

From: "No Reply" <mydas-notifications-prod2@qld.gov.au>
Sent: Wed, 27 Nov 2024 16:19:55 +1000
To: "kirsty.geaney@dsdilgp.qld.gov.au" <kirsty.geaney@dsdilgp.qld.gov.au>;
"Development Assessment" <developmentassessment@townsville.qld.gov.au>
Cc: "kirsty.geaney@dsdilgp.qld.gov.au" <kirsty.geaney@dsdilgp.qld.gov.au>;
"general@dillonarchitects.com" <general@dillonarchitects.com>
Subject: 2409-42415 SRA application correspondence
Attachments: GE83-N Representations about a referral agency response.pdf, 2409-42415 SRA
- RA6-N Response with conditions.pdf
Importance: Normal

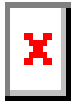
This Message Is From an External Sender

This message came from outside Townsville City Council. Please think carefully before clicking links or responding if you weren't expecting this email.

Please find attached a notice regarding application [2409-42415 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.
RA6-N



Email Id: RFLG-1124-0022-2944

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.



SARA reference: 2409-42415 SRA
 Council reference: MCU24/0083
 Applicant reference: 3140

27 November 2024

Townsville City Council
 PO Box 1268
 Townsville QLD 4810
 developmentassessment@townsville.qld.gov.au

Attention: Ms Taryn Pace

Dear Ms Pace

SARA referral agency response—55 Lakeside Drive, Idalia

(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 30 September 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	27 November 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 Special Industry (Distillery), Food and Drink Outlet (Brewery Sampling Room), Shop (Drive Through Bottle Shop) and Undefined Use (Brewery and Bottling / Canning Facility)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—	Material Change of Use of premises within 25m of a State-controlled road (Planning Regulation 2017)

SARA reference: 2409-42415 SRA
Assessment manager: Townsville City Council
Street address: 55 Lakeside Drive, Idalia
Real property description: Lot 14 on SP334259
Applicant name: Mr Steven Dillon
Applicant contact details: PO Box 294
Townsville QLD 4810
general@dillonarchitects.com

Human Rights Act 2019 considerations: A consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this response. It has been determined that this response does not limit human rights.

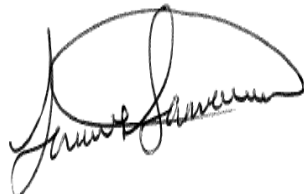
Representations

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 Helena Xu, Senior Planning Officer, on (07) 3452 6724 or via email NQSARA@dildgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/ Manager (Planning)

cc Mr Steven Dillon, general@dillonarchitects.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 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)

No.	Conditions	Condition timing
Material Change of Use		
<p>10.9.4.2.4.1 – Material Change of Use of premises within 25m of a state-controlled road —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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):</p>		
1.	<p>Stormwater management of the development must not cause worsening to the operating performance of the State-controlled Road 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 state-controlled road; ii) concentrate or increase the velocity of flows to the state-controlled road; iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iv) surcharge any existing culvert or drain on the state-controlled road; v) reduce the quality of stormwater discharge onto the state-controlled road; vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road; and vii) reduce the floodplain immunity of the state-controlled road. 	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:

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1 of SDAP. Specifically, the development

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled road;
- does not adversely impact road transport infrastructure, public passenger transport infrastructure or active transport infrastructure; and
- does not adversely impact the function and efficiency of state-controlled road.

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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