

SARA reference: 1909-13014 SRA
Council reference: D/69-2017
Applicant reference: PLA19064

4 October 2019

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

Attention: Ms Amanda O'Mara

Dear Ms O'Mara

SARA response—331 Yaamba Road, Berserker

(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 17 September 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	4 October 2019
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 Other Change to a Development Approval for a Material Change of Use for a Shopping Centre, Food and Drink Outlet and Theatre (extension)
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) – Development impacting on state transport infrastructure (Planning Regulation 2017)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
(10.9.4.2.4.1) – Material change of use of premises near a state
transport corridor (Planning Regulation 2017)

SARA reference: 1909-13014 SRA
Assessment Manager: Rockhampton Regional Council
Street address: 331 Yaamba Road, Berserker
Real property description: Lot 1 on SP203617 and Lot 201 on SP236447
Applicant name: The Trust Company Limited C/- Cardno
Applicant contact details: Locked Bag 4006
Fortitude Valley QLD 4006
leisa.sinclair@cardno.com.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 Jackie Larrarte, Senior Planning Officer, on (07) 4122 0408 or via email RockhamptonSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Patrick Ruettjes
Manager (Planning)
Mackay Isaac Whitsunday Regional Office

cc The Trust Company Limited C/- Cardno, leisa.sinclair@cardno.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 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 for a Shopping Centre, Food and Drink Outlet and Theatre (extension)		
Development impacting on state transport infrastructure and a Material change of use of premises near a state transport corridor—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.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) reduce the quality of stormwater discharge onto the state-controlled road. 	(a) – (b) At all times.

Attachment 2—Advice to the applicant

General advice

- | | |
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| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the <i>State Development Assessment Provisions</i> (SDAP) version 2.5. If a word remains undefined it has its ordinary meaning. |
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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:

The development complies with the relevant provisions of *State code 1: Development in a state-controlled road environment* and *State code 6: Protection of state transport networks* of the SDAP. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services
- does not compromise existing safe and direct access to public passenger transport infrastructure, including access by cycling and walking.

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

Attachment 4—Representations 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.