



SARA reference: 2205-29067 SRA  
Council reference: D/63-2022

16 August 2022

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

Attention: Aidan Murray

Dear Sir/Madam

## SARA response—337-341 Yaamba Road, Park Avenue

(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 27 May 2022.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	16 August 2022
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      Reconfiguring a lot (1 into 2 lots)
SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 9, division 4, subdivision 2, table 1 (Planning Regulation 2017) Development application for a reconfiguration of a lot near a state transport corridor
SARA reference:	2205-29067 SRA
Assessment Manager:	Rockhampton Regional Council
Street address:	337-341 Yaamba Road, Park Avenue

Real property description: 24SP191047

Applicant name: Glenwaye Pty Ltd C/- The Development Directive Pty Ltd

Applicant contact details: 22A Frederick Street  
Taringa QLD 4068  
elliott@developmentdirective.com.au

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: TMR22-036444
- Date: 9 August 2022

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

## 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 Carl Porter, Principal Planning Officer, on 07 3243 1666 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc Glenwaye Pty Ltd C/- The Development Directive Pty Ltd, elliott@developmentdirective.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 5 - Approved plans and specifications  
Attachment 6 - S.62 TIA Permit

## 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>Reconfiguring a lot</b>		
Schedule 10, Part 9, division 4, subdivision 2, table 1 (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.	<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>	At all times
2.	<p>(a) The permitted road access locations are to be located generally in accordance with the SKETCH PLAN - SUBDIVISION, prepared by LEFFLER SIMES ARCHITECTS, dated 20.07.22, Drawing No. SK006 and Revision 3 as amended in red by SARA.</p> <p>(b) Road access works (at the permitted road access location to proposed Lot 2) must be provided generally in accordance with a TYPE A - TWO WAY ACCESS COMMERCIAL DRIVEWAY SLAB prepared by Capricorn Municipal Development Guidelines, dated 12/2016, Reference CMDG-R-042 and Revision F.</p> <p>(c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads Road Planning and Design Manual, 2<sup>nd</sup> Edition.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval.</p>
3.	Direct access is not permitted between Yaamba Road and Moores Creek Road (the state-controlled road), and the subject site at any location other than the permitted access locations as per Condition 2.	At all times
4.	A barrier sufficient to prevent vehicle access between proposed lots 1 and 2 must be provided along the common boundary of proposed lots 1 and 2 generally in accordance with SKETCH PLAN - SUBDIVISION, prepared by LEFFLER SIMES ARCHITECTS, dated 20.07.22, Drawing No. SK006 and Revision 3 as amended in red by SARA.	Prior to submitting the Plan of Survey to the local government for approval

## Attachment 2—Advice to the applicant

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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) 3.0. 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 proposed development is for a one into two lot subdivision.
- Access for the lots to/from the state-controlled roads (Moores Creek Road and Yaamba Road) can be conditioned to ensure the safety and efficiency of the state-controlled roads is maintained.
- The proposed development complies with the relevant parts of State code 1: Development in a state-controlled road environment with the application 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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## **Attachment 5—Approved plans and specifications**

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## **Attachment 6— S.62 TIA Permit**

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Our ref TMR22-036444  
Your ref 129.02  
Enquiries Anton DeKlerk



Department of  
**Transport and Main Roads**

9 August 2022

Glenway Pty Ltd  
C/- The Development Directive Pty Ltd  
22A Frederick Street  
Taringa QLD 4068

## **Decision Notice – Permitted Road Access Location** **(s62(1) Transport Infrastructure Act 1994)**

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number D/63-2022, lodged with Rockhampton Regional Council involves constructing of a new vehicular access between Proposed Lot 2 (currently forming part of Lot 24SP191047) the land the subject of the application, and Moores Creek Road (also known as Bruce Highway) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### Application Details

Address of Property	337-341 Yaamba Road, Park Avenue QLD 4701
Real Property Description	24SP191047
Aspect/s of Development	Development Permit for a Reconfiguring a Lot (1 lot into 2 lots) and for a new access to proposed Lot 2 from Moores Creek Road (a state-controlled road).

### **Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	(a) The permitted road accesses are to be generally in accordance with the Sketch Plan - Subdivision, prepared by Leffler Simes Architects, dated 20 July 2022, Reference SK006 and Revision 3 (as amended in red by TMR) at:  (i) Proposed Lot 1 is to remain from Yaamba Road at TMR Chainage 4.406km (Lat: -23.350791; Long: 150.523872)  (ii) Proposed Lot 2 is to be from Moores Creek Road at TMR Chainage 4.00km (Lat: -23.353028; Long: 150.521404).	At all times
2	Road access works (at the permitted road access location to	Prior to sealing of the

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	<p>proposed Lot 2), must be provided generally in accordance with Type A Two Way Access Commercial Driveway Slab prepared by Capricorn Municipal Development Guidelines dated December 2016, reference CMDG-R-042 and revision F.</p> <p>(i) The permitted access to proposed Lot 2 must be limited to 'left-in' / 'left-out' only.</p> <p>(ii) The permitted access to proposed Lot 2 must be constructed in accordance with the departments Road Planning and Design Manual, 2<sup>nd</sup> Edition and the Manual of Uniform Traffic Control Devices (MUTCD).</p>	survey plan.
3	The use of the accesses is limited to 19m semi-trailers.	At all times.
4	<p>Proposed Lots 1 and 2 must operate independently with vehicular access being solely via the respective permitted access locations stated in condition 1.</p> <p>For example, vehicular access from within Lot 1 to Lot 2 is prohibited and vice versa.</p>	At all times.
5	Steps must be taken to physically prevent vehicular access between proposed Lot 1 and Lot 2, for example through permanent fencing or concrete kerbing along the property boundary between both parcels.	Prior to sealing of the survey plan.
6	Direct access is prohibited between proposed Lot 2 and Yaamba Road (the state-controlled road).	At all times.
7	Any other existing vehicular property access (other than described in condition 1) located between Lot 24 SP191047 and Yaamba Road or Moores Creek Road (the state-controlled road) must be permanently closed and removed and the verge areas and table drains reinstated to a condition similar to the adjacent verge areas.	Prior to sealing of the survey plan
8	The road access is to be constructed and maintained at no cost to the department in accordance with section 64(a) & (b) of the <i>Transport Infrastructure Act 1994</i> .	At all times.
9	The applicant shall be responsible for all maintenance works for the access in accordance with Module 9 of the Local Government Association of Queensland document 'TMR/Local Government Cost Sharing Arrangement', dated October 2017.	At all times.
10	All vehicles entering or exiting the property via the permitted access must travel in a forward direction only.	At all times.
11	Reasonable steps are taken to ensure that the permitted road access is used by others in accordance with these conditions.	At all times.

## Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety and efficiency of the state-controlled road.
- b) To ensure the vehicular accesses are consistent with the functional requirements of the state-controlled road.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

## Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

## Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

## Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Anton DeKlerk, Principal Town Planner should be contacted by email at [CorridorManagement@tmr.qld.gov.au](mailto:CorridorManagement@tmr.qld.gov.au) or on (07) 4931 1500.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anton DeKlerk', with a horizontal line drawn underneath it.

Anton DeKlerk  
**Principal Town Planner**

Attachments: Attachment A – Decision evidence and findings

Attachment B - Section 70 of TIA

Attachment C - Appeal Provisions

Attachment D - Permitted Road Access Location Plan:

Sketch Plan - Subdivision, prepared by Leffler Simes Architects,  
dated 20 July 2022, Reference SK006 and Revision 3 (as amended  
in red by TMR).

Attachment E - Type A Two Way Access Commercial Driveway Slab prepared by  
Capricorn Municipal Development Guidelines dated December 2016,  
reference CMDG-R-042 and revision F.

## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- The proposal is for a Development Permit for Reconfiguring a Lot (one lot into two lots) on land 337-341 Yaamba Road, Park Avenue, formally described as Lot 24 SP191047.
- The site is a corner allotment with road frontages to Yaamba Road of approximately 94 metres and to Moores Creek Road of approximately 330 metres. The subject site currently contains an existing commercial building (leased by Spotlight) plus include associated parking area and vehicle manoeuvring areas.
- The subject site contains a number of Development Permits that has not been acted on as of yet, namely:
  - Development Permit D-R/971-2005 - Material Change of Use for Retail Showrooms and Reconfiguring a Lot (Boundary Realignment).
  - Development Permit D/162-2015 - Material Change of Use for Service Station, Shop, Showroom, and Food and Drink Outlet.
  - Development Permit D/161-2015 – Reconfiguring a Lot (1 into 4 lots).

Nevertheless, the applicant confirmed (within the Planning Report forming part of this application) that it is not intended to act upon any of the already approved Development Permits and therefore will have no conflict with any other existing conditions.

- The subject site is anticipated to be subdivided into two portions. Proposed Lot 1 will maintain the existing Spotlight business with direct access from the existing access from Yaamba Road. No changes to this access arrangement will be required as part of this application.
- Proposed Lot 2 will be accessed via a new access located on Moores Creek Road at the western property boundary. This new access location was indicated on the Sketch Plan – Subdivision prepared by Leffler Simes Architects, reference 20 July 2022 and revision 3. A standard commercial access has been imposed, however it is anticipated that a future development application will require more substantial road access works and potentially an additional access point off Moores Creek Road.
- Conditions have been imposed in this decision notice to explicitly prohibited inter allotment access between proposed Lots 1 and 2. Previous development applications identified that the Yaamba Road access was unsuitable to cater for additional traffic associated with a broader commercial site without significant upgrades. As such it is necessary to prevent vehicular access from proposed Lot 1 to proposed Lot 2 and vice versa.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
Confirmation Notice	Rockhampton Regional Council	27 May 2022	D/63-2022	-
Town Planning Assessment Report	Development Directive	13 May 2022	129.02	Final
Reconfiguration Plan	Capricorn Survey Group CQ	3 May 2022	8612-01-ROL	A

RE: 2205-29067 SRA – 337-341 Yaamba Road, Park Avenue – Response to Information Request	Development Directive	25 July 2022	-	-
Sketch Plan - Subdivision	Leffler Simes Architects	20 July 2022	SK006	3

## **Attachment B**

### **Section 70 of TIA**

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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#### **70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and



(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

*original decision* means a decision described in schedule 3.

*reviewed decision* means the chief executive's decision on a review under section 485.

### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

*relevant entity* means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE



SARA ref: 2205-29067 SRA .....

Date: 16 August 2022 .....

Amended in red by SARA on  
16 August 2022

NOTE:

ENTRIES, EXITS & CARPARKING LAYOUTS ARE  
PRELIMINARY ONLY & SUBJECT TO TRAFFIC  
ENGINEERS DESIGN

SITE BOUNDARIES & SITE AREAS ARE  
INDICATIVE ONLY AND SUBJECT TO  
CONFIRMATION BY LICENSED SURVEYOR

NOTE:

NO PLANNING ADVICE HAS BEEN  
SOURCED FROM COUNCIL & LOCAL  
AUTHORITIES IN THE PREPARATION OF THIS  
SITE SKETCH PLAN.

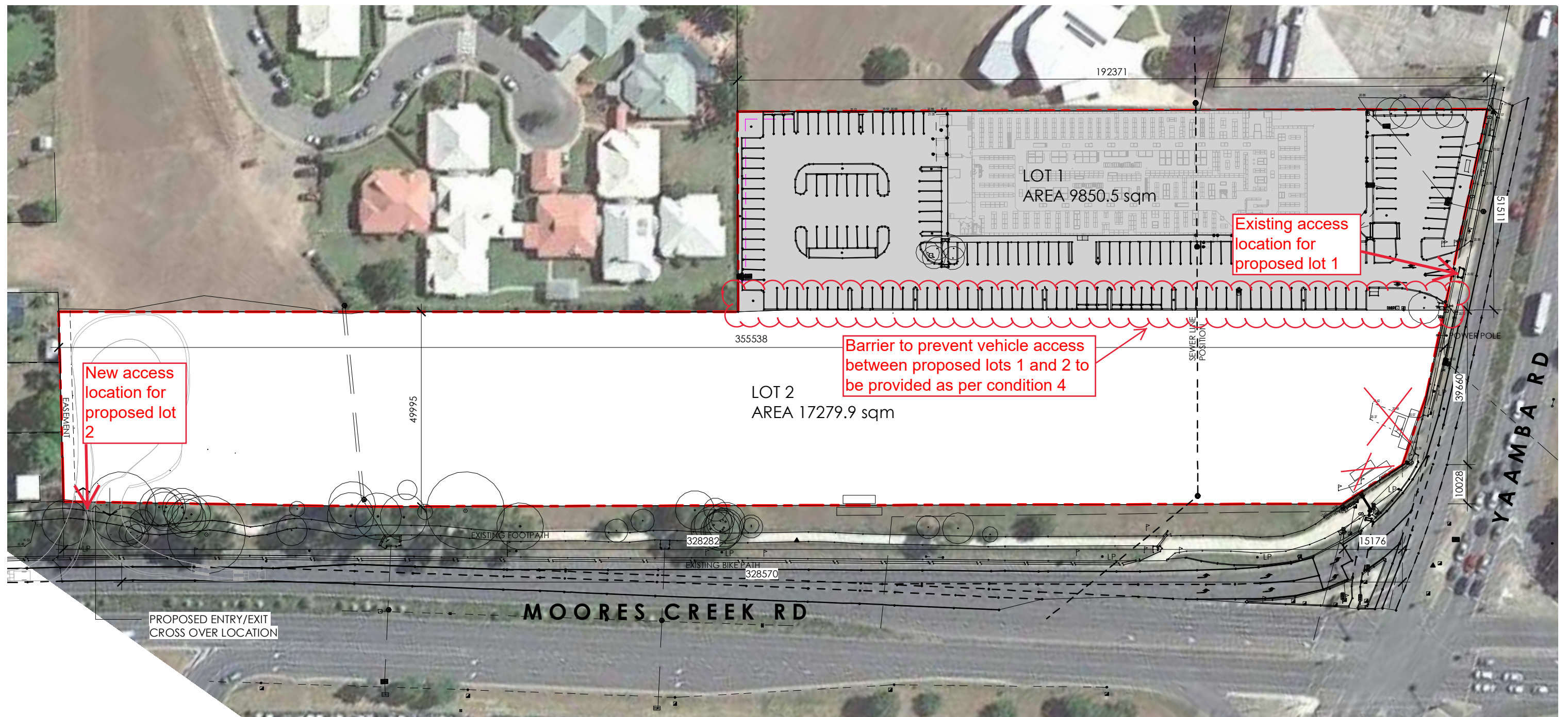
ALL SETBACKS, PLOT RATIOS, LANDSCAPE  
AREAS & CARPARKING NUMBERS ARE  
SUBJECT TO COUNCIL/LOCAL AUTHORITY/  
FIRE BRIGADE APPROVAL

SIZE AND LOCATION OF ALL SERVICES TO  
BE CONFIRMED BY ENGINEER, ALL AREAS  
NOTED ARE APPROXIMATE ONLY

THIS DRAWING AND DESIGN IS SUBJECT TO COPYRIGHT  
AND MAY NOT BE REPRODUCED WITHOUT PRIOR  
WRITTEN CONSENT OF LEFFLER SIMES PTY LTD



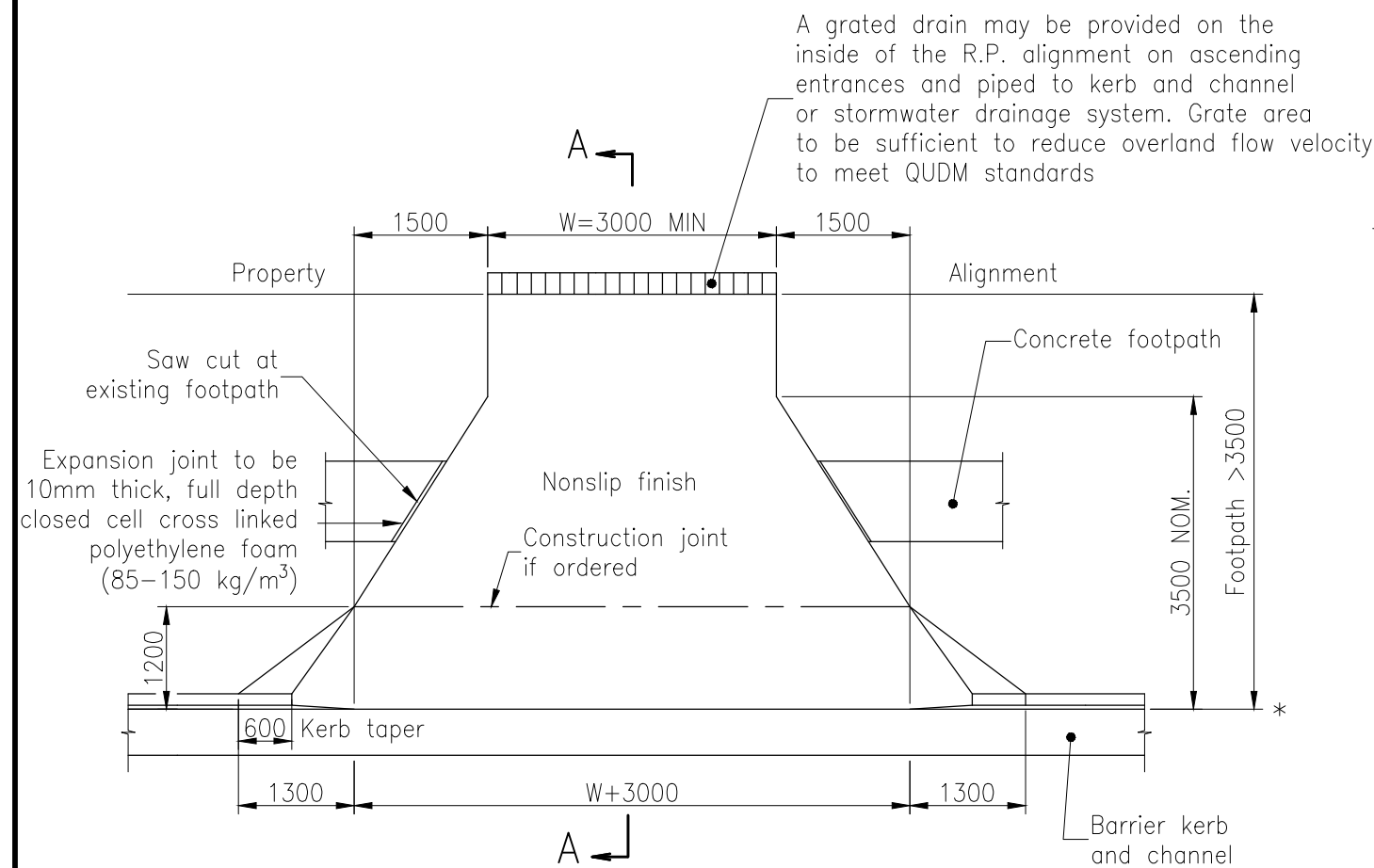
ISSUE	AMENDMENT	DATE	CHK'D
1	FOR INFORMATION	18.07.22	SJE
2	FOR INFORMATION	19.07.22	SJE
3	FOR INFORMATION	20.07.22	SJE



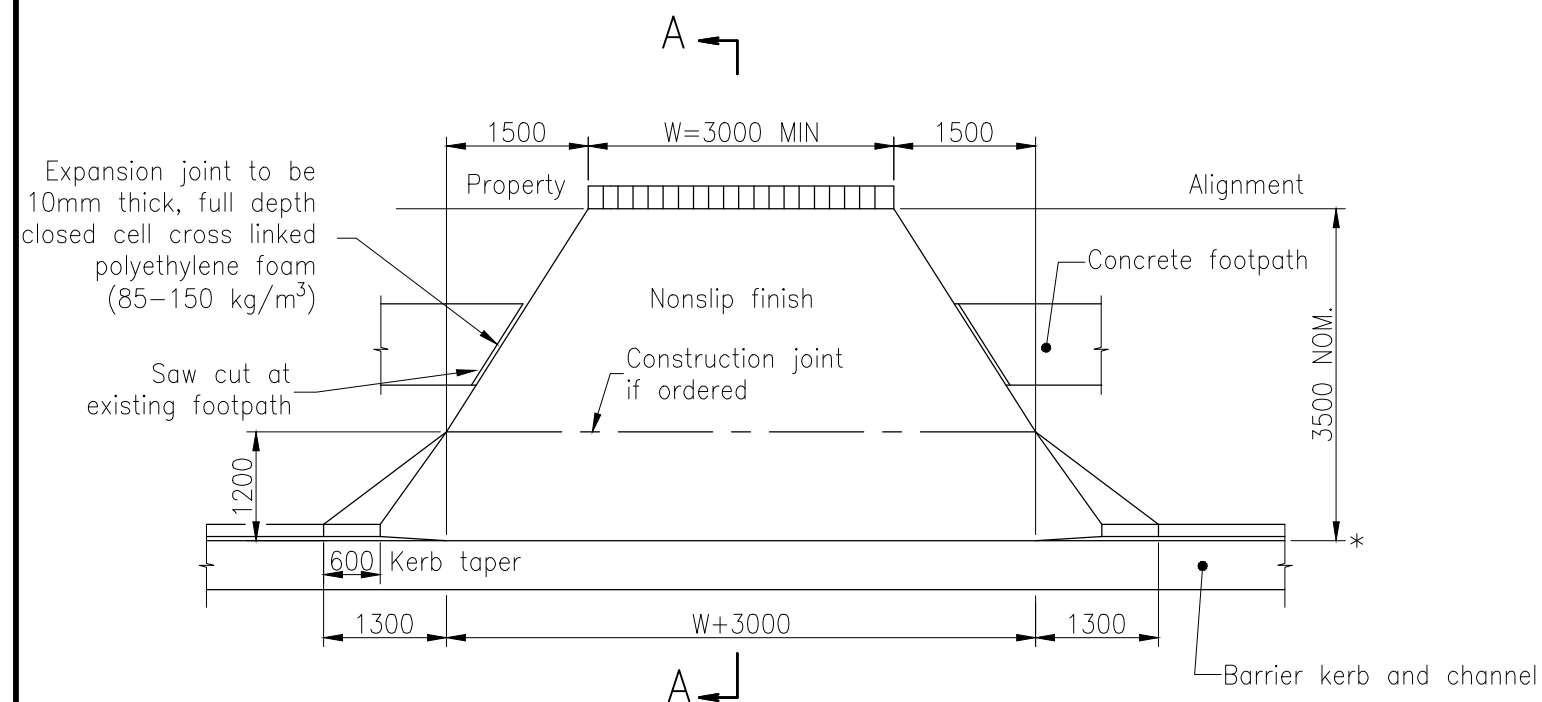
SKETCH PLAN - SUBDIVISION

LEFFLER SIMES ARCHITECTS



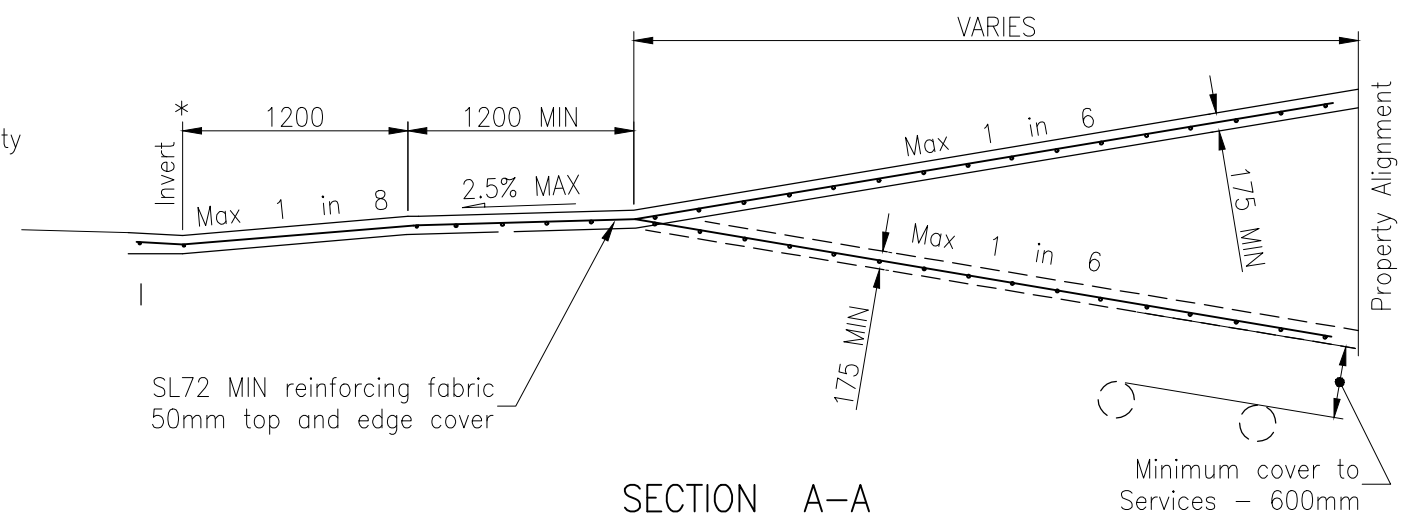


PLAN – WIDE FOOTPATHS  
SCALE 1 : 40



PLAN – 3.5m FOOTPATH  
SCALE 1 : 40

ADDED REGARDING  
GRATED DRAIN GRATE  
AREA



**LEGEND:**

\* NOM. kerb line.

**NOTES:**

1. The owner of the property served by the driveway shall be responsible for all maintenance associated with the driveway.
2. Concrete N32 in accordance with AS 1379 and AS 3600.
3. Reinforcing fabric to AS 4671. Lap fabric 250mm.
4. Depths of concrete and reinforcing steel shown are the minimum requirements for good foundation conditions, and average traffic loading. Where this does not apply, depths of concrete and reinforcing shall be increased to suit specific conditions. Council accepts no responsibility for the structural adequacy of the design and it is recommended that engineering advice be sought where higher commercial vehicle loadings are expected.
5. Reprofile adjacent footpath to match driveway. Footpath earthworks adjoining concrete must be well compacted.
6. Existing footpath profile to be maintained where possible.
7. Compaction for subgrade 95% Standard to AS 1289.5.1.1.
8. Where subgrade is less than CBR 5 excavate and provide imported material to satisfaction of independent Engineering authority.
9. Driveways to be constructed from concrete only.
10. Approval of location, feature finishes and levels must be obtained from Local Authority prior to excavation.
11. Engineering advice should be sought where it is proposed to modify the footpath profile by excavation or filling to ensure drainage problems do not result and existing services are not affected.
12. Where new concrete work abuts existing concrete work, 12dia dowels (500mm length) at 300mm centres (500mm allowable at invert of kerb and channel) to be installed to prevent differential movement.
13. All dimensions in millimetres.

**PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE**



**SARA ref:** 2205-29067 SRA

**Date:** 16 August 2022

**RRC**  
Yes

REVISIONS	DATE
F IRC ADDED	12/2016
E APPLICABLE DRAWING ADDED	04/2016
D GRC AND LSC ADDED	09/2014
C MRC ADDED/AMENDMENT TO DRIVEWAY GRADE	07/2011
B NOTE ADDED REGARDING GRATED DRAIN GRATE AREA	12/2010
A POST AMALGAMATION REVISION	01/2010

**DISCLAIMER.**  
The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, of consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.

**Capricorn Municipal Development Guidelines**

Banana Shire Council (BSC) Incorporating: Livingstone Shire Council (LSC)  
Central Highlands Regional Council (CHRC) Maranoa Regional Council (MRC)  
Gladstone Regional Council (GRC) Rockhampton Regional Council (RRC)  
Isaac Regional Council (IRC)

TYPE A – TWO WAY ACCESS  
COMMERCIAL DRIVEWAY SLAB

ROADS
STANDARD DRAWING CMDG-R-042
REV. A B C D E F

# 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.