



SARA reference: 2203-27702 SRA
 Council reference: D/17-2022
 Applicant reference: -

12 April 2022

Chief Executive Officer
 Rockhampton Regional Council
 PO Box 1860
 Rockhampton Qld 4700
 enquiries@rrc.qld.gov.au

Attention: Kathy McDonald

Dear Sir/Madam

SARA response—339-380A Bolsover Street, Depot Hill; 338A-380A Bolsover Street, Port Curtis

(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 7 March 2022.

Response

| | |
|-------------------|---|
| Outcome: | Referral agency response – with conditions. |
| Date of response: | 12 April 2022 |
| 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 | Material change of use for a utility installation |
| SARA role: | Referral Agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) | |

Development application for a material change of use within 25m of a railway corridor

SARA reference: 2203-27702 SRA

Assessment Manager: Rockhampton Regional Council

Street address: 339-380A Bolsover Street, Depot Hill; 338A-380A Bolsover Street, Port Curtis; 338A-380A Bolsover Street, Port Curtis; 338A-380A Bolsover Street, Port Curtis; 338A-380A Bolsover Street, Port Curtis; 338A-380A Bolsover Street, Port Curtis; 338A-380A Bolsover Street, Port Curtis

Real property description: 1RP601014; 1RP605362; 1RP605363; 241SP129865; 244SP129865; 2RP601015; 2RP601029

Applicant name: Aurizon Property Pty Ltd

Applicant contact details: GPO Box 456
Brisbane QLD 4001
Andrew.Batts@aurizon.com.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 4**.

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

For further information please contact Jacklyn Neyenhuis, Planning Officer, on 4924 2907 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Aurizon Property Pty Ltd, Andrew.Batts@aurizon.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

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)

| No. | Conditions | Condition timing |
|--|---|--|
| Material change of use | | |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> 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): | | |
| 1. | (a) Stormwater and flooding management of the development must ensure no worsening or actionable nuisance to the railway corridor. (b) Any works on the land must not: <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the railway corridor ii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor iii. surcharge any existing culvert or drain on the railway corridor iv. reduce the quality of stormwater discharge onto the railway corridor v. reduce the flood storage capacity of the site vi. interfere with or impede overland flow or hydraulic conveyance on the site. | (a) At all times (b) At all times |

Attachment 2—Advice to the applicant

| General advice | |
|----------------|---|
| 1. | <p>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) [v3.0]. If a word remains undefined it has its ordinary meaning.</p> |
| 2. | <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>The applicant is required to obtain relevant agreements/approvals from the railway manager in relation to the proposed stabling facility and proposed rail siding within the railway corridor (Lot 23 on SP131821) such as:</p> <ul style="list-style-type: none"> • Design Services Agreement • Rail Connection Agreement • Access Agreement & Train Operations Deed • Transfer Facilities Licence (TFL) • Relevant approvals for works associated with the development such as earthworks, service connections, stormwater drainage works and the like. <p>Please be advised that this concurrence agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact the Aurizon property team at CorridorEnquiries@aurizon.com.au in relation to obtaining the necessary approvals.</p> |
| 3. | <p>Under section 83 of the Rail Safety National Law (Queensland), a private siding must be registered if the owner wishes for it to be connected to an accredited railway.</p> <p>The applicant should contact the Office of the National Rail Safety Regulator to enter into preliminary discussions on the process associated with registration of their rail infrastructure at operations@onrsr.com.au or telephone 08 8406 1500.</p> |

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 is a material change of use for a utility installation.
- The appropriate stormwater and flooding management will minimise impacts and worsening to the railway as part of the application.
- The proposed development is considered to be generally in accordance with the requirements of the State Development Assessment Provisions of State code 1 with the implementation of conditions.

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 [3.0])
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—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.