



SARA reference: 2305-34489 SRA
Council reference: DA230024
Applicant reference: 21401

13 June 2023

Chief Executive Officer
North Burnett Regional Council
admin@northburnett.qld.gov.au

Dear Sir/Madam

SARA referral agency response—John Street, and Frederick Stret, Biggenden

(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 5 May 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	13 June 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 for a Material change of use for Service station and Operational work for Advertising devices
SARA role:	Referral agency
SARA trigger:	Planning Regulation 2017: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - Material change of use of premises within 25m a state transport corridor and 100m of a state-controlled intersection.
SARA reference:	2305-34489 SRA
Assessment manager:	North Burnett Regional Council

Street address: John Street, and Frederick Street, Biggenden
 Real property description: Lot 11 B4469 and Lot 21 B4469
 Applicant name: SJS Fuels Pty Ltd
 Applicant contact details: C/- Project Urban
 claire.stewart@projecturban.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 Geoff Reid, Senior Planning Officer, on (07) 5644 3218 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
 Manager, Planning – Wide Bay Burnett

cc SJS Fuels Pty Ltd, claire.stewart@projecturban.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
Development Permit Material change of use for Service station		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - Material change of use of premises within 25m a state transport corridor and 100m of a state controlled intersection (Planning Regulation 2017) —The chief executive administering the <i>Planning Act 2016</i> nominates the Deputy 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):		
Stormwater management		
1.	<p>(a) Stormwater management of the development must not cause worsening to the operating performance of the Isis Highway, 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 Isis Highway (ii) concentrate or increase the velocity of flows to Isis Highway (iii) interfere with and/or cause damage to the existing stormwater drainage on the Isis Highway (iv) surcharge any existing culvert or drain on the Isis Highway (v) reduce the quality of stormwater discharge onto the Isis Highway. <p>(b) Submit RPEQ certification with supporting documentation to the District Director (Wide Bay Burnett) email to WBB.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) At all times.</p> <p>(b) Within 20 business days of the completion of works.</p>
Vehicular Access to state-controlled road		
2.	<p>(a) The road access location, is to be located generally in accordance with Proposed Site Plan prepared by Verve Building Design Co, dated 22.03.2023 job number 21276, drawing DA01, rev. D.</p> <p>(b) Road access works must be provided at the road access location comprising a commercial crossover with a box culvert crossing and guard rail over the roadside drainage. The road access works must be designed so that the largest vehicle using the site can exit the site eastbound without using the adjacent lane.</p> <p>(c) The road access works must be designed and constructed in</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>

	accordance with Department of Transport and Main Roads Road Planning and Design Manual 2nd edition and Department of Transport and Main Roads Specification and Standards and must be provided at the permitted access location.	
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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.
Further development permits required	
Roadworks	
2.	<p>Under section 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 on a state-controlled road. Please contact the Department of Transport and Main Roads on 4154 0200 or by email on WBB.IDAS@tmr.qld.gov.au to make an application for road works approval. 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).</p> <p>The road works approval process takes time – 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 proposed development is considered to comply with State code 1: Development in a state-controlled road environment of the SDAP, with conditions. In particular:

- The proposed development will not create a safety hazard to the state road network, as the development is located entirely within the boundary of the site. A condition is imposed addressing vehicular access to ensure operating performance of the state road network is not compromised.
- Stormwater generated from the proposed development will not create a safety hazard for users of the state road network, or adversely impact the operating performance or structural integrity of the state road network. A condition is imposed addressing stormwater management to ensure operating performance of the state road network is not compromised.

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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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.