



SARA reference: 2412-43705 SRA
Council reference: D/167-2024
Applicant reference: GTP 2455

8 January 2025

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

Attention: Sophie Muggeridge

Dear Ms Muggeridge,

SARA referral agency response—9 Kelly Road, 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 3 December 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	8 January 2025
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 (1 lot into 2 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017)
	Development impacting on State transport infrastructure and thresholds

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

Reconfiguring a lot near a State transport corridor

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

Reconfiguring a lot near a State-controlled road intersection

SARA reference: 2412-43705 SRA
 Assessment manager: Rockhampton Regional Council
 Street address: 9 Kelly Road, Gracemere
 Real property description: Lot 1 SP206698
 Applicant name: Diawyn Pty Ltd
 Applicant contact details: c/- Gideon Town Planning
 PO Box 450
 ROCKHAMPTON QLD 4700
 info@gideontownplanning.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 Lawson Costello, Planning Officer, on (07) 4924 2914 or via email RockhamptonSARA@dasilgq.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Diawyn Pty Ltd, gg@gideontownplanning.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 – Development impacting on State transport infrastructure and thresholds, 10.9.4.2.1.1 – Reconfiguring a lot near a State transport corridor and 10.9.4.2.3.1 – Reconfiguring a lot near a State-controlled road intersection—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.	Direct access is not permitted between the Capricorn Highway and the subject site.	At all times.
2.	<p>Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, 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 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. (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 3.1). 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:

SARA assessed the development application against the following code of the State Development Assessment Provisions (SDAP) version 3.1:

- State code 1: Development in a state-controlled road environment
- State code 6: Protection of state transport networks

The development complies with all relevant performance outcomes of State code 1 and State code 6. Specifically:

- The development does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of the state-controlled road.
- The development does not adversely impact the structural integrity or physical condition of the state-controlled road, road transport infrastructure or public passenger transport infrastructure.
- The development does not adversely impact the function and efficiency of the state-controlled road.
- The development maintains the operating performance of the transport network.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.1), 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.