

Your Reference: 21153

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21 February 2025

M and J Grunske  
C/- Urban Planet Town Planning Consultants  
Attention: Ward Veitch  
PO Box 232  
HERVEY BAY QLD 4655

Dear Sir/Madam

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 21 February 2025, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No: RAL21/0138  
Proposal: Reconfiguring A Lot - One (1) Lot into Five (5) Lots  
Street Address: Wilkinson Road TUAN QLD 4650  
Real Property Description: Lot 51 MCH 567

#### DECISION DETAILS

Type of Decision: Approved in full with conditions  
Type of Approval: Development Permit – Reconfiguring a lot – One Lot into Five Lots

#### DETAILS OF THE APPROVAL

This application is not taken to have been approved (a deemed approval) under section 64(5) of the *Planning Act 2016*.

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		<input checked="" type="checkbox"/>	<input type="checkbox"/>

### FURTHER DEVELOPMENT PERMITS

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Plan of subdivision (Plan Sealing)
- Operational Works (Civil works)

### REFERRAL AGENCIES FOR THE APPLICATION

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice or concurrence agency	Address & Email Address
10.17.3.5.1 - Reconfiguring a lot in a coastal management district	State Assessment and Referral Agency	Concurrence	Wide Bay Burnett regional office Level 1, 7 Takalvan Street, Bundaberg PO Box 979, Bundaberg QLD 4670 <a href="mailto:WBBSARA@dsdilgp.qld.gov.au">WBBSARA@dsdilgp.qld.gov.au</a>
10.20.4.2.1 Reconfiguring a lot in a wetland protection area	State Assessment and Referral Agency	Concurrence	Level 1, 7 Takalvan Street, Bundaberg Level 1, 7 Takalvan Street, Bundaberg PO Box 979, Bundaberg QLD 4670 <a href="mailto:WBBSARA@dsdilgp.qld.gov.au">WBBSARA@dsdilgp.qld.gov.au</a>

A copy of conditions required by the referral agency is attached.

### PROPERLY MADE SUBMISSIONS

Not applicable

### APPROVED PLANS AND DOCUMENTS

The following plans/documents are Approved plans for the development:

Plan/Document No.	Rev.	Plan Name	Prepared by	Date
21153-02	-	<i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> (as amended in red by SARA on 21 November 2024)	Urban Planet Town Planning Consultants	August 2024 Amended by SARA 21 November 2024

### REFERENCED DOCUMENTS

Not applicable

### CURRENCY PERIOD FOR THE APPROVAL

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

## **INFRASTRUCTURE**

Except where specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

## **RIGHTS OF APPEAL**

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to Council about the conditions contained within the development approval. If Council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

## **OTHER DETAILS**

If you wish to obtain more information about Council’s decision, electronic copies are available online at [www.frasercoast.qld.gov.au](http://www.frasercoast.qld.gov.au) or at Council Offices.

Yours faithfully



Emily Burke

**SENIOR PLANNER**

**Enc:**                      Adopted Infrastructure Charge Notice  
                                Conditions of Approval  
                                Referral Agency Response/s  
                                Approved Plans/Documents  
                                Appeal Rights

**Phone:**                07 4197 4367

**Docs Reference:**   5138177

**Applicant Email:**   [ward@urbanplanet.com.au](mailto:ward@urbanplanet.com.au)

**Developer Email:**   [mudcrabsdirect@gmail.com](mailto:mudcrabsdirect@gmail.com)

**cc:**                      Department of State Development Infrastructure, Local Government and Planning

Conditions	Condition Timing
<b>Administrative</b>	
This approval is subject to the following conditions, which must be met prior to the commencement of the use, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water (WBW) unless specified in any particular condition.	
1. Carry out the development in accordance with the approved plans unless otherwise approved in writing by the Assessment Manager.	At all times.
2. Meet the costs of all works associated with this development including any necessary alteration or relocation of services, provision of upgrading of roadworks to accommodate all vehicular access works together with all public utility mains and/or installations.	Prior to the approval of the subdivision plan
3. All works associated with this development must be accepted by Council as being 'on maintenance' prior to the approval of the subdivision plan unless approved otherwise by Assessment Manager.	Prior to the approval of the subdivision plan
4. Pay any outstanding rates and charges due to Council. <i>Note: please contact Council's Property Rating Department at <a href="mailto:rates@frasercoast.qld.gov.au">rates@frasercoast.qld.gov.au</a> and Development Department at <a href="mailto:development@frasercoast.qld.gov.au">development@frasercoast.qld.gov.au</a> prior to payment to confirm any outstanding rates and charges amounts.</i>	Prior to the lodgement of the subdivision plan
5. Submit to Council, a plan identifying the locations of all buildings, services, structures, water bodies/dams, effluent disposal areas and other improvements on the land in relation to the proposed new and existing boundaries and the distances there from. The plan must contain the following certification duly completed by the surveyor:-  <i>"I..... being a cadastral surveyor hereby certify as follows:-</i> <i>(a) The information contained in this plan is accurate at the time of survey and may be relied on by Council.</i> <i>(b) The distances from the proposed new boundaries of all buildings and structures shown hereon generally conform to the boundary clearance requirements for side and rear boundaries as specified the Building Act 1975 and Council's Planning Scheme.</i> <i>(c) All services to the existing dwelling from the reticulation mains are contained wholly within the subject lot.</i> <i>..... (Signature)"</i>	Prior to the approval of the subdivision plan

Conditions	Condition Timing
6. Submit a Subdivision Plan Compliance Report and supporting documentation to Council demonstrating compliance with each condition of this approval.	Prior to the approval of the subdivision plan
7. All new lot boundaries must be set out and surveyed by a Cadastral Surveyor and identified by pegs marked with lot numbers as identified on the approved plan.	Prior to the lodgement of the subdivision plan
<b>Operational Works</b>	
8. Submit an Operational Works application to Council detailing all earthworks access works and stormwater management and drainage work within and external to the site and any other works as required by conditions of this approval. The design of these works must be approved by Council before any works commence on the site. All such works are to be completed to Council's satisfaction prior to the commencement of the approved use. All final designs must be designed, supervised and certified by a Registered Professional Engineer of Queensland (RPEQ).	Prior to the commencement of works.
<b>SITE WORKS</b>	
<b>Construction and Environmental Management</b>	
9. Prepare and submit to Council in conjunction with an Operational Works application a Construction and Environmental Management Plan (CEMP) for the development in accordance with the Planning Scheme Policy for Development Works SC6.3.	Prior to the approval of Operational Works
<b>Erosion and Sediment Control</b>	
10. Submit to Council as part of an Operational Works application, a Site-Specific Erosion and Sediment Control Plan. This Plan must be designed in accordance with Planning Scheme Policy for Development Works SC6.3, and the International Erosion Control Association (Australasia) Best Practice Erosion and Sediment Control Guidelines (Current Edition).	Prior to approval of Operational Works
<b>Stormwater Management</b>	
11. Design the stormwater drainage such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties, including road reserves, occurs as a result of the development, as set out in Schedule 6.3 – Planning scheme policy for development works.	Prior to the lodgement of the subdivision plan
12. Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties.	At all times.
13. Any stormwater works associated with the development must not cause adverse effects external to the subject site arising from	At all times.

Conditions	Condition Timing
any increase in velocity, volume and/or redirection of flow; or an increase in the duration of inundation outside the site where such increased inundation could cause loss or damage.	
<b>Flood Immunity</b>	
14. Submit to Council as part of an Operational Works application, design details of filling works to provide appropriate flood immunity to proposed Lots 1 and 2 to reach the Storm-Tide Level for this site as to be 2.40m AHD.	Prior to the approval of Operational Works
15. Submit documentation, as part of the Request for Approval of the Subdivision Plan Application from a Registered Professional Engineer of Queensland (RPEQ), which certifies that each completed allotment will achieve flood immunity as per Condition 16.	Prior to the lodgement of the subdivision plan
<b>Vehicle Access</b>	
16. Construct a sealed access driveway to each allotment within the allotment's road frontage, from the edge of the road pavement to the property boundary, in accordance with the Planning Scheme and standard drawing No FC-230-03 – Type A – Invert Crossing. The access driveway for proposed Lot 4 is to be located at least 10.0m away from the existing 375mm stormwater pipe and concrete head wall.	Prior to the lodgement of the subdivision plan
<b>Property Damage &amp; Council Infrastructure</b>	
17. Any existing Council infrastructure or private property (including but not limited to, services, concrete structures, pits, channels, pavement, RCP's, RCBC's, etc.) damaged due to the proposed works is to be rectified or replaced at the applicant's expense prior to the issue of a Subdivision Certificate. The applicant must notify Council Development Engineering Unit immediately of the affected infrastructure. If damage occurs and is not replaced by the client/contractor, Council has the right to undertake the works and charge the landowner accordingly.	Prior to the approval of the subdivision plan
<b>Location of Services and Structures</b>	
18. Relocate all services and structures as required to ensure that they are not contained within any other allotment unless ownership rights have been granted by way of an easement.	Prior to the approval of the subdivision plan
<b>Telecommunications</b>	
19. Enter into an agreement with a licensed telecommunication provider to ensure that a telecommunication connection will be available to each proposed allotment under standard tariff conditions and without further capital contributions. These services are to be positioned wholly within the allotment which they are to serve. Provide a Telecommunications Infrastructure Provisioning letter as evidence of such an agreement to Council.	Prior to the approval of the subdivision plan

<b>Electricity</b>	
<p>20. Each lot of this approval is to be provided with a reticulated power connection and supply under standard tariff conditions.</p> <p>In this regard, the developer is to enter into an agreement with an approved electricity provider, prior to the approval of the subdivision plan, to ensure that electricity will be available to each allotment under standard tariff conditions and without further capital contributions. Evidence of such an agreement must be:</p> <ol style="list-style-type: none"> <li>1. Provision of a Certificate of Supply, or</li> <li>2. Provision of a Certificate of Acceptance, or</li> <li>3. Provision of a Negotiated Connection Establishment Contract, and evidence of the following; <ol style="list-style-type: none"> <li>i. substantial commencement of the internal electrical work, and</li> <li>ii. evidence of contract with electrical contractor; and</li> <li>iii. evidence of the ability to fund the contract value of the electrical works.</li> </ol> </li> </ol>	Prior to the approval of the subdivision plan
<b>Water Supply</b>	
21. Submit as part of a building application, details associated with the on-site collection, storage and treatment of a potable water supply.	As part of a building application
<b>Wastewater Treatment</b>	
22. Each lot must install Advanced Secondary Treatment with Nutrient Reduction to Surface irrigation in accordance with the Qld Plumbing and Wastewater Code and relevant Australian Standards.	Prior to the commencement of use
<b>Granting Easements</b>	
<p>23. Grant the following easement(s), as part of the registration of the survey plan where required:</p> <p>(i) Easements for stormwater, electricity and telecommunications services as may be required to service the development.</p>	Prior to the lodgement of the subdivision plan
<b>Infrastructure and Services</b>	
24. All existing services shall be relocated as required to ensure that they are not contained within any other allotment unless ownership rights have been granted by way of an easement. Any alteration of services to provide for the development shall be undertaken at no cost to Council.	Prior to the approval of the subdivision plan.
25. All damage to Council infrastructure (including pavement and drainage damage) as a result of the development works is to be rectified to the satisfaction of Council prior to the issuing of the	Prior to the approval of the subdivision plan.

certificate of practical completion or approval of the plan of survey.	
<b>Disclosures to future purchasers</b>	
26. Include in any Contract of Sale for the lots, a copy of Conditions 21, 22 and 26 of the approval.	At all times
27. Include in any Contract of Sale for lot 5, a copy of the State Assessment and Referral Agency response, 2212-26497 SRA and dated 21 November 2024.	At all times

#### Advice Notes

1. *This development is subject to Infrastructure Charges. Please refer to the accompanying Adopted Infrastructure Charges Notice.*
2. *Where future residential uses are provided with on-site treatment and disposal of wastewater the system must be in accordance with the Qld Plumbing and Wastewater Code and relevant Australian Standards*
3. *Prior to the approval of the subdivision plan:*
  - (i) *All water supply and sewerage (pressure main) works must be completed and connected to Council's network;*
  - (ii) *All stormwater drainage works must be completed;*
  - (iii) *Electricity must be connected or certificate of supply provided;*
  - (iv) *As-constructed information of the completed works must be submitted to Council;*
  - (v) *All required works within the proposed lots must be completed;*
  - (vi) *Any outstanding works must be secured by a bond in accordance with section 6.3.13.5 of Planning Scheme Policy for Development Works SC6.3*
4. *Council, if it considers that the maintenance obligations are not being met may undertake any works necessary, if the developer fails to rectify the fault within 14 days of notice given by Council for routine items; or 24 hours' notice in an emergency situation, to ensure compliance under this development permit. Council may also recover costs from any maintenance or security bonds held for this development. The developer must also be responsible for any additional costs incurred by Council in undertaking these obligations.*
5. *Council accepts no responsibility for the accuracy of the survey information, the design or any information or detail contained in the approved drawings and specifications. The approval is issued with reliance upon the Engineer's certification and that any aspect of the design not specified by Council policy has been undertaken with due professional diligence to accepted industry standards.*
6. *Council's approval of the design does not grant approval to enter private property or private easements to undertake works.*
7. *This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that 'A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.' Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. Further information on cultural heritage can be obtained from the Department of Aboriginal and Torres Strait Islander Partnerships.*
8. *All residential lots created as a result of this permit are to be serviced by a Domestic Vehicle Crossover. Vehicle crossovers are to be constructed in accordance with Councils standard drawing FC-230-01 and to Councils specifications prior to the occupation of a dwelling, and failure to provide a suitable vehicle crossing is a breach of the Fraser Coast planning scheme. Prior to the commencement of works to construct a Domestic Vehicle Crossover in a Council*



*controlled road, a Local Law Permit is required. To obtain this permit, a formal application and support drawings should be prepared and lodged with the prescribed fee. Full details on the application and specifications for a domestic crossover are available from Councils website.*



Received by FCRC  
RAL21/0138  
21 November 2024

Our reference: 2112-26497 SRA  
Your reference: RAL21/0138  
Applicant reference: 21153

21 November 2024

The Chief Executive Officer  
Fraser Coast Regional Council  
PO Box 1943  
HERVEY BAY QLD 4655  
[enquiry@frasercoast.qld.gov.au](mailto:enquiry@frasercoast.qld.gov.au)

**Attention: Ms Emily Burke**

Dear Ms Burke

**Changed referral agency response—with conditions**  
(Given under section 28 of the Development Assessment Rules)

On 23 October 2024, SARA received representations from the applicant requesting SARA change its referral agency response. The SARA has considered the representations and now provides this changed referral agency response which replaces the response dated 17 October 2024.

**Applicant details**

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Applicant name:	M and J Grunske
Applicant contact details:	C/- Urban Planet Town Planning Consultants PO Box 232 HERVEY BAY QLD 4655 <a href="mailto:ward@urbanplanet.com.au">ward@urbanplanet.com.au</a>

**Location details**

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Street address:	Wilkinson Road, TUAN
Real property description:	Lot 51 on MCH567
Local government area:	Fraser Coast Regional Council

**Application details**

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Development Permit	Reconfiguring a lot for Reconfiguring A Lot - Reconfiguring a Lot (RAL) – 1 Lot into 5 Lots
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### Referral triggers

The development application was referred to the SARA under the following provisions of the Planning Regulation 2017:

- 10.17.3.5.1 Reconfiguring a lot in a coastal management district
- 10.20.4.2.1 Reconfiguring a lot in a wetland protection area

### Conditions

Under section 56(1)(b)(i) of *Planning Act 2016*, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

SARA must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Advice to the applicant

SARA offers advice about the application to the applicant—see Attachment 3.

### Approved plans and specifications

SARA requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Reconfiguring a Lot (RAL) – 1 Lot into 5 Lots</b>				
<i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> (as amended in red by SARA on 21 November 2024)	Urban Planet Town Planning Consultants	August 2024	21153-02	-

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

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email [WBBSARA@dsdilgp.qld.gov.au](mailto:WBBSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Luke Lankowski

**Manager, Planning – Wide Bay Burnett**

cc M and J Grunske  
C/- Urban Planet Town Planning Consultants  
[ward@urbanplanet.com.au](mailto:ward@urbanplanet.com.au)

enc     Attachment 1—Changed conditions to be imposed  
         Attachment 2—Changed reasons for decision to impose conditions  
         Attachment 3—Changed advice to the applicant  
         Attachment 4—Approved plans and specifications

## Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
<b>Development Permit for Reconfiguring a Lot (RAL) – 1 Lot into 5 Lots</b>		
Schedule 10, Part 17, Division 3, Table 5, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment, Tourism, Science and Innovation to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The reconfiguring a lot must be undertaken generally in accordance with the following plans: <ul style="list-style-type: none"> <li><i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> prepared by Urban Planet Town Planning Consultants, Reference 21153-02, and dated August 2024 as amended in red by SARA on 17 October 2024 <b>21 November 2024</b></li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.
<del>2.</del>	<del>Maintain the development in accordance with the plan referenced in Condition No. 1 and the requirements of any condition included in this referral agency response.</del>	<del>At all times.</del>
3.	Ensure proposed Lots 1 and 2 are created with a minimum finished surface level of at least the level of Highest Astronomical Tide (HAT) plus 0.8m vertical elevation.	Prior to submitting the Plan of Survey to the local government for approval.
4.	For the works referenced within Condition No. 3, only use clean materials which are free from prescribed water contaminants.	For the duration of the works.
5.	Development must prevent the release of sediment to tidal waters by installing and maintaining erosion and sediment control measures in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> .	For the duration of the works.
Schedule 10, Part 20, Division 4, Table 2, Item 1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment, Tourism, Science and Innovation to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
6.	The reconfiguring a lot must be undertaken generally in accordance with the following plans: <ul style="list-style-type: none"> <li><i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> prepared by Urban Planet Town Planning Consultants, Reference 21153-02, and dated August 2024 as amended in red by SARA on 17 October 2024 <b>21 November 2024</b></li> </ul>	Prior to submitting the Plan of Survey to the local government for approval.
<del>7.</del>	<del>Maintain the development in accordance with the plan referenced in Condition No. 6 and the requirements of any condition included in this</del>	<del>At all times.</del>

No.	Conditions	Condition timing
	referral agency response.	
8.	Erosion and sediment control measures which are in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> are to be installed and maintained to prevent the release of sediment to the wetland.	For the duration of the works.
9.	<p>(a) Provide a 50 metre wide buffer for the purpose of maintained and protecting the wetland environmental values as shown on <i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> prepared by Urban Planet Town Planning Consultants, Reference 21153-02, and dated August 2024 as amended in red by SARA on 17-October 2024 <b>21 November 2024</b>.</p> <p>(b) Provide buffer elements in the locations shown on <i>Proposed Reconfiguring a Lot Wilkinson Road Tuan</i> prepared by Urban Planet Town Planning Consultants, Reference 21153-02, and dated August 2024 as amended in red by SARA on 17-October 2024 <b>21 November 2024</b> to achieve the purposes set out in the <i>Queensland Wetland Buffer Planning Guideline 2011</i>.</p> <p>(c) Written evidence from an appropriately qualified person(s)* that (a) and (b) have been fulfilled is to be provided to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to:</p> <p style="text-align: center;">Department of Environment, <b>Tourism</b>, Science and Innovation          Permit and Licence Management          PO Box 2454          BRISBANE QLD 4001</p> <p><i>Note: Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.</i></p>	<p>(a) Prior to survey plan endorsement.</p> <p>(b) Prior to survey plan endorsement.</p> <p>(c) Prior to survey plan endorsement.</p>

## Attachment 2—Changed reasons for decision to impose conditions

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

- the proposed development is considered to achieve compliance with State Code 8: Coastal development and tidal works and State Code 9: Great Barrier Reef wetland protection areas as the proposed development is considered to minimise adverse impacts on the wetland protection area, High Ecological Significance (HES) wetland and tidal waters via the application of conditions related to:
  - erosion and sediment control measures
  - finished surface levels for proposed Lots 1 and 2
  - development free area within proposed Lot 5 associated with the mapped erosion prone area
  - requirement for a 50 metre wide development free buffer to the mapped HES wetland
  - provision of buffer elements in accordance with the *Queensland Wetland Buffer Planning Guideline 2011*

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

- the development application material
- Fraser Coast Regional Council (FCRC) correspondence dated 9 September 2024 (Assessment Manager confirmation of changed application)
- written representations (received by SARA on 23 October 2024)
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- SARA SPP Mapping system
- Section 58 of the *Human Rights Act 2019*.

### Evidence or other material on which the findings were based

- development application material
- written representations received by SARA on 31 October 2024
- State Development Assessment Provisions published by the State Assessment and Referral Agency (SARA)
- *Planning Act 2016*
- Planning Regulation 2017

**Attachment 3—Changed advice to applicant**

<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 3.0). If a word remains undefined it has its ordinary meaning.
<b>SARA approved plan</b>	
2.	<p><b>The following clarification is provided to assist the applicant in interpretation of the SARA approved plan:</b></p> <ul style="list-style-type: none"> <li>- the blue shaded area within proposed Lot 5 on the SARA approved plan indicates the 50 metre buffer from the mapped High Ecological Significance (HES) wetland</li> <li>- the red shaded area within proposed Lot 5 represents the mapped erosion prone area</li> <li>- all SARA conditions only relate to the subject site and have no bearing on any adjoining allotments</li> </ul>



**Attachment 4—Approved plans and specifications**

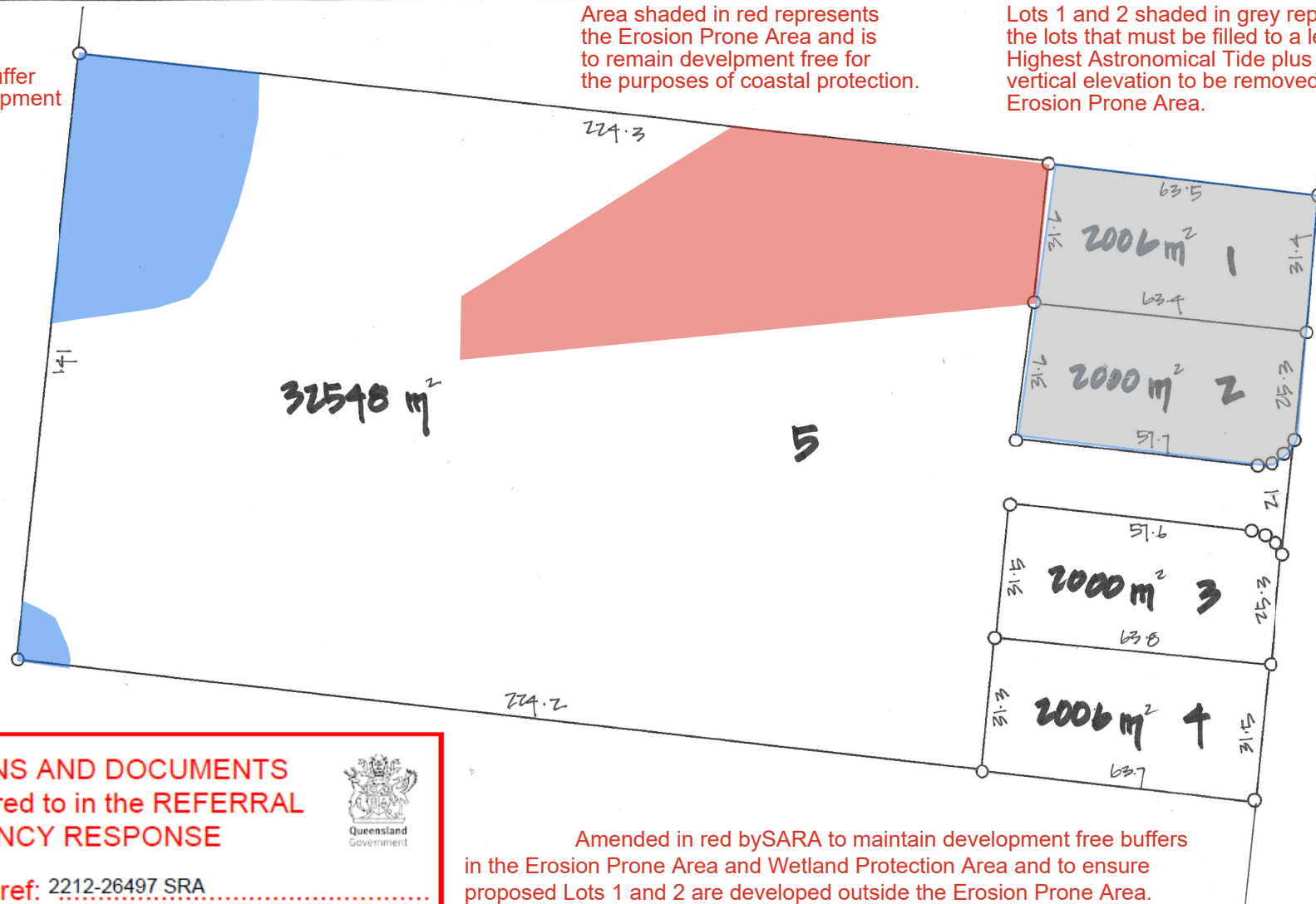
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Areas shaded in blue represents the Wetland Protection Area 50m buffer and is to remain development free for the purposes of protecting the wetland environmental values.

Area shaded in red represents the Erosion Prone Area and is to remain development free for the purposes of coastal protection.

Lots 1 and 2 shaded in grey represent the lots that must be filled to a level of Highest Astronomical Tide plus 0.8m vertical elevation to be removed from the Erosion Prone Area.

Received by FCRC  
RAL21/0138  
03 September 2024



PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE



SARA ref: 2212-26497 SRA

Date: 21 November 2024

Amended in red by SARA to maintain development free buffers  
in the Erosion Prone Area and Wetland Protection Area and to ensure  
proposed Lots 1 and 2 are developed outside the Erosion Prone Area.

Amended in red by SARA on

21 November 2024

AREAS AND DISTANCES ARE APPROXIMATE ONLY AND SUBJECT TO SURVEY

PROPOSED RECONFIGURING A LOT  
WILKINSON ROAD TIAN

21153-02 AUGUST 24 SCALE 1:1000 @ A3

# 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.

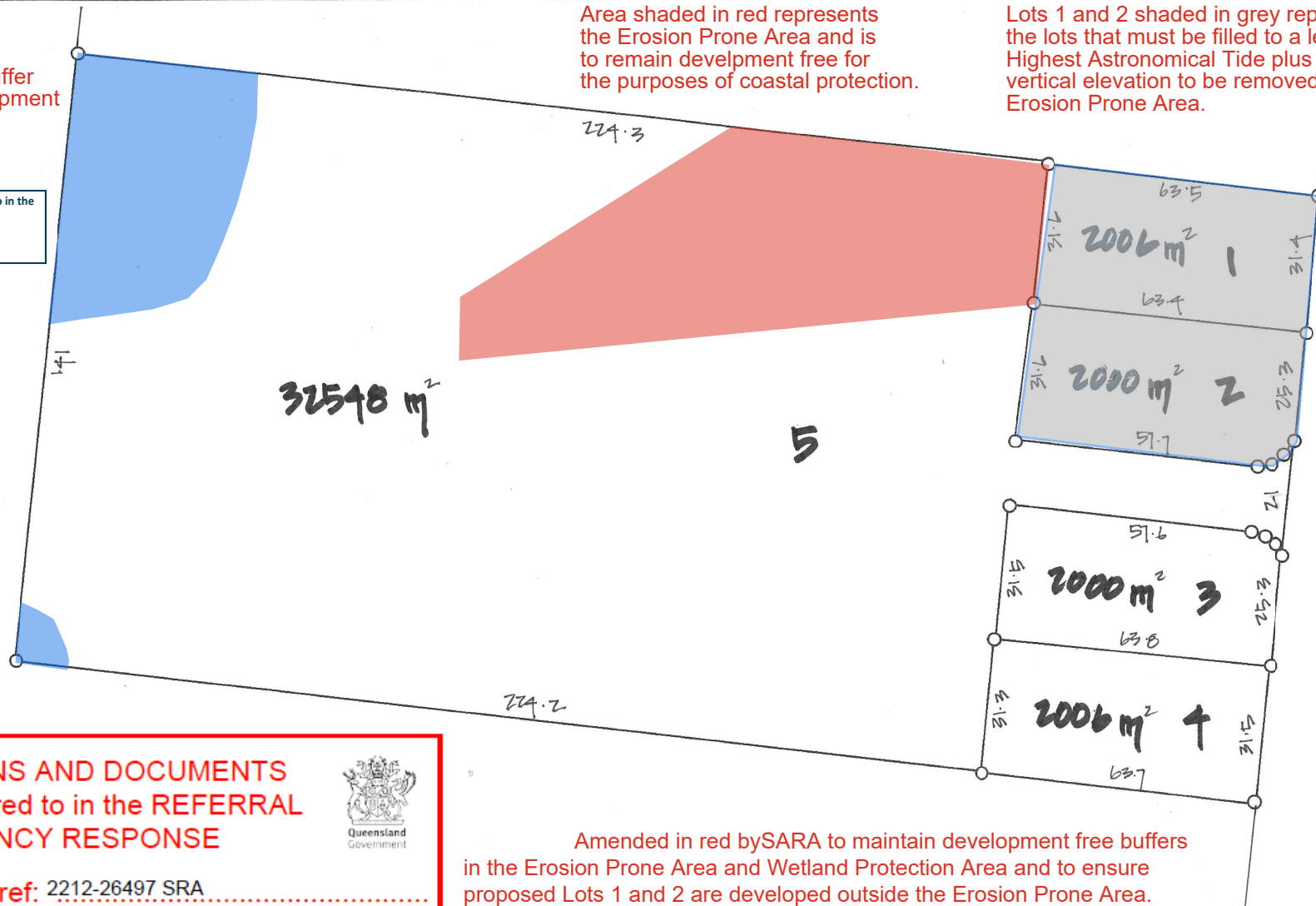
Areas shaded in blue represents the Wetland Protection Area 50m buffer and is to remain development free for the purposes of protecting the wetland environmental values.

These are the plans referred to in the Decision Notice No. RAL21/0138 21 February 2025

Area shaded in red represents the Erosion Prone Area and is to remain development free for the purposes of coastal protection.

Lots 1 and 2 shaded in grey represent the lots that must be filled to a level of Highest Astronomical Tide plus 0.8m vertical elevation to be removed from the Erosion Prone Area.

Received by FCRC RAL21/0138 03 September 2024



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2212-26497 SRA

Date: 21 November 2024

Amended in red by SARA to maintain development free buffers in the Erosion Prone Area and Wetland Protection Area and to ensure proposed Lots 1 and 2 are developed outside the Erosion Prone Area.

Amended in red by SARA on 21 November 2024

AREAS AND DISTANCES ARE APPROXIMATE ONLY AND SUBJECT TO SURVEY

PROPOSED RECONFIGURING A LOT WILKINSON ROAD TIAN

21153-02 AUGUST 24 SCALE 1:1000 @ A3

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 states –

- (a) matters that may be appealed to –
  - (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) the person-
  - (i) who may appeal a matter (**the appellant**); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

**(Refer to Schedule 1 of the Planning Act 2016)**

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises – 20 business days after the day a notice is published under section 269A(2)(a); or
- (e) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (g) for an appeal relating to the *Plumbing and Drainage Act 2018*-
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c) – 5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018* – 5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018* – at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise – 20 business days after the day the notice is given; or
- (h) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

**Note** – See the *P&E Court Act* for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about-
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1 – each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2 – each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal is started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form-
  - (a) if a copy of the notice of appeal is given to the person – within 10 business days after the copy is given to the person; or
  - (b) otherwise – within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section —

**decision** includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.