



SARA reference: 2402-38940 SRA
Council reference: MCU/2023/471
Applicant reference: 6228

6 March 2024

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

Dear Sir/Madam

SARA referral agency response—1 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 6 February 2024.

Response

Outcome:	Referral agency response – no requirements 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:	6 March 2024
Advice:	Advice to the applicant is in Attachment 1 .
Reasons:	The reasons for the referral agency response are in Attachment 2 .

Development details

Description:	Development Permit for making a Material change of use for Low impact industry and Warehouse
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:	2402-38940 SRA
Assessment Manager:	Gold Coast City Council
Street address:	1 Homestead Drive, Stapylton
Real property description:	Lots 101 and 102 on SP316137

Applicant name: Devmcoz Properties Pty Ltd

Applicant contact details: c/- Gassman Development Perspectives
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 Devmcoz Properties Pty Ltd c/- Gassman Development Perspectives, mail@gassman.com.au

enc Attachment 1–Advice to the applicant
Attachment 2–Reasons for referral agency response
Attachment 3–Representations about a referral agency response provisions

Attachment 1—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 v3.0 (SDAP). If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

(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 1: Development in a state-controlled road environment of the SDAP, without conditions. In particular:

- The proposed development is not considered to create a safety impact to the state-controlled road, as all buildings, structures, services and utilities are located entirely within the site boundaries.
- The proposed development is not considered to result in adverse hydraulic impacts to the state-controlled road, as any stormwater impact on the state-controlled road is considered negligible and can be accommodated by the site's existing stormwater infrastructure.
- The proposed vehicle access via the local road is sufficiently setback from the state-controlled road intersection and therefore will not impact the operating conditions of the state-controlled road.
- Due to the scale of the proposal, the expected increase in traffic generation is considered negligible and any changes can be accommodated by 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
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*.

Attachment 3—Representations about a referral agency response 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 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.