

SARA reference: 2510-49026 SRA  
 Council reference: D/156-2025  
 Applicant reference: STP4566

2 December 2025

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

Attention: Aidan Murray

Dear Mr Murray

## SARA referral agency response—177 and 179 Musgrave Street, 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 State Assessment and Referral Agency (SARA) on 29 October 2025.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	2 December 2025
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

Description:	Development permit	Material change of use for Health care service and Shop
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) - Material change of use of premises	

near a state transport corridor (Planning Regulation 2017)

SARA reference: 2510-49026 SRA

Assessment manager: Rockhampton Regional Council

Street address: 177 and 179 Musgrave Street, Berserker

Real property description: Lot 200 on SP251415m Lot 100 on SP251414, Lot 1 on RP607576, Lot 31 on RP603419 and Lot 30 on RP603419

Applicant name: Dutton Holdings Pty Ltd (A.C.N 681 804 526) as trustee for the Rocky Property Trust

Applicant contact details: C/- Steffan Harries  
PO Box 6258  
FAIRFIELD QLD 4103  
alex@steffanharries.au

*Human Rights Act 2019* considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this response. It has been determined that this response does not limit human rights.

## 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 Lydia Summers, Principal Planning Officer, on 07 5644 3217 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter  
A/ Manager Planning

cc Dutton Holdings Pty Ltd (A.C.N 681 804 526) as trustee for the Rocky Property Trust  
C/- Steffan Harries, alex@steffanharries.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response 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
<p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – 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 conditions:</p>		
1.	<p>(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that 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) concentrate or increase the velocity of flows state-controlled road</li> <li>(iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road</li> <li>(iv) surcharge any existing culvert or drain on the state-controlled road</li> <li>(v) reduce the quality of stormwater discharge onto the state-controlled road</li> <li>(vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road</li> <li>(vii) reduce the floodplain immunity of the state-controlled road.</li> </ul> <p>(b) Submit RPEQ certification (with supporting documentation) to the Manager of Corridor Management at <a href="mailto:central.queensland.idas@tmr.qld.gov.au">central.queensland.idas@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition.</p> <p>(c) Submit RPEQ certification (with supporting documentation) to the Manager of Corridor Management at <a href="mailto:central.queensland.idas@tmr.qld.gov.au">central.queensland.idas@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) At all times</p> <p>(b) Prior to obtaining development approval for operational work or building work, whichever occurs first</p> <p>(c) Within 20 business days of the completion of works</p>
2.	<p>Direct access is not permitted between the Rockhampton – Yeppoon Road (also known as Musgrave Street) and the subject site.</p>	<p>At all times</p>

## Attachment 2—Advice to the applicant

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<b>General advice</b>	
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) (version 3.3). If a word remains undefined it has its ordinary meaning.
2.	Traffic Control Permit(s) may be required from the Department of Transport and Main Roads during the construction phase.

## 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:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.3:
  - State code 1: Development in a state-controlled road environment.
- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
  - will not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
  - will not adversely impact the structural integrity or physical condition of state-controlled roads and road transport infrastructure
  - will not adversely impact the function and efficiency of state-controlled roads.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

## Attachment 4—Representations about a referral agency response 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 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.