

SARA reference: 2608-53862 SRA
Council reference: A007068121

4 September 2026

Chief Executive Officer
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001
dalodgement@brisbane.qld.gov.au

Dear Sir/Madam

SARA referral agency response—35 and 37 Nundah Street, Nundah

(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 August 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	4 September 2026
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 Multiple Dwelling (59 units) and Shop
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use premises near a state transport corridor (Planning Regulation 2017)	

SARA reference: 2608-53862 SRA

Assessment manager: Brisbane City Council

Street address: 35 and 37 Nundah Street, Nundah

Real property description: Lot 149 on RP34070, Lot 150 on RP34070 and Lot 151 on RP34070

Applicant name: Citimax 7 Pty Ltd
C/- Aspect Town Planning Pty Ltd

Applicant contact details: PO Box 2101
Graceville East QLD 4075
zoc@aspect-tp.com.au

Human Rights Act 2019 considerations: The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore it is reasonable to conclude the decision is compatible with 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 Helen Reilly, Planning Officer, on 4037 3239 or via email CairnsSARA@dssip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Citimax 7 Pty Ltd C/- Aspect Town Planning Pty Ltd, zoc@aspect-tp.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
	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 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(s):	
1.	Carry out the development so that: - the minimum setback between the basement and the site boundary with the railway corridor is 4.6m - the minimum building wall setback is 4m from the site boundary with the railway corridor, extending from ground level to the top of the building for the eastern facade; - the minimum setback is 11m from the site boundary with the railway corridor to the rooftop garden; - landscaping does not result in root systems, canopies and dropping foliage (including fruit, berries, seedpods and the like) encroaching on the railway corridor; - maintenance of the development, including its associated services, utilities, trellis, landscaping and the like must not require access from the railway corridor; generally in accordance with the following plans (as amended in red by SARA): (a) D.A. Submission Basement 1, prepared by Angelo Patrick Architect, dated 24/06/2026, drawing no. DA-200-02, issue B (b) D.A. Submission Basement 2, prepared by Angelo Patrick Architect, dated 24/06/2026, drawing no. DA-200-01, issue B (c) D.A Submission Ground Floor, prepared by Angelo Patrick Architect, dated 24/06/2026, drawing no. DA-200-03, issue B (d) D.A Submission Section A-A plan, prepared by Angelo Patrick Architect, dated 24/06/2026, drawing number DA-300-01, issue B; and (e) D.A Submission Roof Garden, prepared by Angelo Patrick Architect, dated 24/06/2026, drawing no. DA-200-11, issue B.	Prior to the commencement of use and to be maintained at all times.
2.	Provide fencing along the site boundary: (a) with the railway corridor, in accordance with: (i) Queensland Rail Standard – 1800mm High Timber Paling Fence – QR-C-S3231; or (ii) Queensland Rail Standard – 1.8m High Chain Link Security Fence with Top and Bottom Rail Using 50mm Diamond Mesh General Arrangement – QR-C-S3229.	Prior to the commencement of use and to be maintained at all times.

3.	Carry out the stormwater management of the development generally in accordance with sections 2.2, 3, 3.2 and appendix C of the Stormwater Management Report, prepared by Westera Partners Pty Ltd, dated 30/06/2026, reference number S26-117, revision A (as amended in red by SARA).	At all times.
4.	(a) Any excavation, filling/backfilling/compaction, retaining structures (temporary and permanent), building foundation structures and any other works involving ground disturbance must not: (i) encroach upon, de-stabilise or cause damage to the railway corridor, including rail transport infrastructure, other rail infrastructure and/or the land supporting this infrastructure, or cause similar adverse impacts; (ii) adversely impact on the railway corridor through the addition and/or removal of loading such as but not limited to lateral, vertical and surcharge loading; (iii) adversely impact on the railway corridor as a result of directly or indirectly disturbing groundwater; (iv) result in vibration, structural and/or ground movement impacts on the railway corridor during excavation, boring, piling, construction or similar activities or otherwise adversely impact on the structural and operational integrity of the railway corridor; and (v) compromise Queensland Rail Civil Engineering Technical Requirement CIVIL-SR-005 – <i>Design of Buildings Over or Near Railways</i>. (b) Submit RPEQ certification, with supporting documentation, to the Metropolitan District Compliance Unit (Metropolitan.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition. The RPEQ certified supporting documentation must include: (i) the geotechnical investigations and modelling completed during the detailed design phase; and (ii) the detailed structural engineering design drawings and supporting technical documentation for the development, including any temporary and permanent retaining structures and building foundation structures. (c) Submit RPEQ certification, with supporting documentation, to the Metropolitan District Compliance Unit (Metropolitan.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition. The RPEQ certification must include as constructed drawings.	(a) Prior to the commencement of use and to be maintained 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 works.
5.	Provide continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia and highly acoustically absorbent material treatment for	Prior to the commencement of use and to be maintained at

	the total area of the soffit above balconies, podiums and roof decks generally in accordance with section 6.2 of the Environmental Noise Impact Report, prepared by Decibell Consulting, dated 16 July 2026, report number 2607043.	all times.
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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 3.6). If a word remains undefined it has its ordinary meaning.
Railway corridor	
2.	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. In particular the following will require relevant approvals to be obtained from the railway manager. • the use of construction cranes, encroaching into the railway corridor; and • the removal and provision of fencing along the site boundary with the railway corridor. 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 railway manager. Further information about the process and fees for seeking such approvals from Queensland Rail, as well as contact details for enquiries, are available at https://www.queenslandrail.com.au/forbusiness/partnership-opportunities/new-rail-or-infrastructure-projects.

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:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.6:
 - o State code 2: Development in a railway environment
- The development complies with the assessment benchmarks of State code 2 of SDAP in that the development:
 - o does not result in an increase in the likelihood or frequency of accidents, fatalities or serious injury for users of a railway
 - o does not adversely impact the structural integrity or physical condition of railways, rail transport infrastructure or other rail infrastructure within a railway corridor
 - o does not compromise the operating performance of railway corridors
 - o does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors and associated rail transport infrastructure or other rail infrastructure
 - o does not significantly increase the cost to the state to plan, construct, maintain, upgrade or operate railway corridors, future railway corridors, rail transport infrastructure or other rail infrastructure; and
 - o protects the community from significant adverse impacts resulting from environmental emissions generated by a railway.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy 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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