



Queensland Treasury

SARA reference: 2007-17882 SRA
 Council reference: D/46-2020
 Applicant reference: 190605 / Inspirations Paint

10 August 2020

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

Attention: Thomas Gardiner

Dear Sir/Madam

SARA response—63-69 High Street, Berserker; 64-66 Seigle Street, Berserker

(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 22 July 2020.

Response

Outcome:	Referral agency response - No requirements	
	Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.	
Date of response:	10 August 2020	
Advice:	Advice to the applicant is in Attachment 1 .	
Reasons:	The reasons for the referral agency response are in Attachment 2 .	

Development details

Description:	Development permit	Material Change of Use for a Hardware and Trade Supplies (extension) Reconfiguring a Lot (11 lots into 2 lots)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Development application for a material change of use of premises near a State transport corridor

SARA reference: 2007-17882 SRA

Assessment Manager: Rockhampton Regional Council

Street address: 63-69 High Street, Berserker; 64-66 Seigle Street, Berserker

Real property description: 5PL4011; 4PL4011; 31RP607137; 33RP607137; 3RP617326; 25RP603411; 2RP617326; 30RP603411; 29RP603411; 28RP603411; 27RP603411

Applicant name: Lesdel Pty Ltd

Applicant contact details: C/- Rufus Design Group Pty Ltd, PO Box 5134
RED HILL ROCKHAMPTON QLD 4701
mailbox@rufusdesigngroup.com

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 3**.

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 2913 or via email RockhamptonSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Lesdel Pty Ltd, mailbox@rufusdesigngroup.com

enc Attachment 1 - Advice to the applicant
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations provisions

Attachment 1—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) [v2.6]. If a word remains undefined it has its ordinary meaning.

Attachment 2—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:

- is to add a paint storage shed to an existing paint shop
- includes amalgamating 11 lots into two lots
- is located adjacent to a local road (High Street) that intersects with a State-controlled road (Musgrave Street), and within 100m of the intersection
- will not have an adverse effect on the state-controlled road intersection
- complies with State code 1: Development in a state-controlled road environment.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6])
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 3—Change representation 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.



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
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30 July 2020

Rockhampton Regional Council
Attention: Kathy McDonald
Via email: enquiries@rrc.qld.gov.au

cc Lesdel Pty Ltd
c/- Rufus Design Group
Attention: Lois Richardson
Via email: mailbox@rufusdesigngroup.com

Dear Sir/Madam,

Development Application – Development Permit for a Material Change of Use for a Hardware and Trade Supplies (extension) and Reconfiguring a Lot (11 lots into 2 lots) located at 63, 65, 67, 69 High Street, and 64 and 66 Seigle Street, Berserker, described as Lots 4 and 5 on PL4011, Lots 31 and 33 on RP607137, Lots 2 and 3 on RP617326, Lot 25 and Lots 27-30 on RP603411.

Applicant Ref: -

Council Ref: D/46-2020

Our Ref: HBD 6998025

We refer to the above referenced Development Application which has been referred to Ergon Energy in accordance with the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. The below response is provided in accordance with section 56(1) of the *Planning Act 2016*.

As an Advice agency to the application Ergon has no requirements in relation to the proposed Development Permit for a Material Change of Use for a Hardware and Trade Supplies (extension) and Reconfiguring a Lot (11 lots into 2 lots).

Should you require any further information on the above matter, please contact Angela Collins on (07) 3664 5057 or email townplanning@ergon.com.au.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'A Collins'.

Angela Collins
Senior Planner

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website
www.ergon.com.au/referralagency