



SARA reference: 2407-41599 SRA  
Council reference: D/91-2024  
Applicant reference: GTP\_2413

27 November 2024

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

Attention: Sophie Muggeridge

Dear Sir/Madam

## SARA referral agency response—Bajool - Port Alma Road, Port Alma

(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 26 July 2024.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	27 November 2024
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permit	Material change of use for Medium Impact Industry - Ethylene Storage
SARA role:	Referral agency	
SARA trigger:	Schedule 10, part 7, division 3, table 1, item 1 (Planning Regulation	

2017)  
Development application for a material change of use for a Hazardous chemical facility

SARA reference: 2407-41599 SRA

Assessment manager: Rockhampton Regional Council

Street address: Bajool - Port Alma Road, Port Alma

Real property description: 46DS438

Applicant name: IXOM Operations Pty Ltd

Applicant contact details: PO Box 450  
Rockhampton QLD 4700  
gg@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 Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc IXOM Opertions 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
<b>Material change of use</b>		
10.7.3.1.1 - Development application for a material change of use for a Hazardous chemical facility— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Office of Industrial Relations 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.	The number of ethylene containers shall not exceed 18.	Prior to commencement of use and to be maintained at all times.
2.	Ethylene containers shall be stored as far as practicable to the north-west of the site. The storage area shall be permanently demarcated.	Prior to commencement of use and to be maintained at all times.

## Attachment 2—Advice to the applicant

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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

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

### The reasons for the SARA's decision are:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.0:
  - o State code 21: Hazardous chemical facilities
- The development complies with the assessment benchmarks of State code 21 of SDAP (version 3.0) in that the development is designed and sited, so far as reasonably practicable, to ensure:
  - o human health and safety, and the built environment are protected from off-site risks resulting from physical or chemical hazards
  - o hazardous chemical facilities are protected from:
    - a. off-site hazard scenarios at existing hazardous chemical facilities;
    - b. natural hazards.

### 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.