



SARA reference: 2405-40281 SRA
 Council reference: MCUI/23/2024
 Applicant reference: AQ4127-004

3 July 2024

Logan City Council
 PO Box 3226
 Logan City DC QLD 4114
 development@logan.qld.gov.au

Attention: Sharna Pou

Dear Sir/Madam

SARA referral agency response—Springwood Shopping Mall, 34 Fitzgerald Avenue, Springwood

(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 3 June 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	3 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 Telecommunications facility
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1)—Material change of use of premises near a state transport corridor or that is a future state transport corridor

(Planning Regulation 2017)

SARA reference: 2405-40281 SRA

Assessment manager: Logan City Council

Street address: Springwood Shopping Mall, 34 Fitzgerald Avenue, Springwood

Real property description: Lot 1 on RP193124

Applicant name: Waveconn Operations Pty Ltd

Applicant contact details: PO Box 50
Clayfield QLD 4011
mark@saqconsulting.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Right 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 4**.

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

For further information please contact Stephanie Clement, Senior Planning Officer, on 07 3452 6757 or via email SEQSouthPlanning@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



David Hooper
Manager

cc Waveconn Operations Pty Ltd, mark@saqconsulting.com.au

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
Development permit for Material change of use		
10.9.4.2.4.1—Material change of use of premises near a state transport corridor or that is a future 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 condition:		
1.	The setback area shown on TP Sketch prepared by Queensland Government dated 28 June 2024, reference 12A/TP2024070 and revision A, must be kept free of any new permanent buildings, structures and improvements (including car parks, swimming pools and advertising signs) above and below the ground.	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.
2.	<p>Future Busway</p> <p>The subject site (Lot 1 on RP193124) is partially impacted by a Category C land requirement for the South East Busway Extension as part of the Daisy Hill to Logan Motorway Upgrade project. The proposed telecommunications facility is located approximately 33m from the Category C land requirement.</p> <p>More information can be found at https://www.tmr.qld.gov.au/projects/pacific-motorway-m1-daisy-hill-to-logan-motorway</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 complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- maintains access to public passenger transport infrastructure
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

The proposed development complies with State code 3: Development in a busway environment. Specifically, the development:

- does not compromise the state's ability to construct busways and future busways, or significantly increase the cost to construct busways and future busways;

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

Attachment 4—Representations about a referral agency response provisions

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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*

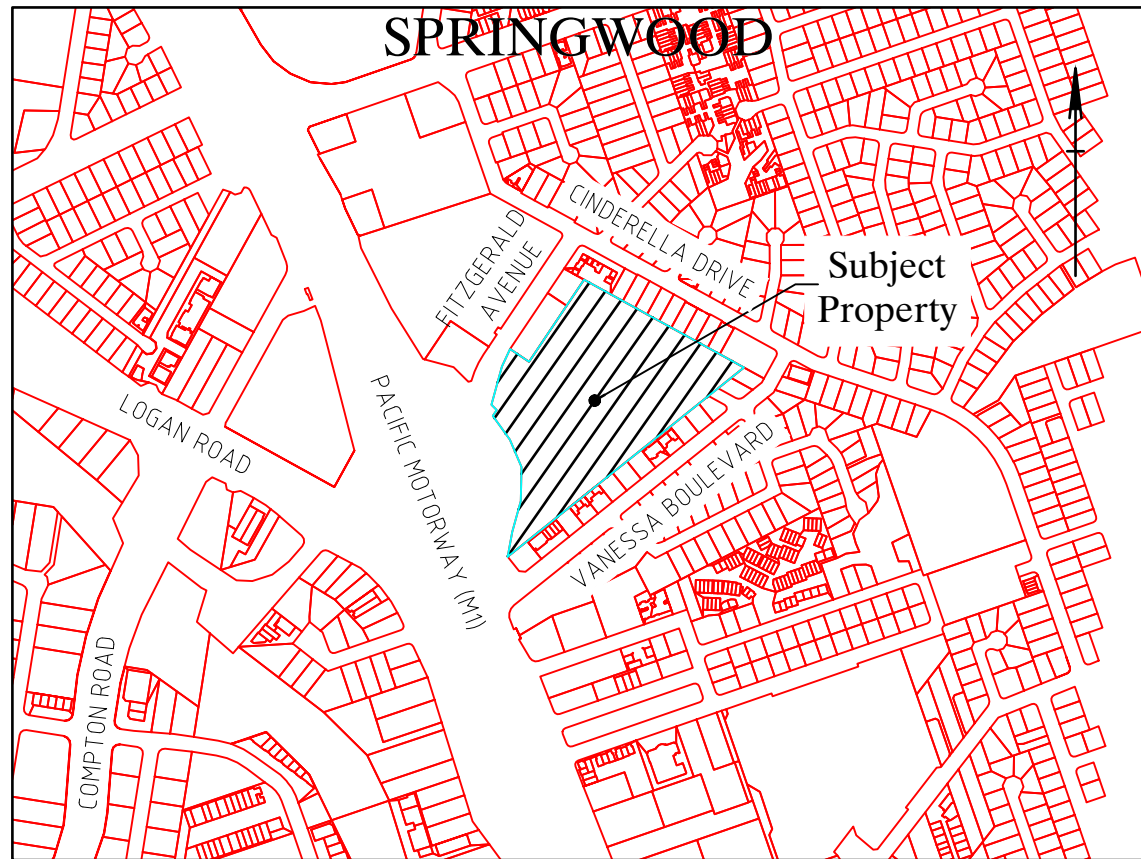
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



LOCALITY PLAN



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2405-40281 SRA

Date: 3 July 2024



Table of Co-ordinates

Point	Easting	Northing	Remarks
1	-	-	on boundary, on line A - 2
2	512360.27	6945515.12	
3	512368.44	6945504.91	
4	512375.63	6945494.05	
5	512381.63	6945482.41	
6	512386.54	6945468.34	
7	512389.38	6945457.37	
8	512391.24	6945446.07	
9	512391.20	6945419.49	
10	512390.0	6945411.86	
11	512388.41	6945404.21	
12	512386.23	6945396.79	

Table of Co-ordinates

Point	Easting	Northing	Remarks
13	512383.56	6945389.61	
14	512380.39	6945382.41	
15	512373.67	6945372.48	
16	-	-	on boundary, on line B - 15

Setout Points

Point	Easting	Northing
A	512349.124	6945520.339
B	512366.052	6945356.079

Important Information

The details on this sketch have been prepared based on the most current Digital Cadastral Data Base (DCDB) information available from Queensland Department of Natural Resources & Mines.

The sketch has been prepared to show the proposed future road corridor requirement line. The details shown are for information purposes only and are subject to change.

Set out for requirement boundaries and area(s) shall be from co-ordinates only.



Co-ordinates are given in metres MGA Zone 56 (GDA2020)



Area shown thus is for the purpose of an easement.

Revisions	Certified	Date	Microfiled
E			
D			
C			
B			
A	Original issue		

Area required shown thus



Dimensions in metres except where shown otherwise.
Area in hectares (ha) or square metres (m²).

TP Sketch

NTS

LOGAN CITY

PACIFIC MOTORWAY (M1)

Drawn RV	Examined	Approved
Checked CCW		



12A/TP2024070

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