

From: me@warrenbolton.com
Sent: Thursday, 10 October 2024 4:45 PM
To: 'WBBSARA'
Cc: Ward Veitch - Urban Planet; Emily Burke FCRC
Subject: RE: Applicant and Delegate -2112-26497 SRA
Attachments: Noticeaboutchangedevelopmentapplication.doc

Hi Luke

Thanks for the follow up

My feeling is that we are near the end of engagement with SARA so do I don't intend to go thought, at this stage, the process set out in my email to change the current arrangement. If I am incorrect in my assessment I will re-evaluate at that time

I have attached for your information the appropriate form (from the departments website) for the process I understand to be correct, under the department advice and guidelines.

My Regards

Warren

Warren Bolton

Mobile Int. 614 293949 04
Aust. 04 293949 04

From: WBBSARA <WBBSARA@dsdilgp.qld.gov.au>
Sent: Thursday, October 10, 2024 12:06 PM
To: me@warrenbolton.com; WBBSARA <WBBSARA@dsdilgp.qld.gov.au>
Cc: Ward Veitch - Urban Planet <ward@urbanplanet.com.au>; Emily Burke FCRC <Emily.Burke@frasercoast.qld.gov.au>
Subject: RE: Applicant and Delegate -2112-26497 SRA

Good afternoon Warren,

Thank you for your email and your time on the phone this morning.

To clarify the advice I provided, you do not need to update the form if you are happy for all development correspondence to continue to be directed to Urban Planet as the nominated contact for the applicant.

If, however you are seeking for all future correspondence to be directed to you, we will need to update our records to reflect this change. An updated Form 1 would provide the necessary information.

As I explained yesterday, SARA does communicate with other parties (e.g. sub-consultants) on development applications but seeks to ensure the applicant is directly involved or notified, to avoid any confusion that may otherwise impact upon the assessment process.

As discussed, I can also confirm that SARA understands that sufficient information has now been provided to finalise the assessment of this proposal by the SARA statutory due date (i.e. 21 October 2024).

Please feel free to contact me on the details below if you wish to discuss.

Regards,

Luke

Luke Lankowski

Manager, Planning – Wide Bay Burnett

Planning and Development Services

Planning Group

Department of Housing, Local Government, Planning and Public Works

P 07 4331 5602 M 0408 780 492

E luke.lankowski@dasilgp.qld.gov.au

Level 1, 7 Takalvan Street, Bundaberg Qld 4670



I acknowledge the Traditional Custodians of the land on which we walk, work and live. I pay my respects to Elders past, present, and emerging.

From: me@warrenbolton.com <me@warrenbolton.com>
Sent: Thursday, October 10, 2024 11:26 AM
To: WBSARA <WBSARA@dasilgp.qld.gov.au>
Cc: Ward Veitch - Urban Planet <ward@urbanplanet.com.au>; Emily Burke FCRC <Emily.Burke@frasercoast.qld.gov.au>
Subject: Applicant and Delegate -2112-26497 SRA

Attention Luke Lankowski

Morning Luke

Thanks for your time yesterday

Further to our discussions yesterday afternoon in relation to the administrative policy of State Assessment and Referral Agency (Agency) regarding an individual's standing with the Agency in relation to dealing with the assessment process for a statutory referral, I make the following observations.

Having given earnest consideration to the advice provided by the Agency regarding:

1. Determination, as to what entity actually constitutes the Applicant for DA RAL21013 {Your ref:- 2112-26497 SRA} (DA) ; and consequently
2. Refusal to accept the written notification of M and J Grunske as Applicant identified on the statutory form **DA Form1** (Form), to authorize Warren Bolton to act on their behalf, as part of the process of assessment for development approval, without the replacement of a whole new Form to confirm that notification.

In particular the advice from officers, that

- a. The legal Applicant is Urban Planet or Ward Veitch and the nominated *Contact Name* for the Applicant is the only person that can have authority to interact with the Agency ; and
- b. The Agency's position that only the 'nominated contact', on the Form can be that single authorised person.

I hold the view that this advice is flawed.

My Reasons are

1. Applicant for the DA is clearly M and J Gruske, not Ward Veitch or Urban Planet; and
2. Under Section 52 of the *Planning Act 2016* (Act), an Applicant may change a development application, before the application is decided, simply by a **giving notice** to the assessment manager.

The DA Form is part of the material of a development application.

There is no statutory form to be used to change a component of a development application that has not been decided

However, the Department of Housing, Local Government, Planning and Public Works provides template forms on their website, along with guideline for their use. The website includes a template notice for use by an **applicant** in giving notice to the **assessment manager** about a change to a **development application** under section 52(1) of the Act.

Under administrative law 'templates' are not mandatory documents but optional documents to provide assistance in undertaking a process.

Under Schedule 2 of the Planning Act a '**notice** means a written notice'.

The use of a departmental template document is more than sufficient to satisfy the provisions of Section 52 of the Act.

The Agency's policy to require the submission of a subsequent, full and new DA Form 1 (to the assessment manager?) in order to change the content of the original DA Form in order to award standing to a delegate of the Applicant, is in conflict with the requirements of the law and contrary to good administrative practice.

If it is the policy of the Agency to only afford standing to a **single delegate** for the Applicant to deal with the Agency in relation to the assessment process of the DA then I am of the view that the submission of the template form provided for on the department's website to the Assessment Manager should be adequate to effect that change and satisfy the Agency.

Please advise me of your decision in this matter

Regards

Warren

Warren Bolton

558 Mooloo Road
MOOLOO - PC 4570
Queensland Australia.

[Web Site](#)

Alternative contacts:-

Mobile Int. 614 293949 04
Aust.04 293949 04

Wisdom - if you don't want to borrow someone else's then you have to pay to get your own. [WB]

 [Carbon Friendly Communication](#)

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