



SARA reference: 2402-38975 SRA  
 Council reference: D/5-2024  
 Applicant reference: 9167

22 February 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—59 Lucas Street, Berserker

(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 8 February 2024.

### Response

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Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	22 February 2024
Advice:	Advice to the applicant is in <b>Attachment 1</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b>

### Development details

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Description:	Development permit	Material change of use for a low impact industry
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:	2402-38975 SRA	
Assessment manager:	Rockhampton Regional Council	

Street address: 59 Lucas Street, Berserker; 59 Lucas Street, Berserker  
Real property description: 132RP601289; 131RP601289  
Applicant name: JJ Kerrs Appliances Pty Ltd  
Applicant contact details: c/- Capricorn Survey Group (CQ) Pty Ltd  
PO Box 1391  
Rockhampton QLD 4700  
reception@csgcq.com.au

*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

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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 3**.

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 JJ Kerrs Appliances Pty Ltd, reception@csgcq.com.au

enc Attachment 1 - Advice to the applicant  
Attachment 2 - Reasons for referral agency response  
Attachment 3 - Representations about a referral agency response provisions

## Attachment 1—Advice to the applicant

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<b>General advice</b>	
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 2—Reasons for referral agency response**

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

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

- 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 complies with the assessment benchmark as:
  - traffic generated from the development will not adversely impact the functional requirements or operational efficiency of the Musgrave Street / Lucas Street intersection.
  - stormwater from the development will drain to the lawful point of discharge, which is the kerb and channel of Lucas Street.

### **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 3— 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.