



SARA reference: 2104-21984 SRA
 Council reference: MCUC 2021_4080/1
 Applicant reference: MOSSL27RP804231

24 September 2021

Chief Executive Officer
 Douglas Shire Council
 PO Box 723
 Mossman Qld 4873
 enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA response—Kidd Street, Mossman

(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 13 April 2021.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	24 September 2021
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development permit	Material change of use for Research and technology industry (pilot plant)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 5, Division 4, Table 2 (Planning Regulation 2017)	
	Development application for a material change of use for an environmentally relevant activity	
SARA reference:	2104-21984 SRA	

Assessment Manager: Douglas Shire Council
Street address: Kidd Street, Mossman
Real property description: Lot 27 on RP804231
Applicant name: CocoNutZ Australia Pty Ltd C/- Canberra Town Planning
Applicant contact details: 5/32 Lonsdale Street
Braddon ACT 2612
mdargusch@wolterconsulting.com.au

Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- Approved
- Reference: P-EA-100114331
- Effective date: Takes effect on the date the related development approval MCUC 2021_4080/1 takes effect
- Prescribed environmentally relevant activity (ERA): ERA 28 – Sugar milling or refining – Crushing or grinding 200t or more of sugar cane in a year or manufacturing 200t or more of sugar or other sugarcane products in a year

If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.au

Representations

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

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dasilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc CocoNutZ Australia Pty Ltd C/- Canberra Town Planning, mdargusch@wolterconsulting.com.au

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

- the proposed development is for a pilot plant for the production of Kecap Manis (an Asian condiment)
- the proposed development is located within the site of the existing Mossman Sugar Mill and will use existing and new buildings
- the proposed development is located and incorporates management measures so that potential impacts on the acoustic environment of nearby sensitive places (residences) will be appropriately managed. The environmental authority issued by the Department of Environment and Science under the *Environmental Protection Act 1994* includes conditions related to management of potential environmental harm to the land, acoustic, air and water environments
- the proposed development does not impact on any areas mapped as Matters of State Environmental Significance, waterways, Category R regulated vegetation or Category C regulated vegetation
- the development complies with relevant provisions of State code 22 of the State Development Assessment Provisions, version 2.6.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the Department of State Development, Infrastructure, Local Government and Planning
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation 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 Rules¹ 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.

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.