



SARA reference: 2204-28369 SRA
 Council reference: D/33-2022

9 December 2022

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

Dear Sir/Madam

SARA response—362 Yaamba Road, Norman Gardens

(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 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	9 December 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 Educational Establishment (extension of existing College)
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	
	Development application for a material change of use within twenty-five (25) metres of a state-controlled road	

SARA reference: 2204-28369 SRA
Assessment Manager: Rockhampton Regional Council
Street address: 362 Yaamba Road, Norman Gardens; 362 Yaamba Road, Norman Gardens
Real property description: Lot 1 on RP607187; Lot 2 on RP607681
Applicant name: Roman Catholic Diocese Rockhampton
Applicant contact details: PO Box 4499
Mackay QLD 4740
justinpeel@bigpond.com

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 Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Roman Catholic Trust Corporation for the Diocese of Rockhampton for Catholic Education, Diocese of Rockhampton, justinpeel@bigpond.com

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, Item 1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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:		
1.	Buildings shall be designed and constructed using materials which ensure indoor education areas, indoor play areas and sleep rooms meet the following internal noise criteria: (a) ≤ 35 dB(A) Leq (1 hour) (maximum hour during opening hours).	Prior to the commencement of use and to be maintained at all times.

Attachment 2—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) [v3.0]. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- The development is a material change of use for an extension to an Educational Establishment, located at 362 Yaamba Road, Norman Gardens (the subject site).
- The subject site is located adjacent to Yaamba Road, which is a state-controlled road.
- The assessment benchmark relevant to SARA's assessment is State Development Assessment Provisions (SDAP) State code 1: Development in a state-controlled road environment (State code 1).
- The development did not achieve compliance with Performance Outcome 45 of SDAP State code 1. Despite this non-compliance, the development is considered to comply with Item 8 of the Purpose Statement of SDAP State code 1, based on the following:
 - The development is for an extension to an existing Educational Establishment. Works will involve the construction of a new lecture theatre, administration building, additional car parking, landscaping and walkways.
 - There are no new classrooms, or outdoor play and outdoor education areas, proposed as part of this development and the capacity of the school is not significantly increasing as a consequence of the development.
 - It is not practical to provide a noise barrier or earth mound to achieve the required building façade levels as it will adversely impact the amenity of the school grounds and inhibit casual surveillance into the school (as there is only one road frontage).
 - Internal noise criteria can be conditioned to apply to new the lecture theatre which will mitigate environmental emissions for students using this facility.
- The development is considered to comply with the assessment benchmark, subject to 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]), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

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.



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

14 April 2022

Rockhampton Regional Council
PO Box 1860
Rockhampton QLD 4700

Attention: *Brendan Standen*
Via email: enquiries@rrc.qld.gov.au

Cc Roman Catholic Trust Corporation for the Diocese of
Rockhampton for Catholic Education, Diocese of
Rockhampton
PO Box 4499
Mackay QLD 4740
Attention: Justin Peel
Via email: justinpeel@bigpond.com

Dear Brendan,

Referral Agency Response – Development Permit for a Material Change of Use for Educational Establishment (extension of existing College) located at 362 Yaamba Road, Norman Gardens (Lot 1 on RP607187, Lot 2 on RP607681)

Council Ref: D/33-2022
Applicant Ref: DPA-1086
Our Ref: HBD 7604116

We refer to the abovementioned Development Application, which has been referred to Ergon Energy pursuant to section 54(1) of the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. This notice is provided in accordance with section 56 of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use, as an Advice Agency for the Development Application, Ergon advises the following in relation to the development:

1. This application is approved in accordance with the below referenced plans. Any changes to these plans should be resubmitted to Ergon for further review and comment.

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Approved Plans			
Title	Plan Number	Rev.	Date
PROPOSED OVERALL SITE PLAN - GROUND	MCU-03	P22	21/01/2022
PROPOSED OVERALL SITE PLAN - UPPER	MCU-04	P22	21/01/2022

2. The conditions of any easements in favour of Ergon must be maintained at all times.

Should you require further information regarding this matter, feel free to contact the undersigned on 0456 836 609 or email townplanning@ergon.com.au.

Yours faithfully,



Maddison Low
Town Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency