



SARA reference: 2304-34372 SRA
Council reference: D/55-2023
Applicant reference: 8932

30 May 2023

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

Attention: Lana Groves

Dear Sir/Madam

SARA referral agency response—16 Central Street, Mount Morgan; 11 Gordon Street, Mount Morgan

(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 28 April 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	30 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	Reconfiguring a lot for boundary realignment (two lots into two lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 8, Division 2, Subdivision 3, Table 1, Item 1 (10.8.2.3.1.1) (Planning Regulation 2017)	

Development application for reconfiguring a lot on a Queensland heritage place

SARA reference: 2304-34372 SRA

Assessment manager: Rockhampton Regional Council

Street address: 16 Central Street, Mount Morgan; 11 Gordon Street, Mount Morgan

Real property description: Lot 18 on M31117; lot 112 on RN1483

Applicant name: Mount Morgan Investments Pty Ltd

Applicant contact details: c/- Capricorn Survey Group (CQ) Pty Ltd
PO Box 1391
Rockhampton QLD 4700
reception@csgcq.com.au

Human Rights Act 2019 considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 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 Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Mount Morgan Investments Pty Ltd, reception@csgcq.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

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
Reconfiguring a lot		
10.8.2.3.1.1 – Reconfiguring a lot on a Queensland heritage place—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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 reconfiguration must be undertaken generally in accordance with the following plan: a) Reconfiguration Plan (2 Lots into 2 Lots Realignment) with Ortho Underlay prepared by Capricorn Survey Group CQ dated 28-03-2023, plan no. 8932-01-ROL, issue A.	Prior to submitting the Plan of Survey to the local government for approval
2.	Submit a copy of the registered plan of survey the subject of this approval to the Department of Environment and Science at palm@des.qld.gov.au. The notification must include the SARA referral agency response reference: 2304-34372 SRA.	Within 10 business days of the survey plan's registration

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.
Queensland heritage place boundary	
2.	<p>All development within a State Queensland heritage place requires approval in accordance with the provisions of the <i>Planning Act 2016</i> and <i>Queensland Heritage Act 1992</i>.</p> <p>The portion of St Mary's Village currently within lot 112 on RN1483 is located on the Queensland heritage place. It will continue to be subject to the provisions of the <i>Planning Act 2016</i> and the <i>Heritage Act 1992</i> following the lot reconfiguration as the area to be added to lot 18 on M31117 will be included in the heritage boundary following the registration of the survey plan.</p> <p>Information about developing heritage places is available at: https://www.qld.gov.au/environment/land/heritage/development/approvals</p> <p>The owner may wish to make an application to remove that part of lot 18 on M31117 that will be within the heritage boundary from the Queensland heritage place. Details for making an application to remove a place for the Queensland heritage register can be found at: https://www.qld.gov.au/environment/land/heritage/register/changes</p>

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 boundary realignment follows an existing fence line between St Mary's Village and St Mary's Church (and associated buildings). The proposed reconfiguration will have no impact on the aesthetic or social values of the Queensland heritage place.
- The reduction in the size of lot 112 on RN1483 does not adversely impact the ongoing conservation maintenance of the Queensland heritage place.
- The proposed development is considered to meet SDAP State code 14, subject to the implementation of conditions.

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*

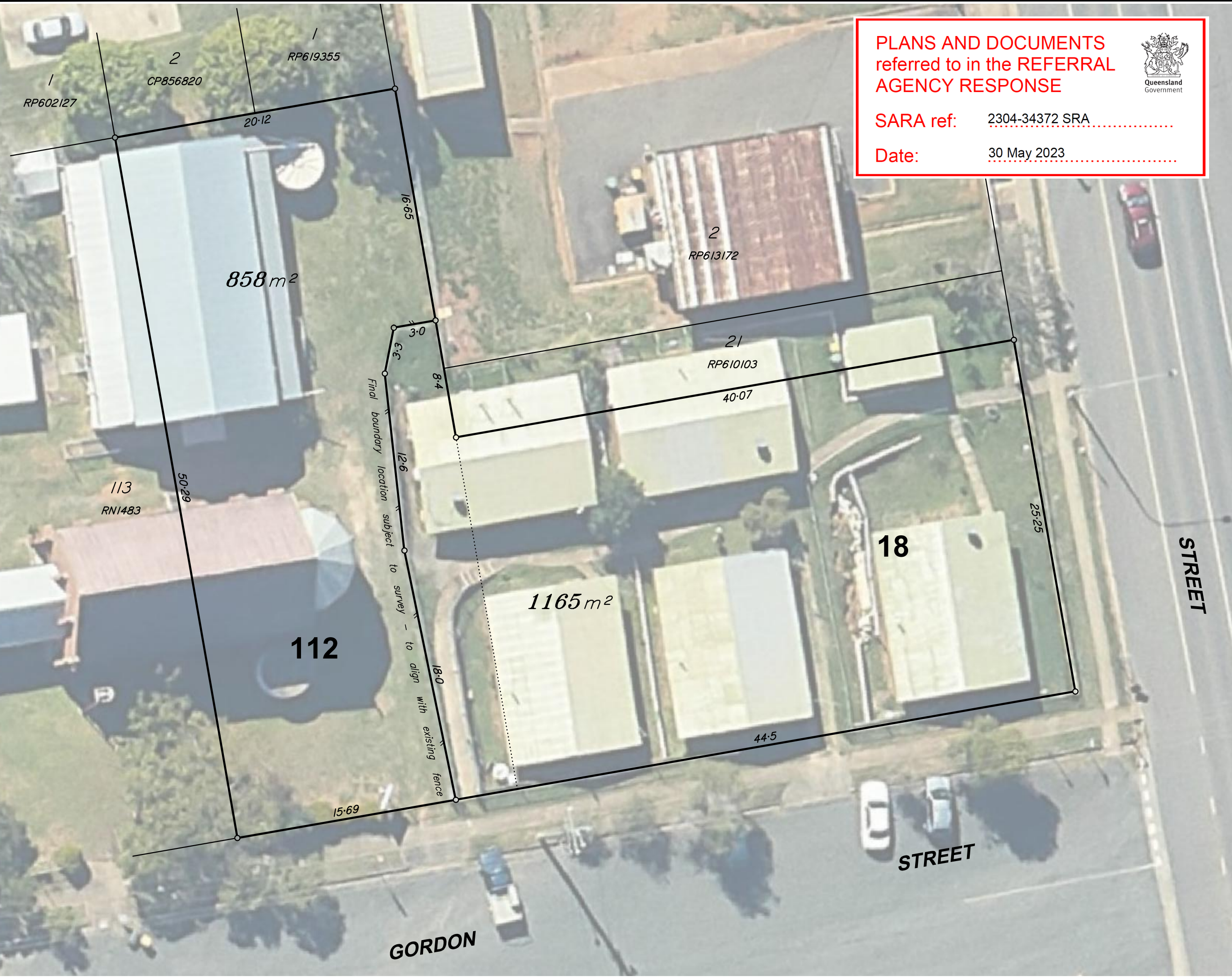
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2304-34372 SRA

Date: 30 May 2023



IMPORTANT NOTE

This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client
Mount Morgan Investments Pty Ltd
A.C.N. 090 800 453

project
16 Central Street & 11 Gordon Street, Mount Morgan

plan of
**Reconfiguration Plan
(2 Lots into 2 Lots Realignment)
with Ortho Underlay**

rp
Lot 18 on M31117 & Lot 112 on RN1483

lga
Rockhampton Regional Council

issue	date	details	authorised
A	28-03-2023	Initial Issue	RJKF

created
 **capricornsurveygrouppcq**
SURVEYING & PLANNING SOLUTIONS
07 4927 5199 | reception@csqcq.com.au | 132 Victoria Parade, Rockhampton QLD 4700

scale
1:250 @ A3
sheet no.
1 of 1
plan no.
8932-01-ROL

datum
QLD Globe
cad file
8932-01-ROL-A
issue
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