



SARA reference: 2301-32777 SRA
 Council reference: D/169-2022
 Applicant reference: GTP 2202

6 February 2023

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

Dear Sir/Madam

SARA referral agency response—353 Yaamba Road, Park Avenue

(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 10 January 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	6 February 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	Material change of use for Hardware and Trade Supplies Operational work for Advertising Devices
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	

Development application for a material change of use within 25m of a state-controlled road

SARA reference: 2301-32777 SRA

Assessment manager: Rockhampton Regional Council

Street address: 353 Yaamba Road, Park Avenue; 353 Yaamba Road, Park Avenue

Real property description: Lot 1 on LIV401228; Lot 1 on RP605623

Applicant name: Yaamba Road Project Pty Ltd

Applicant contact details: PO Box 450
Rockhampton QLD 4700
gg@gideontownplanning.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR23-038401
- Date: 25 January 2023

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at corridormanagement@tmr.qld.gov.au.

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Right 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 Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Yaamba Road Project 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 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
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 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.	<p>(a) The road access location is to be located at 10F Bruce Highway (Rockhampton – St Lawrence) ~Ch. 4.556km (LHS) (lat: - 23.349538; long: 150.523336).</p> <p>(b) Road access works comprising a driveway crossover must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with TYPE A – TWO WAY ACCESS COMMERCIAL DRIVEWAY SLAB, prepared by Capricorn Municipal Development Guidelines, dated 12/2016, reference CMDG-R-042, revision F.</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
2.	Advertising devices must be designed and constructed in accordance with the DTMR' Roadside Advertising Manual 4 th Edition.	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.
2.	<p>Under sections 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 that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads at FitzroyDistrict@tmr.qld.gov.au to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may 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>

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 a material change of use for hardware and trade supplies, located at Lot 1 on LIV401228; Lot 1 on RP605623.
- The assessment benchmark which is relevant to SARA's assessment are the State Development Assessment Provisions (SDAP) State code 1: Development in a state-controlled road environment.
- The development is considered to comply with this assessment benchmark, subject to conditions.

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

(page left intentionally blank)

Attachment 5—Documents referenced in conditions

(page left intentionally blank)