



SARA reference: 2311-37615 SRA
Council reference: MCUI/60/2023

4 October 2024

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

Dear Sir/Madam

SARA referral agency response—1-23 Crowson Lane, Munruben

(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 7 November 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	4 October 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 childcare centre'
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	
	Development application for a material change of use within 25m of a state controlled road	

SARA reference: 2311-37615 SRA
Assessment manager: Logan City Council
Street address: 1-23 Crowson Lane, Munruben
Real property description: 1SP231913
Applicant name: OneFin Ops Pty Ltd
Applicant contact details: Jeff Nicholls Town Planning Pty Ltd , PO Box 830
Coorparoo QLD 4151
jeff@jntownplanning.com.au
Human Rights Act 2019 considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this response. It has been concluded 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 Duncan Livingstone, Principal Planner, on 32431650 or via email DAAT@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Phil Joyce
Director Development Assessment

cc OneFin Ops Pty Ltd, jeff@jntownplanning.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
Material change of use		
10.9.4.2.4.1 – Material change of use near a 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 conditions:		
1.	(a) Provide and construct acoustic noise barrier fences at the nominated heights and locations as shown on Site Plan, prepared by Raunik Design Group, dated 17/09/2024, plan reference 22797_DA-110_J, as amended in red by SARA. (b) Noise fences (including any footings) must be located wholly within the subject site and be designed and constructed in accordance with the following: i. Chapter 7 Integrated noise fence design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013 ii. Technical Specification MRTS15 iii. The Department of Transport and Main Roads, Standard Drawings Roads – Noise fence. <i>Note: MRTS15 requires that the detailed design of the noise fences is submitted to the Department of Transport and Main Roads. This is mandated in part (d) below.</i> (c) Noise attenuation measures must be designed, sited, and constructed to achieve the maximum internal acoustic level of ≤35 dB(A) Leq (1 hour) (maximum hour over 24 hours) for all indoor education areas, indoor play areas and sleeping rooms (d) Submit RPEQ certification with supporting documentation (including as-constructed drawings, design report, inspection report/s and noise fence as constructed survey) to the Corridor and Land Management team of the Department of Transport and Main Roads (South Coast Region) (email: scr.calm@tmr.qld.gov.au) confirming compliance with parts (a), (b), and (c) of this condition.	Prior to the commencement of use and to be maintained at all times
2.	(a) Stormwater management of the development must not cause worsening to the operating performance of the Mount Lindesay Highway, such that any works on the land must not: 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 stormwater drainage infrastructure on the State-controlled Road iv. Surcharge any existing culvert or drain on the State-controlled Road v. Impede or interfere with any overland flow or hydraulic conveyance on the State-controlled Road	(a) At all times (b) Prior to obtaining development approval for operational work or building work, whichever occurs first (c) Within 20 business days of the completion of

	vi. Reduce the floodplain immunity of the State-controlled Road. (b) Submit RPEQ certification with supporting documentation to the Corridor and Land Management team of the Department of Transport and Main Roads (South Coast Region) (email: scr.calm@tmr.qld.gov.au) confirming that the development has been designed in accordance with parts (a) of this condition (c) Submit RPEQ certification with supporting documentation to the Corridor and Land Management team of the Department of Transport and Main Roads (South Coast Region) (email: scr.calm@tmr.qld.gov.au) confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	works.
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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.	Active Transport Logan City Council may require that the proposed development provide a pedestrian pathway of adequate dimensions between the existing bus stop, 'Stanley Ct at Crowson Lane' (ID: 319499) and the pedestrian entry to the Childcare Centre building.
3.	Third Party Infrastructure / Public Utility and Plant (PUP) (State-controlled Roads) Please be advised the installation of any third-party infrastructure within state-controlled roads and state transport corridor do not form part of the <i>Planning Act 2016</i> process. Such proposals are dealt with under the <i>Transport Infrastructure Act 1994</i> and cannot occur without the written approval of the Department of Transport and Main Roads (DTMR). You are advised such applications are assessed on a case-by-case basis to ensure that the design, function and safety of the state-controlled road is not adversely impacted or compromised. For further information about this matter and to avoid any unnecessary delays, please contact the Corridor and Land Management team within the Department of Transport and Main Roads' Nerang Office either by phone on 07 5563 6600 or by email to scr.calm@tmr.qld.gov.au. Additional information regarding the installation of public utility or plant and third party infrastructure can be obtained from TMR's Technical Note 163 and Technical Publications for Roadsides – road corridors and utilities available at: https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Roadsides-road-corridors-and-utilities

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 development will comply with State code 1: Development in a state-controlled road environment if carried out in accordance with the proposed conditions. Specifically, through developments the proposed development:

- will not adversely impact the safety, function and efficiency of state-controlled roads, future state controlled roads, road transport infrastructure, active transport infrastructure and public passenger services on state-controlled roads
- will not adversely impact on the safety of people using, and living or working near, state-controlled roads
- will not result in significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

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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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.