



SARA reference: 2311-37943 SRA
 Council reference: D/151-2023
 Applicant reference: 8113

22 December 2023

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—6 Lawrie Street, Gracemere

(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 24 November 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	22 December 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 one lot into two lots and access & services easement
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SARA role: Referral agency

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1
(Planning Regulation 2017)

Development application for reconfiguring a lot within 25m of a State-controlled road

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1
(Planning Regulation 2017)

Development application for reconfiguring a lot near a State-controlled road intersection

SARA reference: 2311-37943 SRA

Assessment manager: Rockhampton Regional Council

Street address: 6 Lawrie Street, Gracemere

Real property description: Lot 604 on R2642

Applicant name: Enhance Property Investments No. 6 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 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 Rosanna Nobile, Planning Officer, on 07 5352 9777 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

cc Enhance Property Investments No. 6 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
Development permit: Reconfiguring a lot		
10.9.4.2.1.1 and 10.9.4.2.3.1 – State transport corridors and future State transport corridors —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:		
1.	The development must be carried out generally in accordance with the Reconfiguration Plan, prepared by Capricorn survey group CQ, plan no. 8113-10-ROL, revision A, dated 7-11-2023.	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 proposal is for a development permit for reconfiguring a lot one lot into two lots and Access & Services Easement
- The subject site is located in within 25m of a State-controlled road and 100m of a State-controlled road intersection.
- SARA assessed the development application against State code 1: Development in a State-controlled road environment of the SDAP, version 3.0 and determined that with conditions, the development achieves compliance with the performance outcomes of the State code.

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*

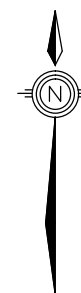
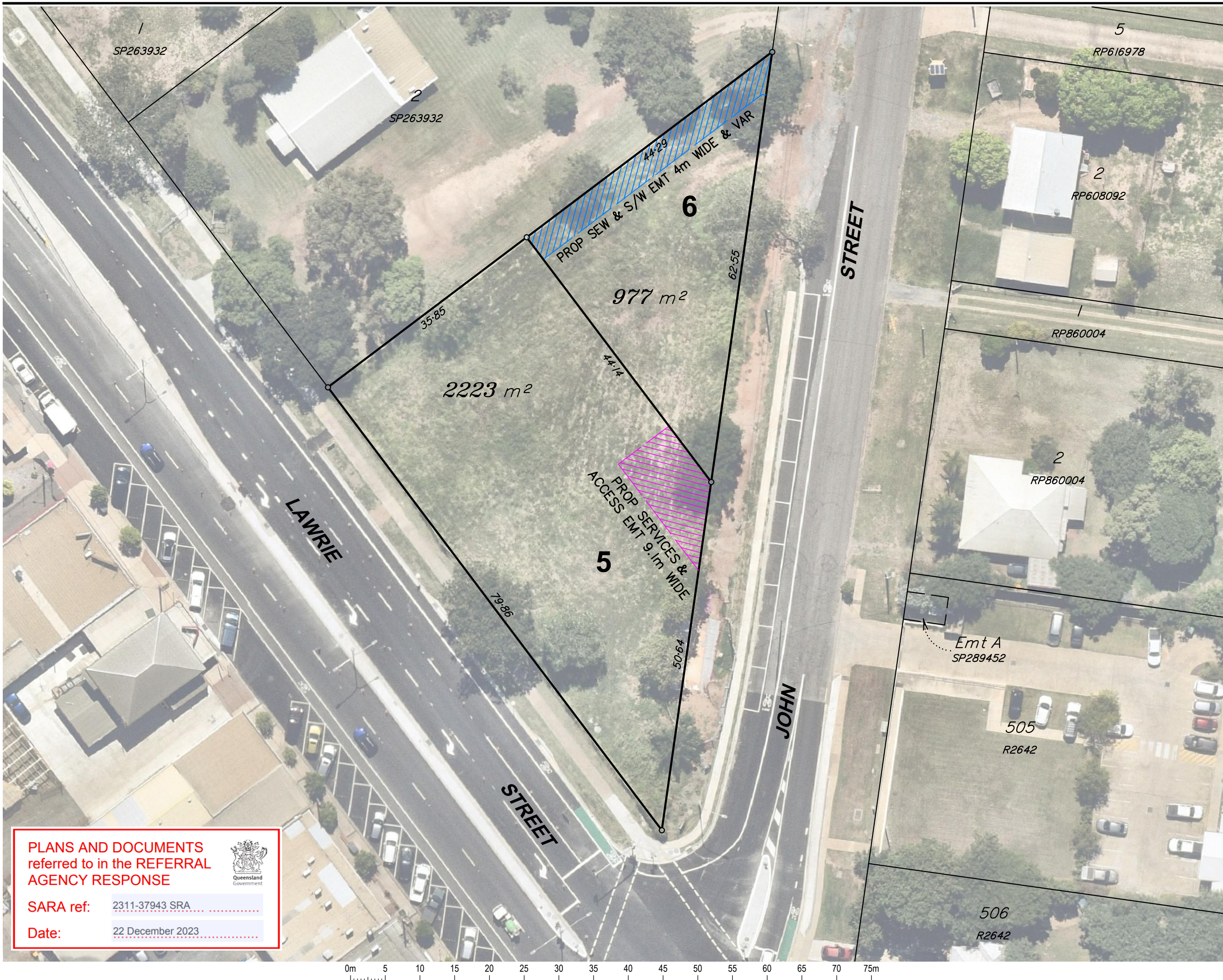
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



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

**Enhance Property Trust
No. 6**

project

6 Lawrie Street, Gracemere

plan of

**Reconfiguration Plan
1 Lot into 2 Lots
(With Nearmap Underlay)**

rpd

Lot 604 on R2642

lga

Livingstone Shire Council

issue	date	details	authorised
A	7-11-2023	Initial Issue	RJKF

created



scale	datum
1:500 @ A3	-
sheet no.	cad file
1 of 1	8113-10-ROL-A
plan no.	issue
8113-10-ROL	A

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2311-37943 SRA

Date: 22 December 2023

