



SARA reference: 2401-38455 SRA
 Council reference: D/178-2023
 Applicant reference: 4821

2 April 2024

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

Attention: Lana Groves

Dear Sir/Madam

SARA referral agency response—14 Barton Court, Parkhurst

(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 2 January 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	2 April 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 warehouse
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a	

Fitzroy/Central regional office
 Level 2, 209 Bolsover Street,
 Rockhampton
 PO Box 113, Rockhampton QLD 4700

railway corridor
SARA reference: 2401-38455 SRA
Assessment manager: Rockhampton Regional Council
Street address: 14 Barton Court, Parkhurst
Real property description: Lot 9 on SP326319
Applicant name: Bill Barber Design and Drafting
Applicant contact details: PO Box 706
Aitkenvale QLD 4814
Bill.Barber@bigpond.com

Human Rights Act 2019 considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

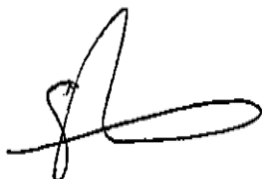
Representations

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 Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter
A/Manager

cc Bill Barber Design and Drafting, Bill.Barber@bigpond.com
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 within 25m of 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 stormwater and flooding management of the development must not cause worsening to the operating performance of the railway corridor such that any works on the land must not:</p> <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the railway corridor; ii. concentrate or increase the velocity of flows to the railway corridor; iii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; iv. surcharge any existing culvert or drain on the railway corridor; v. reduce the quality of stormwater discharge onto the railway corridor; vi. impede or interfere with any overland flow or hydraulic conveyance from the railway corridor; vii. reduce the floodplain immunity of the railway corridor. <p>b) Submit a RPEQ certified stormwater management plan to the Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, that demonstrates the development has been designed in accordance with part (a) of this condition for the 63.2%, 50%, 20%, 10%, 5%, 2% and 1% AEP stormwater and flood events. The supporting material must include the detailed design drawings for the stormwater basin on lot 8 SP326319, including the basin's outlet configuration.</p> <p>c) Submit RPEQ certification, with supporting documentation, to the Central Queensland Region (Central.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>a) At all times</p> <p>b) Prior to obtaining development approval for operational work or building work, whichever occurs first</p> <p>c) Within 20 business days of the completion of works</p>

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.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- The assessment benchmarks which are relevant to SARA's assessment are State code 2: Development in a railway environment of the State Development Assessment Provisions (SDAP).
- The development complies with the assessment benchmarks subject to a condition which requires stormwater and flooding management of the proposed development to not cause worsening to the operating performance of the railway corridor.

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.