



Supplementary Agenda

for the

General Meeting of the Council

to be held in the

Council Chambers, 118 Victoria Street, St George

on

Thursday 16th November 2017

Commencing at 9:00am

Table of Contents

MEETING BUSINESS BY CORPORATE FUNCTION	2
(CEO) CHIEF EXECUTIVE OFFICER	2
(FCS) FINANCE AND CORPORATE SERVICES	5
(CES) COMMUNITY & ENVIRONMENTAL SERVICES	23
CONFIDENTIAL ITEMS.....	89
INFORMATION REPORTS.....	90

MEETING BUSINESS BY CORPORATE FUNCTION

(CEO) CHIEF EXECUTIVE OFFICER

ITEM	TITLE	EXECUTIVE SUMMARY	PAGE
	<u>CHANGE OF MEETING DATE FOR DECEMBER 2017 GENERAL COUNCIL MEETING</u>	<i>Change of Date for December 2017 General Council Meeting.</i>	3
CE01			

OFFICER REPORT

TO: Council

SUBJECT: Change of Meeting Date for December 2017 General Council Meeting

DATE: 13.11.17

AGENDA REF: CEO1

AUTHOR: Matthew Magin - Chief Executive Officer

Executive Summary

Change of Date for December 2017 General Council Meeting.

Background

Council's December General Meeting was scheduled to be held on Thursday 21st December, 2017. This date being so close to Christmas Day would leave no time for actions to be undertaken from that Meeting, bearing in mind that numerous staff members will be on leave. Subsequently it is recommended that the December Meeting be held on Thursday 14th December, 2017.

Link to Corporate Plan

Function	Key Program Area
<u>Strong & Resilient Communities</u>	Community Lifestyle: To foster community pride and social interaction for all groups within our community with access to well serviced community hubs and facilities.

Consultation (internal/external)

Mayor and internal officers

Legal Implications

Nil

Policy Implications

Nil

Financial and Resource Implications

Nil

Attachments

Nil

Recommendation/s

That the December 2017 General Meeting of the Council be held on Thursday 14th December, 2017.

Matthew Magin
Chief Executive Officer

(FCS) FINANCE AND CORPORATE SERVICES

ITEM	TITLE	EXECUTIVE SUMMARY	PAGE
<i>FCS1</i>	<u>BUDGET REVIEW - NOVEMBER 2017</u>	<i>Budget Review – November 2017</i>	6

OFFICER REPORT

TO: Council

SUBJECT: Budget Review - November 2017

DATE: 09.11.17

AGENDA REF: FCS1

AUTHOR: Karen Searle - Manager Financial Services

Executive Summary

Budget Review – November 2017

Background

Council reviews its budgets at least twice during a financial year. The triggers are: on the completion of audit of the previous financial year and towards the end of the financial year.

The November review captures any changes to opening budgets which are a result of end of year transactions; eg. Closing bank balances, revaluation of assets, capitalising of assets and end of year transactions. The November review also captures changes to budgets, due to formal advice being received regarding FAGS, Precepts etc. In addition to this, any funding opportunities that have been successful are captured at this point in time.

The changes to the November 2017 review include:

Revenue	
Additional FAGS Revenue (General)	174,474
Additional FAGS Revenue (Road Component)	15,317
Additional R2R Funding (unspent funds 16/17)	232,000
Additional W4Q (Round 2 – 50% funding received) Revenue	605,000
Decrease in RADF Funding	(6,000)
Decrease RPC Revenue due to works being completed in 16/17	(1,072,000)
Expenditure	
Decrease RPC Expenditure due to works being completed in 16/17	1,109,000
Increase in overall Operational Projects (as attached)	(60,724)
Decrease in overall Capital Projects (as attached) – predominately due to funding offsets	197,000

Link to Corporate Plan

Function	Key Program Area
<u>Inclusive & Ethical Governance</u>	Financial Management: To ensure the long term viability of the Shire and provide accountability in financial management.

Consultation (internal/external)

Chief Executive Officer, Director of Finance & Corporate Services, Director of Infrastructure, Director of Community and Environmental Services

Legal Implications

Nil

Policy Implications

Nil

Financial and Resource Implications

Increase of comprehensive surplus for 17/18 \$805,791
Net decrease in cash for 17/18 has reduced by \$\$470,755

Attachments

1. BudgetReviewNovember2017.pdf [↓](#)

Recommendation/s

That the Budget Review as tabled be adopted.

Michelle Clarke

Director Finance & Corporate Services

Budget Review

Adopted 16 November 2017

Table of Contents

Statement of Comprehensive Income	1
Operating Statement	2
Statement of Cash Flows	4
Statement of Financial Position	5
Operational and Capital Project Budgets	6

Balonne Shire Council

Statement of Comprehensive Income

For the year ended 30 June 2018

	Notes	2018 Actual	Orig. 17/18	Prop. 17/18
Income				
Revenue				
Recurrent revenue				
Rates, levies and charges	3	4,945,710	9,696,905	9,696,905
Fees and charges	3	59,612	236,300	236,300
Rental income	3	19,345	272,000	272,000
Interest received	3	169,919	415,550	415,550
Sales revenue	3	655,177	3,497,000	2,425,000
Other income	3	67,883	117,100	117,100
Grants, subsidies, contributions and donations	4	795,899	5,527,310	5,717,101
Total recurrent revenue		6,713,545	19,762,165	18,879,956
Capital revenue				
Grants, subsidies, contributions and donations	4	873,356	5,530,554	6,163,754
Gain on Revaluation		0	0	0
Total capital revenue		873,356	5,530,554	6,163,754
Total revenue		7,586,901	25,292,719	25,043,710
Capital income	5	0	0	0
Total income		7,586,901	25,292,719	25,043,710
Expenses				
Recurrent expenses				
Employee benefits	6	(2,141,910)	(6,250,000)	(6,250,000)
Materials and services	7	(2,625,837)	(10,680,940)	(9,626,140)
Finance costs	8	(55,642)	(203,321)	(203,321)
Depreciation and amortisation	9	0	(7,980,753)	(7,980,753)
Total recurrent expenses		(4,823,389)	(25,115,014)	(24,060,214)
Capital Expenses	10	0	0	0
		0	0	0
Total expenses		(4,823,389)	(25,115,014)	(24,060,214)
Net operating surplus		2,763,512	177,705	983,496
Other comprehensive income				
Increase / (decrease) in asset revaluation surplus		0	0	0
Total other comprehensive income for the year		0	0	0
Total comprehensive income for the year		2,763,512	177,705	983,496

Balonne Shire Council Operating Statement

For the year ended 30 June 2018

	<u>Notes</u>	<u>2018 Actual</u>	<u>Orig. 17/18</u>	<u>Prop. 17/18</u>
Operating Revenue				
General Rates		3,260,887	6,508,620	6,508,620
Garbage		537,594	1,059,000	1,059,000
Sewer		555,901	1,109,000	1,109,000
Water		969,681	1,902,000	1,902,000
Special Charges		100,984	208,600	208,600
Less: Discount		(462,422)	(1,054,315)	(1,054,315)
Pensioner Subsidy		(16,915)	(36,000)	(36,000)
Flood Rebate		0	0	0
		4,945,710	9,696,905	9,696,905
Fees and Charges		59,612	236,300	236,300
Interest		169,919	415,550	415,550
Rent income		19,345	272,000	272,000
Recoverable Works		655,177	3,497,000	2,425,000
Other		67,883	117,100	117,100
		971,936	4,537,950	3,465,950
Contributions		10,617	18,400	18,400
Subsidies and Grants		785,282	5,508,910	5,698,701
		795,899	5,527,310	5,717,101
Total Operating Revenues		6,713,545	19,762,165	18,879,956
Operating Expenditure				
Community		595,051	2,724,666	2,724,666
Corporate		(118,867)	(848,521)	(794,321)
Emergency Services		63,314	256,500	256,500
Environment		664,266	3,057,903	3,057,903
Building and Development		38,463	286,500	286,500
Cleansing		0	11,700	11,700
Plant		515,780	3,062,500	3,062,500
Recoverable Works		489,209	2,940,000	1,831,000
Roads & Streets		2,214,810	11,427,416	11,427,416
Urban Waste Water		76,773	696,000	696,000
Water		284,592	1,500,350	1,500,350
Total Expenses		4,823,389	25,115,014	24,060,214
OPERATING CAPABILITY BEFORE CAPITAL		1,890,156	(5,352,849)	(5,180,258)

	<u>Notes</u>	<u>2018 Actual</u>	<u>Orig. 17/18</u>	<u>Prop. 17/18</u>
Capital Items				
Sale of non-current assets		0	0	0
Contributions		0	30,000	30,000
Subsidies and Grants		873,356	5,500,554	6,133,754
Gain on Revaluation		0	0	0
Loss on Revaluation		0	0	0
TOTAL COMPREHENSIVE INCOME		2,763,512	177,705	983,496

Balonne Shire Council Statement of Cash Flows

For the year ended 30 June 2018

	Notes	2018 Actual	Orig. 17/18	Prop. 17/18
Cash flows from operating activities:				
Receipts from customers		8,460,150	13,561,805	12,489,805
Payments to suppliers and employees		(5,604,127)	(16,908,950)	(15,854,150)
		2,856,024	(3,347,145)	(3,364,345)
Interest received		169,919	415,550	415,550
Rental income		19,345	272,000	272,000
Non-capital grants and contributions		795,899	5,528,310	5,718,101
Borrowing costs		(51,398)	(190,811)	(190,811)
Net cash inflow (outflow) from operating activities	35	3,789,788	2,677,904	2,850,495
Cash flows from investing activities:				
Payments for property, plant and equipment		(1,778,217)	(10,641,500)	(10,976,536)
Payments for intangible assets		0	0	0
Net movement on loans and advances		0	0	0
Proceeds from sale of property, plant and equipment	5	92,930	0	0
Grants, subsidies, contributions and donations		873,356	5,530,554	6,163,754
Net cash inflow (outflow) from investing activities		(811,931)	(5,110,946)	(4,812,782)
Cash flows from financing activities				
Proceeds from borrowings		0	0	0
Repayment of borrowings		(62,358)	(272,310)	(272,310)
Net cash inflow (outflow) from financing activities		(62,358)	(272,310)	(272,310)
Net increase (decrease) in cash held		2,915,499	(2,705,352)	(2,234,597)
Cash at beginning of reporting period		21,615,628	17,239,322	21,615,628
Cash at end of reporting period	11	24,531,128	14,533,970	19,381,031

Balonne Shire Council

Statement of Financial Position

For the year ended 30 June 2018

	Notes	2018 Actual	Orig. 17/18	Prop. 17/18
Current Assets				
Cash and cash equivalents	11	24,531,128	14,533,970	19,381,031
Trade and other receivables	12	900,471	1,678,229	3,518,546
Inventories	13	245,196	198,368	215,581
Other financial assets	14	81,248	92,450	73,227
		25,758,042	16,503,017	23,188,385
Non-current assets classified as held for sale	15	0	0	0
Total current assets	2	25,758,042	16,503,017	23,188,385
Non-current Assets				
Property, plant and equipment	18	260,186,631	258,102,908	263,185,382
Asset Revaluations		0	0	0
Capital works in progress		2,377,091	5,604,550	688,838
Intangible assets		0	0	0
Total non-current assets	2	262,563,723	263,707,458	263,874,220
TOTAL ASSETS		288,321,765	280,210,475	287,062,605
Current Liabilities				
Trade and other payables	20	18,993	344,787	655,466
Borrowings		193,139	272,310	272,916
Provisions	23	1,651,608	1,657,348	1,687,011
Other		(79,000)	7,699	7,176
Total current liabilities		1,784,740	2,282,144	2,622,569
Non-current Liabilities				
Trade and other payables	20	0	0	0
Interest bearing liabilities		2,925,379	2,613,268	2,637,393
Provisions	23	178,146	168,485	150,899
Other		0	0	0
Total non-current liabilities		3,103,525	2,781,753	2,788,292
TOTAL LIABILITIES		0	0	0
NET COMMUNITY ASSETS		283,433,500	275,146,578	281,651,744
Community Equity				
Shire capital		36,249,478	36,929,373	36,397,736
Asset revaluation reserve	25	197,400,285	195,216,579	197,400,285
Retained surplus/(deficiency)		42,807,507	38,148,772	42,027,492
Other reserves	28	6,976,229	4,851,854	5,826,230
TOTAL COMMUNITY EQUITY		283,433,500	275,146,578	281,651,743

Operational Projects

				Original 2017/18			November Review			
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant	Amended Nett	Comments
205 - GENERAL ADMINISTRATION										
	0205-0442-0000	IR/HR Consultancy	0.00	40,000.00	0.00	40,000.00	40,000.00	0.00	40,000.00	
	205-	HR/IR	0.00	40,000.00		40,000.00	40,000.00		40,000.00	
	0205-0441-0000	Levee Bank Contingencies	67,317.70	150,000.00	0.00	150,000.00	150,000.00	0.00	150,000.00	Expenditure to date has been on
	0205-0444-0000	Replacement and New PC's/Laptops	11,566.99	24,800.00	0.00	24,800.00	24,800.00	0.00	24,800.00	Levee Bank Contingencies
	0205-0448-0000	Asset Valuations	0.01	8,000.00	0.00	8,000.00	8,000.00	0.00	8,000.00	Replacement and New PC's/Laptops
	0205-0449-0000	ICT Strategy	24,675.75	20,000.00	0.00	20,000.00	20,000.00	0.00	20,000.00	Asset Valuations
	0205-0453-0000	Corporate/Community Plan	8,875.87	20,000.00	0.00	20,000.00	20,000.00	0.00	20,000.00	ICT Strategy
	0205-0454-0000	Business Continuity Plan	0.00	4,900.00	0.00	4,900.00	4,900.00	0.00	4,900.00	Corporate/Community Plan
	0205-0455-0000	Upgrade Exchange	0.00	6,500.00	0.00	6,500.00	6,500.00	0.00	6,500.00	Business Continuity Plan
	0205-0461-0000	Risk Module	0.00	32,800.00	0.00	32,800.00	7,000.00	0.00	7,000.00	Upgrade Exchange
	0205-0462-0000	Customer After Hours Call Centre	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	Risk Module
		Local Laws Review					40,000.00	0.00	40,000.00	Customer After Hours Call Centre
	205-2447	Corporate Services Operational Projects	112,436.32	272,000.00	0.00	272,000.00	286,200.00	0.00	286,200.00	Local Laws Review
210-STORES										
		Decommission Fuel Tanks		0.00		140.00	40,000.00		40,000.00	
	210-2447	Stores		0.00		140.00	40,000.00		40,000.00	
	0320-0445-0000	Building Educational Resources	0.00	2,000.00	0.00	2,000.00	2,000.00	0.00	2,000.00	Not commenced
	320-2447	Building Operational Projects	0.00	2,000.00	0.00	2,000.00	2,000.00	0.00	2,000.00	
	0310-0447-0000	Planning Scheme	0.00	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00	Planning Scheme to be rolled out
	0310-0448-0000	Native Title/ILUA Briefing Sessions		10,000.00	0.00	10,000.00	10,000.00	0.00	10,000.00	Session to be organised Quarter 3 Jenny Humphris to be engaged
	310-2447	Planning Operational Projects	0.00	25,000.00	0.00	25,000.00	25,000.00	0.00	25,000.00	
320- BUILDING										
	0320-0445-0000	Building Educational Resources	0.00	2,000.00	0.00	2,000.00	2,000.00	0.00	2,000.00	Not commenced
	320-2447	Building Operational Projects	0.00	2,000.00	0.00	2,000.00	2,000.00	0.00	2,000.00	
340 - ECONOMIC DEVELOPMENT										
	0340-0446-0000	Subscriptions and Memberships	21,265.11	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	0340-0448-0000	Bettering Balonne	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	0340-0449-0000	Economic Development Marketing	0.00	10,000.00	0.00	10,000.00	10,000.00	0.00	10,000.00	
	340-2447	Economic Development Operational Projects	21,265.11	20,000.00	0.00	20,000.00	20,000.00	0.00	20,000.00	
350 - TOURISM										

Operational Projects

			Actuals	Original 2017/18			November Review			Comments
				Total Project	Funding	Council Contribution	Amended Budget	Amended Grant	Amended Nett	
	0350-0444-0000	Shire Tourism Marketing	133.18	12,000.00	0.00	12,000.00	12,000.00	0.00	12,000.00	
	0350-0445-0000	Yellowbelly Festival	303.16	4,500.00	0.00	4,500.00	4,500.00	0.00	4,500.00	
	0350-0446-0000	Shire Town Maps	0.00	4,000.00	0.00	4,000.00	4,000.00	0.00	4,000.00	
	0350-0447-0000	Recreational Vehicle Strategy	6,081.62	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00	
	0350-0448-0000	Shire Tourism Brochure	740.54	20,000.00	0.00	20,000.00	20,000.00	0.00	20,000.00	
	350-2447	Tourism Operational Projects	7,258.50	55,500.00	0.00	55,500.00	55,500.00	0.00	55,500.00	
355- VISITOR INFORMATION CENTRE										
	0355-0448-0000	VIC Volunteer Expenses	467.54	4,000.00	0.00	4,000.00	4,000.00	0.00	4,000.00	
	355-2447	VIC Operational Projects	467.54	4,000.00	0.00	4,000.00	4,000.00	0.00	4,000.00	
501 - COMMUNITY DEVELOPMENT										
	0501-0443-0000	Young Leaders Bursary	0.00	6,500.00	1,500.00	5,000.00	6,500.00	1,500.00	5,000.00	
	0501-0444-0000	Community Safety Group	859.19	3,000.00	0.00	3,000.00	3,000.00	0.00	3,000.00	Community breakfast meeting was held July 2017
	0501-0447-0000	Community Events	547.56	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00	
	0501-0449-0000	Get Ready Program	507.12	11,000.00	11,000.00	0.00	11,000.00	11,000.00	0.00	
	501-2447	Community Development Operational Projects	1,913.87	35,500.00	12,500.00	23,000.00	35,500.00	12,500.00	23,000.00	
505 - LIBRARIES										
	0505-0444-0000	First 5 Forever	398.75	3,350.00	3,350.00	0.00	3,350.00	3,350.00	0.00	
	0505-0445-0000	Digital Literacy Program	913.42	10,000.00	0.00	10,000.00	10,000.00	0.00	10,000.00	New digital resources
	0505-0446-0000	General Library Programs	182.12	29,000.00	25,000.00	4,000.00	29,000.00	25,000.00	4,000.00	
	0505-0448-0000	Pop Up Gallery	95.90	2,000.00	0.00	2,000.00	2,000.00	0.00	2,000.00	
	505-2447	Library Operational Projects	1,590.19	44,350.00	28,350.00	16,000.00	44,350.00	28,350.00	16,000.00	
510 - HOUSING										
	0510-0441-0000	19 Alfred Street - Replace Fence	0.00	6,000.00	0.00	6,000.00	6,000.00	0.00	6,000.00	
	510-2447	Total Housing Operation Projects	0.00	6,000.00	0.00	6,000.00	6,000.00	0.00	6,000.00	
521 - INFRASTRUCTURE SWIMMING POOLS										
	0521-0441-0000	Dirranbandi Waterproof Shed Shelving	0.00	2,000.00	0.00	2,000.00	2,000.00	0.00	2,000.00	
	0521-0442-0000	Dirranbandi Filtration Piping	9,025.85	25,000.00	0.00	25,000.00	25,000.00	0.00	25,000.00	
	0521-0445-0000	St George Pool Bund & Pump	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	521-2447	Total Swimming Pool Operation Projects	9,025.85	32,000.00	0.00	32,000.00	32,000.00	0.00	32,000.00	
525 - ARTS										
	0525-0208-0000	RADF	6,150.00	43,060.00	31,000.00	12,060.00	43,584.00	25,000.00	18,584.00	Reduced allocation of Funding
	525-2208	RADF	6,150.00	43,060.00	31,000.00	12,060.00	43,584.00	25,000.00	18,584.00	

Operational Projects

				Original 2017/18			November Review			Comments
				Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant	
	0525-0446-0000	Carry over - Project Management Cultural Precinct	20,546.00	45,000.00	45,000.00	0.00	45,000.00	45,000.00	0.00	
	0525-0447-0000	Carry Over - Cultural Precinct	28.01	70,000.00	0.00	70,000.00	70,000.00	0.00	70,000.00	
	0525-0449-0000	Carry over - Indigenous Incubator Project	20,688.55	50,000.00	0.00	50,000.00	50,000.00	0.00	50,000.00	
	525-2447	Arts	41,262.56	165,000.00	45,000.00	120,000.00	165,000.00	45,000.00	120,000.00	
530 - INFRASTRUCTURE PARKS & GARDENS										
	0530-0441-0000	Rowden Park - Concrete around Grandstand & Changerooms	0.00	4,000.00	0.00	4,000.00	4,000.00	0.00	4,000.00	
	0530-0442-0000	Develop Strategic Plan for Rowden Park	0.00	20,000.00	0.00	20,000.00	20,000.00	0.00	20,000.00	
	530-2447	Total Parks & Garden Operation Projects	0.00	24,000.00	0.00	24,000.00	24,000.00	0.00	24,000.00	
545 - COMMUNITY DONATIONS/ASSISTANCE										
	0545-0208-0001	Community Donations	8,332.20	18,000.00	0.00	18,000.00	18,000.00	0.00	18,000.00	Continuing
	545-2208	Total Donations & Assistance Operation Projects	8,332.20	18,000.00	0.00	18,000.00	18,000.00	0.00	18,000.00	
555 - INFRASTRUCTURE SHOWGROUNDS										
	0555-0445-0000	C/O - Dirranbandi Showground Power Upgrade	0.00	30,000.00	0.00	30,000.00	30,000.00	0.00	30,000.00	
	0555-0447-0000	Hebel Showgrounds - Fencing upgrade	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	555-2447	Total Showgrounds Operation Projects	0.00	35,000.00	0.00	35,000.00	35,000.00	0.00	35,000.00	
560 - WORK CAMP										
	0560-0447-0000	WORK Camp Program	607.41	37,500.00	0.00	37,500.00	37,500.00	0.00	37,500.00	
	560-2447	WORK CAMP Program	607.41	37,500.00	0.00	37,500.00	37,500.00	0.00	37,500.00	
575 - YOUTH COUNCIL										
	0575-0448-0000	Youth Council	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	575-2447	Youth Council	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
605 - ANIMAL CONTROL										
	0605-0446-0000	Pound Equipment	0.00	3,500.00	0.00	3,500.00	3,500.00	0.00	3,500.00	
	0605-0447-0000	Pensioner Dog Program	0.00	1,000.00	0.00	1,000.00	1,000.00	0.00	1,000.00	
	0605-0448-0000	Microchipping Program	159.69	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	605-2447	Animal Control Operational Projects	159.69	9,500.00	0.00	9,500.00	9,500.00	0.00	9,500.00	
615 - CEMETERY										
	0615-0441-0000	Digitalisation of Cemetery Records	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
	615-2447	Total Cemetery Operation Projects	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00	
625 - PUBLIC CONVENIENCES										
	0625-0441-0000	Bollon Public Conveniences - replace ceilings with mini ORB	0.00	4,000.00	0.00	4,000.00	4,000.00	0.00	4,000.00	
	625-2447	Public Conveniences Projects	0.00	4,000.00	0.00	4,000.00	4,000.00	0.00	4,000.00	

Operational Projects

				Original 2017/18			November Review			
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant	Amended Nett	Comments
635 - NATURAL ENVIRONMENT										
0635-0446-0000	National Tree Day	0.00	1,000.00	0.00	1,000.00	1,000.00	0.00	1,000.00		
0635-0448-0000	Mosquito Management Program/Survey	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00		
635-2447	Natural Environment Operational Projects	0.00	6,000.00	0.00	6,000.00	6,000.00	0.00	6,000.00		
655 - RURAL SERVICES										
0655-0216-0000	Wild Dog Bounty	6,100.00	30,000.00	0.00	30,000.00	30,000.00	0.00	30,000.00		
655-2216	Total Wild Dog Bounty	6,100.00	30,000.00	0.00	30,000.00	30,000.00	0.00	30,000.00		
0655-0444-0000	Wild Dog Retainer	9,297.07	50,000.00	0.00	50,000.00	50,000.00	0.00	50,000.00		
655-2444	Wild Dog Retainer	9,297.07	50,000.00	0.00	50,000.00	50,000.00	0.00	50,000.00		
0655-0445-0000	Wild Dog Baiting	0.00	22,500.00	0.00	22,500.00	22,500.00	0.00	22,500.00		
655-2445	Wild Dog Baiting	0.00	22,500.00	0.00	22,500.00	22,500.00	0.00	22,500.00		
0655-0446-0000	Firebreaks	0.00	22,500.00	0.00	22,500.00	22,500.00	0.00	22,500.00		
0655-0447-0000	Miscellaneous Fencing projects	4,109.20	20,000.00	0.00	20,000.00	20,000.00	0.00	20,000.00		
0655-0449-0000	Desilt Dams	1,797.78	6,000.00	0.00	6,000.00	6,000.00	0.00	6,000.00		
0655-0442-0000	Washdown Facility Maintenance	76.07	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00		
655-2447	Operational Projects	5,983.05	53,500.00	0.00	53,500.00	53,500.00	0.00	53,500.00		
0655-0441-0000	DAFF Project	0.00	90,000.00	172,000.00	-82,000.00	90,000.00	172,000.00	-82,000.00		
655-2448	DAFF Project	0.00	90,000.00	172,000.00	-82,000.00	90,000.00	172,000.00	-82,000.00		
5410 - WATER SUPPLY										
5410-0441-0000	Report - Old St George River Water Pump Station - investigation to replace existing switchboard	0.00	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00		
5410-0442-0000	Report - Dirranbandi WTP additional storage requirement assessment for peak demand	0.00	10,000.00	0.00	10,000.00	10,000.00	0.00	10,000.00		
5410-2447	Water Supply Operational Projects	0.00	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00		
6430 - WASTE/LANDFILL										
6430-0446-0000	Waste Education Program	341.78	5,000.00	0.00	5,000.00	5,000.00	0.00	5,000.00		
6430-0445-0000	Signage - Hebel, Thallon & Bollon	0.00	6,000.00	0.00	6,000.00	6,000.00	0.00	6,000.00		
6430-0447-0000	Annual Shire Cleanup	0.00	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00		
6430-0448-0000	Fire Mitigation for Landfills	0.00	1,000.00	0.00	1,000.00	1,000.00	0.00	1,000.00		
6430-0449-0000	Waste Recycling Plan (legal requirement)	0.00	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00		
6430-2447	Waste/Landfill Operational Projects	341.78	42,000.00	0.00	42,000.00	42,000.00	0.00	42,000.00		
Grand Total Operational Projects			232,191.14	1,191,410.00	288,850.00	902,560.00	1,273,134.00	282,850.00	963,284.00	

Capital Projects

			Original			November Review				
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant/Trade	Amended Nett	Comments
205 - GENERAL ADMINISTRATION										
	0205-0931-0000	Backup Server Replacement + Rack	11,166.64	14,000.00		14,000.00	14,000.00	0.00	14,000.00	
	0205-0932-0000	Fibre Optic Cable to Works Depot - Disaster Recovery Centre	18,285.34	20,000.00		20,000.00	20,000.00	0.00	20,000.00	
	0205-0935-0000	Master Key System		45,000.00		45,000.00	45,000.00	0.00	45,000.00	
	0205-0933-0000	Replacement Photocopier - VIC	6,004.00	6,500.00		6,500.00	6,500.00	0.00	6,500.00	
	205-4100	Corporate Services Capital Projects	29,451.98	85,500.00	0.00	85,500.00	85,500.00	0.00	85,500.00	
350- TOURISM										
	0350-0931-0000	Concept Design - Shire Entry Signage	0.00	20,000.00		20,000.00	10,000.00	0.00	10,000.00	Lower than expected quotation received - reallocate remaining funds to storage room
	350-4100		0.00	20,000.00	0.00	20,000.00	10,000.00	0.00	10,000.00	
355- VISITOR INFORMATION CENTRE										
		Enclosed weatherproof storage room	#N/A				10,000.00	0.00	10,000.00	Reallocated funding from Shire Entry Signage
	355-4100		#N/A	0.00	0.00	0.00	10,000.00	0.00	10,000.00	
410 - INFRASTRUCTURE ROADS										
	0051-4003-0000	C/O RTR - Jakelwar-Goodooga Bitumen Reseal Ch 30.87 - 31.68	0.00	50,000.00	50,000.00	0.00	50,000.00	50,000.00	0.00	
	0052-4003-0000	C/O RTR - Jakelwar-Goodooga Stormwater Drainage	0.00	15,000.00	15,000.00	0.00	15,000.00	15,000.00	0.00	
	0051-3028-0000	C/O Secret Plains Gravel Sheet	0.00	60,000.00	30,000.00	30,000.00	60,000.00	30,000.00	30,000.00	
	0058-4002-0000	RTR/TIDS/W4Q - Bollon-Dirranbandi Reconstruction & Seal Ch 35 - 46.7	472,355.27	1,800,000.00	900,000.00	900,000.00	1,800,000.00	1,732,000.00	68,000.00	Funding of \$600,000 W4Q transferred from Dirranbandi Sports Oval Amenities and \$232,000 from R2R
	0058-2016-0000	RTR - Narine Gravel Resheet 2km	0.00	90,000.00	90,000.00	0.00	90,000.00	90,000.00	0.00	
	0058-1008-0000	RTR - Chelmer Gravel Resheet 4km	0.00	180,000.00	180,000.00	0.00	180,000.00	180,000.00	0.00	
	0058-2001-0000	RTR - Ballandool Gravel Resheet 3.5km	0.00	158,000.00	158,000.00	0.00	158,000.00	158,000.00	0.00	
	0058-1018-0000	RTR - Gunnindaddy Gravel Resheet 10 km	0.00	450,000.00	450,000.00	0.00	450,000.00	450,000.00	0.00	
	0058-2004-0000	RTR - Cubbie Gravel Resheet 3km	0.00	135,000.00	135,000.00	0.00	135,000.00	135,000.00	0.00	
	0058-3007-0000	RTR - Middle Gravel Resheet 5km	0.00	225,000.00	225,000.00	0.00	225,000.00	225,000.00	0.00	
	0058-2010-0000	RTR - Hoolavale Gravel Resheet 4km	0.00	180,000.00	180,000.00	0.00	180,000.00	180,000.00	0.00	
	0058-1001-0000	RTR - Ballangarry Bridge approaches	0.00	85,000.00	85,000.00	0.00	85,000.00	85,000.00	0.00	
		DTMR - Bollon Coach Stop					50,000.00	25,000.00	25,000.00	New Project - 50% funded by DTMR
	410-4100	Total Road Capital Projects	472,355.27	3,428,000.00	2,498,000.00	930,000.00	3,478,000.00	3,355,000.00	123,000.00	
415 - INFRASTRUCTURE STREETS										

Capital Projects

Capital Projects										
			Original				November Review			Comments
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant/Trade	Amended Nett	
	0061-1133-0000	C/O BOR Murchison Street St George - Kerb & Channel	97.84	180,000.00	100,000.00	80,000.00	180,000.00	100,000.00	80,000.00	
	0415-0935-0000	C/O DCP Grey Street Stage 3		200,000.00	200,000.00	0.00	200,000.00	200,000.00	0.00	
	0060-1103-0000	BOR Andrew Street St George - Kerb & Channel	199.10	432,000.00	259,200.00	172,800.00	432,000.00	259,200.00	172,800.00	
	0415-0936-0000	REDP St George CBD & River Foreshore Upgrade (17/18 financial year component)	0.00	310,000.00	185,000.00	125,000.00	310,000.00	185,000.00	125,000.00	
	0068-1105-0000	REDP St George Kerb & Channel Arthur & Kenny Lane (17/18 financial year component)	0.00	444,000.00	265,000.00	179,000.00	444,000.00	265,000.00	179,000.00	
	0415-0937-0000	REDP Dirranbandi Rail & River Precinct Stage 1 (17/18 financial year component)	0.00	232,000.00	232,000.00	0.00	232,000.00	232,000.00	0.00	
	415-4100	Total Street Capital Projects	296.94	1,798,000.00	1,241,200.00	556,800.00	1,798,000.00	1,241,200.00	556,800.00	
425 - INFRASTRUCTURE STORM WATER DRAINAGE - U'GROUND										
	0425-0932-0000	C/O BOR Murchison Street St George - Drainage	0.00	100,000.00	68,000.00	32,000.00	100,000.00	68,000.00	32,000.00	
	425-4100	Total Storm Water Drainage Capital Projects	0.00	100,000.00	68,000.00	32,000.00	100,000.00	68,000.00	32,000.00	
430 - INFRASTRUCTURE WORKS DEPOT										
	0430-0936-0000	St George Washdown Bay Upgrade	0.00	35,000.00	0.00	35,000.00	35,000.00	0.00	35,000.00	
	430-4100	Total Works Depot Capital Projects	0.00	35,000.00	0.00	35,000.00	35,000.00	0.00	35,000.00	
440 - AERODROMES										
	0440-0931-0000	Dirranbandi 10mx10m Concrete Slab for chemical loading	0.00	10,000.00	0.00	10,000.00	10,000.00	0.00	10,000.00	
	440-4100	Total Aerodrome Capital Projects	0.00	10,000.00	0.00	10,000.00	10,000.00	0.00	10,000.00	
450 - INFRASTRUCTURE PLANT & EQUIPMENT										
	0450-0901-8001	4WD Mower for Levee Maintenance	23,068.73	22,000.00		22,000.00	22,000.00	0.00	22,000.00	
	450-4126	Total Plant & Equipment Capital Projects	23,068.73	22,000.00	0.00	22,000.00	22,000.00	0.00	22,000.00	
460 - FLOOD MITIGATION										
	0460-0933-0000	C/O - CRF Bollon Flood Levee Extension	141,233.53	285,000.00	84,000.00	201,000.00	285,000.00	84,000.00	201,000.00	
	460-4100	Total Flood Mitigation	141,233.53	285,000.00	84,000.00	201,000.00	285,000.00	84,000.00	201,000.00	
505 - LIBRARIES										
	0505-0931-0000	C/O - W4Q Thallon Library Upgrade	23,587.74	45,000.00	45,000.00	0.00	45,000.00	45,000.00	0.00	
	0505-0932-0000	C/O - W4Q Bollon Library Upgrade	3,863.27	10,000.00	10,000.00	0.00	12,814.43	12,814.43	0.00	Budget Variation
	0505-0933-0000	C/O - W4Q Hebel Library Upgrade	24,581.45	45,000.00	45,000.00	0.00	60,000.00	60,000.00	0.00	Budget Variation
	505-4100	Total Libraries	52,032.46	100,000.00	100,000.00	0.00	117,814.43	117,814.43	0.00	
521 - INFRASTRUCTURE SWIMMING POOLS										

Capital Projects

Capital Projects										
			Original				November Review			Comments
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant/Trade	Amended Nett	
	0521-0931-0000	Dirranbandi Pool - Pool Cleaner	0.00	7,000.00		7,000.00	7,000.00	0.00	7,000.00	
	0521-0932-0000	St George Pool - Replace Dual Chlorine Tanks & Bund	3,582.00	15,000.00		15,000.00	15,000.00	0.00	15,000.00	
		W4Q - Thermal Springs					140,000.00	140,000.00	0.00	New funding round - Total successful Funding \$750,000. Balance 18/19
	521-4100	Total Swimming Pool Capital Projects	3,582.00	22,000.00	0.00	22,000.00	162,000.00	140,000.00	22,000.00	
525 - ARTS										
	0525-0932-0000	Cultural Precinct	0.00	1,164,000.00	1,164,000.00	0.00	1,164,000.00	1,164,000.00	0.00	
	0525-0933-0000	Library	0.00	1,000,000.00	0.00	1,000,000.00	1,000,000.00	0.00	1,000,000.00	
	525-4100	Total Arts Capital Projects	0.00	2,164,000.00	1,164,000.00	1,000,000.00	2,164,000.00	1,164,000.00	1,000,000.00	
530 - INFRASTRUCTURE PARKS & GARDENS										
	0530-0940-0000	C/O W4Q Dirranbandi Sports Oval Amenities	69,420.36	600,000.00	600,000.00	0.00	600,000.00	0.00	600,000.00	Transfer W4Q Funding to Bollon Dirran Road
	0530-0941-0000	C/O W4Q St George River Foreshore Footpath	201,329.90	260,000.00	260,000.00	0.00	263,705.93	263,705.93	0.00	Change of Scope & Budget Variation
	0530-0938-0000	C/O Silo Viewing Platform	16,419.10	20,000.00		20,000.00	20,000.00	0.00	20,000.00	
	0530-0942-0000	Christmas Lighting	109.95	18,000.00		18,000.00	18,000.00	0.00	18,000.00	
	0530-0943-0000	Rowden Park Changeroom roof sealing	0.00	15,000.00		15,000.00	15,000.00	0.00	15,000.00	
	530-4100	Total Parks & Gardens Capital Projects	287,279.31	913,000.00	860,000.00	53,000.00	916,705.93	263,705.93	653,000.00	
535 - INFRASTRUCTURE HALLS/CIVIC/CULTURAL CENTRES										
		W4Q Bollon Civic Centre repaint exterior					56,548.00	56,548.00	0.00	New Project
		W4Q Bollon Civic Centre Shade Structure					14,000.00	14,000.00	0.00	New Project
	0535-0938-0000	C/O - W4Q Thallon Hall Airconditioning	23,479.64	50,000.00	50,000.00	0.00	23,479.00	23,479.00	0.00	Budget Variation
	0535-0939-0000	C/O - W4Q Bollon Civic Airconditioning	39,625.53	50,000.00	50,000.00	0.00	55,000.00	55,000.00	0.00	Budget Variation and Change of Scope
	0535-0940-0000	C/O - W4Q Hebel Hall Airconditioning	79.62	50,000.00	50,000.00	0.00	19,000.00	19,000.00	0.00	
	0535-0941-0000	C/O - W4Q St George Cultural Centre Kitchen Roof Upgrade	59,104.62	65,000.00	65,000.00	0.00	65,000.00	65,000.00	0.00	
	0535-0942-0000	C/O - W4Q Dirranbandi Civic Centre Supper Room Airconditioning	0.00	39,500.00	39,500.00	0.00	10,542.00	10,542.00	0.00	Budget Variation
	0535-0943-0000	St George Cultural Centre Crockery Cabinet	0.00	8,500.00		8,500.00	8,500.00	0.00	8,500.00	
	535-4100	Total Hall/Civic/Cultural Centre Capital Projects	122,289.41	263,000.00	254,500.00	8,500.00	181,521.00	173,021.00	8,500.00	
555 - INFRASTRUCTURE SHOWGROUNDS										
	0555-0930-0000	C/O DCP -St George Showground - Steel Stables	1,410.06	40,000.00	40,000.00	0.00	40,000.00	40,000.00	0.00	
	0555-0933-0000	C/O Apex Bar Refurbishment	23,632.61	30,000.00	0.00	30,000.00	30,000.00	0.00	30,000.00	

Capital Projects

Original						November Review				Comments
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant/Trade	Amended Nett	
	0555-0934-0000	Thallon Showgrounds - replace septic	12,745.64	15,000.00	0.00	15,000.00	15,000.00	0.00	15,000.00	
		W4Q - Bollon Showgrounds					40,000.00	40,000.00	0.00	W4Q - new funding round successful project
	555-4100	Total Showgrounds Capital Projects	37,788.31	85,000.00	40,000.00	45,000.00	125,000.00	80,000.00	45,000.00	
580 - SAFER COMMUNITIES										
	0580-0930-0000	W4Q/Telstra - CCTV Upgrades	0.00	10,000.00	0.00	10,000.00	120,000.00	120,000.00	0.00	Fully funded by W4Q \$70,000 and Telstra \$50,000
	580-4100	Total Safer Communities Capital Projects	0.00	10,000.00	0.00	10,000.00	120,000.00	120,000.00	0.00	
605 - ANIMAL CONTROL										
	0605-0931-0000	Night drop off box and effluent drainage	0.00	11,500.00		11,500.00	11,500.00	0.00	11,500.00	0
	605-4100	Total Animal Control Projects	0.00	11,500.00	0.00	11,500.00	11,500.00	0.00	11,500.00	
615 - CEMETERY										
	0615-0933-0000	St George Cemetery - 1 concrete plinth	0.00	22,500.00		22,500.00	22,500.00	0.00	22,500.00	
	615-4100	Total Cemetery Capital Projects	0.00	22,500.00	0.00	22,500.00	22,500.00	0.00	22,500.00	
4410 - INFRASTRUCTURE URBAN WATER WASTE										
	4410-0938-0000	C/O BOR - St George STP - Effluent Reuse	136,369.42	430,000.00	395,630.00	34,370.00	430,000.00	395,630.00	34,370.00	
	4410-4120	Total Water Waste Capital Projects	136,369.42	430,000.00	395,630.00	34,370.00	430,000.00	395,630.00	34,370.00	
5410 - INFRASTRUCTURE URBAN WATER SUPPLY										
	5410-0937-0000	C/O Water Main Replacement - Arthur Street (Barlee to Grey)	7,164.11	45,000.00		45,000.00	45,000.00	0.00	45,000.00	
	5410-0940-0000	C/O Water Main Replacement - Barlee Street (Arthur to Wilson)	824.95	30,000.00		30,000.00	30,000.00	0.00	30,000.00	
	5410-0931-0000	C/O River Water Meters - Stage 2 - Installation	112,311.89	150,000.00		150,000.00	150,000.00	0.00	150,000.00	
	5410-0946-0000	River Main Replacement - Church Street (Arthur to Victoria)	0.00	260,000.00		260,000.00	260,000.00	0.00	260,000.00	
	5410-0947-0000	River Main Replacement - Arthur Street (Grey to Church)	128,809.69	210,000.00		210,000.00	210,000.00	0.00	210,000.00	
	5410-0948-0000	River Water Main and Hydrant Upgrades - Henry Street	0.00	40,000.00		40,000.00	40,000.00	0.00	40,000.00	
	5410-0949-0000	Unlined River Water Fitting Replacement Program	0.00	50,000.00		50,000.00	50,000.00	0.00	50,000.00	
	5410-0950-0000	Dirranbandi Water Tower - new access ladders	0.00	25,000.00		25,000.00	25,000.00	0.00	25,000.00	
	5410-0951-0000	Dirranbandi WTP - new access ladders	0.00	15,000.00		15,000.00	15,000.00	0.00	15,000.00	

Capital Projects

Original							November Review			
			Actuals	Total Project	Funding	Council Contribution	Amended Budget	Amended Grant/Trade	Amended Nett	Comments
		W4Q - Dirranbandi WTP Upgrade					55,000.00	55,000.00	0.00	New funding Round - Total successful
5410-4150		Total water Supply Capital Projects	249,110.64	825,000.00	0.00	825,000.00	880,000.00	55,000.00	825,000.00	Funding approved \$550,000 - balance to be expended 18/19
6430 - INFRASTRUCTURE WASTE										
6430-0933-0000		Fencing Hebel & Bollon Landfills	0.00	12,000.00		12,000.00	12,000.00	0.00	12,000.00	
6430-4933-		Total Waste Supply Capital Projects	0.00	12,000.00	0.00	12,000.00	12,000.00	0.00	12,000.00	
Grand Total Capital Projects										
		Total Capital Projects	1,554,858.00	10,641,500.00	6,705,330.00	3,916,170.00	10,966,541.36	7,257,371.36	3,719,170.00	

(CES) COMMUNITY & ENVIRONMENTAL SERVICES

ITEM	TITLE	EXECUTIVE SUMMARY	PAGE
CES1	<u>RL 92 - APPLICATION FOR RECONFIGURATION OF A LOT - ACCESS EASEMENT - 7785 CASTLEREAGH HIGHWAY, DIRRANBANDI AFFECTING LAND DESCRIBED AS LOT 12 ON BLM1070 AND LOT 3 ON BLM345</u>	<i>Council has received a development application from the owner of "Beverleigh" for Reconfiguration of a Lot affecting two lots to formalise access to the property over the existing access track on "Bonathorne" property.</i>	24

OFFICER REPORT

TO: Council

SUBJECT: **RL 92 - Application for Reconfiguration of a Lot - Access Easement - 7785
Castlereagh Highway, Dirranbandi affecting land described as Lot 12 on
BLM1070 and Lot 3 on BLM345**

DATE: 08.11.17

AGENDA REF: CES1

AUTHOR: Fiona Macleod - Planning & Development Officer

Executive Summary

Council has received a development application from the owner of “Beverleigh” for Reconfiguration of a Lot affecting two lots to formalise access to the property over the existing access track on “Bonathorne” property.

Background

Applicant:	Robert J Hemming
Owner Of Land:	Robert J Hemming Hemming Investments Pty Ltd
Land description & Area:	Lot 12 on BLM1070 (7589 hectares) Lot 3 on BLM345 (1087.9 hectares)
Zone / Precinct :	Rural Zone
Overlay:	Flood Hazard Overlay
Proposal:	Reconfiguration of a Lot – Access Easement
Proposal Assessment category:	Code Assessment
Referral / Concurrency Agencies:	Department of Infrastructure, Local Government and Planning (DILGP) – Department of Transport & Main Road (DTMR)

The proposal is to formalise an access easement over an existing vehicle track to benefit the owner of “Beverleigh” property. Specifically, the lots that will be affected as part of the creation of the access easement are as follows;

- Lot 12 on BLM1070 – Freehold Land “Bonathorne” (grazing)
- Lot 3 BLM345 – Freehold Land “Beverleigh” (grazing, cropping, cattle feedlot)




The proposed easement is anticipated to benefit “Beverleigh” property allowing legalised access over “Bonathorne” property.

Importantly recognised the current access is utilised frequently and is recognised as the primary access point for “Beverleigh” cattle feedlot. Previous development consent for the feedlot was assessed against this access (MCU 129).

Additionally, the existing buildings and infrastructure will be retained and remain unaltered. The only change to the size and shape of the existing two lots affected will be as a result of the access easement created over the existing vehicle track. Therefore, current conditions of the lots with respect to size and shape will remain unaltered. Furthermore, it is considered that the land use of the two lots will continue to operate as grazing / dryland cropping and feedlot enterprises.

Figure 1 – Proposed access easement over “Bonathorne” to benefit “Beverleigh” – Lot 12 on BLM1070 and Lot 3 on BLM345



Legend	
	Lot 12 BLM1070 “Bonathorne”
	Lot 3 BLM345 “Beverleigh”
	Vehicle access track (existing) where access easement is to be formalised.

The *Planning Act 2016* (PA) Schedule 2 – Dictionary, defines reconfiguring a lot as (e) creating an easement giving access to a lot from a constructed road. The proposal is therefore assessed against the provisions of the *Balonne Shire Planning Scheme 2006* (planning scheme) and may be conditioned to meet the requirements of the scheme.

ASSESSMENT

The application is subject to Code Assessment and therefore requires assessment against the applicable codes to which the application relates within Balonne Shire Planning Scheme. The following is an assessment of the proposal's compliance with the Reconfiguring a Lot Code of the current scheme.

State Planning Policy

Under SPA s 313 Council must consider code assessable development applications against the State Planning Policies. The *State Planning Policy (SPP) – July 2017* presents State interests in five themes of which one can be applied to this application: State Interest – planning for safety and resilience to hazards. Provided below is an assessment against the relative assessment benchmarks of the state interest that has been identified as applicable to this development.

- **Planning for safety and resilience to hazards**

The site is identified within the *Balonne Shire Council Planning Scheme 2006* as being subject to the Flood Hazard Overlay. The Flood Hazard Overlay Code contained in the scheme appropriately integrates the assessment benchmarks for planning for safety and resilience to hazards contained in the SPP which must be considered. Accordingly, assessment against the Flood Hazard Overlay code relevant criteria will occur later in this report.

Reconfiguring a Lot Code

The creation of an access easement affecting two lots over an existing vehicle track is not considered to fragment the land any further beyond existing conditions. Specifically, the easement created will be minimal in area only encompassing the existing track (approx.. 40 metres wide) and therefore will not create any large change with respect to the size and layout of the existing lots. The requested access easement is done with the intent to provide legalised access for the owner of "Beverleigh" property over "Bonathorne" property. It is anticipated that the lot affected by the easement, which is part of "Bonathorne", will be unaffected in its operations by way of access and will continue to operate for agricultural purposes, an appropriate use identified within the Rural Zone. The creation of the easement will not affect the surrounding agricultural operations in the Rural Zone, notably by way of not reducing the size of the properties beyond existing conditions and importantly will not affect any good quality agricultural land given that the easement is to occur over an existing vehicle track and no buildings or works are proposed. The existing uses of the lots affected will continue to be the grazing of livestock and cropping / cattle feedlot as identified in the supporting planning report (see **attachment 1**).

With respect to Infrastructure, the area subject to the proposed access easement will be over an existing vehicle track and will be of minimal width and therefore would not be able to support any dwellings or structures. No infrastructure is proposed as part of creating the access easement given the vehicle track is an existing feature utilised and will remain in its current condition with no additional works required to facilitate access. Given the easement is to occur over an existing access track it is considered that requirements typically seen for residences i.e. electricity, water, sewerage would be unachievable and undesired in this location. Importantly, the existing dwellings on the agricultural parcels are connected to a reticulated electricity supply, have onsite effluent disposal system and have adequate supply of water as would it be assumed the agricultural operations would have some of these services where required. The existing primary access to both lots subject to this application will continue to be utilised via the existing crossover along the Castlereagh Highway which will remain as per current conditions.

The proposed development is considered to be consistent with the Overall Outcomes sought for development in the Reconfiguration of a Lot Code.

The proposed development is also considered to comply with the applicable requirements of the Reconfiguration of a Lot Code. The following assessment outlines the proposal's compliance with the Reconfiguration of a Lot Code in the instances where performance criteria are considered appropriate.

Minimum Lot Size

Performance Criterion 1 – Rural Zone – Minimum Lot Size

The reconfiguration of lots ensures the Rural Zone retains its viability as an area of primary production consistent with the local character.

The creation of an easement over the existing vehicle access track will not fragment the land beyond existing conditions. Importantly, the size of the lots affected will be altered in area by minimal amount. The layout of the lots will continue to support the operation of agricultural production and the size of the lots as a result of the easement will continue to generally align with the lots in the surrounding area. A minimum subdivision area of 5000 hectares within the Rural Zone is identified in AS1.1, will continue to be achieved for Lot 12 on BLM1070. While Lot 3 BLM345 does not achieve this minimum lot area, given the existing area of the lot affected – being well below the desired area stipulated, and for the reasons stated above it is considered Performance Criterion 1 will continued to be achieved by the access easement.

For Town and Rural Zones

Performance Criterion 8 – Layout and Design

The reconfiguration of lots:

- (a) ensures safe and liveable communities;*
- (b) ensures safe and legible vehicle and pedestrian movement areas and roads;*
- (c) integrates with adjoining land; and*
- (d) ensures and protects environmental values, significant features, open space areas and areas of high conservation or landscape value.*

The proposed lots altered as a result of the access easement, will retain similar shapes and sizes to the existing layout given that the vehicle track is formalised and utilised already. Specifically, the formalisation of the access point across “Bonathorne” property is the only change to both Lot 12 on BLM1070 and Lot 3 BLM345. It is considered that the access easement will ensure legalised vehicle movements across “Bonathorne” property to benefit “Beverleigh” and better established integration between the abutting two lots and owners.

Performance Criterion 12 – Electricity

Each lot is provided with an adequate supply of electricity.

It is considered that given no new lots are being created and the lots are to be continued to be utilised for agricultural grazing purposes that supply of electricity is not required for the existing uses as a result of the access easement over the vehicle track. Furthermore, the proposal is done with the intent to create formalised access and does not propose any additional dwellings or other uses that would require supply of electricity.

Specifically, both Lot 12 BLM1070 and Lot 3 BLM345 have existing residences which are both connected to electricity.

Performance Criterion 14 – Water Supply

Each lot has an adequate volume and supply of water, which is also adequate for fire fighting purposes.

As stated throughout the report, the access easement will not change the current land use of the two lots affected by the proposal. With respect to both lots, given the current uses of the properties (for agricultural purposes) it can be assumed there are numerous watering points and an adequate water supply already established. In addition both lots have existing residences on them which would have an adequate supply of water connection. Given no buildings or structures are proposed as a result of the access easement, it is considered the easement would not require any supply of water beyond the existing conditions.

Performance Criterion 15 – Effluent Disposal

Each lot provides for the treatment and disposal of effluent and other waste water to ensure the protection of public health and environmental values.

It is anticipated given current and proposed operations of the lots associated with the access easement that it would be unreasonable to require effluent disposal. Importantly, no new lots are being created and the access easement will not result in the lots being used for different purposes beyond existing operations.

Further to the above, both lots have existing dwellings onsite therefore effluent disposal systems are present.

Performance Criteria 16 – Stormwater

Stormwater is collected and discharged so as to:

- (a) Protect the stability of buildings or use of adjacent land; and*
- (b) Protect and maintain environmental values.*
- (c) To ensure that safety and efficiency on the state-controlled roads is not compromised.*

It is considered given that the access easement proposes no new buildings or operational works on the lots and the vehicle access track is existing, that existing stormwater collection and discharge for the lots will not be altered beyond current conditions.

Performance Criterion 17 – Vehicle Access

Vehicle access is provided to each lot to ensure safe and functional operation for motorists and pedestrians.

With respect to accessing the two lots affected by the easement proposal, the existing two access points fronting the Castlereagh Highway will be continue to be utilised to enter both lots. Specifically, “Bonathorne” has an existing direct boundary interface with the Castlereagh Highway and therefore can be accessed from two crossovers. “Beverleigh” to which the easement is proposed to be in favour of, currently utilises the vehicle access track through “Bonathorne” as the primary point of access. The application has been referred to Council’s Infrastructure Department who has cited no concerns with the development.

Performance Criterion 18 – Roads, Firebreaks and Fire Maintenance Trails

Adequate all weather road access is provided between each lot and the existing road network. In high and medium bushfire hazard areas, adequate road access is provided for firefighting/other emergency vehicles and for safe evacuation.

The existing access is not to be altered as a result of the easement and therefore is considered suitable for vehicles to access the site from the existing road network. It is considered given the existing conditions over the property from the road network that no upgrades or new access is required to be created for firefighting purposes.

Performance Criterion 21 – Bushfire Hazard Area

Reconfiguring a lot maintains the safety of people and property by avoiding areas of High or Medium Bushfire Hazard or mitigating the risk through the provision of firebreaks.

While both lots have areas of Medium Bushfire Hazard as identified on the Planning Scheme Mapping it is considered that the area of the lot subject to the easement is not affected. Notably, both lots are largely cleared and devoid of vegetation and the easement is to formalise access along an existing vehicle track whereby no increase of people on the property will result from the easement nor will fire load be increase given no built form is proposed.

Flood Hazard Overlay Code

While the proposed access easement is to occur on land that is identified as being affected by the Flood Hazard Overlay, it is considered that the overall outcomes of the Flood Hazard Overlay Code are met. The proposed access easement does not include any building work or change of use on the rural lots which are to remain for agricultural purposes and in the same condition as at present. Regardless, any future development on the site would be required to comply with the flood hazard overlay and minimum finished floor level requirements which would be captured in a building application in the instance that planning approval would not be required. It is considered given the ongoing use of the site for rural purposes that the number of people onsite that would be affected by a flood event will remain as per current conditions and not create any increased burden to emergency services. No natural features of the land i.e. natural ground levels, vegetation, is to be altered or blocked as part of the access easement given the vehicle track is existing and not identified on the proposed plan as raised and therefore it is considered that the natural process of water flow over the land will continue as per the current situation in the event of a flood.

On the basis of the above, the proposed access easement is considered to be consistent with the Overall Outcomes sought for the Flood Hazard Overlay Code.

The proposed access easement is also considered to comply with the applicable requirements of the Flood Hazard Overlay Code. The following outlines of the proposal's compliance with the relevant Codes Performance Criteria.

Performance Criterion 2 – Development Siting and Layout

Development siting and layout responds to flooding potential and maintains personal safety at all times.

While the access easement is to be located within the Flood Hazard Overlay, given the current use of the lots for rural purposes it is considered that the revised lot layout over the land will not increase personal risk or the flooding potential. Importantly, the number of people residing on the property is not considered to be increased as a result of the access easement given the sites rural context. No development (use / operational works) is proposed as part of the access easement therefore current conditions are to remain with the exception of the legalised access over the vehicle track to "Beverleigh". Additionally, existing access points to the road reserve are to remain unaltered with the easement only legalising existing conditions.

Given the current access to the properties, the properties are not physically isolated and have an evacuation route by way of the access to Castlereagh Highway. Signage is not considered necessary for the site given the number of persons residing on the lots is to remain as per the current conditions.

NOTE: All other codes contained within the Flood Hazard Overlay pertain to development i.e. new buildings, operational work (i.e. excavation and filling) and uses. The proposed access easement does not include any change of use or building work and operational work beyond what is currently established on the property. It will be made note of for the owner's reference however that any future building / use will be required to comply

with the Flood Hazard Overlay codes for development including minimum habitable finished floor level requirements on both lots.

State Assessment – Referral Agencies

The application was required to be referred to the Department of Infrastructure, Local Government and Planning (DILGP) who then forwarded it onto the Department of Transport & Main Roads (DTMR) for consideration due to the fact the proposed easement is to be accessed off a state controlled road.

DTMR has provided conditions for the proposed development. Further detail of these conditions is provided later in this report.

Link to Corporate Plan

Function	Key Program Area
<u>Wise Planning & Design</u>	Development Assessment: To provide appropriate controls to ensure and encourage balanced quality development of the Shire and protection of the environment.

Consultation (internal/external)

Director of Infrastructure Services – Ross Drabble

Legal Implications

The *Planning Act 2016* and Council's planning scheme apply.

Policy Implications

Council's planning policies apply.

Financial and Resource Implications

Nil

Attachments

1. Attachment 1 - RL 92 Access Easement Development Application.pdf [↗](#)
2. Attachment 2 - RL 92 DTMR Concurrence Agency Response.pdf [↗](#)

Recommendation/s

That:

1. Council receives this report.
2. Council approves the development application for a RL 92 - Application for Reconfiguration of a Lot - Access Easement - 7785 Castlereagh Highway, Dirranbandi affecting land described as Lot 12 on BLM1070 and Lot 3 on BLM345 subject to the permit conditions listed below;

DEVELOPMENT PERMIT CONDITIONS

1. Compliance with the facts and circumstances set out in the application and all Council By-laws being adhered to and generally in accordance with the approved plan (except where varied by conditions of approval).
2. All outstanding rates and charges shall be paid prior to the submission to Council of the Plan of Survey.
3. Comply with all conditions of this approval prior to submitting the Plan of Subdivision to Council for endorsement unless otherwise agreed in writing by Council.
4. Maintain the approved development being Reconfiguring a Lot – Access Easement in accordance with the approved plan:

Plan/Document Number	Plan/Document Name	Date
217049-1 Prepared by SMK Consultants Pty Ltd.	PLAN OF PROPOSED EASEMENT FOR ACCESS IN LOT 12 ON BLM1070	18/07/2017

Engineering

5. Submit to Council a certificate signed by a licensed surveyor, stating that after the completion of all works associated with the subdivision, survey marks, including permanent survey marks, were reinstated where necessary and all survey marks are in their correct position, in accordance with the Plan of Survey.
6. Where deemed necessary by Council, the relocation of services within the subject land shall be undertaken by the developer at no cost to Council.

NOTES:

- *Nothing in this permit hereby issued approves the clearing of native vegetation.*
- *This permit does not constitute any authority to carry out any building work, operational work or a different use to what is currently established unless all relevant permits are obtained.*
- *Both Lot 12 on BLM1070 and Lot 3 on BLM345 are affected by the Flood Hazard Overlay. Any future development on these lots will be subject to the Flood Hazard Overlay Code and depending on the use will have mandatory minimum finished floor level requirements that new structures must be constructed to.*

- *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. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain in the presence or otherwise of Aboriginal cultural heritage. Further information on cultural heritage responsibilities of developers can be obtained from the Department of Aboriginal and Torres Strait Islander Partnerships.*

Further Advice:

Please note that the DTMR (through DILGP) as a concurrence agency have provided conditions for the development within the concurrence agency response dated 1 November 2017. The applicant is required to ensure compliance with these conditions. However DTMR are responsible for overseeing the compliance with these conditions. A copy of the concurrence agency response is provided as **Attachment 2**.

Under the requirements of the Planning Act 2016 (PA), Balonne Shire Council are required to include the concurrence agency response received from DILGP received as part of the DA process which includes the abovementioned advice.

The requirement to enforce compliance with the aforementioned outstanding conditions falls to the Department of Transport and Main Roads and Council have no further responsibility in this matter however it is important that this matter be noted.

Jamie Gorry

Director Community and Environmental Services

2. THE SITE

The site is located east of Dirranbandi in the Balonne Shire Council and falls under the Balonne Shire Planning Scheme. Lot 12 is divided by the Saint George Dirranbandi Road (Castlereagh Highway) and the South Western Railway and is bordered by the Narine Road to the east, as shown in Drawing 217049 – 1.

The site is flat with a slight fall from east to west, the site contains some areas of thicker vegetation, however it is mostly sparsely spread trees throughout areas that have been used for grazing uses. The site contains small areas of vegetation that has been classed as Category B on the regulated vegetation management map; these areas will not be impacted by the proposed easement. The site contains two Qld waterways for waterway barrier works that have been classed as 'Moderate'.

This application is for an easement over Lot 12 on BLM1070 that benefits Lot 3 BLM 345 allowing access to the Castlereagh Highway. The proposed easement will satisfy the RCOL requirements for land in the rural zone in relation to shape, size and access.

Planning Scheme Map – R1 State Controlled Roads identifies that the Castlereagh Highway is a State – Controlled road, the proposal will be assessed against the State Development Assessment Provisions accordingly.

The Planning Scheme Map – R2 Good Quality Agricultural Land defines the majority of Lot 12 as Good Quality Agricultural Land (GQAL) with only a small proportion running through the middle of the lot not classified as GQAL. This area is identified as being of 'medium bushfire risk'. This proposal will not impact on the GQAL, it will allow for all agricultural operations to be continued.

Planning Scheme Map R3 – Protected Areas shows that the vast majority of Lot 12 has been classified as a protected area; the proposal will not impact these protected areas as no clearing or construction will occur as a result of this proposal.

The Planning Scheme Map R4 – Bushfire Hazard Areas identifies some areas of Lot 12 on BLM1070 as being a medium bushfire hazard area, the Lot contains areas of predominantly unclassified bushfire hazard, Lot 3 on BLM345 has some areas that are classified as 'medium bushfire risk', the proposed easement will not impact these areas and the easement provides legal access that can lead away from bushfire hazards.

As the Planning Scheme Map R8 – C2 shows that Lot 12 is located within the Flood Hazard Overlay; the application has been assessed against Part 6, Division 1 – Flood Hazard Overlay of the Balonne Shire Planning Scheme.

3. SITE ACCESS

Existing access to Lot 12 will be retained. The proposed easement allows for legal access from Castlereagh Highway to Lot 3 on BLM345. All existing access points will be retained with no new access points being created as a result of this proposal.

Access to Lot 12 on BLM 1070 will not be altered and the existing access points for Lot 3 on BLM 345 to the Dirranbandi Hebel Road will be retained, the proposed easement will allow for access for Lot 3 on BLM 345 to the St. George Dirranbandi Road.

4. SURROUNDING LAND USES

The majority of the surrounding land has been zoned 'Rural' and is used for agricultural purposes, the surrounding agricultural land is used for both grazing and cropping purposes. The proposal is located in close

proximity to the town of Dirranbandi; the adjoining lot on the western boundary of the proposal is zoned 'Open Space and Recreation' it is currently a Reserve.

The Dirranbandi Golf Course is also located in the proximity of the proposal; the current land use of these lots will not be impacted by this proposal.

Much of the land has been cleared to allow for these agricultural uses to occur however there are some areas that have remained uncleared thick scrub. This proposal will not impact the surrounding land uses and will not adversely affect the current use of the land.

5. SERVICES

The proposed easement will not have an impact on the existing services that are connected to the homesteads on Lot 12 on BLM1070. The existing services will be kept, this proposal does not include the construction of any new dwellings or any new services, the existing homestead and associated infrastructure are connected to appropriate water supply, access, reticulated electricity and on site effluent disposal.

6. GOOD QUALITY AGRICULTURAL LAND

The proposed subdivision will not impact the Good Quality Agricultural Land (GQAL) in the area, there will be no change of use and the easement boundary will not impact the GQAL in the area. No fragmentation, alienation or encroachment of incompatible land uses will occur as a result of this proposal. There will also be no clearing of land or any impacts upon the remnant vegetation as a result of the proposal. Lots 3 & 12 will continue to be operated as farming enterprises.

7. PLANNING REQUIREMENTS FOR THE BALONNE SHIRE PLANNING SCHEME

PART 5.4 RECONFIGURATION OF A LOT CODE – RURAL ZONE

The proposal satisfies the relevant outcomes stated in Part 5.4.2 Overall Outcomes for the Reconfiguration of a Lot Code for the Rural Zone for the following reasons:

5.4.2 Overall Outcomes for the Reconfiguration of a Lot Code

- i) The overall outcomes are the purpose of the code;
- ii) The Reconfiguration of a Lot Code seeks to ensure that are that the location, size and design of lots
 - a) The proposal will maintain the 'Rural' zones intended use and will abide by the rural zone code.
 - b) The proposal provides an access easement to benefit Lot 3 on BLM345
 - c) The proposal will not impact areas of environmental significance or protected areas.
 - d) Good Quality Agricultural Land will not be impacted as a result of the proposal; the proposed easement is over an existing road.
 - e) This proposal will not impact infrastructure in the zone, the easement is for access purposes only.
 - f) Existing on site water supply and sewerage disposal will be maintained the proposed easement will not impact on these services.

The proposal complies with the following **applicable** Performance Criteria of the Balonne Shire Planning Scheme – Table 8 *Performance Criteria and Acceptable Solutions for the Reconfiguring a Lot Code*.

Performance Criteria	Acceptable Solution	Proposal
Minimum Lot Size		
PC 1 Rural Zone - Minimum Lot Size The reconfiguring of lots ensures the Rural Zone retains its viability as an area of primary production consistent with the local character.	AS 1.1 All lots have a minimum area of 5000 hectares and AS 1.3 All lots have a minimum width to depth ratio of 1:5.	This proposal will not alter the current lot size and both AS 1.1 and AS 1.3 will be satisfied. The proposed easement will be approximately 40 metres wide; however the width may vary in areas to allow for it to cover both the wet and dry roads.
For Town and Rural Zones		
PC 8 Layout and Design The reconfiguration of lots: (a) ensures safe and liveable communities; (b) ensures safe and legible vehicle and pedestrian movement areas and roads; (c) Integrates with adjoining land; and (d) Ensures and protects environmental values, significant features, open space areas and areas of high conservation or landscape value.	AS 8.1 No solution specified.	The proposal will not alter the layout and design of the existing lots; they will continue to satisfy PC8 .
PC 9 Sitting of Buildings and Structures Lot size, layout and design ensures futures uses are able to comply with separation distances for buildings and structures in respect of: (a) watercourses; (b) ridgelines and escarpments; (c) cultural heritage places; (d) protected areas; (e) Key Resource Areas; and (f) Mining Leases.	AS 9.1 No solution specified.	No changes will be made to the lot size, layout or design as a result of this proposal; the existing lots will continue to satisfy PC9 .
PC 10 Electricity Transmission Line Easement Lot layout and design adjoining an Electricity transmission line easement promotes community safety and well-being.	AS 10.1 Lot layout design is in accordance with Schedule 3: "Powerline/Electricity Easements".	This is not applicable to this proposal.
PC 11 Street Lighting Street lighting is provided: (a) to ensure safety of vehicles, cyclists and pedestrians; and (b) To an appropriate engineering standard.	AS 11.1 Street lighting is designed and constructed in accordance with Schedule 2: "Standards for Roads, Car parking Access and Manoeuvring Areas".	This is not applicable to this proposal.
PC 12 Electricity Each lot is provided with an adequate supply of electricity.	AS 12.1 Each lot is connected to the reticulated electricity supply.	The existing electricity infrastructure will be maintained as no construction or new lots are proposed.
PC 13 Electricity transmission Line Easement –Separation Distance Habitable rooms and child oriented uses are separated from electricity easements to ensure community safety	AS 13.1 Habitable rooms and child oriented uses maintain a minimum separation distance from the most proximate boundary of an Electricity transmission line	This is not applicable to this proposal.

Performance Criteria	Acceptable Solution	Proposal
	easement in accordance with Schedule 3: "Powerline/Electricity Easements"	
PC 14 Water Supply Each lot has an adequate volume and supply of water, which is also adequate for fire fighting purposes.	AS 14.1 Each lot is connected to Council's reticulated water supply system by the applicant in accordance with Schedule 4: "Standards for Water Supply".	The existing water supply network will not be changed as a result of this proposal; the current water supply connection satisfies PC 14 .
PC 15 Effluent Disposal Each lot provides for the treatment and disposal of effluent and other waste water to ensure the protection of public health and environmental values	AS 15.1 Each lot is connected to Council's reticulated sewerage system, by the applicant, in accordance with Schedule 5: "Standards for Sewerage Supply".	The existing effluent disposal will not be altered as a result of this proposal; all existing effluent disposal systems satisfy PC 15 .
PC 16 Stormwater Stormwater is collected and discharged so as to: (a) protect the stability of buildings or use of adjacent land; and (b) Protect and maintain environmental values. (c) To ensure that safety and efficiency on the state-controlled roads is not compromised.	AS 16.1 Stormwater is collected and discharged in accordance with Schedule 6: "Standards for Stormwater Drainage".	This proposal will not alter where stormwater is collected and discharged. This will satisfy AS16.1 .
PC 17 Vehicle Access Vehicle access is provided to each lot to ensure safe and functional operation for motorists and pedestrians.	AS 17.1 Each lot has vehicle access to a formed road. Access is to be designed and constructed, by the applicant, in accordance with Schedule 2: "Standards for Roads, Car Parking, Access and Manoeuvring Areas".	The proposed easement over Lot 12 on BLM1070 allows for vehicle access from the Castlereagh Highway to Lot 3 on BLM345
PC 18 Roads, Firebreaks and Fire Maintenance Trails Adequate all weather road access is provided between each lot and the existing road network. In high and medium bushfire hazard areas, adequate road access is provided for fire fighting/other emergency vehicles and for safe evacuation.	AS 18.1 Roads are designed and constructed by the applicant, in accordance with Schedule 2: "Standards for Roads, Car Parking, Access and Manoeuvring Areas". For lots in high and medium bushfire hazard areas as identified on Planning Scheme Map R4 – Bushfire Hazard Areas: AS 18.2 Roads, firebreaks and fire maintenance trails are designed and constructed by the applicant in accordance with Schedule 12: "Standards for Roads in Bushfire Hazard Areas, Firebreaks and Fire Maintenance Trails".	The proposed easement is over an existing road; the road is an all-weather surface and will provide legal access to Lot 3 on BLM 345. The proposed easement is within a medium bushfire hazard area, the existing road has been constructed in accordance to Schedule 2: "Standards for Roads, Car Parking, Access and Manoeuvring Areas". This satisfies AS 18.1 .
PC 19 Excavation and Filling Excavating or filling of land: (a) ensures safety and amenity for each lot and for land in close proximity; (b) minimises soil erosion; and (c) Limits detrimental impacts on water quality.	AS 19.1 Excavation or filling is undertaken in accordance with Schedule 7: "Standards for Construction Activities"	This is not applicable to this proposal.

Performance Criteria	Acceptable Solution	Proposal
PC 20 Construction Activities Erosion control measures and silt collection measures ensure that environmental values are protected during construction activities.	AS 20.1 During construction, soil erosion and sediment is controlled in accordance with Schedule 7: "Standards for Construction Activity".	This is not applicable to this proposal.
PC 21 Bushfire Hazard Area Reconfiguring a lot maintains the safety of people and property by avoiding areas of High or Medium Bushfire Hazard or mitigating the risk through the provision of firebreaks.	AS 21.1 Reconfiguring a lot is not undertaken in Bushfire Hazard areas as identified as High or Medium Hazard on Planning Scheme Map R4 – Bushfire Hazard Areas.	This proposal will maintain the safety of people and property by allowing for a legal access point to Lot 3 on BLM345. This satisfies PC21 .

PC 2, 3, 4, 5, 6 & 7 are not applicable to this proposal.

PART 6.7 PERFORMANCE CRITERIA AND ACCEPTABLE SOLUTIONS OF THE FLOOD HAZARD OVERLAY CODE

The proposal complies with the following **applicable** Performance Criteria of the Balonne Shire Planning Scheme – Table 9 *Performance Criteria and Acceptable Solutions for the Flood Hazard Overlay Code*.

Performance Criteria	Acceptable Solution	Proposal
PC 1 Built Form Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.	AS1.1 Habitable floors (including extensions and/or redevelopment) are built to at least the Minimum Habitable Finished Floor Level (MHFFL) specified for the subject lot. AS1.2 The design and layout of buildings used for residential purposes minimise risk from flooding by providing parking and other low intensity, non-habitable uses at ground level. AS1.3 The maximum building height for a dwelling house is 8.5m. AS1.4 The maximum site coverage for residential outbuildings does not exceed 5% of the total site area. AS1.5 Boundary fences do not impede the flow of floodwater. AS1.6 Non-residential uses and structures: a) Are built above the minimum habitable finished floor level; or b) allow for flow through of flood waters. AS1.7 Materials stored on-site: a) are those that are readily able to be moved in a flood event; b) Where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.	No construction is proposed for this application, the proposal is for an easement over an existing road for access purposes. No impact will be made on the resilience to flood events, this satisfies PC1 .
PC 2 Development Siting and Layout Development siting and layout responds to flooding potential and	Where not located in Limited Residential Precinct AS2.1 New lots are: a) located outside the overlay area;	No new lots are proposed for this application, the proposed easement will sit over Lot 12 on BLM 1070 to benefit

Performance Criteria	Acceptable Solution	Proposal
maintains personal safety at all times.	<p>b) are demonstrated to be above the flood level identified for the site; or</p> <p>c) Located on the highest part of the site to minimise entrance of floodwaters.</p> <p>AS2.2 Road and/or pathway layout ensures residents are not physically isolated from the adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other nonpermeable layouts; and</p> <p>b) by direct and simple routes to main carriageways that allow trafficable access up to a maximum flood depth of 300mm.</p> <p>AS2.3 Signage is provided on site (regardless of whether land is in public or private ownership):</p> <p>a) indicating the position and path of all safe evacuation routes off the site; and</p> <p>b) If the site contains or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p>	Lot 3 on BLM 345. The proposed easement offers an alternative legal access point for Lot 3 on BLM 345; all existing access will be retained.
<p>PC 3 Effects on flood behaviour</p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level, and does not increase the potential for flood damage either on site or on other properties.</p>	<p>AS3.1 Development does not block or divert floodwaters in a manner that increases flood level or velocity on site or on other properties.</p> <p>AS3.2 Works do not involve any physical alteration to a watercourse or floodway including vegetation clearing.</p> <p>For operational works in all other zones/precincts</p> <p>AS3.4 Works (including buildings and earthworks) either:</p> <p>a) do not involve a net increase in filling greater than 500m³ (compacted); or</p> <p>b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters; or</p> <p>c) do not change flood characteristics outside the subject site in ways that result in:</p> <p>i. loss of flood storage;</p> <p>ii. loss of/changes to flow paths;</p> <p>iii. Acceleration or retardation of</p>	An existing road will be used for the proposed access easement; the proposed easement will not divert floodwaters or alter any watercourses or floodway's.

Performance Criteria	Acceptable Solution	Proposal
	flows; or any reduction in flood warning times elsewhere on the floodplain.	
PC 4 Hazardous materials Development avoids the release of hazardous materials or contaminants into floodwaters.	Material Change of Use AS4.1 Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event; OR AS4.2 Where a MHFFL is adopted (refer to Maps R8 B1b, B3b, C2b, C3b and C3f), structures used for the manufacture or storage of hazardous materials are: a) located above the MHFFL level; or b) Designed to prevent the intrusion of floodwaters. AS4.3 If a specific MHFFL for the site is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and are designed to prevent the intrusion of floodwaters.	No hazardous materials or contaminants will be used for this proposal, this will satisfy PC 4 .
PC 5 Disaster management responses The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.	AS5.1 Development does not: a) increase the number of people calculated to be at risk from flooding; b) increase the number of people likely to need evacuation; c) shorten flood warning times; and, d) Impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	The proposed easement allows for an alternative legal access point that can be used to get away from disaster events such as floods and bushfires.
PC 6 Community infrastructure Development involving community infrastructure (defined as Sensitive Land Uses and Community Oriented Uses under this Scheme): a) remains functional to serve community need during and immediately after a flood event; b) is designed, sited and operated to avoid adverse impacts on the community or the environment due to the impacts of flooding on infrastructure, facilities or access and egress routes; c) retains essential site access during a flood event; d) and is able to remain functional	Where not located within the Resilient Residential Precinct AS6.1 Sensitive Land Uses and Community Oriented Uses are not located on land inundated during a 1% AEP flood event. OR AS6.2 Sensitive Land Uses and Community Oriented Uses incorporate an area on site above the MHFFL with sufficient space to accommodate the likely population of the development in safety for a relatively short time until flooding subsides or people can be evacuated. AND	The proposal is not a sensitive land use nor will it influence sensitive land uses or community oriented uses, the proposal will provide legal access from the Castlereagh Highway (St George Dirranbandi Road) to Lot 3 on BLM 345. This satisfies AS 6.1 .

Performance Criteria	Acceptable Solution	Proposal
even when other infrastructure or services may be compromised in a flood event;	<p>AS6.3 Sensitive Land Uses and Community Oriented Uses have direct access to low hazard evacuation routes as defined in Table 10.</p> <p>AND</p> <p>AS6.4 Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are:</p> <p>a) located above the MHFFL for the site;</p> <p>b) designed and constructed to exclude floodwater intrusion/infiltration;</p> <p>AND</p> <p>AS6.5 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</p> <p>AS6.6 The following uses are not located on land inundated during a 0.5% AEP flood event</p> <p>a) emergency shelters; and</p> <p>b) Police facilities.</p> <p>AS6.7 The following uses are not located on land inundated during a 0.2% AEP flood event</p> <p>a) correctional facilities;</p> <p>b) emergency services;</p> <p>c) power stations; and</p> <p>d) Major switch yards.</p>	

8. STATE DEVELOPMENT ASSESSMENT PROVISIONS (SDAP)

Reconfiguration of a Lot – State Controlled Road (Castlereagh Highway) & Existing Railway Network (South – Western Line)

The location of the proposal is within 25 metres of a State – controlled road (Castlereagh Highway) and within 25 metres of an existing railway network (South – Western Railway Line).

The proposal triggers SDAP Provisions Version 2.0 July 2017 in relation to the following State Codes due to its proximity to the Castlereagh Highway (State-controlled Road). The following State Codes are relevant to the proposal:

- State Code 1: Development in a state-controlled road environment
- State Code 2: Development in a rail environment

The proposal will be assessed against these State Codes accordingly.

State Code 1: Development in a State – Controlled Road Environment

The proposal has been assessed in relation to:

- 1.1. Purpose Statement
- 1.2. Performance outcomes and acceptable outcomes
 - 1.2.1 Development in a state-controlled road environment
 - 1.2.2 Environmental emissions
 - 1.2.3 Development in a future state-controlled road environment

1.1 Purpose Statement

The purpose of this code is to protect state-controlled roads, future state-controlled roads and other infrastructure in state-controlled roads from adverse impacts of development. The purpose of this code is also to protect the safety of people using, and living and working near, state-controlled roads.

Specifically, this code seeks to ensure:

1. The proposal does not create any safety hazards for users of the Castlereagh Highway; the road is an existing road that is connected to the state – controlled road.
2. The proposed easement will not impact the structural integrity of the Castlereagh Highway.
3. The proposal will not result in the worsening of the physical condition of the state-controlled road.
4. This proposal will have no influence on the construction or cost of construction of state-controlled roads and future state-controlled roads.
5. The proposed easement will not impact the state’s maintenance or operation of state-controlled roads. It will not significantly increase the cost to maintain and operate state-controlled roads.
6. No public passenger transport infrastructure is located within the area of the proposed easement. No public passenger transport infrastructure will be impacted by this proposal.
7. The community will be protected from environmental impacts of the state-controlled road.

1.2. Performance Outcomes and Acceptable Outcomes

Table 1.2.1 Development in a state-controlled road environment

The proposal has been assessed in relation to Table 1.2.1 Development in a state-controlled road environment.

Performance Criteria	Acceptable Solution	Proposal
Building and Structures		
PO1 The location of buildings, structures, infrastructure, services and utilities does not create a safety hazard in a state-controlled road, or cause damage to, or obstruct road transport infrastructure.	AO1.1 Buildings, structures, infrastructure, services and utilities are not located in a state-controlled road. AND AO1.2 Buildings, structures, infrastructure, services and utilities can be maintained without requiring access to a state-controlled road.	No new buildings or structures will be constructed as a part of this proposal, this will satisfy PO1 .
PO2 The design and construction of Buildings and structures does not create a safety hazard by distracting	AO2.1 Facades of buildings and structures facing a state-controlled road are made of non-reflective	No new buildings or structures will be constructed as a part of this proposal, this will satisfy

Performance Criteria	Acceptable Solution	Proposal
users of a state-controlled road.	materials. OR AO2.2 Facades of buildings and structures do not reflect point light sources into the face of oncoming traffic on a state-controlled road. AND AO2.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on a state-controlled road and does not involve flashing or laser lights. AND AO2.4 Advertising devices visible from a state-controlled road are located and designed in accordance with the Roadside Advertising Guide, Department of Transport and Main Roads, 2013.	PO2.
PO3 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto a state-controlled road.	AO3.1 Road, pedestrian and bikeway bridges over a state-controlled road include throw protection screens in accordance with section 4.9.3 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2014.	No road, pedestrian or bikeway bridges are to go over a state – controlled road as a part of this proposal, this will satisfy AO3.1 .
Filling, Excavation and Retaining Structures		
PO4 Filling and excavation does not interfere with, or result in damage to, infrastructure or services in a state-controlled road.	No acceptable outcome is prescribed.	This is not applicable to this proposal.
PO5 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a state-controlled road.	No acceptable outcome is prescribed.	This is not applicable to this proposal.
PO6 Filling, excavation, building foundations and retaining structures do not cause ground water disturbance in a state-controlled road.	No acceptable outcome is prescribed.	This is not applicable to this proposal.
PO7 Excavation, boring, piling, and blasting or fill compaction during construction of a development does not result in ground movement or vibration impacts that would cause damage or nuisance to a state-controlled road, road transport infrastructure or road works.	No acceptable outcome is prescribed.	This is not applicable to this proposal.
PO8 Development involving the haulage of fill, extracted material or excavated spoil material exceeding 10,000 tonnes per year does not damage the pavement of a state-controlled road.	AO8.1 Fill, extracted material and spoil material is not transported to or from the development site on a state-controlled road	This is not applicable to this proposal.
PO9 Filling and excavation associated with the construction of vehicular access to a development does not	No acceptable outcome is prescribed.	This is not applicable to this proposal.

Performance Criteria	Acceptable Solution	Proposal
compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.		
PO10 Fill material used on a development site does not result in contamination of a state-controlled road.	AO10.1 Fill material is free of contaminants including acid sulfate content. AND AO10.2 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.	This is not applicable to this proposal.
PO11 Filling and excavation does not cause wind-blown dust nuisance in a state-controlled road.	AO11.1 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes. AND AO11.2 Dust suppression measures are used during filling and excavation activities such as wind breaks or barriers and dampening of ground surfaces.	This is not applicable to this proposal.
Stormwater and Drainage		
PO12 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road.	No acceptable outcome is prescribed.	Stormwater runoff, drainage and flooding impacts will not be worsened as a result of this proposal, this satisfies PO12 .
PO13 Run-off from the development site is not unlawfully discharged to a state-controlled road.	AO13.1 Development does not create any new points of discharge to a state-controlled road. AND AO13.2 Stormwater run-off is discharged to a lawful point of discharge. AND AO13.3 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.	There will be no changes to the run – off as a result of this proposal, all run-off that occurs will be lawfully discharged.
PO14 Run-off from the development site during construction does not cause siltation of stormwater infrastructure affecting a state-controlled road.	AO14.1 Run-off from the development site during construction is not discharged to stormwater infrastructure for a state-controlled road.	No construction will occur as a part of this proposal.
Vehicular access to a state – controlled road		
PO15 Vehicular access to a state-controlled road that is a limited access road is consistent with government policy for the management of limited access roads.	AO15.1 Development does not require new or changed access to a limited access road. OR AO15.2 A new or changed access to a limited access road is consistent with the limited access policy for the state-controlled road. AND AO15.3 Where a new or changed access is for a service centre, access	The proposed easement is over an existing road that connects to a state – controlled road (Castlereagh Highway).

Performance Criteria	Acceptable Solution	Proposal
	is consistent with the Service centre policy, Department of Transport and Main Roads, 2013 and the Access policy for roadside service centre facilities on limited access roads, Department of Transport and Main Roads and the Service centre strategy for the state-controlled road.	
PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.	<p>AO16.1 Vehicular access is provided from a local government road.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO16.2 Vehicular access for the development is consistent with the function and design of the state-controlled road.</p> <p>AND</p> <p>AO16.3 Development does not require new or changed access between the premises and the state-controlled road.</p> <p>AND</p> <p>AO16.4 Use of any existing vehicular access to the development is consistent with a decision under section 62 of the Transport Infrastructure Act 1994.</p> <p>AND</p> <p>AO16.5 Onsite vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in a road intersection or on the state-controlled road</p>	The proposed easement utilises an existing road and existing access point. The proposed easement will use the existing access point onto the state – controlled road (Castlereagh Highway), the access point is consistent with the function and design of the state-controlled road, it will not need to be altered and no new access points will be created for this proposal.
PO17 Vehicular access to a state-controlled road or local government road (and associated road access works) are located and designed to not damage or interfere with public passenger transport infrastructure, public passenger services or pedestrian or cycle access to public passenger transport infrastructure and public passenger services.	<p>AO17.1 Vehicular access and associated road access works are not located within 5 metres of existing public passenger transport infrastructure. AND</p> <p>AO17.2 The location and design of vehicular access for a development does not necessitate the relocation of existing public passenger transport infrastructure.</p> <p>AND</p> <p>AO17.3 On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles using a vehicular access do not obstruct public passenger transport infrastructure and public passenger services or obstruct pedestrian or cycle access to public passenger transport infrastructure and public passenger services.</p> <p>AND</p> <p>AO17.4 The normal operation of</p>	The existing road network and access point used for this proposal will not impact the public passenger transport infrastructure. The normal operation of public passenger transport infrastructure will not be impacted by this proposal, the vehicular access point allows for on – site vehicular circulation to occur and will not obstruct the public passenger transport infrastructure. This satisfies AO17.1, AO17.2, AO17.3, AO17.4 and AO17.5.

Performance Criteria	Acceptable Solution	Proposal
	public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.	
Vehicular access to local roads within 100 metres of an intersection with a state – controlled road		
PO18 The location and design of vehicular access to a local road within 100 metres of an intersection with a state-controlled road does not create a safety hazard for users of a state-controlled road.	<p>AO18.1 Vehicular access is located as far as possible from the state-controlled road intersection.</p> <p>AND</p> <p>AO18.2 Vehicular access is in accordance with parts, 3, 4 and 4A of the Road Planning and Design Manual, 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016.</p> <p>AND</p> <p>AO18.3 Onsite vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in the intersection or on the state-controlled road.</p>	No vehicular access to a local road will be a part of this proposal, no existing access points are to a local road within 100 metres of a state – controlled road or will not create a safety hazard for users of the state – controlled road (Castlereagh Highway). This satisfies PO18 .
Planned Upgrades		
PO19 Development does not impede delivery of planned upgrades of state-controlled roads.	<p>AO19.1 Development is not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road.</p> <p>OR</p> <p>AO19.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO19.3 Structures and infrastructure located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development.</p> <p>AND</p> <p>AO19.4 Vehicular access for the development is consistent with the function and design of the planned upgrade of the state-controlled road.</p> <p>AND</p>	No construction is included for this proposal; there will be no impediment on planned upgrades of the state – controlled road. This will comply with AO19.1 to AO19.6 .

Performance Criteria	Acceptable Solution	Proposal
	AO19.5 Development does not involve filling and excavation of, or material changes to, land required for a planned upgrade to a state-controlled road. AND AO19.6 Land is able to be reinstated to the pre-development condition at the completion of the use.	
Network Impacts		
PO20 Development does not result in a worsening of operating conditions on the state-controlled road network.	No acceptable outcome is prescribed.	No construction will occur as a result of this proposal, the load of traffic on the state – controlled road network will not be increased.
PO21 Development does not impose traffic loadings on a state-controlled road which could be accommodated on the local road network.	AO21.1 The layout and design of the development directs traffic generated by the development to the local road network.	No traffic loading will occur as a result of this proposal, Lot 3 on BLM 345 which will benefit from the proposed easement has access only to state – controlled roads, there is no local road network that provides access to Lot 12 on BLM 1070 OR Lot 3 on BLM 345.
PO22 Upgrade works on or associated with, a state-controlled road are built in accordance with Queensland road design standards.	AO22.1 Upgrade works required as a result of the development are designed and constructed in accordance with the Road Planning and Design Manual, 2nd edition, Department of Transport and Main Roads, 2016.	No upgrade works are proposed, any future upgrades will be done so in accordance with Queensland road design standards.

1.2.2 Environmental Emissions

The proposal has been assessed in relation to Table 1.2.2 Environmental Emissions. The state – controlled road (Castlereagh Highway) is co-located in the same transport corridor as a railway, the development will comply with Table 2.2.2 Environmental Emissions in State Code 2: Development in a Railway Environment.

The 9 Performance Outcomes outlined in Table 1.2.2 Environmental Emissions are not applicable to the proposal.

Table 1.2.3 Development in a Future State – Controlled Road Environment

The proposal has been assessed in relation to Table 1.2.3 Development in a Future State – Controlled Road Environment.

Performance Criteria	Acceptable Solution	Proposal
PO32 Development does not impede delivery of a future state controlled road.	AO32.1 Development is not located in a future state-controlled road. OR AO32.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located in a future state-controlled road.	This proposal will not occur in a future state – controlled area, the proposal includes no new buildings, structures, services or utilities, the existing buildings and structures all will not impede on a future state – controlled road.

Performance Criteria	Acceptable Solution	Proposal
	<p>OR all of the following acceptable outcomes apply:</p> <p>AO32.3 Structures and infrastructure located in a future state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development.</p> <p>AND</p> <p>AO32.4 Development does not involve filling and excavation of, or material changes to, a future state-controlled road.</p> <p>AND</p> <p>AO32.5 Land is able to be reinstated to the pre-development condition at the completion of the use.</p>	
PO33 Vehicular access to a future state-controlled road is located and designed to not create a safety hazard for users of a future state-controlled road or result in a worsening of operating conditions on a future state-controlled road.	<p>AO33.1 Development does not require new or changed access between the premises and a future state-controlled road.</p> <p>AND</p> <p>AO33.2 Vehicular access for the development is consistent with the function and design of the future state-controlled road.</p>	This proposal will not require new or changed access for a future state – controlled road and the proposal is consistent with the design and function of a future state – controlled road. This satisfies AO33.1 & AO33.2 .
PO34 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a future state-controlled road.	No acceptable outcome is prescribed.	No filling, excavation, building foundations or retaining structures are included as a part of this proposal; there will be no undermining of future state – controlled roads. This will comply with PO34 .
PO35 Fill material from a development site does not result in contamination of land for a future state – controlled road	<p>AO35.1 Fill material is free of contaminants including acid sulfate content. AND</p> <p>AO35.2 Compaction of fill is carried out in accordance with the requirements of AS1289.0 2000 – Methods of testing soils for engineering purposes.</p>	No fill material is to be used for this proposal; any future fill material rebuilding the existing road will not contain contaminants and will not contaminate the land for a future state – controlled road.
PO36 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a future state-controlled road.	No acceptable outcome is prescribed.	No worsening of stormwater, flooding or drainage impacts will occur in a future state – controlled road.
PO37 Run – off from the development site is not unlawfully discharged to a future state – controlled road.	<p>AO37.1 Development does not create any new points of discharge to a future state-controlled road.</p> <p>AND</p> <p>AO37.2 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>AND</p>	No new points of discharge will be created by this proposal; stormwater discharge will not be altered. This proposal will not impact on the discharge onto a future state – controlled road and will satisfy AO37.1, AO37.2 & AO37.3 .

Performance Criteria	Acceptable Solution	Proposal
	AO37.3 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.	

State Code 2: Development in a Rail Environment

The proposal has been assessed in relation to:

- 2.1 Purpose Statement
- 2.2 Performance Outcomes and Acceptable Solutions
 - 2.2.1 Development in a railway environment
 - 2.2.2 Environmental Emissions
 - 2.2.3 Development in a future railway environment

2.1 Purpose Statement

The purpose of the code is to protect **railways**, future **railways** and other infrastructure in a **railway corridor** from adverse impacts of development. The purpose of this code is also to protect the safety of people using, and living and working near, **railways**. Specifically, this code seeks to ensure:

1. Development does not create a safety hazard for users of a **railway**, by increasing the likelihood or frequency of loss of life or serious injury
2. Development does not compromise the structural integrity of **railways**, **rail transport infrastructure**, **other rail infrastructure** or **railway works**
3. Development does not result in a worsening of the physical condition or operating performance of **railways** and the rail network
4. Development does not compromise the state's ability to construct **railways** and future **railways**, or significantly increase the cost to construct **railways** and future **railways**
5. Development does not compromise the state's ability to maintain and operate **railways**, or significantly increase the cost to maintain and operate **railways**
6. The community is protected from significant adverse impacts resulting from environmental emissions generated by a **railway**.

2.2 Performance Outcomes and Acceptable Solutions

Table 2.2.1 Development in a Railway Environment

The proposal has been assessed in relation to Table 2.2.1 Development in a Railway Environment

Performance Criteria	Acceptable Solution	Proposal
Building and Structures		
PO1 The location of buildings, structures, infrastructure, services and utilities does not create a safety hazard in a railway corridor or cause damage to, or obstruct, rail transport infrastructure or other rail infrastructure.	AO1.1 Buildings, structures, infrastructure, services and utilities are not located in a railway corridor. AND AO1.2 Buildings, structures, infrastructure, services and utilities	No new buildings, structures, services or utilities will be constructed in this application, the existing buildings and structures will not impede the railway corridor. This will comply with AO1.1 to AO1.5 .

Performance Criteria	Acceptable Solution	Proposal
	<p>can be maintained without requiring access to a railway corridor.</p> <p>AND</p> <p>AO1.3 Buildings, structures and infrastructure are set back horizontally a minimum of 3 metres from the outermost projection of overhead line equipment.</p> <p>AND</p> <p>AO1.4 The lowest part of development in or over a railway is a minimum of:</p> <p>1) 7.9 metres above the railway track where the proposed development extends along the railway for a distance of less than 40 metres</p> <p>2) 9 metres above the railway track where the development extends along the railway for a distance of between 40 and 80 metres.</p> <p>AND</p> <p>AO1.5 Pipe work, services and utilities:</p> <p>1) are not attached to rail transport infrastructure or other rail infrastructure</p> <p>2) Do not penetrate through the side of any proposed building element or structure where built to boundary in, over or abutting a railway corridor.</p>	
PO2 Buildings and structures are located to not interfere with, or impede access to, a railway bridge.	<p>AO2.1 Buildings and structures are set back horizontally a minimum of 3 metres from a railway bridge.</p> <p>AND</p> <p>AO2.2 Permanent structures are not located below or abutting a railway bridge.</p> <p>AND</p> <p>AO2.3 Temporary activities below or abutting a railway bridge do not impede access to a railway corridor.</p>	No new buildings or structures will be constructed, the existing buildings and structures are all located as to not interfere with, or impede access to a railway bridge.
PO3 Development does not add or remove loading that will cause damage to rail transport infrastructure or a railway corridor.	No acceptable outcome is prescribed.	The proposal will impact the loading on the railway infrastructure. No part of this proposal will cause damage within the railway corridor. This satisfies PO3 .
PO4 Development above a railway is designed to enable natural ventilation and smoke dispersion in the event of a fire emergency.	No acceptable outcome is prescribed.	This proposal will not occur above a railway, this is not applicable.
PO5 Construction activities do not cause ground movement or vibration impacts in a railway corridor.	No acceptable outcome is prescribed.	This proposal contains no construction activities, there will be no movement or vibration impacts on the railway corridor,

Performance Criteria	Acceptable Solution	Proposal
		and this satisfies PO5.
PO6 Buildings and structures in a railway corridor are designed and constructed to remain structurally sound in the event of a derailed train.	AO6.1 Buildings and structures, in a railway corridor including piers or supporting elements, are designed and constructed in accordance with Civil Engineering Technical Requirement – CIVIL-SR-012 Collision protection of supporting elements adjacent to railways, Queensland Rail, 2011, AS5100 Bridge design and AS1170 Structural design actions.	The proposal does not consist of any new buildings or structures, the existing buildings and structures have been built in accordance with AO6.1 .
PO7 Buildings and structures in high risk locations and where also located within 10 metres of the centreline of the nearest railway track are designed and constructed to remain structurally sound in the event of a derailed train.	AO7.1 Buildings and structures, in a railway corridor including piers or supporting elements, are designed and constructed in accordance with Civil Engineering Technical Requirement CIVIL-SR-012 Collision protection of supporting elements adjacent to railways, Queensland Rail, 2011, AS5100 Bridge design and AS1170 Structural design actions.	No existing buildings or structures that are included within this proposal are located within 10 metres of the centreline of the nearest railway track.
PO8 Buildings and structures in a railway corridor are designed and constructed to prevent projectiles from being thrown onto a railway.	AO8.1 Buildings and structures in a railway corridor include throw protection screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail, 2011, and the Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail. AND AO8.2 Road, pedestrian and bikeway bridges over a railway include throw protection screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail, 2011, and the Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail.	The proposed easement will be designed so that no projectiles are able to be thrown onto the railway network, the site of the proposal does not go over the railway track and no throw protection screens will be required.
PO9 Buildings, and structures, other than accommodation activities, are designed and constructed to prevent projectiles from being thrown onto a railway from any publicly accessible areas located within 20 metres from the centreline of the nearest railway track.	AO9.1 Publicly accessible areas located within 20 metres from the centreline of the nearest railway track do not directly overlook a railway. OR AO9.2 Buildings and structures are designed to ensure publicly accessible areas located within 20 metres of the centreline of the	The proposed easement will be designed so that no projectiles are able to be thrown onto the railway network, the site of the proposal does not go over the railway track and no throw protection screens will be required. The proposal is not within 20 metres of the centreline of the nearest railway track.

Performance Criteria	Acceptable Solution	Proposal
	nearest railway track and that overlook the railway include throw protection screens in accordance with the relevant provisions of the Civil Engineering Technical Requirement – CIVIL-SR-005 Design of buildings over or near railways, Queensland Rail, 2011, and the Civil Engineering Technical Requirement – CIVIL-SR-008 Protection screens, Queensland Rail.	
Filing, excavation and retaining structures		
PO10 Filling, excavation and retaining structure do not interfere with, or result in damage to, infrastructure or services in a railway corridor.	No acceptable outcome is prescribed.	No filing, excavation or retaining structures will be used for the purpose of this proposal.
PO11 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a railway corridor.	No acceptable outcome is prescribed.	No filing, excavation or retaining structures will be used for the purpose of this proposal.
PO12 Filling and excavation, building foundations and retaining structures do not cause ground water disturbance in a railway corridor.	No acceptable outcome is prescribed.	No filing, excavation or retaining structures will be used for the purpose of this proposal.
PO13 Excavation, boring, piling, blasting or fill compaction during construction of a development does not result in ground movement or vibration impacts that would cause damage or nuisance to a railway corridor, rail transport infrastructure or railway works.	No acceptable outcome is prescribed.	No filing, excavation or retaining structures will be used for the purpose of this proposal.
PO14 Filling and excavation material does not cause an obstruction or nuisance in a railway corridor.	AO14.1 Development does not store fill, spoil or any other material in, or adjacent to, a railway corridor.	No filing, excavation or retaining structures will be used for the purpose of this proposal.
Stormwater and Drainage		
PO15 Development does not result in an actionable nuisance or worsening of stormwater, flooding or drainage impacts in a railway corridor	No acceptable outcome is prescribed.	No worsening of stormwater, flooding or drainage on the railway corridor will result from this proposal. This satisfies PO15 .
PO16 Run-off from the development site during construction of development does not cause siltation of stormwater infrastructure affecting a railway corridor.	AO16.1 Run-off from the development site during construction of development is not discharged to stormwater infrastructure in a railway corridor.	No construction is proposed for this application, the run-off from the site will not impact the railway corridor.
Access		
PO17 Development prevents unauthorised access to a railway corridor.	AO17.1 Where development is abutting railway corridor fencing is provided along the property boundary with the railway corridor in accordance with the railway manager's standards. AND	This proposal will not allow for unauthorised access to a railway corridor, the proposal does not abut the railway corridor nor does the proposed vehicle manoeuvring areas, driveways and car parks. This will satisfy

Performance Criteria	Acceptable Solution	Proposal
	<p>AO17.2 A road barrier designed in accordance with Civil Engineering Technical Requirement – CIVIL-SR-007 Design and selection criteria for road/rail interface barriers, Queensland Rail 2011, and certified by an RPEQ, is installed along any roads abutting a railway corridor.</p> <p>AND</p> <p>AO17.3 Proposed vehicle manoeuvring areas, driveways, loading areas or carparks abutting a railway corridor include rail interface barriers.</p>	AO17.1, AO17.2 and AO17.3.
PO18 Development does not obstruct existing access to a railway corridor.	AO18.1 Development is sited and designed to ensure existing authorised access points and access routes for maintenance and emergency works to a railway corridor are clear from obstructions at all times.	This proposal will not obstruct access to the railway corridor, both existing access and future access will not be impeded.
PO19 Access to a railway corridor does not create a safety hazard for users of a railway, or result in a worsening of operating conditions on a railway	<p>AO19.1 Development does not require a new railway crossing.</p> <p>AND</p> <p>AO19.2 Development does not propose new or temporary structures or works connecting to rail transport infrastructure or other rail infrastructure.</p> <p>AND</p> <p>AO19.3 Vehicle access points achieve sufficient clearance from a railway level crossing in accordance with AS1742.7:2016 – Manual of uniform traffic control devices, Part 7: Railway crossings, by providing minimum 5 metres clearance from the edge running rail (outer rail), plus the length of the largest vehicle anticipated on-site.</p>	This proposal will not require the construction of a new railway crossing; it will not worsen the operating conditions for the railway. The use of the existing access point will be more than 5 metres away from the edge running rail of the railway corridor.
PO20 Development does not damage or interfere with public passenger transport infrastructure, public passenger services or pedestrian and cycle access to public passenger transport infrastructure and public passenger services.	<p>AO20.1 Development does not necessitate the relocation of existing public passenger transport infrastructure.</p> <p>AND</p> <p>AO20.2 Vehicular access and associated road access works for a development is not located within 5 metres of existing public passenger transport infrastructure.</p> <p>AND</p> <p>AO20.3 On-site vehicle circulation is designed give priority to entering vehicles at all times so vehicles</p>	No public passenger transport infrastructure will be damaged as a result of this proposal; there will be no need to relocate existing public passenger transport. Access points are not located within 5 metres of existing public passenger transport infrastructure.

Performance Criteria	Acceptable Solution	Proposal
	<p>using a vehicular access do not obstruct public passenger transport infrastructure and public passenger services or obstruct pedestrian or cyclist access to public passenger transport infrastructure and public passenger services.</p> <p>AND</p> <p>AO20.4 The normal operation of public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.</p>	
Planned Upgrades		
PO21 Development does not impede delivery of planned upgrades of rail transport infrastructure.	<p>AO21.1 Development is not located on land identified by the Department of Transport and Main Roads as land required for planned upgrades to rail transport infrastructure. OR</p> <p>AO21.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of rail transport infrastructure.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO21.3 Structures and infrastructure located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a of rail transport infrastructure are able to be readily relocated or removed without materially affecting the viability or functionality of the development.</p> <p>AND</p> <p>AO21.4 Development does not involve filling and excavation of, or material changes to, land required for a planned upgrade of rail transport infrastructure.</p> <p>AND</p> <p>AO21.5 Land is able to be reinstated to the pre-development condition at the completion of the use.</p>	<p>The proposal will not have an impact on any planned upgrades of the rail transport infrastructure. The proposal is over land that has not been identified by the Department of Transport and Main Roads as land required for planned upgrades to rail transport infrastructure. This will satisfy AO21.1.</p>
Network Safety		
PO22 Development involving dangerous goods adjacent to a railway corridor does not adversely impact on the safety or operations of a railway.	AO22.1 Development does not involve handling or storage of hazardous chemicals above the threshold quantities listed in table	This proposal will not involve the handling or storage of hazardous chemicals above the threshold quantities listed in table 5.2 of the

Performance Criteria	Acceptable Solution	Proposal
	5.2 of the Model Planning Scheme Development Code for Hazardous Industries and Chemicals, Office of Industrial Relations, Department of Justice and Attorney-General, 2016.	Model Planning Scheme Development Code for Hazardous Industries and Chemicals. This satisfies AO22.1 .
PO23 Development does not adversely impact on the safety of a railway crossing.	<p>AO23.1 Development does not require a new railway crossing.</p> <p>OR</p> <p>AO23.2 A new railway crossing is grade separated.</p> <p>OR all of the following acceptable outcomes apply:</p> <p>AO23.3 Upgrades to a level crossing are designed and constructed in accordance with AS1742.7 – Manual of uniform traffic control devices, Part 7: Railway crossings and applicable railway manager’s standard drawings.</p> <p>AND</p> <p>AO23.4 Vehicle access points achieve sufficient clearance from a level crossing in accordance with AS1742.7 – Manual of uniform traffic control devices, Part 7: Railway crossings by providing a minimum clearance of 5 metres from the edge running rail (outer rail) plus the length of the largest vehicle anticipated on-site.</p> <p>AND</p> <p>AO23.5 On-site vehicle circulation is designed to give priority to entering vehicles at all times to ensure vehicles do not queue in a railway crossing.</p>	This proposal will have no impact on the railway network or any rail crossings, it does not impede on any upgrades to the railway network and all vehicle access points provide a 5 metre clearance from the railway. This satisfies AO23.1, AO23.2, AO23.3, AO23.4 and AO23.2 .

2.2.2 Environmental Emissions

The proposal does not require assessment against Table 2.2.2 Environmental Emissions as there are fewer than 15 passing trains per day.

The 9 Performance Outcomes outlined in Table 2.2.2 Environmental Emissions are not applicable to the proposal.

2.2.3 Development in a Future State – Controlled Railway Environment

Table 2.2.3 Development in a Future Railway Environment

The proposal has been assessed in relation to Table 1.2.3 Development in a Future State – Controlled Railway Environment.

Performance Criteria	Acceptable Solution	Proposal
PO33 Development does not impede delivery of rail transport infrastructure in a future railway corridor.	AO33.1 Development is not located in a future railway corridor. OR AO33.2 Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located in a future railway corridor. OR all of the following acceptable outcomes apply: AO33.3 Structures and infrastructure located in a future railway corridor are able to be readily relocated or removed without materially affecting the viability or functionality of the development. AND AO33.4 Development does not involve filling and excavation of, or material changes to, a future railway corridor. AND AO33.5 Land is able to be reinstated to the pre-development condition at the completion of the use.	No development will occur as a result of the proposal; the proposed easement will not impede the delivery of rail transport infrastructure in a future railway corridor. This satisfies PO33 .
PO34 Filling and excavation, building foundations and retaining structures do not undermine or cause subsidence of, a future railway corridor.	No acceptable outcome is prescribed.	No filling or excavation will occur as a result of this proposal; no future railway corridors will be impacted by this proposal. This will satisfy PO34 .
PO35 Fill material from a development site does not result in contamination of land for a future railway corridor.	AO35.1 Fill material is free of contaminants including acid sulfate content. AND AO35.2 Compaction of fill is carried out in accordance with the requirements of AS1289.0 2000 – Methods of testing soils for engineering purposes.	No fill material will be used for this proposal, the existing road network will be utilised. This satisfies AO35.1 .
PO36 Development does not result in an actionable nuisance or worsening of stormwater, flooding or drainage impacts in a future railway corridor.	No acceptable outcome is prescribed.	This proposal will not lead to the worsening of stormwater, flooding or drainage impacts in a future railway corridor. This will satisfy PO36 .

We submit that this proposal complies with the requirements of the Balonne Shire Planning Scheme for the Reconfiguration of a Lot Code and the Flood Hazard Overlay Code within the zone as well as the relevant State Development Assessment Provisions it has been assessed against.

We hereby request Council's favourable consideration of the above proposal. Should you have any queries in relation to this matter please contact the writer.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T Jobling', written in a cursive style.

Tom Jobling
BURP STUDENT (UNE)
SMK CONSULTANTS PTY LTD
Encl

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Rob Hemming
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	"Beverleigh" 7785 Castlereagh Highway
Suburb	Dirranbandi
State	Queensland
Postcode	4486
Country	Australia
Contact number	0428 258 619
Email address (non-mandatory)	rob@beverleigh.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application <input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see *DA Forms Guide: Relevant plans*.

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (all lots must be listed), **or**

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		7785	Castlereagh Highway	Dirranbandi
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4486	12	BLM1070	Balonne Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

☐ Additional premises are relevant to this development application and their details have been attached in a schedule to this application

☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application

☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

☐ Material change of use ☒ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Alternative access easement for feedlot (Lot 3 on BLM345)

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).

☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

☐ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

One (1)

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input checked="" type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
☐ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment**12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?**13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement?***(attach schedule if there are more than two easements)*

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement
Proposed	10		Vehicle Access to feedlot	Lot 3 on BLM 345

Division 3 – Operational work*Note: This division is only required to be completed if any part of the development application involves operational work.***14.1) What is the nature of the operational work?**

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: _____ | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)☐ Yes – specify number of new lots: _____☒ No**14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)**

\$ _____

PART 4 – ASSESSMENT MANAGER DETAILS**15) Identify the assessment manager(s) who will be assessing this development application**

Balonne Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?***Note: A development application will require referral if prescribed by the Planning Regulation 2017.*

- ☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the chief executive of the Planning Regulation 2017:

- ☐ Clearing native vegetation
- ☐ Contaminated land (unexploded ordnance)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input checked="" type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input checked="" type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane's port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government:
<input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> The chief executive of the holder of the licence, if not an individual The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator:
<input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority:
<input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works, or development in a coastal management district

18) Has any referral agency provided a referral response for this development application?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
☒ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (if applicable).

PART 6 – INFORMATION REQUEST**19) Information request under Part 3 of the DA Rules**

- ☒ I agree to receive an information request if determined necessary for this development application
☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS**20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)**

- ☐ Yes – provide details below or include details in a schedule to this development application
☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements**Environmentally relevant activities**

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

☐ Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

☒ No

Note: Application for an environmental authority can be found by searching "EM941" at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

☒ No

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

Note: See www.qld.gov.au for further information.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes

☒ No

Note: See guidance materials at www.ehp.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

Note: DA templates are available from www.dilqp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

☐ Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to

commencing development
☒ No
Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Marine activities
 23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**
☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
☒ No
Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake
 23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No
Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Quarry materials from land under tidal waters
 23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No
Note: Contact the Department of Environment and Heritage Protection at www.ehp.qld.gov.au for further information.

Referable dams
 23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?
☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
☒ No
Note: See guidance materials at www.dews.qld.gov.au for further information.

Tidal work or development within a coastal management district
 23.12) Does this development application involve **tidal work or development in a coastal management district**?
☐ Yes – the following is included with this development application:
☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
☐ A certificate of title
☒ No
Note: See guidance materials at www.ehp.qld.gov.au for further information.

Queensland and local heritage places
 23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?
☐ Yes – details of the heritage place are provided in the table below
☒ No
Note: See guidance materials at www.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels
 23.14) Does this development application involve a **material change of use for a brothel**?
☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☒ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☐ No

PART 8 – CHECKLIST AND APPLICANT DECLARATION**24) Development application checklist**

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (<i>see 21</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☐ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR OFFICE USE ONLYDate received: Reference number(s): **Notification of engagement of alternative assessment manager**

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

**Company owner's consent to the making of a development application
under the *Planning Act 2016***

I,

Douglas Richard Hemming

Sole Director/Secretary of the company mentioned below.

[Delete the above where company owner's consent must come from both director and director/secretary]

Of

Hemming Investments Pty Ltd
164423965 **ACN**

the company being the owner of the premises identified as follows:

"Bonathorne" 7785 Castlereagh Highway, Dirranbandi 4486. Lot 12 on BLM 1070

consent to the making of a development application under the *Planning Act 2016* by:

Robert Hemming

The Planning Act 2016 is administered by the Department of Local Government, Infrastructure and Planning, Queensland Government.

Applicant template 11.0
Version 1.0—3 July 2017

on the premises described above for:

Reconfiguration of a lot, Access easement benefitting Lot 3 on BLM 345

Company seal *[if used]*

Company Name and ACN: Hemming Investments Pty Ltd

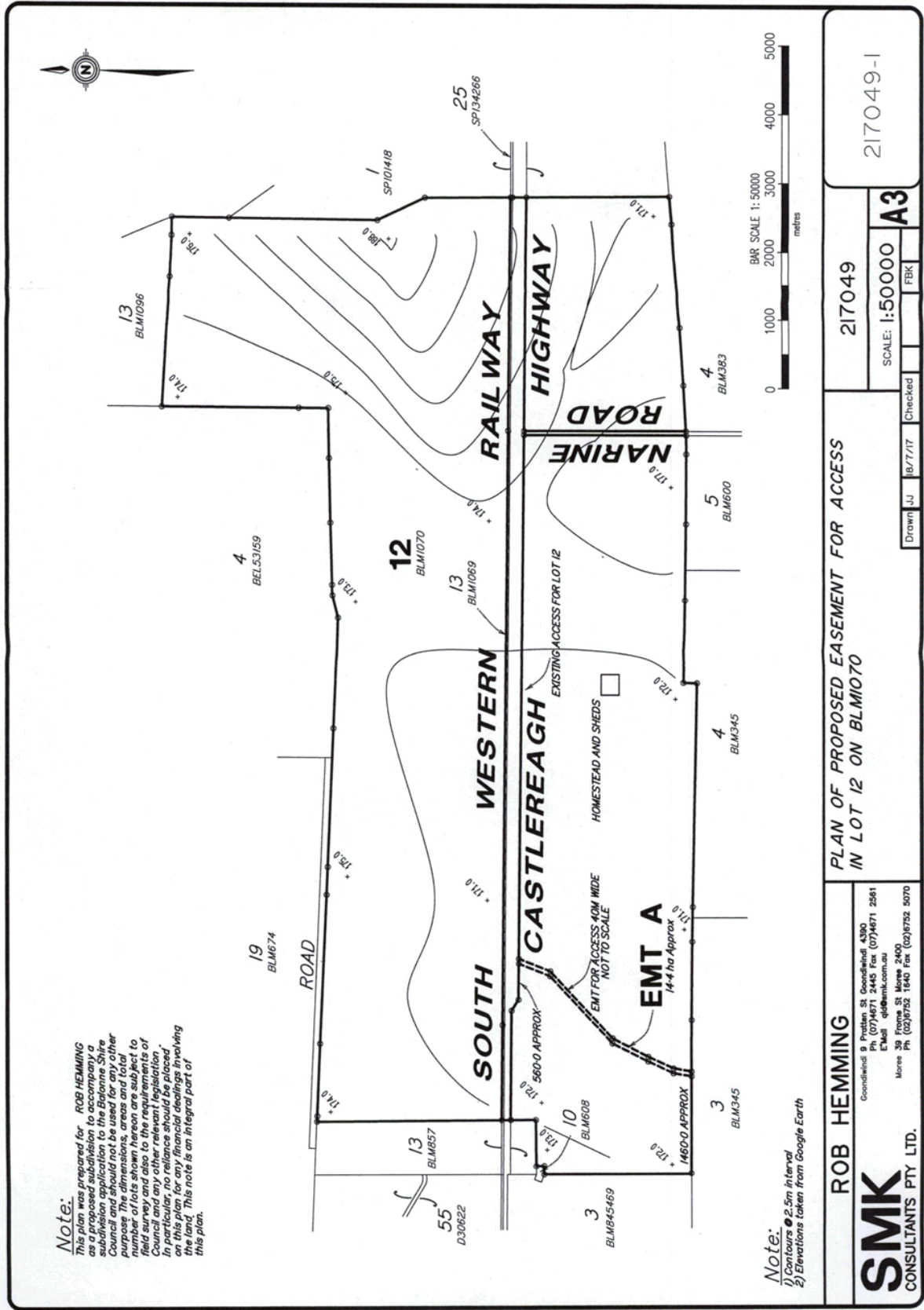


.....
Signature of Sole Director/Secretary

.....01/09/17.....

.....
Date

[Delete the above where company owner's consent must come from both director and director/secretary.]





Department of Infrastructure,
Local Government and Planning

Our reference: 1710-2127 SRA
Your reference: FM:MM

1 November 2017

The Chief Executive Officer
Balonne Shire Council
PO Box 201
ST GEORGE QLD 4487
By Email: council@balonne.qld.gov.au

ATTENTION: FIONA MACLEOD

Dear Fiona

Referral Agency Response – With Conditions – Development Application – Reconfiguration of a Lot - Access Easement

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

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning (DILGP) on 20 October 2017.

Applicant details

Applicant name:	Mr Rob Hemming
Applicant contact details:	8195 Castlereagh Hwy DIRRANBANDI QLD 4486 By Email: rob@beverleigh.com.au

Location details

Street address:	7785 Castlereagh Highway, DIRRANBANDI QLD 4486
Real property description:	Lot 12 on BLM1070 and Lot 3 on BLM345
Local government area:	Balonne Shire Council

Application details

Development permit	Reconfiguring a Lot – Access Easement
--------------------	---------------------------------------

Referral triggers

The development application was referred to DILGP under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.1.1 State transport corridors and future State transport corridors

Conditions

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

Reasons for decision to impose conditions

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

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

For further information please contact Brittany Hughes, Planning Officer, on 46167307 or via email ToowoombaSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Andrew Foley
Manager

cc Mr Rob Hemming, rob@beverleigh.com.au
enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguration of a Lot – Access Easement		
10.9.4.2.1.1 – State Controlled Road (SCR) – The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (DTMR) 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:		
1.	The road access location(s) between Lot 12BLM1070 and 3BLM345 and the SCR, is to be in accordance with the Decision Notice - Permitted Road Access Location made by DTMR, dated 1 November 2017, reference TM17-022877 under section 62(1) of the <i>Transport Infrastructure Act 1994</i> .	At all times.

Attachment 2—Reasons for decision to impose conditions

The reason for this condition is as follows:

- Condition 1 is to ensure access to the SCR from the site does not compromise the safety and efficiency of the SCR.



Department of Infrastructure,
Local Government and Planning

Department of Infrastructure, Local Government and Planning (DILGP)

Statement of reasons for application 1710-2127 SRA

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

Departmental role: Referral agency

Applicant details

Applicant name: Mr Rob Hemming
Applicant contact details: 8195 Castlereagh Hwy
DIRRANBANDI QLD 4486
By Email: rob@beverleigh.com.au

Location details

Street address: 7785 Castlereagh Highway, DIRRANBANDI QLD 4486
Real property description: Lot 12 on BLM1070 and Lot 3 on BLM345
Local government area: Balonne Shire Council

Development details

Development permit Reconfiguring a Lot – Access Easement

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material Change of Use	State Development Assessment Provisions (SDAP): • State code 1: State-controlled roads (SCR) environment

Reasons for the DILGP's decision

The reasons for the decision are:

- To ensure access to the SCR from the site does not compromise the safety and efficiency of the SCR.

Decision:

- Reconfiguring a Lot – Access Easement.
- Approved – with conditions.
- Decision issued 1 November 2017.

Relevant Material:

- Development application material.
- SDAP published by DILGP.
- Technical agency response.
- Road Planning and Design Manual
- *Transport Infrastructure Act 2009*.

- *Planning Act 2016.*
- Planning Regulation 2017.
- DA Rules.

Our ref TMR17-022877
Your ref
Enquiries Lachlan Jones



Department of
Transport and Main Roads

1 November 2017

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 RL 92, lodged with Balonne Shire Council involves constructing or changing a vehicular access between Lot 12BLM1070, 3BLM345 the land the subject of the application, and Castlereagh Highway (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 Rob Hemming
"Beverleigh" 7785 Castlereagh Highway
Dirranbandi QLD 4486

Application Details

Address of Property 7785 Castlereagh Highway, Dirranbandi QLD 4486
Real Property Description 12BLM1070, 3BLM345
Aspect/s of Development Development Permit for Reconfigure a Lot - Access Easement

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 for the Access Easement (EMT A) between the Castlereagh Highway and lots 12BLM1070, 3BLM345 is in accordance with: 1. Plan of Proposed Easment for Access (Survey Plan) prepared by SMK Consultants Pty Ltd, dated 18/7/17, referenced 217049-1.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The proposed access easement will allow Lot 3BLM345 to gain legal access to the Castlereagh Highway.

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

Program Delivery and Operations Branch
Southwest Region, 30 McDowall Street Roma Queensland 4455
PO Box 126 Roma Queensland 4455

Telephone (07) 4639 0759
Website www.tmr.qld.gov.au
ABN: 39 407 690 291

- b) The existing road access between Lot 12BLM1070 and the Castlereagh Highway achieves Transport and Main Roads' design standards for rural property access.

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. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Lachlan Jones, Planner should be contacted on (07) 4639 0759.

Yours sincerely



Jason McGuire
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:

- There is an existing road access situated at the proposed access easement between Lot 12BLM1070 and the Castlereagh Highway.
- The existing access is suitable to cater for development traffic volumes.
- The location of the access meets the design requirements of the TMR Road Planning and Design Manual.
- The applicant is not proposing any new accesses to the state-controlled road network.

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 at 30 June 2017	N/A	N/A
Plan of Proposed Easement for Access (Survey Plan)	SMK Consultants Pty Ltd	18/7/17	217049-1	x
Road Planning and Design Manual - Chapter 13.4.4	Department of Transport and Main Roads	July 2013	N/A	2nd Edition
State Development and Planning Provisions (SDAP) - State code 1 – Development in a state-controlled road environment	Department of Local Government Infrastructure and Planning	3 July 2017	N/A	v2.1
Digital Video Road Viewer (DVR) – SCR No. 37a T-Dist 14.17	Transport and Main Roads	2016	n/a	n/a

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.

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—

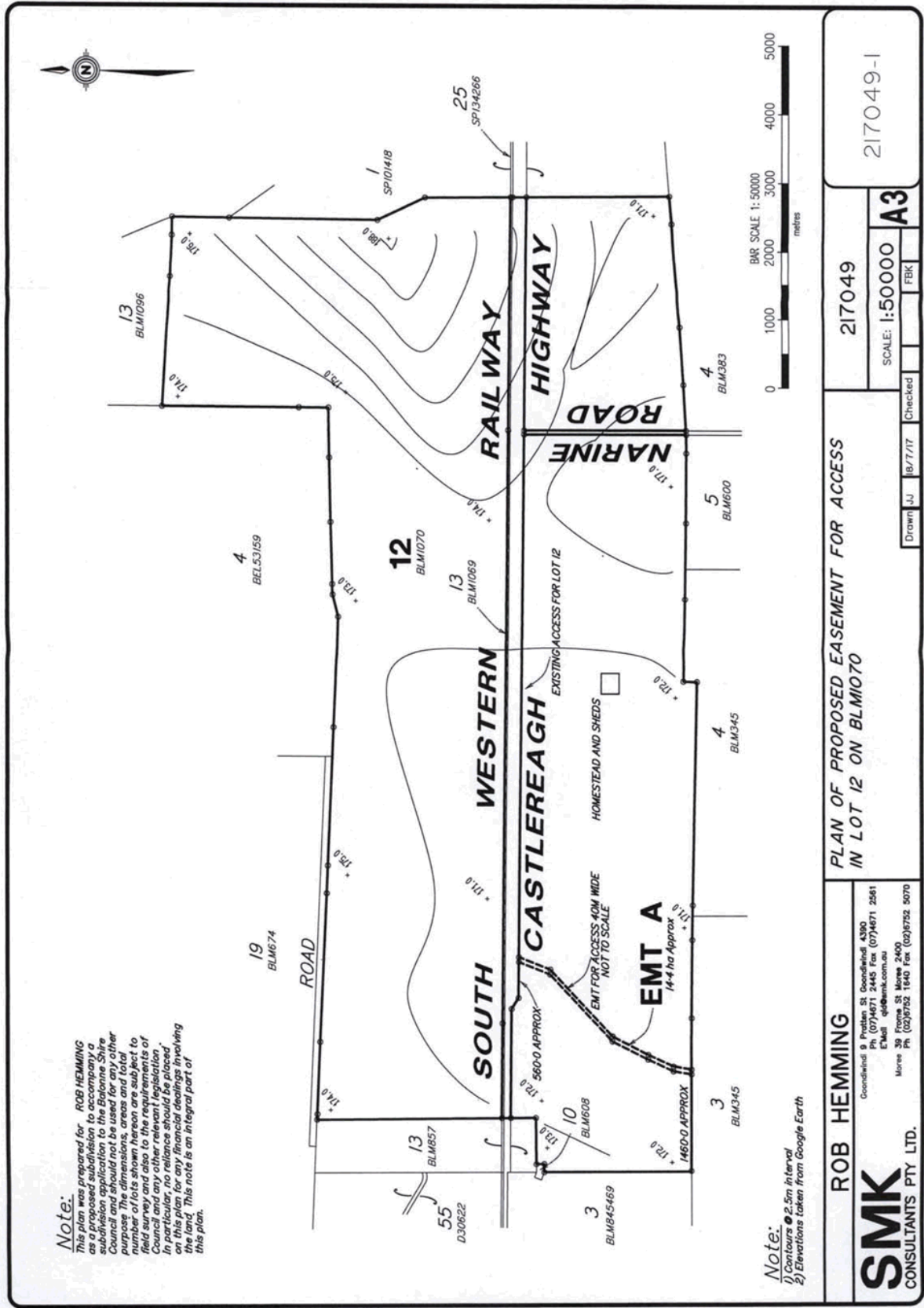
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(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.



CONFIDENTIAL ITEMS

INFORMATION REPORTS