



Our reference: 2302-33155 SRA
 Your reference: D/10-2023
 Applicant reference: 8763

21 March 2024

The Chief Executive Officer
 Rockhampton Regional Council
 PO Box 1860
 Rockhampton Qld 4700
 enquiries@rrc.qld.gov.au

Attention: Kathy McDonald

Dear Sir/Madam

Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

On 4 March 2024 the State Assessment and Referral Agency (SARA) received representations from the applicant requesting SARA change its referral agency response. SARA has considered the representations and now provides this changed referral agency response which replaces the response dated 13 March 2023.

Response

| | |
|-------------------|--|
| Outcome: | Referral agency response – with conditions |
| Date of response: | 21 March 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 Multiple Dwelling (22 units) |
| SARA role: | Referral agency | |
| SARA trigger: | Schedule 10, Part 9, division 4, subdivision 2, table 4 (Planning Regulation 2017) | |

Development application for a material change of use near a State transport corridor or that is a future State transport corridor

SARA reference: 2302-33155 SRA

Assessment manager: Rockhampton Regional Council

Street address: 28 Victoria Parade, Rockhampton City

Real property description: 2RP604957

Applicant name: K & T Holdings Pty Ltd

Applicant contact details: c/- Capricorn Survey Group (CQ) Pty Ltd, 132 Victoria Parade
Rockhampton QLD 4700
reception@csgcq.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 Carl Porter, Principal Planning Officer, on 07 4924 2918 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc K & T Holdings Pty Ltd, reception@csgcq.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 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. | <p>Install to the balconies on residential levels 1 to 12 and the roof top deck of the south-east, north-east and south-west facing elevations as shown on:</p> <ul style="list-style-type: none"> i. DA—Elevation South—East, prepared by Buchan, dated Jan.2023, Drawing No. A—DA—12, as amended in red by SARA ii. DA—Elevation 1—, prepared by Buchan, dated Jan.2023, Drawing No. A—DA—10, as amended in red by SARA iii. DA—Elevation South—East, prepared by Buchan, dated Jan.2023, Drawing No. A—DA—11, as amended in red by SARA: <ul style="list-style-type: none"> i. NORTH EAST ELEVATION, prepared by Buchan, dated 13 December 2023, Drawing No. A-DA-3000, as amended in red by SARA; ii. SOUTH WEST ELEVATION, prepared by Buchan, dated 13 December 2023, Drawing No. A-DA-3001, as amended in red by SARA; iii. SOUTH EAST ELEVATION, prepared by Buchan, dated 13 December 2023, Drawing No. A-DA-3002, as amended in red by SARA: <p>a) balustrades or other structures that are solid, gap-free and continuous for their complete length other than gaps required for drainage purposes in accordance with the Building Code of Australia; and b) highly acoustically absorbent material treatment for the total area of the soffit above these balconies and the roof deck.</p> <p><u>Amended by SARA on 21 March 2024</u></p> | Prior to the commencement of use and to be maintained 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. |

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:

- Assessment of the proposed development identified that potential impacts on the State-controlled road can be suitably managed through conditions.

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

(page left intentionally blank)

Attachment 5—Documents referenced in conditions

(page left intentionally blank)

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.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

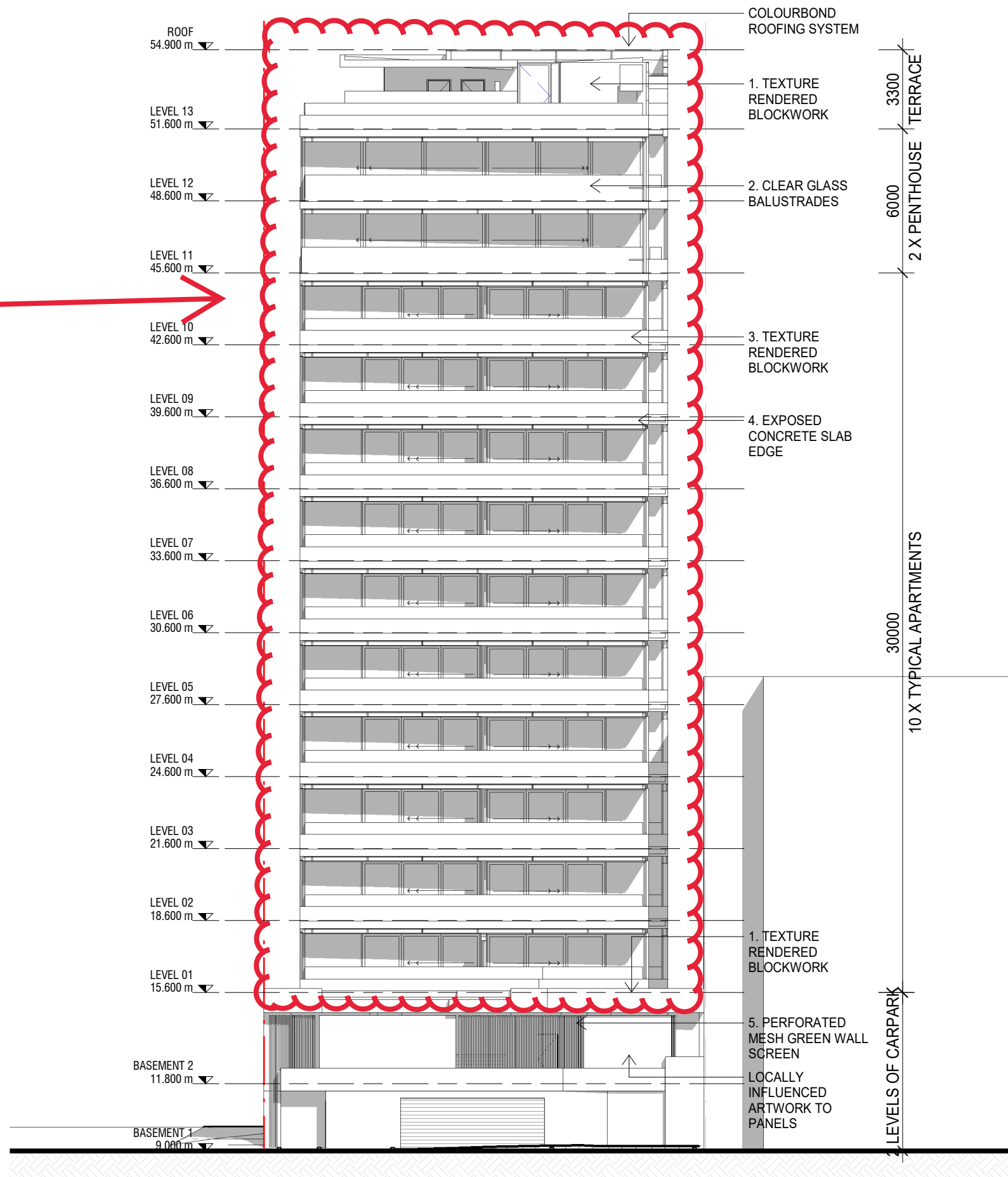


SARA ref: 2302-33155 SRA

Date: 21 March 2024

Amended in red by SARA on 21 March 2024

Refer to Condition 1 for requirements of balustrades and soffits to be installed on balconies at residential levels 1 to 12 and the roof top deck.



1. TEXTURE RENDER A



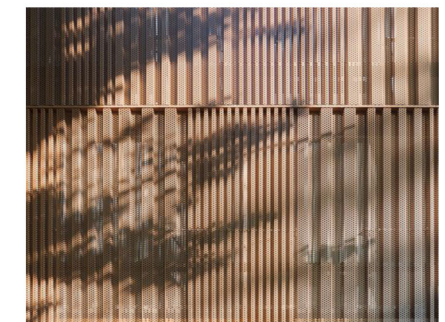
2. CLEAR GLASS BALUSTRADES



3. TEXTURE RENDER B



4. EXPOSED CONCRETE



5. PERFORATED MESH SCREEN

| Rev. | Date | Description | Iss. | Appr. |
|------|----------|-----------------|------|-------|
| 1 | 18.07.23 | DRAFT DA | JR | PW |
| 2 | 13.12.23 | FOR INFORMATION | JR | PW |

Do not scale this drawing. Verify all dimensions on site before commencing any work. Copyright © 2020 Buchan. This drawing remains the property of The Buchan Group Australia Pty Ltd. Reproduction in whole or in part without prior consent is forbidden.

File

Project **28 VICTORIA PARADE, ROCKHAMPTON**

Project Number **220682**

Status

Date Plotted 12/13/2023 2:34:52 PM

Date Issued 13.12.23

Scale 1 : 200 @A3

Drawing Title

NORTH EAST ELEVATION

Drawing Number **A-DA-3000**

Revision **2**

BUCHAN

Brisbane Studio
+ 61 7 3859 9222 / buchangroup.com.au

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2302-33155 SRA

Date: 21 March 2024

Amended in red by SARA on

21 March 2024

Refer to Condition 1 for requirements of balustrades and soffits to be installed on balconies at residential levels 1 to 12 and the roof top deck.



1. TEXTURE RENDER A



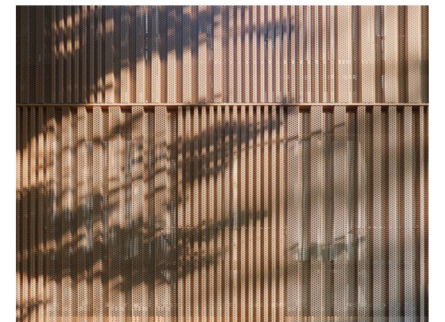
2. CLEAR GLASS BALUSTRADES



3. TEXTURE RENDER B



4. EXPOSED CONCRETE



5. PERFORATED MESH SCREEN

| Rev. | Date | Description | Iss. | Appr. |
|------|----------|-----------------|------|-------|
| 1 | 18.07.23 | DRAFT DA | JR | PW |
| 2 | 13.12.23 | FOR INFORMATION | JR | PW |

Do not scale this drawing. Verify all dimensions on site before commencing any work. Copyright © 2020 Buchan. This drawing remains the property of The Buchan Group Australia Pty Ltd. Reproduction in whole or in part without prior consent is forbidden.

File

Project
28 VICTORIA PARADE, ROCKHAMPTON

Project Number
220682

Status

Date Plotted 12/13/2023 2:35:14 PM

Date Issued 13.12.23

Scale 1 : 200 @A3

Drawing Title

SOUTH WEST ELEVATION

Drawing Number
A-DA-3001

Revision
2

BUCHAN

Brisbane Studio
+ 61 7 3859 9222 / buchangroup.com.au

1
A-DA-2001

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

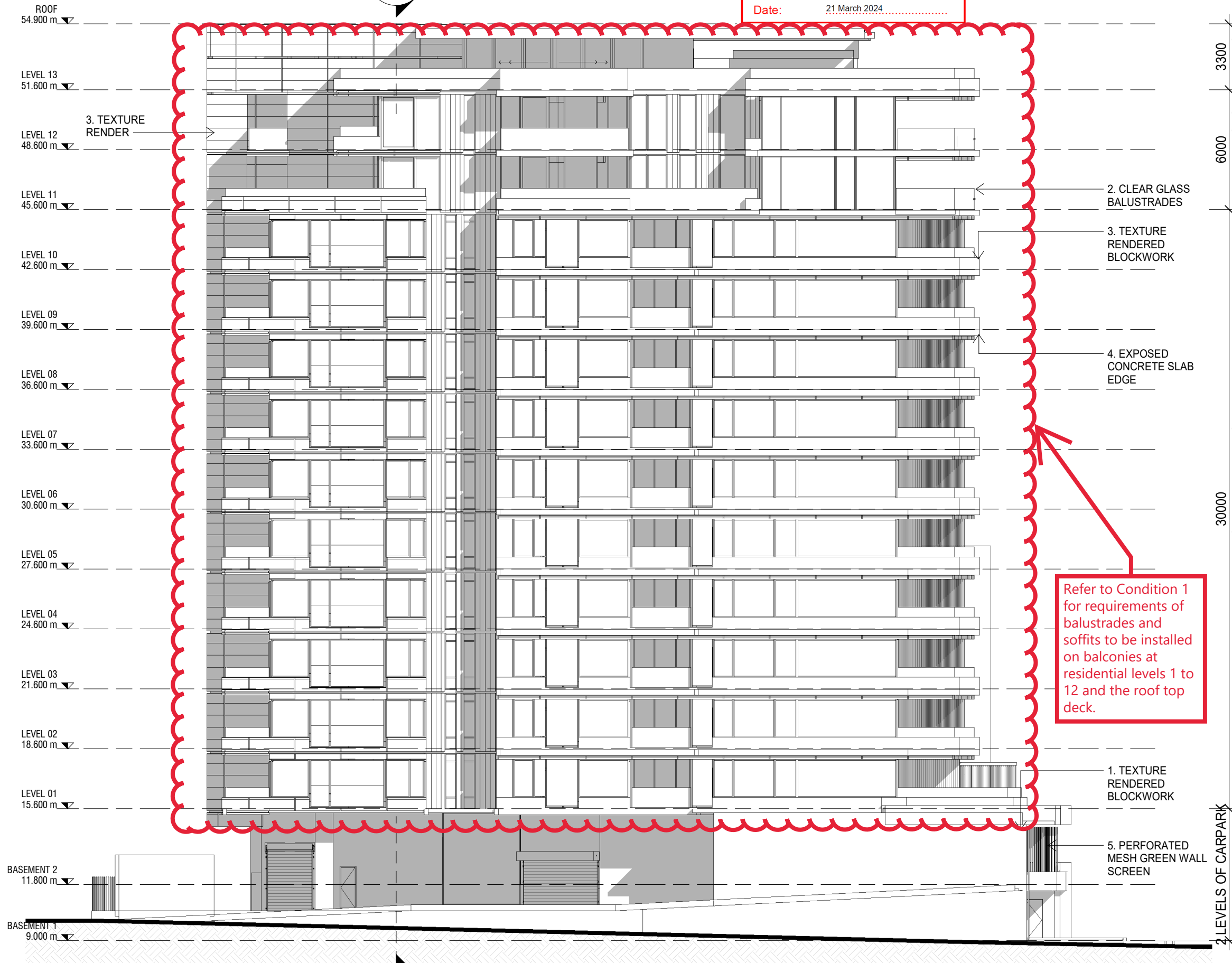


Amended in red by SARA on

21 March 2024

SARA ref: 2302-33155 SRA

Date: 21 March 2024



3300
6000
30000
2 LEVELS OF CARPARK

2 X PENTHOUSE TERRACE

10 X TYPICAL APARTMENTS



1. TEXTURE RENDER A



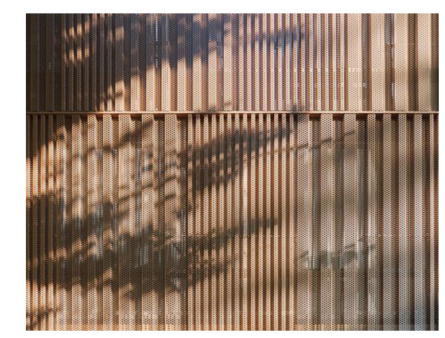
2. CLEAR GLASS BALUSTRADES



3. TEXTURE RENDER B



4. EXPOSED CONCRETE



5. PERFORATED MESH SCREEN

| Rev. | Date | Description | Iss. | Appr. |
|------|----------|-----------------|------|-------|
| 1 | 18.07.23 | DRAFT DA | JR | PW |
| 2 | 13.12.23 | FOR INFORMATION | JR | PW |

Do not scale this drawing. Verify all dimensions on site before commencing any work. Copyright © 2020 Buchan. This drawing remains the property of The Buchan Group Australia Pty Ltd. Reproduction in whole or in part without prior consent is forbidden.

Project
28 VICTORIA PARADE, ROCKHAMPTON

Project Number
220682

Status
Date Plotted 12/13/2023 2:35:35 PM
Date Issued 13.12.23
Scale 1 : 200 @A3

Drawing Title
SOUTH EAST ELEVATION

Drawing Number
A-DA-3002

Revision
2

BUCHAN

Brisbane Studio
+ 61 7 3859 9222 / buchangroup.com.au