



SARA reference: 2407-41318 SRA
Council reference: D/73-2024
Applicant reference: 241318

1 October 2024

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

Attention: Sophie Muggeridge

Dear Ms Muggeridge,

SARA referral agency response—7, 9 and 11 Denning Street, 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 9 July 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	1 October 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:	
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)

Material change of use of premises near a State transport corridor

SARA reference: 2407-41318 SRA

Assessment manager: Rockhampton Regional Council

Street address: 7, 9 and 11 Denning Street, Park Avenue

Real property description: Lot 41 RP607265; Lot 42 RP607265; Lot 43 RP607265

Applicant name: George Henry Rose

Applicant contact details: c/- Gracemere Surveying & Planning Consultants
PO Box 379
GRACEMERE QLD 4702
admin@gspc.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights

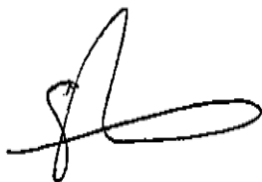
Representations

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 Lawson Costello, Planning Officer, on (07) 4924 2914 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter
A/Manager Planning, Fitzroy and Central Queensland

cc George Henry Rose, rupesh@gspc.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 for childcare centre		
10.9.4.2.4.1 – Material change of use of premises 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.	The proposed site layout and hydrology must be provided generally in accordance with the following plan: <ul style="list-style-type: none"> • <i>Stormwater Management Plan Proposed Site Layout and Hydrology</i> prepared by Dileigh Consulting Engineers Pty Ltd, dated 02.08.2024, drawing no. D24.192-02, revision A. 	Prior to the commencement of use and to be maintained at all times.
2.	The development must be carried out generally in accordance with section 3.2 of <i>Stormwater Management Plan</i> prepared by Dileigh Consulting Engineers Pty Ltd, dated 02/08/2024, reference D24.192-RP01, revision A, as amended in red by SARA on 1 October 2024.	At all times.
3.	Noise attenuation measures to the outdoor play area must achieve the following noise criteria: <ul style="list-style-type: none"> • ≤63 dB(A) L10 (12hour) free field (between 6am and 6pm) 	Prior to the 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.

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:

SARA assessed the development application against the following code of the State Development Assessment Provisions (SDAP) version 3.0:

- State code 1: Development in a state-controlled road environment.

With conditions, the development can comply with relevant performance outcomes of State code 1: Development in a state-controlled road environment (version 3.0). Specifically:

- The development does not adversely impact the structural integrity or physical condition of state-controlled road.
- The development does not adversely impact the function and efficiency of state-controlled road.
- The development protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads

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
- State Planning Policy 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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