



Gladstone Ports Corporation

Growth, Prosperity, Community.

DECISION NOTICE – DA 2016/08

SUSTAINABLE PLANNING ACT 2009 S334 & S335

Application:	Material Change of Use for Environmentally Relevant Activities ERA 50(1(A)): Bulk material handling – loading or unloading minerals at a rate of 100t or more a day
Applicant Name and address:	High Titanium Resources and Technology Limited c/o InsiteSJC, Shane Booth PO Box 1688 Bundaberg QLD 4670
Owner:	Gladstone Ports Corporation Limited
Subject Land:	Part of Lot 2 on RP137256
Location:	Newman Street BURNETT HEADS QLD 4670
Present Zoning	Strategic Port Land
Proposed Use:	Ilmenite sand storage, loading and unloading
Application Received:	5 September 2016

This development application was assessed on: **21 June 2017**

1. Details Of The Approval

Development Permit:

Material Change of Use for Environmentally Relevant Activity ERA 50: Bulk Material Handling, ERA 50(1(a)): Bulk material handling – loading or unloading 100t or more of minerals in a day within 5km of the highest astronomical tide or 1km of a watercourse.

The only mineral permitted to be handled on site is ilmenite sand.

2. Assessment Manager's Conditions

In general the facilities are in compliance with the requirements of the Gladstone Ports Corporation. It is to be noted that the following conditions will be complied with in the granting of this Development Application.

CONDITIONS

General

1. The development must be carried out generally in accordance with the approved plans including revised drawings and plans where required.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. The permit holder will comply with all of the conditions of this Development Permit prior to the commencement of the use, unless otherwise stated within this notice, and maintain compliance whilst the use continues.
4. Where additional "approval" is required under these conditions by the Gladstone Ports Corporation (the Port) for drawings or documentation, the proponent must submit for review, amend to the satisfaction of, and obtain written acceptance from the Port. Only in this manner can compliance with the condition be achieved.
5. The permit holder must inform the Port of completion of works within 14 days of practical completion and undertake a site inspection with GPC.
6. Upon receipt of this Development Approval (DA), the holder will forward to the Port within 10 business days a copy of any other approvals, permits or licences issued for activities related to this land or DA e.g. an Environmental Authority, tidal works approval etc. Any permissible changes or amendments to approvals, permits or licences must also be forwarded to the Port within 20 business days of the variation coming into effect.

Engineering

7. "For Construction" Drawings for the works shall be provided to GPC for approval prior to the commencement of the works.
8. The permit holder must supply the Port with "As Constructed" plans in both hard and electronic format upon completion of the works. The plans are to include all infrastructure and services constructed on Port land.
9. The permit holder must provide to GPC within 30 days of practical completion a report from a Registered Professional Engineer of Queensland (RPEQ) certifying that:
 - a) The works (including any other associated works) have been constructed in accordance with the approved plans; and
 - b) Infrastructure is structurally adequate for anticipated usage (i.e. fit for purpose) and capable of withstanding a Category 3 cyclone;
10. The permit holder must at its cost and expense, keep and maintain the subject area, including existing and new services, in a state that is satisfactory to the Port.

Earthworks and Site Preparation

11. Material brought onto site for infilling must be fit for purpose and uncontaminated.
12. Minimum Finished Surface Levels (FSL's) along the Newman Street frontage of the lease area shall be no less than RL4.4m AHD.
13. The permit holder must provide to GPC for approval prior to works commencing the following:
 - a) Drawings of typical cross sections through both directions of the allotment, showing how levels tie in with levels of all adjacent properties; and
 - b) Details of batter slopes or retaining walls taking into consideration that fill and walls must be constructed wholly within the site boundaries. If batters are proposed to be used, detail must be provided in relation to proposed maintenance of the batters and prevention of soil erosion.

Building Design and Setbacks

14. Unless otherwise approved in writing by GPC, all buildings and structures, including storage barriers must be setback a minimum of:
 - a) Six (6) metres from Newman Street; and
 - b) Three (3) metres from any side or rear boundaries.
15. Any buildings and related structures constructed on site are to be appropriately certified.

Vehicle Access/Parking/Loading and Unloading

16. The driveway to the site from Newman Street must be constructed and comply with the standards specified in the Bundaberg Regional Council *planning scheme policy for development works – driveways and access to developments* for commercial driveways. The existing driveway must be of sufficient width to ensure that B-doubles leave the site without crossing the centreline of Newman Street. The specific requirements for the driveway must be determined as part of the Operational Works application to Bundaberg Regional Council.
17. Provide vehicle manoeuvring areas in accordance with the requirements of the Car Parking and Access Guideline within the Gladstone Ports Corporation development code. Such access and manoeuvring areas must be:
 - a) Such that B-doubles are allocated sufficient space to safely manoeuvre within the site during loading and unloading operations;
 - b) designed to include manoeuvring areas to allow all vehicles to leave the site in a forward gear; and
 - c) drained to the relevant site discharge point.
18. Queuing or parking of vehicles associated with operations of the storage yard is not permitted in the road reserve. Queuing or parking of vehicles on port land outside of the storage yard is not permitted unless otherwise approved in writing by GPC.
19. Loading and unloading of all vehicles associated with the use must occur inside the storage yard site.

Traffic Management

20. Operational traffic must be carried out in accordance with a GPC approved Traffic Management Plan (TMP) and associated drawings. Any amendments to the TMP or relevant drawings must be submitted for approval by GPC prior to implementation.
21. A revised operational Traffic Management Plan must be submitted to GPC for approval prior to operations commencing that reflects the approved B-double route via Wharf Drive and Newman Street will be used to access the site until Buss Street has been approved as a B-double route. The revised TMP must include drawings showing:
 - a) the swept path of traffic using the site, such drawing must show traffic flows and turning manoeuvres within the road reserve for operations using Newman Street and Buss Street;
 - b) the approved B-double truck route via Wharf Drive and Newman St for initial use; and
 - c) the Buss Street truck route for use only after Buss Street has been upgraded and approved as a B-double route.

Fencing and Landscaping

22. The permit holder is to provide a 1.8 metre high security fence inside the lease area boundary of Lease DR in Lot 2 on RP137256.
23. The permit holder must provide landscaping along the Newman Road frontage, a minimum of 2m wide and planted with species of sufficient height to screen the storage yard. Landscaping is allowed inside or outside the fence, but both must be located within the lease area. In the event the fence is to be constructed of solid material e.g. sheet metal, landscaping must be provided outside the fence to soften the appearance of the site.
24. The permit holder is to provide to GPC for approval prior to works commencing a plan providing details of the proposed fencing and landscaping.

Street Identification

25. The street address of the development must be clearly visible and discernible from the primary frontage of the site by the provision of a street name and the building/facility/company name.

Lighting

26. The permit holder must provide to GPC for approval prior to works commencing details of proposed storage yard lighting to enable safe loading and unloading operations 24 hours per day during ship loading.
27. Lighting should not impact on the visibility of Navigational Aids.

Stormwater

28. All stormwater must be captured on site and discharged via the proposed settlement pond and lawful point of discharge to Newman Street drainage.
29. The permit holder shall provide detention storage to cater for increased peak discharges as a result of this development as proposed in Drawing No. 41-29895 SK001 Rev A. Stormwater discharge from the subject land must be limited to pre-development generated peak levels up to and including Q100 ARI flows via the provision of detention storage.
30. The design for the site drainage system, fill, car parking and access must be undertaken so that flows from adjacent properties will not be impeded by the development.
31. The permit holder must provide to GPC for approval prior to works commencing details of:
 - a) stormwater capture from the ilmenite storage area when it is covered and demonstrate compliance with Condition 29; and
 - b) proposed stormwater outlet levels.
32. The permit holder is permitted to discharge stormwater to the Newman Street table drain in accordance with Bundaberg Regional Council requirements as an interim measure. Upon completion of the Newman Street upgrade and installation of the stormwater pit, the holder must install and connect a stormwater pipe of appropriate diameter to the pit for lawful discharge of stormwater.

Water and Sewer

33. Connection to Bundaberg Regional Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Bundaberg Regional Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.

34. Should a reticulated water supply service to the development be required in the future, the permit holder must obtain development approval from GPC and submit an Operational Works application to Bundaberg Regional Council prior to commencing works. Such reticulated water works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must include network modelling with main sizing to be finalised as part of an application for Operational Works.
35. Any reticulated water supply must be provided with a meter, and infrastructure as required, to satisfy the fire fighting and water supply demands of the development.

Environment

36. Any complaints received by the holder of this approval, and non-compliance with conditions of this approval or any other approval obtained in relation to the works or operation of this facility must be reported to GPC's Environment Department Hotline on (07) 4976 1617.
37. Any spillage of wastes, contaminants or other materials must be cleaned immediately. Such spillage must not be cleaned up by hosing, sweeping or otherwise releasing such materials to any external stormwater drainage system, roadside gutters or external waters.
38. The holder of this permit shall carry out site construction in accordance with an approved Construction Environmental Management Plan (CEMP).
39. Prior to works commencing on site, a final CEMP specific to this application and its associated works, is to be submitted to the Port, for approval. Furthermore, the Port will require no less than 10 business days to initially assess the CEMP specific to this application and its associated works. Should further information be required to be provided for the assessment of the CEMP specific to this application and its associated works, The Port will require a further 5 business days to complete the information request response. The final CEMP shall include provisions for (but not be limited to):
 - a) Bulk Earthworks Management Plan.
40. The holder of this permit shall carry out site operations in accordance with an approved Operations Environmental Management Plan (OEMP).
41. Prior to commencement of the activity, a final OEMP is to be submitted to the Port for approval. GPC will require no less than 10 business days to initially assess the OEMP specific to this application and its associated works. Should further information be required to be provided for the assessment of the OEMP specific to this application and its associated works, the Port will require a further 5 business days to complete the information request response. The final OEMP shall include provisions for (but not be limited to):
 - a) Air Emissions/Dust Management Plan; and
 - b) Maintenance of all environmental control infrastructure.
42. Where there is any conflict between the conditions of this approval and the CEMP/OEMP, the conditions of this approval shall prevail.

3. Concurrence Agency Conditions –

Department of State Development, Infrastructure and Planning

The Decision Notice conditions of the Department of State Development, Infrastructure and Planning acting as a Concurrence Agency are as per their letter dated 30 May 2017 attached.

4. The Approved Plans –

The approved plans and/or documents forming part of this decision notice are listed in the following table:

Document Reference	Plan / Document Name	Date
Plan No. 41-29895-SK001 Rev. A	Site Grading and Drainage Layout submitted and approved as Site Layout Plan of Storage Site (pg 6 Request for Information Response)	February 2017

5. When the Development Approval Takes Effect –

If the application is approved, or approved subject to conditions, the decision notice, or if a negotiated decision notice is given, the negotiated decision notice, is taken to be the development approval and has effect—

- (a) if there is no submitter and the applicant does not appeal the decision to the court or a building and development committee, from when—
 - (i) the decision notice is given; or
 - (ii) if a negotiated decision notice is given - the negotiated decision notice is given; or
- (b) if there is a submitter and the applicant does not appeal the decision to the court or a building and development committee—
 - (iii) when the submitters appeal period ends; or
 - (iv) if the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision before the period mentioned in subparagraph (i) ends—on the day the last submitter gives the notice; or
- (c) if an appeal is made to the court or a building and development committee, subject to sections 490(3) and 553(3) and the decision of the court or committee under section 496 or 564 – when the appeal is finally decided or withdrawn.

6. When Approval Lapses if Development Not Started

The relevant periods stated below apply to each aspect of development in this approval, as outlined below:-

- material change of use - 4 years
- any other development not listed above - 2 years

7. Other Necessary Approvals

Listed below are the other development permits that are necessary to allow the development to be carried out:

Material Change of Use for Environmentally Relevant Activity ERA 50: Bulk Material Handling, ERA 50(1(a)): Bulk material handling – loading or unloading 100t or more of minerals in a day within 5km of the highest astronomical tide or 1km of a watercourse on Part of Lot 501 on SP271547, Part of Lot 3 on SP133687 and Part of Lot 276 on SP128643 for loading and unloading ilmenite sand at the wharf.

8. Referral Agencies

The IDAS referral agencies applicable to this application are:

Referral Trigger	Agency Name	Status	Address
Material Change of Use for an environmentally relevant activity	Department of Infrastructure, Local Government and Planning	Concurrence	DILGP State Assessment and Referral Agency PO Box 979 BUNDABERG QLD 4670

9. Appeal Rights

Attached is an extract from the Sustainable Planning Act 2009 which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

Appeals by applicants: An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal, or refusal in part of the development application
- Any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of the Sustainable Planning Act
- The decision to give a preliminary approval when a development permit was applied for.
- The length of a period mentioned in section 341.

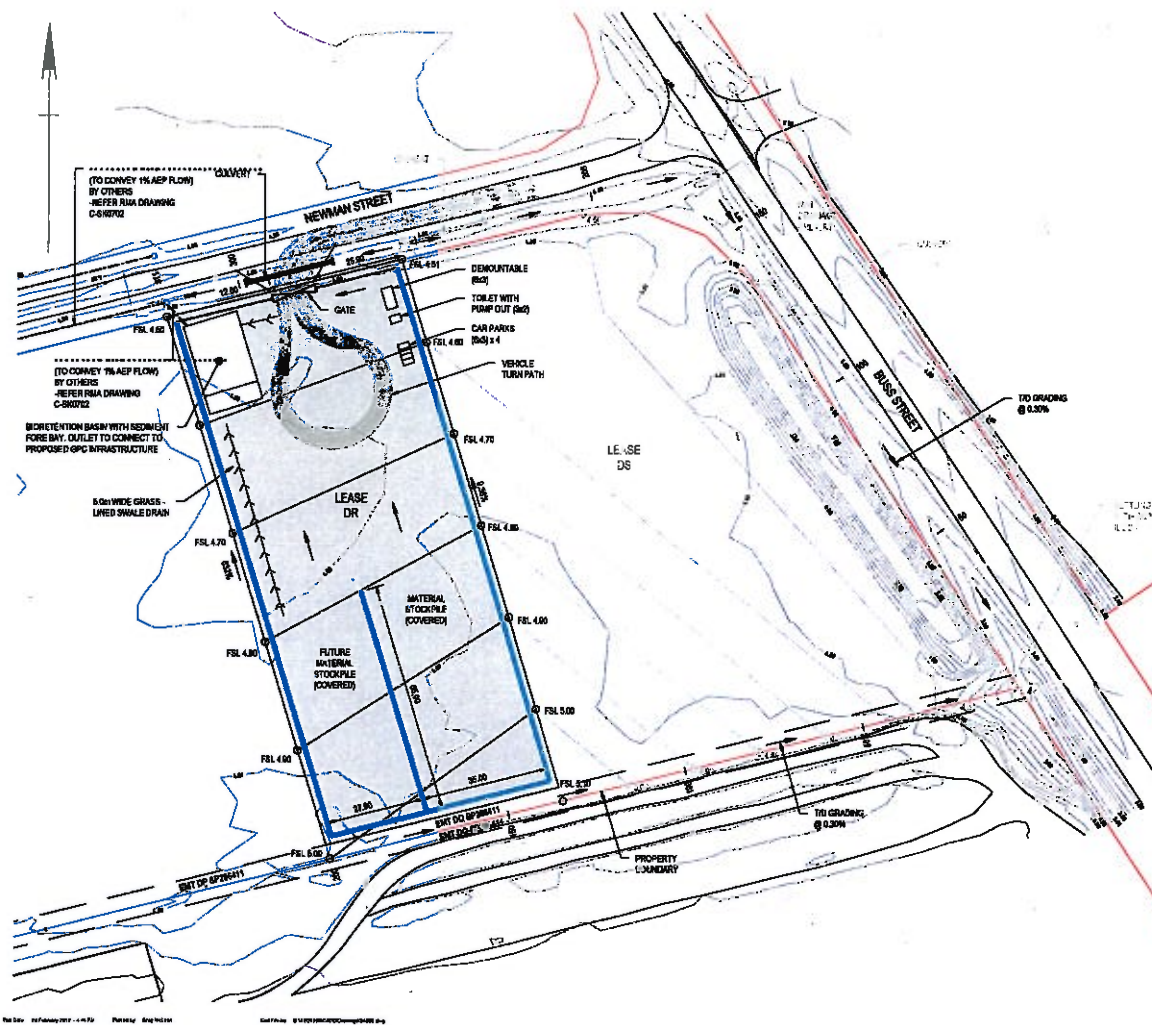
10. Assessment Manager Certification








Sarah Hunter
Senior Planning Officer
26 June 2017

cc: Referral Agencies

APPROVED



LEGEND

-  300mm HIGH RETAINING WALL
-  CHAIN WIRE MESH FENCE
-  GRAVEL PAVED AREA
-  TURN PATH
-  RIGID TRUCK AND DOG
-  FINISHED SURFACE LEVEL

REV	DESCRIPTION	APP'D	DATE
A	INITIAL ISSUE		

**HIGH TITANIUM RESOURCES AND TECHNOLOGY LIMITED
SITE GRADING AND DRAINAGE LAYOUT**



70 Dandenong St, Dandenong, VIC 3187 Australia
PO Box 712 Dandenong VIC 3187
T 017 4190 8400 F 017 4130 8498
E info@ghd.com.au W www.ghd.com.au

scale | 1:1000 for A3 job no. | 41-20E25
date | February 2017 rev no. | A

approved (PD) SK001



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0916-033371
Your reference: DA2016/08
Applicant reference: GC16-097-T01

30 May 2017

Gladstone Ports Corporation
PO Box 259
GLADSTONE QLD 4680
hunters@gpcl.com.au

Attention: Sarah Hunter

Dear Ms Hunter

Concurrence agency response - no requirements
Buss Street, Burnett Heads QLD 4670 – Lot 2 on RP137256
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 12 September 2017.

Applicant details

Applicant name: High Titanium Resources and Technology Ltd
C/- Insite SJC
Applicant contact details: PO Box 1688
Bundaberg QLD 4670

Site details

Street address: Buss Street, Burnett Heads QLD 4670
Real property description: Lot 2 on RP137256
Local government area: Bundaberg Regional Council

Application details

Proposed development: Development Permit for Material Change of Use
(Dry Bulk Storage)
Environmentally Relevant Activity (ERA) 50 (1a)
Bulk Material Handling

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 1—Environmentally Relevant Activities

No requirements

The department advises the assessment manager, under section 287(2)(a) of the *Sustainable Planning Act 2009*, that it has no requirements relating to the application.

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

If you require any further information, please contact Rachel Pratt, A/Planning Officer, on (07) 4331 5614, or via email WBBSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Peter Mulcahy
A/Manager (Planning)

cc: High Titanium Resources and Technology Ltd c/- Insite SJC, shane@insitesjc.com.au

- (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
 - (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Division 11 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.

- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

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

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

- (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
 - (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
 - (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
- (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
- (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to become a co-respondent to the appeal by filing in the court a notice of election in the approved form.
- (4) Despite any other Act or rules of court to the contrary, the notice may be given to the chief executive by emailing the

notice to the chief executive at the email address stated on the department's website for this purpose.

483 Notice of appeals to other parties—compliance assessment

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

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appeal is under section 472 or 475—the local government; or

[s 485]

- (b) if the appeal is under section 475A(1)—the Minister; or
 - (c) if the appeal is under section 475A(3)—the Minister and the owner of the registered premises; or
 - (d) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (e) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
 - (f) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
 - (g) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
 - (h) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.

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

486 Respondent and co-respondents for appeals under div 9

- (1) For an appeal under section 468 or 469—
 - (a) the compliance assessor is the respondent; and
 - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.

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

487 Respondent and co-respondents for appeals under div 10

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

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

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

489 Minister entitled to be party to an appeal involving a State interest

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

490 Lodging appeal stops particular actions

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

Division 12 Alternative dispute resolution

491 ADR process applies to proceedings started under this part

- (1) The *Civil Proceedings Act 2011*, part 6 (the *ADR provisions*) applies to proceedings started under this part.
- (2) To the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.
- (3) If a dispute in a proceeding under this part is referred to a dispute resolution process under the ADR provisions—
 - (a) the proceeding is not stayed unless the court orders otherwise; and