

BNC Ref. DA144-23
CODE:RAL

>> **6 December 2023**

ASSESSMENT MANAGER
TOWNSVILLE CITY COUNCIL
PO BOX 1268
TOWNSVILLE QLD 4810
Attention: Planning
Via: TOLS

Dear Assessment Manager,

**RE: LODGEMENT OF A DEVELOPMENT APPLICATION UNDER CHAPTER 3, PART 2 OF THE *PLANNING ACT 2016*
DEVELOPMENT PERMIT - CODE ASSESSABLE RECONFIGURING A LOT
41634 BRUCE HIGHWAY, BLUEWATER QLD 4818 (RPD: LOT 73 ON EP1620)**

BNC Planning acting on behalf of the applicant submits the attached development application to the Townsville City Council in accordance Chapter 3, Part 2 of the *Planning Act 2016*. The development application is seeking a development permit for reconfiguring a lot to facilitate a one into two lot subdivision of the above referenced premises.

This development application is being made to the Townsville City Council as the relevant assessment manager under the *Planning Regulation 2017* and has been made in the *approved form* as required under s51 of the *Planning Act 2016*. The common material making up the development application include:

- Relevant development application forms and written consent of the landowner(s).
- A detailed planning report and the relevant site detail.
- Development plans and other relevant supporting information.

Please contact me to confirm receipt of this development application and to confirm the assessment manager application fee amount and payment options.

I trust this information is sufficient for acceptance of the development application as *properly made* subject to payment of the application fee. Please contact me should there be any issues or if you require any further information.

Kind regard,



Benjamin Collings
Director



BNC PLANNING

town planning & property development consultants



DEVELOPMENT APPLICATION

PLANNING ACT 2016

DEVELOPMENT PERMIT

RECONFIGURING A LOT

at

41634 BRUCE HIGHWAY

BLUEWATER QLD 4818

RPD: LOT 73 ON EP1620



BNC PLANNING
town planning & property development consultants

PLANNING REPORT

DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT
PLANNING ACT 2016

IMPACT ASSESSABLE RECONFIGURATION OF A LOT

41634 BRUCE HIGHWAY, BLUEWATER QLD 4818
being
LOT 73 ON EP1620
for
ONE (1) INTO TWO (2) LOTS SUBDIVISION

Report Matrix

APPLICATION SUMMARY	
Applicant:	M. Pallanza C/- BNC Planning
Application Type:	Development Application for a Development Permit
Development Type:	Reconfiguration of a Lot
Category of Development (Level of Assessment):	Impact Assessable
Development Description:	One (1) into Two (2) lots subdivision
Assessment Manager:	Townsville City Council
Referral Agencies:	State Assessment and Referral Agency
CATEGORISING INSTRUMENTS	
Planning Scheme:	Townsville City Plan 2014
Planning Scheme Defined Uses/Works:	Subdivision
Zoning:	Rural Zone
Precincts/Sub-Precincts:	NA
Overlays:	Bushfire hazard, Flood hazard & Natural assets overlay
SITE DESCRIPTION	
Property Address:	41634 Bruce Highway, Bluewater QLD 4818
Real (Legal) Property Description:	Lot 73 on EP1620
Site Area:	11.26 ha
Landowner:	Michael John Pallanza and Deanna Pauline Pallanza
Tenure:	Freehold
Relevant Encumbrances:	NA
Local Government Area:	Townsville City Council
Road Frontage:	Bruce Highway

DOCUMENT CONTROL

Prepared by	Client	Report
BNC Planning	M. Pallanza	Report No. DA144-23-PR

Version	Date	Author
1.0	December 2023	SSM:BNC

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Appendix 3	Plans of Development
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1.0 EXECUTIVE SUMMARY

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for the reconfiguration of a lot to facilitate a one (1) into two (2) lot subdivision. The subject premises is addressed as 41634 Bruce Highway, Bluewater QLD 4818 more particularly described as Lot 73 on EP1620. The premises is within the Rural Zone under the Townsville City Plan 2014 (the planning scheme) and is currently a vacant rural property.

For the purpose of this development application *BNC Planning* act on behalf of the applicant *M. Pallanza*.

Following a detailed assessment of the proposal against the applicable local and state assessment benchmarks it has been determined that the development proposal is consistent with all applicable planning instruments. The development application therefore warrants approval in accordance with rules of impact assessment as established under Act, subject to the imposition of reasonable and relevant conditions and any referral agency response. A summary of the development application is provided below:

Table 1.0: Development application summary

APPLICATION SUMMARY	
Applicant:	M. Pallanza C/- BNC Planning
Application Type:	Development Application for a Development Permit
Development Type:	Reconfiguration of a Lot
Category of Development (Level of Assessment):	Assessable Development – Impact Assessable
Development Description:	One (1) into Two (2) lots subdivision
Assessment Manager:	Townsville City Council
Referral Agencies:	State Assessment and Referral Agency
CATEGORISING INSTRUMENTS	
Planning Scheme:	Townsville City Plan 2014
Planning Scheme Defined Uses/Works:	Subdivision
Zoning:	Rural Zone
Precincts/Sub-Precincts:	NA
Overlays:	Bushfire hazard, Flood hazard & Natural assets overlay
SITE DESCRIPTION	
Property Address:	41634 Bruce Highway, Bluewater QLD 4818
Real (Legal) Property Description:	Lot 73 on EP1620
Site Area:	11.26 ha
Landowner:	Michael John Pallanza and Deanna Pauline Pallanza
Tenure:	Freehold
Relevant Encumbrances:	NA
Local Government Area:	Townsville City Council

2.0 SITE AND LOCALITY

The subject premises is a standard Freehold lot addressed as 41634 Bruce Highway, Bluewater QLD 4818 more particularly described as Lot 73 on EP1620. The premises is within the Rural Zone under the planning scheme and is currently vacant and does not offer any specific use rights and houses no built form. The site forms part of the Bluewater rural locality which is typified by sub-10 ha rural allotments, has frontage to Bruce Highway and frontage to a rail corridor to the rear. The land parcel was created through a previous subdivision which resulted in the formed dwelling for the site being excised onto a sperate adjoining 3.2ha rural lot, leaving the subject site at 11.2 ha. The greater locality is made up of a range of rural, rural residential and urban zoned land with the settlement pattern providing a genuine opportunity to provide rural land to the market that has a purpose and function despite being below the benchmark nominated 400ha lot size from the planning scheme.

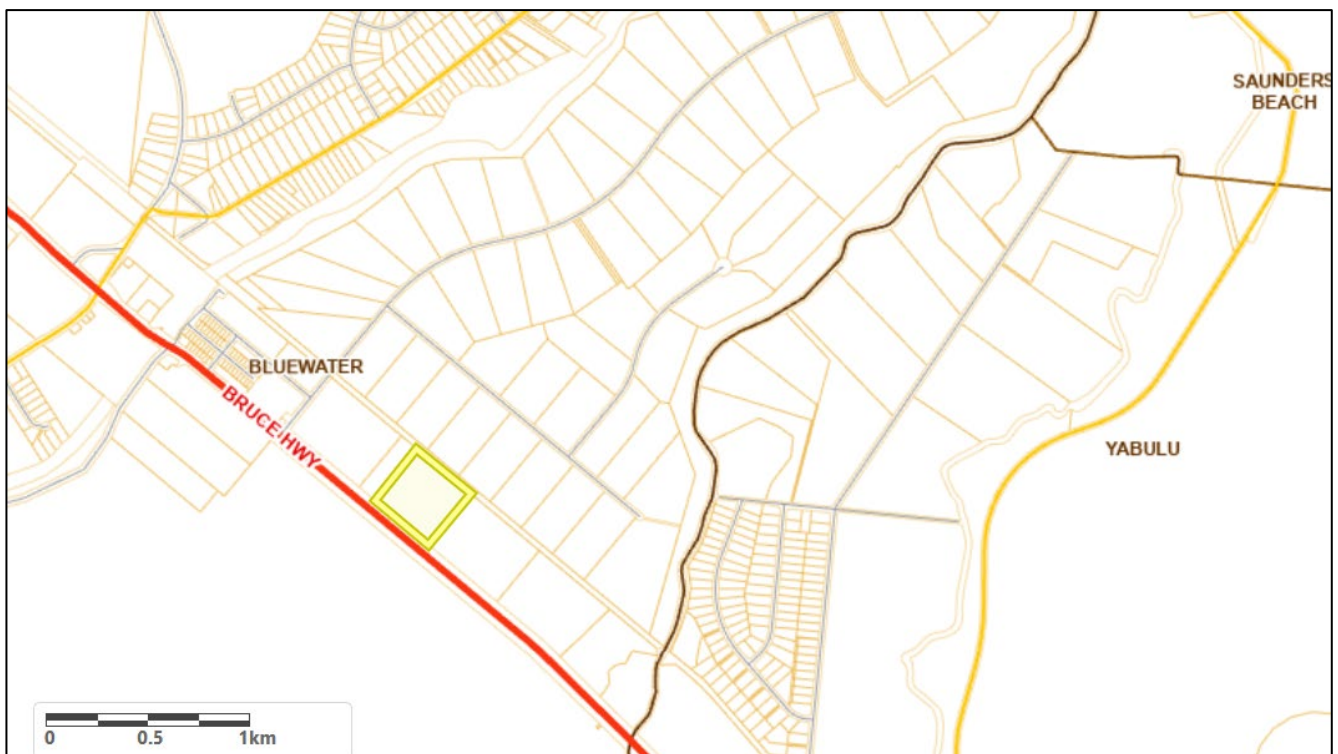


Figure 1.0 – Locality: Settlement Pattern

Any pertinent existing approvals which may affect the assessment of the proposal are identified in the table below:

APPLICATION REF.	DECISION AND DATE	ASSESSMENT MANAGER
NA	NA	NA

The following table describes the key characteristics of the site:

Table 2.0: Site characteristics

SITE AND LOCALITY DESCRIPTION	
Property Address:	41634 Bruce Highway, Bluewater QLD 4818
Real (Legal) Property Description:	Lot 73 on EP1620
Site Area:	11.26 ha

Landowner:	Michael John Pallanza and Deanna Pauline Pallanza
Tenure:	Freehold
Relevant Encumbrances:	NA
Local Government Area:	Townsville City Council
Zoning:	Rural zone
Precincts/Sub-Precincts:	NA
Existing Use of Land:	Vacant
Road Frontage:	Bruce Highway
Significant Site Features:	No existing buildings or structures.
Topography:	The site has a varying slope with consistent vegetation throughout.
Surrounding Land Uses:	Rural

3.0 PROPOSAL SUMMARY

The applicant is seeking to invest and develop the subject site to add value by diversifying the utility of the rural land by way of a one into two lot subdivision. The subdivision will provide lot sizes in line with the established character of the immediate and greater locality, which is a mix of rural, rural residential and urban zoned land. The applicant is proposing to subdivide the subject site into two vacant rural allotments at or around 5.6ha each. The following table describes the key characteristics of the proposed development:

Table 3.0: Proposal summary

RECONFIGURATION OF A LOT	DEVELOPMENT PARAMETERS	
	EXISTING	PROPOSED
Number of Lots:	One (1)	Two (2)
Lot Size:	11.26 ha	New Lot 1: 5.625 ha New Lot 2: 5.625 ha
Frontage:	~342m to Bruce Highway	New Lot 1: 171m New Lot 2: 171m

4.0 ASSESSMENT

The proposed one (1) into two (2) lot subdivision is identified as *impact assessable* in the reconfiguring a lot tables of assessment for the Rural Zone. There are no other components of the planning scheme or *Planning Regulation 2016* which effect the level of assessment for the proposal. The development application is therefore subject to an unbound assessment against the planning scheme, as well as any applicable State Assessment benchmarks.

The development application triggers referral agency assessment. Any required direct assessment against State or Commonwealth level assessment benchmarks is discussed in section 4.1 below.

4.1 Assessment Benchmarks Pertaining to State Planning Instruments

State Planning Policy

Townsville City Plan 2014 confirms in section 2.1 *State planning policy* that it has ministerial approval as having adequately integrated the *State Planning Policy July 2014* into the planning scheme. There are no stand-alone components of the State planning policy which are relevant to the assessment of this development application.

Regional Plan

There are no stand-alone components of the North Queensland Regional Plan which are relevant to the assessment of this development application.

State Development Assessment Provisions

Under Schedule 10 of the *Planning Regulation 2017*, the development application triggers the following referral agency assessments:

<i>Planning Regulation 2017</i> Trigger	Matters of Assessment	Assessment jurisdiction
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1	Reconfiguring a lot near a State transport corridor	State Development Assessment Provisions – State Code 1: Development in a state-controlled road environment

4.1.1 State Codes

Under Schedule 10 of the *Planning Regulation 2017*, the development application triggers referral agency involvement and direct assessment against the identified assessment benchmarks, as outlined in the table above. An assessment of the proposal against the relevant benchmark has been undertaken and provided in **Appendix 4**. While a direct assessment has been provided, the applicant also relies upon the assessment provided in section 4.2 below to adequately establish context and compliance with the State codes.

4.2 Assessment Benchmarks Pertaining to Local Planning Instruments

The applicable planning scheme for the application is the Townsville City Plan 2014 and there are no other identified applicable local planning instruments.

Townsville City Plan 2014

The Townsville City Plan 2014 (the planning scheme) includes tables of assessment which nominate the categories of development and assessment (levels of assessment) and nominate the assessment benchmarks for assessable development and the requirements for accepted development. The applicable tables of assessment for this development application are:

- Categories of development and assessment – Reconfiguring a lot; and
- Categories of development and assessment – Overlays.

Assessment Benchmarks Summary

A summary of the relevant local level assessment benchmarks is provided in the table below:

Local Planning Instruments	
Planning scheme:	The planning scheme as a whole Rural Zone code Reconfiguring a lot code Healthy waters code Landscape code Transport impact, access and parking code Works code Bushfire hazard overlay code Flood hazard overlay code Natural assets overlay code

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be:

- consistent with the strategic framework.
- consistent with the purpose of the rural zone and reconfiguring a lot code.
- compliant with all other applicable codes.
- reflective of the established settlement pattern, land use and development intent for the locality.

Any pertinent issues arising from the assessment against the local level assessment benchmarks are addressed below. For clarity, any codes or outcomes not specifically addressed below or in the proposal justification report are considered to be objectively satisfied.

4.2.1 Strategic Framework

This development proposal is in response to the landowner's under-utilisation of the land and is in response to an identified economic and planning need. Discussion on economic and environmental need is provided below. However, even a cursory review of the established settlement pattern of the immediate locality will show that there is a clear historical pattern of the proposed lot sizes being created in this locality and for these lots to be taken up by the market and used appropriately. There is a established need and place for these lot sizes within the local market place. Meaning they have value and advance the purpose and intent of the Strategic Framework.

Overriding Need Test - Planning

- There is an established best practice acceptance in the planning industry that there are tangible economic and social benefits in allowing land to be subdivided in a way that reflects the established settlement pattern in the area. In particular, when there are no adverse environmental impacts occurring.
- Despite being within the rural zone, all be it immediately adjacent to a mix of rural residential and urban zones, the site has access to reticulated water services. Meaning subdivision would increase the operational efficiency for this network.
- Encouragement of rural uses, primarily intensive cropping and horticulture uses, can still occur on land of this size as demonstrated by surrounding properties that are used for these purposes. In doing so the land can provide a wider community benefit.
- New rural enterprises can still be encouraged and can operate sustainably in this location, particularly innovative enterprises capable of sustainable management and reuse of water.
- While the proposed lots can still very much contribute to rural productivity, there is a genuine place in the market for large rural lifestyle lots with the site and immediate locality being very well placed from a settlement pattern and services standpoint to provide this lot type and opportunity to the community in an efficient manner.

The proposed subdivision therefore aligns with the strategic framework for, but not limited to, the following reasons:

- The proposed subdivision is supported by a demonstrated planning need.
- The proposed lots sizes and their ability to be used for rural purposes reflects the highest and best use for the site.
- The site is acknowledged as being within the mixed farming precinct, but this does not prevent the assessment of alternative land use outcomes in response to demonstrated site and locality specific characteristics, circumstances and opportunities.

- Reflects a community expectation for lots of this size given the predominant settlement pattern for the immediate locality and past development decisions made by council in the area.
- The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.
- The development allows the site to better contribute to the achievement of the Strategic Framework.

Overriding Need Test - Environment

Given the existing lot size, the size and land uses occurring adjacent to the site, access restrictions and the impacts of transport corridors; it is considered objectively obvious that the site does not offer any high quality agriculture or farming opportunities. While intensive cropping and horticulture pursuits are still able to be undertaken, these cannot occur at a scale that will have any tangible economic benefit to the community. As such, there is merit in looking at alternative options for the land to better contribute to the Strategic Framework. The proposed subdivision

In summary, the report is able to make the following conclusions and recommendations:

- The subject property does not exhibit the characteristics of highly viable agricultural land.
- The ability to function as a viable agricultural enterprise is significantly impacted by soil type and environmental constraints.
- The land has value for some limited agricultural purposes, specifically intensive cropping and horticultural, but only at a smaller scale where soil management and water usage can be more effectively undertaken.
- Based on a review of reference material included on other similar development application (i.e. RAL22/0007) it is evident that the soil type and nutrient management requirements are more manageable by smaller, more intensive and boutique farming pursuits which can also better manage and adapt to the environmental constraints of the site.

The proposed subdivision therefore aligns with the strategic framework for, but not limited to, the following reasons:

- The proposed subdivision is supported by a demonstrated overriding need.
- The proposed lots sizes continue to offer the same, low level of cropping and horticultural viability but do increase some efficiencies by allowing increased intensity which in turn allows small more boutique operations to better manage soil constraints and water usage.
- The site is acknowledged as being within the mixed farming precinct, but this does not prevent the assessment of alternative land use outcomes in response to demonstrated site and locality specific characteristics, circumstances and opportunities.
- Reflects a community expectation for lots of this size given the predominant settlement pattern for the immediate locality and past development decisions made by council in the area.
- While the proposed lots can still very much contribute to rural productivity, there is a genuine place in the market for large rural lifestyle lots with the site and immediate locality being very well placed from a settlement pattern and services standpoint to provide this lot type and opportunity to the community in an efficient manner. This allows the land to contribute in multiple ways to the advancement of the Strategic Framework.
- The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.
- The development allows the site to better contribute to the achievement of the Strategic Framework.

In more general best practice terms, the proposal is supportable on the following planning grounds:

- The proposal does not undermine the planning scheme
- The proposal does not establish precedence that could result in the future undermining of the planning scheme
- The proposal addressed an established planning need for the development
- The development does not increase the susceptibility of people or property to natural hazards or other risks
- The development will provide for the required level and standard of servicing from the relevant infrastructure networks

As a comprehensive summation of the statutory basis for being able to approve this development application, the applicant established that there are sufficient grounds to warrant approval given:

- a) the development provides community benefit and relates to an established planning and hence community need
- b) the development does not change the established level of risk from natural hazards
- c) the development does not change the established level of servicing by the relevant infrastructure networks, in fact it increases the provision of certain networks i.e. water
- d) any perceived inconsistencies with the planning scheme are justifiable given there is an overriding need in the community interest for the development
- e) It is not uncommon for land use decisions to be inconsistent with a zoning/precinct designation in response to site specific circumstances which change over the life of a planning scheme.

4.2.2 Rural Zone Code

The purpose of the rural zone is to provide for rural uses and activities, and other uses and activities that are compatible with existing and future rural uses and activities. Particularly concerning the proposed development, the particular purpose outlines that urban and rural residential development does not expand into rural zoned land. Additionally, all rural land is protected from further fragmentation, and a lack of viability for existing farm units and small holdings does not justify their further subdivision or use for non-rural purposes.

The intention of the development is to provide further diversity of rural activities within the local rural area by supporting small scale rural activities which are uncommon amongst larger rural lots. The proposed subdivision is consistent with the predominant subdivision pattern of the zone and immediate locality, which trends towards smaller rural lots. The development responds to the infrastructure and environmental constraints of the site and avoids impacts on ecological values and natural resources.

The proposed development is able to objectively satisfy the outcomes and purpose of the zone code. This is evident from the plans of development provided in support of this development application. Given the nature of the development and extent to which the proposal objectively satisfies the code, the majority of outcomes within the zone code are either not applicable or are objectively satisfied. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification
General benchmarks		
PO13 Ecological values, habitat corridors and soil and water quality are protected, having regard to: (a) maximisation of vegetation retention and protection of	No acceptable outcome is nominated.	The proposed lots provide appropriate areas to maintain the ecological values, habitat corridors and soil and water quality of the site. Noting that there are no identified areas of environment importance or value. Complies with PO13.

<p>vegetation from the impacts of development;</p> <p>(b) avoidance of potential for erosion and minimisation of earthworks;</p> <p>(c) retention and protection of natural drainage lines and hydrological regimes; and</p> <p>(d) avoidance of leeching by nutrients, pesticides or other contaminants, or potential for salinity.</p>		
Mixed farming precinct		
<p>PO18 Reconfiguration is limited to protect the ongoing viability of existing and potential horticulture uses, water quality and ecological and landscape values.</p>	<p>AO18 The minimum lot size in the precinct is 40ha, except in the Ross River Dam Catchment area where the minimum lot size is 400ha. Editor's note—The Ross River Dam catchment area is depicted on the Water resource catchment overlay map OM-09.</p>	<p>Although the subdivision does not meet the minimum lot size benchmark of the mixed farming precinct, it does protect the ongoing viability of existing and potential horticulture uses.</p> <p>The existing site is already significantly undersized at 11.26ha and can only provide for low scale rural activities. The proposed lots will remain undersized, and will facilitate low scale rural activities, but will provide opportunity to diversify the rural activities in the local area. This is an advantage over the existing site, which currently does not support an active rural use. Intensive horticulture uses are common for small scale rural activities and the proposed subdivision can facilitate these horticulture uses.</p> <p>The subdivision will also conform the site to the character of the local area, where surrounding rural lots are predominately smaller in area than the existing site.</p> <p>Complies with PO18.</p>

4.2.3 Development Codes

4.2.3.1 Reconfiguring a Lot Code

The proposed subdivision is consistent with the zone code and will facilitate the creation of an attractive, well-managed and functional rural land as well as furthering the extent to which the site is able to contribute to protecting significant natural features, resources and processes. The subdivision will facilitate the future use of the site for activities that are consistent with the zone and setting and will aid in the achievement of a more diverse and functional rural landscape.

The proposed development is able to objectively satisfy the outcomes and purpose of the reconfiguring a lot code. This is evident from the plans of development provided in support of this development application. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes	Acceptable outcomes	Justification
Services		
<p>PO25 <i>Services, including water supply,</i></p>	<p><i>No acceptable outcome is nominated</i></p>	<p>The subdivision as sufficient access to the required service networks including formed road corridors and electricity supply</p>

<p>stormwater drainage management, sewerage infrastructure, reticulated gas, public lighting, waste disposal, electricity and telecommunications, are provided in a manner that:</p> <ul style="list-style-type: none"> (a) is efficient; (b) is adaptable to allow for future infrastructure upgrades; (c) minimises risk of adverse environmental or amenity-related impacts; (d) promotes total water cycle management, the efficient use of water resources and the protection of environmental values and water quality objectives of receiving waters; and (e) minimises whole of life cycle costs for that infrastructure. <p>Editor's note—The environmental values and water quality objectives are established under the Environment Protection Policy (2009). For Townsville, they are specified in the Ross River Basin Environmental Values and Water Quality Objectives 2012 and Black River Basin Environmental Values and Water Quality Objectives (2012).</p>	<p>Editor's note—Section 9.3.2 Healthy waters code, Section 9.3.6 Works code and the Development manual planning scheme policy SC6.4, set out standards for the design and construction of services.</p>	<p>infrastructure. On-site water and sewer supplies are easily achievable for the proposed additional lots which is evident by the number of rural lots in the immediate area of similar size. There is also access to the reticulated water supply network. Due to the size of the lots there is no risk of impacts on the established and in-situ water quality and stormwater drainage regimes. Standard conditions of approval can be applied to formalise these outcomes.</p> <p>Complies with PO25.</p>
Lot sizes and design		
<p>PO26</p> <p>Reconfiguration creates lot sizes that:</p> <ul style="list-style-type: none"> (a) are consistent with the intended character of the zone, precinct or sub-precinct in which the land is located; (b) do not compromise the future development potential of land in the Emerging community zone for urban purposes; (c) are sufficient to protect the productive capacity, environmental and landscape values of rural land resources; (d) are sufficient to protect ground and surface water quality in the Rural residential zone; and (e) are sufficient to protect areas with significant ecological values. 	<p>AO26</p> <p>Minimum lot size is in accordance with Table 9.3.4.3(c).</p>	<p>As the site is within the Mixed farming precinct of the Rural zone, the site is intended to facilitate animal husbandry and cropping, as well as animal related rural industries. Under the planning scheme, the minimum lot size benchmark for such a rural precinct is 40ha, with the proposed subdivision providing lot sizes well below this benchmark.</p> <p>Although the proposed lots are undersized, they are still appropriate to facilitate rural activities, albeit at a lower scale. At 11.26ha, the existing site is also significantly undersized, and the current site can only provide for lower scale rural activities. The proposed subdivision can facilitate a diversification of rural activities, where smaller rural lots support this lower scale diversity.</p> <p>The subdivision will also conform the site to the character of the local area, where surrounding rural lots are predominately smaller in area than the existing site.</p> <p>Complies with PO26</p>
<p>PO27</p> <p>Lots have regular shape and dimensions to facilitate the efficient development of the land for its intended purpose, and have sufficient area to provide for:</p>	<p>AO27</p> <p>The dimensions of lots are in accordance with Table 9.3.4.3(c).</p>	<p>The proposed lots provide a road frontage of 171m to each lot, and although this does not meet the minimum benchmark for frontages of a rural lot under the planning scheme, all lots maintain a regular shape, and appropriate dimensions to facilitate</p>

<p>(a) buildings and structures appropriate to the zone, precinct or sub-precinct;</p> <p>(b) adequate usable open space and landscaping;</p> <p>(c) ventilation and sunlight;</p> <p>(d) privacy for residents;</p> <p>(e) suitable vehicle access and on-site parking where required; and</p> <p>(f) any required on-site services and infrastructure such as effluent disposal areas.</p>		<p>rural activities. The proposed frontages are appropriately wide to facilitate rural open space, landscaping, on-site services, access and privacy.</p> <p>Additionally, the proposed frontages are in character with the local area, which typically provides a frontage of 200m along the James Street streetscape.</p> <p>Complies with PO27.</p>
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4.2.3.2 Healthy Waters Code, Landscape Code, Transport Infrastructure, Access and Parking Code & Works Code

As a rural subdivision the outcomes from the Landscape code are not applicable. Site access is easily facilitated from the Bruce Highway, which both proposed lots have frontage to. Reticulated water supply and sewerage is not required as rural lots, although both lots have the necessary space to facilitate on-site water supply and sewerage systems, which will be installed at the time of construction of new dwellings. Stormwater management is addressed through the maintained large lot parcels. Given solutions are easily achievable for site access, stormwater management, sewerage and water supply for all new lots, it is appropriate for the formalisation of the specifics of these servicing solutions to be addressed through standard conditions of approval.

The proposed development is able to objectively satisfy the outcomes and purpose of the development codes or compliance can be achieved through the imposition of standard conditions of approval. This is evident from the plans of development provided in support of this development application. Given the extent to which the proposal objectively satisfies the code, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance.

4.2.4 Overlay Codes

4.2.4.1 Bushfire Hazard Overlay Code

While the site does contain areas of Medium bushfire hazard at the rear of the site, both of the proposed lots are predominantly clear of the bushfire hazard, particularly fronting the Bruce Highway. The proposed lots provide more than sufficient space to facilitate dwelling houses and rural activities outside of the rear bushfire hazard, and thus does not increase the risk to life, property, community and environment, and will not increase the extent or severity of bushfire hazard in the local area. Given the nature of the development and the extent to which the proposal objectively satisfies the code, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance.

4.2.4.2 Flood Hazard Overlay Code

While the site is predominately covered by areas of Medium flood hazard throughout the site, both of the proposed lots contain large areas of low hazard area, which can be utilised to facilitate future development of buildings and structures. In these areas, development solutions can achieve required floor levels, while areas of medium flood hazard can facilitate rural activities, as intended for the zone. The development will not increase the risk to life, property, community and environment, and will not increase the potential for flood damage on-site or to other properties. Given the nature of the

development and the extent to which the proposal objectively satisfies the code, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance.

4.2.4.3 Natural Assets Overlay Code

While the site does contain a large area of Very high environmental importance, both of the proposed lots contain areas not within the natural assets overlay, and can be utilised to facilitate future development of buildings and structures, while maintaining appropriate separation from areas of significant environmental value. Furthermore, the scale and intensity of the future development would likely pose marginal impact to the environmental processes occurring on the site. Areas of environmental significance can be utilised for rural activities, as intended for the zone. The proposed subdivision is able to be undertaken such that it will not result in any unacceptable risk to areas of high environmental importance. Given the nature of the development and the extent to which the proposal objectively satisfies the code, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance.

4.3 External Referrals

The development application will trigger referral agency assessment, as discussed in section 5.1 above.

5.0 CONCLUSION

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the *Planning Act 2016* (the Act) and is seeking a development permit for the reconfiguration of a lot to facilitate a one (1) into two (2) lot subdivision. The subject premises is addressed as 41634 Bruce Highway, Bluewater QLD 4818 more particularly described as Lot 73 on EP1620. The premises is within the Rural Zone under the Townsville City Plan 2014 (the planning scheme) and is currently vacant.

An assessment of the proposal was undertaken against the applicable assessment benchmarks which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the local government planning scheme. Council is therefore required to approve the development application pursuant to the rules of impact assessment established under the Act, and issue a development permit subject to the imposition of reasonable and relevant conditions and any referral agency responses.

STATEMENT OF REASONS

Sufficient justification has been provided and satisfactory grounds have been established to conclude that the proposed development is consistent with the assessment benchmarks. More specifically, the development is consistent with the strategic intent and overall outcomes of the planning scheme. In substantive terms, this conclusion is based on the following reasons:

- The development allows the site to better contribute to the achievement of the Strategic Framework.
- The proposed subdivision outcome directly aligns with the Purpose of the zone code and reconfiguring a lot code.
- The development outcome reflects community expectation for land use and development as established by the immediate settlement pattern, the planning scheme and past development decisions.
- The development can be adequately serviced.

- The development will maintain the existing level and standard of servicing provided by the relevant infrastructure networks.
- The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.
- The development does not increase the susceptibility of people or property to natural hazards or other health risks.
- The proposal addressed an established planning need for the development.
- The proposal does not undermine the planning scheme.
- The proposal does not establish precedence that could result in the future undermining of the planning scheme.

APPENDIX 1

DEVELOPMENT APPLICATION FORMS

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) 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 only 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 (i.e. material change of use, operational work or reconfiguring a lot)**, 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)	M Pallanza C/- BNC Planning
Contact name (only applicable for companies)	Benjamin Collings
Postal address (P.O. Box or street address)	PO BOX 5493
Suburb	Townsville City
State	QLD
Postcode	4810
Country	Australia
Contact number	(07) 4724 1763
Email address (non-mandatory)	enquire@bncplanning.com.au
Mobile number (non-mandatory)	0438 789 612
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	DA144-23

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 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
		41634	Bruce Highway	Bluewater
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4818	73	EP1620	Townsville City
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.

- 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 the details of these premises have been attached in a schedule to this development 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:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

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):*

One (1) lot into two (2) lot – Subdivision

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 <i>DA Form 2 – Building work details</i>

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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>

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

Yes

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

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:
				Rural
Number of lots created				Two (2)

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

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)

<input type="checkbox"/> Yes – specify number of new lots: _____
<input type="checkbox"/> 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

Townsville City Council

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

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have 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 Act 2016:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

Matters requiring referral to the **local government:**

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – 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"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> 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 this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> • <i>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</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i>
<i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> 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)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> 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 <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
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?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> 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 <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> 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 ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>	

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that 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 includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

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 habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

- Yes – the relevant template is completed and attached to this development application
- No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

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, Mines and Energy at www.dnrme.qld.gov.au and www.business.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 Science at www.des.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.dnrme.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.des.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.des.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

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

No

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

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

Yes

Note: See the *Planning Regulation 2017* for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

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](#).

Yes

Relevant plans of the development are attached to this development application

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

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

Yes

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 COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date 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			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Landowners consent to the making of a development/change application under the *Planning Act 2016*

We,

Michael Pallanza and Deanna Pallanza

being the owners of the premises identified as follows:


41634 Bruce Highway BLUEWATER QLD 481, being Lot 73 on EP1620

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

BNC Planning Pty Ltd

on the premises described above for:

Reconfiguring a Lot (Subdivision)



Signatures of Delegates

14/11/23.

Date

APPENDIX 2

SITE DETAILS

Aerial

19°10'46"S 146°33'37"E

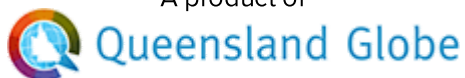
19°10'46"S 146°34'11"E



19°11'17"S 146°33'37"E

19°11'17"S 146°34'11"E

A product of



Legend located on next page



0 100 metres

Scale: 1:5273

Printed at: A4

Print date: 15/11/2023

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

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Document Set ID: 21797888
Version: 1, Version Date: 11/12/2023

Local government



Land parcel



Land parcel - gt 1 ha



Land parcel - gt 10 ha



Easement parcel



Strata parcel



Volumetric parcel



Land parcel - gt 1000 ha



Land parcel label

Land parcel label - gt 1 ha

Land parcel label - gt 10 ha

Land parcel label - gt 1000 ha

Places: Search Results



Railway



Railway station



Green bridges



Bridges



Tunnels



Cities and Towns




















Maxar

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Roads and tracks

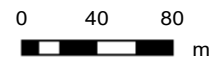
-  Motorway
-  Highway
-  Secondary
-  Connector
-  Local
-  Restricted Access Road
-  Mall
-  Busway
-  Bikeway
-  Restricted Access Bikeway
-  Walkway
-  Restricted Access Walkway
-  Non-vehicular Track
-  Track
-  Restricted Access Track
-  Ferry
-  Proposed Thoroughfare



Servicing

Legend

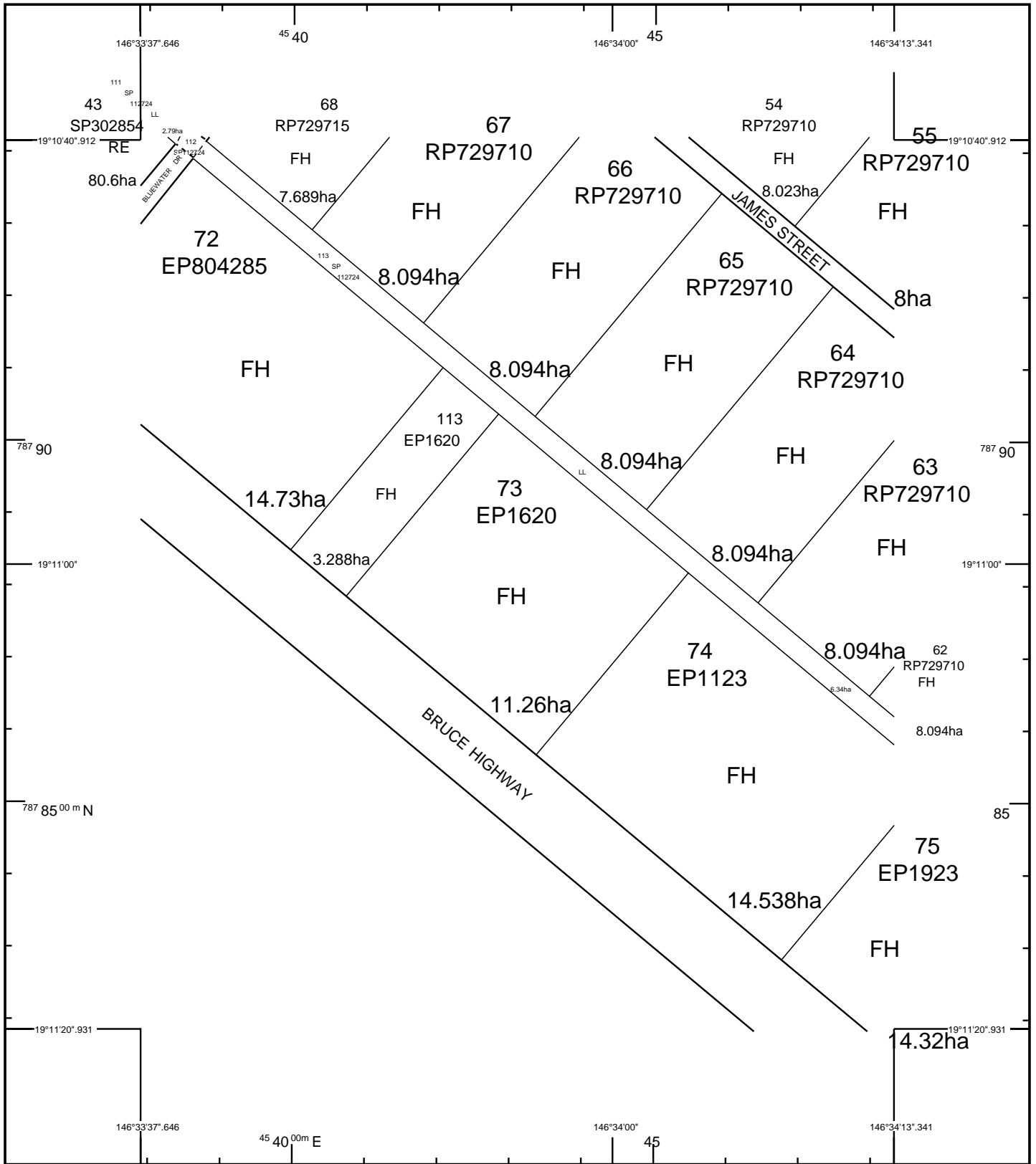
- EXT_Asset_Water
- Water - Water Main
 - Distribution Main
 - Reticulation Main
- EXT_CORE
- CORE - Properties
 - ▭ Properties
 - CORE - Road Corridor Centreline
 - Highway
 - Trafficable Road
 - CORE - Suburbs
 - ▭ Suburbs



Scale 1: 4000

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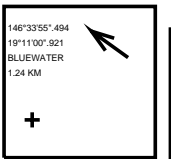
STANDARD MAP NUMBER
8259-43133



SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	73/EP1620
Area/Volume	11.26ha
Tenure	FREEHOLD
Local Government	TOWNSVILLE CITY
Locality	BLUEWATER
Segment/Parcel	38445/24

CLIENT SERVICE STANDARDS

PRINTED 15/11/2023

DCDB 14/11/2023

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Zoning

Legend

EXT_CORE

CORE - Properties



CORE - Road Corridor Centreline



CORE - Suburbs



EXT_CityPlanningScheme_Current

Precincts Labels

Zone Precinct Boundary



Zoning

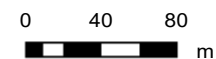
Community facilities



Rural



Zone Precinct Boundary



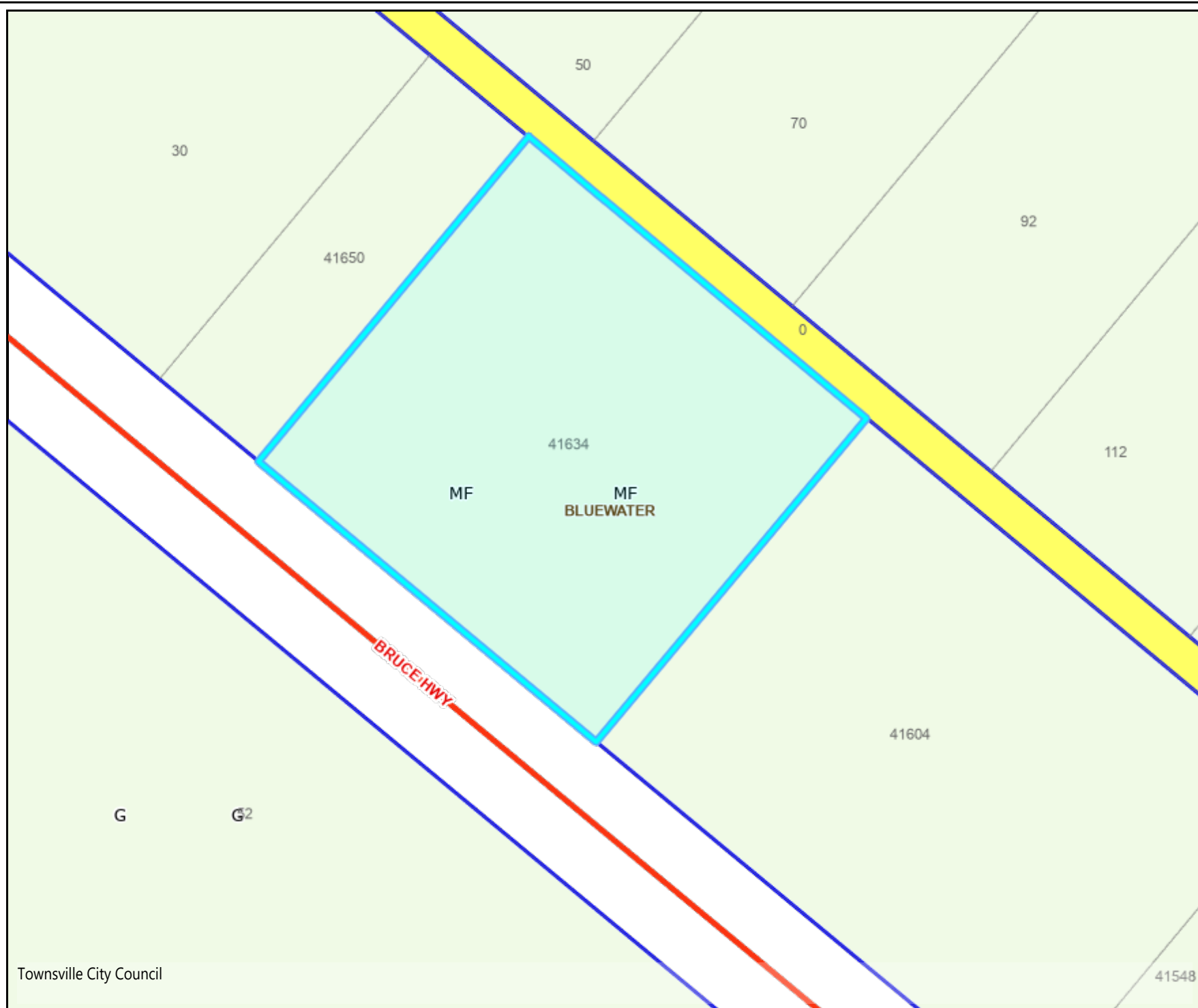
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City of
Townsville



Townsville City Council

41548

Bushfire Hazard Overlay

Legend

EXT_CORE

CORE - Properties



CORE - Road Corridor Centreline

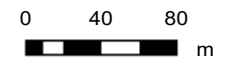


CORE - Suburbs



EXT_CityPlanningScheme_Current

Bushfire hazard area (OM-02.0)



Scale 1: 4000

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Flood Hazard Overlay

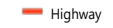
Legend

EXT_CORE

CORE - Properties



CORE - Road Corridor Centreline






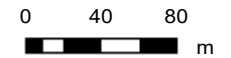
CORE - Suburbs



EXT_CityPlanningScheme_Current

Flood hazard overlay (OM-06.1)

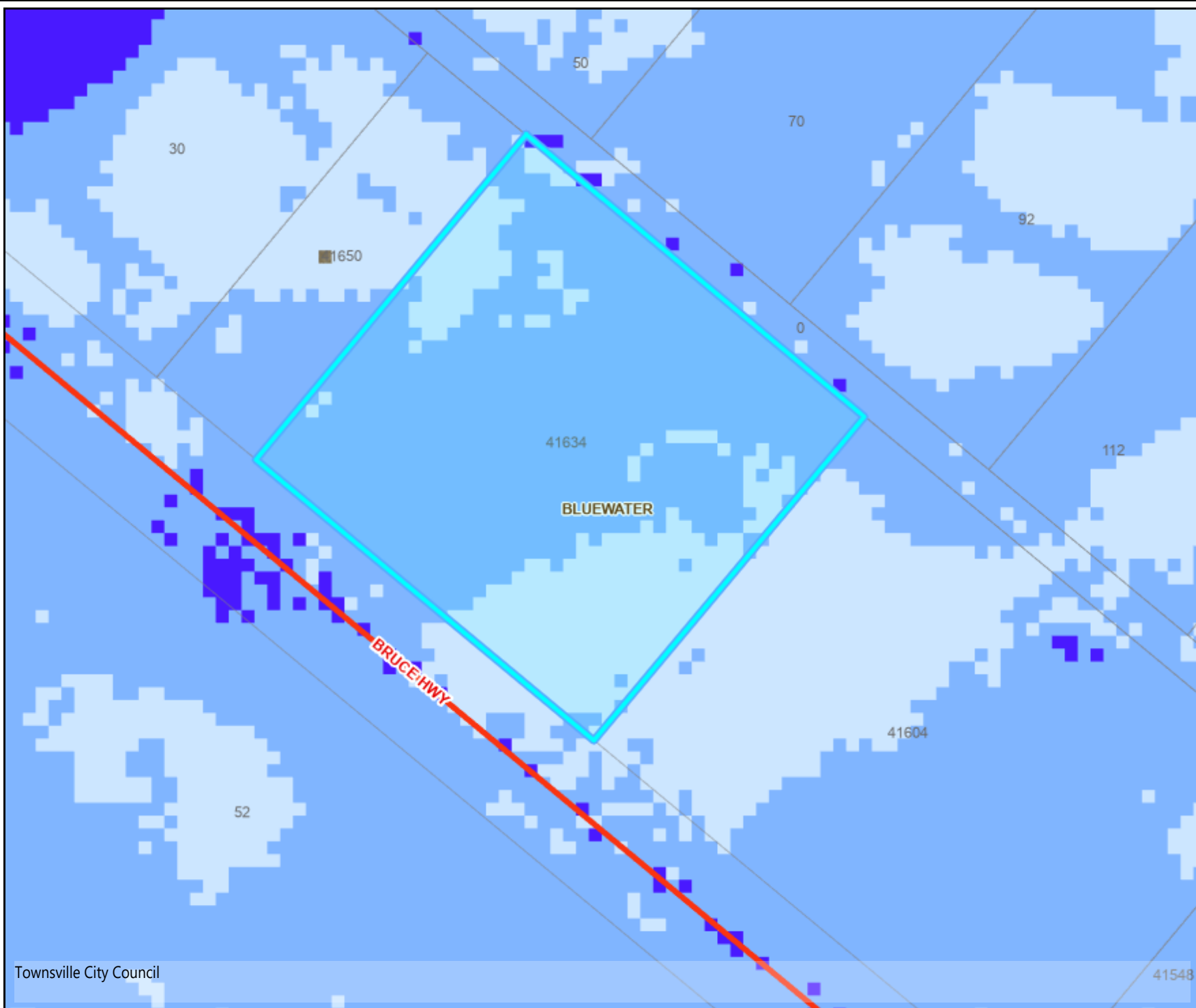
-  High hazard area
-  Medium hazard area
-  Low hazard area



Scale 1: 4000

DISCLAIMER



















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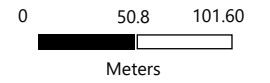


Townsville City Council

41548

Legend

-  Flood Study Areas
-  Properties
-  Land Parcels
-  Suburbs
-  Flood Contours (1:250-1:5000)
-  1% AEP Flood Height Contours
-  Water Height (1:250-1:5000)
-  2% AEP Height
-  1% AEP Height
-  1% AEP & 2% AEP Depth (1:250-1:5000)
-  Water Depth - 0.01 - 0.3m
-  Water Depth - 0.3 - 0.5m
-  Water Depth - 0.5 - 0.75m
-  Water Depth - 0.75 - 1.0m
-  Water Depth - 1.0 - 1.5m
-  Water Depth - 1.5 - 2.0m
-  Water Depth - 2.0 - 3.0m
-  Water Depth - 3.0 - 25.0m

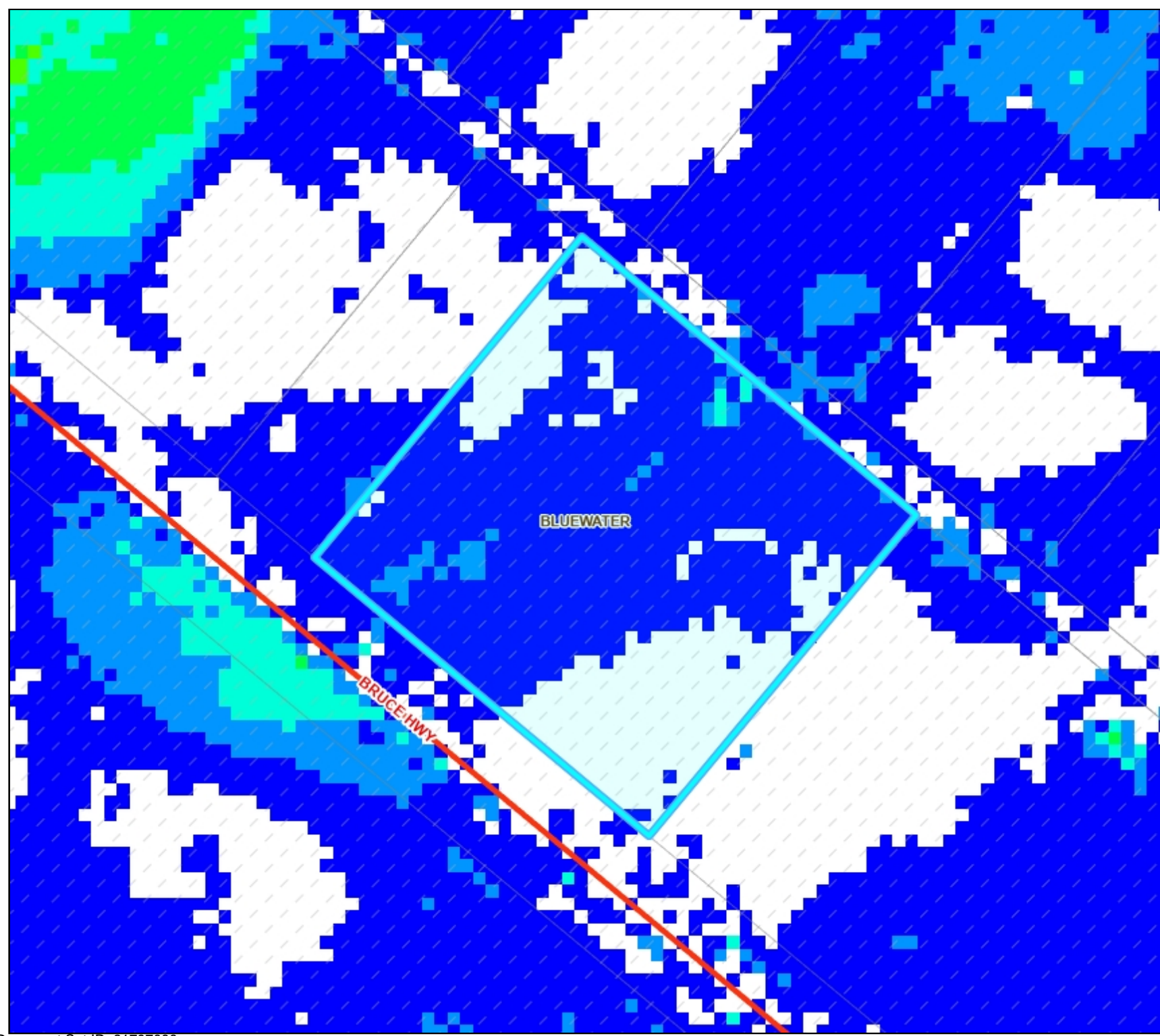


Date: 15/11/2023 3:20 PM

Scale 1: 4,000.00

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DISCLAIMER: Visible Scale - 1: 250 - 1: 5,000. The flooding contained in this map does not in itself indicate whether any particular property has or has not been affected by floods. The flooding information depicted shows inundation resulting from rainfall of river flows resulting from rainfall and does not include inundation due to Storm Tide. The council considers that the information presented in the map is the best available at the time of preparation. However the modelling results contained in this map are based upon projections, assumptions and analysis is about circumstances that may not eventuate, or may eventuate in different combinations and with different outcomes. Because of that, the information in the map is not provided with the intention that persons will rely upon its accuracy or completeness for the purpose of making decisions with financial or legal implications. Neither the council nor its officers will be liable in contract, negligence or otherwise for the consequences of any deficiency, inaccuracy or error in the map or for the consequences of any person relying upon the map. The Flood Study Areas layer indicates the date of the flood study that has generated the flood map data. Infrastructure constructed since the completion of a flood study has the potential to alter flood levels and extents to those shown.



Natural Assets: Environmental I...

Legend

EXT_CORE

CORE - Properties



CORE - Road Corridor Centreline



CORE - Suburbs



EXT_CityPlanningScheme_Current

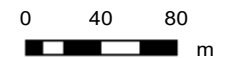
Environmental importance (OM-08.0)



Very high



High

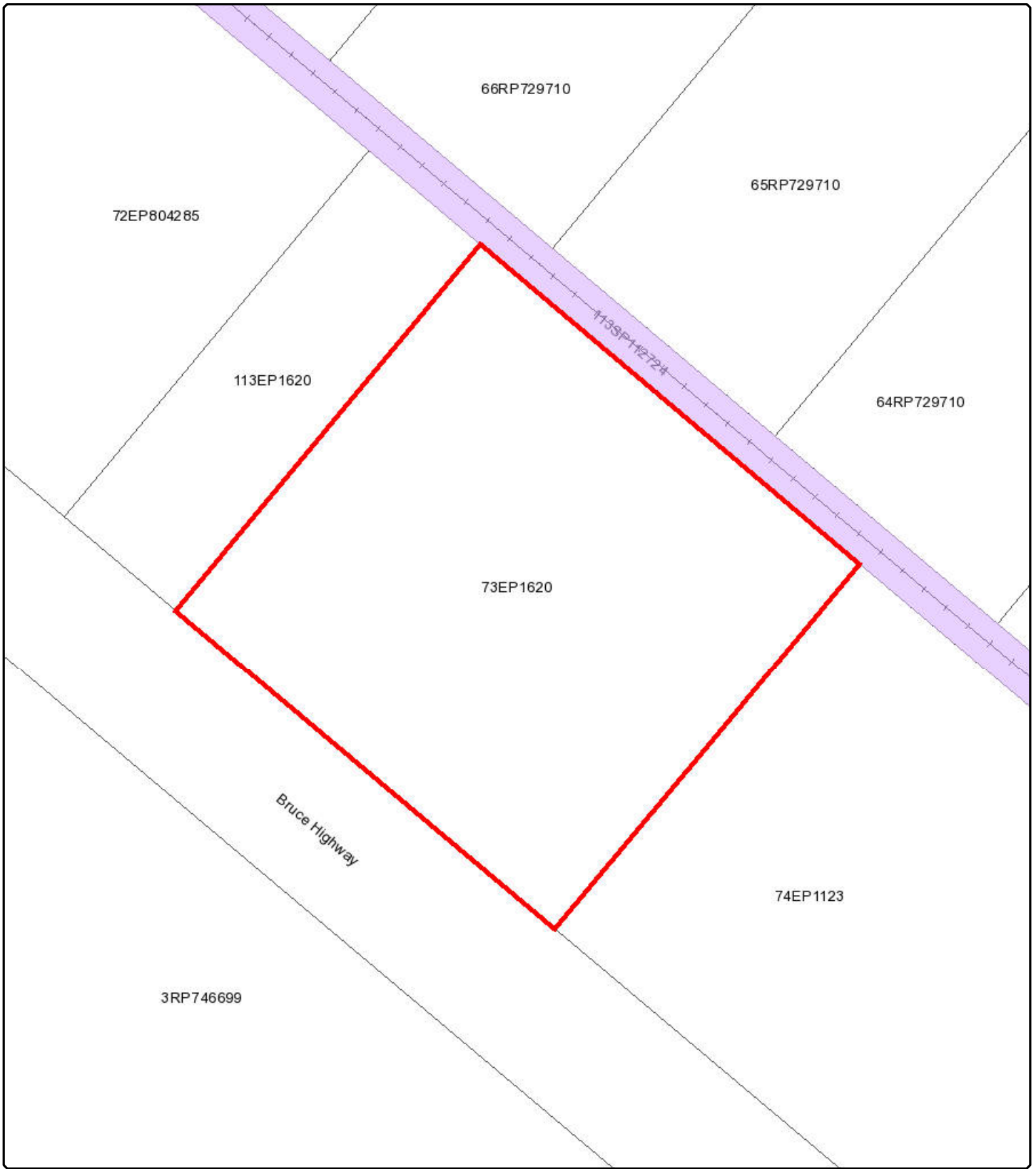


Scale 1: 4000

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Date: 15/11/2023




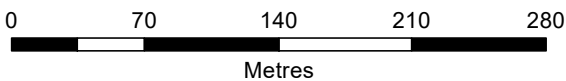
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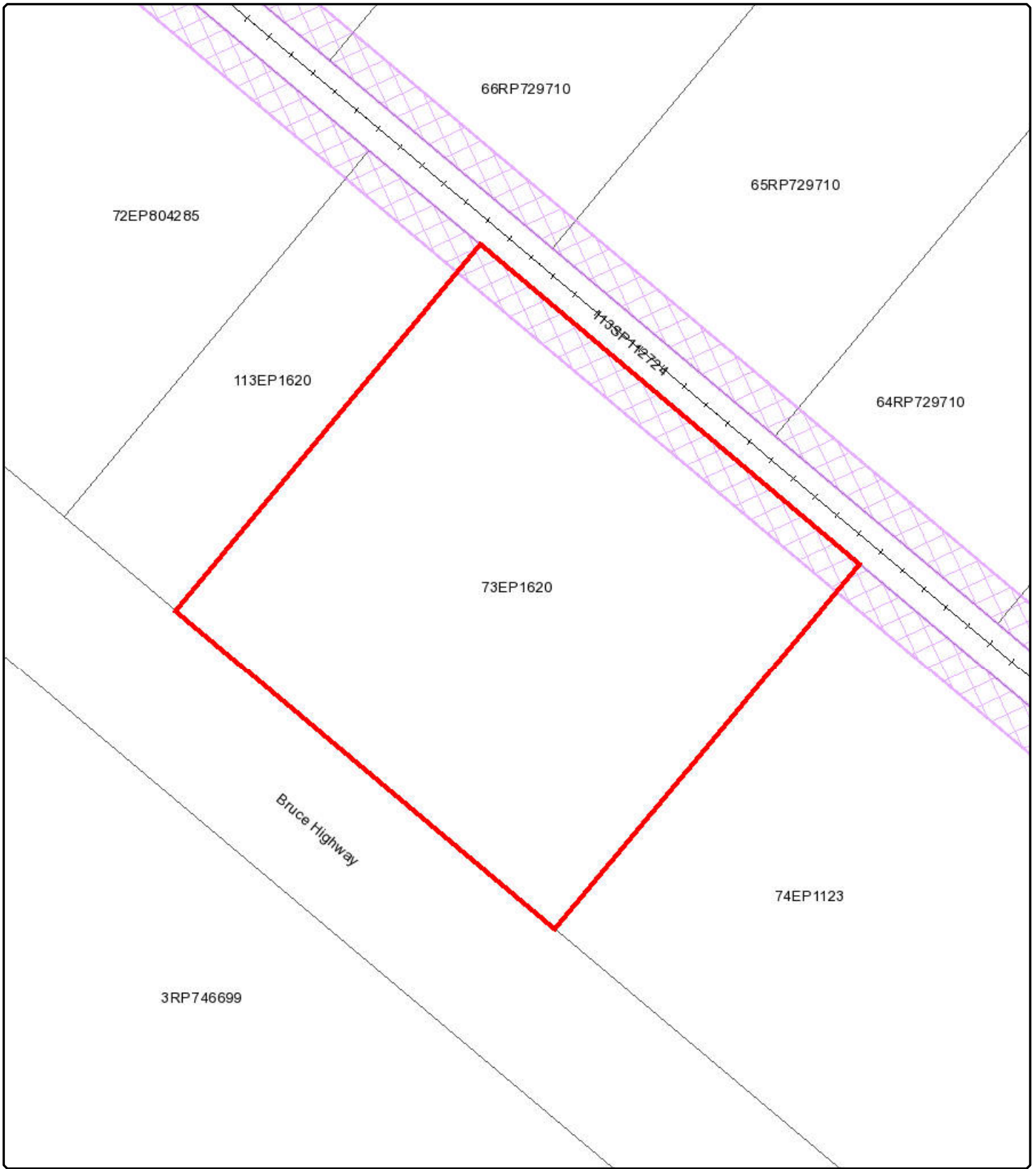
Legend

Railway corridor

 Railway corridor



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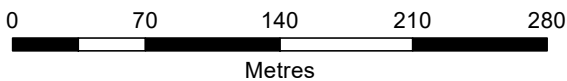
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Legend

Area within 25m of a railway corridor

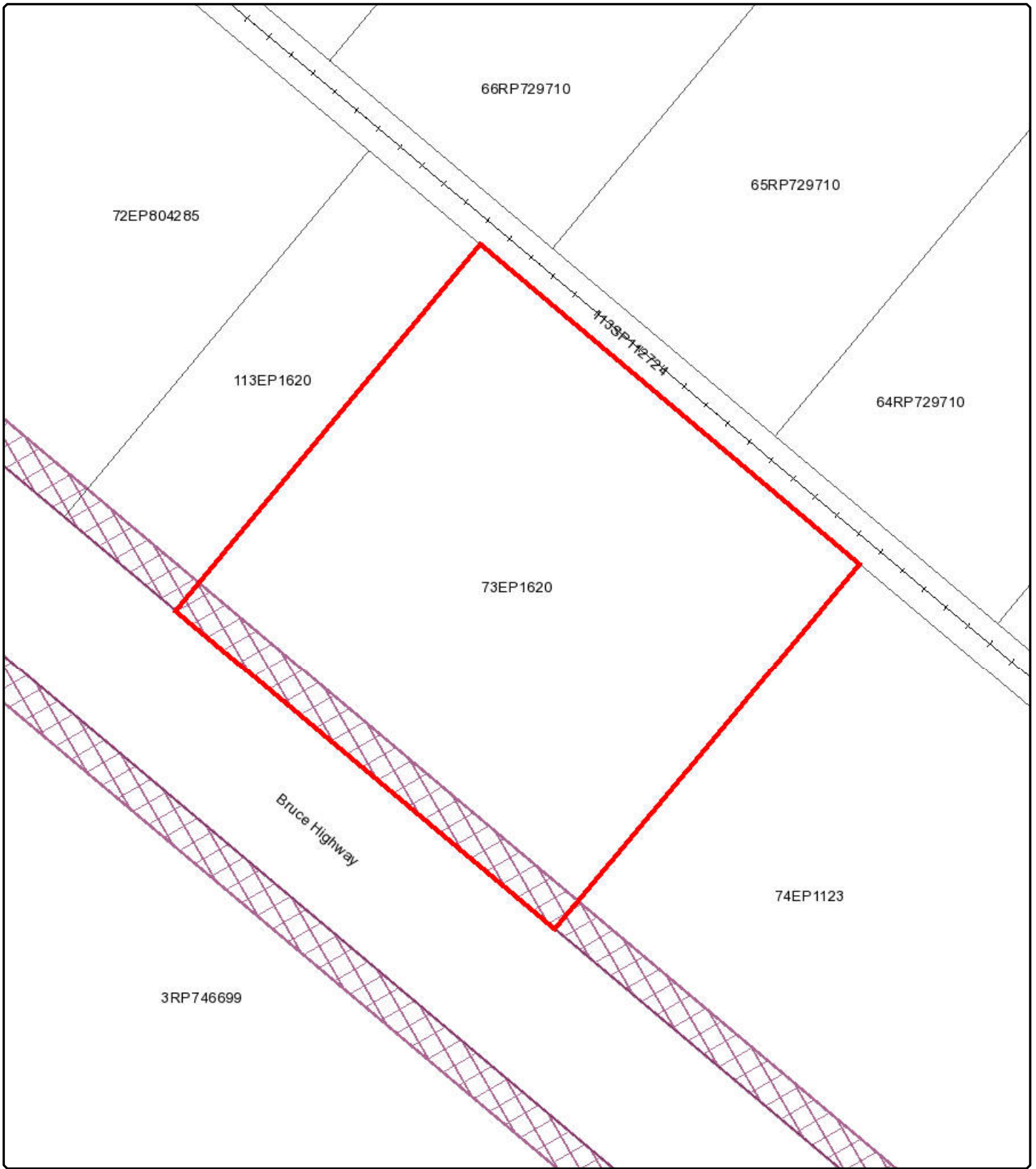


Area within 25m of a railway corridor



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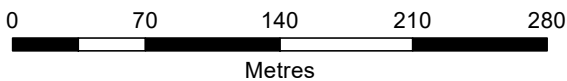
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Legend

Area within 25m of a State-controlled road

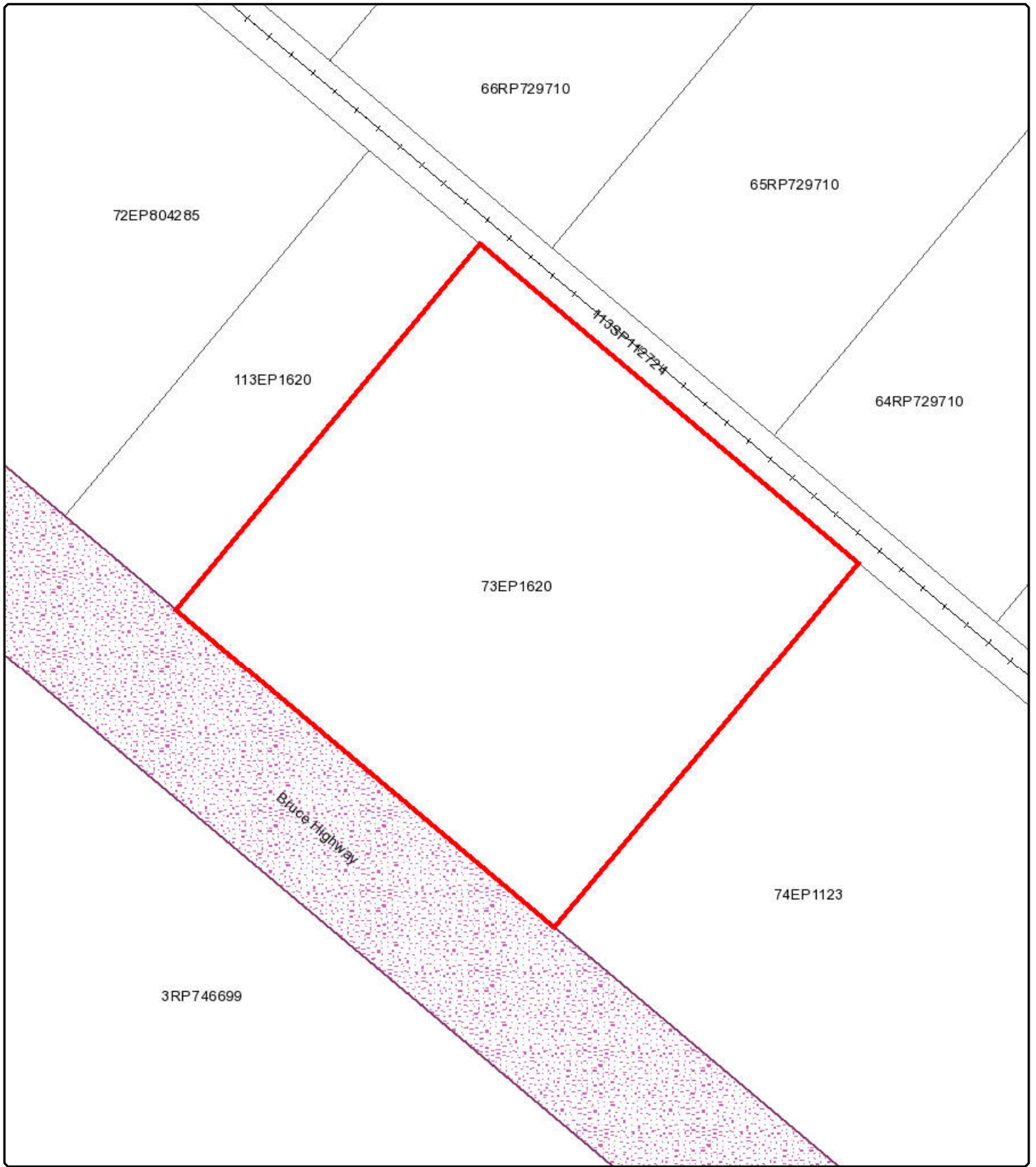


Area within 25m of a State-controlled road



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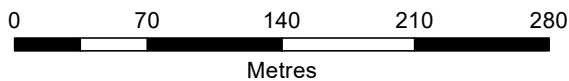
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Legend

State-controlled road



State-controlled road

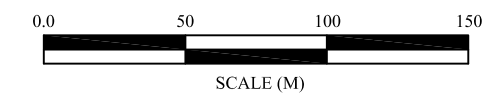
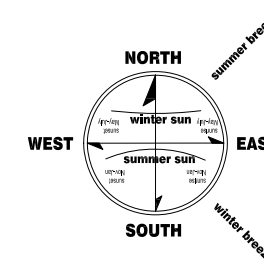


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APPENDIX 3

PLANS OF DEVELOPMENT



Property Details
Site Address: 41634 Bruce Highway
 BLUEWATER QLD 4818
Real Property Description: Lot 73 on EP1620
Tenure: Freehold
Site Area: 11.26 ha
Road Frontage: Bruce Highway
Planning Scheme Zoning: Rural Zone
Precincts: Mixed Farming Precinct
DFE (Q100) Flooding: Site subject to partial 1%AEP inundation

- Notes**
- Plan and detail is not for construction purposes
 - All site dimensions to be confirmed by detailed survey
 - New boundaries to be set by lot size not dimension
 - No new road reserves
 - No existing or proposed public open space
 - No new retaining walls or retaining structures
 - No land to be dedicated for community purposes
 - No building envelopes required
 - Existing and new easements as shown
 - The site is subject to 1%AEP DFE flooding

Data Source

- DCDB as taken from unconfirmed survey source
- Queensland Globe
- TownsvilleMAPS

PLAN OF RECONFIGURATION
One (1) into Two (2) Lots Subdivision

AMT	DESCRIPTION	BY	DATE	Date	Drawn	
A	DA ISSUE	BNC	November 2023	November 2023	BNC	
				As shown	BNC	
				Job No.: DA/144-23	Approved: BNC	
DRAWING STATUS:				BNC Ref. No.:	Drawing No.:	Rev.:
DA Issue				144-23	S01-01	A
Meridian:					Survey Records:	

APPENDIX 4

OTHER SUPPORTING INFORMATION

State code 1: Development in a state-controlled road environment

Table 1.2.1: Development in a state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
Buildings 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	NA – the subject application does not involve new or changes to buildings, structures, infrastructure, services or utilities.
	AO1.2 Buildings, structures, infrastructure, services and utilities can be maintained without requiring access to a state-controlled road.	The existing s62 approval is attached.
PO2 The design and construction of buildings and structures does not create a safety hazard by distracting users of a state-controlled road.	AO2.1 Facades of buildings and structures facing a state-controlled road are made of non-reflective materials. OR	NA
	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	NA
	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	NA – but can be conditioned for future uses.
	AO2.4 Advertising devices visible from a state-controlled road are located and designed in accordance with the Roadside Advertising Guide, 2 nd Edition, Department of Transport and Main Roads, 2017.	NA

Performance outcomes	Acceptable outcomes	Response
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, 2018.	NA
Filling, excavation and retaining structures		
<p>PO4 Filling and excavation does not interfere with, or result in damage to, infrastructure or services in a state-controlled road.</p> <p>Note: Information on the location of services and public utility plants in a state-controlled road can be obtained from the Dial Before You Dig service.</p> <p>Where development will impact on an existing or future service or public utility plant in a state-controlled road such that the service or public utility plant will need to be relocated, the alternative alignment must comply with the standards and design specifications of the relevant service or public utility provider, and any costs of relocation are to be borne by the developer.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	No acceptable outcome is prescribed.	NA
<p>PO5 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with the Road Planning and Design Manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	No acceptable outcome is prescribed.	NA
PO6 Filling, excavation, building foundations and retaining structures do not cause ground water disturbance in a state-controlled road.	No acceptable outcome is prescribed.	NA

State Development Assessment Provisions – version 2.6
State code 1: Development in a state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
<p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with the Road Planning and Design manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>		
<p>PO7 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 state-controlled road, road transport infrastructure or road works.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with Road Planning and Design Manual 2nd Edition: Volume 3, Department of Transport and Main Roads, 2016, is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	No acceptable outcome is prescribed.	NA
<p>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.</p> <p>Note: It is recommended a pavement impact assessment is provided.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, and the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a pavement impact assessment.</p>	A08.1 Fill, extracted material and spoil material is not transported to or from the development site on a state-controlled road.	NA

Performance outcomes	Acceptable outcomes	Response
<p>PO9 Filling and excavation associated with the construction of vehicular access to a development does not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	No acceptable outcome is prescribed.	NA
<p>PO10 Fill material used on a development site does not result in contamination of a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO10.1 Fill material is free of contaminants including acid sulfate content.</p> <p>Note: Soils and rocks should be tested in accordance with AS 1289.0 – Methods of testing soils for engineering purposes and AS 4133.0-2005 – Methods of testing rocks for engineering purposes.</p> <p>AND</p>	NA
	<p>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.</p>	NA
<p>PO11 Filling and excavation does not cause wind-blown dust nuisance in a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>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.</p> <p>AND</p>	NA
	<p>AO11.2 Dust suppression measures are used during filling and excavation activities such as wind breaks or barriers and dampening of ground surfaces.</p>	NA
Stormwater and drainage		
<p>PO12 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of</p>	No acceptable outcome is prescribed.	Given the size of the lots, the rural setting and the absence of any physical changes to the lay of the land adjacent to or with close proximity to the state-controlled road frontage, the development will not

State Development Assessment Provisions – version 2.6
State code 1: Development in a state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.		result in any stormwater or flooding impacts on the road corridor.
<p>PO13 Run-off from the development site is not unlawfully discharged to a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO13.1 Development does not create any new points of discharge to a state-controlled road.</p> <p>AND</p> <p>AO13.2 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>Note: Section 3.9 of the Queensland Urban Drainage Manual, Institute of Public Works Engineering Australasia (Queensland Division) Fourth Edition, 2016, provides further information on lawful points of discharge.</p> <p>AND</p> <p>AO13.3 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.</p>	Given the size of the lots, the rural setting and the absence of any physical changes to the lay of the land adjacent to or with close proximity to the state-controlled road frontage, the development will not result in any stormwater or flooding impacts on the road corridor.
<p>PO14 Run-off from the development site during construction does not cause siltation of stormwater infrastructure affecting a state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO14.1 Run-off from the development site during construction is not discharged to stormwater infrastructure for a state-controlled road.</p>	Given the size of the lots, the rural setting and the absence of any physical changes to the lay of the land adjacent to or with close proximity to the state-controlled road frontage, the development will not result in any stormwater or flooding impacts on the road corridor.
Vehicular access to a state-controlled road		
<p>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.</p> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO15.1 Development does not require new or changed access to a limited access road.</p> <p>Note: Limited access roads are declared by the transport chief executive under section 54 of the <i>Transport Infrastructure Act 1994</i> and are identified in the DA mapping system.</p> <p>OR</p>	The development proposes one new access to the Bruce Highway State controlled road. This access will be shared between both proposed lots. In this way, only one new access will be developed, which would normally be provided through the existing lot, but it not yet present as the site is vacant. The location of the vehicular access has been approved under section 62(1) of the Transport Infrastructure Act 1994 (see attached).

Performance outcomes	Acceptable outcomes	Response
	<p>AO15.2 A new or changed access to a limited access road is consistent with the limited access policy for the state-controlled road.</p> <p>Note: Limited access policies for limited access roads declared under the <i>Transport Infrastructure Act 1994</i> can be obtained by contacting the relevant Department of Transport and Main Roads regional office.</p> <p>AND</p>	Complies subject to conditions.
	<p>AO15.3 Where a new or changed access is for a service centre, access 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, 2013, and the Service centre strategy for the state-controlled road.</p> <p>Note: The Service centre policy, Department of Transport and Main Roads, 2013, Access policy for roadside service centre facilities, Department of Transport and Main Roads, 2013 and the relevant Service centre strategy for a state-controlled road can be accessed by contacting the relevant Department of Transport and Main Roads regional office.</p>	NA
<p>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> <p>Note: Where a new or changed access between the premises and a state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to</p>	<p>AO16.1 Vehicular access is provided from a local 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>	The location of the vehicular access has been approved under section 62(1) of the Transport Infrastructure Act 1994 (see attached). The design of the vehicular access will comply subject to conditions.

Performance outcomes	Acceptable outcomes	Response
<p>determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p> <p>Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO16.3 Development does not require new or changed access between the premises and the state-controlled road.</p> <p>Note: A decision under section 62 of the <i>Transport Infrastructure Act 1994</i> outlines the approved conditions for use of an existing vehicular access to a state-controlled road. Current section 62 decisions can be obtained from the relevant Department of Transport and Main Roads regional office.</p> <p>AND</p>	<p>The subdivision will involve one new rural access point from the Bruce Highway. Access along the SCR will remain limited despite this one additional driveway. As a single additional rural lot, the vehicle traffic will be negligible. Design and construction can be conditioned to the relevant DTMR standards. The location of the vehicular access has been approved under section 62(1) of the Transport Infrastructure Act 1994 (see attached).</p>
	<p>AO16.4 Use of any existing vehicular access to the development is consistent with a decision under section 62 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>Note: The development which is the subject of the application must be of an equivalent use and intensity for which the section 62 approval was issued and the section 62 approval must have been granted no more than 5 years prior to the lodgement of the application.</p> <p>AND</p>	<p>Complies subject to conditions.</p>
	<p>AO16.5 On-site 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>	<p>Complies.</p>
<p>Vehicular access to local roads within 100 metres of an intersection with a state-controlled road</p>		
<p>PO17 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> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO17.1 Vehicular access is located as far as possible from the state-controlled road intersection.</p> <p>AND</p>	<p>NA</p>
	<p>AO17.2 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>NA</p>

Performance outcomes	Acceptable outcomes	Response
	AO17.3 On-site 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.	NA
Public passenger transport infrastructure on state-controlled roads		
<p>PO18 Development does 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> <p>Note: Refer to the SDAP Supporting Information: Vehicular access to a state-controlled road, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	AO18.1 Vehicular access and associated road access works are not located within 5 metres of existing public passenger transport infrastructure. AND	NA
	AO18.2 Development does not necessitate the relocation of existing public passenger transport infrastructure. AND	NA
	AO18.3 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. AND	NA
	AO18.4 The normal operation of public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.	NA

Performance outcomes	Acceptable outcomes	Response
Planned upgrades		
<p>PO19 Development does not impede delivery of planned upgrades of state-controlled roads.</p>	<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>Note: Land required for the planned upgrade of a state-controlled road is identified in the DA mapping system.</p> <p>OR</p>	NA
	<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>	NA
	<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>	NA
	<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>	NA
	<p>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.</p> <p>AND</p>	NA

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Performance outcomes	Acceptable outcomes	Response
	AO19.6 Land is able to be reinstated to the pre-development condition at the completion of the use.	NA
Network impacts		
<p>PO20 Development does not result in a worsening of operating conditions on the state-controlled road network.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified traffic impact assessment is provided. Please refer to the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	No acceptable outcome is prescribed.	<p>Given the very low increase in lot density and the rural nature of the use of the new lots, there is no credible risk to the safety or efficiency of the state-controlled road network from this development. The development will provide only one new road access point, which would normally be provided through the existing lot, but it not yet present as the site is vacant.</p>
<p>PO21 Development does not impose traffic loadings on a state-controlled road which could be accommodated on the local road network.</p>	AO21.1 The layout and design of the development directs traffic generated by the development to the local road network.	
<p>PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.</p>	<p>AO22.1 Upgrade works required as a result of the development are designed and constructed in accordance with the <i>Road Planning and Design Manual</i>, 2nd edition, Department of Transport and Main Roads, 2016.</p> <p>Note: Road works in a state-controlled road require approval under section 33 of the <i>Transport Infrastructure Act 1994</i> before the works commence.</p>	

Table 1.2.2: Environmental emissions

Statutory note: Where a **state-controlled road** is co-located in the same transport corridor as a railway, the development should instead comply with table 2.2.2: Environmental emissions in State code 2: Development in a railway environment.

Refer to the SDAP Supporting Information: Environmental emissions in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with the performance outcomes in Table 1.2.2.

Performance outcomes	Acceptable outcomes
Noise	
Accommodation activities	

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Performance outcomes	Acceptable outcomes	
<p>PO23 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in habitable rooms.</p>	<p>AO23.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria at all facades of the building envelope: <ol style="list-style-type: none"> a. ≤ 60 dB(A) L_{10} (18 hour) façade corrected (measured L_{90} (8 hour) free field between 10pm and 6am ≤ 40 dB(A)) b. ≤ 63 dB(A) L_{10} (18 hour) façade corrected (measured L_{90} (8 hour) free field between 10pm and 6am > 40 dB(A)) 2. in accordance with chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state-controlled road environment, Department of Transport and Main Roads, 2017.</p> <p>If the building envelope is unknown, the deemed-to-comply setback distances for buildings stipulated by the local planning instrument or relevant building regulations should be used.</p> <p>In some instances, the design of noise barriers and mounds to achieve the noise criteria above the ground floor may not be reasonable or practicable. In these instances, any relaxation of the criteria is at the discretion of the Department of Transport and Main Roads.</p>	<p>Not Applicable</p>
	<p>OR all of the following acceptable outcomes apply:</p> <p>AO23.2 Buildings which include a habitable room are setback the maximum distance possible from a state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	<p>Not Applicable</p>

Performance outcomes	Acceptable outcomes	
	<p>AO23.3 Buildings are designed and oriented so that habitable rooms are located furthest from a state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	Not Applicable
	<p>AO23.4 Buildings (other than a relevant residential building or relocated building) are designed and constructed using materials which ensure that habitable rooms meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour over 24 hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>Habitable rooms of relevant residential buildings located within a transport noise corridor must comply with the Queensland Development Code MP4.4 Buildings in a transport noise corridor, Queensland Government, 2015. Transport noise corridors are mapped on the State Planning Policy interactive mapping system.</p>	Not Applicable
<p>PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.</p>	<p>AO24.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria in outdoor spaces for passive recreation: <ol style="list-style-type: none"> a. ≤ 57 dB(A) L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight ≤ 45 dB(A)) b. ≤ 60 dB(A) L_{10} (18 hour) free field (measured L_{90} (18 hour) free field between 6am and 12 midnight > 45 dB(A)) 2. in accordance with chapter 7 integrated noise barrier design of the Transport Noise 	Not Applicable

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Performance outcomes	Acceptable outcomes	
	<p>Management Code of Practice – Volume 1 Road Traffic Noise, Department of Transport and Main Roads, 2013.</p> <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017</p> <p>OR</p>	
	<p>AO24.2 Each dwelling has access to an outdoor space for passive recreation which is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p> <p>AND</p>	Not Applicable
	<p>AO24.3 Each dwelling with a balcony directly exposed to noise from a state-controlled road or type 1 multi-modal corridor has a continuous solid gap-free balustrade (other than gaps required for drainage purposes to comply with the Building Code of Australia).</p>	Not Applicable
Childcare centres and educational establishments		
<p>PO25 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in indoor education areas and indoor play areas.</p>	<p>AO25.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria at all facades of the building envelope: <ol style="list-style-type: none"> a. ≤ 58 dB(A) L₁₀ (1 hour) façade corrected (maximum hour during normal opening hours) 2. in accordance with chapter 7 – Integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. 	Not Applicable

Performance outcomes	Acceptable outcomes	
	<p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>If the building envelope is unknown, the deemed-to-comply setback distances for buildings stipulated by the local planning instrument or relevant building regulations should be used.</p>	
	<p>OR all of the following acceptable outcomes apply:</p> <p>AO25.2 Buildings which include indoor education areas and indoor play areas are setback the maximum distance possible from a state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	Not Applicable
	<p>AO25.3 Buildings are designed and oriented so that indoor education areas and indoor play areas are located furthest from the state-controlled road or type 1 multi-modal corridor.</p> <p>AND</p>	Not Applicable
	<p>AO25.4 Buildings are designed and constructed using materials which ensure indoor education areas and indoor play areas meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour during opening hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p>	Not Applicable

Performance outcomes	Acceptable outcomes	
<p>PO26 Development involving a:</p> <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment <p>minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor education areas and outdoor play areas.</p>	<p>AO26.1 A noise barrier or earth mound is provided which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to meet the following external noise criteria in each outdoor education area or outdoor play area: <ol style="list-style-type: none"> a. ≤ 63 dB(A) L_{10} (12 hour) free field (between 6am and 6pm) 2. in accordance with chapter 7 – Integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013. <p>Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.</p> <p>OR</p>	Not Applicable
	<p>AO26.2 Each outdoor education area and outdoor play area is shielded from noise generated from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.</p>	Not Applicable
Hospitals		
<p>PO27 Development involving a hospital minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in patient care areas.</p>	<p>AO27.1 Hospitals are designed and constructed using materials which ensure patient care areas meet the following internal noise criteria:</p> <ol style="list-style-type: none"> 1. ≤ 35 dB(A) L_{eq} (1 hour) (maximum hour during opening hours). <p>Note: Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</p> <p>To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified noise assessment report is provided, prepared in accordance with the SDAP Supporting</p>	Not Applicable

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Performance outcomes	Acceptable outcomes	
	Information: Environmental emissions in a state controlled road environment, Department of Transport and Main Roads 2017.	
Vibration		
Hospitals		
PO28 Development involving a hospital minimises vibration impacts from vehicles using a state-controlled road or type 1 multi-modal corridor in patient care areas.	AO28.1 Hospitals are designed and constructed to ensure vibration in the treatment area of a patient care area does not exceed a vibration dose value of 0.1m/s ^{1.75} . AND	Not Applicable
	AO28.2 Hospitals are designed and constructed to ensure vibration in the ward area of a patient care area does not exceed a vibration dose value of 0.4m/s ^{1.75} . Note: To demonstrate compliance with the acceptable outcome, it is recommended that a RPEQ certified vibration assessment report is provided.	Not Applicable
Air and light		
PO29 Development involving an accommodation activity minimises air quality impacts from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.	AO29.1 Each dwelling has access to an outdoor space for passive recreation which is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.	Not Applicable
PO30 Development involving a: <ol style="list-style-type: none"> 1. childcare centre; or 2. educational establishment minimises air quality impacts from a state-controlled road or type 1 multi-modal corridor in outdoor education areas and outdoor play areas.	AO30.1 Each outdoor education area and outdoor play area is shielded from a state-controlled road or type 1 multi-modal corridor by a building, solid gap-free fence, or other solid gap-free structure.	Not Applicable
PO31 Development involving an accommodation activity or hospital minimises lighting impacts from a state-controlled road or type 1 multi-modal corridor.	AO31.1 Buildings for an accommodation activity or hospital are designed to minimise the number of windows or transparent/translucent panels facing a state-controlled road or type 1 multi-modal corridor. OR	Not Applicable

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Performance outcomes	Acceptable outcomes	
	<p>AO31.2 Windows facing a state-controlled road or type 1 multi-modal corridor include treatments to block light from a state-controlled road or type 1 multi-modal corridor.</p>	Not Applicable

Table 1.2.3: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	
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	Not Applicable
	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.	Not Applicable
	OR all of the following acceptable outcomes apply: 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. AND	Not Applicable
	AO32.4 Development does not involve filling and excavation of, or material changes to, a future state-controlled road. AND	Not Applicable
	AO32.5 Land is able to be reinstated to the pre-development condition at the completion of the use.	Not Applicable
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.	AO33.1 Development does not require new or changed access between the premises and a future state-controlled road. AND	Not Applicable

Performance outcomes	Acceptable outcomes	
<p>Note: Where a new or changed access between the premises and a future state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p>	<p>AO33.2 Vehicular access for the development is consistent with the function and design of the future state-controlled road.</p>	<p>Not Applicable</p>
<p>PO34 Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a future state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified geotechnical assessment is provided, prepared in accordance with the Road Planning and Design Manual, 2nd edition: Volume 3, Department of Transport and Main Roads, 2016.</p> <p>Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome and prepare a geotechnical assessment.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Not Applicable</p>
<p>PO35 Fill material from a development site does not result in contamination of land for a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Filling, excavation and retaining structures in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO35.1 Fill material is free of contaminants including acid sulfate content.</p> <p>Note: Soil and rocks should be tested in accordance with AS1289 – Methods of testing soils for engineering purposes and AS4133 2005 – Methods of testing rocks for engineering purposes.</p> <p>AND</p>	<p>Not Applicable</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>	<p>Not Applicable</p>
<p>PO36 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>No acceptable outcome is prescribed.</p>	<p>Not Applicable</p>

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Performance outcomes	Acceptable outcomes	
<p>PO37 Run-off from the development site is not unlawfully discharged to a future state-controlled road.</p> <p>Note: Refer to the SDAP Supporting Information: Stormwater and drainage in a state-controlled road environment, Department of Transport and Main Roads, 2017, for further guidance on how to comply with this performance outcome.</p>	<p>AO37.1 Development does not create any new points of discharge to a future state-controlled road.</p> <p>AND</p>	Not Applicable
	<p>AO37.2 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>Note: Section 3.9 of the Queensland Urban Drainage Manual, Institute of Public Works Engineering Australasia (Queensland Division), Fourth Edition, 2016, provides further information on lawful points of discharge.</p> <p>AND</p>	Not Applicable
	<p>AO37.3 Development does not worsen the condition of an existing lawful point of discharge to the future state-controlled road.</p>	Not Applicable

Our ref TMR23-040326
Your ref
Enquiries Aidan Colahan

Department of
Transport and Main Roads

26 October 2023

Michael and Deanna Pallanza
98 Martinez Avenue
West End QLD 4810

Dear Michael and Deanna,

Decision Notice - Permitted Road Access Location (section 62(1) *Transport Infrastructure Act 1994*)

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

I refer to your application for a decision under section 62(1) of the *Transport Infrastructure Act 1994* (TIA) for access between Lot 73 EP1620 and Bruce Highway (a state-controlled road) which was received by the Department of Transport and Main Roads (the department) on 08 September 2023.

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 is to be located 170m from the northern boundary and 170m from the southern boundary, generally in accordance with Permitted Road Access Location Plan, prepared by the Department of Transport and Main Roads, dated October 2023, Reference DA-001, Issue A.	At all times.
2	Road Access Works comprising residential access must be provided at the permitted access location, generally in accordance with: (a) Rural Property Access Type A, prepared by Department of Transport and Main Road, Reference 1807, Dated 11/2021 and revision	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

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

No.	Conditions of Approval	Condition Timing
	B.	
3	Direct access is prohibited between Bruce Highway and Lot 73 on EP1620 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.
4	The landowner will undertake responsibility of maintaining the crossover between the property boundary and the edge of the road pavement as required to continue safe and efficient access between the permitted road access point and the State-controlled road.	At all times.
5	The use of the Permitted Road Access Location is to be restricted to rural residential purposes only.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- (a) To ensure access to the State-controlled Road from the property does not compromise the safety and efficiency of the State-controlled Road network.
- (b) To provide safe access for all vehicles associated with the residential use.

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, you are bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for your information.

Further information about the decision

1. This decision notice 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 is attached in **Attachment C** for your information.

3. In accordance with section 485B of the TIA and section 35 of TPCA you may appeal against a reviewed decision. You 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 your information.

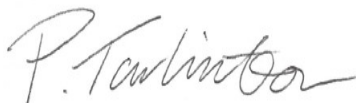
Further approvals

The department also provides the following information in relation to this approval:

1. Road 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(1) 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 for road works approval.

If you would like to discuss this application, please contact Aidan Colahan, Planner (Corridor Management) by email at aidan.p.colahan@tmr.qld.gov.au or on 4421 8708.

Yours sincerely



Peter Tarlinton
A/Senior Town Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The objective of the *Transport Infrastructure Act 1994* requires the establishment of a road regime that is safe and efficient.
- Section 62 of the *Transport Infrastructure Act 1994* allows the Department of Transport and Main Roads to make decisions about permitted road access locations between particular / adjacent land and a State-controlled Road.
- The subject site relates to a residential property located at Lot 73 on EP1620 with frontage to Bruce Highway (TMR ID: 10M).
- The Bruce Highway is a Limited Access Road. The proposed access location is not considered to conflict with the Limited Access Plan applicable to Lot 73 on EP1620.
- Where proximate to the site, Bruce Highway has a speed limited of 100kmph before dropping down to 80km where north of the site toward Bluewater.
- Where proximate to the site, the Bruce Highway has an AADT of 8196 vehicles, of which approximately 12% are heavy vehicles.
- As the property is residential, daily vehicles movements are to be infrequent.
- The access is located within proximity to several residential access locations along the Bruce Highway. Advice from TMR's traffic engineer did not consider the access location within the centre of the property to result in a worse outcome than the indicative location originally shown on the limited access plan.
- The subject site does not benefit from a frontage to any local roads.
- Due to the type of use, these vehicles are expected to be light vehicles.
- The access is therefore required to be constructed to the standard of a Rural Property Access Type A.
- The location of the access is not foreseen to compromise the safety of users of the state-controlled road.
- The landowner shall be responsible for the maintenance of the crossover between the property boundary and the edge of the kerb as required to continue the safe and efficient access between the permitted road access location and the Bruce Highway.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Proposed Driveway Location	P. McBride	8 September 2023	-	-

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.

....

- (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—

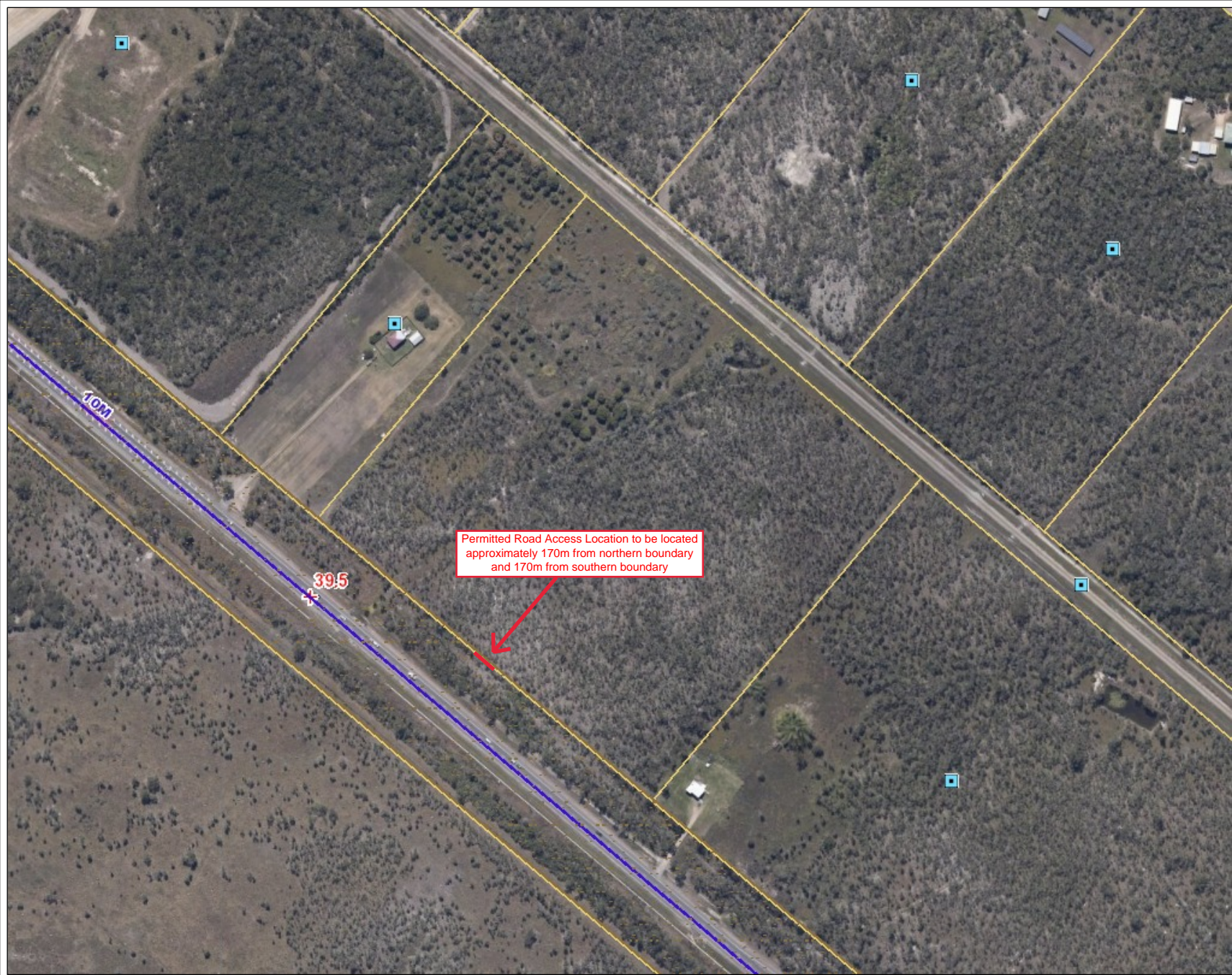
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(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.



- Legend :**
- Geocoded National Address File (G-NAF)
 - ⋮ Limited Access Roads Corridor
 - Limited Access Roads Network
 - Franchised Roads
 - State-controlled Roads
 - ⊠ Easement Parcels
 - Parcels - Urban

Permitted Road Access Location to be located approximately 170m from northern boundary and 170m from southern boundary

Designer Name:
Design Number: DA001
Version Number: A - October 2023
Team/District Office: Department of Transport and Main Roads Northern District Date: 23/10/2023



Permitted Road Access Location

