> <ul style="list-style-type: none"> • Shared pathway connection to education establishment • Provide off road connection to Principal Cycle Network Plan along Yandina Bli Bli Road • Connect to existing and proposed active transport networks surrounding the site. 	<p>Government and Planning website (http://www.dlqp.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.</p> <p>Land Use and Transport Coordination under the <i>Transport Planning and Coordination Act 1994 (TPCA)</i>.</p> <p>The way the object of s8A of the TPCA is to be achieved includes ensuring development supports active transport and active transport infrastructure is provided, as far as practicable, to support active transport.</p> <p>Comments or additional information: The Principal Cycle Network Plan shows that the subject site is affected future cycle route of regional significance along Yandina Bli Bli Road.</p>

Advice for state controlled roads

Under section 43 of the *Transport Infrastructure Act 1994*, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway; and beyond the boundaries of the motorway; and reasonably likely to create a traffic hazard for the motorway.

Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 5370 5555 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State-Controlled Roads) Regulation 2006*. Please contact the Department of Transport and Main Roads on 5370 5555 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

Mandatory Part (MP) 4.4 of the *Queensland Development Code (QDC)* commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated *transport noise corridor*. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a *transport noise corridor* are designed and constructed to reduce transport noise. *Transport noise corridor* means land designated under Chapter 8B of the *Building Act 1975* as a *transport noise corridor*. Information about *transport noise corridors* is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated *transport noise corridor*. This tool is available at the Department of Local Government and Planning website (www.dlgs.qld.gov.au) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.



Advice for state controlled roads

Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.

Pursuant to Section 80 of the *Transport Infrastructure Act 1994*, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.

Advice for public passenger transport and railways

Mandatory Part (MP) 4.4 of the *Queensland Development Code (QDC)* commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated *transport noise corridor*. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a *transport noise corridor* are designed and constructed to reduce transport noise. *Transport noise corridor* means land designated under Chapter 8B of the *Building Act 1975* as a *transport noise corridor*. Information about *transport noise corridors* is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated *transport noise corridor*. This tool is available at the Department of Local Government and Planning website (<http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html>) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.

The Department of Transport and Main Roads' technical standards and publications can be accessed at <http://www.tmr.qld.gov.au/Business-Industry/Technical-standards-publications.aspx>

The *Transport Planning and Coordination Regulation 2005* is available at: www.legislation.qld.gov.au

INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the *Sustainable Planning Act 2009* (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

Notice

Concurrence Agency Response

This notice is issued by the Department of Natural Resources and Mines pursuant to section 3.3.16 (concurrence agency response) of the Integrated Planning Act 1997 ("the Act").

Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
Sunshine Coast MC QLD 4650
mail@sunshinecoast.qld.gov.au

cc. Covey & Associates Pty Ltd
PO Box 16
Maroochydore
engineers@covey.com.au

Our reference: 2007/012189

Re: Concurrence Agency Response

1. Application Details

Date application referred to DNRM: 3 December 2012
Development approval applied for: development permit
DNRM referral agency jurisdictions: Material change of use - Clearing vegetation under the Integrated Planning Act 1997
Development description:
Property/Location description: L 8 SP110911, L 2 RP172913, L 2 RP26881, L 2 SP170715, L 1 RP104917

2. The Chief Executive, Department of Natural Resources and Mines (DNRM) concurrence agency response for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows.

(a) Conditions must attach to any development approval, and those conditions are attached to this Notice.

3. The Chief Executive, Department of Natural Resources and Mines (DNRM) advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows.

4. Approved plans / specifications

Document No.	Document Name	Date
RARP2007/012189	Referral Agency Response (Vegetation) Plan	26 March 2010

5. General advice to assessment manager

A copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DNRM as a referral agency for the relevant application at DNRM Bundaberg, PO Box 1167, Bundaberg, 4670 Qld and an electronic copy to eco.access@ehp.qld.gov.au.

Notice
Concurrence Agency Response

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DNRM as a referral agency for the relevant application has not provided notification to native title parties.

6. Additional comments or advice about the application

This notification relates to remnant vegetation only. If any clearing of regulated regrowth vegetation will be required as a result of the proposed activities, the Department must be notified and the clearing must be conducted in accordance with the *Regrowth Vegetation Code - October 2009* unless the activity can be undertaken as an exemption under Integrated Planning Act 1997. If you have any queries in relation to the clearing of vegetation on your property, please contact your local DNRM office.

7. Additional information for applicants

This notification refers to the provisions of the *Vegetation Management Act 1999* and *Integrated Planning Act 1997* only and is based on the information you have provided regarding the proposed activities on the land. Should any issue subsequently emerge on site that requires further consideration by DNRM, it is the responsibility of the landholder to contact DNRM. Other legislation, including the acts listed below may affect clearing activities. You should contact the business units below to determine if your clearing activity will be affected.

It should be noted that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. You must contact the nature conservation area of DNRM on the details below before clearing vegetation.

Notice
Concurrence Agency Response

Act(s)	Agency	Contact details
<ul style="list-style-type: none"> • <i>Water Act 2000</i> • <i>Wild Rivers Act 2005</i> • <i>Soil Conservation Act 1986</i> • <i>Aboriginal Cultural Heritage Act 2003</i> • <i>Torres Strait Islander Cultural Heritage Act 2003</i> 	Department of Environment and Resource Management	Ph: 13 13 04
<ul style="list-style-type: none"> • <i>Nature Conservation Act 1992</i> • <i>Environmental Protection Act 1994</i> • <i>Coastal Protection and Management Act 1995</i> • <i>Queensland Heritage Act 1992</i> 	Department of Environment and Resource Management	Ph: 1300 368 326 Email: eco.access@derm.qld.gov.au
<ul style="list-style-type: none"> • <i>Fisheries Act 1994</i> 	Department of Employment, Economic Development and Innovation	Ph: 13 25 23 Email: callweb@dpi.qld.gov.au
<ul style="list-style-type: none"> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> 	Australian Government's Department of the Environment, Water, Heritage and the Arts	Ph: (02) 6274 1111
<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Sustainable Planning Act 2009</i> 	Local Government	Contact your nearest local government office.

Notice
Concurrence Agency Response

Belinda Lahey
Delegate
Department of Environment and Resource
Management
8 January 2013

Enquiries:
Belinda Lahey
Department of Environment and Resource Management
Bundaberg
Nr & M Building
16 - 32 Enterprise Street
PO Box 1167
Bundaberg
4670 Qld

Phone: (07)4131 2305
Fax: (07)4131 2308
Email: vegsouthregion@dnrm.qld.gov.au

Attachment(s)

DNRM Permit Number 2007/012189
DNRM RARP Number 2007/012189



Integrated Planning Act 1997

Vegetation Management Act 1999 - Concurrence Agency Response

Reference: Elvas # 2007/012189

Assessment manager reference::	MCU07/0192
Assessment Manager	Sunshine Coast Regional Council
Date application received:	3 December 2012
Permit type:	Concurrence Agency Response
Date of decision:	7 January 2013
Decision:	Conditions included in the Notice must attach to any development approval given by the Assessment Manager.
Relevant laws and policies:	<i>Integrated Planning Act 1997; Vegetation Management Act 1999; DNRM Concurrence Agency Policy for Material Change of Use – 21 October 2009</i>
Jurisdiction:	<i>Integrated Planning Regulation 1998 - Schedule 2, table 3, item 11</i>

Development Description

Property/Location		Development
163-181 & 183-187 Camp Flat Road, Bli Bli	Lot 8 SP110911, Lot 2 RP172913, Lot 2 RP26881, Lot 2 SP170715, Lot 1 RP104917.	Material Change of Use

Reasons for inclusion of conditions

In accordance with section 3.3, 18(8) of the *Integrated Planning Act 1997*, the reasons for inclusion of conditions in this concurrence agency response are as follows.

The properties support areas of mapped remnant vegetation shown on the certified Regional Ecosystem Map. The clearing of vegetation within these areas is regulated by DNRM under the authority of the *Vegetation Management Act 1999*.

DNRM has assessed the application against the *Concurrence Agency Policy for Material Change of Use (MCU) 21 October 2009* (MCU Policy) and has determined that the application meets the requirements of Criteria Table A because clearing as a result of the MCU will not occur within assessable vegetation.

DNRM has directed the assessment manager to include conditions in any development approval given for the application to ensure that any development approval remains consistent with the MCU Policy.

Vegetation Management Act 1999 - Concurrence Agency Response

Reference: Elvas #2007/012189

Delegate



Tony Collins
Natural Resource Management Officer
Delegate, Chief Executive Department of Natural Resources and Mines
Administering the *Vegetation Management Act 1999*
7 January 2013

Attachment 1- Referral Agency Response (Vegetation) Plan RARP2007/012189

Conditions

1. New infrastructure must not be located in Area A (A1, A2) on the Referral Agency Response (Vegetation) Plan RARP2007/012189, unless the infrastructure is:
 - In accordance with conditions on a concurrence agency response issued by the chief executive administering the *Vegetation Management Act 1999* for a development approval; or
 - In accordance with conditions on a development approval where the chief executive administering the *Vegetation Management Act 1999* is assessment manager for operational works that is the clearing of native vegetation.
2. New infrastructure must not be located in Area B (B1, B2, B3) on the Referral Agency Response (Vegetation) Plan RARP2007/012189, unless the infrastructure is:
 - For a fence, road, driveway, effluent disposal area, underground services; or
 - In accordance with conditions on a concurrence agency response issued by the chief executive administering the *Vegetation Management Act 1999* for a development approval; or
 - In accordance with conditions on a development approval where the chief executive administering the *Vegetation Management Act 1999* is assessment manager for operational works that is the clearing of native vegetation.
3. New allotment boundaries must not be located in Area A (A1, A2) on the attached Referral Agency Response (Vegetation) Plan RARP2007/012189 unless the allotment boundaries are:
 - In accordance with conditions on a concurrence agency response issued by the chief executive administering the *Vegetation Management Act 1999* for a development approval.
4. An access track for fire management purposes must be established and maintained within Area C (C1) on the attached Referral Agency Response (Vegetation) Plan RARP2007/012189. This fire management access track must be kept free of obstructions such as fences. This track must be accessible to local and state governments for fire management requirements.

Vegetation Management Act 1999 - Concurrence Agency Response

Reference: Elvas #2007/012189

5. Clearing of native vegetation must not occur in Area A (A1, A2) on the Referral Agency Response (Vegetation) Plan RARP2007/012189 unless the clearing is—
- By fire under the *Fire and Rescue Service Act 1990* to reduce hazardous fuel loads or an activity under the *Fire and Rescue Service Act 1990*, section 53, 68 or 69; or
 - Where it is necessary to remove or reduce the imminent risk that the vegetation poses to serious personal injury or damage to property; or
 - In accordance with conditions on a concurrence agency response issued by the chief executive administering the *Vegetation Management Act 1999* for a development approval; or
 - In accordance with a conditions on a development approval where the chief executive administering the *Vegetation Management Act 1999* is assessment manager for operational works that is the clearing of native vegetation.

End of Conditions



SCALE 1:5000 @ A3 paper size



projection: UTM (MGA Zone 56) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral 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.

Note: This plan must be read in conjunction with Referral Agency Response 2007/01218

LEGEND

- Derived Reference Points for GPS
- Subject Lot(s)
- ▨ Area A - Specific conditions apply - see Referral Agency Response 2007/012189 for details
- ▩ Area B - Specific conditions apply - see Referral Agency Response 2007/012189 for details
- ▧ Area C - Specific conditions apply - see Referral Agency Response 2007/012189 for details

Referral Agency Response (Vegetation) Plan

Plan of Areas A & B & C in Lot 1 on RP104917, Lot 2 on RP172913, Lot 2 on RP26881, Lot 2 on SP170715 and Lot 8 on SP110911

Trackjob No. IC1207NAM0002

CENTRE: GYMPIE REGION: SOUTH EAST
 LOCALITY OF BLI BLI, MAROOCHY RIVER LOCAL GOVT: SUNSHINE COAST

Map Reference: 9544

Compiled from: DCDB, PVMP & VMO Notes



RARP
2007/012189
 Sheet 1 of 2 Sheets

REFERRAL AGENCY RESPONSE (Vegetation) PLAN

Derived Reference Points
 Projection: UTM (MGA Zone 56)
 Datum: GDA(94)
 All GPS points continue sequentially when labels are missing

Point	Easting	Northing	Parcel
1	501864	7058442	B1
2	501899	7058411	B1
3	501904	7058405	B1
4	501906	7058398	B1
5	501905	7058391	B1
6	501898	7058367	B1
7	501893	7058360	B1
8	501886	7058355	B1
9	501876	7058353	B1
10	501849	7058357	B1
11	501820	7058376	B1
12	501805	7058385	B1
13	501818	7058400	A1
14	501831	7058393	A1
15	501855	7058376	A1
16	501878	7058373	A1
17	501886	7058396	A1
18	501854	7058424	A1
19	501847	7058430	A1
20	501714	7058192	A2
21	501696	7058173	A2
22	501615	7058150	A2
23	501589	7058147	A2
24	501554	7058134	A2
25	501537	7058133	A2
26	501528	7058141	A2
27	501502	7058142	A2
28	501495	7058126	A2
29	501475	7058120	A2
30	501472	7058110	A2
31	501460	7058103	A2
32	501433	7058103	A2
33	501412	7058088	A2
34	501373	7058066	A2
35	501323	7058059	A2
36	501314	7058042	A2
37	501302	7058037	A2
38	501287	7058022	A2
39	501285	7058001	A2
40	501278	7057981	A2
41	501281	7057958	A2
42	501279	7057939	A2
43	501275	7057925	A2
44	501266	7057912	A2
45	501256	7057878	A2
46	501246	7057843	A2
47	501244	7057826	A2
48	501243	7057819	A2
49	501244	7057805	A2
50	501252	7057777	A2
51	501270	7057745	A2
52	501288	7057725	A2
53	501299	7057712	A2
54	501314	7057696	A2
55	501325	7057680	A2
56	501335	7057660	A2
57	501384	7057615	A2
58	501397	7057634	A2
59	501429	7057665	A2
60	501450	7057686	A2

Point	Easting	Northing	Parcel
61	501563	7057669	A2
62	501591	7057655	A2
63	501613	7057647	A2
64	501603	7057625	A2
65	501598	7057576	A2
66	501597	7057530	A2
67	501613	7057493	A2
68	501628	7057471	A2
69	501586	7057455	A2
70	501739	7057433	C1
71	501740	7057438	C1
72	501606	7057457	C1
73	501630	7057466	C1
74	501632	7057468	C1
75	501633	7057471	C1
76	501632	7057474	C1
77	501617	7057496	C1
78	501602	7057531	C1
79	501603	7057576	C1
80	501608	7057623	C1
81	501617	7057645	C1
82	501617	7057648	C1
83	501616	7057650	C1
84	501614	7057652	C1
85	501593	7057660	C1
86	501564	7057674	C1
87	501450	7057691	C1
88	501448	7057690	C1
89	501446	7057689	C1
90	501394	7057637	C1
91	501384	7057623	C1
92	501339	7057663	C1
93	501329	7057683	C1
94	501318	7057699	C1
95	501302	7057715	C1
96	501292	7057728	C1
97	501274	7057748	C1
98	501256	7057779	C1
99	501249	7057806	C1
100	501248	7057823	C1
101	501636	7057453	B3
102	501645	7057460	B3
103	501648	7057471	B3
104	501645	7057483	B3
105	501630	7057503	B3
106	501617	7057534	B3
107	501618	7057575	B3
108	501623	7057620	B3
109	501631	7057639	B3
110	501632	7057649	B3
111	501628	7057659	B3
112	501620	7057665	B3
113	501600	7057674	B3
114	501589	7057688	B3
115	501452	7057705	B3
116	501446	7057705	B3
117	501441	7057704	B3
118	501435	7057700	B3
119	501381	7057645	B3
120	501351	7057672	B3

Point	Easting	Northing	Parcel
121	501342	7057690	B3
122	501330	7057708	B3
123	501313	7057725	B3
124	501304	7057737	B3
125	501286	7057757	B3
126	501270	7057785	B3
127	501264	7057809	B3
128	501263	7057818	B3
129	501265	7057832	B3
130	501266	7057839	B2
131	501275	7057872	B2
132	501284	7057903	B2
133	501293	7057916	B2
134	501299	7057937	B2
135	501301	7057960	B2
136	501299	7057979	B2
137	501304	7057997	B2
138	501306	7058013	B2
139	501313	7058020	B2
140	501323	7058024	B2
141	501331	7058031	B2
142	501336	7058040	B2
143	501380	7058047	B2
144	501423	7058071	B2
145	501440	7058083	B2
146	501460	7058083	B2
147	501465	7058084	B2
148	501470	7058086	B2
149	501481	7058093	B2
150	501487	7058097	B2
151	501491	7058104	B2
152	501500	7058106	B2
153	501507	7058110	B2
154	501512	7058116	B2
155	501515	7058121	B2
156	501520	7058121	B2
157	501524	7058117	B2
158	501530	7058114	B2
159	501538	7058113	B2
160	501558	7058115	B2
161	501594	7058127	B2
162	501619	7058131	B2
163	501708	7058156	B2
164	501729	7058179	B2
165	501734	7058188	B2
166	501733	7058199	B2
167	501727	7058207	B2
168	501717	7058212	B2
169	501703	7058214	B2

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

Note: This plan must be read in conjunction with Referral Agency Response 2007/012189

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Notice

Department of Environment and Heritage Protection (EHP) Statewide Environmental Assessments (SEA) Concurrence Agency Response

This notice is issued by Department of Environment and Heritage Protection (EHP) – Statewide Environmental Assessments (SEA) in pursuant of the Integrated Planning Act 1997 to advise a decision or action.

Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE QLD 4560
Attn: Bryce McKay

Cc: Covey & Associates Pty Ltd
PO Box 16
MAROOCHYDORE QLD 4558
Attn: Shayne Rynne

Our reference: 354766
File reference: BNE34802 vol2

Re: Application (No. BFM:TS:MCU07/0192) for development approval for preliminary approval to be carried out at Yandina-Bli Bli Road, Bli Bli & 163-181 & 183-185 & 187 Camp Flat Road Bli Bli QLD 4560 (Lot 8 SP110911, Lot 2 RP172913, Lot 2 RP26881, Lot 2 SP170715, Lot 1 RP104917 & Lot 2 RP104917).

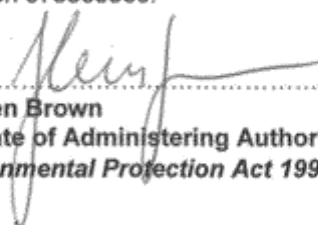
Pursuant to the following items of Table 2 Schedule 2 of the *Integrated Planning Regulation 1998*, EHP-SEA is a concurrence agency for the development application:

Item 22, Table 2 of Schedule 2 of the *Integrated Planning Regulation 1998*

EHP-SEA, acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above as attached.

It would be appreciated if Council could provide a signed hard copy of the final development approval issued by Council (which includes the department's concurrence conditions).

EHP-SEA has not provided a notification to native title parties for this application. The State's Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. It is recommended that you undertake an assessment using your own guidelines to determine if a native title notification is required for this application. Should you require any further information please do not hesitate to contact Ben Grant on 073305560.


.....
Dr. Glen Brown
Delegate of Administering Authority
Environmental Protection Act 1994.

Date

10/1/13

Box: 21364 R: 20



Queensland Government

Notice

Department of Environment and Heritage Protection (EHP) Statewide
Environmental Assessments (SEA) Concurrence Agency Response

Concurrence agency response
Sections 3.3.16 and 3.3.18 Integrated Planning Act 1997

Applicant:	Covey & Associates Pty Ltd
Application Number:	BFM:TS:MCU07/0192
EPA Permit Numbers:	IPCL05206112
Date application received:	14 th December 2007
Relevant Laws and Policies:	<i>Environmental Protection Act 1994 (EP Act)</i>
Jurisdiction:	Chapter 7, Part 8 <i>Environmental Protection Act 1994</i>

Development Description:

Material Change of Use (Master Planned Community) where:

the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was for industrial activity

at the following place(s):

Yandina-Bli Bli Road, Bli Bli & 163-181 & 183-185 & 187 Camp Flat Road Bli Bli QLD 4560 (Lot 8 SP110911, Lot 2 RP172913, Lot 2 RP26881, Lot 2 SP170715, Lot 1 RP104917 & Lot 2 RP104917).

Response to Development Application

Department of Environment and Heritage Protection (EHP) – Statewide Environmental Assessments (SEA), acting as a concurrence agency under the *Integrated Planning Act 1997*, provides its response to the application detailed above.

The concurrence agency response is that

conditions must attach to any development approval



Department of Environment and Heritage Protection (EHP) Statewide Environmental Assessments (SEA) Concurrence Agency Response

Conditions of the development approval

If during any site earthworks or excavation, offensive or noxious odours and/or evidence of gross contamination not previously detected is observed, site works are to cease in that area and action taken to immediately abate the potential environmental harm. The administering authority is to be notified in writing within two (2) business days of detection and advised of appropriate remedial action. Any remedial action is to be developed by an appropriate qualified and experienced person in accordance with Section 381 of the EP Act.

Additional comments or advice about the application

Under section 371 (1) of the EP Act, if the owner or occupier of land becomes aware a notifiable activity is being carried out on the land, the owner or occupier must, within 22 business days after becoming aware the activity is being carried out, give notice under the subsection to the administering authority in the approved form.

The removal of any contaminated soil from land that is listed on the Environmental Management Register (EMR) requires prior approval from EHP-SEA under the section 424 of the EP Act.

Reasons for inclusion of development conditions or refusal

In accordance with section 3.3.18 of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, a concurrence response must include reasons for a refusal or for the inclusion of development conditions.

EHP is recognised as a concurrence agency under the *Integrated Planning Regulation 1998* for the protection of the environment by the management of contaminated land. EHP concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Additional information for applicants

This concurrence response pursuant to Chapter 7, Part 8 of the EP Act applies only to contaminated land issues and does not remove the need to obtain any further approval for this development which may be required by this or other legislation, State and/or Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

~ End of Concurrence Agency Response ~

Information sheet

Sustainable Planning Act 2009

Appeals under the *Sustainable Planning Act 2009*

This information sheet is an extract from the Sustainable Planning Act 2009 (reprint 2 effective 2 March 2012) providing information on appeals under that Act.

Chapter 7, Part 1, Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

Information sheet

Appeals under the Sustainable Planning Act 2009

- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Information sheet

 Appeals under the *Sustainable Planning Act 2009*

- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Chapter 7, Part 1, Division 9 Appeals to court about compliance assessment**468 Appeals against decision on request for compliance assessment**

- (1) A person to whom an action notice has been given under section 405(5) about a request for compliance assessment of development, a document or work may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the notice is given to the person.

469 Appeals against condition imposed on compliance permit or certificate

- (1) A person who is given a compliance permit or compliance certificate subject to any conditions may appeal to the court against the decision to impose the condition.
- (2) The appeal must be started within 20 business days after the day the compliance permit or compliance certificate is given to the person.

Information sheet
Appeals under the Sustainable Planning Act 2009

470 Appeals against particular decisions about compliance assessment

- (1) A person to whom any of the following notices have been given may appeal to the court against the decision in the notice—
 - (a) a notice of a decision on a request to change or withdraw an action notice;
 - (b) a notice under section 413(2)(c) about a decision to refuse a request to change a compliance permit or compliance certificate.
- (2) The appeal must be started within 20 business days after the day the notice is given to the person.

Chapter 7, Part 1, Division 11 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any referral agency; and
 - (iv) the applicant; or
 - (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or

Information sheet

Appeals under the *Sustainable Planning Act 2009*

- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
 - (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
 - (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
 - (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.

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Appeals under the Sustainable Planning Act 2009

- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 385—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

- (1) For an appeal under section 468 or 469—
 - (a) the compliance assessor is the respondent; and
 - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
 - (a) the entity that gave the notice to which the appeal relates is the respondent; and
 - (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.
- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the appeal is given to the entity, by following the rules of court for the election.

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Appeals under the Sustainable Planning Act 2009**489 Minister entitled to be party to an appeal involving a State interest**

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

