



SARA reference: 2104-22117 SRA; 2104-22292 SRA
 Council reference: D/45-2021

21 May 2021

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

Attention: Amanda O'Mara

Dear Sir/Madam

SARA response—197-205 Wade Street, Parkhurst

(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 20 April 2021.

Response

| | |
|-------------------|---|
| Outcome: | Referral agency response - No requirements |
| | Under section 56(1)(a) of the <i>Planning Act 2016</i> , the SARA advises it has no requirements relating to the application. |
| Date of response: | 21 May 2021 |
| Advice: | Advice to the applicant is in Attachment 1 . |
| Reasons: | The reasons for the referral agency response are in Attachment 2 . |

Development details

| | | |
|---------------|--|--|
| Description: | Development permit | Material Change of Use for Utility Installation (Waste Management Service) and Environmentally Relevant Activity (ERA 62 Threshold 1 (b), 1 (c) and 1 (d)) |
| SARA role: | Referral Agency | |
| SARA trigger: | Schedule 10, part 5, div 4, table 2 (Planning Regulation 2017) | Development application for material change of use for a non-devolved environmentally relevant activity |

SARA reference: 2104-22117 SRA
Assessment Manager: Rockhampton Regional Council
Street address: 197-205 Wade Street, Parkhurst
Real property description: 2LN800345
Applicant name: J.J. Richards & Sons Pty Ltd
Applicant contact details: PO Box 496
Clayfield QLD 4011
m.mcmahon@dhenv.com.au

Environmental Authority: This referral included an application for an environmental authority under section 115 of the *Environmental Protection Act 1994*. Below are the details of the decision:

- Approved
- Reference: EA0002835
- Effective date: either on the date that your related development approval D/45-2021 takes effect or 31 August 2021, whichever is later.
- Prescribed environmentally relevant activity (ERA): ERA 62 (1)(b)(c)(d) - Resource recovery and transfer facility operation

If you are seeking further information on the environmental authority, the Department of Environment and Science's website includes a register. This can be found at: www.des.qld.gov.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 3**.

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

For further information please contact Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc J.J. Richards & Sons Pty Ltd, m.mcmahon@dhenv.com.au

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

Attachment 1—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) [v2.6]. If a word remains undefined it has its ordinary meaning. |

Attachment 2—Reasons for referral agency response

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

The reasons for the SARA's decision the proposed development:

- is to provide a waste management facility
- is an environmentally relevant activity (ERA)
- complies with the relevant aspects of State Development Assessment Provisions (v2.6):
 - o State code 22: Environmentally relevant activities

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

Attachment 3—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.