

Our reference: 1903-10396 SRA
Your reference: D/84-2014

14 May 2019

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

Attention: Thomas Gardiner

Dear Sir/Madam

Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

Applicant details

Applicant name:	Glenmore Developments Pty Ltd and M J Birkbeck
Applicant contact details:	c/- Capricorn Survey Group (CQ) Pty Ltd, 132 Victoria Parade Rockhampton QLD 4700 reception@csgcq.com.au

Location details

Street address:	54-102 Belmont Road, Parkhurst; 263 Belmont Road, Parkhurst
Real property description:	102RP860099; 129PL4021
Local government area:	Rockhampton Regional Council

Application details

Development permit	'Other change' to a development approval for a Preliminary Approval to vary the effect of the planning scheme for Reconfiguring a Lot (2 lots into 222 lots)
Preliminary approval	'Other change' to a development approval for a Preliminary Approval to vary the effect of the planning scheme for a Material Change of Use for residential purposes

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.20.4.2.1 Wetland protection area

- 10.20.4.3.1 Wetland protection area
- 10.9.4.1.1.1 Infrastructure - state transport infrastructure

Conditions

Under section 56(1)(b)(i) of Planning Act 2016, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: All				
Reconfiguration Plan (222 Lots + Public Use Land) (as amended in red)	Capricorn Survey Group (CQ)	4-02-2019	7066-01-ROL	B

A copy of this response has been sent to the applicant for their information.

For further information please contact Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Glenmore Developments Pty Ltd and M J Birkbeck, reception@csgcq.com.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Changed reasons for decision to impose conditions
Attachment 3—Change representation provisions
Approved plans and specifications

Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Reconfiguration of a lot [ROL] and Material Change of Use [MCU]		
<p><i>Wetland protection area</i>—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):</p>		
1.	<p>The development footprint must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> - Reconfiguration Plan (222 Lots + Public Use Land), prepared by Capricorn Survey Group CQ dated 4/02/2019 reference 7066-01-ROL and revision B (as amended in red to show setback from the HES referable wetland). <p>Note: The HES referable wetland is the wetland shown on the map of referable wetlands as defined in the Environmental Protection Regulation 2008.</p>	Prior to submitting the Plan of Survey to the local government for approval
2.	<p>(a) Provide a development-free buffer for the purpose of maintaining the HES referable wetland's ecosystem functions and environmental values.</p> <p>(b) The buffer must be maintained for 50 metres from the mapped boundary of the HES referable wetland to development.</p> <p>Note: The HES referable wetland is the wetland shown on the map of referable wetlands as defined in the Environmental Protection Regulation 2008.</p> <p>Further information on buffer elements and the purposes of the buffer are set out in the -Queensland Wetland Buffer Planning Guidelines 2011</p> <p>https://wetlandinfo.des.qld.gov.au/resources/static/pdf/resources/reports/buffer-guide/wetland-buffer-guideline-14-04-13.pdf</p>	<p>[ROL] Prior to survey plan endorsement</p> <p>[MCU] Prior to commencement of use</p>
3.	<p>Erosion and sediment control measures which are in accordance with the <i>Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association)</i>, are to be installed and maintained to prevent the release of sediment to the wetland as shown on the map of referable wetlands as defined in the Environmental Protection Regulation 2008.</p>	For the duration of the works
4.	<p>Stormwater discharge must be treated in accordance with the <i>Queensland Best Practice Environmental Management Guidelines</i> before stormwater flow enters the wetland as shown on the map of referable wetlands as defined in the Environmental Protection Regulation 2008.</p>	At all times

Attachment 2—Changed reasons for decision to impose conditions

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The application seeks to increase the number of lots approved for the subdivision by 21 lots.
- The land contains category B vegetation that is listed 'of least concern'.
- Development impact on vegetation has been reduced from the original approved area.
- The change will improve the buffer to the wetland area.
- The development complies with State codes 9 and 16 with the application of conditions.

Material used in the assessment of the application:

- The development application material and submitted plan
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation provisions

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Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1903-10396 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

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Assessment matters

Aspect of development requiring code assessment	State Development Assessment Provisions, version 2.4 Applicable codes
Material change of use and reconfiguration of a lot	State code 9: Great Barrier Reef wetland protection areas State code 6: Protection of state transport networks

Reasons for the department's decision

The reasons for the decision are:

- The application seeks to increase the number of lots approved for the subdivision by 21 lots.
- The change will not impact on the safety and efficiency of the State transport network.
- The change will improve the buffer to the wetland area.
- The development complies with State code 6.
- The development complies with State code 9 with the application of conditions.

Decision**Approval details**

Preliminary— approval for material change of use and development permit for reconfiguration of a lot

Decision details

Approved subject to conditions

Date of decision

14 May 2019

Relevant material

- Development application material
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules
- State Development Assessment Provisions

Development Assessment Rules—Representations about a referral agency response (concurrency)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding **representations about a referral agency response (concurrency)**.

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrency agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrency 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 concurrency 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 concurrency 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 concurrency 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 concurrency agency proposes to change its referral agency response under section 28.2(a), the concurrency 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 concurrency agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrency agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

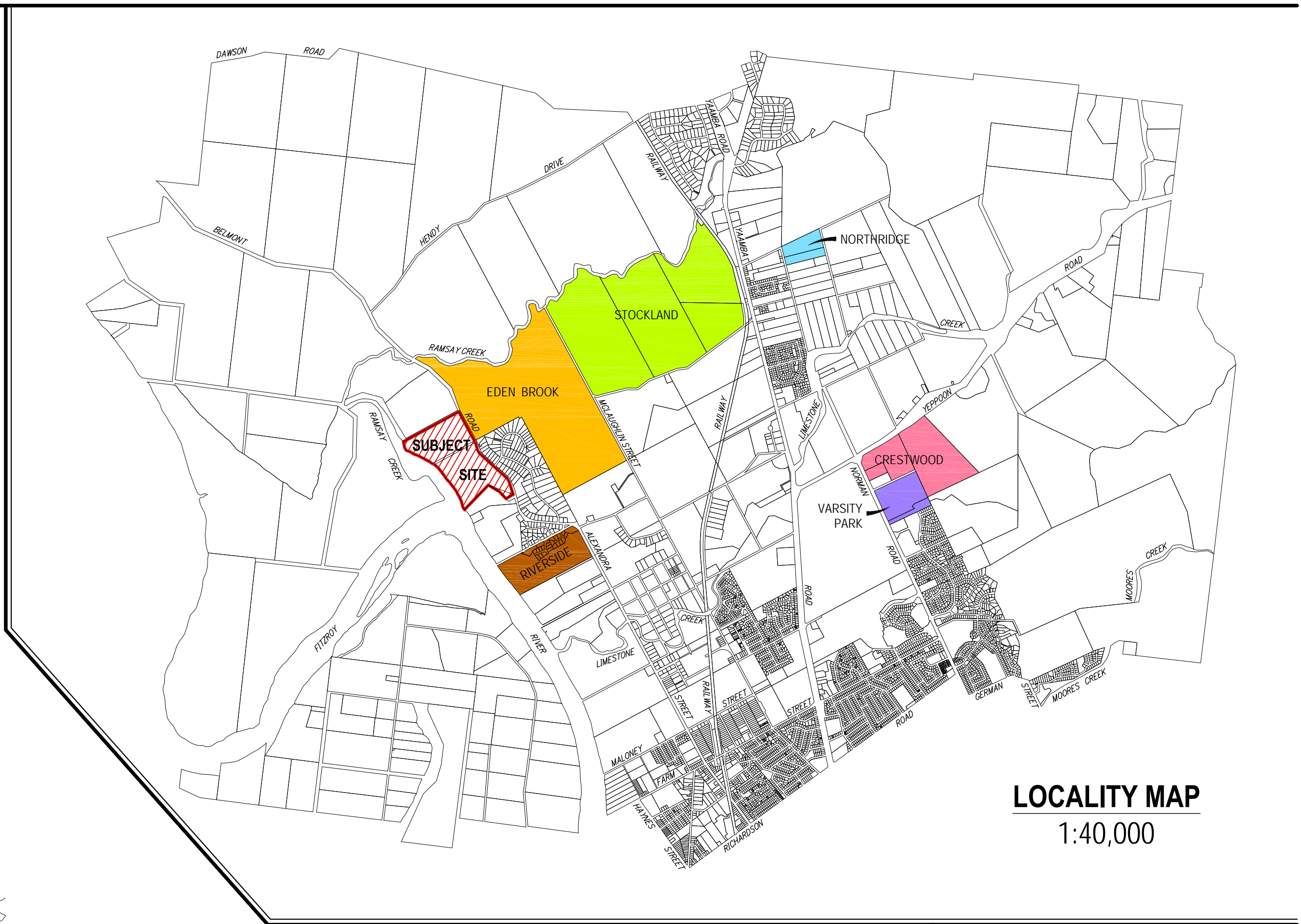
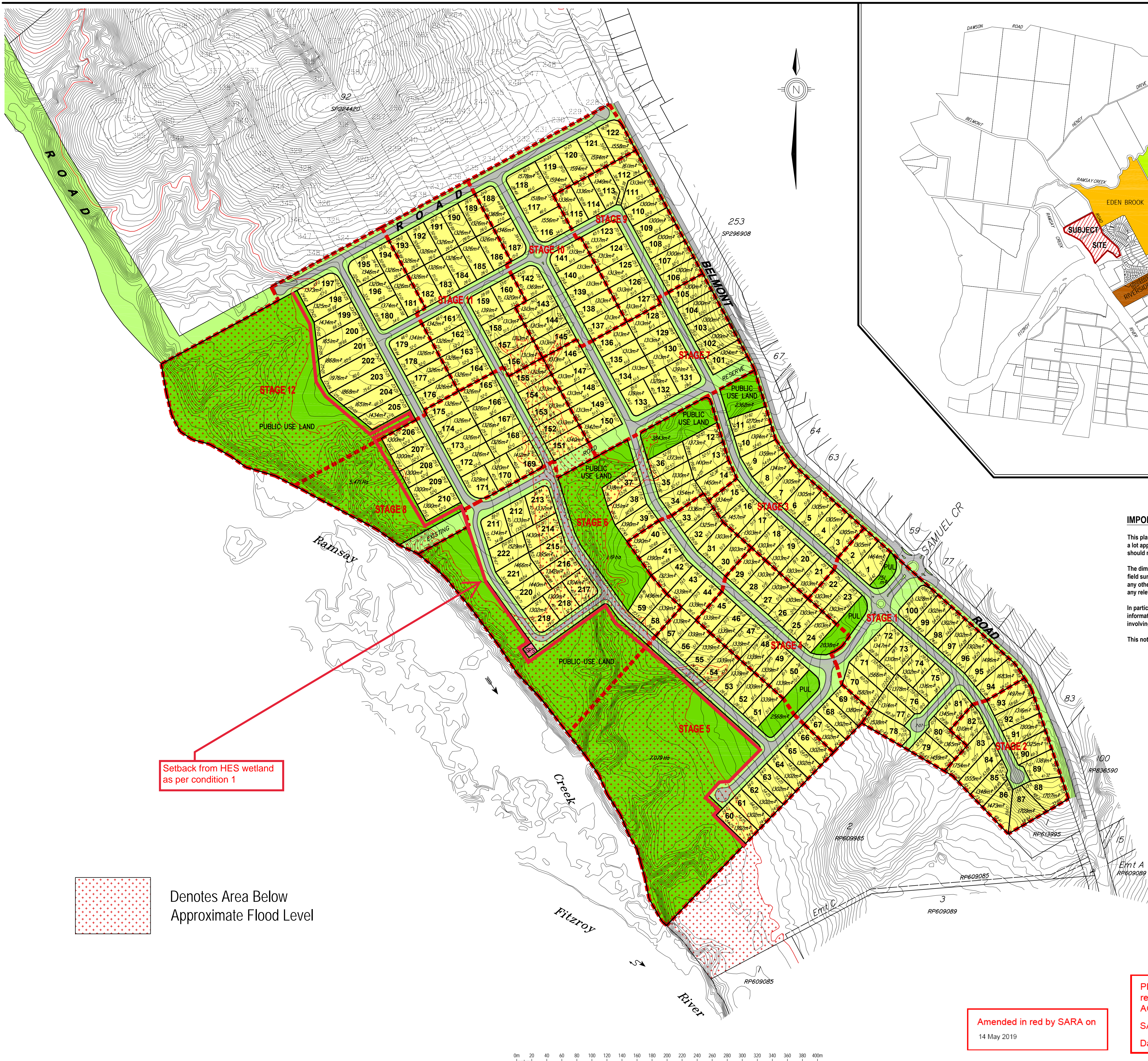
¹ Pursuant to Section 68 of the *Planning Act 2016*

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

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.



IMPORTANT NOTE

This plan was prepared to accompany a reconfiguration of a lot 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.

M. Birkbeck

project
**Riverside Waters Estate
Stages 1-12
Belmont Road, Parkhurst**

plan of
**Reconfiguration Plan
(222 Lots + Public Use Land)**

rp
**Lot 102 on RP860099
& Lot 129 on PL4021**

lga
Rockhampton Regional Council

rev	date	details	authorised
A	8-10-2018	Initial Issue	RJKF
B	4-02-2019	Layout amended, subject Lot 2 removed	RJKF

created



scale
1:2500 @ A1
sheet no.
1 of 1
plan no.
7066-01-ROL

datum
RRC 0.5m Contours
cad file
7066-01-ROL-B
revision
B

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

SARA ref: 1903-10396 SRA
Date: 14 May 2019

Amended in red by SARA on
14 May 2019