



SARA reference: 2312-38441 SRA
 Council reference: D182-2023
 Applicant reference: -

12 March 2024

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

Attention: Sophie Muggeridge

Dear Sir/Madam

SARA referral agency response—6 Lawrie Street, Gracemere

(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 2 January 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	12 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 or a Food and drink outlet with drive-through facility and Operational works for advertising devices
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

SARA reference: 2312-38441 SRA

Assessment manager: Rockhampton Regional Council

Street address: 6 Lawrie Street, Gracemere

Real property description: 604R2642

Applicant name: Gracemere Retail Pty Ltd (As Trustee) Gracemere Retail Trust

Applicant contact details: Level 2, 235 Edward Street
Brisbane City QLD 4000
brisbane@mecone.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@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Gracemere Retail Pty Ltd (As Trustee) Gracemere Retail Trust, brisbane@mecone.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 condition(s):		
1.	The road access works must be located generally in accordance with the following plan: (a) <i>PROPOSED SITE PLAN</i> prepared by inTOTUM dated 17/11/2023 reference 2023051-DA-A120 revision B, as amended in red by SARA.	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:

- The development permit is for a material change of use and operational works for a food and drink outlet with drive-through facility and operational works for advertising on 6 Lawrie Street, Gracemere formally described as Lot 604 on R2642.
- The subject site is located within 25m of the state-controlled road (Gavial-Gracemere Road / 'Lawrie Street').
- The subject site is located within 100m of the intersection of John Street and the state-controlled road (Gavial-Gracemere Road / 'Lawrie Street').
- SARA assessed the development application against State code 1: Development in a state-controlled road environment of the SDAP, version 3.0 and determined that with conditions, the development achieves compliance with the purpose statement and performance outcomes of the State code.

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)

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2312-38441 SRA

Date: 12 March 2024

REAL PROPERTY DESCRIPTION

LOT: 604 ON R2642
 PARISH: GRACEMERE
 COUNTY: LIVINGSTONE
 LGA: ROCKHAMPTON REGIONAL COUNCIL

DEVELOPMENT SCHEDULE

USE	AREA (GFA)
SITE	977m ²
LANDSCAPING	138m ² (14%)
HARDSTAND	775m ²
BUILDING	64m ²
SEATING AREA	29m ²

PARKING SCHEDULE

PER ROCKHAMPTON REGIONAL COUNCIL PLANNING SCHEME TABLE 9.3.1.3.2 PARKING REQUIREMENTS.

FOOD AND DRINK: One (1) space per fifteen (15) square metres of gross floor area for seating areas (including outdoor seating areas); and
 Where involving a drive through facility: On-site queuing space for at least ten (10) vehicles;

RATE:	REQUIRED	PROVIDED
1:15m ²	1.9 (2)	6

QUEUING PROVIDED: 11

STREET PARKING

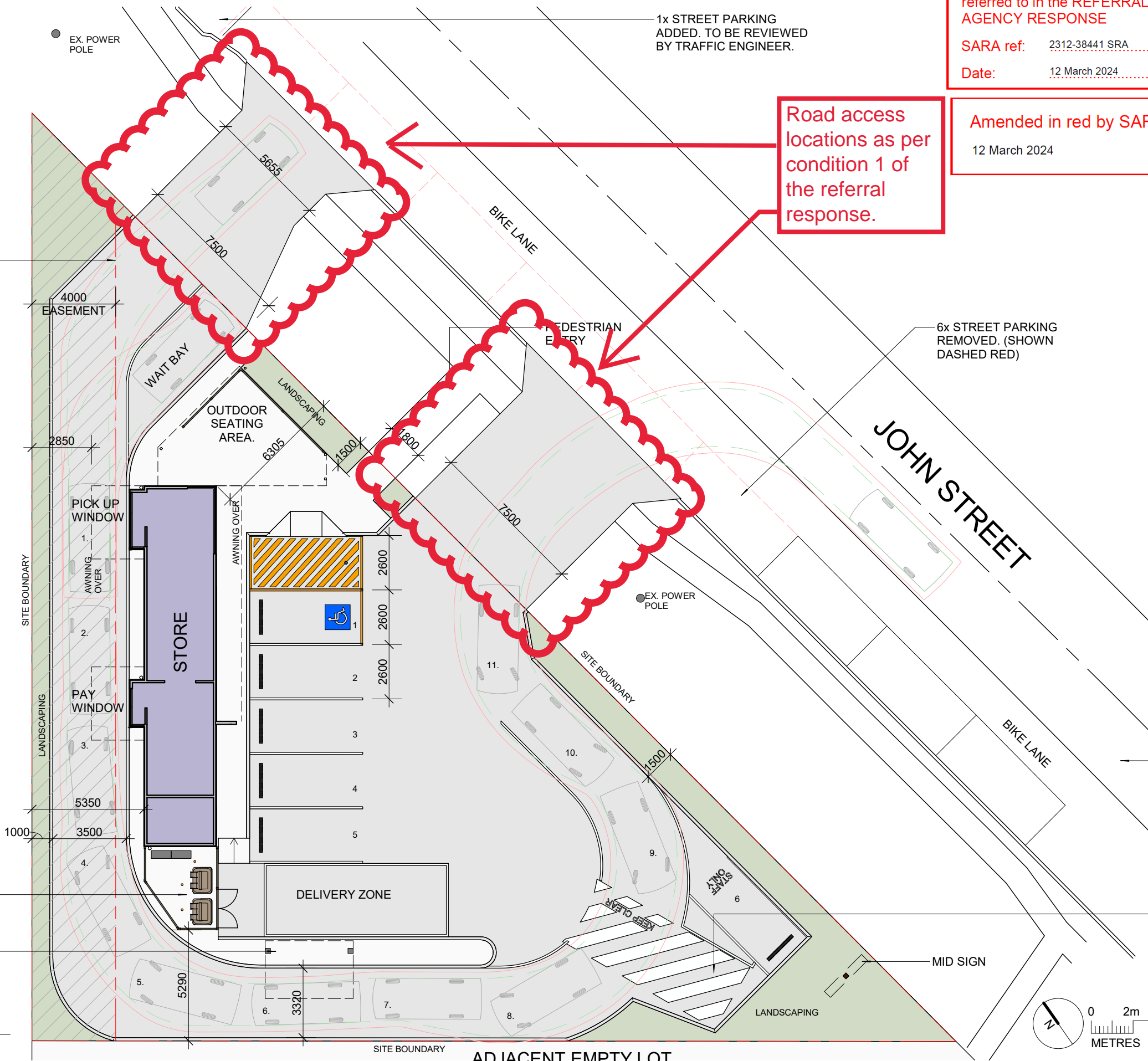
REMOVED:	6
RESTORED:	1

SITE:	6
ROAD:	-5

NET DEVELOPMENT TOTAL: +1

Road access locations as per condition 1 of the referral response.

Amended in red by SARA on 12 March 2024



4m SEWER AND STORMWATER EASEMENT

1x STREET PARKING ADDED. TO BE REVIEWED BY TRAFFIC ENGINEER.

6x STREET PARKING REMOVED. (SHOWN DASHED RED)

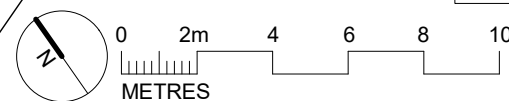
ROAD WORKS PER SEPARATE OPERATIONAL WORKS APPLICATION.

SERVICE VEHICLE MANEUVERING BAY. NO STANDING ZONE.

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

1 SITE PLAN SCALE 1:200



COPYRIGHT AND NOTES
 The copyright for this document is vested in inTOTUM Pty Ltd. This drawing may not be copied, reproduced, retained, or disclosed to any unauthorized party, either wholly or in part, without prior written consent from inTOTUM Pty Ltd.
 Verify all dimensions and levels on site prior to commencement of construction.
 Any discrepancies are to be reported immediately to inTOTUM Pty Ltd.
 Do not scale off drawings.
 Contractor to confirm documentation is the most recent revision.

AMENDMENTS

REV	DATE	DESCRIPTION	BY
A	21/11/23	PRELIMINARY ISSUE	CMI
B	01/12/23	DEVELOPMENT APPROVAL	CMI

CLIENT
 GRACEMERE RETAIL PTY LTD (AS TRUSTEE) GRACEMERE RETAIL TRUST

PROJECT
 ZARRAFFA'S COFFEE GRACEMERE
 6 LAWRIE STREET, GRACEMERE, QLD, 4702

TITLE
 PROPOSED SITE PLAN

SCALE As indicated	DRAWN CMI	DATE 17/11/23
SIZE A3	CHECKED	DATE
DRAWING NUMBER 2023051-DA-A120	REVISION B	

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.