



SARA reference: 2010-19095 SRA  
 Council reference: D/106-2020

18 February 2021

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

Dear Sir/Madam

## SARA response—452-488 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 6 October 2020.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	18 February 2021
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Material change of use for Food and Drink Outlet
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 25m of a State-controlled road	
SARA reference:	2010-19095 SRA	
Assessment Manager:	Rockhampton Regional Council	

Street address: 452-488 Yaamba Road, Norman Gardens  
Real property description: 25RP610513  
Applicant name: Brownfield Nominees Pty Ltd A.C.N 108 733 571  
Applicant contact details: PO Box 2088  
Milton QLD 4064  
rachel@reelplanning.com

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR20-031166
- Date: 17 February 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [CorridorManagement@tmr.qld.gov.au](mailto:CorridorManagement@tmr.qld.gov.au)

## Representations

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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 Jonas Griffin Fodaro, Planning Officer, on 49242915 or via email [RockhamptonSARA@dsmip.qld.gov.au](mailto:RockhamptonSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc Brownfield Nominees Pty Ltd A.C.N 108 733 571, rachel@reelplanning.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 5 - Approved plans and specifications

## 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) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)—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(s):		
1.	<p>(a) The new road access location is to be located generally in accordance with:</p> <ul style="list-style-type: none"> <li>• the Yaamba Road Site Access Works prepared by TTM dated 4 February 2021, reference 19BRT0086-04 (sheet 1-3 of 3) and Revision C.</li> </ul> <p>(b) Road access works comprising a left-in and left-out (at the road access location), must be provided and must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>• Capricorn Municipal Development Guidelines, Urban Commercial / Industrial Driveway for Type 2 (left in/ left out) centre island, dated December 2016, Reference CMDG-R-042A, and Revision B.</li> </ul>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>
2.	<p>(a) Road works comprising a shared bicycle lane and a left turn lane (including all applicable line markings), must be provided generally in accordance with:</p> <ul style="list-style-type: none"> <li>• the Retrofit Bicycle Lane in a Left Turn Lane (unsignalized intersection), prepared by Department of Transport and Main Roads, dated 22 May 2019, reference TC1769_2 and Revision I.</li> </ul> <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>• the Road Planning and Design Manual (RPDM) and the Traffic and Road Use Management Manual (TRUM).</li> </ul>	Prior to the commencement of use.
3.	<p>(a) Road works comprising an off-ramp and an on-ramp, must be provided and located generally in accordance with:</p> <ul style="list-style-type: none"> <li>• the Yaamba Road Site Access Works prepared by TTM dated 4 February 2021, reference 19BRT0086-04 (sheet 1-3 of 3) and Revision C.</li> </ul> <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>• the Road Planning and Design Manual (RPDM) and the Traffic and Road Use Management Manual (TRUM).</li> </ul>	Prior to the commencement of use.
4.	(a) The existing vehicular property access (located at the southern property boundary) between Lot 25 RP610513 and Yaamba	Prior to the commencement of use.

	<p>Road (the state-controlled road) must be permanently closed and removed (generally in accordance with the Yaamba Road Site Access Works prepared by TTM dated 4 February 2021, reference 19BRT0086-04 (sheet 1-3 of 3) and Revision C).</p> <p>(b) The kerb and channelling and footpath between the pavement edge and the property boundary must be reinstated at no cost to the Department of Transport and Main Roads'.</p>	
5.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>iii. surcharge any existing culvert or drain on the state-controlled road;</li> <li>iv. reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	<p>(a) At all times.</p> <p>(b) At all times.</p>

## Attachment 2—Advice to the applicant

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<b>General advice</b>	
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 3—Reasons for referral agency response**

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

### **The reasons for the SARA's decision are:**

- The proposal is for is for a 24 hour 7 Days a week Food and drink outlet.
- Access to the site will be directly from Yaamba Road.
- The proposed on and off ramp connecting cyclist from the road to the existing 2m wide foot path, provides cyclist the option to 'bypass' the proposed shared cycle lane/left turn lane.
- The location and design of vehicular access to a state-controlled road does not create a safety hazard for users of a state-controlled road.
- The development complies with relevant provisions of State code 1 of the State Development Assessment Provisions, version 2.6, subject to 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 2.6), as published by the SARA
- The Development Assessment Rules
- SARA DA Mapping system

## **Attachment 4—Change representation provisions**

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## **Attachment 5—Approved plans and specifications**

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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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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](http://ergon.com.au)

21 October 2020

Rockhampton Regional Council  
Attention: Amanda O'Mara  
Via email: [enquiries@rrc.qld.gov.au](mailto:enquiries@rrc.qld.gov.au)

cc Brownfield Nominees Pty Ltd  
c/- Reel Planning Pty Ltd  
Attention: Kieran Ryan  
Via email: [Kieran@reelplanning.com](mailto:Kieran@reelplanning.com)

Dear Sir/Madam,

**Development Application – Material Change of Use for Food and Drink Outlet located at 452-488 Yaamba Road, Norman Gardens, described as Lot 25 on RP610513.**

**Applicant Ref: -  
Council Ref: D/106-2020  
Our Ref: HBD 7069351**

We refer to the above referenced Development Application which has been referred to Ergon Energy in accordance with 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*. The below response is provided in accordance with section 56(1) of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Material Change of Use for Food and Drink Outlet, as an Advice Agency for the Application, Ergon requires that the assessment manager impose the following conditions:

1. This application is approved in accordance with the below referenced plans. Any alterations to these plans before the development application is decided are to be resubmitted to Ergon for comment:

Approved Plans			
Title	Plan Number	Issue	Date

**Have you seen our fact sheets?**  
See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Site Plan	A1.02	D	24.08.20
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2. All easement conditions must be maintained.
3. Where Ergon Energy needs to access or conduct work within the easement, Ergon Energy will not be responsible for any costs or works associated with reinstatement or remediation of landscaping/hardstand/concrete/circulation spaces/unauthorised structures within the easement.
4. Electrical safety clearances are to be maintained as per Ergon's Standard Guidelines WP1323 and existing ground levels are not to be reduced.
5. The applicant must contact Ergon to request a Safety Advice before construction starts so that on site hazards can be pointed out and measures implemented if deemed necessary.

All works should be in accordance with Ergon's Standard Guidelines WP1323 for general conditions when considering works either on an easement or in the vicinity of Ergon assets. These are available [online](#) for your reference.

Should you require any further information on the above matter, please contact Angela Collins on 0447 671 554 or email [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,



Angela Collins  
Senior Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)