



SARA reference: 2401-38621 SRA
 Council reference: D/2-2024
 Applicant reference: -

11 March 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—5 Kiln 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 29 January 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	11 March 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 Transport Depot
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 near a State	

transport corridor

SARA reference: 2401-38621 SRA

Assessment manager: Rockhampton Regional Council

Street address: 5 Kiln Court, Parkhurst

Real property description: 10SP326319

Applicant name: Kinetic Holding Company Pty Ltd

Applicant contact details: GPO Box 775
Brisbane QLD 4001
brisbane@placedesigngroup.com

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 Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Kinetic Holding Company Pty Ltd, brisbane@placedesigngroup.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 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		
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.	<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> <ul 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 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 designed in accordance with part (a) of this condition.</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>
2.	Provide fencing along the site boundary with the railway corridor in accordance with Queensland Rail drawing number QR-C-S3230 – <i>1.8m High Chain Link Security Fence Without Rails Using 50mm Diamond Mesh General Arrangement</i> , dated 27/08/15.	Prior to commencement of use and to be maintained at all times
3.	Carry out the development generally in accordance with the <i>Site Plan</i> , prepared by Bell, dated 13.01.2024, drawing number CD2001, and revision S10, as amended in red to require the fuel tank be setback at least 75m from the railway corridor.	Prior to commencement of use and to be maintained 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>Works on a railway</p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or that otherwise interfere with the railway or its operations. The applicant should also contact the railway manager prior to the installation of any fencing along the site boundary with the railway corridor.</p> <p>Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager. The applicant should contact Queensland Rail Property Team at QRPropertyWayleaves@qr.com.au in relation to this matter.</p>
3.	<p>Stormwater Management Plan</p> <p>The applicant is advised that the submitted Site Based Stormwater Management Plan prepared by Peritas Group dated 20 February 2024 has not demonstrated compliance with State Code 2, PO12-PO16.</p> <p>To demonstrate compliance with Condition 1 of the referral agency conditions (above), a revised Stormwater Management Plan should include a comparison of peak flows from the existing to post development condition, an assessment (with all modelling outputs provided) for all flooding and stormwater events including 63.2%, 50%, 20%, 10%, 5%, 2% and 1% AEP, the calculations for the proposed detention tank and a stormwater drainage plan that includes the incoming and outgoing pipes and freeboard levels.</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 assessment benchmark which is relevant to SARA's assessment is the State Development Assessment Provisions (SDAP) version 3.0 State code 2: Development in a railway environment (State code 2).
- The development is considered to comply with the purpose statement and performance outcomes of SDAP State code 2, 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

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Attachment 5—Documents referenced in conditions

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