



SARA reference: 2312-38163 SRA
 Council reference: D156-2023
 Applicant reference: M000169

15 January 2024

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

Dear Sir/Madam

SARA referral agency response—65A George Street, Rockhampton City; 30 Cambridge Street, Rockhampton City; 28 Cambridge Street, Rockhampton City; 34 Cambridge Street, Rockhampton City

(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 7 December 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	15 January 2024
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	Material change of use for two (2) food and drink outlets Reconfiguring a lot for five (5) lots into two
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(2) lots

Operational work for advertising devices

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 twenty-five (25) metres 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 within 100 metres of a road that intersects with a state-controlled road
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (Planning Regulation 2017)
	Development application for a material change of use within twenty-five (25) metres of a state-controlled road
SARA reference:	2312-38163 SRA
Assessment manager:	Rockhampton Regional Council
Street address:	65A George Street, Rockhampton City; 30 Cambridge Street, Rockhampton City; 28 Cambridge Street, Rockhampton City; 34 Cambridge Street, Rockhampton City
Real property description:	2RP605704; 3RP601157; 5RP601157; 1RP605704; 4RP601157
Applicant name:	ATG DEV 002 PTY LTD
Applicant contact details:	C/- Mecone Level 2, 235 Edward Street Brisbane City QLD 4000 brisbane@mecone.com.au
<i>Human Rights Act 2019</i> considerations:	Consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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 Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email RockhamptonSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AW', is positioned below the text 'Yours sincerely'.

Anthony Walsh
Manager Planning

cc ATG DEV 002 PTY LTD C/- Mecone, brisbane@mecone.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
Material change of use		
10.9.4.2.4.1 – Material change of use near a state transport corridor—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.	(a) The existing vehicular property access located between Lot 2 on RP605704 and George Street must be permanently closed and removed. (b) The kerb and channelling and footpath between the pavement edge and the property boundary must be reinstated in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual (2 nd edition) at no cost to the Department of Transport and Main Roads.	Prior to the commencement of use.
2.	Direct access is not permitted between George Street and the subject site.	At all times.
3.	Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works must not: <ul style="list-style-type: none"> (a) create any new discharge points for stormwater runoff onto the state-controlled road. (b) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. (c) surcharge any existing culvert or drain on the state-controlled road. (d) reduce the quality of stormwater discharge onto 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 3.0). If a word remains undefined it has its ordinary meaning.
State-controlled road	
2.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road.</p> <p>Please contact the Department of Transport and Main Roads' on CorridorManagement@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>The approval process will require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.</p>
Advertising devices	
3.	<p>The proposed advertising device (pylon sign) must comply with the Department of Transport and Main Roads' Roadside Advertising Manual Edition 4 Technical Volume, dated December 2022.</p> <p>The Department of Transport and Main Roads has determined that the subject site is located within an area with characteristics of Lighting Environment Zone 2.</p>

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 is for a material change of use for two (2) food and drink outlets and a reconfiguring a lot (five (5) lots into two (2) lots).
- The assessment benchmark which is relevant to SARA's assessment is State Development Assessment Provisions (SDAP) State code 1: Development in a state-controlled road environment.
- The development is considered to comply with the assessment benchmark subject to conditions which:
 - prohibit the development from gaining direct access to George Street (the state-controlled road).
 - require stormwater management to not cause any worsening to the operating performance of the state-controlled road 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 3.0), 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.