

From: "No Reply" <mydas-notifications-prod2@qld.gov.au>
Sent: Tue, 28 Nov 2023 08:43:56 +1000
To: "Development Assessment" <developmentassessment@townsville.qld.gov.au>
Cc: "Helena.Xu@dsdilgp.qld.gov.au" <Helena.Xu@dsdilgp.qld.gov.au>;
"scopetownplanning@gmail.com" <scopetownplanning@gmail.com>
Subject: (ECM:21633755) 2310-37386 SRA application correspondence
Attachments: Attachment 5— Documents referenced in conditions.pdf, GE83-N
Representations about a referral agency response.pdf, 2310-37386 SRA - RA6-N Response with
conditions.pdf
Importance: Normal
Categories: ECM

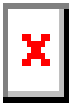
This Message Is From an External Sender

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 [2310-37386 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



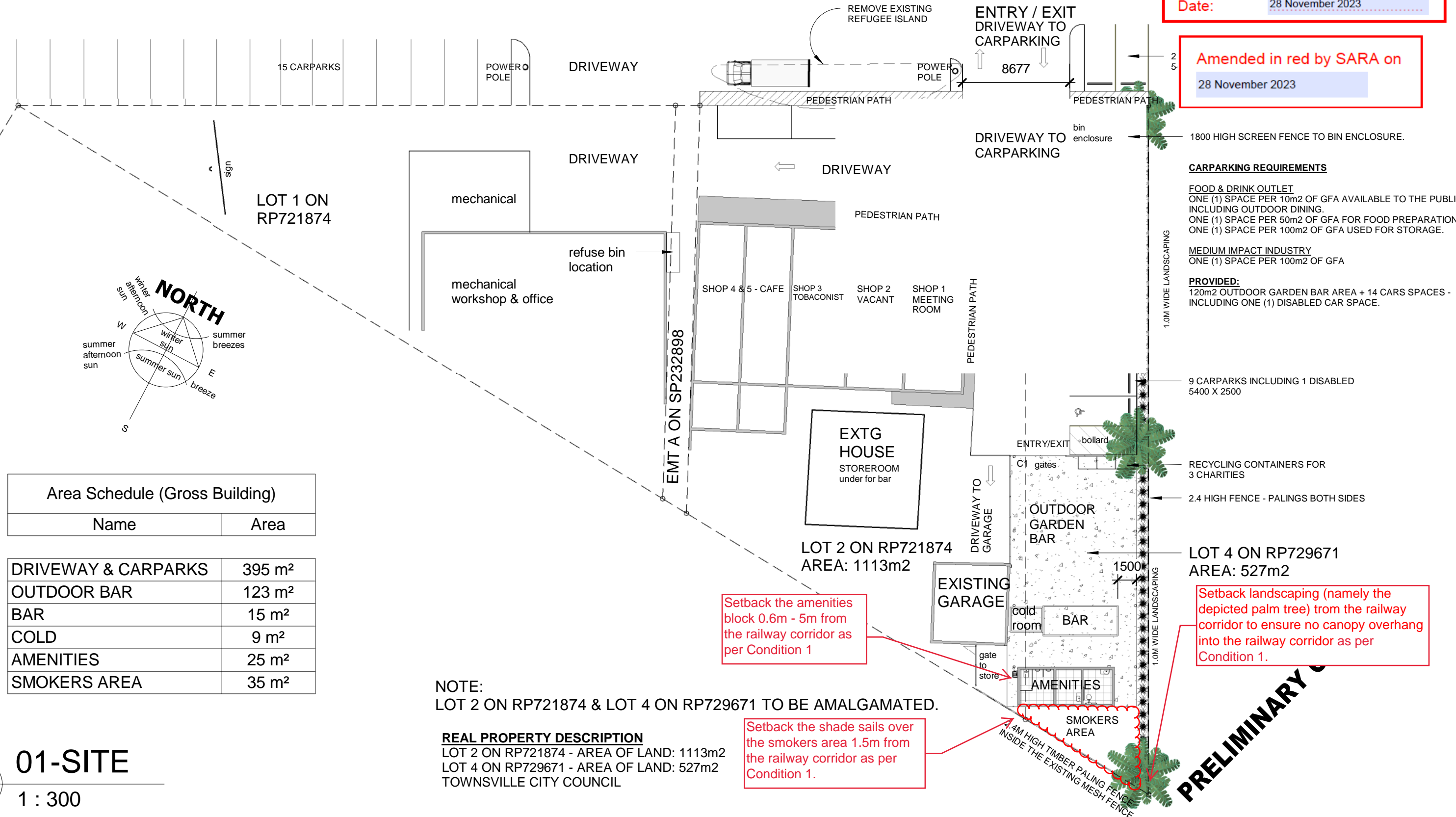
Email Id: RFLG-1123-0019-1200

INGHAM ROAD

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2310-37386 SRA

Date: 28 November 2023

Amended in red by SARA on
28 November 2023

Area Schedule (Gross Building)

Name	Area
DRIVEWAY & CARPARKS	395 m ²
OUTDOOR BAR	123 m ²
BAR	15 m ²
COLD	9 m ²
AMENITIES	25 m ²
SMOKERS AREA	35 m ²

NOTE:
LOT 2 ON RP721874 & LOT 4 ON RP729671 TO BE AMALGAMATED.

REAL PROPERTY DESCRIPTION

LOT 2 ON RP721874 - AREA OF LAND: 1113m²
LOT 4 ON RP729671 - AREA OF LAND: 527m²
TOWNSVILLE CITY COUNCIL

1

01-SITE

1 : 300

Do not scale from this drawing. Use only dimensions provided. Verify all dimensions on site.

amendments:

P1-010823-INITIAL CONCEPT SKETCH PLAN FOR DISCUSSION ONLY
P2-090823-SKETCH PLANS UPDATED.
P3-040923-SKETCH PLANS UPDATED.
P4-170923-PEDESTRIAN PATH UPDATED.
P5-281123-SITE AREA & NOTES ADDED.Mob 0419 025 907
Email: info@amwbuildingdesign.com
A.M.Weightman Lic No. 1123 594
Lic. under QBCC Building Design
copyrightdrawn by: AMW
date: AUG'23
edit date: 091023
scale: 1 : 300PROJECT: OUTDOOR GARDEN BAR
LOCATION: 936-938 INGHAM ROAD,
BOHLE
CLIENT: BCSMR PROPERTY INVESTMENTS P/L

SITE PLAN

project no: 23-1169
drawing no: SK01
rev: P5

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: 2310-37386 SRA
Council reference: MCU23/0101
Applicant reference: 23010

28 November 2023

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

Attention: Ms Kaitlyn O'Malley

Dear Ms O'Malley

SARA referral agency response—936-938 Ingham Road, Bohle

(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 31 October 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	28 November 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	Material Change of Use for a Bar
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1— Material change of use of premises near a state transport corridor (Planning Regulation 2017)	

SARA reference: 2310-37386 SRA

Assessment manager: Townsville City Council

Street address: 936-938 Ingham Road, Bohle

Real property description: Lot 2 on RP721874 and Lot 4 on RP729671

Applicant name: BCSMR Property Investments Pty. Ltd. C/- Scope Town Planning

Applicant contact details: 38 Kowa Street
Mareeba QLD 4880
scopetownplanning@gmail.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.

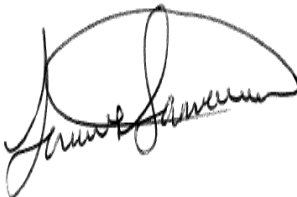
Representations

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@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/Manager (Planning)

cc BCSMR Property Investments Pty. Ltd. c/- Scope Town Planning, scopetownplanning@gmail.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) (A copy of the document referenced below is found at Attachment 5)

No.	Conditions	Condition timing
Material Change of Use—Bar		
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 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 amenities block, shade sales over the smokers' area and landscaping must be setback from the railway corridor generally in accordance with the Site Plan, prepared by AMW Design & Drafting, dated AUG'23, drawing no: SK01, rev: P5 (as amended in red by SARA).	Prior to the commencement of use and to be maintained at all times
2.	<p>(a) The stormwater and flooding management of the development must not cause worsening to the operating performance and/or structural integrity of the railway corridor 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 railway corridor; ii. concentrate or increase the velocity of flows to the railway corridor; iii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; iv. surcharge any existing culvert or drain on the railway corridor; v. reduce the quality of stormwater discharge onto the railway corridor; vi. impede or interfere with overland flow and/or hydraulic conveyance on the site; and vii. reduce the floodplain immunity of the railway corridor. <p>(b) Submit RPEQ certification, with supporting documentation, to the North Queensland Region (North.Queensland.IDAS@tmr.qld.gov.au), within the Department of Transport and Main Roads confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>

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.
2.	<p>Works on a railway</p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>In particular, the applicant should consult with Queensland Rail in relation to any interference with the existing fencing, including footings, along the railway corridor particularly when installing new timber fencing in front of it.</p> <p>Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact Queensland Rail at QRPropertyWayleaves@qr.com.au in relation to this matter.</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 achieve the relevant assessment benchmarks of State code 2: Development in a railway environment of SDAP. Specifically, the development:

- does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
- does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
- does not compromise the operating performance of railway corridors.

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)
- 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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Attachment 5—Document referenced in conditions

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