Our Ref: LM: lmc:DA/4609 D25/27500
Your Ref: 25611

12 August 2025

Brian Boserio
c/- CLA Consultants
PO Box 5342
GOLD COAST MC QLD 9726
E-mail: campbell.leonard@claconsultants.com.au

Attention: Campbell Leonard

Dear Mr Leonard

Decision Notice (Minor Change) - Approval
Given under section 83 of the *Planning Act 2016*

With reference to the Change Application (Minor), please find attached the relevant Decision Notice, which was approved by the Chief Executive Officer as delegated on **08 August 2025.**

Details of the decision are as follows:

Application Details

Application Number:	DA/4609
Street Address:	1843 Mulligan Highway, Cooktown 4895
Real Property Description:	Lot 216 on SP137304
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0

Decision Details

The original decision was dated 29 October 2024.

Council's Chief Executive Officer as delegated on 08 August 2025, decided to issue the following type of approval:

Approval Sought:	Change Application (Minor) – Development Permit for a Reconfiguration of a Lot (1 into 13 lots and balance lot)

Assessment Manager Conditions

This approval is subject to the conditions in **Attachment 1.**

Further Development Permits

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

1. Development Permit for Operational Works

Properly Made Submissions

Not applicable - no part of the application required public notification.

Referral Agencies

Not Applicable – no part of the change application required referral.

Reason for the Decision

The proposed changes are consistent with the original approval and introduce no new impacts

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved Plans and Specifications

Copies of the approved plans, drawings and supporting documentation are enclosed in **Attachment 2 and 3.**

Currency Period for the Approval

This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994,* is required to be given to a local government for approval is not given within *four (4) years*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016,* a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 6 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely

Lisa Miller
Manager Planning and Environment
Cook Shire Council

enc:

Attachment 1 (A)	Conditions Imposed by the Assessment Manager
Attachment 1 (B)	Conditions Imposed by a Concurrence Agency (D24/41221)
Attachment 2	Approved Plans (D24/41222)
Attachment 3	Supporting Documentation (D24/41220)
Attachment 4	Notice of Decision – Statement of Reasons (D25/27499)
Attachment 5	Infrastructure Charges Notice (D24/41219)
Attachment 6	Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Attachment 1 (A) Conditions imposed by the Assessment Manager (Council)

A. Assessment Manager (Council) Conditions

<table>
<tr><th>No.</th><th>Condition</th><th>Timing</th></tr>
<tr><td colspan="3">GENERAL</td></tr>
<tr><td>1.</td><td>COMPLIANCE WITH CONDITIONS
The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer.</td><td>At all times</td></tr>
<tr><td>2.</td><td>OUTSTANDING CHARGES
All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.</td><td>Prior to Council endorsement of the Plan of Survey</td></tr>
<tr><td>3.</td><td>WORKS - DAMAGE TO INFRASTRUCTURE
The Developer must repair any damage to existing infrastructure that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.</td><td>At all times</td></tr>
<tr><td colspan="3">APPROVED PLANS & DOCUMENTS</td></tr>
<tr><td>4.</td><td>APPROVED PLANS & DOCUMENTS
Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):
<table>
<tr><th>Title</th><th>Reference</th><th>Date</th></tr>
<tr><td>Reconfiguration of a Lot</td><td>Job No. 1207</td><td>5 September 2024</td></tr>
<tr><td>Building Envelope & Firebreak / Safety Buffer Plan</td><td>Job No. 1207</td><td>5 September 2024</td></tr>
</table></td><td>At all times</td></tr>
<tr><td>5.</td><td>CONDITIONS OF APPROVAL & APPROVED PLANS
Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.</td><td>At all times</td></tr>
</table>

BUSHFIRE HAZARD ASSESSMENT AND MANAGEMENT PLAN		
6.	Carry out the development generally in accordance with the recommendations of the *Bushfire Hazard Assessment and Management Plan* prepared by Firecraft Environmental Pty Ltd, dated 10 October 2024, unless otherwise modified by the conditions of this Development Permit. ***Advice Note -*** *A copy of the Bushfire Hazard Assessment and Management Plan prepared by Firecraft Environmental Pty Ltd, dated 10 October 2024, is to be provided to prospective purchasers.*	At all times
7.	The building envelopes shown on *Building Envelope & Firebreak / Safety Buffer Plan,* dated 05 September 2024, are to be cleared of all vegetation. Building envelopes are to contain all built form including dwelling houses, ancillary structures as well as static water supply.	As stated and at all times.
8.	A minimum 11.5m wide separation distance (Asset Protection Zone) must be provided between the approved building envelopes *(*as shown on the *Building Envelope & Firebreak / Safety Buffer Plan*, dated 05 September 2024*)* and retained vegetation. ***Advice Note*** *– Separation distance is based on Table 3 of the Bushfire Hazard Assessment and Management Plan prepared by Firecraft Environmental Pty Ltd, dated 10 October 2024. A minimum separation distance of 11.5m achieves a minimum radiant heat flux level of 29kW/m2 at the edge of the building envelope.*	At all times
9.	Implement the bushfire management measures in the Asset Protection Zone in accordance with the *Bushfire Hazard Assessment and Management Plan* prepared by Firecraft Environmental Pty Ltd, dated 10 October 2024. Bushfire management measures must include: a. Exclusion of all buildings and structures (except fencing where in accordance with this condition) and water tanks from the APZ. b. APZ is cleared of vegetation, however isolated tree specimens can be maintained provided canopies are separated by a minimum of 5m and the understorey is cleared. c. Vegetation within the APZ is maintained in a no or low fuel	Prior to Council approval of the Plan of Survey and at all times.

	condition including: i. Vegetation, shrubs and regrowth must be maintained to a height of <300mm. ii. Grass must be maintained to a height of <100mm. iii. Remove accumulated leaf litter and woody debris at regular intervals. d. Any fencing to be constructed of non-combustible material (e.g. steel panel fencing, masonry).	
10.	Gas facilities and storage must be located within the approved building envelope. Plastic gas fittings are not permitted at the external facade of any building. Gas tanks are to have value outlets facing away from the dwelling and away from adjoining dwellings.	At all times
WATER SUPPLY		
11.	Design and construct a water reticulation system from ~~a single~~ **two (2)** connection point**s** from the Annan Water Supply pipeline to provide a water connection point to each allotment. The water main must be located within the Gampe Drive road reserve and constructed generally in accordance with the FNQROC Development Manual. The water main is to be aligned parallel to the existing trunk main in the Gampe Drive road reserve, separated by a distance of at least 1.5m. This connection can be used to resupply the on-site storage tanks. ***Advice Note -*** *This connection is from the Cooktown water supply line and Council does not warrant the pressure, flow or water quality from this pipeline. The primary supply to each allotment must be from the on-site rainwater tanks.*	Prior to the issue of the relevant Development Permit for Operational Work.
12.	Each lot must be provided with rainwater tank(s) with a minimum capacity of 50,000 litres (exclusive of firefighting). The rainwater tank(s) for domestic consumption must satisfy the standards for drinking water set by the Australian Drinking Water Guidelines (National Health and Medical Research Council and the National Resource Management Ministerial Council).	At the time of construction of a Dwelling House

	Property owners may request to be connected to the offtake from the Annan Pipeline on Gampe Drive. The owners will be required to sign an agreement stating that they agree to the conditions of supply from this source. ***Advice Note*** *- Council does not guarantee a minimum pressure for the supply of water from the Annan Pipeline and at certain times the water supply from the Annan Pipeline will be interrupted. Landowners will be entirely responsible for their water storage during these periods of non-supply.*	
13.	In addition to the water storage for domestic consumption, each lot must be provided with static water storage that: a. Has a capacity of no less than 30,000 litres available solely for firefighting purposes. OR Has a take-off connection at a level that allows for 30,000 litres to be dedicated to firefighting purposes. b. Is located within the approved building envelope and within 10m of a dwelling. c. Is either located below ground level or of non-flammable construction. d. Allows for a medium rigid vehicle (15 tonne fire appliance) clear access within 6m of the tank. e. Is provided with rural fire brigade tank fittings of a 50-millimetre ball valve and male camlock coupling and, if underground, an access hole of 200 millimetres (minimum) to accommodate suction lines. f. Is clearly identified by directional signage at the street frontage.	At the time of construction of a Dwelling House
ONSITE EFFLUENT DISPOSAL		
14.	An on-site wastewater system must be provided for the proposed lots at the time of construction of a Dwelling House. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – 'On-site domestic wastewater management'. Details are to	At all times

	be provided at the time of lodgement of a plumbing and building application.	
DRAINAGE		
15.	Undertake a local drainage study / plan of the site to determine the measures required to ensure immunity for the building envelopes. The drainage study / plan must demonstrate the drainage within each allotment and identify the existing creeks and drainage lines. In particular, the study must address the following: a. The contributing catchment boundaries; b. The extent of the 100-year ARI flood event in relation to the building envelopes; c. Primary and secondary flow paths through the site, and through each lot relative to the identified building envelopes; d. Identify the locations of the watercourses through the site as mapped on State mapping including identifying the location of Caroline Creek and the unnamed southern tributary in relation to the lot layout and lot boundaries; e. Confirm with suitable level data, the location of flow paths that run beside or across Gampe Drive including assessments of existing crossroad drainage infrastructure capacity and any upgrades required to achieve the capacity nominated in the FNQROC Development Manual and the Queensland Urban Drainage manual (minimum 10-year ARI capacity unless otherwise approved by Council); f. Identify any requirement for drainage easements; and g. Proposed points of discharge for each lots including where such discharge may include maintaining overland flow across inter-allotment boundaries. The study must be endorsed by Council prior to the issue of a Development Permit for Operational Works. The approved works must be completed and accepted by Council prior to Council approval of the Plan of Survey.	As stated
16.	Existing watercourse systems and drainage areas within the subject site must be left in their current state, including no channel alterations and	At all times

	no removal of vegetation, unless otherwise approved.	
17.	Flow paths through the site must be clearly identified in relation to the lot layout and lot boundaries to confirm that no layout changes are required for access or use of the land for accommodating a Dwelling House with appropriate setbacks to drainage lines. If updates are required to the lot layout based on the location of the bed and banks of Caroline Creek or the unnamed southern tributary these must be provided on an updated dimensioned layout plan. The plan must be provided with the Operational Works Application for Roadworks. ***Advice Note -*** *There appears to be a slight misalignment between the state mapping of the watercourse and the actual location of the Gampe Drive cross-road culvert and downstream drainage path. The lot layout boundary of the access leg to the northern balance land (between Lots 3 and 4) appears to have a similar alignment to the State Mapping. These conditions require the drainage path alignment to be reconfirmed on site and the lot layout verified following that site verification.*	As stated
18.	All stormwater from each lot must be directed to a lawful point of discharge or maintained as overland flow based on current site conditions such that it does not adversely affect the building envelopes and access of the proposed lots to the requirements and satisfaction of the Director Infrastructure.	At all times
EXTERNAL WORKS		
19.	~~The section of Gampe Drive within the development footprint is to be upgraded to a Rural Access Road standard generally in accordance with the FNQROC Development Manual. The upgrade must be~~ **Provide bituminous surfacing comprising a prime and 2 coat seal** for the full length of the road from the Mulligan Highway through to the western boundary of Proposed Lots 7 and 900. ~~The design must be prepared by a suitably qualified engineer and submitted to Council for Operational Works approval.~~	Prior to the issue of the relevant Development Permit for Operational Work.
ACCESS		

20.	Construct an access crossover and driveways for proposed Lots 1-12 to Gampe Drive, generally in accordance with FNQROC Development Manual Standard Drawing S1105 to a Rural standard. Vehicle access with a minimum formed width of 4m must be provided to the approved building envelopes and is maintained cleared of vegetation and other obstacles to a minimum width of 6m.	Prior to Council approval of the Plan of Survey.
ELECTRICITY AND TELECOMMUNICATIONS SUPPLY		
21.	Each lot must be provided with a reliable electricity and telecommunications supply at the time of construction of a Dwelling House in accordance with the standards and requirements of the relevant service provider.	As stated

B. ASSESSMENT MANAGER (COUNCIL) ADVICE

1. The Reconfiguring a Lot approval authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or the approval will lapse.

2. The applicant/owner is to ensure compliance with the requirements of the Aboriginal Cultural Heritage Act and in particular 'the duty of care' that it imposes on all landowners.

3. Removal of Protected Vegetation

   This development approval does not approve of authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:

   - *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;
   - *Nature Conservation Act 1999 (Qld)*;
   - *Vegetation Management Act 1999 (Qld*).

Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D24/41221)

Queensland Government

SARA reference: 2304-34256 SRA
Council reference: DA/4609

9 August 2024

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown QLD 4895
mail@cook.qld.gov.au

Attention: Lisa Miller

Dear Lisa

SARA referral agency response—1843 Mulligan Highway, Cooktown

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 19 April 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	9 August 2024
Conditions:	The conditions in **Attachment 1** must be attached to any development approval
Advice:	Advice to the applicant is in **Attachment 2**
Reasons:	The reasons for the referral agency response are in **Attachment 3**

Development details

Description:	Development permit	Reconfiguring a Lot (1 lot into 14 lots and new road)
SARA role:	Referral agency	
SARA trigger:	Planning Regulation 2017: • Schedule 10, Part 3, Division 4, Table 2, Item 1 - Clearing native vegetation • Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 — ROL within 25m of a state transport corridors and future State transport	

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

	• Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – ROL that intersects with a State transport corridors and is within 100m of an intersection
SARA reference:	2304-34256 SRA
Assessment manager:	Cook Shire Council
Street address:	1843 Mulligan Highway, Cooktown
Real property description:	Lot 216 on SP137304
Applicant name:	Brian Boserio
Applicant contact details:	228 Draper Street Parramatta Park QLD 4870 erin@mdlandsurveys.com.au
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision: • Approved • Reference: TMR23-039118 (500-1676) • Date: 4 April 2024 If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au
Human Rights Act 2019 considerations:	Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this response. It has been concluded that this response does not limit human rights**.**

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Rebecca Carpenter, Principal Planner, on 07 3452 7652 or via email DAAT@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Anna McGrath
Executive Director

cc Brian Boserio, erin@mdlandsurveys.com.au

enc Attachment 1 - Referral agency conditions

Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 3, Division 4, Table 2, Item 1 - The chief executive administering the *Planning Act 2016* nominates the Director-General of Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Clearing of native vegetation can: (a) Only occur within area A (A^{1} - A^{9}) and area C (C^{1} – C^{12}) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2304-34256-SRA, Sheet 1, Version 1 (ii) Attachment to Vegetation Management Plan VMP 2304-34256-SRA, Derived Reference Points for GPS. (b) not exceed 17.31 hectares.	At all times
2.	Built infrastructure, other than for fences, roads, underground services, must not (a) be established, constructed or located within Area C (C1 – C12) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2304-34256-SRA, Sheet 1 of 1, version 1 (ii) Attachment to Vegetation Management Plan VMP 2304-34256-SRA Derived Reference Points for GPS.	At all times
3.	Enter into an agreed delivery arrangement to deliver an environmental offset in accordance with the *Environmental Offsets Act 2014* to counterbalance the significant residual impacts on the matters of state environmental significance being: (a) clearing prescribed regional ecosystems that are of concern regional ecosystems being: 6.35 ha of regional ecosystem RE 3.5.26.	Prior to the clearing of any matters of state environmental significance.
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 - The chief executive administering the *Planning Act 2016* nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
4.	(a) Road works comprising of a sealed basic right-turn (BAR) must be provided at Mulligan Highway / Gampe Drive T-intersection. (b) The road works must be designed and constructed in accordance with Figure A 6: basic right-turn (BAR) treatment on a two-lane rural road, Part 4: Intersections and Crossings – General, Austroads Guide to Road Design, 2021.	Prior to submitting the Plan of Survey to the local government for approval.
5.	(a) The road access locations are to be located in accordance with TMR Layout Plan (34C – 58.79km), prepared by Queensland Government Transport and Main Roads, dated 3/04/2024,	(a) At all times. (b) and (c) Prior to

	Reference TMR23-39118 (500-1676), Issue B. (b) Road access works comprising of a sealed 'Type B' rural property access must be provided at the road access location for proposed Lot 13. (c) The road access works must be designed and constructed in accordance with TMR Standard Rural Property Access Drawing, Sheets 1 & 2, Drawing No. 1807, Type B – Rural Property Access, dated 11/2021, and Revision B.	submitting the Plan of Survey to the local government for approval.
6.	Direct access is not permitted between the Mulligan Highway and proposed Lots 1, 2, 3 and the western land portion of Lot 900 (Part).	At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the *Planning Act 2016*, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
Transport Noise Corridor	
2.	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 State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.
Further development permits required – Road work approval	
3.	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. Please contact the Department of Transport and Main Roads on 4045 7144 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). Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.
Potential future waterway barrier works application	
4.	The 'Queensland waterways for waterway barrier works' spatial data layer indicates that a waterway/s exists within the subject site. In accordance with Schedule 1 of the *Fisheries Act 1994*, development which creates a barrier limiting fish stock access and movement along a waterway constitutes waterway barrier works. Some waterway barrier works can be undertaken without a development approval where they comply with the Department of Agriculture and Fisheries' Accepted development requirements for operational work that is constructing or raising waterway barrier works. If the proposed works do not meet these requirements, the works are deemed assessable development under Schedule 10, Part 6, Division 4, Subdivision 1 of the Planning Regulation 2017 for which a development approval for operational work is required.

	This referral agency response has not considered any impacts to waterways for fish passage and as such, is not an indication that a subsequent development application for waterway barrier works would be successful. If waterway barrier works are necessary to facilitate the development, it is strongly recommended that pre-lodgement advice is sought from SARA to ensure that the design/s of the barrier/s is appropriate and will not have significant implications for the wider development design and approval process. It is the applicant's responsibility to ensure that any necessary approval for waterway barrier works is obtained prior to works commencing.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:
The proposed development can comply with State code 1: Development in a state-controlled road environment if carried out in accordance with the recommended conditions. Specifically, the proposed development:

- will not adversely impact the safety, function and efficiency of state-controlled roads, future state controlled roads, road transport infrastructure, active transport infrastructure and public passenger services on state-controlled roads
- will not adversely impact on the safety of people using, and living or working near, state-controlled roads.

The proposed development can comply with State Code 16: Native vegetation clearing if carried out in accordance with the recommended conditions. Specifically, the development:

- minimises and mitigates impacts on vegetation that are matters of state environmental significance
- minimises clearing to conserve vegetation, avoid loss of biodiversity, avoids land degradation and maintains ecological processes
- an offset has been provided to mitigate the significant residual impact.

Material used in the assessment of the application:

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

Attachment 4—Representations about a referral agency response provisions

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Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.

28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—

(a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or

(b) the Minister has given the concurrence agency a direction under section 99 of the Act; or

(c) the applicant has given written agreement to the change to the referral agency response.[2]

28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.

28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—

(a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and

(b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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1 Pursuant to Section 68 of the *Planning Act 2016*

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

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.[3]

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

Attachment 5—Documents referenced in conditions

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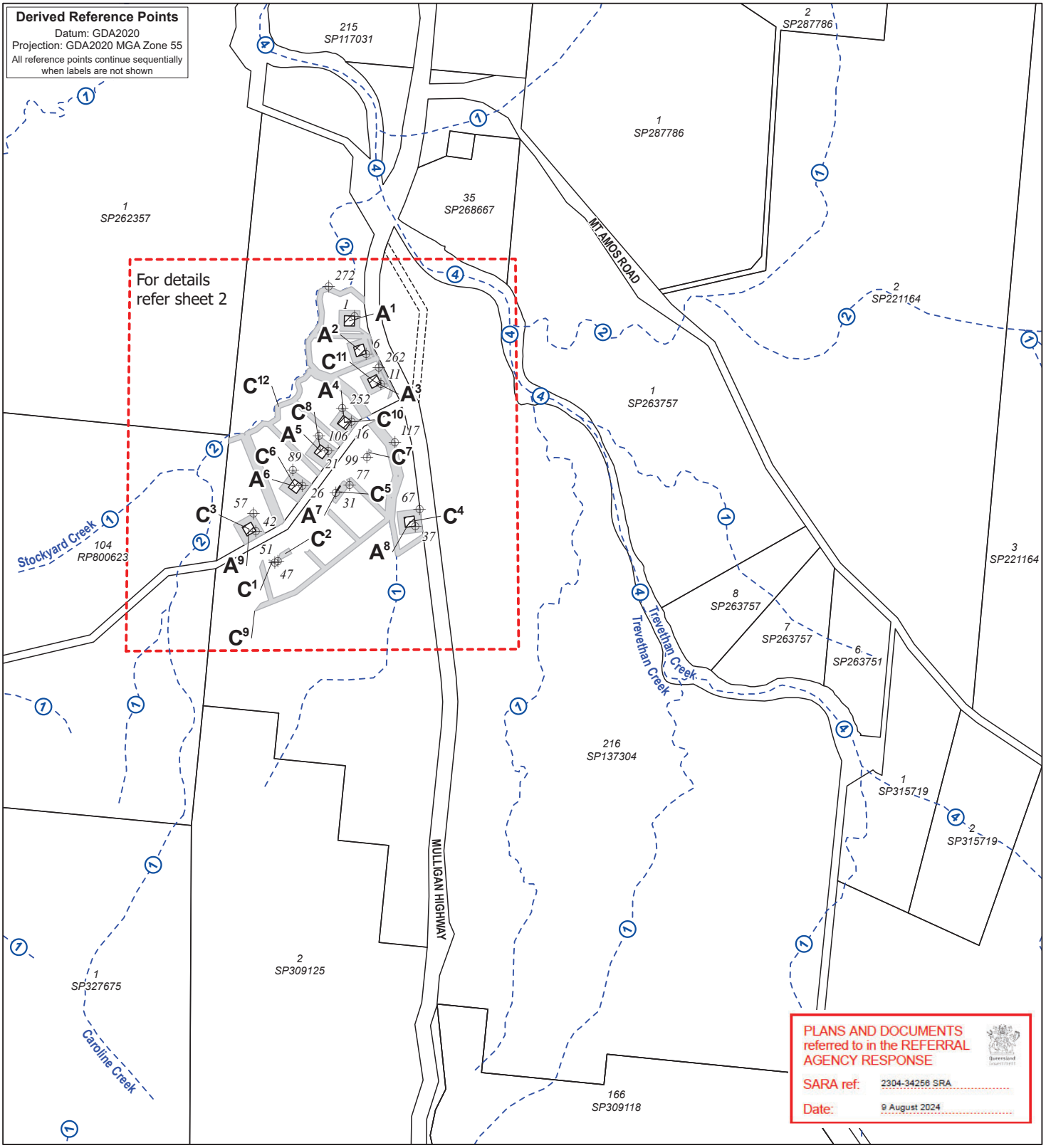


PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2304-34256 SRA

Date: 9 August 2024

1:15,000 @ A3 paper size

0 350 700 1,050 1,400 metres

Projection: GDA2020 MGA Zone 55 Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.

Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2304-34256-SRA

LEGEND

- Derived Reference Start Points (see attachment)
- Subject Lot(s)
- Area A - Clearing Permitted
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)
- Watercourse and/or drainage feature (Stream order label)

Note: This is a colour map and must be reproduced in colour

N

Vegetation Management Plan

Plan of Area A (Parts A[1] - A[9]) and Area C (Parts C[1] - C[12]) in Lot 216 on Plan SP137304

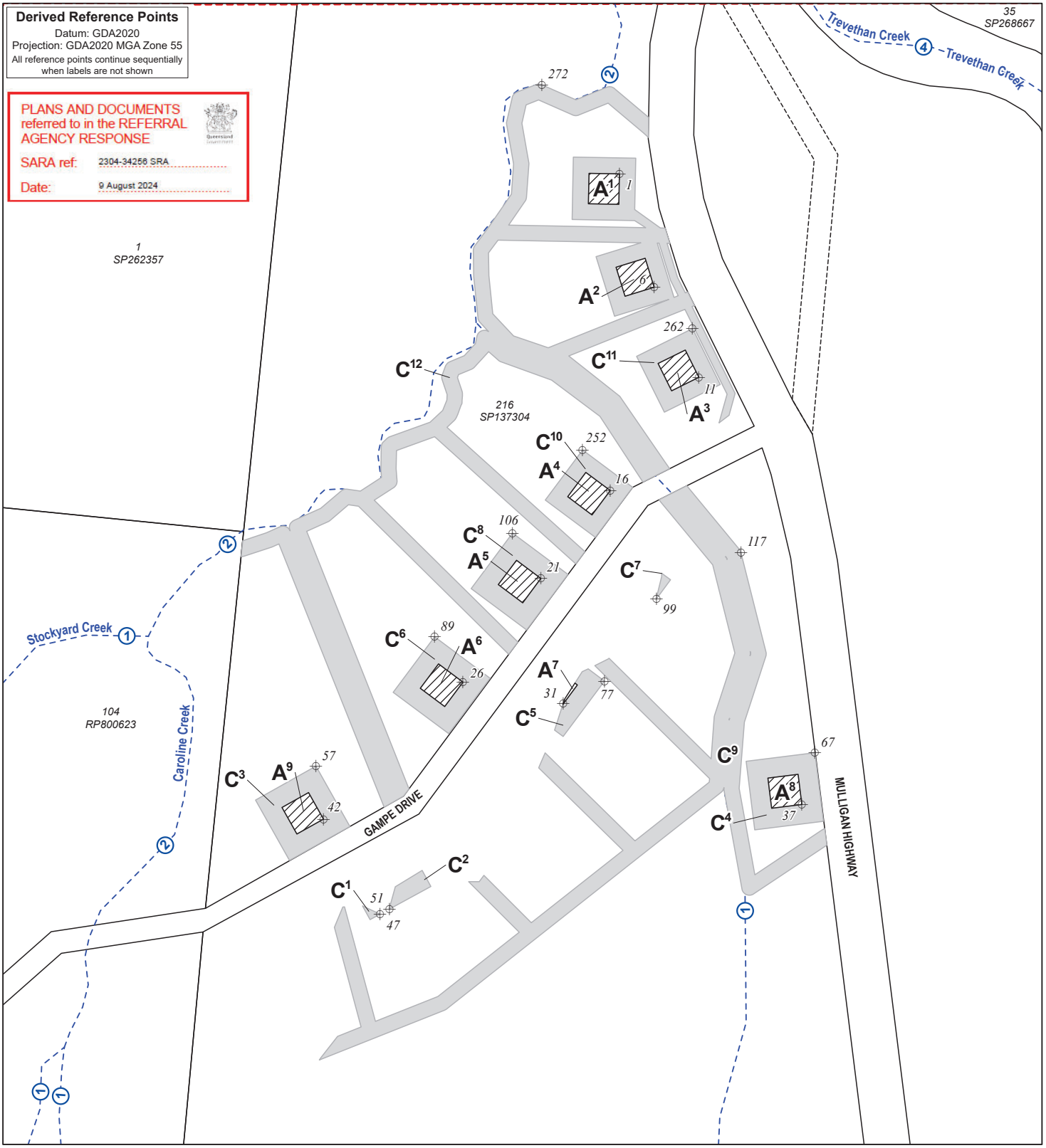
Version: 1 | eLVAS Case ID: 2023/001522

Queensland Government

VMP 2304-34256-SRA

Sheet 1 of 2

VMGIS-NR-2863



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0 120 240 360 480 metres

Projection: GDA2020 MGA Zone 55 Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.

Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2304-34256-SRA

LEGEND

- Derived Reference Start Points (see attachment)
- Subject Lot(s)
- Area A - Clearing Permitted
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)
- Watercourse and/or drainage feature (Stream order label)

Note: This is a colour map and must be reproduced in colour

N

Vegetation Management Plan

Plan of Area A (Parts A[1] - A[9]) and Area C (Parts C[1] - C[12]) in Lot 216 on Plan SP137304

Version: 1 | eLVAS Case ID: 2023/001522

Queensland Government

VMP 2304-34256-SRA

Sheet 2 of 2

Attachment: 2304-34256-SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
A1	1	309022	8272082
A1	2	309021	8272042
A1	3	308981	8272042
A1	4	308982	8272082
A1	5	309022	8272082
A2	6	309067	8271933
A2	7	309029	8271921
A2	8	309017	8271959
A2	9	309055	8271971
A2	10	309067	8271933
A3	11	309126	8271814
A3	12	309090	8271797
A3	13	309072	8271832
A3	14	309108	8271850
A3	15	309126	8271814
A4	16	309010	8271665
A4	17	308986	8271633
A4	18	308954	8271657
A4	19	308978	8271689
A4	20	309010	8271665
A5	21	308918	8271550
A5	22	308895	8271518
A5	23	308863	8271542
A5	24	308886	8271574
A5	25	308918	8271550
A6	26	308816	8271414
A6	27	308792	8271381
A6	28	308760	8271405
A6	29	308784	8271437
A6	30	308816	8271414
A7	31	308948	8271385
A7	32	308947	8271384
A7	33	308950	8271391
A7	34	308963	8271412
A7	35	308966	8271410
A7	36	308948	8271385
A8	37	309261	8271253
A8	38	309222	8271248
A8	39	309217	8271287
A8	40	309256	8271292
A8	41	309261	8271253
A9	42	308633	8271233
A9	43	308598	8271214
A9	44	308578	8271249
A9	45	308613	8271268
A9	46	308633	8271233
C1	47	308707	8271109
C1	48	308694	8271101
C1	49	308684	8271119
C1	50	308707	8271109
C2	51	308720	8271115
C2	52	308719	8271115
C2	53	308727	8271145
C2	54	308762	8271166
C2	55	308774	8271145
C2	56	308720	8271115
C3	57	308623	8271303
C3	58	308668	8271224
C3	59	308588	8271179
C3	60	308544	8271258

Part ID	Unique ID	Easting	Northing
C3	61	308623	8271303
C3	62	308578	8271249
C3	63	308598	8271214
C3	64	308633	8271233
C3	65	308613	8271268
C3	66	308578	8271249
C4	67	309278	8271321
C4	68	309290	8271231
C4	69	309199	8271219
C4	70	309188	8271310
C4	71	309278	8271321
C4	72	309217	8271287
C4	73	309222	8271248
C4	74	309261	8271253
C4	75	309256	8271292
C4	76	309217	8271287
C5	77	309002	8271415
C5	78	308948	8271342
C5	79	308937	8271350
C5	80	308936	8271350
C5	81	308947	8271384
C5	82	308948	8271385
C5	83	308966	8271410
C5	84	308966	8271410
C5	85	308963	8271412
C5	86	308973	8271427
C5	87	308981	8271431
C5	88	309002	8271415
C6	89	308779	8271473
C6	90	308852	8271419
C6	91	308797	8271346
C6	92	308724	8271400
C6	93	308779	8271473
C6	94	308760	8271405
C6	95	308792	8271381
C6	96	308816	8271414
C6	97	308784	8271437
C6	98	308760	8271405
C7	99	309070	8271523
C7	100	309070	8271522
C7	101	309077	8271553
C7	102	309077	8271557
C7	103	309078	8271556
C7	104	309089	8271548
C7	105	309070	8271523
C8	106	308881	8271609
C8	107	308954	8271555
C8	108	308935	8271530
C8	109	308900	8271482
C8	110	308827	8271537
C8	111	308881	8271609
C8	112	308863	8271542
C8	113	308895	8271518
C8	114	308918	8271550
C8	115	308886	8271574
C8	116	308863	8271542
C9	117	309181	8271584
C9	118	309214	8271453
C9	119	309214	8271453
C9	120	309214	8271452

Part ID	Unique ID	Easting	Northing
C9	121	309214	8271451
C9	122	309214	8271450
C9	123	309214	8271449
C9	124	309214	8271448
C9	125	309214	8271448
C9	126	309186	8271361
C9	127	309179	8271274
C9	128	309200	8271160
C9	129	309288	8271219
C9	130	309288	8271220
C9	131	309289	8271220
C9	132	309290	8271220
C9	133	309291	8271221
C9	134	309294	8271199
C9	135	309198	8271135
C9	136	309197	8271135
C9	137	309197	8271134
C9	138	309196	8271134
C9	139	309195	8271134
C9	140	309194	8271134
C9	141	309193	8271133
C9	142	309193	8271133
C9	143	309192	8271133
C9	144	309191	8271134
C9	145	309190	8271134
C9	146	309189	8271134
C9	147	309188	8271134
C9	148	309187	8271135
C9	149	309187	8271135
C9	150	309186	8271136
C9	151	309185	8271136
C9	152	309185	8271137
C9	153	309184	8271138
C9	154	309184	8271138
C9	155	309183	8271139
C9	156	309183	8271140
C9	157	309183	8271141
C9	158	309183	8271142
C9	159	309159	8271271
C9	160	309159	8271272
C9	161	309159	8271273
C9	162	309159	8271274
C9	163	309159	8271275
C9	164	309159	8271274
C9	165	309159	8271273
C9	166	309158	8271272
C9	167	309158	8271272
C9	168	309157	8271271
C9	169	309157	8271270
C9	170	309156	8271270
C9	171	309156	8271269
C9	172	309155	8271269
C9	173	309048	8271184
C9	174	308911	8271076
C9	175	308794	8270984
C9	176	308794	8270983
C9	177	308793	8270983
C9	178	308793	8270983
C9	179	308792	8270982
C9	180	308698	8270945

Attachment: 2304-34256-SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55

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Part ID	Unique ID	Easting	Northing
C9	181	308627	8270917
C9	182	308629	8270920
C9	183	308651	8270948
C9	184	308682	8270960
C9	185	308647	8271091
C9	186	308647	8271091
C9	187	308658	8271118
C9	188	308661	8271118
C9	189	308701	8270968
C9	190	308783	8271000
C9	191	308890	8271085
C9	192	308824	8271151
C9	193	308837	8271151
C9	194	308844	8271160
C9	195	308906	8271097
C9	196	309026	8271192
C9	197	308916	8271301
C9	198	308916	8271301
C9	199	308916	8271303
C9	200	308924	8271321
C9	201	308924	8271321
C9	202	309042	8271205
C9	203	309140	8271282
C9	204	309140	8271287
C9	205	308989	8271435
C9	206	309007	8271444
C9	207	309008	8271445
C9	208	309142	8271313
C9	209	309146	8271368
C9	210	309146	8271369
C9	211	309146	8271369
C9	212	309147	8271370
C9	213	309173	8271452
C9	214	309144	8271568
C9	215	309088	8271636
C9	216	309076	8271650
C9	217	309075	8271651
C9	218	309075	8271652
C9	219	309074	8271653
C9	220	309110	8271672
C9	221	309127	8271651
C9	222	309179	8271588
C9	223	309180	8271587
C9	224	309180	8271587
C9	225	309181	8271586
C9	226	309181	8271585
C9	227	309181	8271584
C9	228	309163	8271576
C9	229	309163	8271575
C9	230	309162	8271577
C9	231	309161	8271579
C9	232	309162	8271578
C9	233	309162	8271577
C9	234	309162	8271577
C9	235	309163	8271576
C9	236	309193	8271449
C9	237	309193	8271448
C9	238	309194	8271451
C9	239	309193	8271454
C9	240	309194	8271453
C9	241	309194	8271452
C9	242	309194	8271451
C9	243	309194	8271451
C9	244	309194	8271450
C9	245	309193	8271449
C9	246	309166	8271365
C9	247	309166	8271364
C9	248	309166	8271365
C9	249	309166	8271365
C9	250	309166	8271366
C9	251	309166	8271365
C10	252	308973	8271719
C10	253	309039	8271670
C10	254	308990	8271604
C10	255	308924	8271653
C10	256	308973	8271719
C10	257	308954	8271657
C10	258	308986	8271633
C10	259	309010	8271665
C10	260	308978	8271689
C10	261	308954	8271657
C11	262	309118	8271878
C11	263	309154	8271805
C11	264	309081	8271768
C11	265	309044	8271842
C11	266	309118	8271878
C11	267	309072	8271832
C11	268	309090	8271797
C11	269	309126	8271814
C11	270	309108	8271850
C11	271	309072	8271832
C12	272	308920	8272199
C12	273	308964	8272179
C12	274	309005	8272196
C12	275	309005	8272196
C12	276	309006	8272196
C12	277	309007	8272196
C12	278	309008	8272196
C12	279	309009	8272196
C12	280	309009	8272196
C12	281	309010	8272196
C12	282	309011	8272196
C12	283	309012	8272196
C12	284	309013	8272195
C12	285	309014	8272195
C12	286	309014	8272195
C12	287	309015	8272194
C12	288	309015	8272194
C12	289	309060	8272156
C12	290	309060	8272130
C12	291	309053	8272136
C12	292	309007	8272175
C12	293	308968	8272159
C12	294	308968	8272159
C12	295	308967	8272159
C12	296	308966	8272158
C12	297	308965	8272158
C12	298	308964	8272158
C12	299	308963	8272158
C12	300	308963	8272158
C12	301	308962	8272159
C12	302	308961	8272159
C12	303	308960	8272159
C12	304	308915	8272179
C12	305	308899	8272172
C12	306	308894	8272148
C12	307	308903	8272097
C12	308	308903	8272096
C12	309	308903	8272095
C12	310	308903	8272094
C12	311	308900	8272051
C12	312	308899	8272050
C12	313	308899	8272049
C12	314	308899	8272048
C12	315	308899	8272047
C12	316	308898	8272047
C12	317	308898	8272046
C12	318	308876	8272014
C12	319	309056	8272011
C12	320	309042	8272020
C12	321	308960	8272022
C12	322	308961	8272104
C12	323	309043	8272102
C12	324	309042	8272035
C12	325	309075	8272011
C12	326	309082	8272011
C12	327	309088	8271990
C12	328	309084	8271990
C12	329	309098	8271946
C12	330	309108	8271925
C12	331	309111	8271927
C12	332	309120	8271908
C12	333	309118	8271908
C12	334	309117	8271907
C12	335	309174	8271793
C12	336	309166	8271764
C12	337	309152	8271754
C12	338	309163	8271792
C12	339	309108	8271904
C12	340	308955	8271842
C12	341	309021	8271790
C12	342	309021	8271790
C12	343	309022	8271789
C12	344	309022	8271789
C12	345	309023	8271788
C12	346	309082	8271702
C12	347	309087	8271695
C12	348	309087	8271694
C12	349	309088	8271694
C12	350	309053	8271676
C12	351	309052	8271677
C12	352	308996	8271763
C12	353	308933	8271811
C12	354	308866	8271835
C12	355	308865	8271835
C12	356	308865	8271835
C12	357	308864	8271836
C12	358	308863	8271836
C12	359	308863	8271836
C12	360	308850	8271848

Attachment: 2304-34256-SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55

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Part ID	Unique ID	Easting	Northing
C12	361	308850	8271848
C12	362	308849	8271847
C12	363	308831	8271828
C12	364	308830	8271827
C12	365	308830	8271826
C12	366	308829	8271826
C12	367	308828	8271825
C12	368	308828	8271825
C12	369	308810	8271818
C12	370	308809	8271814
C12	371	308815	8271796
C12	372	308815	8271795
C12	373	308815	8271795
C12	374	308815	8271794
C12	375	308815	8271793
C12	376	308815	8271792
C12	377	308815	8271782
C12	378	308815	8271781
C12	379	308815	8271780
C12	380	308814	8271779
C12	381	308814	8271778
C12	382	308807	8271761
C12	383	308807	8271761
C12	384	308807	8271760
C12	385	308806	8271759
C12	386	308806	8271759
C12	387	308805	8271758
C12	388	308805	8271758
C12	389	308795	8271749
C12	390	308976	8271585
C12	391	308976	8271585
C12	392	308964	8271569
C12	393	308964	8271569
C12	394	308964	8271570
C12	395	308963	8271570
C12	396	308779	8271736
C12	397	308729	8271718
C12	398	308728	8271694
C12	399	308729	8271678
C12	400	308730	8271678
C12	401	308729	8271677
C12	402	308729	8271676
C12	403	308729	8271675
C12	404	308729	8271674
C12	405	308729	8271673
C12	406	308728	8271673
C12	407	308728	8271672
C12	408	308727	8271671
C12	409	308727	8271671
C12	410	308726	8271670
C12	411	308725	8271670
C12	412	308725	8271669
C12	413	308699	8271653
C12	414	308888	8271466
C12	415	308876	8271450
C12	416	308875	8271452
C12	417	308875	8271452
C12	418	308679	8271645
C12	419	308666	8271647
C12	420	308641	8271626
C12	421	308640	8271625
C12	422	308640	8271625
C12	423	308639	8271624
C12	424	308611	8271612
C12	425	308745	8271273
C12	426	308738	8271264
C12	427	308713	8271249
C12	428	308574	8271595
C12	429	308566	8271591
C12	430	308565	8271591
C12	431	308565	8271591
C12	432	308529	8271579
C12	433	308529	8271579
C12	434	308528	8271579
C12	435	308527	8271579
C12	436	308525	8271579
C12	437	308527	8271600
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C12	442	308578	8271619
C12	443	308579	8271619
C12	444	308580	8271619
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C12	446	308581	8271619
C12	447	308582	8271618
C12	448	308583	8271618
C12	449	308584	8271618
C12	450	308585	8271617
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C12	452	308586	8271616
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C12	458	308589	8271612
C12	459	308589	8271613
C12	460	308589	8271613
C12	461	308588	8271614
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C12	464	308588	8271617
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C12	466	308588	8271619
C12	467	308588	8271619
C12	468	308589	8271620
C12	469	308589	8271621
C12	470	308589	8271622
C12	471	308590	8271623
C12	472	308590	8271623
C12	473	308591	8271624
C12	474	308592	8271625
C12	475	308592	8271625
C12	476	308593	8271626
C12	477	308594	8271626
C12	478	308594	8271626
C12	479	308594	8271626
C12	480	308629	8271642
C12	481	308656	8271665
C12	482	308657	8271665
C12	483	308658	8271666
C12	484	308658	8271666
C12	485	308659	8271667
C12	486	308660	8271667
C12	487	308661	8271667
C12	488	308662	8271667
C12	489	308663	8271667
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C12	491	308664	8271667
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C12	494	308708	8271693
C12	495	308708	8271694
C12	496	308708	8271694
C12	497	308709	8271723
C12	498	308709	8271723
C12	499	308709	8271724
C12	500	308709	8271725
C12	501	308709	8271726
C12	502	308710	8271727
C12	503	308710	8271727
C12	504	308711	8271728
C12	505	308711	8271729
C12	506	308711	8271729
C12	507	308712	8271730
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C12	510	308718	8271735
C12	511	308718	8271735
C12	512	308719	8271736
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C12	514	308720	8271736
C12	515	308773	8271755
C12	516	308773	8271756
C12	517	308790	8271771
C12	518	308795	8271784
C12	519	308795	8271791
C12	520	308789	8271811
C12	521	308789	8271812
C12	522	308788	8271812
C12	523	308788	8271813
C12	524	308788	8271814
C12	525	308788	8271815
C12	526	308788	8271816
C12	527	308789	8271817
C12	528	308789	8271817
C12	529	308789	8271818
C12	530	308793	8271829
C12	531	308793	8271830
C12	532	308794	8271830
C12	533	308794	8271831
C12	534	308795	8271832
C12	535	308795	8271832
C12	536	308796	8271833
C12	537	308797	8271833
C12	538	308797	8271834
C12	539	308798	8271834
C12	540	308799	8271835

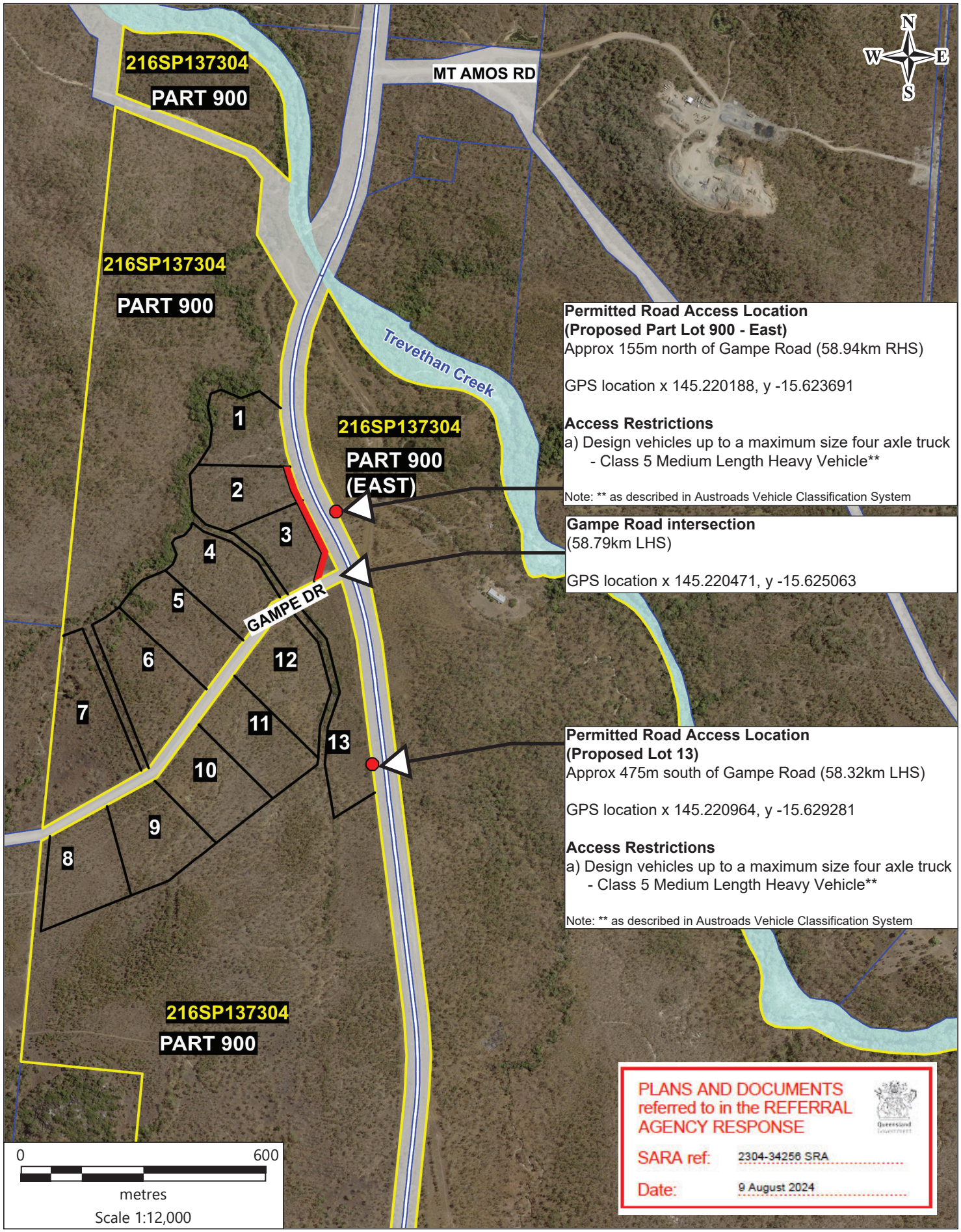
Attachment: 2304-34256-SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
C12	541	308818	8271843
C12	542	308833	8271859
C12	543	308834	8271868
C12	544	308835	8271869
C12	545	308835	8271869
C12	546	308835	8271870
C12	547	308836	8271871
C12	548	308836	8271872
C12	549	308837	8271872
C12	550	308837	8271873
C12	551	308838	8271874
C12	552	308838	8271874
C12	553	308839	8271875
C12	554	308840	8271875
C12	555	308841	8271875
C12	556	308842	8271876
C12	557	308842	8271876
C12	558	308843	8271876
C12	559	308844	8271876
C12	560	308845	8271876
C12	561	308846	8271876
C12	562	308847	8271876
C12	563	308848	8271876
C12	564	308848	8271875
C12	565	308849	8271875
C12	566	308850	8271875
C12	567	308838	8271887
C12	568	308838	8271887
C12	569	308838	8271888
C12	570	308837	8271888
C12	571	308837	8271889
C12	572	308836	8271890
C12	573	308836	8271891
C12	574	308836	8271892
C12	575	308836	8271892
C12	576	308830	8271946
C12	577	308830	8271947
C12	578	308830	8271981
C12	579	308830	8271981
C12	580	308830	8271982
C12	581	308830	8271983
C12	582	308830	8271984
C12	583	308830	8271984
C12	584	308831	8271985
C12	585	308831	8271986
C12	586	308832	8271987
C12	587	308849	8272011
C12	588	308880	8272055
C12	589	308883	8272095
C12	590	308873	8272147
C12	591	308873	8272147
C12	592	308873	8272148
C12	593	308873	8272149
C12	594	308873	8272150
C12	595	308874	8272151
C12	596	308881	8272182
C12	597	308881	8272183
C12	598	308881	8272184
C12	599	308882	8272185
C12	600	308882	8272185

Part ID	Unique ID	Easting	Northing
C12	601	308883	8272186
C12	602	308883	8272187
C12	603	308884	8272187
C12	604	308885	8272188
C12	605	308885	8272188
C12	606	308886	8272189
C12	607	308887	8272189
C12	608	308912	8272199
C12	609	308912	8272199
C12	610	308913	8272199
C12	611	308914	8272200
C12	612	308915	8272200
C12	613	308916	8272200
C12	614	308916	8272200
C12	615	308917	8272200
C12	616	308918	8272199
C12	617	308919	8272199
C12	618	308920	8272199
C12	619	308855	8271898
C12	620	308883	8271869
C12	621	308928	8271853
C12	622	309087	8271917
C12	623	309015	8271895
C12	624	308991	8271973
C12	625	309050	8271991
C12	626	308862	8271995
C12	627	308850	8271978
C12	628	308850	8271948
C12	629	308855	8271898
C12	630	309071	8271991
C12	631	309093	8271919
C12	632	309099	8271922
C12	633	309089	8271942
C12	634	309074	8271991
C12	635	309071	8271991
C12	636	309067	8271933
C12	637	309055	8271971
C12	638	309017	8271959
C12	639	309029	8271921
C12	640	309067	8271933
C12	641	309022	8272082
C12	642	308982	8272082
C12	643	308981	8272042
C12	644	309021	8272042
C12	645	309022	8272082

Part ID	Unique ID	Easting	Northing



Permitted Road Access Location
(Proposed Part Lot 900 - East)
Approx 155m north of Gampe Road (58.94km RHS)

GPS location x 145.220188, y -15.623691

Access Restrictions
a) Design vehicles up to a maximum size four axle truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Gampe Road intersection
(58.79km LHS)

GPS location x 145.220471, y -15.625063

Permitted Road Access Location
(Proposed Lot 13)
Approx 475m south of Gampe Road (58.32km LHS)

GPS location x 145.220964, y -15.629281

Access Restrictions
a) Design vehicles up to a maximum size four axle truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2304-34256 SRA

Date: 9 August 2024

Branch/Unit : **Corridor Management / Far North District**

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

Land parcels | Subject land
Proposed new boundaries | Proposed Easements
State-controlled road

TMR Layout Plan (34C - 58.79km)

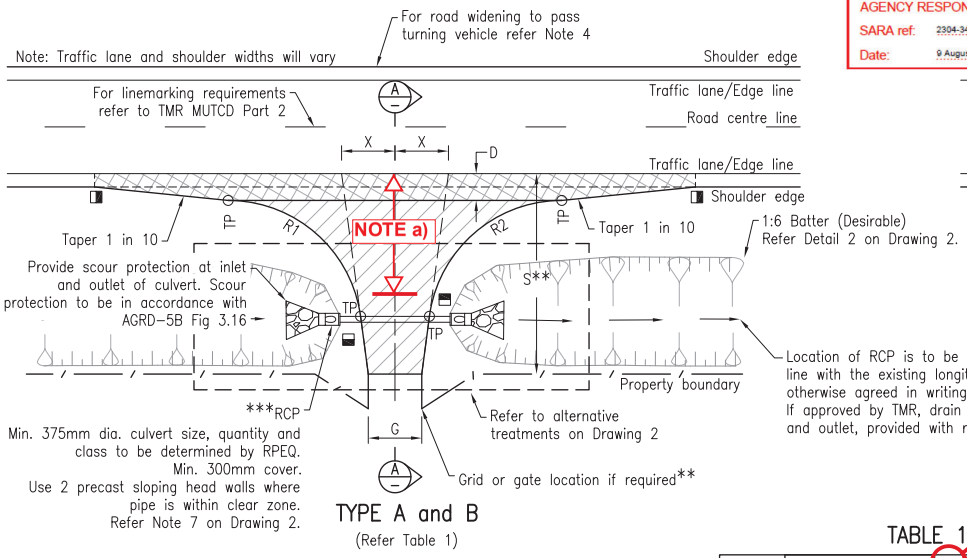
Queensland Government
Transport and Main Roads

Plan:	Issue:	Date:
1 / 1	B	3/04/2024

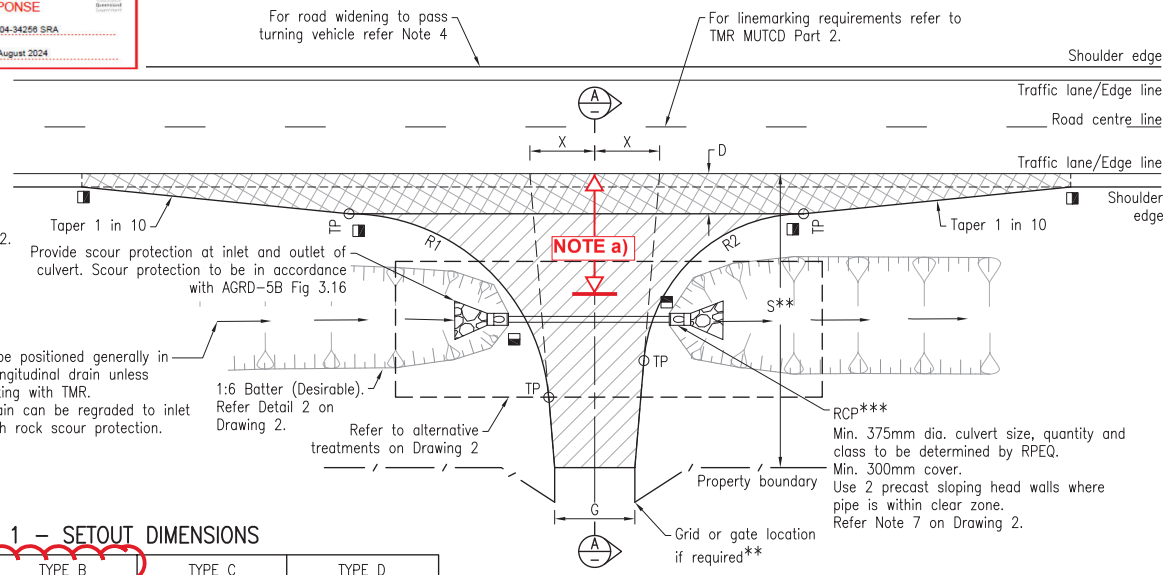
Drawn by: RPK

File ref: TMR23-39118 (500-1676)

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref: 2304-34256 SRA
Date: 9 August 2024



TYPE A and B
(Refer Table 1)



TYPE C and D
(Refer Table 1)

TABLE 1 – SETOUT DIMENSIONS

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Train Type 1)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	5m
S	12m	15m	22m	30m**
G	4–6m Ø	4–6m Ø	6m	6m
Ø 6m Minimum width for two–way two–lane access.				

LEGEND

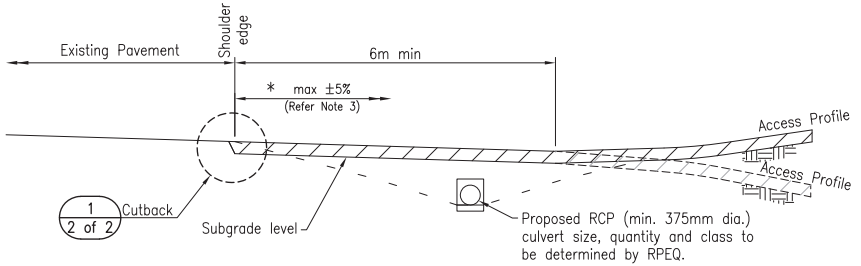
- Pavement Type 1 – Bitumen surfacing, 2 coat bitumen seal. Pavement depth and type to match existing or proposed through road pavement. Refer to Table 2 for minimum depths.
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimise gravel on through road) to be determined by the RPEQ.
- * Maintain existing shoulder crossfall and superelevation.
- ** Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- *** RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post. The Filled in portion denotes a red reflector and the open portion a white reflector.

TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH

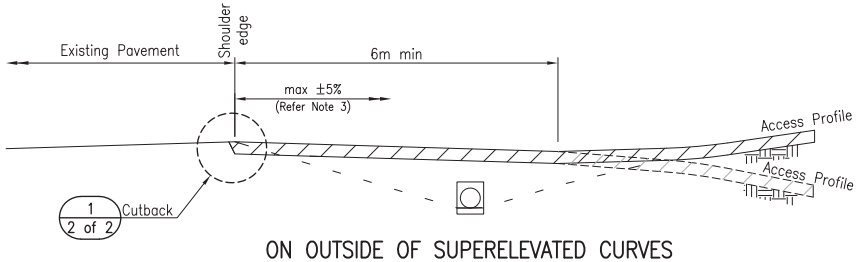
	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm(Min.) Type 2.2◆or match existing	200mm(Min.) Type 2.2◆or match existing	280mm(Min.) Type 2.2◆or match existing
Unsealed Pavement Base Course	150mm(Min.) Type 2.4◆or match existing	200mm(Min.) Type 2.4◆or match existing	#

NOTE:
1. Refer to additional notes on drawing 2 of 2
2. Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.

Bitumen sealed pavement only.
◆ Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.



ON STRAIGHTS AND INSIDE OF CURVES



ON OUTSIDE OF SUPERELEVATED CURVES

SECTION A

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.

NOTES:

1. Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to Sections 7.2.1 and 7.2.3 of the AGRD-4 (2009).
2. For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Supplement to AGRD–4A, and Section 3 of the AGRD-4A (2010).
3. Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 – Parking Facilities Off–Street Commercial Vehicle Facilities.
4. RPEQ or designer to conduct traffic impact assessment to determine if turning treatments are required. Rural right–turn treatments maybe appropriate, refer to Section 7.5 of the AGRD–4A (2010) for pavement widening requirements. Pavement type to match existing or minimums specified in Table 2 of this drawing.
5. This drawing is to be read in conjunction with Drawing 2 of 2.
6. All dimensions in metres and are minimum unless specified.

REFERENCED DOCUMENTS:

Departmental Standard Drawings:

1243 Precast Culvert Headwalls – Headwall Connections for Culverts
1305 Pipe Culverts - Headwall and Apron for Pipe Diameter 375 to 675
1359 Culverts - Installation, Bedding and Filling/Backfilling Against/Over Culverts

Departmental Documents:

RPDM Road Planning and Design Manual (2nd Edition)
MRTS03 Drainage, Retaining Structures and Protective Treatment

Austroads Guide to Road Design:

AGRD–4 (2009) Part 4: Intersections and Crossings – General (2009)
AGRD–4A (2010) Part 4A: Unsignalised and Signalised Intersections (2010)
AGRD–5B (2013) Part 5B: Drainage – Open Channels, Culverts and Floodways (2013)

Department of Transport and Main Roads

PROPERTY ACCESS

RURAL PROPERTY ACCESS
DRAWING 1 OF 2

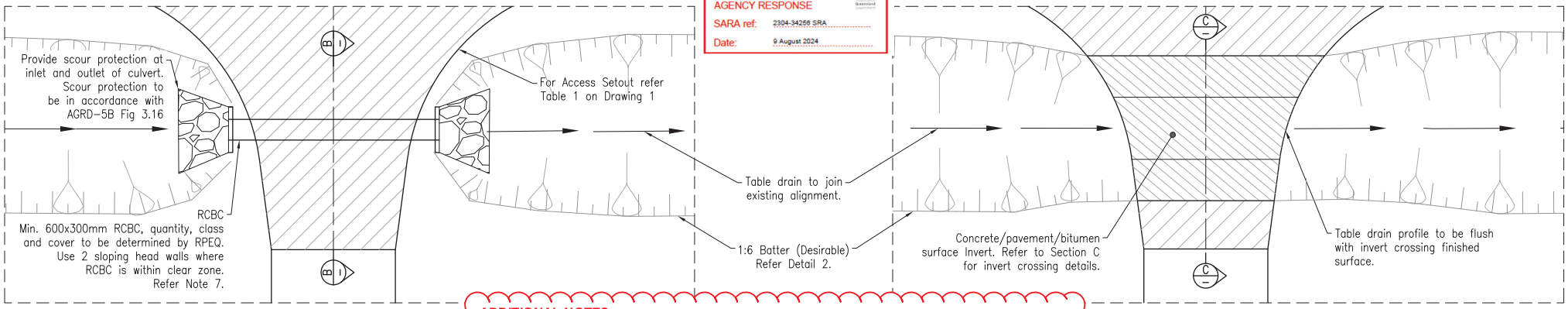
Queensland Government

A3 | Not to Scale

Standard Drawing No 1807
Date 11/2021

A | B

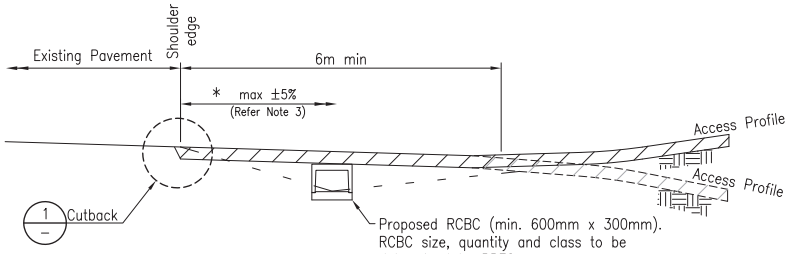
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref: 2304-34256 SRA
Date: 9 August 2024



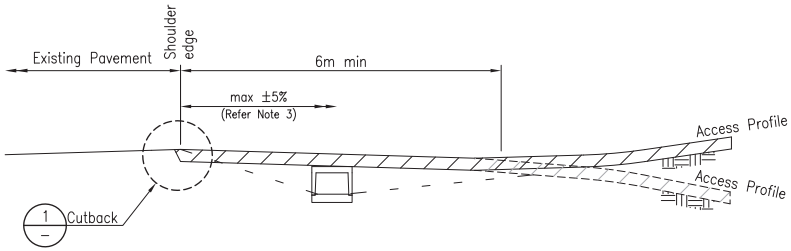
RC BOX CULVERT PLAN VIEW

INVERT CROSSING PLAN VIEW

ADDITIONAL NOTES:
a) In all cases, bitumen seal to extend a minimum of 10m from road edge.
b) Annexure to construction drawings is to be read in conjunction with standard drawing 1807.

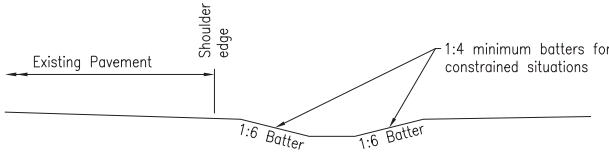


ON STRAIGHTS AND INSIDE OF CURVES



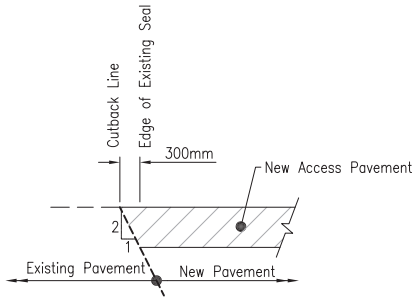
ON OUTSIDE OF SUPERELEVATED CURVES

SECTION B



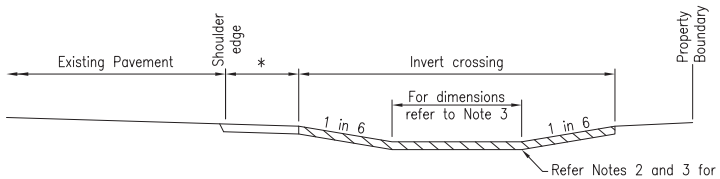
BATTER DETAIL

DETAIL 2



CUTBACK DETAIL

DETAIL 1



Refer Notes 2 and 3 for additional invert requirements. For concrete inverts strength and thickness refer note 6. For other surface inverts depths refer Note 4.

INVERT CROSSING

SECTION C

LEGEND

Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.

Invert crossing surface

* Maintain existing shoulder crossfall and superelevation.

NOTES:

1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub–base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Culvert clear zone varies with location and speed environment. Refer to TMR Road Planning and Design Manual – Supplement to AGRD Part 6, and Austroads Guide to Road Design - Part 6.

REFERENCED DOCUMENTS:

Departmental Standard Drawings:

1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 To 600

1033 Kerb and Channel – Profiles

Australian Standards Documents:

AS2890.2 Parking Facilities – Off–Street Commercial Vehicle Facilities

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.

Department of Transport and Main Roads

PROPERTY ACCESS

RURAL PROPERTY ACCESS
DRAWING 2 OF 2

Queensland Government

A3
Not to Scale

Standard Drawing No
1807
Date 11/2021

A | B

Our ref TMR23-039118 (500-1676)
Your ref 1207
Enquiries Ronald Kaden

Queensland Government

Department of
Transport and Main Roads

4 April 2024

Decision Notice – Permitted Road Access Location
(s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road[1]

Development application reference number DA/4609, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 216SP137304, the land the subject of the application, and Mulligan Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address	Brian Boserio C/- MD Land Surveys 228 Draper Street Parramatta Park QLD 4870

Application Details

Address of Property	1843 Mulligan Highway, Cooktown QLD 4895
Real Property Description	216SP137304
Aspect/s of Development	Development Permit for Reconfiguration of a Lot for 1 Lot into 14 Lots and New Road

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	**Proposed Lot 13** The Permitted Road Access Location is approximately 475 metres south of Gampe Drive in accordance with: a) TMR Layout Plan (34C - 58.79km) Issue B 03/04/2024.	At all times.
2	Direct access is prohibited between Mulligan Highway and Proposed Lot 13 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.

[1] Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns QLD 4870
PO Box 6185 Cairns QLD 4870

Telephone +61 7 (07) 4045 7151
Website www.tmr.qld.gov.au
Email Far.North.Queensland.IDAS@tmr.qld.gov.au
ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
3	**Proposed Part Lot 900 (East)** The Permitted Road Access Location is approximately 155 metres north of Gampe Drive in accordance with: a) TMR Layout Plan (34C - 58.79km) Issue B 03/04/2024.	At all times.
4	Direct access is prohibited between Mulligan Highway and Proposed Part Lot 900 (East) at any other location other than the Permitted Road Access Location described in Condition 3.	At all times.
5	The use of the Permitted Road Access Locations described in Conditions 1 and 3 is to be restricted to: a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle** Note: ** as described in Austroads Vehicle Classification System	At all times.
6	Direct access is prohibited between Mulligan Highway and **Proposed Part Lot 900 (West)**.	At all times.
7	Direct access is prohibited between Mulligan Highway and **Proposed Lots 1, 2 & 3**. All Access is to be via easements over proposed Lots 2 & 3 to Gampe Drive, generally in accordance with: a) TMR Layout Plan (34C - 58.79km) Issue B 03/04/2024.	At all times.
8	(a) The applicant must register reciprocal access easements on the titles of proposed lots 1, 2 & 3 for the shared access. (b) The applicant must provide to Cairns Corridor Management Unit Far.North.Queensland.IDAS@tmr.qld.gov.au of the Department of Transport and Main Roads a copy of Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the registration of the easement/s referred to in part (a) of this condition.	(a) At the time of survey plan registration. (b) Within 20 business days of registration of the easements.
9	Road Access Works comprising Type B Rural Property Access must be provided at the permitted access location described in Condition 1 (Proposed Lot 13) generally in accordance with: a) Property Access drawing prepared by Queensland Government dated 11/2021 reference 1807 (with additional notes).	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

No.	Conditions of Approval	Condition Timing
10	Road works comprising of additional intersection works for a sealed Basic right-turn (BAR) must be provided at Mulligan Highway / Gampe Drive T-intersection. The road works must be designed and constructed in accordance with: a) Figure A 6: Basic right (BAR) turn treatment on a two-lane rural road, Part 4: Intersections and Crossings – General, Austroads Guide to Road Design, 2021.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

1. The subject site (Lot 216 on SP137304) has road frontage to Mulligan Highway, a state-controlled road.
2. The subject site encompasses four separate parts, which are intended to be:
   (a) Eastern side of Mulligan Highway - Part Lot 900 (East),
   (b) Western side of Mulligan Highway,
      (i) South of Gampe Drive - Part Lot 900 (West) & Lots 8 - 13,
      (ii) North of Gampe Drive - Part Lot 900 (West) & Lots 1 - 7,
      (iii) Between Unnamed Road and Trevethan Creek - Part Lot 900 (West).
3. Part Lot 900 (East); as described in Reason 2(a) above; has existing vehicular access to Mulligan Highway.
4. Part Lot 900 (West); as described in Reason 2(b)(i) above; has frontage to but will have no direct access to Mulligan Highway. All access will be via Gampe Drive.
5. Lots 8 - 12; as described in Reason 2(b)(i) above; will have no frontage to Mulligan Highway. All access will be via Gampe Drive.
6. Lot 13; as described in Reason 2(b)(i) above; will have frontage to Mulligan Highway. Site topography will require a new direct vehicular access to Mulligan Highway.
7. Part Lot 900 (West); as described in Reason 2(b)(ii) above; has frontage to but will have no direct access to Mulligan Highway. All access will be via Gampe Drive.
8. Lots 4 - 7; as described in Reason 2(b)(iii) above; will have no frontage to Mulligan Highway. All access will be via Gampe Drive.
9. Lots 1 - 3; as described in Reason 2(b)(iii) above; will have frontage but no direct access to Mulligan Highway. All access will be via easements to Gampe Drive.
10. Part Lot 900 (West); as described in Reason 2(b)(iii) above; does not have road frontage to nor will have any direct access to Mulligan Highway. All access will be via Gampe Drive.
11. As the proposed development is seeking a new access, a section 62 approval under TIA is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-controlled road network are maximised. This may or may not require all future access to be provided via the local road network.
3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
    a) starts to have effect when the development approval has effect; and
    b) stops having effect if the development approval lapses or is cancelled; and
    c) replaces any earlier decision made under section 62(1) in relation to the land.

2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.

3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely

Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (34C - 58.79km)	Queensland Government Transport and Main Roads	03 April 2024	TMR23-39118 (500-1676)	B
Rural Property Access Type B (with additional notes)	Queensland Government	November 2021	1807	B
Proposed Reconfiguration of a Lot Lots 1 to 13, 900, easements A & B, & new road	MD Land Surveys	18 March 2024	Stage 1 ROL Layout	G
Vehicle Access to state-controlled roads policy	Queensland Government Transport and Main Roads	2019	-	-

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

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70 Offences about road access locations and road access works, relating to decisions under s 62(1)

(1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.

(2) A person to whom this section applies must not—

(a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or

(b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or

(c) obtain any other access between the land and the road contrary to the decision; or

(d) use a road access location or road access works contrary to the decision; or

(e) contravene a condition stated in the decision; or

(f) permit another person to do a thing mentioned in paragraphs (a) to (e); or

(g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

(3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C

Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

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485 Internal review of decisions

(1) A person whose interests are affected by a decision described in schedule 3 (the ***original decision***) may ask the chief executive to review the decision.

(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.

(3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—

(a) applies to the review; and

(b) provides—

(i) for the procedure for applying for the review and the way it is to be carried out; and

(ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

(1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.

(2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.

(3) The Transport Planning and Coordination Act 1994, part 5, division 3—

(a) applies to the appeal; and

(b) provides—

(i) for the procedure for the appeal and the way it is to be disposed of; and

(ii) that the person may apply to the appeal court to have the original decision stayed.

(4) Subsection (5) applies if—

(a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

(1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.

(2) However, if—

(a) the notice did not state the reasons for the original decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)

the person may apply within 28 days after the person is given the statement of the reasons.

(3) In addition, the chief executive may extend the period for applying.

(4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

(1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.

(2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.

(3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.

(4) The chief executive is a party to the application.

(5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.

(6) The stay—

(a) may be given on conditions the relevant entity considers appropriate; and

(b) operates for the period specified by the relevant entity; and

(c) may be revoked or amended by the relevant entity.

(7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

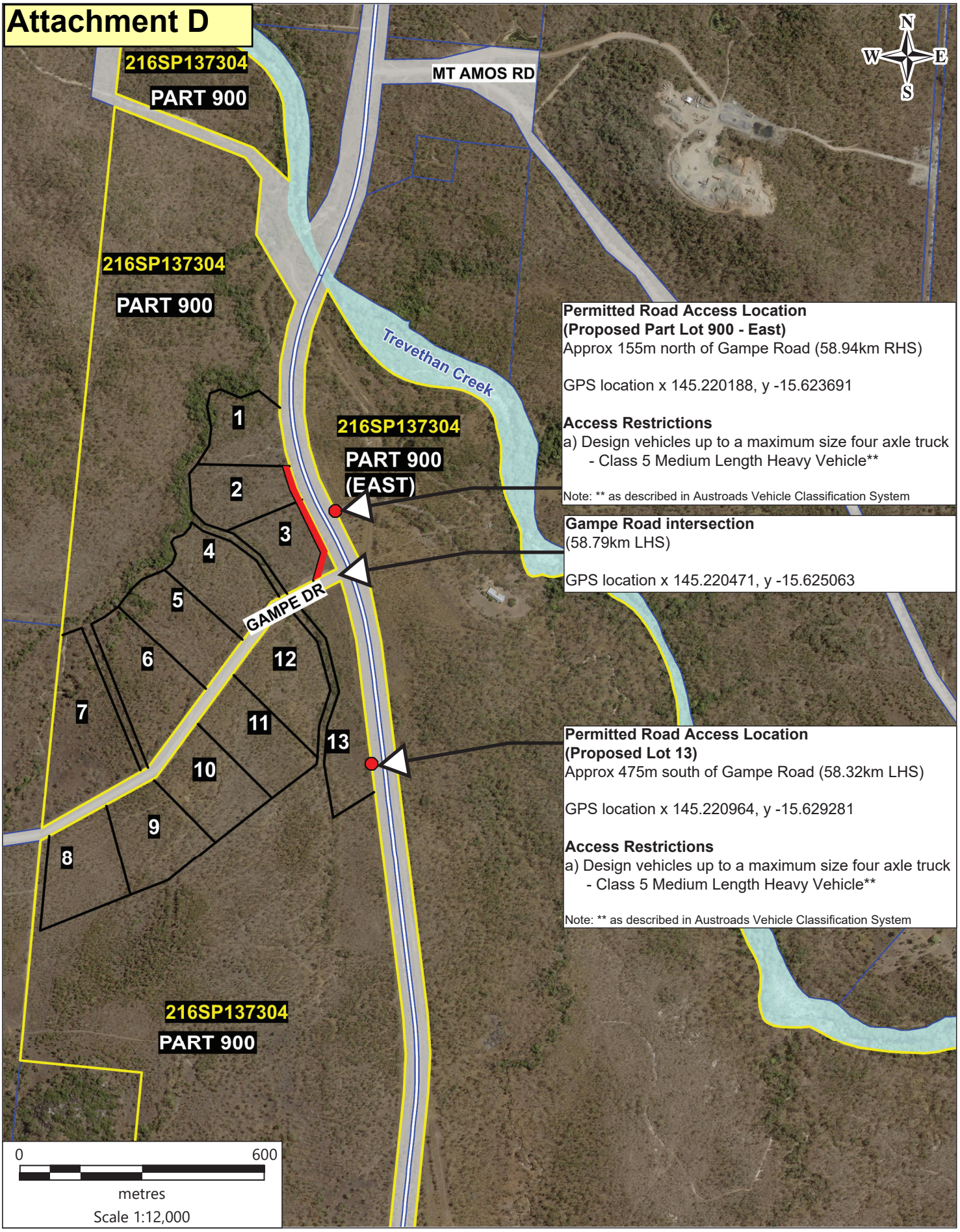
(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment D



Branch/Unit : **Corridor Management / Far North District**

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

Land parcels

Subject land

Proposed new boundaries

Proposed Easements

State-controlled road

TMR Layout Plan (34C - 58.79km)

Queensland Government
Transport and Main Roads

Plan:	Issue:	Date:
1 / 1	B	3/04/2024

Drawn by: RPK

File ref: TMR23-39118 (500-1676)

Attachment 2 Approved Plans (D24/41222)

COOK SHIRE COUNCIL

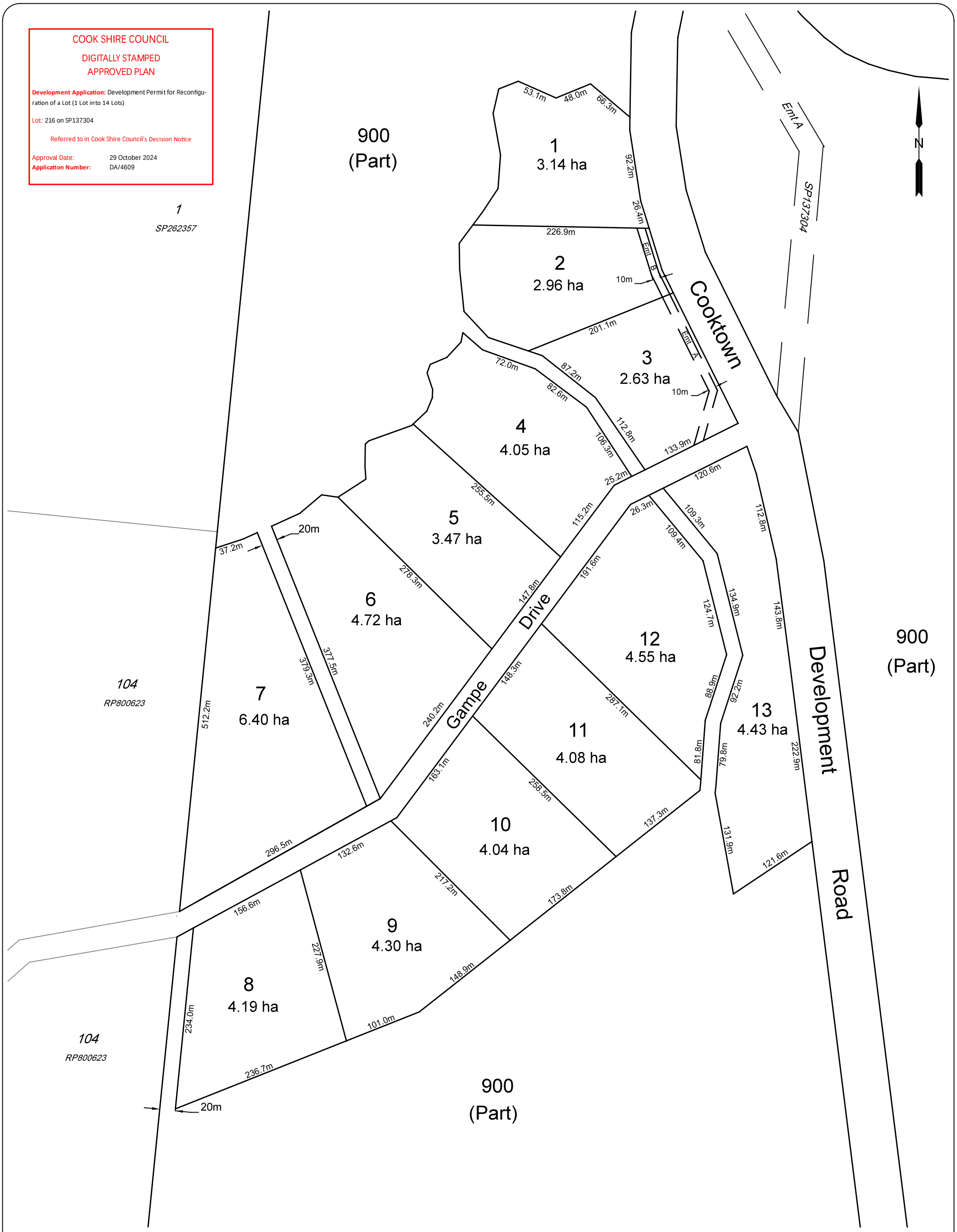
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Reconfiguration of a Lot (1 Lot into 14 Lots)

Lot: 216 on SP137304

Referred to in Cook Shire Council's Decision Notice

Approval Date: 29 October 2024
Application Number: DA/4609



RECONFIGURATION OF A LOT
LOTS 1 to 13 & 900 (BALANCE LAND) AND EASEMENTS A & B
1843 Mulligan Highway, Cooktown
Part of Lot 216 on SP137304

MD LAND SURVEYS

Date: 5th September 2024
Scale: 1:4,000 at A3
Drawn: E Berthelsen
Job No: 1207
Plan No: Proposal Plan_01_Rev I

COOK SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

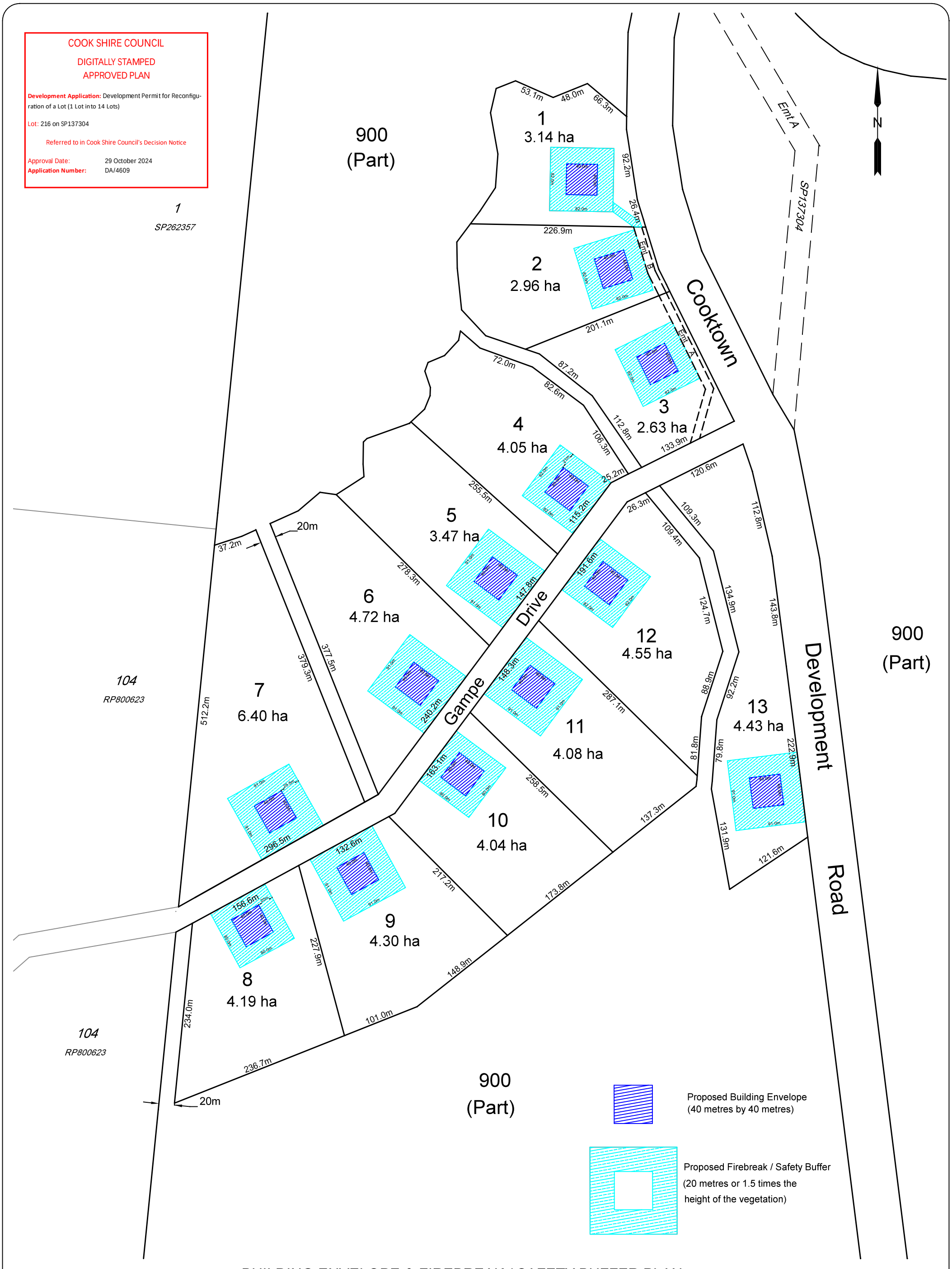
Development Application: Development Permit for Reconfiguration of a Lot (1 Lot into 14 Lots)

Lot: 216 on SP137304

Referred to in Cook Shire Council's Decision Notice

Approval Date: 29 October 2024
Application Number: DA/4609

1
SP262357



MD LAND SURVEYS

BUILDING ENVELOPE & FIREBREAK / SAFETY BUFFER PLAN
RECONFIGURATION OF A LOT - LOTS 1 to 13, 900 & EASEMENTS A & B
1843 Mulligan Highway, Cooktown
Part of Lot 216 on SP137304

Date: 5th September 2024
Scale: 1:4,000 at A3
Drawn: E Berthelsen
Job No: 1207
Plan No: Building Envelopes_Rev A

Attachment 3 Supporting Documentation (D24/41220)

Bushfire Hazard Assessment and Management Plan

1843 Mulligan Highway
Black Mountain, Cooktown

For

MD Land Surveys on behalf of
B & N Boserio

firecraft
ENVIRONMENTAL
ABN: 58 376 019 759

Final version: Jackie McLeod 10th October 2024
Compiled by: Jackie McLeod 31st January 2024
Survey: Jackie McLeod, Mark Wessels 15th & 16th August 2023
Amended: 29.05.24, 18.09.24
Firecraft Environmental Pty Ltd.

Disclaimer -This report has been prepared solely for the use of MD Land Surveys and B&N Boserio to provide to persons associated with the development application requirements of Lot 216 on SP137304, 1843 Mulligan Highway, Black Mountain, Cooktown Qld. Use by any other party is completely at the risk of that party. Neither Firecraft Environmental Pty Ltd nor any of its employees undertakes or accepts any liability in any way whatsoever to any party other than the above-mentioned clients, in respect of the data herein contained including any errors or omissions however caused.

In preparing this report we have assumed that all information and documents provided to us by the client and the client's representatives, were complete, accurate and current. Where we have obtained information from a government register or database, we have assumed that the information is current. The onus is on the applicant of the development to cross-reference this document with any conditions of consent issued by local council or any requirements by Queensland Fire and Emergency Services following development approval.

Contents

Executive Summary

Firecraft Environmental were engaged in August 2023 by MD Land Surveys, on behalf of B&N Boserio (the clients/proponent), to undertake a comprehensive Site-specific Bushfire Hazard Assessment and compile a Bushfire Management Plan for Lot 216 on SP137304. 1843 Mulligan Highway, Cooktown, Q. entire property is approximately 514 hectares and located approximately 15 kilometers south of the township of Cooktown, in what could be described as a rural area.

The proposed development is a subdivision of 1 lot into 13 individual rural lots and balance land and easements, for the purposes of a residential housing estate. It is in a bushfire prone area under the local Cook Shire Council (CSC) Planning Scheme 2017 and State Planning Policy, 2017. This triggers the requirements for a Bushfire Hazard Assessment to determine the required setbacks and Asset Protection Zone distances between hazardous vegetation and building footprints to comply with CSC requirements and firebreak calculations to comply with State Assessment and Referral Agency State Code 16: Native vegetation clearing. The subdivision proposes 100% vegetation retention on lots external to building envelopes and the balance land.

A standardised 3-stage Bushfire Hazard Assessment (QFES, 2019) was used to undertake ground-truthing of statewide available mapping data and redefine Bushfire Prone Areas and Potential Fireline Intensity (PFI) mapping, with a particular emphasis on reviewing vegetation hazard classes (Regional Ecosystems classification and potential fuel loads) and vegetation extent. Structural attributes and composition of vegetation and altered fuels at all strata reflecting past grazing disturbance and a frequent late season fire regime means an underestimation of potential fuel loads and thus PFI.

Bushfire risk is underestimated in the vegetation classified as 'Non-remnant' with these areas supporting a fuel load comparable with remnant vegetation due to apparent *Melaleuca viridiflora* thickening in the mid-story and a presence of high biomass exotic species in the understory. The entire Stage 1 footprint recalculated PFI is 'Medium'. While the average fuel load in the various vegetation across both the Stage 1 footprint and the balance land to the north and south is still classified as 'Medium' PFI the radiant heat flux has been determined to be greater calling for a greater set-back of buildings from vegetation.

By proposing to clear greater than 6,400m2 areas in lots opportunity for adequate building footprint set-backs are provided for each individual dwelling in this design to achieve the CSC requirement of a radiant heat flux no greater than 29kW/m2 at the building footprint. Subsequent broad Bushfire Attack Level (BAL) ratings are provided for the development. However, each individual lot will need to obtain a BAL rating at the design stage and ensure adequate setbacks.

But while the fuel load is the only discerning factor for vegetation input into the PDI, the fire regime and 100% connectivity of fuel loads within the site with neighboring areas, and exotic fuel types have implications for risk associated with fire behaviour and fire spread, and a bushfire management plan must be cognisant with this risk. Thus, the Burn Management Plan allows for firetrails that provide adequate continued management of balance land with prescribed burning, access for emergency services and defending the site from unplanned fire, and asset protection zones and fire buffers. The general requirements for sufficient water supply and risk mitigation on lots are also included in a comprehensive Bushfire Management Plan.

Plates

Plate 1 Western aspect, western boundary showing current extent of Gampe roadway and easment.

Plate 2 South, Northeastern aspect, RE 3.5.26 Poplar gum with an absent mid-story, exotic understory of stylo and grader grass (OFHA 10).

Plate 3 Northwest, Southern aspect, RE 3.3.28 with poplar gum and bloodwoods in the canopy (OFHA 6).

Plate 4 Melaleuca along Caroline Creek <20 metres from western boundary. Firescars up to 7 metres on trunks.

Plate 5 Caroline Creek, proposed Lot 5, Vegetation transitioning to closed canopy rainforest species and shrubby understory with Blady Grass in foreground.

Plate 6 Caroline Creek closed canopy, riparian vegetation, west of proposed of Lot 2.

Plate 7 RE 3.3.28 south of Caroline Creek supporting a stylo understory (OFHA 2 location).

Plate 8: RE 3.3.28 Area with obvious Melaleuca thickening, as a result of past clearing and the fire regime.

Plate 9: RE 3.3.28 paperback mid story with native grassy understory

Plate 10 RE 3.3.28 south of Gampe Road (OFHA 13).

Plate 11: RE 3.5.26 regrowth vegetation south of Stage 1 with a 'Very high' near surface fuel load dominated by grader grass (OFHA 10).

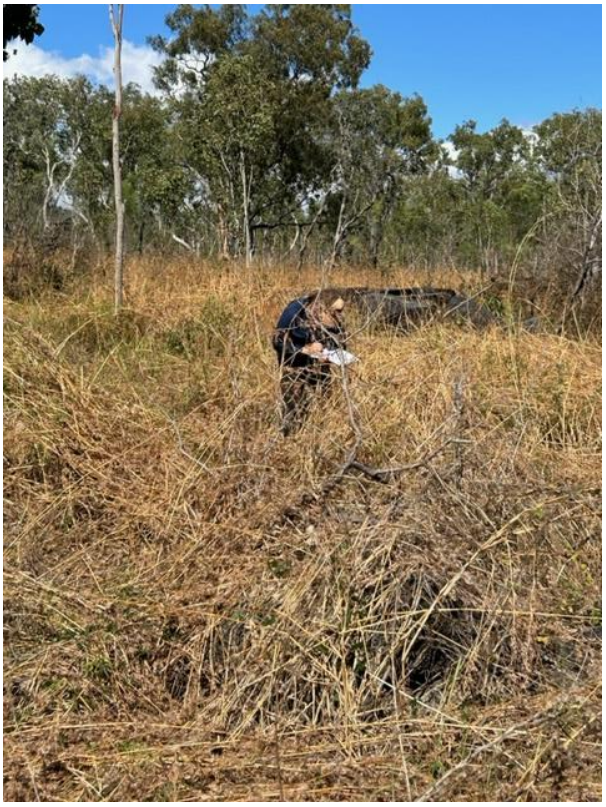


Plate 12: RE 3.5.26 regrowth north of Gampe Road, Lot 7 with an 'extreme' surface fuel load (OFHA 4).

Plate 13: Non-remnant area western boundary south of proposed Lot 8 with exotic grassy fuel load in regrowth (OFHA 9).

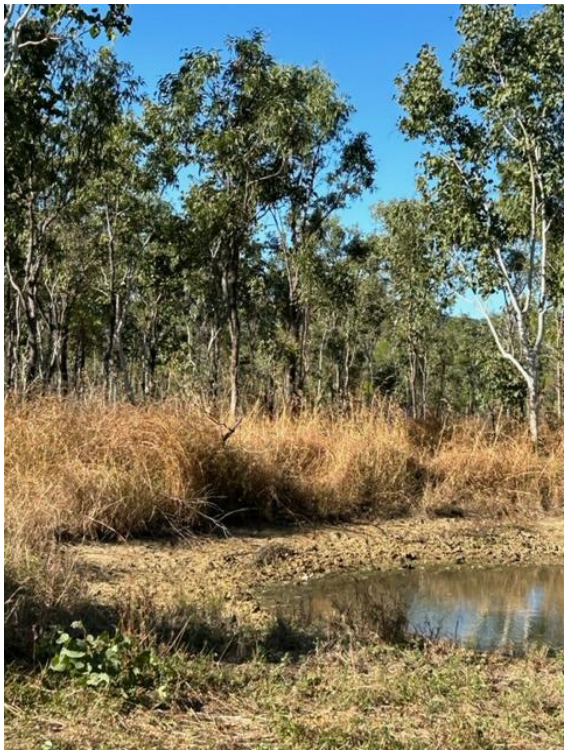


Plate 14: Dam in area of past high grazing pressure in proposed Lot 10 with exotic grassy fuel load in regrowth (OFHA 11).

Plate 15: Eastern boundary Lot 13, Mulligan highway and easement, eastern aspect.

Plate 16: Eastern side of Mulligan Highway Lot 216, easement in foreground , 'Very high' fuel load.

1. Introduction

1.1 Purpose

Firecraft Environmental were engaged in late July 2023 by MD Land Surveys on behalf of the clients B&N Boserio, to undertake a comprehensive Site-specific Bushfire Hazard Assessment and compile a Bushfire Management Plan for Lot 216 on SP137304, 1843 Mulligan Highway Black Mountain, Cooktown, Far North Queensland (FNQ).

This document has been prepared in support of the development application DA/4609 for this site and in accordance with Cook Shire Council (CSC) Information Request requirements for reconfiguring a lot – Subdivision of 1 lot into 13 individual rural lots for the purposes of a residential housing estate (Stage 1). It also addresses firebreak requirements to comply with State Assessment and Referral Agency State Code 16: Native vegetation clearing.

The property is identified as being in a 'Bushfire Prone Area' (BPA) under the local CSC Planning Scheme 2017 and State Planning Policy, 2017. This report provides results of the outcomes of the Bushfire Hazard Assessment in accordance with accepted methodology guidelines, outlines local known fire history and risk, and provides subsequent Bushfire Attack Level (BAL) rating and bushfire risk mitigative measures.

1.2 Methodology

The methodology included initially undertaking a desktop review of satellite imagery showing vegetation extent, statewide available Bushfire Hazard Overlay mapping and vegetation mapping at the particular site for the bushfire hazard assessment. It also included a locality analysis of fire interval and frequency in fire prone vegetation types, fire history, extent of broad vegetation types, and potential bushfire intensity in this vegetation. This was followed by the site-specific assessment to investigate any apparent anomalies in the desktop assessment.

The site-specific assessment included investigating whether the vegetation has the potential fireline intensity for flame contact, ember attack and radiant heat, having implications for bushfire risk. This included identifying the presence or absence of key species expected within Regional Ecosystem types, Vegetation Hazard Classes and a thorough fuel load assessment and fire behaviour prediction. Potential fire line intensity outcomes of surveys informed the recommendations for tolerances and requirements of the proposed residential lots in a bushfire management plan that mitigates apparent risk to the development, and in addition provides a means for future owner/occupiers of each site to achieve specific construction requirements under the Building Regulation 2006, Qld congruent with the evaluated risk on site.

1.3 Scope

This report and plan reviews the reliability of the available data of local bushfire prone areas, by investigating any anomalies with mapping for the site, and determining a more accurate potential fire line intensity or required set-backs from residual vegetation and reference to a Bushfire Attack Level (BAL) rating. It provides recommendations for the proposed development – Stage 1 part of Lot 216 1 lot

into 13 lots, (west of the Mulligan Highway) to comply with obligations for bushfire risk mitigation. It also outlines broad ongoing mitigative measures for residual bushfire risk for the lots as a collective.

1.4 Out of Scope

Assessments are based on current vegetation coverage and fuel load hazards associated with the development of western areas of Lot 216 at 1843 Mulligan Highway and do not factor in proposed other local developments, land-use changes, vegetation clearing or installation of roads and tracks in accordance with other future developments in the area outside of the above-mentioned site boundary that may be consequential to landscape-scale fire movement and risk. This bushfire hazard assessment and report does not include potential fire line intensity calculations for other proposed stages of development on Lot 216 or areas on Lot 216 east of the Mulligan Highway.

2. Desktop Analysis

2.1 Locality and development details

The entire property (Lot 216) is approximately 514 hectares and spans both side of the Mulligan Highway located approximately 15 kilometres south of Cooktown township in the Cape York Peninsula bioregion and the Cook Shire Council local government area. The property can be described as being in a rural area located immediately north of Black Mountain (Kalkajaka) National Park boundary and the iconic Black Mountains, and Queensland state land supporting Mt Simon, both comprised of bare granite boulders. The property is approximately 10 kilometers west of the Coral Sea. The Annan River that drains from the Yorkey's Range in south is approximately 2 kilometres to the west of the Lot 216 western boundary and flows north and east to meet at the Esk and Annan River Estuary area south of Cooktown. Trevethan Creek forms the eastern boundary of Lot 216 (Figure 1).

The property is further divided by Gampe Road running east - west on the western side of the highway that extends beyond the Lot 216 boundary to the Annan River to the west. For the purposes of this report the parts of Lot 216 west of the Mulligan Highway, north and south of Gampe Road, and south of the powerline easement to the north are included in the assessment. This area is referred to as 'the site'. The Stage 1 proposed footprint to include 13 lots and roadways and easements (as per Proposed reconfiguration of a lot, MD surveys, layout revision F 11.12.24) is referred to as 'Stage 1' (see Figure 2).

Other neighbouring properties sharing a boundary with the western counterparts of Lot 216 (or the site) are largely undeveloped freehold and state land. Freehold land use in the area is predominantly cattle grazing. Lot 216 was historically an extensively cleared for the purposes of grazing has been destocked for >5 years and now supports a killer herd of less than 10 head.

The Stage 1 footprint is approximately 61 hectares in size and with lots positioned along the northern and southern sides of Gampe Road (Figure 2). North of lots 1-7 is a watercourse, Caroline Creek. The remainder of the site is comprised of predominantly woodland and open woodland type vegetation and previously cleared areas. A more detailed description of vegetation on the property and surrounding areas is provided in section 3.2.

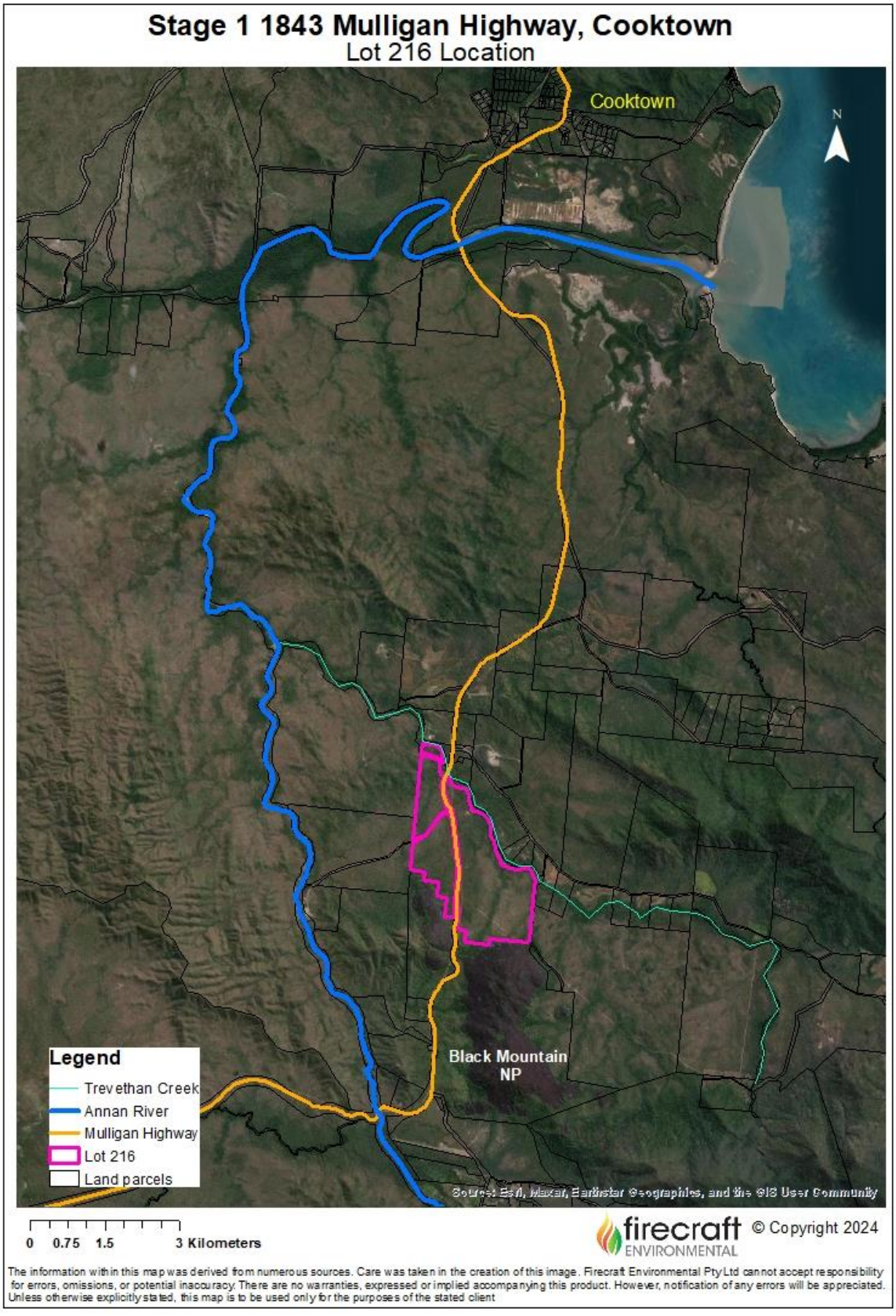


Figure 1 Location of Lot 216, entire property 1843 Mulligan Highway, and locality.

Key aspects of the Stage 1 proposal include (Refer to Appendix 3 and 4):

- Subdivision of lots western side of highway, to include balance land (Lot 900), access easements/internal roadways
- 13 individual lots, Lot 1 to Lot 13, ranging from 4.05 hectares (ha) to 6.67 ha in size.
- Partial vegetation cleared on lots 1 to 13 to accommodate building envelopes and access/driveways
- 100% vegetation cleared on building envelopes on each lot 40 metres x 40 metres for buildings and other infrastructure
- 100% vegetation cleared on 'Asset Protection Zones' adjacent to building envelopes on lots to allow for varying distances in accordance with state vegetation mapping (20 metres, 21m where located in RE 3.3.28 and 25.5m where located in RE 3.5.26) and the site Vegetation Management Plan.
- 100% vegetation cleared along lot boundaries to be maintained as 'firebreaks' at 10 metres in width as per the Vegetation Management Plan
- Single road access to Stage 1 via existing roadway Gampe Drive - 40 metre road reserve
- 1 x 10 metre wide access easement in Lots , 2 and 3 for access and egress to Gampe Road comprised of raw material such as gravel.
- Lot 1 access and egress to Mulligan Highway
- 2 x 20-metre-wide access handles providing access to the balance parcels of land to the north and south, being between proposed Lots 6 and 7 and west of Lot 8.
- 2 x 20-metre-wide riparian corridors to be maintained along the waterway, being between Lots 3 and 4 and Lots 12 and 13.
- Balance land - Lot 900 comprised of 100% vegetation retention on 2 discrete areas
- Underground services
- Riparian vegetation on Caroline Creek to be retained to the north of the Stage 1 boundary.

(E. Berthelsen, MD land surveys, 28.05.24, 19.09.24, 26.09.24)

The **area of interest (AOI)** for the purposes of the assessment includes but is not limited to:

- All vegetation within the boundary of the site (Figure 2) classified as 'Medium Potential Intensity' and 'Potential Impact Buffer' BPA.
- Vegetation up to 150 metres to the east and west of Stage 1 footprint external to the site boundary

The AOI provides a focus area for ground-truthing the property and surrounding vegetation, and investigating any anomalies detected during the desktop review process between Cook Shire Council (CSC, 2017) Bushfire Overlay Code mapping, Department of Environment and Sustainability (DES, 2019) Regional Ecosystem (RE) data, and Department of Natural Resources (DNR) Vegetation Hazard Classes (VHC). As the balance land will be managed by the proponent/landowner, and likely to have bearing on Lots 1-13; and the property is subjected to frequent fire events, assessments beyond 150 metres from the Stage 1 footprint within proposed Lots 900 are included (See Figures 2 & 3, and Table 1 below).

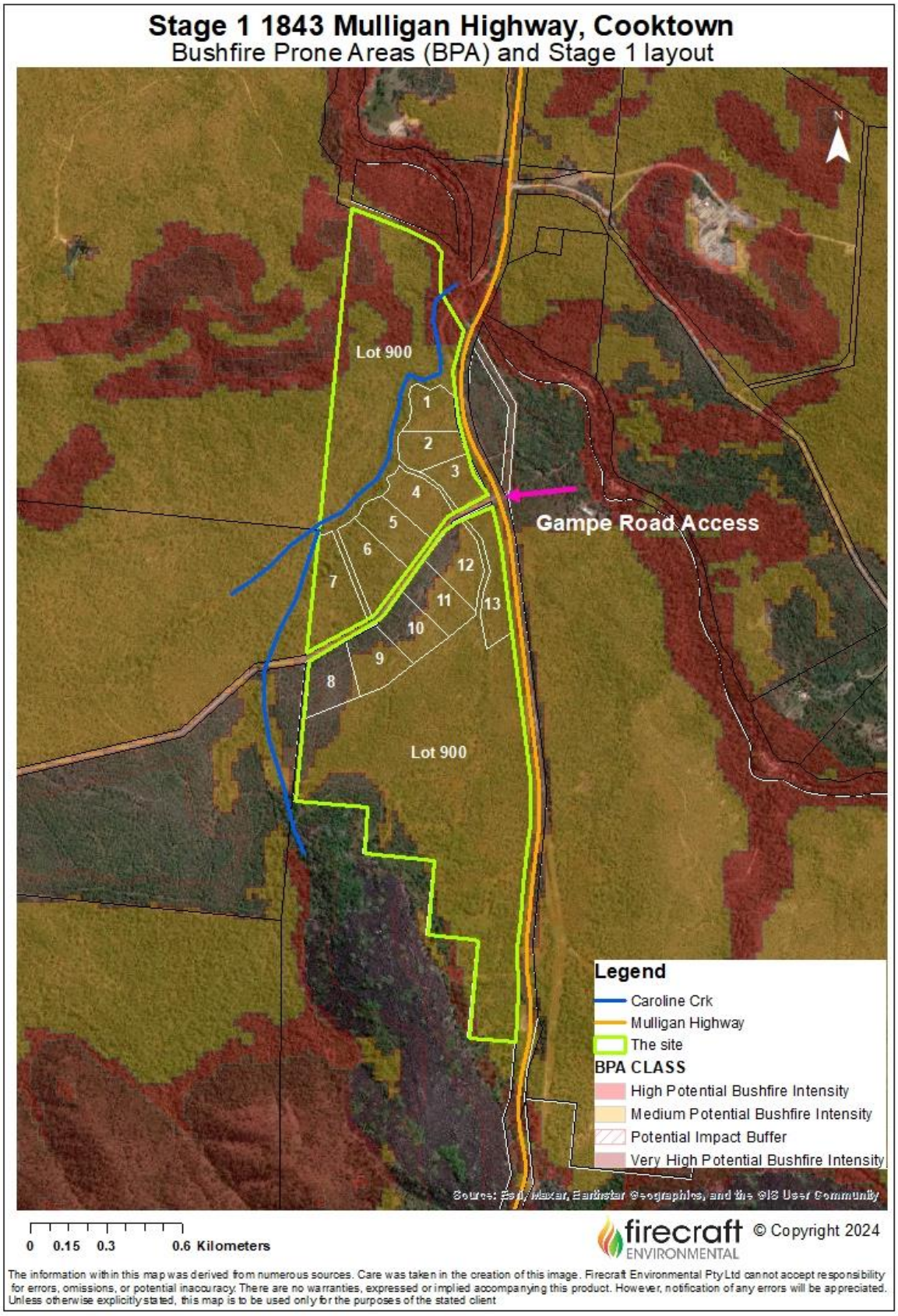


Figure 2 Proposed development layout lots 1-13, BPA areas and access.

2.2 Current fire regime

Local historical fire events were explored during the desktop assessment using North Australia and Rangeland Fire Information satellite imagery between the years of 2000 and 2022. Firescars were analysed to provide a snapshot of the fire regime in the area. Fire regime includes the intensity of fires, the frequency they occur, the time of year and extent of impact. The Cape York Bioregion areas broadly have a 3–4year fire interval, or the tendency for fires to carry in remnant vegetation types at a minimum of every 4 years where understory combustible material reaches its maximum biomass.

Generally, small size and low intensity fires are not detected by the satellite and absent from NAFI data. What can be deduced from the satellite imagery (MODIS sensor and VIIRS sensor) is the site and surrounding properties are subjected to a frequent and late season fire interval of 1-2 years, typically between August and December, with fire occurring 17 years in a 22-year-period. It indicates the fires whether planned or unplanned, despite being small in size and scale were of adequate intensity to be detected by satellite. Figure 3 shows the past 13 years' fire pattern.

Data analysed and information sources included:

- Firescars by year 2000 to 2022 on the site
- Fire frequency and interval 2000 to 2022 on the site
- Past fire event locations and origins on Lot 219 and adjacent areas 2013 to 2023

The current fire regime indicates presence of a sufficient fuel load within the site due to limited grazing pressure and potentially an exotic (non-native) understory fuel load such as weeds and pasture feed to sustain annual prescribed burns and transboundary fire movement from external properties carrying in the site. It also indicates that larger fires occurring at a landscape-scale (potentially unplanned), are not contained from an east-west movement by the Annan River or the Mulligan Highway.

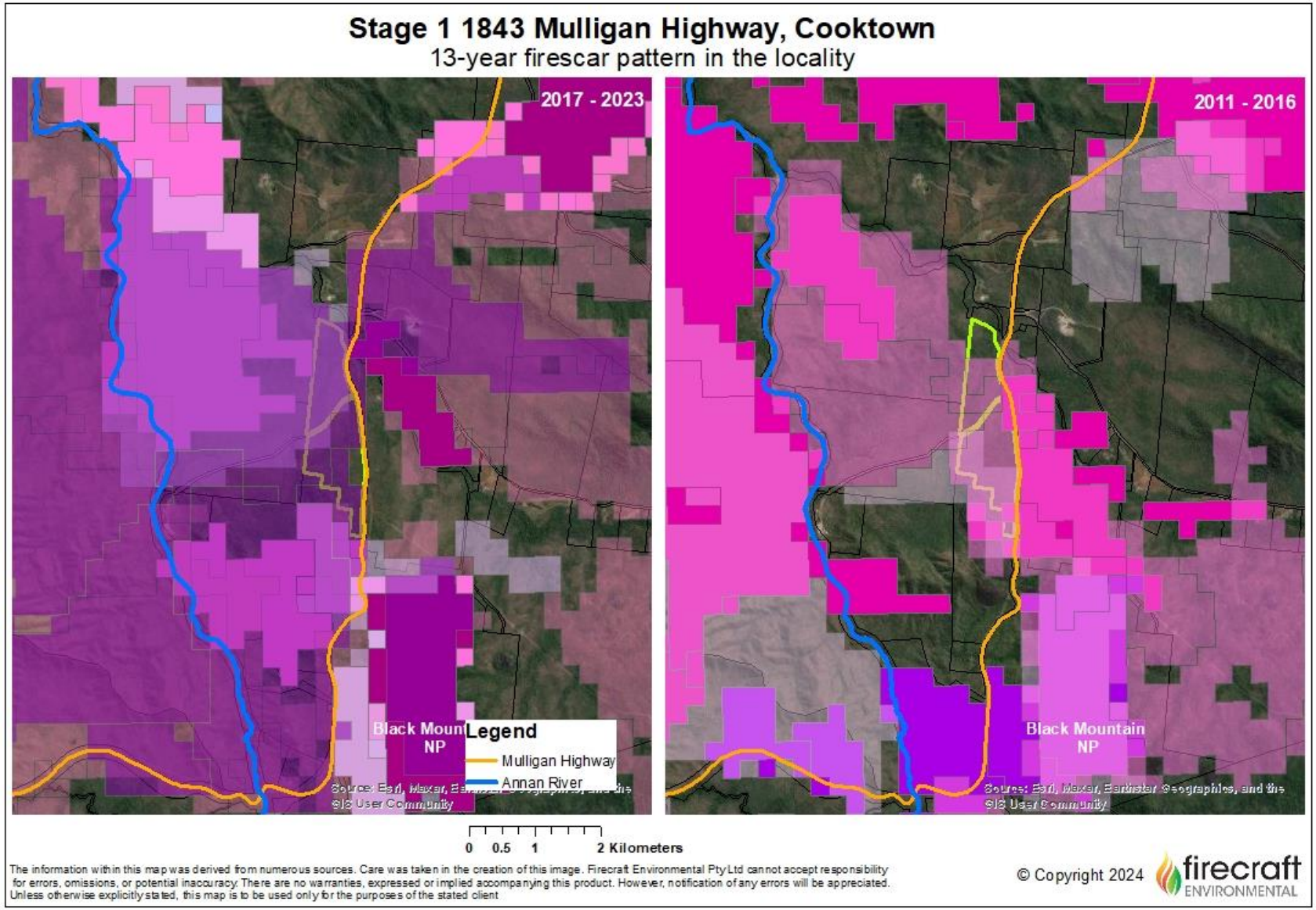


Figure 3 Fire regime and firescars 2011 to 2023.

2.3 Vegetation types

Vegetation types described as being present on site (Figure 4) are listed in Table 1 below.

Table 1. Vegetation types mapped as being present on site and >150 metres of site as inputs into BPA classification.

Data type	Current category
Regional Ecosystem Description Database (REDD) (DES, 2021, version 13), within the site, and in excess of 150 metres where applicable.	3.3.20 Corymbia clarksoniana or C. novoguinensis woodland to open forest on alluvial plains. Occurs on a variety of alluvial plains derived from a range of geological substrates. 3.3.28 Eucalyptus platyphylla and Corymbia clarksoniana woodland +/- Lophostemon suaveolens+/- Erythrophleum chlorostachys +/- Eucalyptus leptophleba. A very sparse subcanopy and/or shrub layer can contain canopy species with Melaleuca viridiflora and Planchonia careya often occurring in the shrub layer. The mid-dense to dense grassy groundlayer is often dominated by Heteropogon contortus, Eragrostis spp. and Panicum spp. 3.5.26 Eucalyptus platyphylla +/- Corymbia clarksoniana woodland to open forest on flat wet plains. Woodland to open woodland of Eucalyptus platyphylla (poplar gum). A few sub-canopy trees may be present. Isolated low shrubs of Melaleuca viridiflora (broad-leaved teatree), Planchonia careya (cocky apple) and canopy species may be present. The ground layer is mid-dense to dense and dominated by grass species predominantly Heteropogon contortus (black speargrass) and Themeda triandra (kangaroo grass). 3.11.12 Eucalyptus leptophleba (Molloy red box) woodland usually with E. platyphylla (poplar gum). Scattered Corymbia tessellaris (Moreton Bay ash) are also often present in the canopy. The very sparse sub-canopy Melaleuca spp. and Eucalyptus spp. 3.11.13 Corymbia nesophila (Melville Island bloodwood) woodland to open forest commonly with Eucalyptus platyphylla (poplar gum) and E. brassiana (Cape York red gum). A number of other Eucalyptus spp. or Corymbia spp. such as C. tessellaris (Moreton Bay ash), E. cullenii (Cullen's ironbark) and E. leptophleba (Molloy box) may form minor components of the canopy. The very sparse to sparse sub-canopy contains canopy species and commonly Melaleuca viridiflora (broad-leaved teatree) and Grevillea glauca (Bushman's clothespeg) 7.11.51 Corymbia clarksoniana and/or Eucalyptus drepanophylla open forest to woodland on metamorphics Non-remnant Vegetation experiencing past disturbance where the structure of the ecosystem is impacted to the level where expected canopy is less than 50% capacity and averaging less than 30% of the undisturbed height, and it's composed species are uncharacteristic of the vegetation's undisturbed predominant canopy (DR, 2020). *Note: 7.12.6a: Semi-deciduous mesophyll vine forest. Lowlands and foothills of the moist and dry rainfall zones, on granite and rhyolite AND 7.12.61: Eucalyptus tereticornis open forest to tall open forest and woodland, are mapped along the southern boundary of the site on the foothills of Mount Simon, they are inconsequential to fire risk and not included in surveys.*
Vegetation Hazard Class data and classification in QFES Vegetation hazard	2.1 Complex to simple, semi-deciduous mesophyll to notophyll vine forest (2.6 t/ha) 4.1 Notophyll palm or vine forest (4.5t/ha) 5.1 Notophyll to microphyll vine forest (3.9t/ha)

class descriptions (QFES, 2019, DNR 2015)	9.1 Moist to dry eucalypt open forests on coastal lowlands and ranges (24.2 t/ha) 9.2 Moist to dry eucalypt woodland on coastal lowlands and ranges (17.2 t/ha) 39.2 Low to moderate tree cover in built up areas (8 t/ha) 40.4 Low grass or tree cover in rural areas (5 t/ha) 41.4 Low grass or tree cover in built up areas (3 t/ha) 42.6 Nil to very low vegetation cover (2 t/ha)

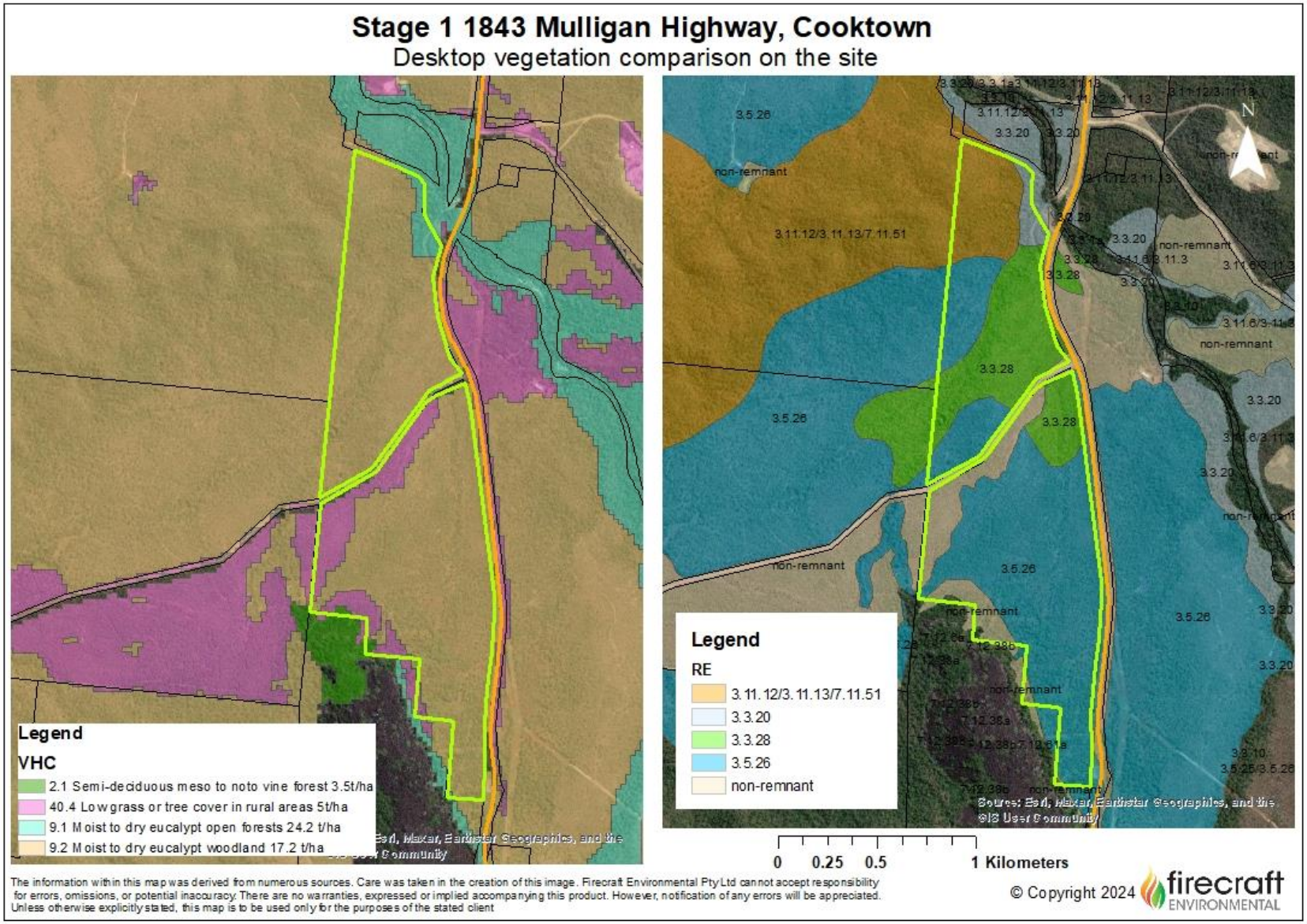


Figure 4 Desktop comparison of RE and vegetation hazard class data.

3. Bushfire Prone Areas Explained

3.1 BPA Methodology Overview

Under Queensland State Planning Policy a Bushfire Prone Area (BPA) is an area that is likely to support a significant bushfire or be subjected to significant impacts from a bushfire. The BPA is determined by potentially hazardous vegetation and the fire intensity expected, and subsequently the expected impacts on life and property. The expected impacts are described as fire-line intensity (difficulty to suppress fire) and are determined by the level of flame attack, radiant heat exposure, ember attack, and smoke and heat exposure (Leonard et.al, 2014).

Potential fuel load x Maximum landscape slope x fire weather severity

=

Potential Fire-Line Intensity

3.2 Bushfire Hazard Area Mapping

From this delineation a series of baseline reference mapping overlays are created by using vegetation classifications and their potential fuel load, topography (slope) and the Fire Danger Index for the area. The categories are described as:

- Very High Bushfire Intensity
- High Potential Intensity
- Medium Potential Intensity
- Bushfire Potential Impact Buffer

3.3 Potential Fuel Load

The methodology for state-wide mapping of BPA in QLD compiled by CSIRO (Leonard et. al. 2014) describes the Vegetation Hazard Classes for Bushfire Prone vegetation and relatively consistent expected 'Potential Fuel Loads' for each class (pp. 9-12).

The key tools in devising the Potential Fuel Load are the ***Regional Ecosystem (RE) data*** (vegetation type) (DES, 2019) and ***Overall Fuel Hazard Assessment (OFHA) Guidelines*** (Hines et.al., 2010).

3.4 Site-specific assessment inputs

The purpose of a site-specific BAL Assessment is to determine potential fuel load at the development site when anomalies appear to be present in the mapping such as:

- when satellite imagery does not appear to reflect current vegetation extent and land management practices
- between overlay code categories and various vegetation types
- when contour data appears to conflict with RE data and expected vegetation

In keeping with the CSIRO methodology above for potential fuel load, both a survey (ground-truthing) of reported vegetation types and current extent of vegetation in the site compared with extent depicted in readily available satellite imagery, and an Overall Fuel Hazard Assessment are conducted. This provides a non-technical comparison with the Bushfire Overlay Code maps in council planning schemes to assist in determining presence of classified vegetation, and distance of classified vegetation.

The desktop data comparison for Stage 1 and surrounding areas on the site (Figures 2 to 4) offers the following key interpretations and detected anomalies to determine the areas of interest and approach to the site-specific BAL assessment:

- The non-remnant vegetation in the 2019 RE mapping is generally congruent with the 2014 VHC mapping for low grass or tree cover in rural areas and 5 t/ha potential fuel load (PFL) and mapped as “Potential Impact Buffer’.

- ‘Medium’ BPA rasters over the entire site generally follow with the remnant RE vegetation types and VHC eucalypt woodland types of 17.2 t/Ha PFL.

- Areas to the northwest in the proposed balance land, with higher elevation, and over 150 metres from Stage 1 boundary support ‘High’ and ‘Very High’ BPA rasters in areas of VHC 9.2 with a 17.2 t/ha PFL, yet ‘Medium’ BPA rasters are in areas where VHC 9.1 has a PFL of 24.2 t/ha.

- Riparian vegetation expected to be present on Caroline Creek and supporting Melaleuca communities is not evident in either the VHC nor RE mapping.

The classifications of Bushfire Prone Area (medium to very high etc.) generally follow where various regional ecosystem (RE) types (fuel types) are mapped and are evaluated on the ability to suppress fire in the associated expected fuel loads. The VHC mapping as an input in the BPA does not factor in the regrowth areas nor land use impacts on vegetation composition and thus altered fire regimes.

Typically, bushfire overlay codes do not capture accurate biomass (fuel) presence and continuity on non-remnant or regrowth land which can include a significant fuel load such as grasses, weeds, and regrowth woodland, and fuel continuity. This has implications for accurate evaluations of fuel load and consequently potential fire line intensity and BAL ratings.

4. Bushfire Regulatory framework

This section outlines the regulatory requirements associated with this assessment, sources and guidelines consulted.

4.1 State Planning Policy

The Bushfire Overlay Codes (maps) under the State Planning Policy (2016) provide a standardised system for local government to determine whether a development has implications for safety of people, property, and the environment. Properties deemed with 'Medium', 'High' and 'Very High' Bushfire Hazard ratings are considered 'assessable'.

Subsequently assessable developments are required by local council under planning schemes to assess the Bushfire Attack Level (BAL) rating for the property. The BAL rating methodology is set out Australian Standard (AS3959:2018) *Construction of buildings in bushfire-prone areas.* The subsequent rating may have implications for construction requirements for a development.

4.2 Local Council Planning Scheme

Extract of the Cook Shire Council Planning Scheme 2017 Bushfire Overlay Codes compliance requirements relevant to the CSC Information Request (04.05.23) development application DA/4609:

Bushfire Management Plan
Information Request

4. Provide a Bushfire Management Plan prepared by a suitably qualified professional. The report must address the bushfire risk and propose mitigation measures to address the bushfire risk. It is noted that the vegetation on the subject site is affected by the Biodiversity Overlay. Proposed fire breaks must consider the impact on the mapped regulated vegetation. The bushfire management plan must detail the source of water supply for firefighting purposes taking into

consideration the advice detailed below regarding limitations on connection to the Annan pipeline.

General advice – water supply

It is understood the development is seeking to connect to the Annan pipeline. Internal officer assessment has advised that only one connection will be permitted to the trunk main pipeline with a requirement to construct a 100mm uPVC water main to FNQROC Development Manual Standards, beginning at proposed Lot 7 and run parallel to the trunk main within Gampe Drive.

All proposed lots will require a connection to the new main. The new main will require a flow meter at the take off point from the truck main and a flow sensor that is connection back to SCADA.

A condition of an approval will require a signed agreement with Council regarding the water supply level of service from the Annan pipeline.

In summary, a minimum supply pressure is not guaranteed to the consumer, and it is recommended that the consumer install a supply tank and pressure pumps to ensure consistent supply within the property. At certain times, supply from the Annan River will be interrupted and the consumer will be entirely responsible for their water storage and supply during periods of non-supply. At certain times, supply from the Annan to the consumer on the trunk main may not meet recommended chlorine levels. The agreement runs with the land and will continue if the property is sold to a new landowner.

For your information, a copy of the standard agreement will be provided to you to ensure you are aware of the conditions.

4.3 BAL Method

Five key steps for assessing the bushfire risk of an assessable development required by *AS 3959:2018* are listed below. From this assessment a BAL attack level is determined and has consequence for construction requirements. The method used for this assessment in accordance with the standard (Section 2) is 'Method 2' (AS3959:2018).

BAL Method 2 simplified in 5 basic steps.

Step 1 Fire Danger Index (fire weather potential)
Step 2 Vegetation classification, fuel loads
Step 3 Distance from classified vegetation
Step 4 Slope under each vegetation classification
Step 5 Determine the potential fire line intensity and radiant heat flux and a BAL rating.

4.4 AS 3959:2018 Construction of Buildings in a Bushfire Prone Area

Having an assessable property and compliance requirements under local planning scheme overlay codes triggers the conformance to the Australian Standard (AS3959:2018) *Construction of buildings in bushfire-prone areas.* AS 3959:2018 specifies the requirements for the construction of buildings in bushfire prone areas in accordance with a determined Bushfire Attack Level (BAL). A BAL rating has implications for construction requirements for a development and are specified and addressed at the individual building design stage. Section 6.2 outlines the BAL ratings for the site.

4.5 Guidelines

Outcomes of the Bushfire hazard assessment inform the required setbacks and Asset Protection Zones required between buildings and hazardous vegetation to achieve the acceptable outcomes for anticipated potential radiant heat flux. To undertake this Bushfire Hazard Assessment (BHA) the following industry accepted key methodologies and tools are employed:

- *3-stage Bushfire Hazard Assessment: Bushfire Resilient Communities, Technical Reference Guide for the State Planning Policy State Interest 'Natural Hazards, Risk and Resilience – Bushfire*' (Queensland Fire and Emergency Services, 2019)
- Flamesol Potential Fireline Intensity Calculator Method 2 AS 3959:2018 (Fire Protection Association Australia)
- Leonard, J., Opie.K., Newnham.G., Blanch.R., 2014, *A new methodology for State-wide mapping of bushfire prone areas in Queensland,* CSIRO Climate Adaptation Flagship, Australia.

4.6 Suitably qualified and experienced personnel

Surveys on internal and external areas of the site were undertaken by suitability qualified and experienced consultants as per the 'Expertise' requirements at section 10.2 in *3-Stage Bushfire Hazard Assessment: Bushfire resilient Communities* (see Appendix 1 Firecraft Environmental Pty Ltd Capability Statement).

4.7 Additional considerations and triggers relevant to the site

State Development Assessment Provisions – State Code 16 for clearing native vegetation in relation to Asset Protection Zones (APZ) or fire buffers on site to satisfy the Clearing of reconfiguring a lot and clearing for necessary firebreaks and fire management lines, with a width of 20 metres or 1.5 times the height of the tallest adjacent tree to the infrastructure.

The specifications of the proposed APZ in proximity to the building envelopes on lots are based on DES 2019 REDD mapping of vegetation extent and ecological survey results for tree heights. The proposed APZ widths from the building envelope are as follows (E. Berthelsen):

- 21 metres in width in vegetation mapped as RE 3.5.26
- 25.5 metres in width in vegetation mapped as RE 3.3.28
- 20 metres for non-remnant vegetation

5. Bushfire Hazard Assessment results

The 3-stage Bushfire Hazard Assessment guidelines (pp. 25-28, QFES, 2019) used in this assessment are:

1. Reliability assessment: Verify the reliability of Bushfire Prone Area mapping
2. Hazard assessment: redefine potential fireline intensity with the inputs of **fire weather**, **vegetation hazard class**, and **slope**.
3. Separation and radiant heat: calculation of radiant heat flux, set-backs/Asset Protection Zones

5.1 Fire Danger Index (FDI)/fire weather

The outcome for identifying weather severity is the Forest Fire Danger Index (FFDI) rating. This is used as an input into the potential fire line intensity calculation as described in sections above. The key source for identifying the FFDI is Leonard et.al. (page 25).

Stage 1 is located inside the FFDI 60 contour and the **FFDI value of 54** is used for the purposes of calculation in this report.

5.2 Vegetation Hazard Class

5.2.1 Ground-truthed vegetation within site (survey results).

The focus of the site-specific assessment was to determine the potential bushfire risk on site and in vegetation >150 metres from the boundary of Stage 1 external to the site or Lot 216 in accordance with the Method 2 approach described above and focusing on anomalies detected in the desktop analysis. Figure 5 below shows the survey lines throughout vegetation in the key areas. (Figure 5 also shows the locations of fuel load assessments discussed below in section 5.2.3 below.

The site was surveyed on the 15th and 16th August 2023. The initial approach to assessing vegetation on site was to firstly establish the current extent of vegetation as compared with the readily available satellite imagery in the AOI (using Google Earth, MODIS and Queensland Globe platforms). The satellite imagery is generally comparable with the extent of vegetation on site. The site supports vegetation in all areas with the exception of Gampe Road and easement. Plate 1 (date of photo 01.12.23) shows Gampe Road and maintained easement totalling approximately 30 metres in width and representative of the condition of roadway throughout the site area.

Assessing the standing vegetation on site which is inclusive of the Stage 1 footprint and balance land included assessing firebreak condition, positive identification of species, effects on vegetation structure and composition from past land use and the current fire regime, surveying fuel strata layers from canopy to surface cover, and broad assessment of vegetation structure and age classes of species.

Remnant vegetation types

The general description is all remnant vegetation surveyed on site supports a canopy and mid story species presence analogous with RE 3.5.26 *Eucalyptus* p*latyphylla* (Poplar gum) woodland (Plate 2) and RE 3.3.28 Eucalytps platyphylla and *Corymbia Clarksonia* (Pink bloodwood) Plate 3 and generally follows with the DES (REDD) mapping of these communities. This is with the exception of vegetation along Caroline Creek that has an obvious riparian corridor supporting *Melaleuca leucadendra* (Weeping teatree) (Plate 4) in the canopy in the western reaches of the site, transitioning eastwards to a closed canopy community with a dense shrubby understory dominated by rainforest species such as Ficus *oppostia* (sandpaper fig), *Barringtonia calyptrata* (Cassowary pine), *Canarium Australianum* (Scrub turpentine) and Chionanthus ramiflora (Native Olive), with *Imperata cyclindrica* (Blady grass) on the fringes (Plates 5 & 6).

There is evidence across the majority of the property of previous disturbance such as clearing and grazing stock. While vegetation that has undergone considerable changes in structure and composition can still be classed as 'remnant' based on canopy species and age class/height, this provides difficulties with selecting broad predetermined parameters for Potential Fireline Intensity (PFI) and vegetation type (VHC) with variation in combustible mid and understory species. Disturbed ecosystems support an understory fuel not typical of these broad descriptions, such as pasture feed and exotic grasses and have implications for fire intensity and behaviour. The difficulty in nominating predetermined state-wide vegetation categories and associated potential fuel load is particularly difficult on Lot 216 that has also been subjected to both grazing and a frequent-late-season fire regime. Section 5.2.3 below provides details on fuel dynamics and risk.

Broad observations of the understory fine fuel load across the Stage 1 footprint, north of Gampe Road is an obvious dominance of introduced pasture feed and non-native (exotic) grass in the understory. In areas mapped as RE 3.3.28 and with a sub-canopy, this is a high percentage of *Stylosanthes* (Stylo) species, an introduced perennial pasture feed (Plate 7). Canopy cover is <50% with trunk diameter ranging from 200 to 300mm.

In areas of RE 3.3.28 where the sub canopy is absent and there is evidence of past disturbance from clearing and fire episodes, there is a distinct thickening in the mid-story of *Melaleuca viridiflora* (broad-leaved paperbark), single-age class (3-5 years) with a grassy understory generally comprised of native *Themeda triandra* (Kangaroo grass), Stylo and *Themeda quadrivalvis* (grader grass) (Plate 8). This thickening of Melaleuca could be from fire episodes with a short residence time. Native *Heteropogon contortus* (Black Spear) is present but in less densities (Plate 9). RE 3.3.28 Vegetation south of Gampe road appears to be regrowth with canopy height <12 metres and a distinct shrubby midstory with species such as *Planchonia careya* (Cocky Apple) and *Grevillia glauca* (Bushman's peg) with a sparser grassy understory (Plate 10).

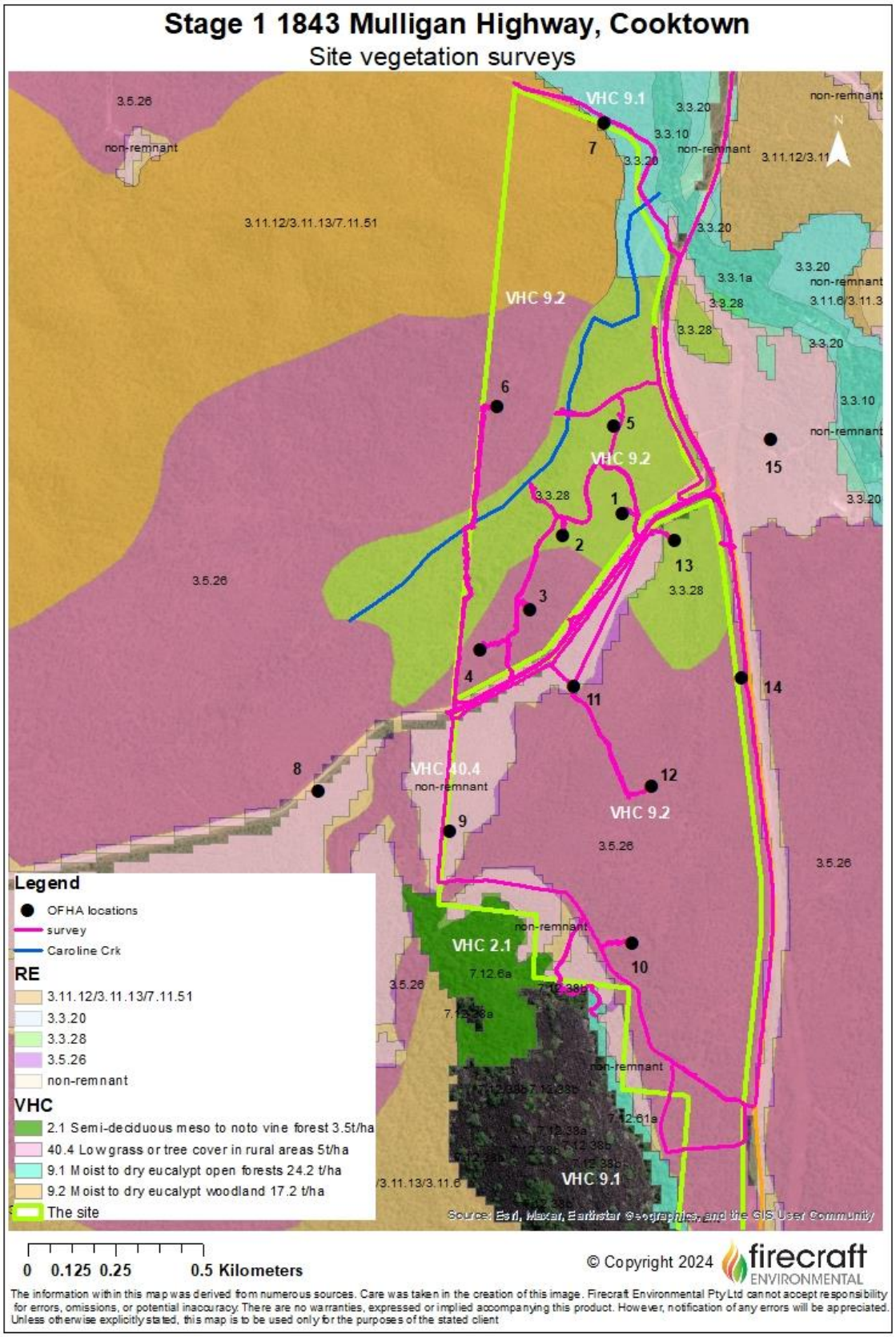


Figure 5 Vegetation survey areas and locations of overall fuel hazard assessments (OFHA).

The RE 3.5.26 vegetation mapped as remnant in the northern area of the site, north of Caroline Creek is woodland with mature emergent *Eucalyptus leptophleba* (smooth-barked mallee) and *E. platyphylla* (Poplar gum). It appears to have a sub-canopy and higher percentage of native grass, particularly Black Spear, but although notable presence of grader grass and Stylo, and with a shrubby understory in places.

In the southern areas of the property the RE 3.5.26 vegetation structure is more open and there is no mid-story presence of other expected occasional shrubby species such as cocky apple or Bushman's peg. The canopy trees in this area generally range from 6-18 metres with canopies <15% cover, and the vegetation appears to be regrowth. All areas including firebreaks, previously cleared areas and areas where there has been high grazing pressure, including RE 3.5.26 on proposed Lots 5,6 and 7, are supporting an elevated exotic fuel load predominately high biomass grader grass (Plates 11 and 12). **There is an existing cleared perimeter (boundary) firebreak and network of internal tracks, but currently all are overgrown and have 100% connectivity with fuels within proposed Stage 1 footprint and external to the site on neighbouring properties and roadway easements.**

The riparian corridor flanking the banks of the watercourse is in total approximately 15 metres in width at the widest point with the widest section of the creek approximately 4 metres. There is evidence on the western section of the creek of fire penetration into the area dominated by Melaleuca. There is a dense grassy understory along the water course here with some areas infested with *Lantana camara*, and *Megathyrsus maximums* (Guines grass) and firescars on trunks of Melaleuca up to 7 metres high. This has implications for fire movement on proposed Lot 7 in laddering fuels and distribution of firebrands from these fuels to adjacent areas.

It is evident that Caroline Creek to the west has vegetation regularly subjected to fire and sections east of this, although supporting fire sensitive rainforest species and thus a fire suppressive buffer, is unlikely robust enough to hold a fire on the northern side of Caroline Creek from impacting on the proposed lots to the south and east. A small grove of fire prone *Melaleuca foliolosa* (paperbark teatree), was noted on the eastern area of Caroline creek near the eastern firebreak (Lot 1).

In summary the vegetation mapped as remnant RE across the site has an elevated understory fuel load due the dominance of exotic grassy fuels, and altered fire regime altering fuel structure. A late hot fire regime is promoted with the dominance of exotic fuel species such as grader grass and Stylo and has further implications for potential fire line intensity being underestimated in the VHC 9.2 17.2 t/Ha mapping and bushfire overlay codes. In addition, in areas where there is evidence of past disturbance from clearing and hot late season fire the prevalence of Melaleuca has implications for fire behaviour and an increased elevated fuel load having consequence for flame height, residence time and fire spread into adjacent areas. The QFES VHC category 9.2 with 17.2t/ha underestimates the fuel load on the site. Some remnant areas such on lots 5-6 have an 'extreme' surface and near surface fuel load in the understory.

<u>Regrowth and non-remnant vegetation types</u>

Proposed lots 8-12 are located on the non-remnant footprint. VHC 40.4 in Figures 4 & 5, corresponds with the RE non-remnant vegetation RE data, with a low fuel load 5t/Ha and BPA classification of 'Potential Impact Buffer'. However, the risk of fire incursion in these areas, increased fuel load from

exotic high biomass grassy fuels and increased elevated and bark fuel types (Melaleuca thickening) and thus increased fire line intensity is apparent based on fire regime and fuel load type analogous with regrowth/previously disturbed areas in remnant vegetation types discussed above.

Regrowth areas/non-remnant areas whilst vary in structure (mid story and canopy species not as dense or tall as remnant vegetation), near surface and elevated fuels are greater in volume thus lower canopy density is inconsequential to lowering the risk of fire to carry to adjacent vegetation types with apparent greater risk.

Thus, the VHC classification of 40.4 and low grass cover in rural areas grossly underestimates the fuel load at 5t/ha. **The average fuel load across the entire site in these areas is 22t/ha.** Recommendations and mitigation must be cognisant of this risk and follow in sections below. Plates 13 and 14 show non-remnant areas on lots 8 and 10 on the southwestern area of the site with extreme near surface fuel loads, and very high near surface fuel load accumulation.

Vegetation along the western and southern boundaries has been cleared previously to facilitate a firebreak. Along these boundaries there are no standing trees from the boundary fenceline for approximately >12 metres. Details on fuel load are in section 5.2.3 below. It is noted that there is a significant erosion gully on the northwestern boundary of proposed Lot 7, possibly a breakaway from Caroline Creek. This area is impassable here and without remediation works a boundary firebreak in this section is not possible in its current state. Water movements and seasonal inundation here is likely to have impact on maintaining a sufficient boundary firebreak.

5.2.2 Vegetation Hazard Classes >150metres from site

As per standard accepted methodologies for Method 2 bushfire hazard assessment, vegetation up to 150 metres from the development boundary must be included in assessments. To investigate the anomalies outlined in Section 3.4 surveys extended beyond 150 metres from the Stage 1 boundary. As explained in sections above there is a continuous fuel load (vegetation cover) across the entire site with the exception of Gampe Road. The intention is for 100% vegetation retention post development external to building envelopes on each block. It is also the intention in areas adjacent to Stage 1 on balance land to the north and south to be maintained and managed by the proponent.

Fuel continuity is a major fuel characteristic influencing fire spread. It has been determined that the fuel load in non-remnant areas is sufficient to carry a fire (section 5.2.1) and thus areas beyond 150 metres from Stage 1 boundary within the site were surveyed to provide advice on future management, and up to 150 metres lots on the eastern and western boundaries of the site to investigate transboundary fire movement from adjacent areas into Stage 1.

<u>West</u>

Vegetation to the west beyond the western boundary of the site is analogous with vegetation descriptions above for within the site. **As with areas internal to Lot 216, the local fire regime and land use has promoted a weedy and exotic grassy understory with an elevated fuel load and in areas mapped as non/remnant, resemble regrowth with a distinct *Melaleuca viridiflora* thickening in the**

mid to lower strata and high biomass grasses dominated by grader grass. The VHC in non-remnant areas and potential fireline intensity here has been underestimated.

A graded firebreak free of standing vegetation of approximately 12 metres is present on the neighbouring property, creating a cumulative cleared firebreak of >24 metres along the western boundary. However, it is in similar condition to Lot 216 and it is unmaintained and carrying a significant fuel load. This has direct implications for PFL on proposed lots closest to the western boundary.

East

To the immediate east of Stage 1 is the Mulligan Highway comprised of roadway and maintained easement totally approximately 60 metres in width (Plate 15). The vegetation at the time of survey as maintained to <1 metre in height from the boundary fence to the table drain, and approximately <300mm in height from the table drain to the bitumen road. The near surface fuel load between the site boundary and the table drain is 'Very High' (OFHA 14) on both flanks of the highway. Plate 16 shows the eastern side of Mulligan Highway east of proposed Lot 13 boundary with grassy fuel loads and dense stands of single-aged Melaleuca in the areas mapped as non-remnant and VHC 40.4 with a 5 t/ha fuel load in Figure 5.

There is a significant fuel load in the roadside corridor and the likelihood of unplanned fire events occurring and impacting on the site and proposed lots (under a prevailing late dry season southeasterly wind direction) is high without maintained firebreaks in the balance land to south and north of lots.

5.2.3 Overall Fuel Hazard Assessment

VHC provides a guideline to hazard calculation and cannot accurately describe vegetation nor quantify biomass (fuel) presence on every property. Many elements contribute to potential fire risk and fire behaviour in vegetation particularly in non-remnant or regrowth areas.

Thus, the vegetation descriptions and associated combustible fuels as inputs into the bushfire overlay codes can in cases be coarse and preclude accurate bushfire risk. To achieve a more accurate risk rating not only must the vegetation coverage be ground-truthed and the fuel load recalculated, but fuel dynamics assessed.

Overall fuel hazard assessment (OHFA) procedure identifies the readily available and combustible fuel in vegetation, comprising both living and dead matter. Various fuel layers have implications for fire behaviour, fire intensity, rate of spread, residence time and flame behaviour, radiant heat, and potential for embers or firebrands (floaters) (Sullivan et.al.). An overall fuel hazard assessment was undertaken at the property using the same risk assessment methodology in the DES 4th Edn. guide mentioned in sections above utilised by CSIRO.

Vegetation with native grassy understory fuels finer in structure in open to closed woodland have a high surface and near surface fuel layer, and minimal presence of bark types that will permit fire to climb trees. Thus, the fire is likely to be a grass fire, low in flame height with a very short residence time, lower

ember output, and lower radiant heat output (Cheney & Sullivan,2008). The high biomass exotic grasses, as present on the site have implications for a longer residence time and higher flame height and thus increased potential fireline intensity.

In addition, high biomass species such as grader grass, and *Andropogon gayanus* (gamba grass) detected in ecological surveys on site, and introduced pasture feed such as Stylo cure later in the season than native grass. Thus, these exotic species retain a higher live fuel moisture content during winter months and it is difficult to establish an early cool burn regime as they will not burn until later in the season (post August). Consequently, grass such as grader grass that are in significant densities on site, and that are encouraged by hot late fire and growly prolifically, in fact perpetuate a late-hot-grassfire-cycle having implications for intensity and frequency, thus increasing the likelihood of hot uncontrollable wildfire events.

Vegetation that is closed in structure with majority of fine fuels elevated in the bark and leaves will dictate a higher flame height. Bark types and oil content in leaves will have implications for firebrands (floaters) to ignite adjacent unburnt areas. Thus, in non-remnant areas and around boundaries of the site where Melaleuca thickening is occurring the risk of firebrands (floaters) enabling firespread is likely. This has implications for recommendations of breaking up continuous fuel loads (fire corridors) within undeveloped/vegetated areas in the proposed layout and reducing the capacity for fire momentum, and specifications for cleared boundaries.

Fuel strata examined in the survey areas were bark, elevated, near surface and surface fuels where in VHC 9.2 there is an expected maximum potential fuel load of 17.2 ton per hectare, and in VHC 40.4 maximum potential fuel load of 5 ton per hectare. The survey results follow with what would be expected from a recently burnt area (<2 years since burnt). Thus, the fuel across the property is supporting 1-2 years' growth and fuel loads are currently in a reduced state as compared with their potential load.

In summary the bushfire risk at Stage 1 within proposed lots and to the immediate north, west and south is 'Medium' potential fireline intensity in all vegetation types, with an average total fuel load of 22 t/ha due to the exotic fuel load and current fire regime. However, while this is still in the 'Medium PFI threshold, the elevated fuel load has implications for Asset Protection Zones (APZ) and firetrail layout. It must be noted that while the average fuel load is 22 t/ha across stage 1 and in adjacent areas, in some small areas where this is an accumulation of stands of grader grass and *Andropogon gayanus* (Gamba grass), the combined surface and near surface fuel load here is extreme estimated at over 30t/ha.

The average fuel load for all vegetation types over surveyed areas accessed is estimated in Table 2.

5.3 Slope

Two slope inputs are required to determine PFI and subsequently asset protection zones and set-backs. 'Site slope' refers to the slope between the site boundary and the assessable (hazardous) vegetation. The second input is 'effective slope' and refers to the topography under the hazardous vegetation. Effective slope has direct influence on fire haviour and rate of spread. For every 10° of uphill slope rate

of spread doubles. Thus, whether hazardous vegetation is upslope or downslope has implications for potential fireline intensity ratings.

Results:
Vegetation within the 150-metre site buffer is between the 50M-60M Australian Height Datum (10 metre contours) and standard run over rise calculations have determined slope under all vegetation post development to be between 0 and <2° slope.

Due the continuous nature (connectivity) of fuel loads on site post development, and the elevated fuel loads recorded, slope was recorded from the APZ and beyond 150 metres from the edge of hazardous vegetation. Example - Lots 7 recordings included from the proposed APZ to south of Caroline Creek riparian corridor (315 from the APZ) and due to the watercourse, a downslope reading was recorded (see example in GE below of elevation profile, Lot 7 APZ and creek. Slope to the west was recorded to 150 metres.

Lots south of Gampe Road had slope taken from the proposed APZ to the proposed southern firetrail, being the only "break" in continuous fuel loads. Lot 13 was also taken to Gampe Road north (over 408 metres approximately from the APZ).

Lot 7, 6 and 13 are found to be the only APZ with any vegetation downslope, and an average was recorded. Effective slope from vegetation, including residual vegetation on each lot. Site slope 0 on APZ.

Table 2. Slope inputs for lots and vegetation location

Lot	Effective slope
1	Upslope/ 0°
2	Upslope/ 0°
3	Upslope/ 0°
4	Upslope/ 0°
5	Upslope/ 0°
6	Downslope 1.7° max
7	Downslope 1.7° max
8	Upslope/ 0°
9	Upslope/ 0°
10	Upslope/ 0°
11	Upslope/ 0°
12	Upslope/ 0°
13	Upslope/ 0° south, Downslope 3.3°

6. Recalculated Potential Fireline Intensity (PFI)

The potential fireline intensity ranges in kilowatts per metre and bushfire hazard classes are:

Very high = 40,000+ kW/m
High = 20,000 – 40,000 kW/m
Medium = 4,000 – 20,000 kW/m
Low = 0 - 4,000 kW/m

The PFI values and corresponding Potential Bushfire Intensity Classes were calculated for all post-development vegetation types within 150 metres of site using the Flamesol Minimum distance calculator. Results are in Table 2.

In summary areas of 'Medium" PFl are of greater extent than what is calculated in state-wide mapping resources. Areas classified as 'non-remnant' and 'potential impact buffer' risk in SPP mapping have been increased and recalculated to 'Medium' with a PFI value of 10,960 kW/m. Areas mapped as remnant vegetation while still in the PFL classification of 'Medium' have an elevated radiant heat flux and this requires greater setbacks from exotic vegetation than an expected native understory fuel load.

6.1 Setbacks and Asset Protection Zones (APZ)

Set-backs and APZ refer to the manageable interface between bushfire hazard areas infrastructure/assets and defendable areas. Areas with a BPA rating, including potential buffer zones, are defined as a Bushfire Hazard Area. Set-backs are calculated as the horizontal distance between the edge of vegetation, and for subdivisions, the closest point on a lot boundary or building footprint. Set-backs determined by PFI values provide an appropriate level of protection from exposure to radiant heat, ember attack and flame contact. The APZ is between the construction and the hazardous vegetation and is established and maintained as a defendable area.

Tolerances for distance from vegetation will vary with the development application of each individual dwelling design and presence of vegetation type on lots. The intention is to achieve approval for the subdivision application by obtaining a minimum requirement of vegetation clearing and setbacks that will satisfy all parcels with highest potential radiant heat flux. The requirements set out in AS3959:218 and guideline documentation for changes in the distribution or classification of VHC within the assessment area require PFI and to be recalculated and mapped. **As the whole Stage 1 area and 150 meters from the footprint has been reclassified to 'Medium' PFI, and there are slight variances in set-back distances in vegetation types, the vegetation types have instead been mapped in Figure 6.**

Table 3. Potential Fireline Intensity Inputs and recalculations for average fuel loads

Vegetation type	Effective slope to 150 metres	Site slope	FDI	Understory fuel load t/Ha	Total fuel load t/Ha	PFI kW/m2	Setback to achieve <12.5kW/m2 (metres) or BAL of 12.5	Setback to achieve <29kW/m2 (metres) Minimum
RE 3.3.28/ woodland with exotic grassy understory and thickening, and Melaleuca riparian	0	14.9	54	17.2	25	8,580	29.5	11.6
	Lots 6 & 7 1.6	0	54	14.9	17.2	9,581	26.9	10.3
RE 3.3.28/woodland with exotic and native grassy understory, absence of thickening, and RE 3.11.12 blend	0	14.9	54	17.2	25	8,580	29.5	11.6
	Lot 13 3.3	0	54	14.9	17.2	10,774	29	11.2
RE 3.5.26/ open woodland with exotic grassy understory	0	0	54	14.9	17.2	8,580	25	9.5
	3.7 Lots 6 and 7	0	54	14.9	17.2	11,075	29.5	11.5
Non-remnant/regrowth/disturbed/ exotic grassy understory and/or thickening	1	1	54	15	22	10,960	21.8	10

(Flamesol, FPA 2023).

In accordance with local council planning schemes 'acceptable outcomes', for development lots must have a building footprint that achieves a radiant heat flux level of 29kW/m² or less at the perimeter of the building footprint. **All Stage 1 Lots 1-13 have a minimum required set-back as per Table 3.** See Table 4 and refer to Figure 6 below.

6.2 Bushfire Attack Level (BAL)

All habitable buildings must be designed and constructed in accordance with the determined Bushfire Attack Level (BAL) ratings and associated clauses in AS3959:2018 and the Building Code of Australia.

There are six levels of the BAL rating in accordance with the standard. They are listed from lowest to highest:

1. BAL Low
2. BAL 12.5
3. BAL 19

4. BAL 29
5. BAL 40
6. BAL FZ

Set-backs and asset protection zone distances above have been determined using maximum slope across the property.

Table 4. Minimum distances between vegetation and building footprint

	Medium PFI areas
BAL 29 (minimum)	9.1 to 11 metres
BAL rating <10kW/m2	9.5 to 29.5

The proposed setbacks (APZ/fire buffer) from the building envelope (see Appendix 4) that satisfy state vegetation clearing codes, where further clearing is not permissible, do not allow for a setback distances in some cases in Table 3 to achieve a BAL rating of 0 or Low. This will have implications for individual lots and occupiers to ensure building placement and design within the APZ and building envelope adequately achieves setbacks from external walls as per the details in Table 3.

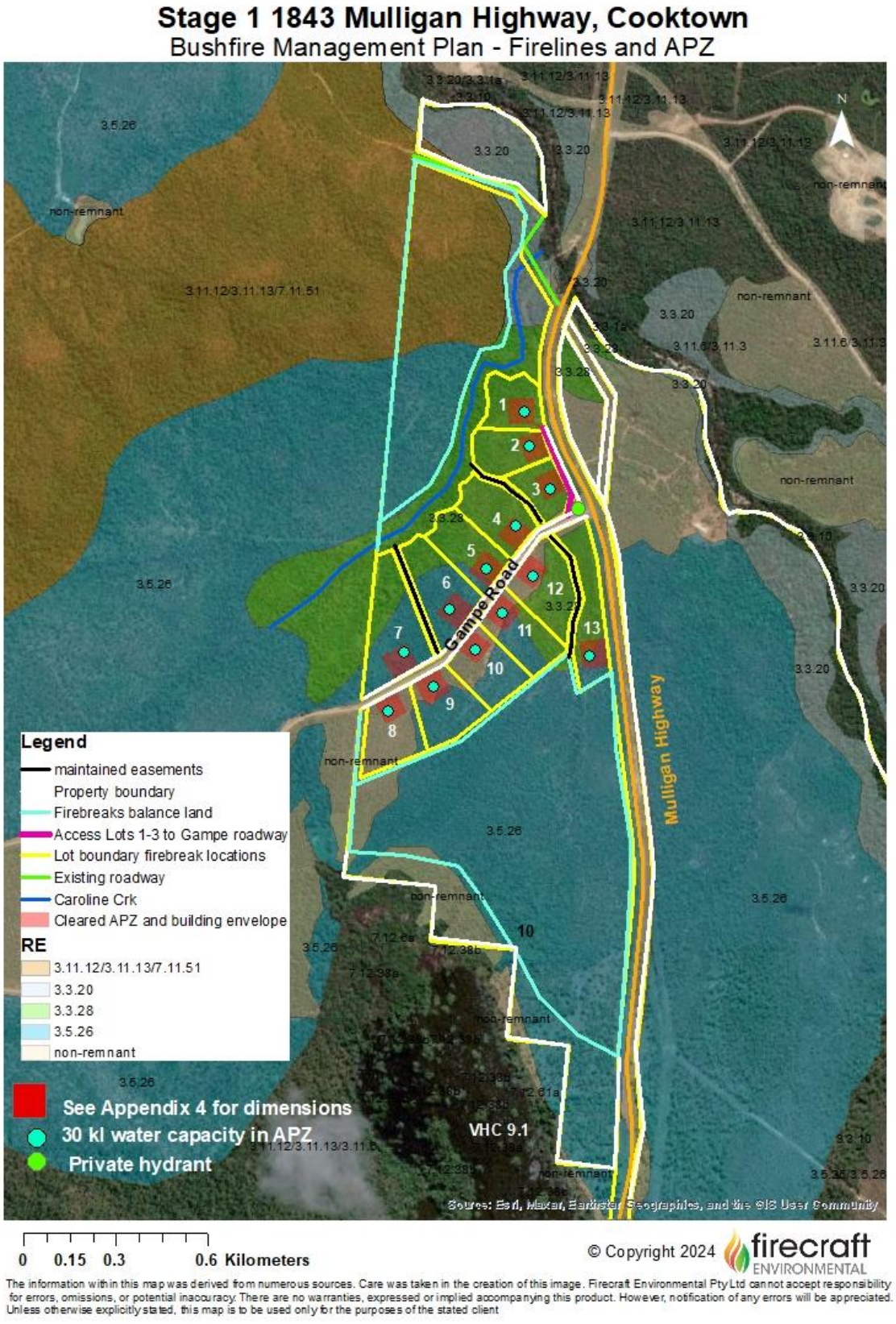


Figure 6 BMP showing locations of proposed building envelopes within lots in relation to PFI in Table 2.

7. Bushfire Management Plan

Where it is not possible to avoid developing in a bushfire prone area the SPP requires development mitigates bushfire risk to people, property including emergency service providers. The requirements to achieve acceptable levels of exposure to risk are detailed in the Bushfire Management Plan.

The overall aim for reducing bushfire risk and impacts on life and property in an area is to reduce PFI as described in sections above. This encompasses reducing the potential for a fire sufficient in momentum, scale and intensity to create a fire-front or multiple fire-fronts by breaking-up continuous fuel loads across the landscape. Hazardous vegetation is both beyond the external boundary of Lot 216 and proposed Lot 900 (balance land) and within proposed Lots 1-13. This plan is relevant to Stage 1 development only and additional stage developments may have additional requirements on the proponent for internal roadways and access and APZ (see Figure 6).

7.1 Responsibilities of the proponent

- All retained vegetation within proposed undeveloped Lot 900 (balance land) to the north and south of lots, is maintained in a way that it minimises the risk of individual lots or access and egress on roadways.
- Any vegetation within the footprint of Lot 216 to the east of Mulligan Highway external to lots is maintained in a way that it does not impact on the risk of individual lots or access and egress on roadways.
- Installation of mains water supply infrastructure via the Annan River network and hydrants for emergency response
- Ensure the copy of this report is on hand at site.
- Maintain any easements, firetrails and firebreaks as per sections below specified in this plan.
- Establish underground services including electricity.
- Lots 1-13 Asset Protection Zones to facilitate building envelopes, driveways and fire buffers are cleared of vegetation in accordance with the recommendations from MD Surveys and the Vegetation Management Plan and Appendix 4 of this report.

7.2 Responsibilities of the owner/occupier of lots

- All vegetation and landscaping within the individual lot is maintained in accordance with Asset Firebreak areas, Building envelope and Asset Protection Zone requirements in this plan.
- All driveways, easements and access handles are clear of obstacles and overhanging vegetation to enable effective emergency vehicle access and egress.
- Minimum capacity water tanks are installed before occupation
- All buildings are in accordance with specific BAL ratings and AS 3559:2018 construction requirements associated with individual lots.
- All residents to develop a household/property bushfire emergency plan
- Fencing construction

7.3 Separation and Asset Protection Zones

All lots have a PFI of 'Medium' asset protection zones that achieve the minimum distance set-backs as per Sections 2.1 and 4.7 of this document.

- Building envelopes: The building envelopes proposed are 40 metres x 40 metres (or 1600 square metres) must be cleared 100% on each lot as per Figure with access as close to Gampe Road and the Mulligan Highway as feasible. The building envelope must be centred in each APZ, i.e. there must be an allowance for an adequate buffer or Asset Protection Zones external to the building envelope at every direction in accordance with Table 3 of this report.

  This will accommodate an average 400 m2 house with flexibility in building design and accommodate sheds and water tanks etc.

  There must be 6 metres between the main dwellings (class 1a habitable building) requiring a BAL and buildings such as sheds (Class 10a non-habitable buildings) and water tanks and any vegetation maintained to <300mm in height.

- Asset Protection Zones beyond the building footprint area: It is not clear whether the intention is to permit landscaping and vegetation for wildlife habitat and amenity in the APZ and residual building envelope areas in the proposed design details in sections above.

  However, the risk of fire spread with permitting such landscaping treatments is very low. Native standing living trees >200 millimetres in diameter that do not have more than three (3) tree crowns connectivity are permitted to be retained in the Asset Zone Area. Majority of trees are expected to have a diameter <200mm, thus minimal connectivity between residual trees is expected. Trees retained will provide some wildlife habitat, ecological values, and landscape values.

  All other vegetation grasses, shrubs, regrowth must be maintained to a height of <300mm as with other areas within the APZ.
  While there are anticipated difficulties in practicality with establishment and maintenance of APZ areas at multiple width requirements based on variable tree heights in mapped RE types, providing the minimum setbacks of external walls from Class 10a buildings associated with the particular lots in Table 3 are adhered to this is acceptable to mitigate impacts of radiant heat flux on buildings.

- Easements: 3 road easements are proposed in the layout of Stage 1 to accommodate access to subsequent development stages. Until these may be developed in subsequent stages they are to be maintained by the proponent as practically as possible without impacting on remnant vegetation values (see section 7.4 below)

7.4 Boundary Firebreaks within Lots

- Firebreaks within lots must be established and maintained by owner/occupiers. Where a boundary is shared with other lots, a easement reserved for roadway purposes and Caroline Creek the firebreak width must be a minimum of 10 metres.
- Thus the combined width of firebreaks on shared lot boundaries shall therefore total 20 metres or more in width. Lot boundaries adjacent to Gampe Road and Mulligan highway are not required to install and maintain a firebreak on these boundaries. i.e. northern boundaries of Lots 8 to 13, southern boundaries of Lots 3 to 7, and eastern boundaries of lots 1 to 3.
- No permanent structures shall be established in this firebreak.
- Firebreaks must have no standing timber (dead or alive), be free from woody regrowth kept clear/regularly maintained to bare earth.
- No landscaping is permitted in boundary firebreaks
- Lot 7 has an area with significant gully erosion and thus requires remedial earthwork to ensure vehicle accessibility along the western boundary for an adequate and functioning "firebreak". It is also recommended that the existing firebreak along this perimeter continues to be maintained to 12 metres at bare earth at all times due to the connectivity with fuels to the west on neighbouring property.

7.5 Further recommendations - Firetrails on balance land

Given that is not proposed to establish a road network around the entire perimeter of Stage 1, and there is a continuous fuel load in adjacent areas, the key recommendations for mitigating risk are to ensure an adequate firetrail along perimeters to reduce transboundary fire movement and provide adequate access to defendable space and emergency resources in internal areas. Fuel type and consequently anticipated fire behaviour, and current late season fire regime has implications for fire to spread with firebrands allowing the passage of fire throughout the proposed lots and undeveloped areas.

While there is no specification of the intention of the proponent to continue to maintain a series of firetrails in the balance land, this is strongly recommended. No additional vegetation clearing is required to maintain the existing network of tracks already in place as per Figure 6 below.

- Firetrails: The proponent is responsible for maintain the existing network of firetrails (firebreaks) on balance land with ample connectivity to provide access around the perimeters of Stage 1 for emergency vehicle access and defending property in the case of wildfire in undeveloped areas and breaking up continuous hazardous fuel loads.

    - Firetrails must be established at a minimum in accordance with the layout in Figure 6. Note there is flexibility in exact location of firetrails on maps to minimise further clearing of mature trees, and locations are indicative only.

    - Boundary firetrails must be maintained at all times to bare earth and be a minimum of 12 metres in width.

- Boundary firetrails must have connectivity and vehicle access at all times to internal firetrails.

- Internal firetrails are to be no less than 6 metres in cleared width and no less than 4 metres in formed width and be constructed with a stabilised gravel surface and maintained to provide ongoing access for 4x4 vehicles. They must be maintained at all times to bare earth.

- The internal firetrail to the south of lots 8 to 13 must be as close to the southern boundary of lots as possible, so as to reduce the hazardous fuels between the firetrail and lot boundaries (<20 metres from boundaries). Firetrail placement should be planned to reduce the need for additional removal of large trees >200mm where practical and where it does not impede adequate vehicle access and manoeuvrability.

- The internal firetrail to north of Caroline Creek must be as close to the riparian buffer from the watercourse as much as possible, so as to reduce the hazardous fuels between the firetrail and lot boundaries. Firetrail placement should be planned to reduce the need for additional removal of large trees >200mm where practical and where it does not impede adequate vehicle access and manoeuvrability.

7.6 Vegetation management

Managing vegetation in low-risk condition in Asset Protection Zones is critical for bushfire risk mitigation. While the average fuel load is 22 t/ha, across Stage 1 and the balance land there are areas with stands of grass with extreme fuel loads.

- High biomass fuels: Non-native grasses with a high biomass such as grader grass and gamba grass are the responsibility of all owner/occupiers and the proponent on their land. These areas need monitoring and maintenance to reduce and manage bushfire risk and an ongoing program that integrates fire, herbicide and mechanical and manual control of these persistent species is recommended.

- Undeveloped areas: All balance land comprising Lot 900 is subjected to annual late season fire episodes. Currently the property is managed with annual/biannual fire management by the proponent. This ongoing management is encouraged. Establishing an early season fire regime with appropriate interval is recommended to promote a native understory but not essential. Firetrail and boundary firebreak regular maintenance to bare earth is essential for both wildfire mitigation and defending undeveloped areas and to safely implement the prescribed burn efforts. Requirements for notifying neighbours and stakeholders under *Fire and Emergency Service Act, 1990 Qld* to the residents of Stage 1 will be applicable.

- Firetrails and roadways
  There are no roadways associated with Stage 1 that are the responsibility of the proponent.

All firetrails and firebreaks must be free of vegetation, i.e. cleared to bare earth and are the responsibility of the proponent on balance land and occupiers on lots.

- 6 metres for firetrails and driveways
- 12 metres for boundary firebreaks

- Asset Protection Zones external to the building footprint

  Vegetation around buildings and infrastructure must be maintained in such a way to ensure the asset protection zones are maintained as per Section 5 above and for individual lot BAL rating assessments.
  - No continuous tree canopies between hazardous vegetation and buildings
  - Tree crown connectivity not permitted to be more that 3 crowns (prune as required)
  - Maintain a lawn area to a height <300mm
  - Establish a reticulated watering system
  - Ensure a cleared ground layer by regularly raking fine fuels such as leaves and twigs
  - Garden beds should be retained as islands rather than continuous strips and cover no more than 50% of the APZ
  - Regular watering and maintenance of landscaped areas

- All Lots
  - Follow landscaping recommendations in Section 8 *Bushfire Resilient Communities, Technical Reference Guide for the State Planning Policy State Interest 'Natural Hazards, Risk and Resilience – Bushfire*' (Queensland Fire and Emergency Services, 2019)

  - Fencing material is rural style mesh fencing with minimal timber use or concrete/non- flammable materials.
  - Consider implementing a prescribed annual burn plan and managing fuels with controlled burning under *Fire and Emergency Service Act, 1990 Qld* and assistance from the local rural fire brigade.

7.7 Sitings

Position buildings so that elements of the development that are least vulnerable to fire impacts are situated to the highest bushfire risk areas. This includes driveways, fire-resistant landscaping, areas free of vegetation. Ensure APZ are accessible by emergency vehicles and water resources are located within the APZ.

7.8 Roadways

- Proposed easements A and B located within the eastern areas of Lot 2 and Lot 3 are to be established by the proponent. Are a minimum cleared width of 12 metres and minimum formed constructed width of 10 metres comprised of a stabilised gravel surface and maintained to provide access for emergency vehicles. They must be maintained at all times by occupiers to bare earth, and have no interruption with driveway access to Lots 1 -3 that facilitate a turn-around areas at the driveway termination point at the main dwelling.

- Owner/occupiers are not permitted to obstruct, modify or have any temporary or permanent structures or landscaping treatments within the 20-metre easement area.

- Driveways to building envelopes: The proponent is responsible for establishing a cleared access way to the building envelope of each lot. Driveways are to be maintained by owner/occupiers to no less than 6 metres in cleared width and no less than 4 metres in formed width and be constructed with a stabilised gravel surface and maintained to provide access for emergency vehicles. They must be maintained at all times to bare earth, and facilitate a turn-around areas at the driveway termination point at the main dwelling.

7.9 Water supply and utilities

- Connection to the Annan main water line must be in accordance with Cook Shire Council requirements as specified in Information Request 04.05.23. The key requirements are:
  - *One connection to the Annan main water supply is permitted and requires a flow meter and flow sensor, with each lot requiring a separate connection from this new main line.*
  - *Minimum supply pressure from the Annan line is not guaranteed and supply can be interrupted and the owner/occupier of lots is entirely responsible for their own water supply during these periods.*
  - *It is recommended that owner/occupiers of lots install water tanks and pressure pumps.*

- Hydrants:
  - In the absence of CSC street hydrant/s on Gampe Road, a private hydrant on the new mains connection to Stage 1 must be installed in the vicinity of the junction of Gampe Road and the Mulligan highway.
  - All hydrants are positioned in accordance with *QFES 2019 Fire Hydrant and Vehicle Access Guidelines* and relevant associated government legislation and signed on roadways.

- Water tanks on lots:
  - All lots must have a combined water storage capacity of no less than 30,000 Litres for the purpose of responding to unplanned fire events and when there is interruption during unplanned fire events to the Annan main water supply and hydrant function. Given the distance to Cooktown township and capacity for Queensland Fire and Emergency Services (rural contingent only) to respond 30,000 Litres is recommended.
  - All water reservoirs/tanks have a pressure pump and fittings compatible for emergency vehicles.
  - Water tank installation/maintenance is the responsibility of the individual lot owner/occupier.
  - All water tanks to be in the APZ area adjacent to buildings with emergency vehicle access and turnaround capability.

- Underground power is proposed. Gas facilities and storage must be within the Building envelope.

8. References and sources consulted

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Appendix 1: Firecraft Environmental Capability Statement (attached)

Appendix 2: Landscaping recommendations, Section 8 *Bushfire Resilient Communities, Technical Reference Guide for the State Planning Policy State Interest 'Natural Hazards, Risk and Resilience – Bushfire'* (Queensland Fire and Emergency Services, 2019)

Appendix 3: SARA Referral Response_1843 Mulligan Highway, Cooktown_9thAugust2024

Appendix 4: Building envelope and firebreak safety buffer plan reconfiguration (5th September 2024).

Attachment 4 Notice of Decision – Statement of Reasons (D25/27499)

D25/27499

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- *the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- *any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	DA/4609
Applicant:	Brian Boserio c/- CLA Consultants
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Reconfiguring a Lot (1 Lot into 13 Lots and Balance Lot)
Street Address:	1843 Mulligan Highway, Cooktown
Real Property Description:	Lot 216 on SP137304
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Change Application (Minor) - Development Permit for Reconfiguring a Lot (1 Lot into 13 Lots and Balance Lot)
Date of Decision:	08 August 2025

ASSESSMENT BENCHMARKS

Planning Scheme: Cook Shire Council Planning Scheme 2017

- Rural Zone Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Extractive Resources Overlay Code;
- Reconfiguring a Lot Code; and
- Works, Services and Infrastructure Code.

State Planning Policy (SPP): State Planning Policy (July 2017)

Planning Regulation 2017: This application did not trigger any matter prescribed by the regulation

PUBLIC NOTIFICATION

Minor Change application was not subject to Public Notification.

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

a. An assessment was made against the applicable assessment benchmarks and the development demonstrated compliance with the prescribed matters.

Attachment 5 Infrastructure Charges Notice (D24/41219)

Our Ref: LM:lmc:DA/4609:D24/41219
Your Ref: 1207

7 November 2024

Brian Boserio
c/- MD Land Surveys (Erin Berthelsen)
228 Draper Street
Parramatta Park
E-mail: erin@mdlandsurveys.com.au

Attention: MD Land Surveys & Brian Boserio

Dear Ms Berthelsen

ADOPTED INFRASTRUCTURE CHARGES NOTICE (Administrative Amendment)
Development Application - DA/4609

Applicant:	Brian Boserio c/- MD Land Surveys
Property Owner:	Brian Boserio
Location:	1843 Mulligan Highway Cooktown 4895
Real Property Description:	Lot 216 on Plan SP137304
Site Area:	508.13 hectares
Zone:	Rural Zone
Proposed Use:	Reconfiguring a Lot (1 Lot into 13 Lots and Balance Lot)

CHARGES CALCULATION

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential RAL	$2,100.00 (Water Supply)	Per allotment	14	$2,100.00
Residential RAL	$2,100.00 (Sewerage)	Per allotment	n/a	n/a
Residential RAL	$2,520.00 (Transport)	Per allotment	n/a	n/a
Residential RAL	$840.00 (Public Parks & Community Land)	Per allotment	n/a	n/a
Residential RAL	$840.00 (Stormwater	Per allotment	n/a	n/a
			Total Charge	**$29,400.00**

CREDIT CALCULATION

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential RAL	$2,100 (Water Supply)	Per allotment	n/a	n/a
Residential RAL	$2,100 (Sewerage)	Per allotment	n/a	n/a
Residential RAL	$2,520 (Transport)	Per allotment	n/a	n/a
Residential RAL	$840 (Public Parks & Community Land)	Per allotment	n/a	n/a
Residential RAL	$840 (Stormwater)	Per allotment	n/a	n/a
			Total Credit	**$0.00**

Net Adopted Infrastructure Charges Summary

Total Adopted Charge	Total Credit	Total Infrastructure Charge
$29,400.00	$0.00	**$29,400.00**

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:
Payment of the total infrastructure charge must must be paid to Council prior to endorsement of a Survey Plan.

Payment Details:
Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax
The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

Adopted Infrastructure Charge is Subject to Price Variation
The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:
Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025 to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Manager Planning Environment Lisa Miller on (07) 4082 0500 or E:mail: mail@cook.qld.gov.au .

Yours faithfully

Brian Joiner
Chief Executive Officer

Attachment 6 Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

(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 the 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 rules of the P&E Court.