



SARA reference: 2305-34670 SRA  
Council reference: COM/2023/82  
Applicant reference: 5941 – Stage 3

13 June 2023

Chief Executive Officer  
Gold Coast City Council  
mail@goldcoast.qld.gov.au

Dear Sir/Madam

## SARA response—Lot 504 Homestead Drive, Stapylton

(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 16 May 2023.

### Response

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|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outcome:          | Referral agency response – no requirements<br><br>Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application. |
| Date of response: | 13 June 2023                                                                                                                                                                |
| Advice:           | Advice to the applicant is in <b>Attachment 1</b> .                                                                                                                         |
| Reasons:          | The reasons for the referral agency response are in <b>Attachment 2</b> .                                                                                                   |

### Development details

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|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Description:        | <ul style="list-style-type: none"><li>• Development Permit for Reconfiguring a lot one (1) into four (4) community title scheme lots, common property, public stormwater lot, public open space conservation lot and new public road.</li><li>• Development Permit for Operational work Change to ground level.</li><li>• Development Permit for Operational work Vegetation clearing.</li></ul> |
| SARA role:          | Referral Agency                                                                                                                                                                                                                                                                                                                                                                                  |
| SARA trigger:       | Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Development impacting State transport infrastructure (Planning Regulation 2017)                                                                                                                                                                                                                                                |
| SARA reference:     | 2305-34670 SRA                                                                                                                                                                                                                                                                                                                                                                                   |
| Assessment Manager: | Gold Coast City Council                                                                                                                                                                                                                                                                                                                                                                          |
| Street address:     | Lot 504 Homestead Drive, Stapylton                                                                                                                                                                                                                                                                                                                                                               |

Real property description: Lot 504 on SP329485

Applicant name: FPI Pty Ltd

Applicant contact details: c/- Gassman Development Perspectives Pty Ltd  
mail@gassman.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 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Brianna Gosper, Senior Planning Officer on (07) 5644 3272 or via email SEQSouthPlanning@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Karley Lawler  
**Manager, Planning and Development Services (SEQ South)**

cc FPI Pty Ltd c/- Gassman Development Perspectives Pty Ltd, mail@gassman.com.au

enc Attachment 1–Advice to the applicant  
Attachment 2–Reasons for referral agency response  
Attachment 3–Change representation provisions

## Attachment 1—Advice to the applicant

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| 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 v3.0 (SDAP). If a word remains undefined it has its ordinary meaning. |

## Attachment 2—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

### **The reasons for SARA's decision are:**

The proposed development has been assessed against and complies with State code 6: Protection of state transport networks of the SDAP, without conditions. In particular:

- The proposal is consistent with the approved access arrangements over the site.
- The proposal does not have any direct interface with nearby state-controlled roads and therefore will not result in any major network impacts.
- The proposal is consistent with the approved developments over the site and therefore will not result in any adverse hydraulic impacts on the State transport network.

### **Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

## **Attachment 3—Change representation provisions**

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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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.