

2106-23309 SRA

State-controlled road access permit

This referral included an application for a road access location, under Section 62(A) of the *Transport Infrastructure Act 1994*. Below are the details of this decision:

- Approved – with conditions
- TMR21-033388
- Date: 29 September 2021

Conditions

Under Section 56(1)(b)(i) of *Planning Act 2016*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The SARA must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The SARA requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Development Permit for Material Change of Use – Food and Drink Outlet (less than 100m² Code Assessable)				
Proposal Plan (unnamed) (as amended in red by SARA on 20 October 2020)	Project Urban	1 June 2021	Drawing No. 1105.01 Sheet 1 of 1	-

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

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 4331 5614 or via email WBBSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Ann Prior
newor_k@hotmail.com

Department of Transport and Main Roads
Wide.Bay.Burnett.IDAS@tmr.qld.gov.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Changed reasons for decision to impose conditions
Attachment 3—Changed reasons for referral agency response
Attachment 4—Representations about a referral agency response
Attachment 5—Approved plans and specifications

Attachment 1—Changed conditions to be imposed

2106-23309 SRA

No.	Conditions	Condition timing
Development Permit for Material Change of Use – Food and Drink Outlet (less than 100m² Code Assessable)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017—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.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; and iv. reduce the quality of stormwater discharge onto the state-controlled road. 	<p>(a) At all times.</p> <p>(b) At all times.</p>
2.	<p>(a) The permitted road access location is a minimum of 10.0 metres, to the centre of a formed driveway, from the northern boundary in accordance with the submitted proposal plan (unnamed), Drawing No. 1105.01, prepared by Project Urban, Sheet 1 of 1 dated 1 June 2021 (as amended in red by SARA on 20 October 2021).</p> <p>(b) Road access works comprising a commercial crossover must be provided at the permitted access location, generally in accordance with South Burnett Regional Council standards – Type A on Institute of Public Works Engineering Australia Queensland Division Inc Standard Drawing SEQ R051 Revision C dated 6/10 (attached).</p> <p>(c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads <i>Road Planning and Design Manual 2nd Edition</i>, Standards and Specifications.</p>	<p>(a) At all times.</p> <p>(b) Prior to the commencement of use.</p> <p>(c) Prior to the commencement of use.</p>

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Attachment 2—Changed reasons for referral agency response

(Given under Section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the assessment benchmarks and purpose statement within State Code 1: Development in a state-controlled road environment of the State Development Assessment Provisions, as the proposed development is:

- not considered to result in safety and efficiency impacts on the state-controlled road network
- not considered to create a safety hazard for users of a state-controlled road
- not considered to result in stormwater impacts on the state-controlled road network

Conditions have been applied to ensure compliance with State Code 1 in relation to stormwater management (Condition No. 1) and the permitted vehicle access location (Condition No. 2).

Material used in the assessment of the application:

- The development application material
- *Planning Act 2016*.
- Planning Regulation 2017.
- The *State Development Assessment Provisions* (Version 2.6).
- The Development Assessment Rules (DA Rules).
- SARA DA Mapping system.
- *Human Rights Act 2019*.

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Attachment 3—Changed 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) v2.6. If a word remains undefined it has its ordinary meaning.
Advertising devices	
2.	<p>Advertising devices to be placed on the subject site which will be visible from the from the state-controlled roads should be in accordance with the Department of Transport and Main Roads <u>Roadside Advertising Manual 2nd Edition</u>.</p> <p>Where advertising devices are not in accordance with the Department of Transport and Main Roads' <u>Roadside Advertising Manual 2nd Edition</u>, and are considered to be a hazard or distraction to drivers, the Department of Transport and Main Roads may exercise powers under the <i>Transport Infrastructure Act 1994</i> to have the signage modified or removed. Any such action required will be at the expense of the landowner or occupier.</p>
Further development permits required (road works approval)	
3.	<p>Under Section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road.</p> <p>Please contact the Department of Transport and Main Roads on (07) 4154 0200 or e-mail Wide.Bay.Burnett.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs for the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The approval process may require approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Our ref TMR21-033388
 Your ref PH 2020/316
 Enquiries Andrea McPherson



Department of
Transport and Main Roads

29 September 2021

Amended Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU21/0007 SD:TB, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 138N231 the land the subject of the application, and D'Aguilar Highway (locally known as King Street - a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Ann Prior
 88 Gwynne Street
 Wynnum West QLD 4178

Application Details

Address of Property 48 King Street, Nanango QLD 4615
 Real Property Description 138N231
 Aspect/s of Development Development Permit for Material Change of Use for Food and Drink Outlet

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location, measured to the centre of the driveway, is approximately 10.0 metres from the northern boundary, in accordance with the submitted proposal plan (unnamed), Drawing No. 1105.01, prepared by Project Urban, Sheet 1 of 1 dated 1 June 2021 (as amended in red by TMR on the 29 September 2021).	At all times
2	Road access works comprising a commercial crossover must be provided at the permitted access location, generally in accordance with South Burnett Council standards- Type A on Institute of Public Works Engineering Australia Queensland Division Inc Standard Drawing SEQ R051 Revision C dated 6/10 (attached). The edge of the driveway must achieve a 1 metre separation from the edge of the Telstra pit identified on	Prior to commencement of use

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
 Southern Queensland Region
 23 Quay Street Bundaberg QLD 4670
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 ABN: 39 407 690 291

	proposal plan (unnamed), Drawing No. 1105.01, prepared by Project Urban, Sheet 1 of 1 dated 1 June 2021 (as amended in red by TMR on the 29 September 2021).	
3	Direct access is prohibited between the D'Aguilar Highway and 138N231 at any other location other than the permitted road access location described in Condition 1.	At all times
4	The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual, 2nd edition, Standards and Specifications.	At all times

Reasons for the decision

The reasons for this decision are as follows:

- a) Access between a state-controlled road the D'Aguilar Highway a) is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- b) The applicant has made a development application for a material change of use for a Food and Drink Outlet (coffee shop) which involves access to a state-controlled road.
- c) The existing temporary access location is not suitable; due to, the location of a Telstra pit which does not have a driveable lid.
- d) Advice has been received that a 1 metre separation distance between the Telstra pit and the driveway edge is required.
- e) If the access is used in accordance with the road rules it should operate safely.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed

before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. Please contact the department to make an application.

If further information about this approval or any other related query is required, Ms Andrea McPherson, Senior Town Planner should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 4154 0208.

Yours sincerely



Andrea McPherson
Senior Town Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road the D'Aguilar Highway is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make decisions about road access.
- The access can operate safely if maintained and used in accordance with this approval.
- The proposed access is unlikely to impact significantly on the safe operation of D'Aguilar Highway due to the urban speed limit.
- The location of the access has adequate sight distance with entry and exit to/from the site able to be conducted safely, once the access has been constructed in accordance with the standards requested.
- Given the size of the proposal, the traffic generated is unlikely to impact on the surrounding

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Transport Infrastructure Act 1994	Queensland Government	Current as at 21 July 2020	--	--
Road Access Policy	Department of Transport and Main Roads	--	--	v1.0
Planning Report and Attachments	un authored	June 2021	MCU21/007	--

Attachment B**Section 70 of TIA**

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.
-

Attachment C**Appeal Provisions***Transport Infrastructure Act 1994*Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

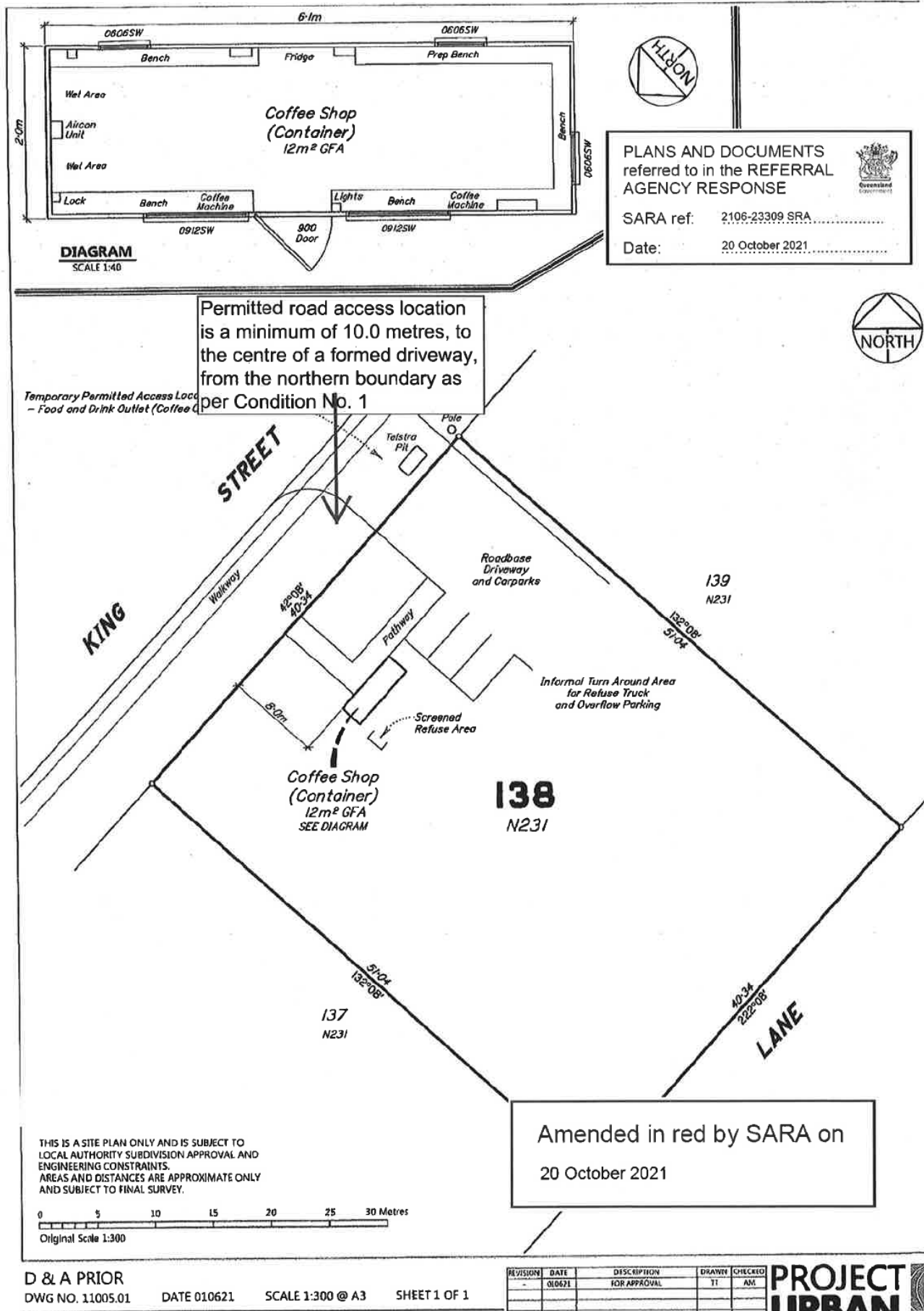
(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

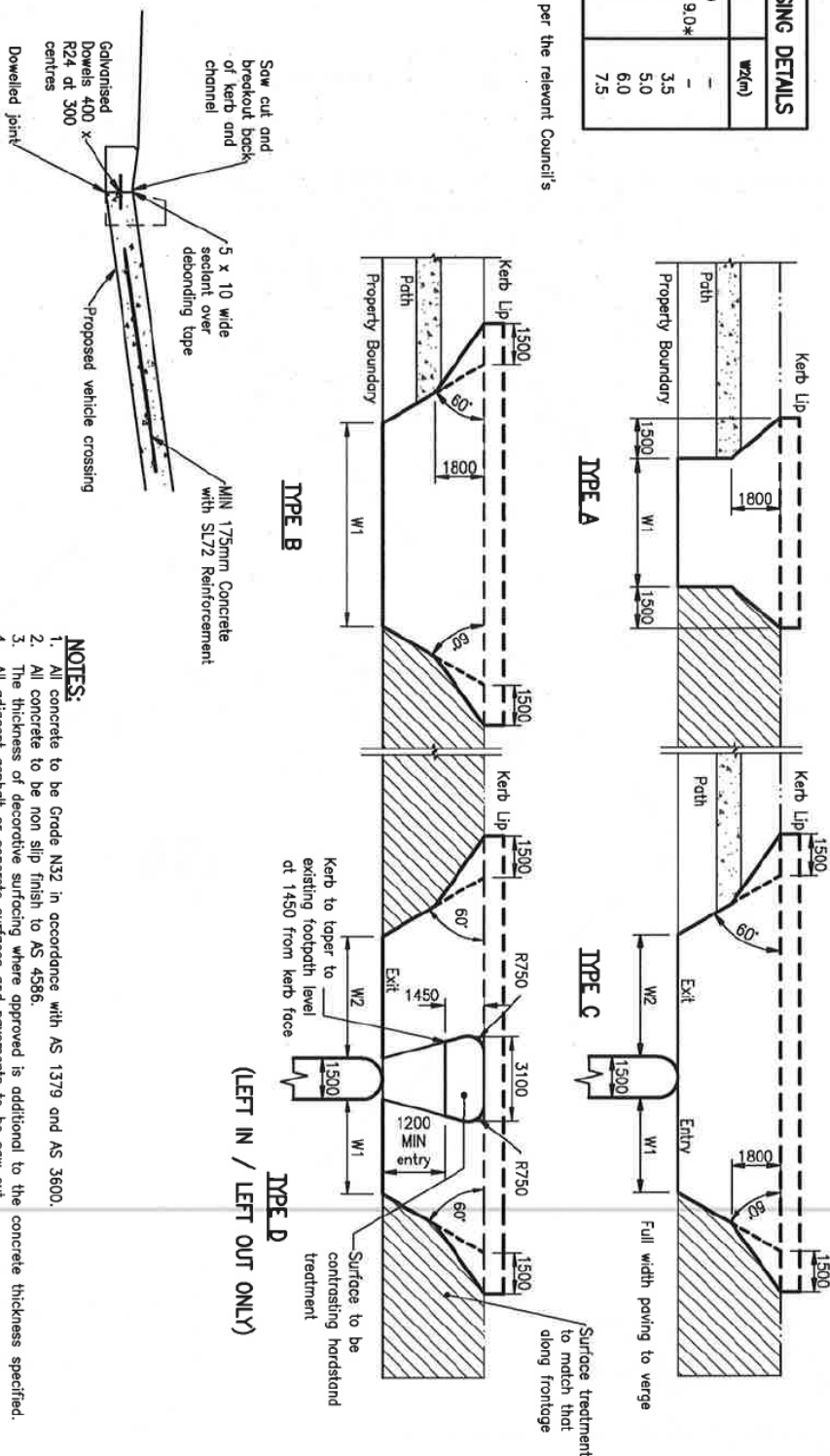
the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

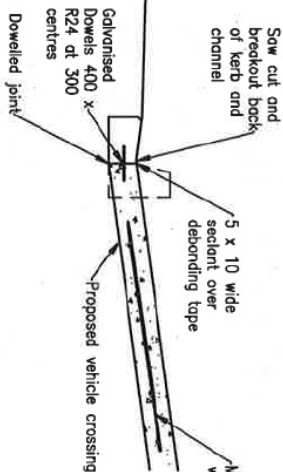


VEHICLE CROSSING DETAILS		
TYPE	W1(m)	W2(m)
A	6.0	-
B2	6.0 - 9.0*	-
C1/D1	4.5	3.5
C2/D2	5.5	5.0
C3/D2	7.5	6.0
C4/D4	9.0	7.5

* As required by Council. Driveway type to be as per the relevant Council's Planning Scheme.



TYPICAL SECTION



NOTES:

1. All concrete to be Grade N32 in accordance with AS 1379 and AS 3600.
2. All concrete to be non slip finish to AS 4586.
3. The thickness of decorative surfacing where approved is additional to the concrete thickness specified.
4. All adjacent asphalt or concrete surfaces and pavements to be saw cut.
5. Variations to the designs shown are subject to approval from relevant Council.
6. Refer to SEQ R-050 for driveway, prohibited locations and driveway gradient.
7. All appropriate permits must be obtained from Council, including approval of location and levels prior to excavation.
8. Where directed by Council Tactile Ground Surface Indicators are to be provided adjacent to the driveway in accordance to AS 1428.4.
9. Valves, hydrants located within the driveway shall have HDPE surround or equivalent placed between the service lid and the concrete. For any alterations to levels contact relevant Council prior to concrete pour.
10. All dimensions are in millimetres unless shown otherwise.

6	8/10	REVIEW
5	7/09	REVIEW
4	3/09	ORIGINAL ISSUE
3		
2		
1		



INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA
QUEENSLAND DIVISION INC.
STANDARD DRAWINGS

DRIVEWAYS
HEAVY DUTY VEHICLE CROSSING

SEQ R-051

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.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

Applicant:	A & D Prior
Proposal:	Minor Change for an application for a Food and Drink Outlet in a converted shipping container (Takeaway coffee shop less than 100 sqm in gross floor area)
Street Address:	50 King Street, Nanango
RP Description:	Lot 138 on N 231
Assessment Type:	Code Assessable – s81 Minor Change
Number of Submissions	N/A

On 28 March 2023 the above development was recommended for:

- Approval

1. Reasons for the Decision

The reasons for this decision are:

- The inclusion of the bin storage area at the northern side of the approved Takeaway Coffee business is minor and required to be included for the development compliance with existing conditions of approval.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- The Planning Act 2016 (s81)
- DA Rules Schedule 2 Substantially Different Development

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

Note: Each application submitted to Council is assessed individually on its own merit.

0.0 OPERATIONAL WORKS (STORMWATER, EARTHWORKS & DRIVEWAY CROSSOVER) AT 1 ROGERS DRIVE, KINGAROY (AND DESCRIBED AS LOT 2 & 3 ON RP862347 AND LOT 4 ON SP180642). APPLICANT: RAJ (QLD) PTY LTD C/- COVEY ASSOCIATES PTY LTD

File Number: OPW23/0003

Author: Engineering Contractor, Planning & Land Management

Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER	[REDACTED]	5/4/23
GM	[REDACTED]	6/4/23.
CEO	[REDACTED]	6-4-2023

PRECIS

Operational Report (Earthworks, Stormwater and Access) at 1 Rogers Drive, Kingaroy (Lots 2 & 3 on RP862347 and Lot 4 SP180642) – Applicant: RAJ (QLD) Pty Ltd C/- Covey Associates Pty Ltd

SUMMARY

- Application for Operational Work (Roadworks & Stormwater) for a Showroom development at 1 Rogers Dr, Kingaroy;
- This application supports the previously approved minor change application MCU21/0024;
- The proposed Operational Work is approved with conditions;
- The development application is assessed against the relevant code of the South Burnett Regional Council Planning Scheme.

OFFICER'S RECOMMENDATION

It is recommended that Council approve the development application for Operational Work for Earthworks, Stormwater and Access on land described as Lot 2 & 3 on RP862347, and Lot 4 on SP180642, and situated at 1 Rogers Dr, Kingaroy, subject to the following conditions:

GENERAL

- ENG1. Compliance with the plans and specifications submitted with Development Application OPW23/0003, approval conditions, all Council Planning Scheme Policies and Material Change of Use Approval No. MCU21/0024.
- ENG2. This approval extends to Engineering works, Earthworks, Stormwater, and Access as detailed, and is conditional upon a set of "Issued for Construction" drawings, amended if required by the conditions of this approval, being submitted to Council for endorsement, prior to pre-start meeting.
- ENG3. The conditions of the approval, and any requirements, apply to each stage separately. The stages can be constructed in any order.
- ENG4. Undertake all approved works and works required by conditions of this development approval at no cost to Council.
- ENG5. Submit to Council for approval, an Inspection and Test Plan certified by a suitably qualified Engineer (RPEQ – Civil) prior to commencement of any work and prior to any pre-start meeting.
- ENG6. Pay to Council, inspection fees based on Council's Fees and Charges current at the time of commencement of works and based on the estimated project cost as estimated or accepted by Council prior to the pre-start meeting.

- ENG7. Adhere to the following hours of construction unless otherwise approved in writing by Council:

Monday to Saturday:	6.30am to 6.30pm	Noise permitted
Monday to Sunday:	6.30pm to 6.30am	No noise permitted
Sunday and Public Holidays:		No noise permitted

Do not conduct work or business that causes audible noise from or on the site outside the above hours.

- ENG8. Be responsible to carry out Work Health and Safety legislative requirements.
- ENG9. Ensure all work sites are maintained in a clean, orderly state at all times.
- ENG10. Manage all waste in accordance with the relevant legislation and regulations and dispose of regulated waste at a licensed facility of South Burnett Regional Council by a licensed regulated waste disposal contractor.
- ENG11. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG12. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development, immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damage immediately upon completion of works associated with the development.
- ENG13. Works are to be constructed generally in accordance with the specification requirements outlined in Aus-Spec #1 and the IPWEAQ Standard Drawings unless otherwise approved by South Burnett Regional Council.

WATER NETWORK

- ENG14. Provide design details of the relocation of the fire hydrant at the southern access location, for Council review and approval. Work shall not commence until the design detail are approved by Council. Works shall be carried out under Council supervision.

STORMWATER

- ENG15. Ensure that earthworks and fill on the subject land do not lead to ponding of stormwater or actionable nuisance and ensure that the development drains freely to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual.
- ENG16. Do not concentrate stormwater onto adjoining properties.

DEVELOPMENT WORKS

- ENG17. Maintain erosion and sedimentation controls at all times during the course of the project and the ensuing defects liability period. Council Officers will inspect and assess the sediment and erosion control measures and temporary fencing implemented, and any alterations and/or supplementary works required must be incorporated.
- ENG18. Implement measures to prevent site vehicles tracking sediment and other pollutants from the site onto adjoining streets during the course of the project, and to prevent dust nuisance during construction and the ensuing defects liability period.
- ENG19. Be responsible for protecting nearby property owners from dust pollution arising from construction and maintenance of the works required by this approval, and comply with any lawful instructions from the Assessment Manager if, in his opinion, a dust nuisance exists.

EARTHWORKS

- ENG20. Supervise bulk earthworks to Level 1 in accordance with Table 8.1 of AS3798.
- ENG21. Contain cut or fill batters wholly within the subject land. Do not place fill on adjacent properties without providing Council with written permission from the respective property owner(s).
- ENG22. Do not store plant or material on adjoining lands without written permission from the respective property owner(s).
- ENG23. Do not use contaminated material as fill on the site. Undertake any filling using inert materials only, with a maximum particle size of 75mm.
- ENG24. Ensure open drains and fill platforms are constructed with a longitudinal grade on no less than 0.1%.
- ENG25. Submit to Council, the following for approval in the event it is proposed to import material to or export material from the site, prior to commencement of the work:
- (a) details of the location of any material to be sourced for fill including the volume of fill to be moved from any particular source site;
 - (b) details of the final location for any material to be exported from the site from excavations including the volume to be moved to any particular site; and
 - (c) the proposed haulage route(s) and truck sizes for carting of the material.

Note: Further Development Applications may be required to be submitted to and approved by Council for sites proposed to import material from or export material to, or conditions may be applied to any sites endorsed in accordance with this condition, eg submit a Traffic Management Plan to Council for acceptance, or rehabilitation of the site. Any required approvals are to be in place prior to commencement of the work.

This approval does not extend to any material proposed to be imported to or exported from the site:

- (d) other than from or to site(s) that have a current Development Approval enabling them to export/accept any material; or
- (e) the material is being exported to and accepted at a licensed Council refuse facility.

INSPECTIONS AND TESTING

- ENG26. Submit to Council the pre-start meeting agenda at the confirmation of a date and time for the meeting.
- ENG27. Provide Council with a minimum of two clear working days notice to undertake compulsory inspections and meetings at the following stages:
- (a) Pre-start meeting with Council, Contractor, Supervising Engineer and developer;
 - (b) Stormwater – prior to connection to Council infrastructure (pits);
 - (c) at the point of completion of all works.
- ENG28. Submit to Council, all inspection and test data in its entirety prepared by the applicant, Engineer, Principal Contractor or by Subcontractors in relation to the Operational Work or as described in the application at the completion of the work. Undertake any further inspection, testing or analysis required, due to failure of work to meet specifications or where the testing previously provided is considered insufficient on behalf of the Principal Contractor by a NATA accredited entity (where applicable).

- ENG29. Uncover all works covered prior to inspection to allow inspection by Council at Council's sole discretion.
- ENG30. Allow Council to enter a work site to which this approval relates and undertake testing or analysis of any part of the construction, and Council is not liable for the rectification or compensation for any damage caused in the testing or analysis process. Should work be found to be not constructed to specification or of poor quality, any reasonable instruction given by Council Officers must be considered to be a condition of approval and undertaken by the Principal Contractor.
- ENG31. Where complete or incomplete works under this approval adversely affect adjoining properties, Council land, roads or other infrastructure, Council requires by notice, works to be completed.
- ENG32. Undertake any works for the safety or health of the community or protection of infrastructure where Council deems it necessary.

The approval is subject to construction being undertaken in accordance with the Approved Plans prepared by Covey & Associates Pty Ltd as listed below:

Drawing No.	Rev.	Drawing/Plan Title	Date
C000	-	Cover Sheet	-
C001	A	Site Notes	2/2/23
C002	B	Proposed Works Plan	28/3/23
C020	B	Stormwater Drainage Plan	28/3/23
C100	B	Bulk Earthworks Plan	28/3/23
C110	A	Bulk Earthworks Sections	2/2/23
C150	B	Erosion and Sediment Control Management Plan	28/3/23
C151	A	Erosion and Sediment Control Details	2/2/23
C200	B	External Pavement Plan	28/3/23
C210	B	External Pavement Details	28/3/23
C350	B	Stormwater Catchment Plan	28/3/23
C400	B	Water and Sewer Connection Plan	28/3/23
C900	B	Swept Path Plan	28/3/23

ADVICE NOTES

The applicant be advised that:

- (a) Prior to commencement of the use or endorsement of the survey plan as applicable, the applicant shall contact Council to arrange a Development Compliance Inspection.
- (b) The applicant must ensure compliance with environmental conditions whether required to hold an Environmental Authority or not. These include, but are not limited to water quality, air quality, noise levels, waste waters, lighting and visual quality as a result of any activity or by-product or storage of materials within the confines of the building(s) and property boundaries.

Any amendment, alteration or addition to the development approval will require further consideration by Council in assessing any changes to the environmental conditions.

- (c) The *Aboriginal Cultural Heritage Act 2003* (ACHA) is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:
- (i) is not negated by the issuing of this development approval;
 - (ii) applies on all land and water, including freehold land;
 - (iii) lies with the person or entity conducting an activity; and
 - (iv) if breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIP's Cultural Heritage Co-ordination Unit on telephone (07) 3224 2070 for further information on the responsibilities of developers under the ACHA.

- (d) The **relevant period** for the development approval (Operational Work) shall be **two (2) years** starting the day the approval is granted or takes effect. In accordance with Section 85(1)(c) of the *Planning Act 2016* (PA), the development approval for Operational Work lapses if the development does not substantially start within the abovementioned **relevant period**.

An applicant may request Council to extend the **relevant period** provided that such request is made in accordance with Section 86 of PA and before the development approval lapses under Section 85 of the PA.

- (e) Council is to be indemnified against any claims arising from works carried out by the applicant on Council's property.
- (f) The relevant Planning Scheme for this Development Permit is the South Burnett Regional Council Planning Scheme 2017. All references to the Planning Scheme and Schedules within these conditions refer to the above Planning Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growing our Region's Economy and Prosperity

- GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

No implication identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

REPORT**1. APPLICATION DETAILS**

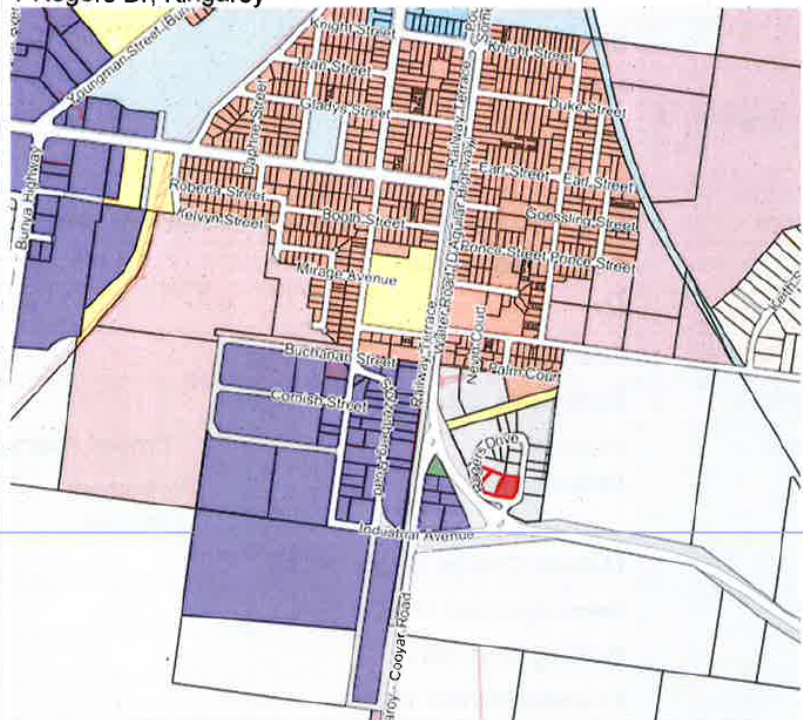

Site address	1 Rogers Dr, Kingaroy		
Real property description	Lots 2 & 3 on RP862347, and Lot 4 on SP180642		
Easements or encumbrances on title	Nil		
Area of Site	0.7945 ha		
Current Use	Showroom – Car Sales		
Environmental Management Register or Contaminated Land Register	N/A		
Applicant's name	RAJ (Qld) Pty Ltd c/- Covey & Associates Pty Ltd		
Zone	Specialised Centre		
Applicable Overlays	Nil		
Proposed Works	Operational Work		
Details of proposal	Earthworks, Stormwater & Access		
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		
	Reconfiguration of a Lot (RAL)		
	Building Work (BW)		
	Operational Work (OPW)		X
Level of Assessment	Code Assessment		
Pre-lodgement Consultation history	-		
Key planning issues e.g. vegetation, waterway corridors, overland flow	-		
Referral agencies	Agency	Concurrence/ Advice	
	NA	NA	
Public notification	No		
Planning Regulation 2017			

2. THE SITE

This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediately locality.

2.1. SITE DESCRIPTION & EXISTING USE

Table 1 – Maps & Descriptions (Source: Intramaps)

<p>Site</p>	<p>1 Rogers Dr, Kingaroy</p> 
<p>Zoning</p>	<p>Specialised Centre</p>
<p>Overlays</p>	<p>None Applicable</p>
<p>Services</p>	<p>Road, Water, Sewer, Stormwater</p>
	
<p>Topography</p>	<p>Gently sloping east to west</p>

3. PROPOSAL DETAILS

SUMMARY DETAILS

The proposal is to construct the earthworks, stormwater and accesses necessary to accommodate the first stage of the development. This will facilitate the upgrade of the existing eastern showroom.

4. ASSESSMENT OF ASSESSMENT BENCHMARKS

Framework for Assessment Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Planning Act 2016, Section 26 – Assessment Benchmarks generally

- (1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—
 - (a) the assessment benchmarks stated in—
 - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
 - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
 - (iii) a temporary State planning policy applying to the premises;
 - (b) if the local government is an infrastructure provider—the local government's LGIP.
- (3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

4.1. REFERRAL AGENCIES

To determine whether the development application requires referral to the State Assessment and Referral Agency (SARA) or 'another entity', an assessment of the proposal against Schedule 10 of the Regulation has been undertaken.

The application does not require referral to any referral agencies prescribed under Schedule 10 of the Regulation.

4.2. STATE PLANNING POLICY

The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.

In accordance with section (8)(4)(a) of the Act, the State Planning Policy applies to the extent of any inconsistency with the Planning Scheme.

Ordinary Council Meeting Agenda

25 December 2030

State Planning Policy Part E	
Liveable communities and housing	No applicable assessment benchmarks
Economic growth <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	No applicable assessment benchmarks
Safety and resilience to hazards <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	No applicable assessment benchmarks
Infrastructure <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	Complies. All appropriate infrastructure and connections can be made and are conditioned as part of the approval.

4.3. DEVELOPMENT CODE ASSESSMENTS

Relevant code assessment was carried out during the MCU stage.

5. CONSULTATION**Referral Agencies**

State Assessment and Referral Agency	Not applicable
Other	Not required

Council Referrals

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	Development Engineer has carried out the assessment
Infrastructure Charges Unit	Not Applicable

6. RECOMMENDATION

The proposed development has been assessed against the requirements of the South Burnett Regional Council Planning Scheme 2017. It is considered that the proposed development generally complies with the requirements of the Planning Scheme and as such, the applicant should be provided with a Development Permit. The Development Permit should contain the conditions detailed in the Officer's Recommendation in order to ensure that the proposal complies with the South Burnett Regional Council Planning Scheme 2017.

ATTACHMENTS**1. Attachment A - Approved Plans**

PROPOSED WORKSHOP AND SHOWROOM RENOVATIONS

CIVIL WORKS - OPW APPROVAL ISSUE

LOTS 2 AND 3 ON RP 862347 & LOT 4 ON SP 180642

FOR
RAJ (QLD) PTY LTD
AT

1 ROGERS DRIVE, KINGAROY, QLD 4610

Development Approval No. MCU21/0024



COVEY
ASSOCIATES PTY LTD
ABN 59 137 305 992

Consulting Civil &
Structural Engineers
Project Management
& Planning

PROJECT No. 223085 - FOR APPROVAL

PROJECT MANAGER: MARK CUMMING PH - 07 5443 7777

Sheet List Table	
Sheet Number	Sheet Title
C000	COVER SHEET
C001	SITE NOTES
C002	PROPOSED WORKS PLAN
C020	STORMWATER DRAINAGE PLAN
C100	BULK EARTHWORKS PLAN
C110	BULK EARTHWORKS SECTIONS
C150	EROSION AND SEDIMENT CONTROL MANAGEMENT PLAN
C131	EROSION AND SEDIMENT CONTROL DETAILS
C200	EXTERNAL PAVEMENT PLAN
C210	EXTERNAL PAVEMENT DETAILS
C300	STORMWATER CATCHMENT PLAN
C400	WATER AND SEWER CONNECTION PLAN
C500	SHOULDER PATH PLAN



LOCALITY PLAN
N.T.S.

REVISION: A

LINE MARKING NOTES

1. ALL MARKING AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 500 CURING TRENCH WITH APPROVED. ALL CONCRETE SHALL BE CAST AND CURED WITH THE APPLICABLE CURING COMPOUND WITHIN THE SPECIFIED TIME FRAME. THE CURING COMPOUND SHALL BE APPLIED TO THE EXPOSED SURFACE OF THE CONCRETE IMMEDIATELY AFTER CASTING AND SHALL BE MAINTAINED THROUGHOUT THE CURE PERIOD.
2. ALL CURING, REPAIRS TO BE IN ACCORDANCE WITH THE APPLICABLE STANDARDS AND SPECIFICATIONS.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

STORMWATER DRAINAGE NOTES

1. ALL STORMWATER DRAINAGE TO BE CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE STANDARDS AND SPECIFICATIONS.
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FOUNDATIONS

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CONCRETE

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4. ALL CONCRETE SHALL BE CAST AND CURED WITHIN THE SPECIFIED TIME FRAME.

BAR	SLABS	BEAMS
4/12	200	200
4/16	200	200
4/20	200	200
4/25	200	200
4/32	200	200
4/40	200	200
4/50	200	200
4/63	200	200
4/75	200	200

CONCRETE FINISHES SHALL BE AS FOLLOWS UNLESS OTHERWISE SPECIFIED:

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Check all dimensions before commencement of work. Check the location of all dimensions to the 100mm tolerance. All dimensions shall be in accordance with the relevant standards and specifications. All dimensions shall be in accordance with the relevant standards and specifications.

Project No: 223085-01-01-01
 Client: ROYAL AUSTRALIAN AIR FORCE
 Location: ROYAL AUSTRALIAN AIR FORCE
 Date: 10 May 2023

Project: WORKSHOP AND SHOWROOM RENO.
 Client: RAJ (OLD) PTY LTD

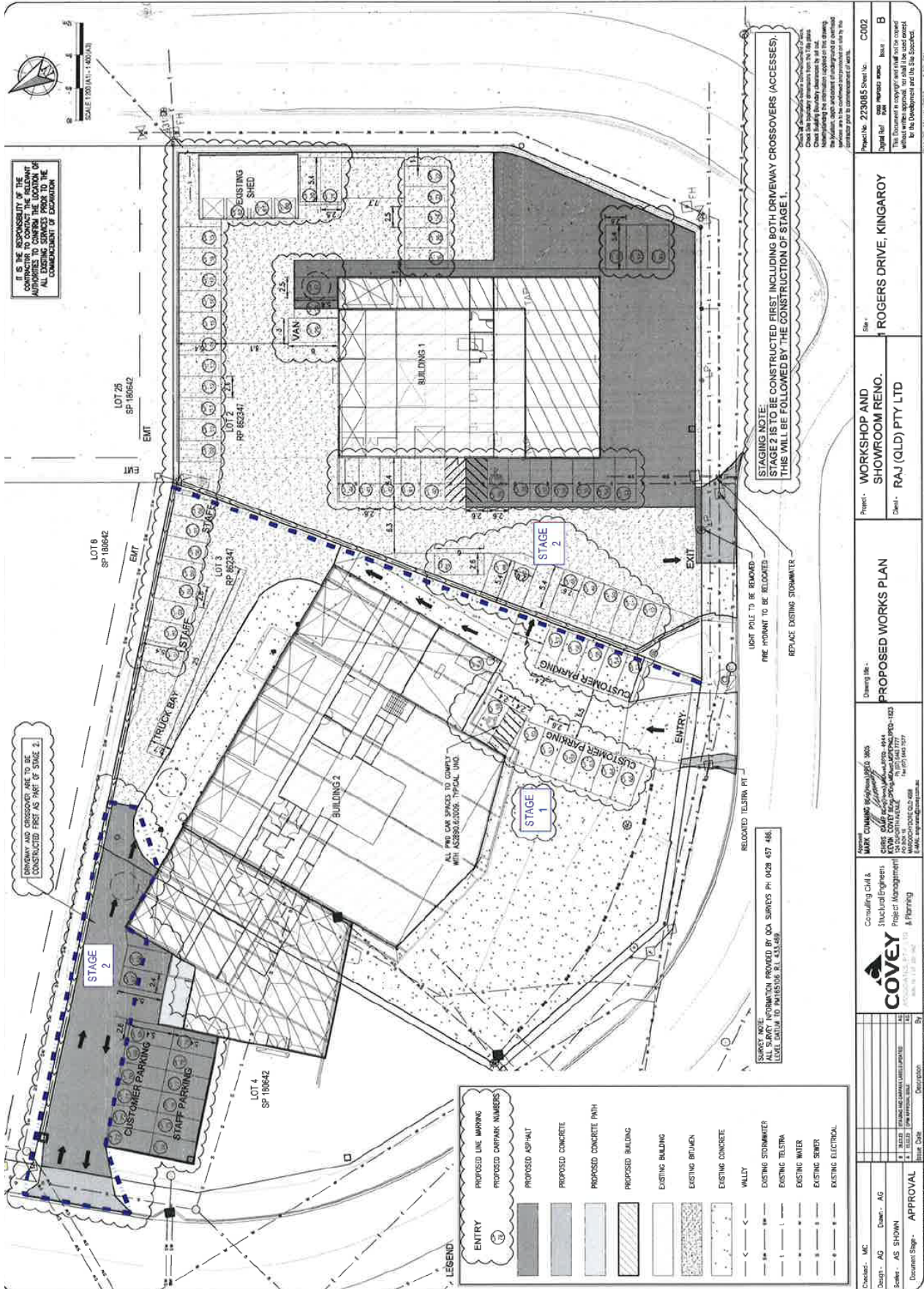
Project: WORKSHOP AND SHOWROOM RENO.
 Client: RAJ (OLD) PTY LTD

Project: WORKSHOP AND SHOWROOM RENO.
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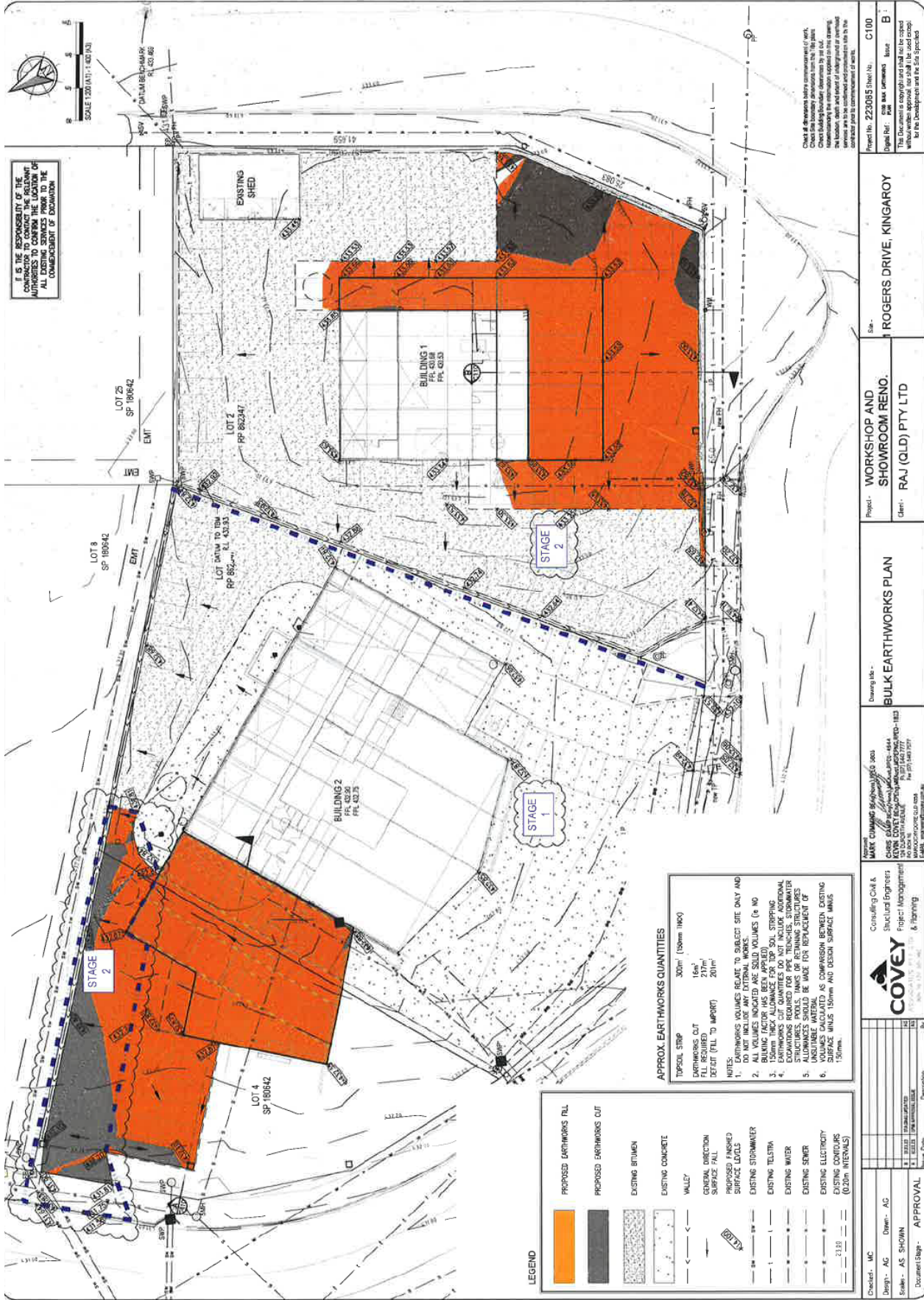
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 Client: RAJ (OLD) PTY LTD

Project: WORKSHOP AND SHOWROOM RENO.
 Client: RAJ (OLD) PTY LTD



Project No. 223085	Sheet No. C002
Client: ROY ROGERS DRIVE, KINGAROO	Scale: 1:500
Designer: WORKSHOP AND SHOWROOM RENO.	Date: 08/08/2022
Client: RAJ (QLD) PTY LTD	Author: [Redacted]
Project Manager: [Redacted]	Checker: [Redacted]
Client: [Redacted]	Project No. 223085
Project Name: WORKSHOP AND SHOWROOM RENO.	Sheet No. C002
Client: RAJ (QLD) PTY LTD	Scale: 1:500
Project Manager: [Redacted]	Date: 08/08/2022
Client: [Redacted]	Author: [Redacted]
Project Manager: [Redacted]	Checker: [Redacted]
Client: [Redacted]	Project No. 223085



IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE NECESSARY PERMITS AND SERVICES PRIOR TO THE COMMENCEMENT OF EXCAVATION.

Check all dimensions before commencement of work.
Check that boundary dimensions from this site plan are correct.
Check that all dimensions are correct on the ground before commencing the work.
The Contractor shall ensure that all work is carried out in accordance with the approved plans and specifications.
The Contractor shall ensure that all work is carried out in accordance with the approved plans and specifications.

Project No. 223085	Sheet No. C100
Drawn By: ...	Scale: ...
Client: RAJ (Q/LD) PTY LTD	

Project: WORKSHOP AND SHOWROOM RENO.
Client: RAJ (Q/LD) PTY LTD

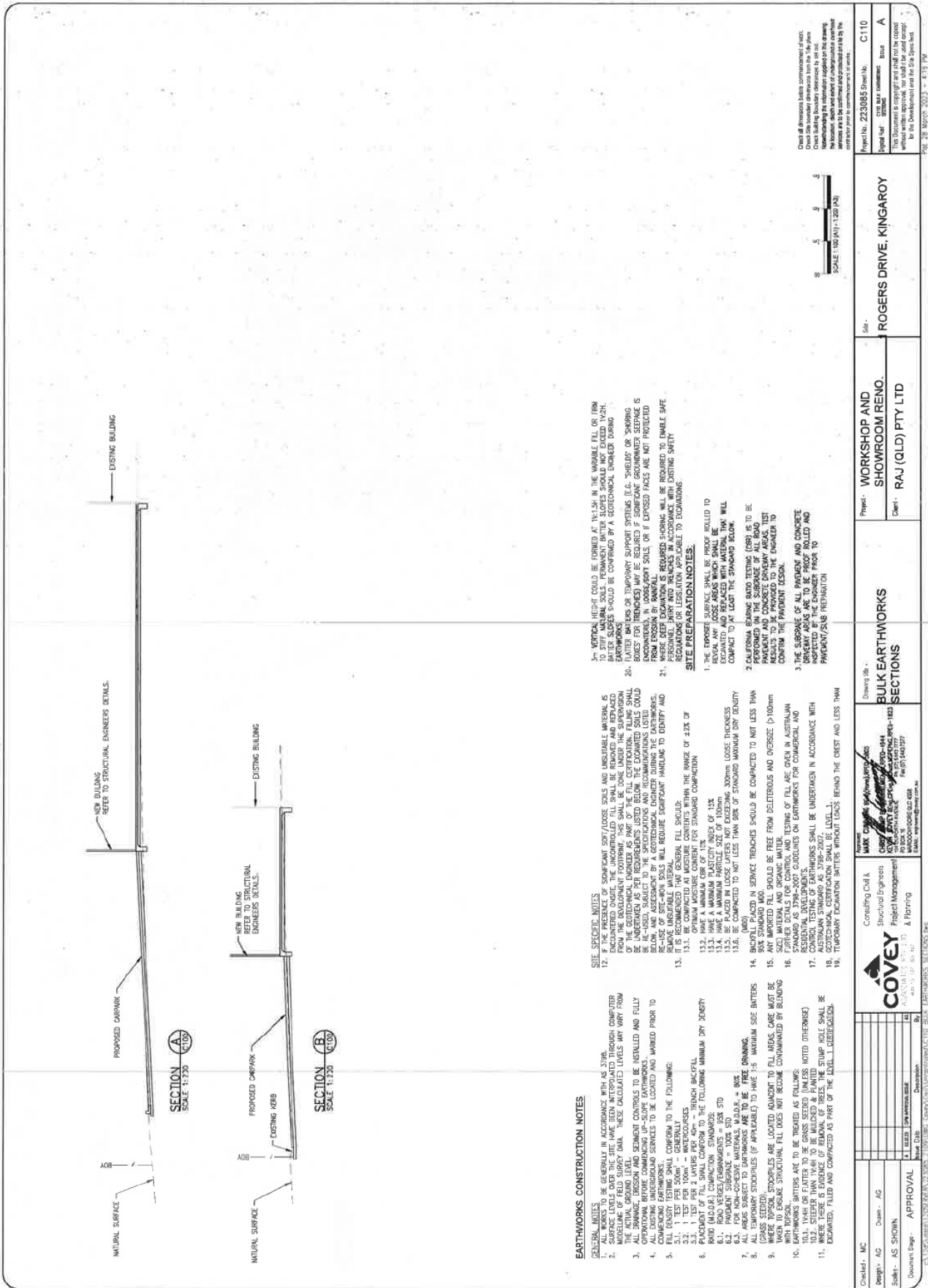
Drawing title: BULK EARTHWORKS PLAN

Contractor: ...
Engineer: ...

CHECKED: MC
DESIGN: AG
SCALE: AS SHOWN

APPROVAL: ...
Date: ...

CHECKED: ...
DESIGN: ...
SCALE: ...



3m VERTICAL HEIGHT COULD BE FORMED AT 1V:1.5H IN THE WORKABLE FILL OR FORM TO STIFF NATURAL SOILS. PERMANENT BATTER SLOPES SHOULD NOT EXCEED 1V:2H. EXISTING BATTER SLOPES SHOULD BE CONFIRMED BY A GEOTECHNICAL ENGINEER DURING EXCAVATION.

20. LATTER BATTERS OR TEMPORARY SUPPORT SYSTEMS (E.G. 'SHIELDS' OR 'SHORING BOXES' (OR TRENDERS)) MAY BE REQUIRED IF SIGNIFICANT GROUNDWATER SEEPAGE IS OBSERVED. IN WORKABLE SOILS, OR IF EXPOSED FACES ARE NOT PROTECTED FROM PERSONNEL, A WORKABLE SURFACE SHOULD BE MAINTAINED AT ALL TIMES.

21. WHERE DEEP EXCAVATION IS REQUIRED SHORING WILL BE REQUIRED TO ENSURE SAFE PERSONNEL ENTRY AND EXITS IN ACCORDANCE WITH EXISTING SAFETY REGULATIONS. THIS WILL BE SUBJECT TO EXAMINATION.

SITE PREPARATION NOTES:

1. THE EXPOSED SURFACE SHALL BE PROOF ROLLED TO A MINIMUM OF 1000kg/m². ALL EXCAVATED AREAS SHALL BE PROOF ROLLED AND EXCAVATED AND SEPARATED WITH WATER. THIS WILL BE COMPACT TO AT LEAST THE STANDARD BELOW.

2. CALIFORNIA EQUATION BOND TESTING (CBT) IS TO BE PERFORMED ON THE SUBGRADE OF ALL ROAD PAVEMENT AND CONCRETE DRIVEWAY AREAS. TEST RESULTS SHALL BE PROVIDED TO THE ENGINEER TO CONFIRM THE PAVEMENT DESIGN.

3. THE SUBGRADE OF ALL PAVEMENT AND CONCRETE DRIVEWAY AREAS SHALL BE PROOF ROLLED AND INSPECTED BY THE ENGINEER PRIOR TO PAVEMENT/SAB PREPARATION.

SITE SPECIFIC NOTES:

12. IF THE PRESENCE OF SIGNIFICANT SOFT/LOOSE SOILS AND UNSUITABLE MATERIAL IS ENCOUNTERED DURING THE UNCONTROLLED FILL SHALL BE REMOVED AND REPLACED WITH WORKABLE MATERIAL. THE FILL SHALL BE COMPACTED TO AT LEAST THE STANDARD BELOW. THE EXCAVATION SHALL BE UNDERMINED AS PER REQUIREMENTS LISTED BELOW. THE EXCAVATED SOILS SHALL BE STORED IN A DESIGNATED AREA. THE EXCAVATED SOILS SHALL BE RE-USE OF SITE-WON SOILS WILL REQUIRE SIGNIFICANT HANDLING TO IDENTIFY AND REMOVE UNSUITABLE MATERIAL.

13. 13.1. BE COMPACTED AT MOISTURE CONTENTS WITHIN THE RANGE OF ±2% OF OPTIMUM MOISTURE CONTENT FOR STANDARD COMPACTION.

13.2. HAVE A MAXIMUM PLASTICITY INDEX OF 15%.

13.3. HAVE A MINIMUM PARTICLE SIZE OF 150mm.

13.4. BE PLACED IN LOOSE LAYERS NOT EXCEEDING 300mm LOOSE THICKNESS.

13.5. BE COMPACTED TO NOT LESS THAN 90% OF STANDARD MAXIMUM DRY DENSITY (MDD).

14. BOWELL PLACED IN SERVICE TRENCHES SHOULD BE COMPACTED TO NOT LESS THAN 90% OF STANDARD MAXIMUM DRY DENSITY.

15. ANY IMPORTED FILL SHOULD BE FREE FROM DELETERIOUS AND OVERSIZE (>100mm) SIZE MATERIAL AND ORGANIC MATTER.

16. FURTHER DETAILS FOR CONTROL AND TESTING OF FILL ARE GIVEN IN AUSTRALIAN STANDARD AS 3798-2007.

17. RESIDENTIAL DEVELOPMENTS INCLUDES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS SHALL BE UNDERTAKEN IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 3798-2007, LEVEL 1.

18. TEMPORARY EXCAVATION BATTERS WITHOUT LOADS BEHIND THE crest AND LESS THAN

EARTHWORKS CONSTRUCTION NOTES:

GENERAL NOTES:

1. ALL WORKS TO BE GENERALLY IN ACCORDANCE WITH AS 3798.

2. SURFACE LEVELS OVER THE SITE HAVE BEEN INTERPOLATED THROUGH COMPUTER SOFTWARE TO THE ACTUAL GROUND LEVEL DATA. THESE CALCULATED LEVELS MAY VARY FROM THE ACTUAL GROUND LEVEL.

3. ALL IRREGULAR EROSION AND SEDIMENT CONTROLS TO BE INSTALLED AND FULLY OPERATIONAL PRIOR TO COMMENCEMENT OF EXCAVATION.

4. ALL EXISTING UNDERGROUND SERVICES TO BE LOCATED AND MARKED PRIOR TO COMMENCING EARTHWORKS.

5. ALL EXISTING SERVICES SHALL CONFORM TO THE FOLLOWING:

5.1. 150mm DIA. PER 100mm² - WATERCOUSES

5.2. 1 TEST PER 100m² - WATERCOUSES

5.3. 1 TEST PER 2 LAYERS PER 40m² - TRINCH BACKFILL

6. ROAD (AS 3798) CONSTRUCTION STANDARDS:

6.1. ROAD (AS 3798) CONSTRUCTION STANDARDS:

6.2. ROAD (AS 3798) CONSTRUCTION STANDARDS:

6.3. ROAD (AS 3798) CONSTRUCTION STANDARDS:

7. ALL AREAS SUBJECT TO EARTHWORKS ARE TO BE FREE DRAINING.

8. ALL TEMPORARY STOCKPILES (IF APPLICABLE) TO HAVE 1:5 MAXIMUM SIDE BATTERS (GRASS SEEDING STOCKPILES ARE LOCATED ADJACENT TO FILL AREAS, CURE MUST BE TAKEN TO ENSURE STRUCTURAL FILL DOES NOT BECOME CONTAMINATED BY BLENDING WITH TOPSOIL).

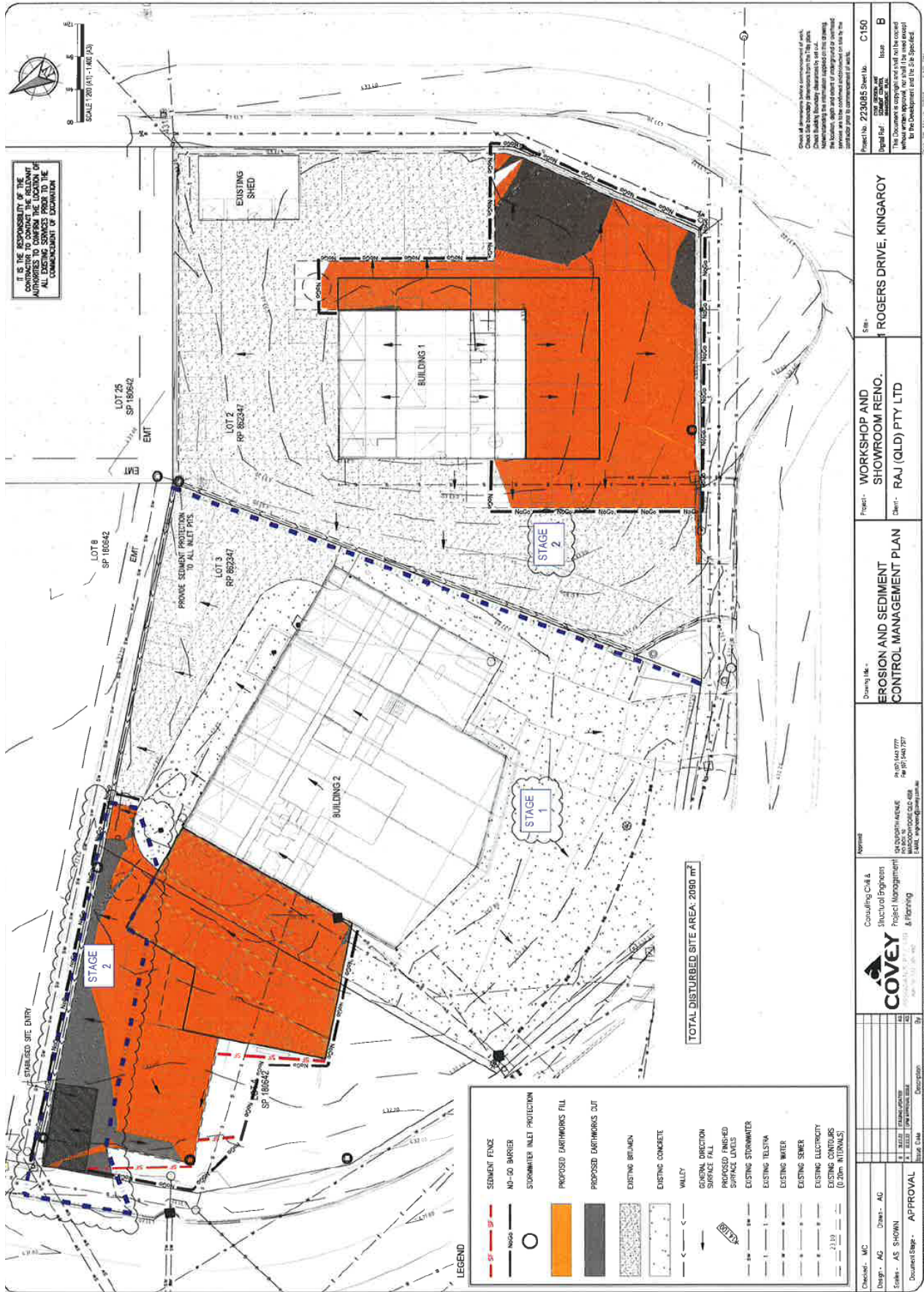
9. ALL TEMPORARY BATTERS ARE TO BE TREATED AS FOLLOWS:

10.1. BATTERS ARE TO BE TREATED AS FOLLOWS:

10.2. STEEPER THAN 1V:4H TO BE WELDED & PLANTED

11. WHERE THERE IS EVIDENCE OF REMOVAL OF TREES, THE STUMP HOLE SHALL BE EXCAVATED, FILLED AND COMPACTED AS PART OF THE EXISTING SUBGRADE.

Check all dimensions before commencement of work.
 Check all dimensions before commencement of work.
 Check all dimensions before commencement of work.
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 For the Development and the site plan only.
 Project No: 223085 Sheet No: C 110
 Project: WORKSHOP AND SHOWROOM RENO. ROSS DRIVE, KINGAROOY
 Client: RAJ (QLD) PTY LTD
 Drawing title: BULK EARTHWORKS SECTIONS
 Author: MOK Consulting Engineers
 Checked: MOK Consulting Engineers
 Drawn: MOK Consulting Engineers
 Project Management: MOK Consulting Engineers
 Scale: AS SHOWN
 Date: 15/05/2023
 Revision: 01
 Description: Bulk Earthworks Sections
 Checked: MC
 Drawn: AG
 Scale: AS SHOWN
 Date: 15/05/2023
 Description: Bulk Earthworks Sections



SEDIMENT AND EROSION CONTROL DETAILS

ALL EROSION AND SEDIMENT IN ACCORDANCE WITH IECA MANUAL FOR EROSION AND SEDIMENT CONTROL

EROSION AND SEDIMENT CONTROL NOTES

The following notes and details provide information on the controls and procedures that are to be implemented as part of the Erosion and Sediment Control Plan. The controls and procedures are designed to ensure the erosion and sediment control standards will be met, given the site characteristics, proposed development and control measures.

CONSTRUCTION MANAGEMENT PLAN

To ensure that:

- Stormwater quality leaving the site is of acceptable standards (e.g. 5mg/L TS and <75 NTU). During construction is minimised.
- The above objectives are to be achieved by complying with the following regulations and guidelines:
- IECA's Best Practice Erosion & Sediment Control.
- Institution of Engineers Sediment and Erosion Control Guidelines.

MANAGEMENT STRATEGY

The Site Manager will be responsible for:

- Identifying and checking stormwater flow lines.
- Provide barriers and other measures to prevent stormwater flows over embankments.
- Ensure that all site activities comply with the following regulations and guidelines.

TASKS/ACTIONS PRE-CONSTRUCTION

- Minimise disturbance and adverse water quality impacts.
- Sediment fences are to be constructed at the top of embankments and at the base of all embankments.
- Ensure upstream 'swell' is diverted around any areas to be exposed. Catch-drains at the downstream boundary of construction activities should also be created.
- Lowest treatment areas should be constructed upstream of the site.
- Silt fences and sand bags should be constructed approximately along contours to minimize scour.
- Silt fences and sand bags will be placed along catch drains to slow flow, reduce scour, minimize sediment from runoff, and trap silt.
- Designation of areas for point and material storage.
- Demarcation and marking of transport routes across undisturbed portions of the site.
- Eduction of site personnel to the sediment and erosion control measures implemented on site.

TASKS/ACTIONS DURING CONSTRUCTION

- Measures to mitigate water quality impacts during construction.
- Installation of silt fences downstream of disturbed areas.
- Installation of silt fences downstream of disturbed areas and should treat areas less than 0.5 Ha.
- Weekly inspection and maintenance of silt fences, sediment basins and other erosion control measures. Check controls after rainfall events and remove collected material immediately.
- Rein site vegetation where possible.
- Progressive re-vegetation of cut and fill areas and
- Establishment of a revegetation plan that includes the target should be to achieve 80% establishment within 20 days and 70% within 6 weeks.
- Mulching and retention of vegetation and topsoil for final site rehabilitation and re-vegetation and landscaping of remaining exposed areas using the topsoil and any mulched vegetation retained from initial site clearing. Vegetation should be watered immediately after planting.
- If landscaping is required species to be used should preferably be native and endemic to the area.
- Removal/management of weeds.

PERFORMANCE INDICATORS

The Site Manager will carry out regular checks of the onsite sediment and erosion control measures during construction and after every rainfall event. The checks will include the following:

- Erosion and sediment flows checked at the base of embankments.
- No visual evidence of scouring.
- Constructed check dams to be inspected during rainfall events to ensure they are controlling silt.

FREQUENCY/DEADLINE

- Inspected regularly to confirm their location is not resulting in the generation of erosion and sediment control measures and structures to be undertaken.
- Inspection of erosion and sediment control measures and structures to be undertaken if areas are being re-vegetated following completion of construction, these areas will be inspected weekly to confirm that vegetation is becoming established.

REPORTING AND REVIEW

If required, results of inspections will be reported as part of the Developers regular reports to the Local Authority.

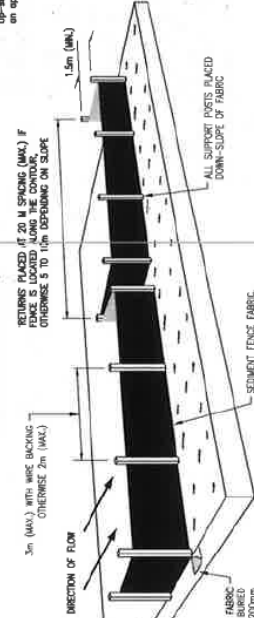
NOTE: ALL CAPTURED RUNOFF MUST BE TREATED TO <75 NTU PRIOR TO DISCHARGE

ORDER OF WORKS

- SITE ESTABLISHMENT
- SITE OFFICE - LOCATION AT DISCRETION OF CONTRACTOR
- ESTABLISH EXCLUSION / NO-GO ZONE AREAS & FENCING
- INSTALL SEDIMENT FENCING / BARRIERS
- PROVIDE BATHINGMATS (IF AS REQUIRED)
- INSTALL PERIMETER
- CONSTRUCT DRIVEWAY
- TURF VERGES
- COMPLETION

NOTE: SITE IS TO BE PROGRESSIVELY STABILISED, IM FOR 60% STABILISATION WITHIN 20 DAYS FROM START OF WORKS AND 70% OR GREATER WITHIN 7 MONTHS

- SEEDING AND EROSION CONTROL MEASURES TO BE PROGRESSIVELY REQUIRED AS SITE STABILISATION IS ACHIEVED.
- RETAINING PLACED AT 20 M SPACING (MAX) IF OTHERWISE 5 TO 10M DEPENDING ON SLOPE

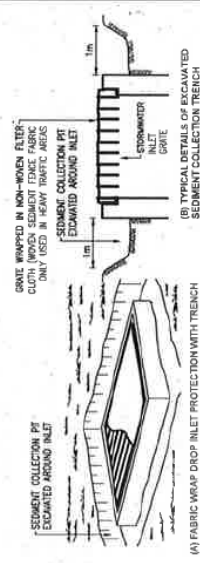


INSTALLATION OF SEDIMENT FENCE

NOT TO SCALE

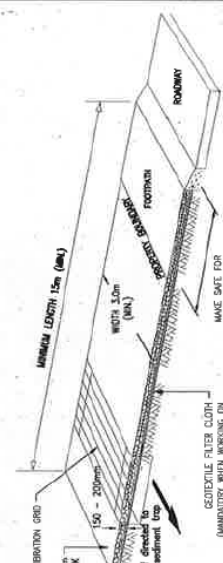
SEDIMENT FENCE CONSTRUCTION NOTES

- SEDIMENT FENCE TO BE INSTALLED ALONG A LINE OF FORMERS PROVIDED DEPENDENT UPON PRACTICALITY.
- SUPPORT POSTS TO BE SPACED AT A MAXIMUM 2M UNLESS THE FENCE IS SUPPORTED BY A TYP WIRE OR WIRE MESH BACKING, IN WHICH CASE 3M MAXIMUM SPACING.
- CONTOUR OF SEDIMENTS 5 TO 10M MAXIMUM SPACING.
- MINIMUM 4 STAPLES OR TE NAILS PER STAKE.



GRADED STORMWATER FIELD INLET SEDIMENT TRAP

- ENSURE THAT THE INSTALLATION OF THE SEDIMENT TRAP WILL NOT CAUSE UNDERSIABLE
- SELECT THE APPROPRIATE FABRIC FOR THE SITE CONDITIONS
- WRAP THE FABRIC AROUND OR OVER THE STORMWATER INLET GRAVE TO PREVENT ANY WATER
- NEED TO BE INSPECTED AND MAINTAINED AFTER RAINFALL PRODUCING RAINFALL AND MAKE REPAIRS AS
- NEEDED
- ANY COLLECTED SEDIMENT AND MOSS SHOULD BE REMOVED IMMEDIATELY IF IT REPRESENTS A SAFETY
- HAZARD



(A) VIBRATION GRID ENTRY/EXIT PAD FOR BUILDING SITES

CONSTRUCTION NOTES:

- MATERIALS: ROCK: WELL GRADED, HARD, ANGULAR, EROSION RESISTANT ROCK, NOMINAL DIAMETER OF 40 TO 75mm.
- FOOTPATH STABILISING AGGREGATE: 25 TO 50mm GRAVEL OR AGGREGATE (IF REQUIRED)
- GEOTEXTILE FABRIC: HEAVY-DUTY, NEEDLE-PUNCHED, NON-WOVEN FILTER CLOTH (SLOW ASH OR EQUIVALENT).

INSTALLATION

- INSPECT ALL SITE ENTRY AND EXIT POINTS PRIOR TO FORECAST RAIN, ONLY DURING EXTENDED PERIODS OF RAINFALL AFTER RAINFALL-PRODUCING RAINFALL, OR OTHERWISE AT REGULAR INTERVALS.
- IF SAND, SOIL, SEDIMENT OR MUD IS TRACKED ONTO THE ADJACENT SEALED ROADWAY, THEN SUCH MUST BE PHYSICALLY REMOVED, FIRST USING A SQUARE-EDGED SHOVEL, AND THEN A STIFF-BRISTLED BROOM, AND THEN BY A MECHANICAL VACUUM UNIT, IF AVAILABLE.
- IF NECESSARY FOR SAFETY REASONS, THE ROADWAY SHALL ONLY BE WASHED CLEAN AFTER ALL REASONABLE EFFORTS HAVE BEEN TAKEN TO SHOVEL AND SWEEP THE MATERIAL FROM THE ROADWAY.
- WHEN THE MOBS BETWEEN THE ROCK BECOMES FILLED WITH MATERIAL AND THE EFFECTIVENESS OF THE ROCK PAD IS REDUCED TO A POINT WHERE SEDIMENT IS BEING TRACKED OFF THE SITE, A NEW 100mm LAYER OF ROCK MUST BE ADDED AND/OR THE ROCK PAD MUST BE EXTENDED.
- ENSURE ANY ASSOCIATED DRAINAGE CONTROL MEASURES (e.g. OMB) ARE MAINTAINED IN ACCORDANCE WITH THEIR DESIRED OPERATIONAL CONDITION.
- DISPOSE OF SEDIMENT AND DEBRIS IN A MANNER THAT WILL NOT CREATE AN EROSION OR POLLUTION HAZARD.

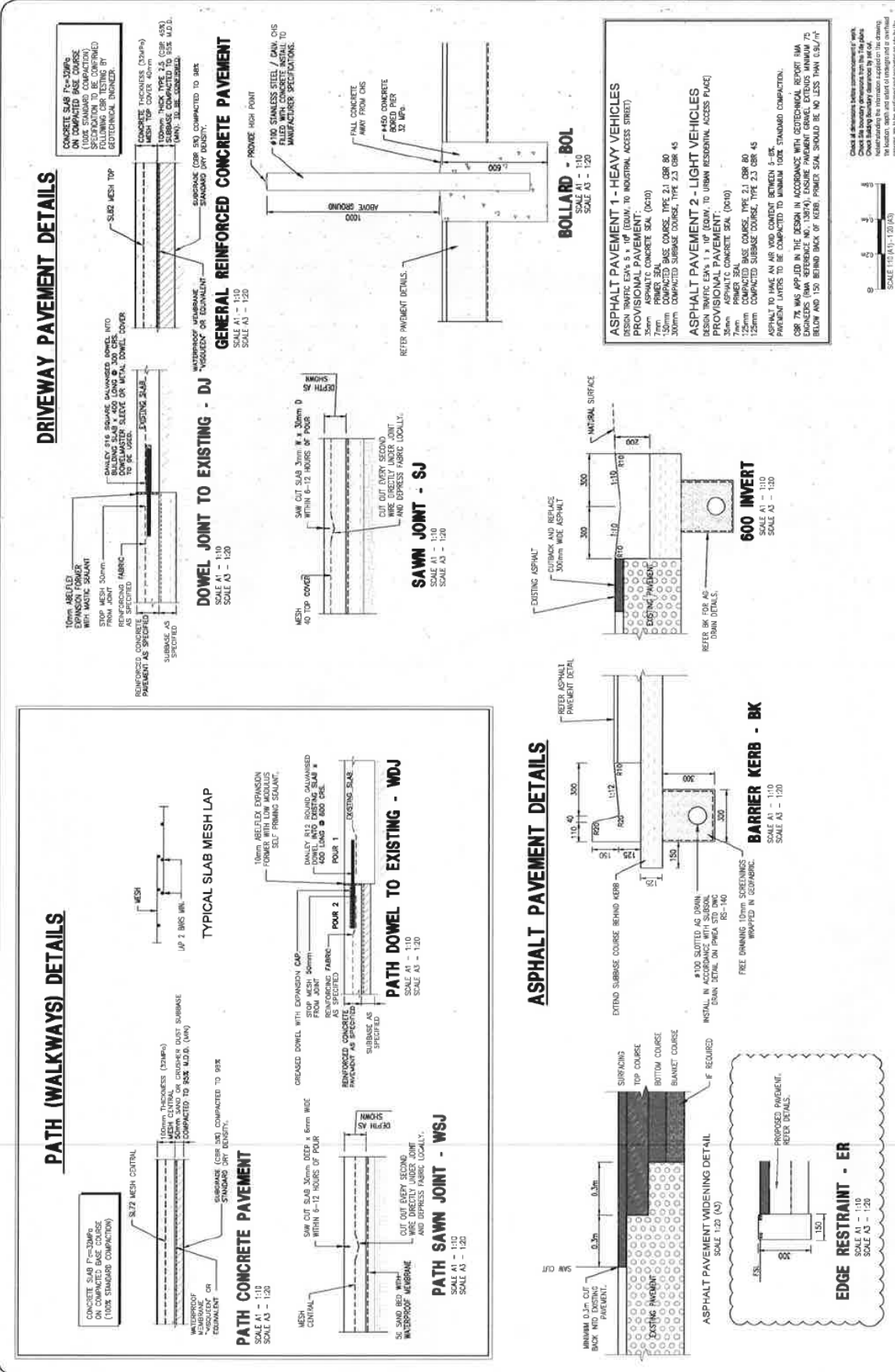
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE SEDIMENT AND EROSION CONTROL SPECIALIST FOR ALL EROSION CONTROL MEASURES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION

Project No.	223085 Sheet No.	C151
Client:	1 ROGERS DRIVE, KINGAROO	
Contractor:	RAJ (QLD) PTY LTD	

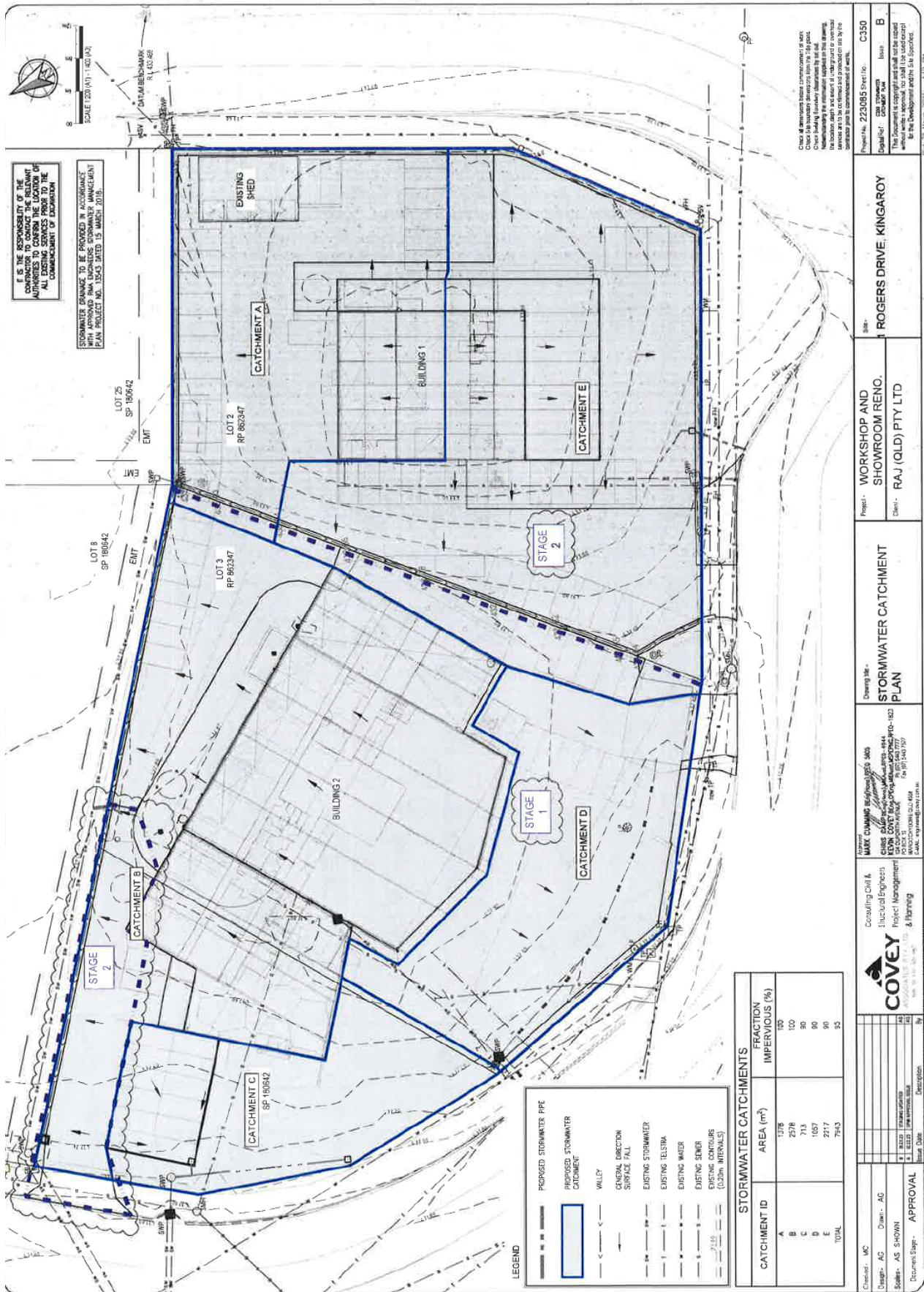
Project:	WORKSHOP AND SHOWROOM RENO.
Client:	RAJ (QLD) PTY LTD

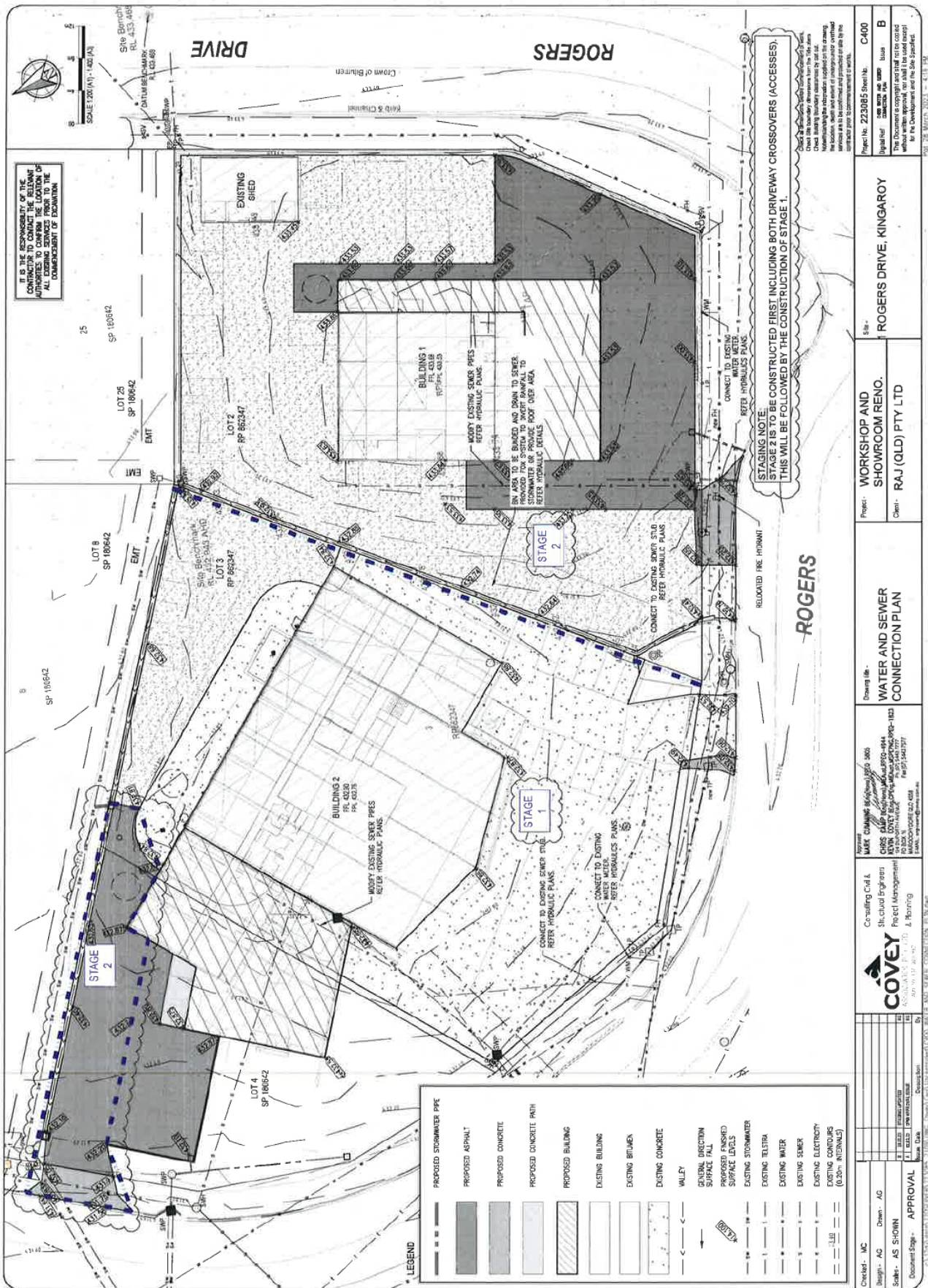
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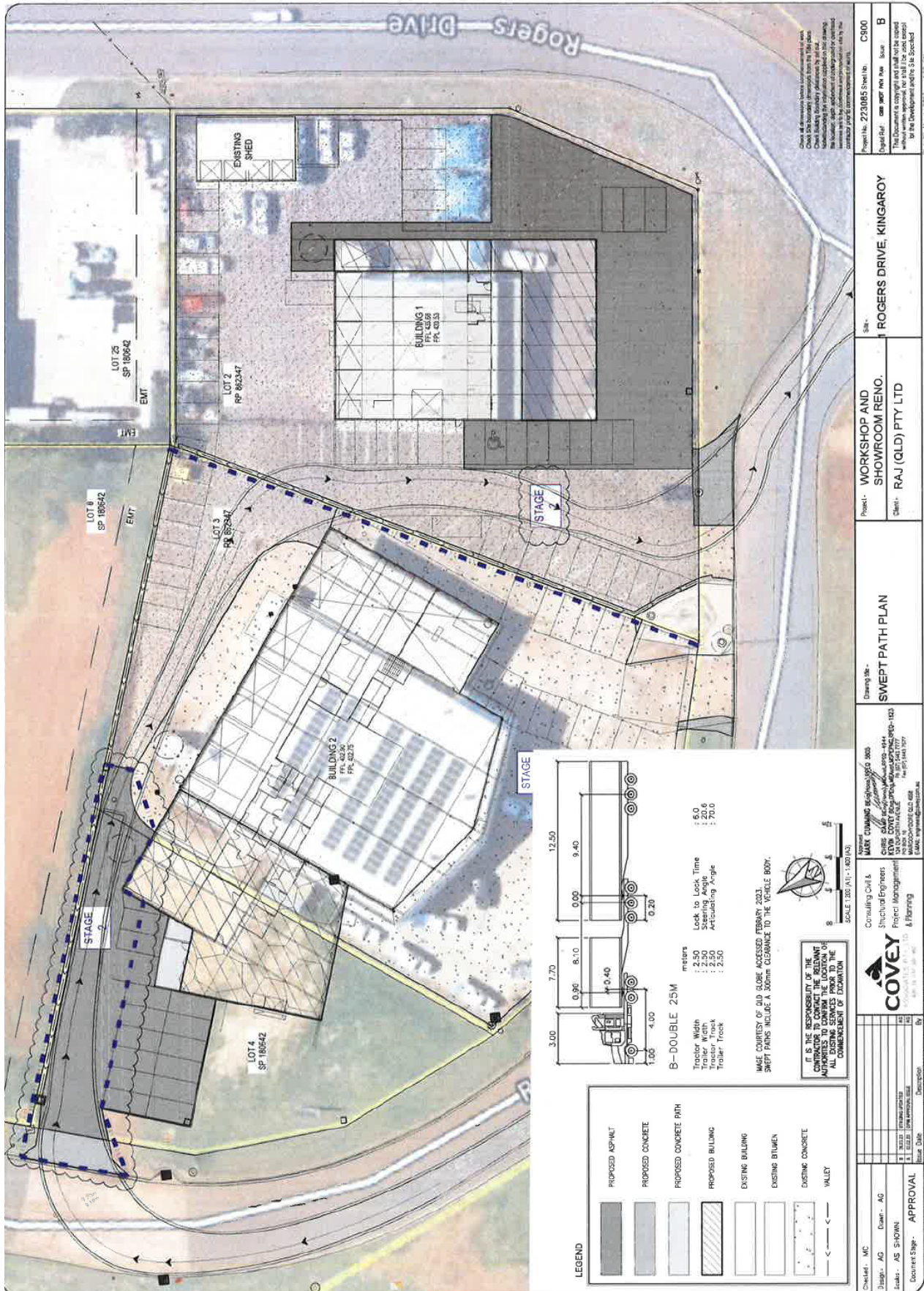
Consulting Civils
 Structural Engineers
 Project Management
COVEY ASSOCIATES PTY LTD
 & Planning
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Scale: AS SHOWN	Project: EXTERNAL PAVEMENT DETAILS	Project No: 223005	Issue: B
Document Title: APPROVAL	Client: RAJ (QLD) PTY LTD	Scale: AS SHOWN	Issue: B
Revision: 1	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 2	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 3	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 4	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 5	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 6	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 7	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 8	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 9	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 10	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 11	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 12	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 13	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 14	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 15	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 16	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 17	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 18	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 19	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B
Revision: 20	Project: EXTERNAL PAVEMENT DETAILS	Scale: AS SHOWN	Issue: B







0.0 CHANGE REPRESENTATIONS FOR RECONFIGURATIONS OF A LOT (1 LOT INTO 7 LOTS) IN TWO STAGES AT 31 HEIGHTS ROAD, GLAN DEVON (AND DESCRIBED AS LOT 5 ON RP168645) - APPLICANT: BLACKBUTT CENTRAL PTY LTD C/- ONF SURVEYORS

File Number: RAL22/0030-
Author: Planning Consultant
Authoriser: Chief Executive Officer

<i>Coordinator Services</i> Development MANAGER GM CEO	SIGNATURE	DATE
	[Redacted]	12/04/23
	[Redacted]	20/4/23
[Redacted]	[Redacted]	21/4/23

PRECIS

Application for CHANGE REPRESENTATIONS for Reconfiguration of a Lot (1 Lot into 7 Lots) in two stages at 31 Heights Road, GLAN DEVON (and described as Lot 5 on RP168645) - Applicant: Blackbutt Central Pty Ltd C/- ONF Surveyors

SUMMARY

- The change representations relate to stage 2 – street lighting conditions 15 and 16 of the current approval.
- The application proposes a standard Rural residential lot subdivision in the RR1 Precinct.
- All lots are proposed to have an area greater than 4000m2
- All lots will take access from Heights Road
- The application required referral to the Sate Assessment and Referral Agency
- Noise impacts on newly created lots are addressed through a Noise impact assessment report prepared by TTM.
- The application is code assessable, and no submissions are relevant

OFFICER’S RECOMMENDATION CHANGE CONDITIONS (NEGOTIATED DECISION)

OFFICER’S RECOMMENDATION

That Council approve the Change representations, removing conditions 15 and 16 of the previous decision for Reconfiguring a lot – development permit (1 lot into 7 lots) - Lot 5 on RP168645- Applicant: Blackbutt Central Pty Ltd – RAL22/0030 and issue a negotiated decision notice subject to the following conditions:

GEN1. The development must be completed and maintained in accordance with the approved plans and documents and conditions to this development approval:

Plan Name	Prepared By	Reference	Rev. & Date
Proposed subdivision (amendment in red)	ONF Surveyors	10677P/1	A at 22/08/22
noise impact assessment report	TTM	22BRA0116 R01_0	17/10/2022

DEVELOPMENT PERIOD - RAL

GEN2. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

Note: this applies to both stages of the development application as the applicant has not outlined an alternative timeframe for facilitating staged development.

BUILDING EXCLUSION ZONE COVENANT

GEN3. In accordance with the submitted Acoustic impact assessment prepared by TTM and approved by this development permit as an approved document, prepare a statutory covenant reflecting the recommended minimum 10m setback from the eastern (highway) boundary. the covenant shall be a building exclusion zone for the purposes of habitable structures. The covenant document is to be prepared free of cost to council and the state government and submitted prior to survey plan endorsement for stage 1 of this approved development.

ENGINEERING WORKS

ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.

ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, WBBROC Regional Standards Manual and relevant design manuals.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

ENG3. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG4. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

ENG5. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG6. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ON-SITE WASTEWATER DISPOSAL

ENG7. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Wastewater Code.

Timing: Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

VEHICLE ACCESS – STAGE 1

ENG8. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, to access the existing Dwelling on proposed Lot 15.

ENG9. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, to access the balance lot.

Advice: It is recommended that the access for the balance lot coincides with the location of an access point for Stage 2.

VEHICLE ACCESS – STAGE 2

- ENG10. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, for each lot.

TELECOMMUNICATION

- ENG11. Design and provide telecommunications to all lots within the development.

ELECTRICITY

- ENG12. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
- ENG13. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity, and where staged, written confirmation is required for each stage of the development.

SERVICES - EXISTING CONNECTIONS

- ENG14. Ensure that all services provided to the existing house on proposed Lot 15 are wholly located within the lot(s) it serves.

STREET LIGHTING – STAGE 2

- ENG15. Design and install street lighting to the full frontage of the site in accordance with AS/NZS1158 and the road classifications contained within this approval, to a PR6 L33 standard. Submit to Council, street light design plans showing the proposed public lighting system for Council's endorsement.
- ENG16. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by the previous condition. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.

EARTHWORKS - GENERAL

- ENG17. Earthworks per site involving cut or fill greater than 1 metre in height and quantity of material greater than 50m³, requires an Operational Work application.
- ENG18. Ensure that each lot is self-draining.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG19. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- ENG20. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE**DEVELOPER INCENTIVE**

- ADV1. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

For further information or application form please refer to the rules and procedures available on Council's website.

Ordinary Council Meeting Agenda

25 December 2030

HERITAGE

ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards to Appeal Rights.

INFRASTRUCTURE CHARGES

ADV4. Infrastructure charges are not levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growing our Region's Economy and Prosperity

- GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

No implication identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS



No implication can be identified.



ASSET MANAGEMENT IMPLICATIONS

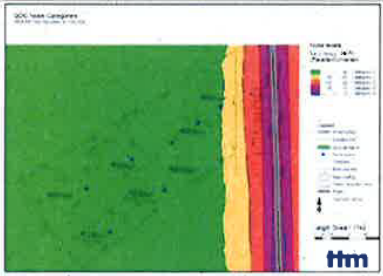
No implication can be identified.

REPORT

1. APPLICATION DETAILS

APPLICATION SUMMARY	
Applicant:	Blackbutt Central Pty Ltd C/- ONF Surveyors
Proposal:	Reconfiguring a lot - (1 lot into 7 lots over two stages)
Properly Made Date:	8 July 2022
Street Address:	31 Heights Road Glan Devon
RP Description:	Lot 5 on RP168645
Site	 
Easements or encumbrances on title	None existing
Area of Site	2.902ha
Environmental Management Register or Contaminated Land Register	N/A
Zone	Rural Residential Zone RR1 precinct
Servicing	The subject site is not included in the Council's reticulated water supply area and will rely on on-site water supply and wastewater treatment

Proposed surrounding uses	Rural Residential Lots and Dwellings - NORTH				
	Rural Residential Dwellings - SOUTH				
	Rural Residential Lots and Dwellings - EAST				
	Rural Residential Dwellings - WEST				
	• Number of existing lots	1			
	• Easements or leases proposed	NIL			
	• Number of proposed lots	Lot 11: 4,000m ² Lot 12: 4,001m ² Lot 13: 4,001m ² Lot 14: 4,030m ² Lot 15: 4,000m ² Lot 16: 4,007m ² Lot 17: 4,126m ²			
		<table border="1"> <thead> <tr> <th>Stage 1</th> <th>Stage 2</th> </tr> </thead> <tbody> <tr> <td>Lot 15 and a balance area (retain existing dwelling house in lot 15)</td> <td>proposed Lots 11 to 14, 16 and 17 over the balance area.</td> </tr> </tbody> </table>	Stage 1	Stage 2	Lot 15 and a balance area (retain existing dwelling house in lot 15)
Stage 1	Stage 2				
Lot 15 and a balance area (retain existing dwelling house in lot 15)	proposed Lots 11 to 14, 16 and 17 over the balance area.				
• Access	Access for proposed Lot 15 in Stage 1 is proposed via the existing vehicle access from Heights Road, whilst a new access is proposed for the balance lot in the position of the future access for proposed Lot 14. Access for proposed Lots 11 to 14, 16 and 17 in Stage 2 will be from Heights Road. Proposed Lots 14 and 17 are rear lot with the access strip having a 10m frontage to Heights Road.				
Overlays	<ul style="list-style-type: none"> • State Planning Policy 2017 – Agricultural Land • OM8 - Agricultural Land Overlay – Agricultural Land Classification, Class B over western part of site. 				
	<ul style="list-style-type: none"> • State Planning Policy – Hazards and risks 				

	transport Noise Corridor – SDAP –SARA assessment		
	OM4 – Regional Infrastructure Overlay – Stock route (Burnett Highway).		
	OM5 – Biodiversity Areas Overlay – Regulated vegetation along eastern boundary within road reserve.		
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		
	Reconfiguration of a Lot (RAL)		x
	Building Work (BW) Operational Work (OPW)		
Level of Assessment	Code Assessment		
Assessment Benchmarks	Rural Residential Zone Code Reconfiguring a Lot Code Services and Works Code		
Pre-lodgement Consultation history	NIL		
Key planning issues e.g. vegetation, waterway corridors, overland flow	<p>1. Noise impact assessment report prepared by TTM consulting engineers recommendations are as follows in response to the State Development Assessment Provisions:</p> <p>Noise modelling indicates that road traffic noise levels are predicted to exceed the outdoor passive recreation criteria for sections of lot 11 and lot 12. Due to the rural location, surroundings, and large lot sizes, it is not desired in this case to have an acoustic barrier.</p> <p>It is recommended that a minimum setback of 10m from the eastern boundary of the site is required for future dwellings and outdoor recreational areas (patios) to achieve compliance with SDAP outdoor criteria.</p> <p>2. Part of the eastern boundary of the subject site is identified on Council’s Overlay Map OM5 as including regulated vegetation. Future uses on the proposed lots can be setback from the mapped biodiversity area. The area of building exclusion associated with</p>		

	noise criteria requirements will ensure no development impact on the eastern boundary.	
	3. The bushfire risk to built assets can be effectively managed at the design and construction phase through the application of AS3959-2018 and the BCA	
	Vegetation management is associated with the State controlled road corridor - and there is limited existing vegetation.	
Referral agencies	Agency	Concurrence/ Advice
	SARA	Concurrence response reference 2207-30053 SRA dated 7 November 2022
Public notification	No	

2. THE CHANGE REPRESENTATIONS

SUMMARY DETAILS

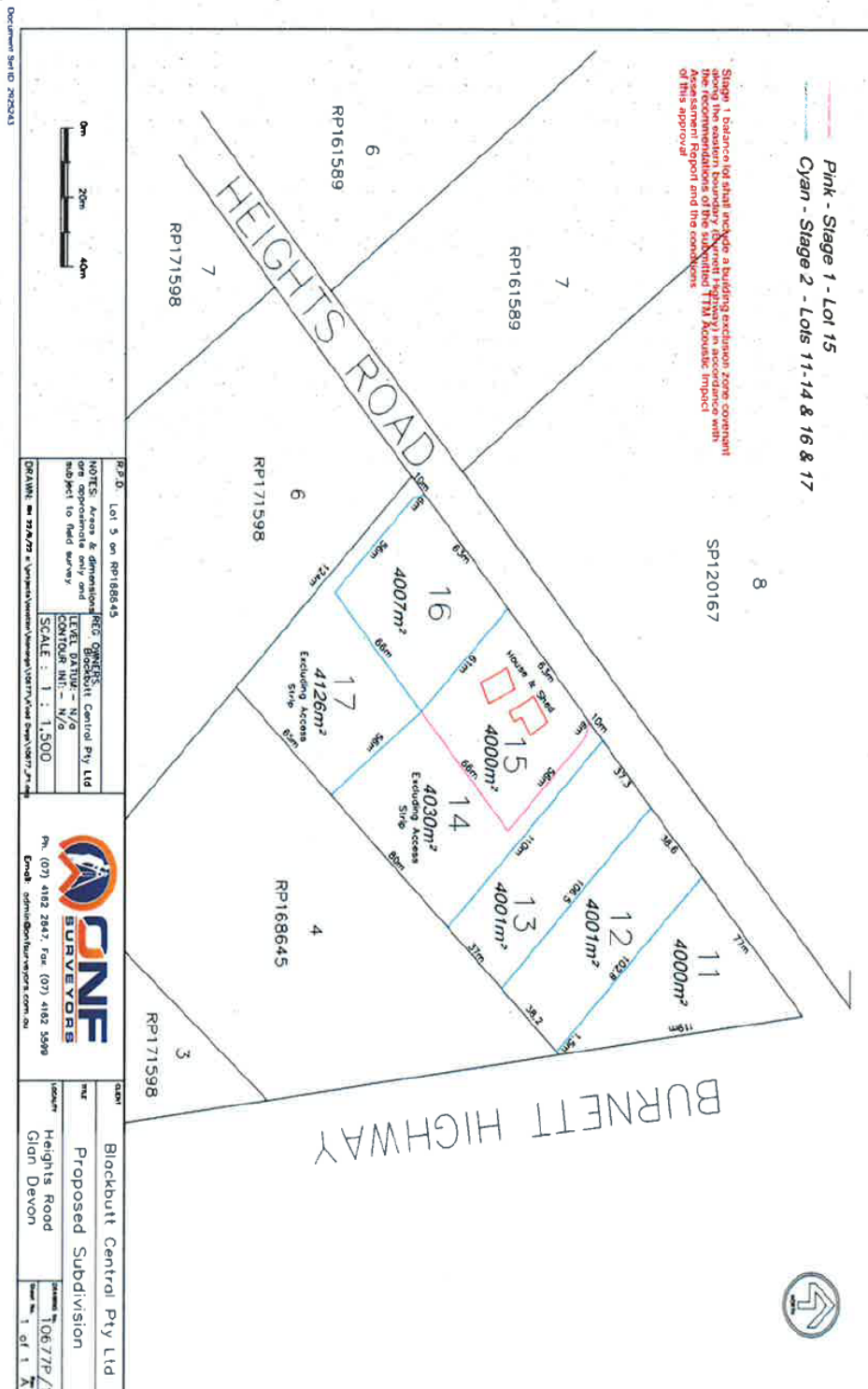
Stage 1 will include two (2) lots and Stage 2 will include six (6) lots.

The conditions are included under as per requirements of Table SC 6.2.15-Electricity, Telecommunications and Street Lighting Standards of Service and Construction. This table includes a general requirement for all reconfigurations in the Rural residential zone where a new road is opened, or 5 or more lots are created to have street lighting as a requirement of infill development that balances the ability for new lots to be created with a suitable standard of public infrastructure delivery that meets community expectations and aligns with desired standards of services for new road corridors.

The applicant has approval for 7 new house lots that are in the rural residential zone that are to be connected to existing Heights Road with no new road corridor proposed or approved. This matter is assessed on its merits against the relevant assessment benchmarks and the approved plan of development.

2.1. DEVELOPMENT PROPOSAL

The approval the applicant has made representations on is shown in the below plan. It is noted that there is no new public road corridor approved as part of the development application and only private access driveways are proposed for all new lots including new rear access lots for Stage 2 development.



3. CHANGE REPRESENTATION DETAILS

The applicant has made the following representations on conditions of the development approval. An assessment is made on the representations against the applicable codes and policies outlined in the below table.

Condition reference number	Applicant representation	Planning discussion on applicant representations
<p>ENG15 ENG16</p>	<p>Stage 1 will include two (2) lots and Stage 2 will include six (6) lots. The conditions are required under the requirements of Table SC 6.2.15- Electricity, Telecommunications and Street Lighting Standards of Service and Construction.</p> <p>This table includes a general requirement for all reconfigurations in the Rural residential zone where a new road is opened or where more than five (5) lots are created, requires the installation of street lighting in accordance with the requirements of Ergon and relevant Australian standards.</p> <p>It is accepted and reasonable that street lighting is provided where the relevant rural residential subdivision is and extension of the urban fabric of a town, like Summit View, in Kingaroy for example.</p> <p>Providing electricity supply to the proposed new lots will therefore have to include additional electricity supply for street lighting. The additional cost will be passed on to the purchasers therefore increasing the price of land.</p> <p>The requirement to provide street lighting seems at odds with the Council's development incentive to encourage the delivery of more land at an affordable price.</p> <p>The applicant is seeking to delete these conditions, Future landowners would likely rely on solar given the current commercial availability of cost-effective technology and is unlikely to pay a premium for a rural lot with street lighting along Heights Road.</p>	<p>The applicant's representations have not demonstrated an understanding of planning policy and are not relevant. Notwithstanding this, the Council's assessment has identified grounds to support the removal of the engineering conditions 15 and 16 on reasonable planning grounds under the Planning Scheme as it is confirmed that no new road is constructed as part of this development approval, despite 5 or more lots being created.</p> <p>The policy is discussed below, and the assessment is provided in the tables that follow.</p> <p>Street lighting is PUBLIC INFRASTRUCTURE reasonably required where new roads are developed, or 5 or more lots are being created, and is not at odds with any policy or incentive.</p> <p>It is a basic utility and service reflected in planning and land use policy as required by service and network provides and the State planning interests when writing planning schemes.</p> <p>Not supplying street lighting for the safety of road corridor users could be unacceptable public impact on the broader public and fabric of the settlement pattern. However, there are overriding grounds or needs to waive street lighting requirements generally.</p> <p>Future landowner reliance on solar does not have any relationship to public road lighting requirements or outcomes for safety for movement of people or traffic in the road corridor which is for network wide integrated and consistent road corridor infrastructure. It is well established policy for good planning outcomes and well-designed neighbourhoods that are safe.</p> <p>Street lighting is for public safety and consistent infrastructure planning outcomes and is generally required on the following grounds. However, as identified above there are overriding grounds or needs to waive street lighting requirements in this case.</p> <ul style="list-style-type: none"> In accordance with legislative requirements Policies, Standards and Work Practices are required to follow to ensure the safety of themselves, other workers, customers and the community.

Ordinary Council Meeting Agenda

25 December 2030

		<ul style="list-style-type: none"> • Public Lighting (Road Lighting) Lighting for any roadway, pathway or dedicated public thoroughfare, park or precinct (Lighting provided in accordance with the AS/NZS 1158 series). <p>Good lighting can prevent crashes by serving motorists and at the same time assisting to protect otherwise unprotected cyclists and pedestrians.</p> <p>Lighting levels on roadways at night need to provide adequate visual acuity for the driver of a vehicle and/or pedestrians. This enables an individual to detect movement of other vehicles and pedestrians along the carriageway or within the road reserve.</p> <p>Lighting is designed and installed based on the requirements of the responsible Public Bodies including Queensland Local Authorities, Queensland Department of Transport and Main Roads and other Queensland government departments.</p> <p>Lighting designs are to be completed considering safety to the public and construction/maintenance staff, state and federal environmental requirements, material and installation to facilitate aesthetics and optimum costs.</p> <p>Lighting designs must also consider both the initial installation cost (reduced number of luminaires spaced optimally) and the subsequent running costs (lowest lamp wattage possible).</p> <p>The requirements for street lighting policy have been informed by and implemented through State planning policy and into the planning scheme via the following important sources:</p> <p>AS 4282 – Control of Obtrusive Effects of Outdoor Lighting AS/NZS 1158 series – Lighting for Roads and Public Spaces AS/NZS 1170 – Structural Design Actions AS/NZS 1798 – Streetlight Poles and Outreaches Electrical Safety Act and Regulations Queensland Police – Crime Prevention through Environmental Design (CPED) Guidelines Queensland Transport Infrastructure Act Queensland Transport Operations Act (Road Use Management) Act Work Health and Safety Act</p>
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The request to remove conditions 15 and 16 are supported on the following grounds:

8.4.1 Reconfiguring a lot code	
8.4.1.2 Purpose (1) The purpose of the Reconfiguring a lot code is to ensure development:	
(e) Allows for the efficient and sequential provision of urban infrastructure	<p>Prima facie the removal of street lighting conditions is not supported on the basis that they are required by the assessment benchmark of the planning scheme where new road corridors are proposed, or 5 or more lots are created. While there is no new road proposed as part of this application, 7 lots are proposed to be created.</p> <p>Therefore, the planning scheme does trigger the requirement for street lighting via the number of lots also being assessed, with the trigger being 5 lots or more.</p> <p>However, in context with the number of lots approved there is no clear nexus for the development of 7 lots to provide street lighting to Heights Road which is not a trunk road for Council network purposes. The road does not have street lighting anywhere along this stretch of the Rural Residential zone precinct edge.</p> <p>The street lighting as such would be providing a broader network and public use and safety function within the established and unchanged Heights Road corridor that is difficult to assess as only being warranted by and for the servicing of this development.</p> <p>As such, the provision of street lighting along Heights Road corridor could be argued/proposed to be the provision trunk infrastructure in this context. The original street lighting condition imposed was only for non-trunk infrastructure.</p> <p>To retain the condition would put into question the utility and service the infrastructure is providing and potentially trigger a conversion application for the cost of fulfilling the condition on a Council road network that does not ordinarily contain street lighting. An application for the conversion of non-trunk infrastructure to trunk infrastructure can only apply prior to the works/installation of the infrastructure.</p> <p>Given this situation, the infrastructure conditions to provide street lighting in Heights Road as a result of the number of lots proposed, is supported to be removed as the lighting is considered to be servicing a trunk infrastructure type outcome, rather than only servicing the development proposal.</p>

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	<p>The applicant's representations are not relevant. However, the Council's assessment has found the relevant grounds to support the representations.</p>
<p>(2) The purpose of the code will be achieved through the following overall outcomes:</p>	
<p>(b) Reconfiguring a lot contributes to good urban design outcomes, safe and attractive neighbourhoods and functional industrial areas that are consistent with the intended character of the particular locality</p>	<p>On its own, the deletion of street lighting outcomes as part of a residential neighbourhood subdivision if there was a new road corridor proposed could result in poor planning design outcomes in conflict with public safety planning design requirements intended by the planning scheme including in the rural residential zone and the RR1 precinct across the SBRC LGA.</p> <p>However, there is no new road opening as part of this approved development and as such, there is a reasonable planning justification to delete the requirement for new street lighting on Heights Road, despite 5 or more lots being created. As the Code requirements do not state new street lighting is to be installed along Council road network, the lighting will service a broader network function and would be difficult to argue is only required for the purposes of this development. Where a new road is opened the inclusion of a non-trunk condition may be appropriate on planning grounds for the number of lots and to instal a current standard road and its necessary associated infrastructure.</p> <p>In this case, as all lots take access from Heights Road there is not considered to be reasonable planning grounds to warrant the retention of the condition despite 5 or more lots being created. It is considered the requirement will result in an upgrade to Council road network that could potentially be subject to a reasonable conversion application for trunk infrastructure</p>
<p>(f) A structured road hierarchy is created that provides safe, convenient and efficient connectivity and circulation for vehicles, cyclists and pedestrians.</p>	<p>Street lighting forms part of the road corridor design that provides a safe and efficient network for connectivity for vehicles, cyclists and pedestrians. Removal of street lighting solely based on the applicant's representations would be poor planning. However, the request has been assessed and the planning grounds are identified for removal as no new road corridor is constructed as part of the development and it would not be a reasonable planning inclusion for the project as all access is taken from Council road corridor and lighting to the existing corridor may be reasonably assessed as being trunk infrastructure triggering a future conversion application. Therefore, to manage risks and based on the assessment of whether the condition is reasonable and relevant to this proposal, there are considered to be suitable grounds to remove the condition also on the basis</p>

	that lighting to Heights Road is not a reasonable condition in that it would not only service the development but also a broader road network.
Services and works code	
8.4.2.2 Purpose The purpose of the Works and services code is to provide for the adequate provision of services and control of operational works	
(2) The purpose of the code will be achieved through the following overall outcomes: (a) Infrastructure is provided in a cost-effective, efficient and co-ordinated manner to a standard ordinarily expected in the locality.	The applicant argues that the provision of no street lighting is a suitable outcome for the communities of South Burnett on the basis that potential future occupants of future lots can access solar at their own discretion and cost within their lots.
<p>PO5 Development is provided with infrastructure which:</p> <ul style="list-style-type: none"> (a) Conforms with industry standards for quality; (b) Is reliable and service failures are minimised; and (c) Is functional and readily augmented 	<p>The applicant's representations are not related and not relevant to the planning context or the grounds for assessing development and inclusion of conditions.</p>
<p>AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>The applicant has not demonstrated an understanding of planning policy. However, the removal of street lighting requirement where there is no new public road and where lighting is within existing road corridor only, is considered on balance, appropriate. The condition is not considered reasonable as the lighting will be serving a greater infrastructure network outcome beyond just the demand of this development.</p> <p>Street lighting is public asset, servicing the needs of all road users, pedestrian, cyclist and motorists. There is no new road corridor constructed as part of this development proposal that requires street lighting to meet the road corridor construction requirements under Council standards, despite 5 or more lots being created.</p> <p>Upon removal of the condition, the development is assessed to remain compliant with AO5.2, PO5 and the Purpose statement (a) of the Services and works code.</p> <p>The request to remove the conditions ENG15 and 16 is therefore supported.</p>

4. ASSESSMENT OF CHANGE REPRESENTATIONS

Framework for Assessment

The Planning Act 2016 (Planning Act) prescribes when and how change representations may be made, considered and decided, including the relevant timeframes.

Making change representations (section 75 of the Planning Act)

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25 December 2030

An applicant may make change representations about a matter in the development approval or the standard conditions of a deemed approval.

76 Deciding change representations

- (1) *The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.*
- (2) *The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—*
 - (a) *the applicant; and*
 - (b) *if the assessment manager agrees with any of the change representations—*
 - (i) *each principal submitter; and*
 - (ii) *each referral agency; and*
 - (iii) *if the assessment manager is not a [local government](#) and the development is in a [local government](#) area—the relevant [local government](#); and*
 - (iv) *if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and*
 - (v) *another person prescribed by regulation.*
- (3) *A decision notice (a “**negotiated decision notice**”) that states the assessment manager agrees with a change representation must—*
 - (a) *state the nature of the change agreed to; and*
 - (b) *comply with [section 63](#) (2) and (3) .*
- (4) *A [negotiated decision notice](#) replaces the decision notice for the development application.*
- (5) *Only 1 [negotiated decision notice](#) may be given.*
- (6) *If a [negotiated decision notice](#) is given to an applicant, a [local government](#) may give a replacement infrastructure charges notice to the applicant.*

CODE ASSESSMENT

Planning Act 2016, Section 26 – Assessment Benchmarks generally

- (1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—
 - (a) the assessment benchmarks stated in—
 - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
 - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
 - (iii) a temporary State planning policy applying to the premises;
 - (b) if the local government is an infrastructure provider—the local government’s LGIP.
- (3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

Section 30 – Assessment Benchmarks generally

- (1) *For section 45(5)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) *Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—*
 - (a) *the assessment benchmarks stated in—*

- (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (iii) *a temporary State planning policy applying to the premises;*
- (b) *if the development is not in a local government area-any local planning instrument for a local government area that may be materially affected by the development;*
- (c) *if the local government is an infrastructure provider—the local government's LGIP.*
- (3) *However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.*

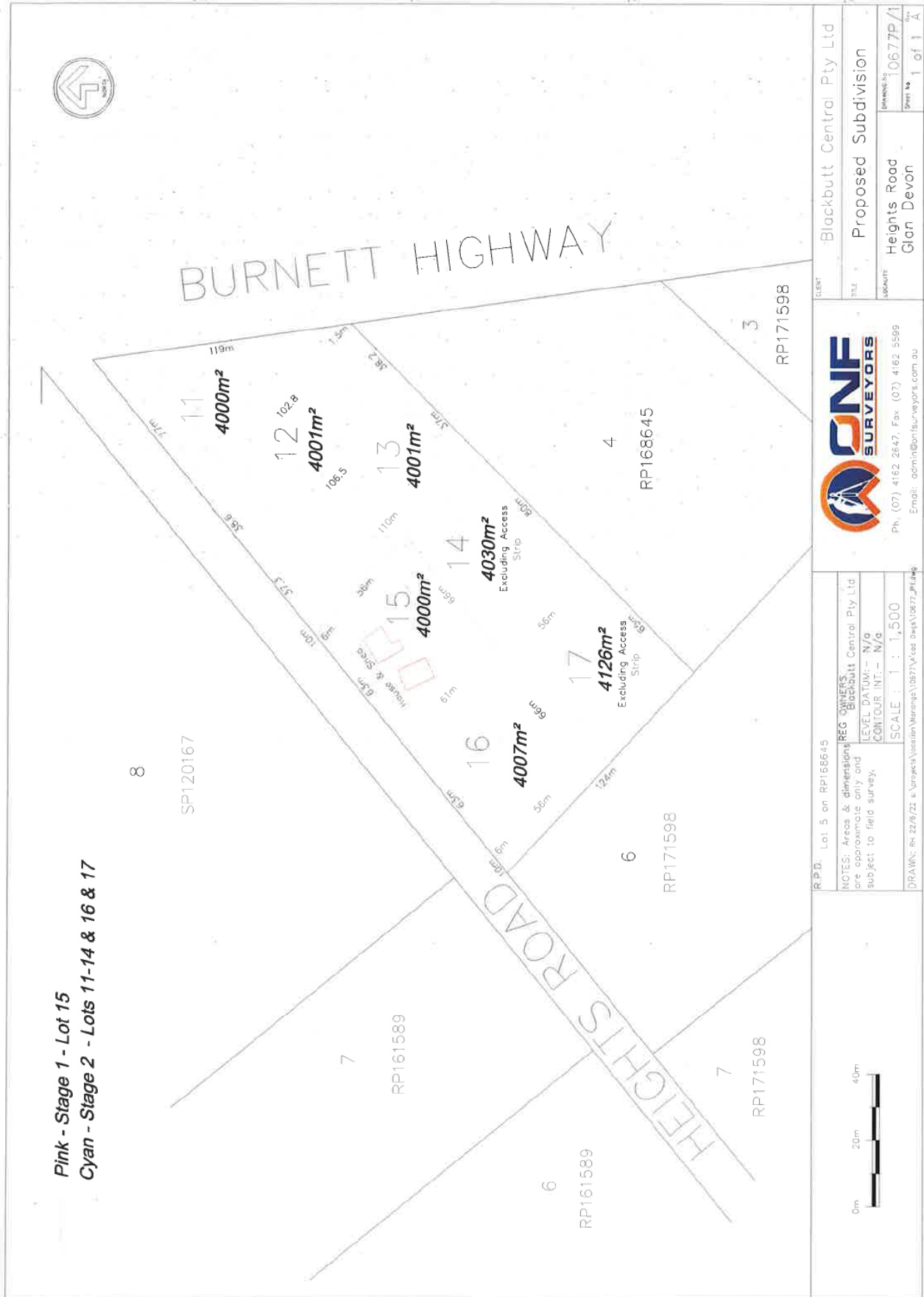
5. RECOMMENDATION

The applicant's representations on ENG conditions 15 and 16 be approved and Council's decision be reissued without Stage 2 conditions ENG15 and 16 as no public road is constructed as part of the application and the conditions are assessed not to be a reasonable inclusion for this development of 7 lots, notwithstanding the planning scheme requiring street lighting for development of 5 or more lots.

The conditions are also assessed to not be reasonable imposition on this development for the number of lots proposed that are approved to all have access from Heights Road. The condition seeks an upgrade to an existing trunk road corridor and the lighting would have a broader network function and benefit beyond the demand or use of this development. The condition may be appropriately challenged for an infrastructure conversion application in this scenario where infrastructure is provided that services multiple users beyond that which this demands in terms of infrastructure servicing and infrastructure provision.

ATTACHMENTS

- 1. Attachment A - Approved Plans**
- 2. Attachment B - SARA Decision Notice**
- 3. Attachment C - Statement of Reasons**



CLIENT	Blackbutt Central Pty Ltd
TITLE	Proposed Subdivision
LOCATION	Heights Road Glen Devon
DRAWING No	10677P/1
SHEET No	1 of 1

ONE SURVEYORS

Ph: (07) 4162 2647, Fax: (07) 4162 5599
 Email: admin@onesurveyors.com.au

R.P.D. Lot 5 on RP168645
REG OWNERS: Blackbutt Central Pty Ltd
NOTES: Areas & dimensions are approximate only and subject to field survey.
LEVEL DATUM: - N/A
CONTOUR INT.: - N/A
SCALE: 1 : 1,500
DRAWN: R:\22\6\22 - V\projects\posidon\teranga\10877\A\set dws\10877_d1.dwg



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.

RA6-N



SARA reference: 2207-30053 SRA
 Council reference: RAL22/0030
 Applicant reference: 10677K

7 November 2022

Chief Executive Officer
 South Burnett Regional Council
 PO Box 336
 KINGAROY QLD 4610
 info@southburnett.qld.gov.au

Dear Sir / Madam

SARA response—31 Heights Road, Glan Devon

(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 29 July 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	7 November 2022
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 Reconfiguring a lot – subdivision (1 lot into 7 lots) in two stages
SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Development application for

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Wide Bay Burnett regional office
 Level 1, 7 Takalvan Street, Bundaberg
 PO Box 979, Bundaberg QLD 4670

2207-30053 SRA

reconfiguring a lot within 25m of a state-controlled road corridor
(Burnett Highway)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1
(Planning Regulation 2017) – Development application for
reconfiguring a lot within 100m of a state-controlled intersection
(Burnett Highway / Heights Road)

SARA reference: 2207-30053 SRA
Assessment Manager: South Burnett Regional Council
Street address: 31 Heights Road, Glan Devon
Real property description: Lot 5 on RP168645
Applicant name: Blackbutt Central Pty Ltd
Applicant contact details: c/- ONF Surveyors
PO Box 896
Kingaroy QLD 4610
admin@onfsurveyors.com.au

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 Hugh Byrnes, Principal Planning Officer, on 3307 6153 or via email WBBSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Blackbutt Central Pty Ltd
admin@onfsurveyors.com.au
Attn: Mr Chris Du Plessis

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

2207-30053 SRA

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)

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1—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.	Direct access is not permitted between the Burnett Highway (Nanango - Goomeri) and the subject site.	At all times
2.	Noise attenuation measures to achieve the following maximum acoustic levels must be provided: (a) Outdoor spaces for passive recreation: (i) ≤ 57 dB(A) L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight ≤ 45 dB(A)), or (ii) ≤ 60 dB(A) L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight > 45 dB(A))	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times

2207-30053 SRA

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) 3.0. If a word remains undefined it has its ordinary meaning. |
|----|--|

2207-30053 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The proposed development complies with the assessment benchmarks and purpose statement within State Code 1: Development in a state-controlled road environment of the State Development Assessment Provisions, as the proposed development does not create unacceptable:

- safety hazards for users of a state-controlled road;
- stormwater impacts on the state-controlled road; or
- worsening of the operating performance of a state-controlled road.

Conditions have been applied to ensure compliance with State Code 1 where applicable.

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)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

2207-30053 SRA

Attachment 4—Change representation provisions

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NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

Applicant:	Blackbutt Central Pty Ltd C/- ONF Surveyors
Proposal:	Reconfiguration of a Lot – Subdivision (1 Lot into 7 Lots)
Street Address:	31 Heights Road, Glan Devon
RP Description:	Lot 5 on RP168645
Assessment Type:	Code Assessable
Number of Submissions	N/A

On 5 December 2022 the above development was recommended for:

- Approval

1. Reasons for the Decision

The reasons for this decision are:

- The proposed lots meet the minimum requirements prescribed for the Rural Residential Zone, RR1 precinct and no irregular shaped allotments are proposed.
- The proposed lots will have direct road frontage to a sealed road.
- Identified noise impacts can be managed through conditions of approval and the submitted recommendations of the TTM Noise Impact Assessment report section 7.
- There are no bushfire hazard risks identified to the creation of new lots that cannot be managed by future dwelling house construction requirements under the BCS and QDC.
- The proposal is consistent with the zone, zone purpose and all relevant assessment benchmarks are assessed as being compliant or can be conditioned to be compliant and impacts on future development can be managed via conditions.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- Rural Residential Zone Code
- Reconfiguration of a Lot Code
- Services and Works Code

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

Note: Each application submitted to Council is assessed individually on its own merit.

15 QUESTIONS ON NOTICE

15.1 QUESTION ON NOTICE - REQUEST FOR INFORMATION

File Number: 10-May-2023

Author: Coordinator Governance

Authoriser: General Manager Infrastructure

The following question on notice was received from Councillor Schumacher.

Question

How many requests for information have been received and do we track the time and/or the expenditure on these requests?

Response

The number of requests for information received from Councillors in accordance with the register are:

- 01-07-2021 to 30-06-2022 75
- 01-07-2022 to present 22

Requests for information from Councillors are tracked on an ad-hoc basis. Council has no formal and consistent tracking in place to accurately measure the total cost of requests for information from Councillors.

RECOMMENDATION

That the response to the question regarding request for information raised by Councillor Schumacher be received and noted.

ATTACHMENTS

Nil

15.2 LEGAL ADVICE**File Number:** 10-May-2023**Author:** Coordinator Corporate**Authoriser:** General Manager Infrastructure

The following question on notice was received from Councillor Kristie Schumacher.

Question

What has been the actual expenditure to date for seeking legal advice compared to the budgeted amount for this financial year and can a summary of what legal advice has been sought be brought back to a future standing committee meeting.

Response

Actual expenditure to 26 April 2023 164,888

Budget 2022/2023 100,000

Summary of legal advice sought to date is:

<i>Office of the CEO</i>	<i>Planning/building complaint Conflict of Interests Councillor Complaints</i>
<i>Finance and Corporate</i>	<i>Rates matters Delegations Administrative Action Complaint Contractor non-payment Utility charges Sale of land for arrears of rates Procurement Interest on rates</i>
<i>Infrastructure</i>	<i>Tenders Developments Road and Footpath Corridor Management</i>
<i>Liveability</i>	<i>Compliance Notices and Delegation of Powers Sale of Land Land matters Planning appeals Leasing Matters Native Title Operational works</i>

RECOMMENDATION

That the response to the question regarding legal advice raised by Councillor Schumacher be received and noted.

ATTACHMENTS

Nil

15.3 CLOSE OUT OF REQUESTS**File Number:** 12/04/2023**Author:** Manager ICT and Fleet**Authoriser:** General Manager Infrastructure

The following question on notice was received from Councillor Kathy Duff.

Question

What is the process for the closure of requests?

Response

Officers will provide a process overview at the Tech 1 Councillor workshop on 10 May 2023, along with a further report on workflow as requested at the June standing committee meeting.

RECOMMENDATION

That the response to the question regarding Close out of Requests raised by Councillor Kathy Duff be received and noted.

ATTACHMENTS

Nil

16 CONFIDENTIAL SECTION

OFFICER'S RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

16.1 Variation of lease A & B of Lot 1 on M55124

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

16.2 Animal Management

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

16.3 Briefing Report for MCU22/0022 - Material Change of Use for the Use Short-term Accommodation 84m2 GFA (within a Secondary Dwelling) at 17 Fork Hill Drive, Moffatdale (and described as Lot 22 on SP221464). Applicant: Lusso Retreats Pty Ltd C/- ONF Surveyors

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

17 CLOSURE OF MEETING