



SARA reference: 2307-35598 SRA
Council reference: D/85-2023
Applicant reference: 8995

1 August 2023

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

Attention: Kathy McDonald

Dear Sir/Madam

SARA referral agency response—392D Alexandra Street, Parkhurst

(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 10 July 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	1 August 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 (One Lot into Two Lots)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 2, Item 1 (Planning	

Regulation 2017)

Development application relating to state transport infrastructure and reconfiguring a lot that is a future state transport corridor

SARA reference: 2307-35598 SRA
 Assessment manager: Rockhampton Regional Council
 Street address: 392D Alexandra Street, Parkhurst
 Real property description: 3SP322819
 Applicant name: John Goss Projects 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: A consideration of the 23 fundamental human rights protected under the *Human Rights 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 Monica Pollock, Senior Planning Officer, on 47583471 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
 Manager Planning

cc John Goss Projects 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 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
Reconfiguring a Lot		
10.9.4.1.1.1 and 10.9.4.2.2.1 – State transport infrastructure and Reconfiguring a lot that is a future state transport corridor —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):		
1.	Direct access is not permitted between the future state-controlled road and rail corridor (also known as the Rockhampton Ring Road) and the subject site.	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 complies with the SDAP, State code 1: Development in a state-controlled road environment and State Code 2: Development in a railway environment. Specifically, the development:

- does not create a safety hazard for users of the state-controlled road or railway
- does not compromise the structural integrity or physical condition of the state-controlled road, railways, road and railway transport infrastructure or road and railway works
- does not adversely impact the function and efficiency of the state-controlled road or railway.
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and railways and future state-controlled roads and railways.
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and railways and the surrounding road and railway networks.
- The development is considered generally in accordance with the requirements of SDAP State code 1 and 2.

The development complies with the SDAP, State code 6: Protection of state transport networks. Specifically, the development:

- does not create a safety hazard for users of state transport infrastructure.
- does not result in a worsening of the physical condition or operating performance of the state transport network.
- does not compromise the state's ability to cost-effectively construct, operate and maintain state transport infrastructure.
- does not compromise safe and direct access to public passenger transport infrastructure or active transport infrastructure.

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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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.