



SARA reference: 2304-34091 SRA
Council reference: D/38-2023
Applicant reference: M2106

11 May 2023

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

Dear Sir/Madam

SARA referral agency response—39 Bridge 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 11 April 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	11 May 2023
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 animal keeping and shop
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: 2304-34091 SRA

Assessment manager: Rockhampton Regional Council

Street address: 39 Bridge Street, Berserker

Real property description: Lot 5 on RP603459

Applicant name: RSPCA Queensland

Applicant contact details: c/- Milford Planning
PO Box 5463
TOWNSVILLE CITY QLD 4810
info@milfordplanning.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* has been undertaken as part of this decision. It has been determined that this decision 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 Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc RSPCA Queensland, info@milfordplanning.com.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 5 - Documents referenced in conditions




JANE LANE

Drawing
Layout Plan

Property
39 Bridge Street, Berserker
Lot 5 on RP603459

Drawing Number	Issue	Sheet
M2106-SK-01	B	1
Date	Author	Reviewer
14.3.23	MA	SSM

Legend

-  Cadastre
-  Subject Site
-  Staff Parking Area

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



SARA ref: 2304-34091 SRA

Date: 11 May 2023

Amended in red by SARA on
11 May 2023

LOT 5
RP603459

BRIDGE STREET
CROSSOVER
BRIDGE STREET

The road access location is
to be located in accordance
with Condition 1

Scale (A3 Original)
1:250



Sources
Milford Planning GIS (2023)
DCDB extract - State of Queensland (2023)
Aerial imagery - Bing (2023)

Disclaimer
Areas and dimensions are approximate only
and are subject to site survey.



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 documents 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 – Material change of use within 25m of a state-controlled road—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(s):		
1.	The road access location is to be located generally in accordance with the Layout Plan, prepared by Milford Planning, dated 14.3.23, reference M2106-SK-01, revision B, as amended in red by SARA.	At all times.
2.	<p>Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road corridor, such that any works on the land must not:</p> <ul style="list-style-type: none"> (a) create any new discharge points for stormwater runoff onto the state-controlled road. (b) concentrate or increase the velocity of flows to the state-controlled road. (c) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. (d) surcharge any existing culvert or drain on the state-controlled road. (e) reduce the quality of stormwater discharge onto the state-controlled road corridor. (f) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. (g) reduce the floodplain immunity of the state-controlled road. 	At all times.

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) (version 3.0). 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 the SARA's decision are:

- The development is a material change of use for animal keeping and a shop located at 39 Bridge Street, Berserker, described as Lot 5 on RP603459.
- The assessment benchmark which is relevant to SARA's assessment is the State Development Assessment Provisions (SDAP) State code 1: Development in a state-controlled road environment.
- The development is considered to comply with this assessment benchmark, subject to conditions which:
 - nominate a road access location to the state-controlled road; and
 - requires stormwater management of the development not to cause worsening to the operating performance of the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), 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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Attachment 5—Documents referenced in conditions

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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.