



SARA reference: 2404-40135 SRA
 Council reference: DA240013
 Applicant reference: N/A

17 July 2024

Chief Executive Officer
 North Burnett Regional Council
 PO Box 390
 GAYNDAH QLD 4625
 admin@northburnett.qld.gov.au

Attention: Garth Nolan

Dear Mr Nolan

SARA referral agency response—Gayndah Monto Branch Rly, Gayndah; Burnett Highway, Gayndah; Burnett Highway, Gayndah; Burnett Highway, Gayndah

(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 26 April 2024.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	17 July 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 rooming accommodation and short-term accommodation
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 railway corridor and within 25m of a state-controlled road
SARA reference:	2404-40135 SRA
Assessment manager:	North Burnett Regional Council
Street address:	Gayndah Monto Branch Rly, Gayndah; Burnett Highway, Gayndah; Burnett Highway, Gayndah; Burnett Highway, Gayndah
Real property description:	Lot 26 on SP102268; Lot 1 on RP32461; Lot 3 on RP32462; Lot 3 on RP32461
Applicant name:	Ellendee Park and Accommodation
Applicant contact details:	David & Lisa Madden 122 Shepherds Road GAYNDAH QLD 4625 jenlands2@bigpond.com, lisa-jensen@bigpond.com
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR24-042428 • Date: 10 July 2024 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at WBB.IDAS@tmr.qld.gov.au.</p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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 Caroline Plank, Principal Planning Officer - Wide Bay Burnett, on (07) 5352 9709 or via email WBBSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Mrs Lisa Madden, jenlands2@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 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 conditions:		
1.	The location of proposed infrastructure and minimum setback distances to the railway corridor (access track – 5.5m, non-self contained accommodation – 10m, and gazebos – 11.3m), must be generally in accordance with the Site Plan, prepared by Gatley Building Design, dated 14/05/24, reference Drawing No. 24493, Page 01.	At all times
2.	<ul style="list-style-type: none"> (a) The road access location is to be located generally in accordance with the Site Plan, prepared by Gatley Building Design, dated 14/05/24, reference Drawing No. 24436, Page 01 as amended in red by SARA on 17 July 2024. (b) Road access works comprising of a Type B Rural Property Access, (at the road access location) must be provided generally in accordance with Department of Transport and Main Roads' Standard Drawing SD1807 Revision B. (c) Road access works comprising of a Rural Basic Right Turn treatment (at the road access location) must be provided generally in accordance with Figure A 6 of <i>Austrroads Guide to Road Design</i>, Part 4: Intersections and Crossings, as referenced in the Department of Transport and Main Roads' Road Planning and Design Manual 2nd Edition. (d) The road access works must be designed and constructed in accordance with Department of Transport and Main Roads' <i>Road Planning and Design Manual</i>, 2nd Edition, Technical Specifications, Standards and Standard Drawings Roads. 	<ul style="list-style-type: none"> (a) At all times. (b) and (d) Prior to the commencement of use of Stage 1 or 2 whichever occurs first. (c) and (d) Prior to the commencement of use of Stage 3 or 4 whichever occurs first.
3.	<p>The stormwater management of the development must not cause worsening to the operating performance of either the state-controlled road (Burnett Highway) or the railway corridor such that any works on the land must not:</p> <ul style="list-style-type: none"> (a) create any new discharge points for stormwater runoff onto the either the Burnett Highway or railway corridor (b) concentrate or increase the velocity of flows to either the Burnett Highway or railway corridor (c) interfere with and/or cause damage to the existing stormwater drainage on either the Burnett Highway or the railway corridor (d) surcharge any existing culvert or drain on the Burnett Highway or railway corridor (e) reduce the quality of stormwater discharge onto either the Burnett Highway or the railway corridor (f) impede or interfere with overland flow from either the Burnett 	At all times

	Highway or the railway corridor.	
4.	<p>(a) Provide fencing, sufficient to prevent unauthorized access by people, animals and vehicles, along the site boundary with the railway corridor (except at the railway level crossing), wholly outside of the railway corridor land.</p> <p>(b) The access track must be setback a minimum of 5.5m from the site boundary with the railway corridor and must include either:</p> <ul style="list-style-type: none"> (i) a turnaround facility setback a minimum of 14m from the railway corridor, or (ii) an extension around the amenities block to form a looped access track. 	<p>(a) Prior to the commencement of use and to be maintained at all times</p> <p>(b) Prior to the commencement of use and to be maintained at all times</p>

Attachment 2—Advice to the applicant

General advice	
1.	<p>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.</p>
2.	<p>Occupational Crossing Licence Provide written evidence to the Program Delivery and Operations Unit, Wide Bay Burnett Region (WBB.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads that an executed Occupational Crossing Licence (or other crossing agreement) has been obtained from Isis Central Sugar Mill Co. Limited for the proposed uses, rooming accommodation and short-term accommodation, which require access for construction and operation over railway level crossing 126.600km on Lot 26 on SP102268.</p> <p>The applicant is responsible for obtaining a valid occupational crossing licence or other crossing agreement from Isis Central Sugar Mill Co. Limited for any changes to the use of the existing private crossing 126.600km. This includes any changes to vehicular traffic associated with the construction and use of the land or any changes to the volume or composition of the vehicular traffic using the crossing, including the maximum design vehicle.</p> <p>The construction of the development may require the transportation of component parts such as demountable buildings or pre-cast structures over the existing railway level crossing, that could potentially be wider than the level crossing or heavier than its foundation, and have the potential to cause damage. Permission and agreement on any arrangements for construction access over the railway level crossing must be sought from Isis Central Sugar Mill Co. Limited prior to any works commencing.</p> <p>Please contact Mr Paul Nicol, Cane Supply Manager of Isis Central Sugar Mill Co. Limited either by email at paul.nicol@isissugar.com.au, by phone on 07 4126 4459 or 0438 888 590.</p>
3.	<p>Road works in a state-controlled road Condition 3 includes a requirement for road works within the Burnett Highway, a state-controlled road. Under Section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (TMR) to carry out road works on a state-controlled road.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process will require the preparation and approval of engineering drawings of the proposed Basic right turn treatment works certified by a Registered Professional Engineer of Queensland.</p> <p>As the road works approval process takes time, it is recommended that contact be made with TMR as soon as possible to ensure that gaining approval does not delay construction. For more information or enquiries about road works approval, please contact TMR's Bundaberg Office via email at WBB.IDAS@tmr.qld.gov.au and quote "TMR24-042428".</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 development application is for development permit for material change of use for short-term accommodation and rooming accommodation at 16191 Burnett Highway, Gayndah.
- The development includes land described as Lot 3 on RP32461, Lot 3 on RP32462, Lot 1 on RP32461 and Lot 26 on SP102268. Lot 26 is railway corridor land managed by Isis Central Sugar Mill Co. The development requires access over this railway infrastructure, to the state-controlled road, Burnett Highway.
- The development involves a staged approach, with the rooming accommodation within the existing house first, then short-term accommodation consisting of two amenity blocks or one large amenity block, camp kitchen, four accommodation buildings containing three units each (12 total), ten wooden hut gazebos and finally, ten self-contained studio cabins.
- The development has been referred to SARA because the development is for a material change of use within 25m of both a state-controlled road and railway corridor.
- The development will increase stormwater runoff due to the increase in impervious areas (roofs, hard-stand areas). The land generally slopes away from the railway corridor and state-controlled road.
- The development will increase the access to/from the state-controlled road, increase the use of the crossing over the railway corridor as well as increase risk of unauthorised access to the railway corridor.
- The development has been designed to avoid locating infrastructure within the flood affected area.
- SARA has assessed the development against State code 1: Development in a state-controlled road environment and State code 2: Development in a railway environment, of the State Development Assessment Provisions (SDAP), version 3.0.
- SARA finds the development can comply with State code 1 and State code 2, subject to conditions that ensure:
 - o the development occurs as per the plan of development provided, including ensuring the development is not within a flood affected area and is a minimum distance from the railway corridor
 - o the development does not increase the risk of unauthorised access from the development to the railway corridor, by people, animals and vehicles
 - o stormwater from the development is managed to prevent adverse impacts to both the state-controlled road and railway infrastructure
 - o the access to the state-controlled is located, designed and constructed to maintain the safety and efficiency of the state-controlled road network.

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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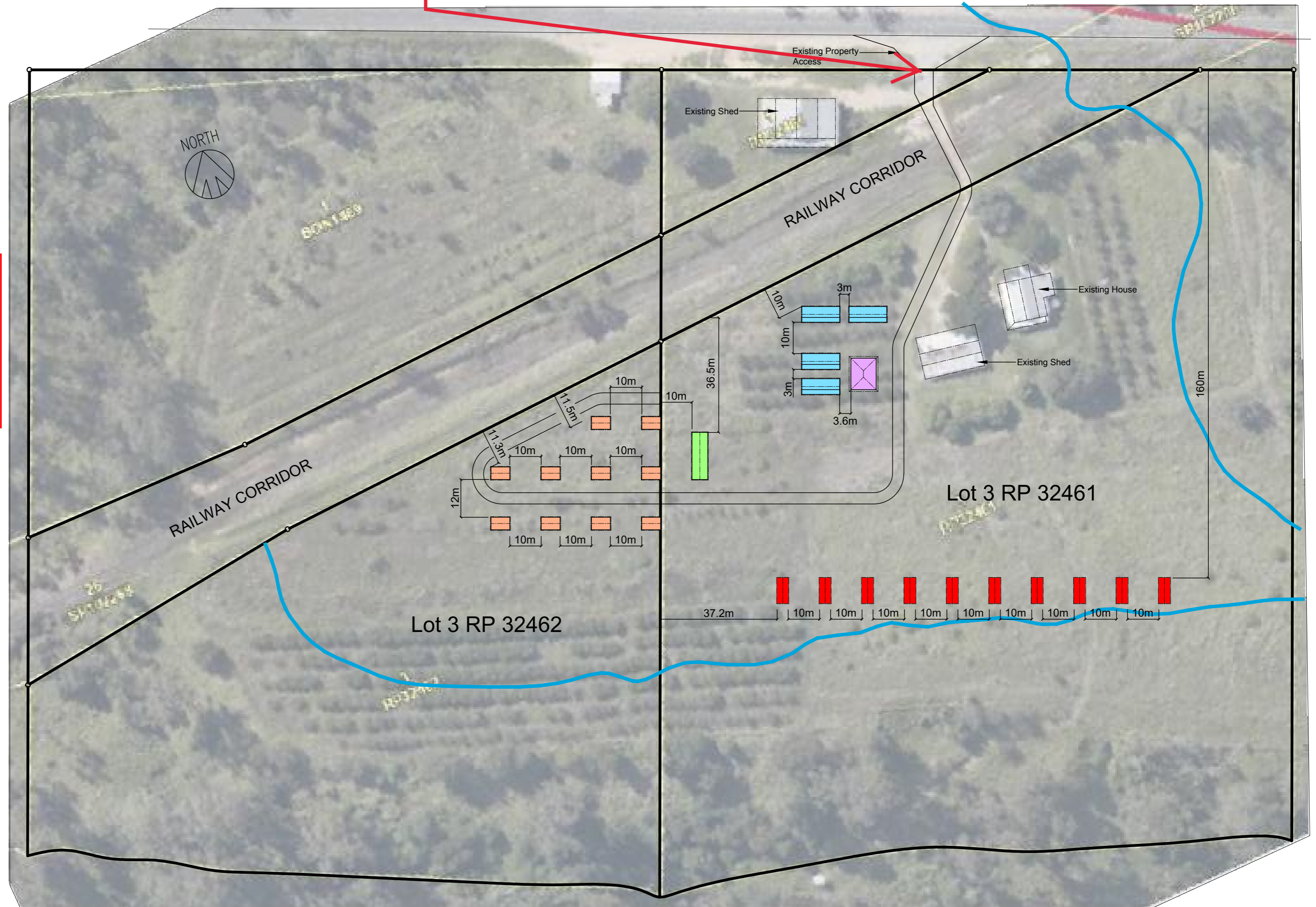
Rev	Description	Date
-	-	-

LEGEND:

-  10m x 8m Camp Kitchen
-  15m x 5m Amenities Block
-  12m x 5m Non-Self Contained Accommodation
-  8m x 3.5m Self Contained Accommodation
-  6m x 4m Gazebo
-  Flood Line

Road access location as per Condition 2(a) of SARA's referral agency response

BURNETT HIGHWAY



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE




SARA ref: 2404-40135 SRA

Date: 17 July 2024

Amended in red by SARA on

17 July 2024

 **SITE PLAN**
Scale 1:1000 @A2

	Q.B.C.C. No: 15243624 P.O. Box 1530 Bundaberg Q. 4670 Ph: (07) 41531183 Email: admin@gatleybuildingdesign.com.au Web: www.gatleybuildingdesign.com.au	Site: Ellendee Park & Accomodation 16191 Burnett Highway Lot 3 RP32461 & Lot 3 RP32462	Issue: Preliminary	Date: 14/05/24
	Project: Proposed Amenities Block Client: D & L Madden	Description: Site Plan	© Copyright 2024, John Gatley Building Designs. Design: M.J. Drawn: M.J. Approved: .	Drawing No: 24493

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.