



Our reference: 2112-26656 SRA
Your reference: D/1195-2009

4 February 2022

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

Attention: Kathy McDonald

Dear Sir/Madam

SARA response—166 George Street, Rockhampton City

(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 5 January 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	4 February 2022
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	Material Change of Use for a restaurant and drive through ('other change')
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:	2112-26656 SRA	

Assessment Manager: Rockhampton Regional Council
Street address: 166 George Street, Rockhampton City
Real property description: Lot 2 on RP60017; Lot 3 on RP60017; Lot 11 on RP60017; Lot 6 on 238732
Applicant name: Hickey Oatley Planning & Development Pty Ltd
Applicant contact details: PO Box 70
New Farm QLD 4005
mia@hickeyoatley.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 Jacklyn Neyenhuis, Planning Officer, on 4924 2907 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Hickey Oatley Planning & Development Pty Ltd, mia@hickeyoatley.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 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
Material Change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—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):		

Rockhampton Region: Bruce Highway (Benaraby - Rockhampton)
Proposed Material Change of Use to Establish a Restaurant (incl. drive through) & Operational Works (Advertising)
Application N° D-1195/2009
Lot 2, 3 & 11 on RP600117 & Lot 5 on RP 801206
Situated at 160-164 & 166 George Street, Rockhampton City
For Hungry Jack's Australia Pty Ltd



DEPARTMENT OF TRANSPORT AND MAIN ROADS' CONDITIONS OF DEVELOPMENT APPROVAL
(INCLUDING STATEMENT OF REASONS)

No	Conditions of Development	Reasons	Comments or Additional Information
1.	DEVELOPMENT PLAN Development shall be carried out generally in accordance with the following plan except as modified by the conditions: For Stage 1: Wbp Architects Drawing No. SK20 (Revision 2), Site Interim Plan, dated February 2009, and For Stage 2: Wbp Architects Drawing No. SK15 (Revision 6), Site Plan Final, dated February 2009.	The development needs to be completed to the department's required standard and satisfaction.	The Department of Transport and Main Roads has the power under section 3.3.16 of the <i>Integrated Planning Act 1997</i> .
2.	ACCESS		
2.1	Permitted and practical access for the development to/from the Bruce Highway onto/from the development shall be via a left-in, left-out access to be located approximately as shown on Wbp Architects Drawing No. SK15 (Revision 6), dated February 2009.	The existing lot has road frontage to the Bruce Highway. The department should control access onto the State-controlled road reserve to maintain safety, capacity, and serviceability of the	These conditions constitute a notice pursuant to section 67 of the <i>Transport Infrastructure Act 1994</i> (TIA), for section 62(1) approval for conditions on the use of a permitted road access location.
2.2	Prior to the commencement of the development for stage 1		In accordance with section 70 of the TIA, you are bound by this decision. A copy of section 70 of the

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	the applicant/landowner shall construct the access in accordance with AS 2890 and generally in accordance with the access shown on Wbp Architects Drawing No. SK15 (Revision 6), dated February 2009 (subject to detailed design).	network.	Act is attached for your information (Appendix A). Any persons whose interests are affected by the decision may – <ul style="list-style-type: none"> (i) under section 485 – ask for the decision to be reviewed and appeal against the reviewed decision; and (ii) under the <i>Transport Planning and Coordination Act 1994</i>, part 5 – ask for the decision or the reviewed decision to be stayed. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances. In accordance with Section 50 of the <i>Transport Infrastructure Act 1994</i> , you must have written approval to carry out road access works on a state-controlled road (See condition 7).
2.3	No parking (or other conflict point) shall be permitted within 12 metres from the property boundary adjacent to the access.		
2.4	Prior to the commencement of the development for stage 1 the applicant/landowner shall:		
2.4.1	Remove the redundant existing access to the existing Lot 5 on RP801206.		
2.4.2	Remove the existing concrete crossover.		
2.4.3	Reinstate barrier kerb and channel across the access.		
2.4.4	Reshape and turf the footpath to council's specifications.		
2.4.5	Reinstate/construct a pedestrian pathway along the frontage		

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2.5	of the development site within the State-controlled road reserve to council's requirements. Prior to the access construction/removal works being undertaken detailed engineering drawings shall be submitted the department for approval (see condition N° 7).		The works approval process will include the submission of a design prepared by an RPEQ certified Engineer and the preparation of a road traffic management plan for when you are carrying out the road access works.
3.	PARKING		
3.1	No parking associated with the proposed development is permitted on the State-controlled road (Bruce Highway). This includes during the construction phase of the development.	Uncontrolled parking in the State-controlled road reserve is a concern.	The Department of Transport and Main Roads has the power under section 2 of the <i>Transport Infrastructure Act 1994</i> . Rockhampton Regional Council Planning Scheme has parking requirements associated with development.
3.1.1	All parking required by the local government in accordance with the local government Planning Scheme shall be accommodated within the lot.		
3.1.2	Relaxation of parking requirements will not be supported.		
3.2	Prior to the commencement of use for the development, for		

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	stage 1, the Applicant/Landowner shall:		
3.2.1	Provide a painted yellow edge line on the shoulder and parallel to the kerb and channel along the full road frontage of the development, to restrict parking.		
3.2.2	Erect 'No Standing' signs 600mm behind the face of the kerb along the full road frontage of the development.		
3.2.3	All signs and pavement markings shall be in accordance with the "Manual of Uniform Traffic Control Devices.		
3.2.4	Prior to the parking works being undertaken detailed engineering drawings shall be submitted the department for approval (see condition N° 7).		
4.	DEVELOPMENT LIGHTING & SIGNAGE		
4.1	All external lighting and signage associated with the development shall not impact on the safety of motorists using the State-controlled road.	On-site lighting/signage distracting or otherwise adversely affecting motorists	The Department of Transport and Main Roads has the power under section 2 of the <i>Transport Infrastructure Act 1994</i> to control lighting/signage

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4.2	The external lighting shall be positioned and shielded to prevent light intrusion and glare onto the State-controlled road. Signage shall not cause a distraction.	on the adjacent State-controlled road.	that may adversely impact on the safety and efficiency of the State-controlled road.
4.3	All associated facilities shall be fully contained within the development site with no encroachment onto the State-controlled road.		
5.	CONSTRUCTION WORKS The site works, building works and material cartage shall not result in environmental emissions (dust, waste, material spillage, stormwater, pollution) onto the State-controlled road.	The Department is concerned that these emissions can impact on the safety and operational cost of the State-controlled road.	The Department of Transport and Main Roads has the power under section 48 of the <i>Transport Infrastructure Act 1994</i> .
6.	PUBLIC UTILITY SERVICES Where services (required to serve this development) are proposed to be laid/placed within the boundaries of the State-	The Department is concerned that the placement of services	The Department of Transport and Main Roads has the power under section 33 of the <i>Transport</i>

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	controlled road reserve, they shall be laid/placed in accordance with the Department of Transport and Main Roads requirements.	by developers in the State-controlled road reserve may restrict future upgrading works in the reserve.	<i>Infrastructure Act 1994.</i>
7.	<p>WORKS IN STATE-CONTROLLED ROADS</p> <p>Preparation of plans (in accordance with RFCD-0101) and submission of plan/s to the Rockhampton office of Department Transport and Main Roads for approval.</p> <p>NO WORKS IN STATE-CONTROLLED ROAD RESERVES (INCLUDING INSTALLATION OF SERVICES) ARE TO COMMENCE WITHIN THE STATE-CONTROLLED ROAD RESERVE UNTIL APPROVAL OF THE PLAN/S SHOWING THE WORKS IS ISSUED BY THE DEPARTMENT.</p> <p>This approval may be subject to conditions related to the Works in State-Controlled Road Reserve construction process.</p>	Plans are required to be submitted to the department to demonstrate the works proposed to be constructed on the boundary of the State-controlled road reserve. Amendments may be required to the plans showing the works prior to the issuing of the approval to construct.	The Department of Transport and Main Roads has the power under section 33 of the <i>Transport Infrastructure Act 1994</i> to review the plans and issue approval for works subject to conditions.

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	ALL WORKS IN STATE-CONTROLLED ROAD RESERVES ARE REQUIRED TO BE COMPLETED AND ACCEPTED BY THE DEPARTMENT OF TRANSPORT AND MAIN ROADS PRIOR TO THE ISSUE OF THE CERTIFICATE OF CLASSIFICATION FOR THE BUILDING WORKS BY COUNCIL OR PRIVATE CERTIFIER OR PRIOR TO THE COMMENCEMENT OF USE (WHICHEVER IS EARLIER) FOR THE DEVELOPMENT		
8.	<p>GENERAL</p> <p>All conditions stated above are required to be completed prior to the issue of the certificate of classification for building works by Council or private certifier OR prior to the commencement of use (whichever is earlier) for the development unless otherwise stated within the condition.</p> <p>BONDING OF ANY OF THE CONDITIONS NOT COMPLETED PRIOR TO THE ISSUE OF THE</p>	<p>The Department is concerned the non fulfilment of its conditions and the bonding of the conditions without the Department's agreement can compromise the safety and efficiency objectives of the state-controlled road.</p>	<p>The Department of Transport and Main Roads has the power under section 2 of the <i>Transport Infrastructure Act 1994</i>.</p>

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	CERTIFICATE OF CLASSIFICATION FOR THE BUILDING WORKS BY COUNCIL OR PRIVATE CERTIFIER <u>OR</u> PRIOR TO THE COMMENCEMENT OF USE (WHICHEVER IS EARLIER) FOR THE DEVELOPMENT OR OTHER REQUISITE DATE AS STATED IN THE PARTICULAR CONDITION WILL NOT BE PERMITTED UNLESS THE DEPARTMENT OF MAIN ROADS HAS GIVEN WRITTEN AGREEMENT TO THE BONDING OF THE CONDITION.		
9.	RELEVANT PERIOD PURSUANT TO SECTION 3.5.21 OF THE INTEGRATED PLANNING ACT 1997 This approval is valid for the standard period for Material Change of Use pursuant to section 3.5.21 of the <i>Integrated Planning Act 1997</i> of four (4) years from the day when the approval takes effect	The Department needs to be assured that the development is carried out within a reasonable timeframe that is consistent with the legislated timeframe.	The Department of Transport and Main Roads has the concurrence powers under the <i>Integrated Planning Act 1997</i>

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) [v2.6]. 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 SARA's decision are:

- The proposed development is an other change to a material change of use for a restaurant and drive through.
- The proposed conversion of the restaurant's existing single lane drive-through into a dual entry drive-through continues to comply with the existing conditions.
- The proposed additional lane does not impact the efficiency of the state-controlled road as there are no proposed changes to the existing access arrangements.
- The proposed changes to the development are considered to be minor and generally in accordance with the requirements of the State Development Assessment Provisions of State code 1.

Material used in the assessment of the application:

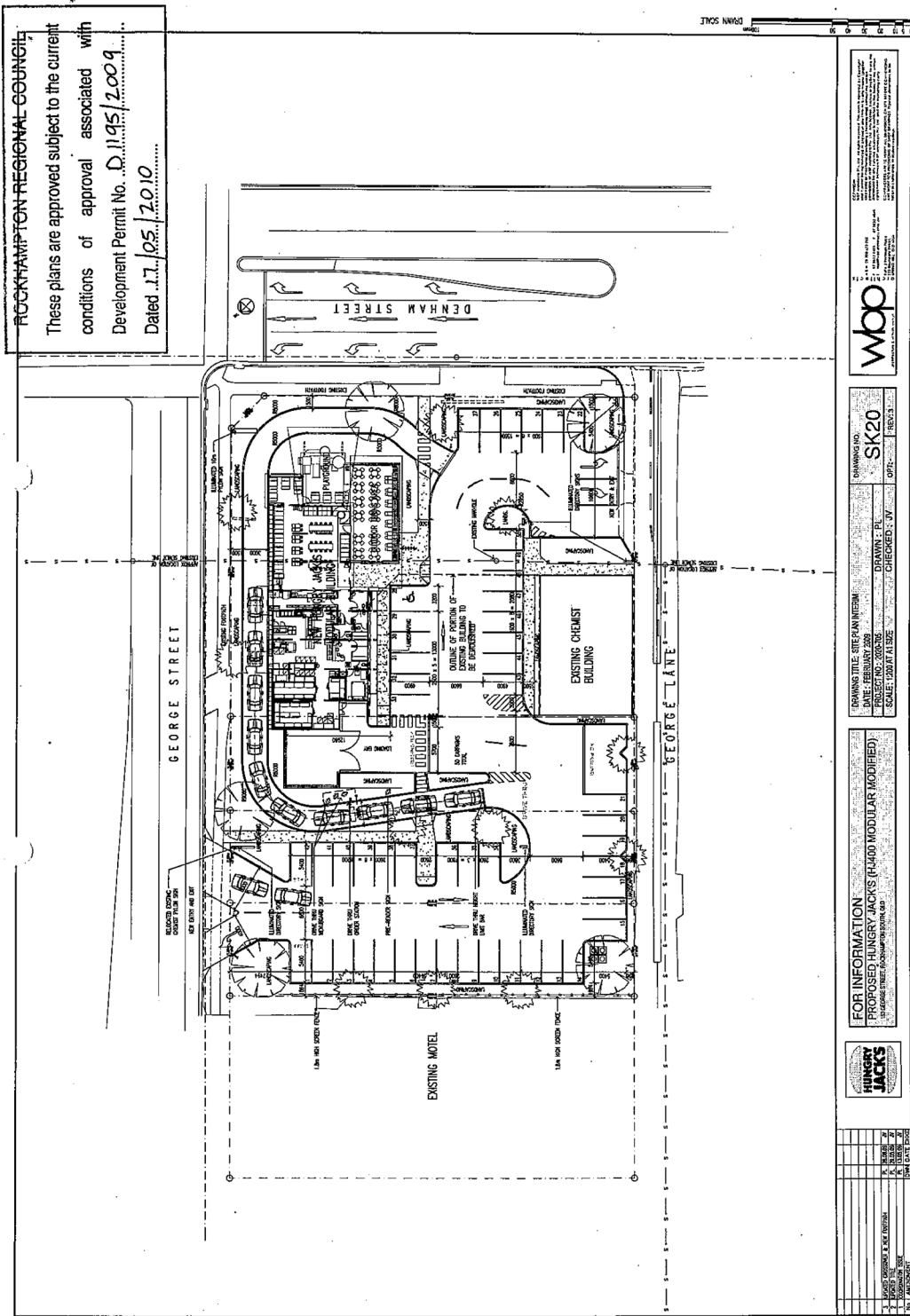
- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6])
- The Development Assessment Rules
- SARA DA mapping

Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

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ROCKHAMPTON REGIONAL COUNCIL
These plans are approved subject to the current
conditions of approval associated with
Development Permit No. D.11.95/2009
Dated 11.05.2010

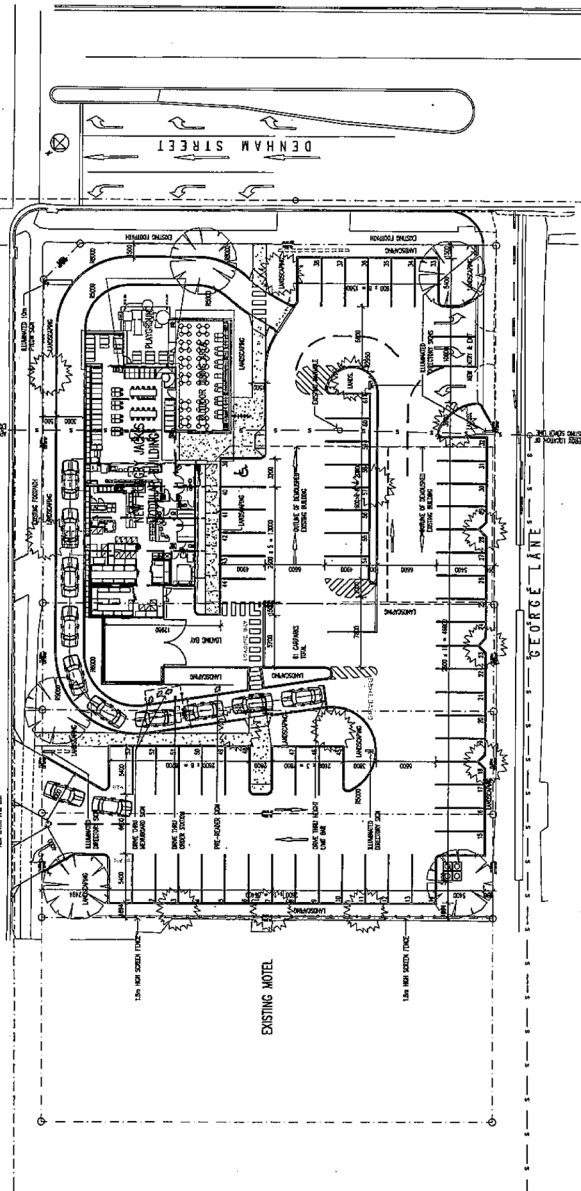


PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2112-26656 SRA

Date: 4 February 2022

ROCKHAMPTON REGIONAL COUNCIL
 These plans are approved subject to the current
 conditions of approval associated with
 Development Permit No. D.11.05/2.00.1
 Dated 17/05/2019



BRASS SCALE

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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.