

SARA reference: 2001-14928 SRA
Council reference: D/129-2019

6 February 2020

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

Attention: Thomas Gardiner

Dear Sir/Madam,

SARA response

Six Mile Road, Pink Lily

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 9 January 2020.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	6 February 2020
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:	Building work for a shed & shipping container and operational work for earthworks
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 20, Division 4, Table 1 – <i>Wetland protection area</i> (Planning Regulation 2017)
SARA reference:	2001-14928 SRA
Assessment Manager:	Rockhampton Regional Council

Street address: Lot 3 Six Mile Road, Pink Lily
Real property description: Lot 3 on RP601798
Applicant name: Joseph and Jennifer Bakonyi
C/- Reel Planning CQ
Applicant contact details: PO Box 437
Rockhampton Qld 4700
brendan@reelplanning.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 Rebecca Gesch, Planning Officer on (07) 4924 2915 or via email at RockhamptonSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely,



Anthony Walsh
Manager Planning

cc Joseph and Jennifer Bakonyi, brendan@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
Building work for a shed & shipping container and operational work for earthworks		
<i>Wetland protection area</i> - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • <i>'Site layout and typical detail'</i> prepared by McMurtrie Consulting Engineers, dated 19 December 2019, and referenced 0431920-0001 (revision A). 	At all times.
2.	Stormwater runoff leaving the site or discharging into the Wetland Protection Area (WPA) must not exceed a maximum concentration of <50mg>/L of total suspended solids.	At all times.
3.	Erosion and sediment control measures which are in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i> , are to be installed and maintained to prevent the release of sediment to the wetland protection area known as Pink Lily Lagoon.	Until such a time that all remaining stockpiles of earth have been removed.
4.	All remaining stockpiles of earth as shown on <i>'Site layout and typical detail'</i> prepared by McMurtrie Consulting Engineers, dated 19 December 2019, and referenced 0431920-0001 (revision A) must be removed.	Within three (3) months of the issue of this development approval.

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) [v2.5]. 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 the department's decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application;
- Stormwater runoff with excessive total suspended solids can negatively impact the viability of WPAs;
- Erosion and sediment control measures are necessary to prevent the release of sediment, and otherwise avoid erosion risks associated with development.

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 2.5), as published by the department;
- The Development Assessment Rules;
- SARA DA Mapping system; and
- State Planning Policy 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 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.