



SOUTH BURNETT
REGIONAL COUNCIL

Project Lead: Senior Planner - Sam
Direct Telephone: 07 4189 9100
Our Reference: RAL24/0041

21 July 2025

J J Reid
joshreid76@hotmail.com

Dear Sir

South Burnett Regional Council

ABN 89 972 463 351

PO Box 336

Kingaroy QLD 4610

☎ 1300 789 279 or (07) 4189 9100

☎ (07) 4162 4806

✉ info@southburnett.qld.gov.au

🌐 www.southburnett.qld.gov.au

Decision Notice

Planning Act 2016

I refer to your application and advise that on 16 July 2025, Council, at its Ordinary Council Meeting decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: RAL24/0041
Street Address: 5 Mullers Lane MURGON QLD 4605
Real Property Description: Lot 324 on FY2912
Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots)
Date of Decision: 16 July 2025

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “**necessary infrastructure condition**” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

GENERAL

- GEN1. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

| Drawing Title | Prepared by | Job No. | Rev. | Date |
|----------------------|-------------|---------|------|------------|
| Proposed Subdivision | Josh Reid | 16 | - | 02/02/2025 |

Timing: At all times.

- GEN2. All works, including the repair or relocation of services is to be completed at no cost to Council.

COMPLIANCE

- GEN3. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with Conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

OUTSTANDING FEES

- GEN4. Prior to the sealing of the Plan of Survey the applicant is required to pay the Council all rates and charges or any expenses being a charge over the subject land under any Act in accordance with Schedule 18, Section 69 of the Planning Regulation 2017.

SURVEY MARKS

- RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

PLANNING

- RAL2. All development involving the emission of noise, odour and dust from ongoing uses, building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the *Environmental Protection Act 1994*.

Timing: As indicated.

PROPERTY BOUNDARIES

- RAL3. All existing on-site structure, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross the proposed property boundary.

VALUATION FEES

- RAL4. Payment of Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$55.00 per lot. However, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

BUFFER REQUIREMENT

RAL5. Install a landscaped vegetated buffer that must be maintained by the owner at all times along the full length of the:

- eastern property boundary of proposed lot 1;
- southern property boundaries of both proposed lots 1 & 2.

Unless otherwise agree in writing with Council, the buffer must:

- Be a minimum of 5.0m wide (pegged from aforementioned boundary of the lots);
Note:

- o This area is not required to be fenced and can be maintained open and accessible.

- Contain random plantings of a variety of tree and shrub species of differing growth habitats, with tree spacings of 4m to 5m, and shrubs (2 – 3 rows) at 2m spacings; and

- Include species which consist of long, rough, fine leaved foliage which facilitates the more efficient capture of spray droplets, and which are fast growing and hardy for trees. All species are to be sourced locally.

Note:

- o Coreflute tree guards are recommended for trees and shrubs;
- o Foliage for trees should be from the base to the crown; and
- o Mixed plantings of trees may be required to ensure there are no gaps in the lower canopy.

The buffer is to be established using native drought tolerant species in accordance with "Branching Out – Your Handy Guide to Tree Planting in the South Burnett".

The buffer must be installed prior to survey plan endorsement.

Maintenance

| | | |
|--------------|--|-------------|
| Plant health | Replace dead or dying stock as required to maintain 100% of the initial planting density | As required |
| | Inspect planted stock for damage from browsing animals, disease, drought and take necessary treatment to maintain health of plantings. | As required |
| | Irrigate if prolonged dry periods occur to maintain health and vigour of planted stock | As required |

RAL6. At the time of sealing the survey plan the applicant shall provide written confirmation that the planted landscaped vegetated buffer complies with [Council's Branching Out Guide](#) and the planted landscaping on site which includes:

- The extent of the buffer;
- The location and spacing of proposed and any existing trees and shrubs;
- A list of tree and shrub species to be planted; and
- Details about how the buffer will be maintained.

ENGINEERING WORKS

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

ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Standard Drawings, relevant Australian Standards, WBBROC Regional Standards Manual and relevant design manuals.

- ENG3. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

- ENG8. Connect proposed Lot 1 to Council's reticulated water supply system. The connection shall be designed to meet Council requirements.
- ENG9. Proposed Lot 2 shall provide an onsite water supply.

VEHICLE ACCESS

- ENG10. Construct a gravelled driveway and a crossover generally in accordance with Council's Standard Drawing No. R-004, to each proposed lot.

ROADWORKS – MULLERS LANE

- ENG11. Construct Mullers Lane and Pioneer Lane with a 4m wide pavement on a 6m formation in accordance with the "Access Minor Type Cross Section" contained in the South Burnett Regional Council's *Construction of Unmade Roads Policy*. The extent of the works shall be from the access to the Church on Lot 1 on SP227678 to the access location for proposed Lot 2.

Timing: Prior to sealing of the survey plan.

Comment: This condition is imposed pursuant to Section 145 of the *Planning Act 2016*.

TELECOMMUNICATION

- ENG12. Provide telecommunications to each proposed lots within the development.

ELECTRICITY

- ENG13. Provide an electricity supply to each proposed lot within the development to comply with Ergon Energy's requirements.

ENG14. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

SERVICES - CONNECTIONS

ENG15. Ensure that all services provided to the proposed lots are wholly located within the lot(s) it serves.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG16. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ENG17. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

| Referral Status | Referral Agency and Address | Referral Trigger | Response |
|-----------------|---|--|--|
| Concurrence | State Assessment & Referral Agency PO Box 979 BUNDABERG QLD 4670 | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 – Reconfiguring a lot near a State controlled road intersection road intersection | The agency provided its response on 27 November 2024 (Reference No. 2410-43144 SRA). A copy of the response is attached. |

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

| Plan No. | Rev. | Plan Name | Date |
|----------|------|--|------------|
| 16 | - | <i>Proposed Subdivision</i> , prepared by Josh Reid. | 02/02/2025 |

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

STANDARD ADVICE

- ADV1. Section 85(1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years the approval will lapse.
- ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that “A person who carries out an activity does not harm Aboriginal Cultural Heritage.” Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL

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

ON-SITE WASTEWATER DISPOSAL

- ADV4. Future dwellings on the proposed lots must be connected to an on-site wastewater disposal system, in accordance with AS/NZS 1547:2012 *On-site domestic wastewater management*, and the Queensland Plumbing and Waste Water Code.

INFRASTRUCTURE CHARGES

- ADV5. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

- ADV6. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2027. Eligible development under this scheme is required to be completed by 31 December 2027.

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

CONCURRENCE AGENCY

- ADV7. The State Assessment Referral Agency (SARA) has imposed conditions on the development permit as attached.

PROPERTY NOTES

The following property notes will be placed against the subject property in Council's property record system:

PROPERTY NOTE

PN1. The following notation applies to proposed Lot 2: This property is not serviced by Council's reticulated water network. At the time of final building approval for a residential dwelling, the owner must provide a potable water supply through connection of the dwelling to a rainwater storage tank, or tanks having a capacity of not less than 45,000 litres.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.southburnett.qld.gov.au, or at Council Offices.

Yours faithfully



DAVID HURSTHOUSE
COORDINATOR DEVELOPMENT SERVICES

Enc: Adopted Infrastructure Charge Notice
Referral Agency Response
Approved Plans
Appeal Rights

cc SARA

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: J J Reid
joshreid76@hotmail.com

APPLICATION: Reconfiguring a Lot - Subdivision (1 Lot into 2 Lots) --
Impact Assessable

DATE: 23/07/2025

FILE REFERENCE: RAL24/0041

AMOUNT OF THE LEVIED CHARGE: **\$14,261.00** **Total**
(Details of how these charges were calculated are shown overleaf)

| | |
|------------|--|
| \$9,842.00 | Water Supply Network |
| \$0.00 | Sewerage Network |
| \$2,410.00 | Transport Network |
| \$2,009.00 | Parks and Land for Community Facilities Network |
| \$0.00 | Stormwater Network |

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an automatic increase. Refer to the Information Notice attached to this notice for more information on how the increase is worked out.

LAND TO WHICH CHARGE APPLIES: Lot 324 on FY2912

SITE ADDRESS: 5 Mullers Lane, Murgon

PAYABLE TO: **South Burnett Regional Council**

WHEN PAYABLE: Reconfiguring a Lot – When South Burnett Regional Council approves the Plan of Subdivision.
(In accordance with the timing stated in Section 122 of the Planning Act 2016)

OFFSET OR REFUND: Not Applicable.

This charge is made in accordance with South Burnett Regional Council's ***Charges Resolution (No. 3) 2019***

DETAILS OF CALCULATION

Water Supply

Adopted Charges

| Development Description | Number of Units | Units of Measure | Charge Rate | Reference | Amount |
|--------------------------------|-----------------|------------------|-------------|--------------|------------|
| Reconfiguring a Lot (1 into 2) | 1 | allotments | \$9,842.00 | CR Table 2.3 | \$9,842.00 |

Discounts*

| Description | Number of Units | Units of Measure | Discount Rate | Reference | Amount |
|-------------|-----------------|------------------|---------------|-----------|--------|
| N/A | - | - | \$0.00 | - | \$0.00 |

Sewerage

Adopted Charges

| Development Description | Number of Units | Units of Measure | Charge Rate | Reference | Amount |
|-------------------------|-----------------|------------------|-------------|-----------|--------|
| N/A | - | - | \$0.00 | - | \$0.00 |

Discounts*

| Description | Number of Units | Units of Measure | Discount Rate | Reference | Amount |
|-------------|-----------------|------------------|---------------|-----------|--------|
| N/A | - | - | \$0.00 | - | \$0.00 |

Transport

Adopted Charges

| Development Description | Number of Units | Units of Measure | Charge Rate | Reference | Amount |
|--------------------------------|-----------------|------------------|-------------|--------------|------------|
| Reconfiguring a Lot (1 into 2) | 2 | allotments | \$2,410.00 | CR Table 2.3 | \$4,820.00 |

Discounts*

| Description | Number of Units | Units of Measure | Discount Rate | Reference | Amount |
|--------------|-----------------|------------------|---------------|--------------|------------|
| Existing Lot | 1 | allotments | \$2,410.00 | CR Table 2.3 | \$2,410.00 |

Parks and Land for Community Facilities

Adopted Charges

| Development Description | Number of Units | Units of Measure | Charge Rate | Reference | Amount |
|--------------------------------|-----------------|------------------|-------------|--------------|------------|
| Reconfiguring a Lot (1 into 2) | 2 | allotments | \$2,009.00 | CR Table 2.3 | \$4,018.00 |

Discounts*

| Description | Number of Units | Units of Measure | Discount Rate | Reference | Amount |
|-------------|-----------------|------------------|---------------|-----------|--------|
|-------------|-----------------|------------------|---------------|-----------|--------|

| | | | | | |
|--------------|---|------------|------------|--------------|------------|
| Existing Lot | 1 | allotments | \$2,009.00 | CR Table 2.3 | \$2,009.00 |
|--------------|---|------------|------------|--------------|------------|

Stormwater

Adopted Charges

| Development Description | Number of Units | Units of Measure | Charge Rate | Reference | Amount |
|-------------------------|-----------------|------------------|-------------|-----------|--------|
| N/A | - | - | \$0.00 | - | \$0.00 |

Discounts*

| Description | Number of Units | Units of Measure | Discount Rate | Reference | Amount |
|-------------|-----------------|------------------|---------------|-----------|--------|
| N/A | - | - | \$0.00 | - | \$0.00 |

Levied Charges

| Development Description | Water Supply | Sewerage | Transport | Parks & Land for Community Facilities | Stormwater | Total |
|--------------------------------|-------------------|---------------|-------------------|---------------------------------------|---------------|--------------------|
| Reconfiguring a Lot (1 into 2) | \$9,842.00 | \$0.00 | \$2,410.00 | \$2,009.00 | \$0.00 | \$14,261.00 |
| Total | \$9,842.00 | \$0.00 | \$2,410.00 | \$2,009.00 | \$0.00 | \$14,261.00 |

* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.

INFORMATION NOTICE

| | |
|---|---|
| Authority and Reasons for Charge | This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability. |
| Appeals | Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights. |
| Automatic Increase Provision of charge rate (\$) | <p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p> |
| GST | The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt. |
| Making a Payment | <p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p> |

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Finance & Liveability, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@sbrc.qld.gov.au



SARA reference: 2410-43144 SRA
Council reference: RAL24/0041

27 November 2024

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

Attention: Ms Sam Dunstan

Dear Ms Dunstan

SARA referral agency response—5 Mullers Lane, Murgon

(Referral agency response given under section 56 of the *Planning Act 2016*)


The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 30 October 2024

Response

| | |
|-------------------|--|
| Outcome: | Referral agency response – with conditions |
| Date of response: | 27 November 2024 |
| Conditions: | The conditions in Attachment 1 must be attached to any development approval |
| Advice: | Advice to the applicant is in Attachment 2 |
| Reasons: | The reasons for the referral agency response are in Attachment 3 |

Development details

| | | |
|-----------------|---|---|
| Description: | Development Permit | Reconfiguring a Lot – Subdivision (1 Lot into 4 Lots) |
| SARA role: | Referral agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) – Reconfiguring a lot within 25 metres of a state-controlled road (Planning Regulation 2017) | |
| SARA reference: | 2410-43144 SRA | |

Assessment manager: South Burnett Regional Council
 Street address: 5 Mullers Lane, Murgon
 Real property description: Lot 324 on FY2912
 Applicant name: Mr Josh Reid
 Applicant contact details: 

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved – with conditions
- Reference: TMR24-044060
- Date: 25 November 2024

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at WBB.IDAS@tmr.qld.gov.au

Human Rights Act 2019 considerations:

A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.


Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Zinal Chand, A/Planning Officer, on (07) 3432 2410 or via email WBBSARA@dasilg.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
 Manager, Planning – Wide Bay Burnett

cc Mr Josh Reid, 

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

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

| No. | Conditions | Condition timing |
|---|---|---|
| Development Permit - Reconfiguring a Lot (RAL) - One (1) Lot into Four (4) Lots | | |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): | | |
| 1. | <p>(a) Road Works comprising an upgrade of the Bunya Highway/ Mullers Lane intersection to a rural property access standard Type C, must be provided at the Permitted Road Access Junction, generally in accordance with Rural Property Access prepared by the Department of Transport and Main Roads dated 3/2024 reference Standard Drawing 1807 revision C.</p> <p>(b) The Road Works must be sealed to a distance of 10 metres from the edgeline of the Bunya Highway with pavement type 1 as shown on Rural Property Access prepared by the Department of Transport and Main Roads dated 3/2024 reference Standard Drawing 1807 revision C.</p> <p>(c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads Road Planning and Design Manual 2nd edition, Standards and Specification in use at time the works take place.</p> | <p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval.</p> |

Attachment 2—Advice to the applicant

| General advice | |
|----------------|---|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.1). If a word remains undefined it has its ordinary meaning. |
| 2. | <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads on 07 4254 0200 or by email to WBB.IDAS@tmr.qld.gov.au to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p> <p>Note: approval for works related to the development cannot be issued until a copy of the South Burnett Regional Council's Decision Notice has been received by the department.</p> |
| 3. | <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3, and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise.</p> <p><i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> and a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at the Queensland Government website.</p> |

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The development is for reconfiguring a lot for a one into four lots subdivision. The proposed new access to the service road within the Bunya Highway retention will not introduce new risks or congestion. As such, the development does not create a safety hazard for road users or compromise the safety and efficiency of state-controlled roads, transport infrastructure or road works.

The additional traffic generated by the development would be minimal and would not significantly impact Mullers Lane and the Bunya Highway. As such, the development does not worsen the operating performance or physical condition of state-controlled road and does not warrant additional infrastructure requirements, indicating compliance with managing network impacts.

The site is located within a Gazetted (Category 0 & 1) Transport Noise Corridor. The Lots are of sufficient size to accommodate a future dwelling outside the noise corridor ensuring the adverse impacts from environmental emissions are mitigated.

The development complies with State Code 1 of SDAP, with no requirements, as it supports safe and efficient road use, minimal traffic impact and effective noise management.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.1), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy Mapping System
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Our ref TMR24-044060
Your ref
Enquiries Ian Leyton



25 November 2024

Department of
Transport and Main Roads

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

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

Development application reference number RAL24/0041, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 324FY2912, the land the subject of the application, and Bunya Highway (a state-controlled road).

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

Applicant Details

Name and address Josh Reid
Unit 607 115 Bulcock Street
Caloundra QLD 4551

Application Details

Address of Property 5 Mullers Lane, Murgon QLD 4605
Real Property Description 324FY2912
Aspect/s of Development Development Permit for Reconfiguration of a Lot for ROL for one (1) Lot into four (4) Lots

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. | <p>(a) The Permitted Road Access Locations for each lot are approximately are approximately 50 metres from the eastern boundary, in accordance with:</p> <ul style="list-style-type: none">Proposed Subdivision prepared by Josh Reid dated 7/10/2024 reference job number 14, page 1 of 1, as modified in red by the Department of Transport and Main Roads on 25 November 2024. <p>(b) The Permitted Road Access Junction for all lots is the Bunya Highway/Mullers Lane intersection approximately 40m east from the easternmost property boundary of proposed lot 4.</p> | <p>(a), (b) and (c) At all times.</p> |

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

| No. | Conditions of Approval | Condition Timing |
|-----|--|---|
| | (c) Direct access to the Bunya Highway carriageway is prohibited at any location other than the Permitted Road Access Junction in part (b) of this condition. | |
| 2. | Road Access Works comprising a rural property type of access must be provided between the Permitted Road Access Locations and the Bunya Highway carriageway, generally in accordance with South Burnett Regional Council Requirements. | Prior to submitting a plan of survey to the local government authority for endorsement and to be maintained at all times. |
| 3. | <p>(a) Road Works comprising an upgrade of the Bunya Highway/ Mullers Lane intersection to a rural property access standard Type C, must be provided at the Permitted Road Access Junction, generally in accordance with Rural Property Access prepared by the Department of Transport and Main Roads dated 3/2024 reference Standard Drawing 1807 revision C.</p> <p>(b) The Road Works must be sealed to a distance of 10 metres from the edgeline of the Bunya Highway with pavement type 1 as shown on Rural Property Access prepared by the Department of Transport and Main Roads dated 3/2024 reference Standard Drawing 1807 revision C.</p> | Prior to submitting a plan of survey to the local government authority for endorsement. |
| 4. | All works required in conditions 2 and 3 above must be constructed and maintained at no cost to the Department of Transport and Main Roads | At all times |

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site has frontage to Bunya Highway, a State-controlled Road. The site has access to Mullers Lane which is contained entirely within the Bunya Highway reserve and provides a single point of access to the Bunya Highway.
- b) Access for each lot at the property boundary as proposed is consistent with the *Vehicular access to state-controlled roads policy 2023* due to the effect of Mullers Lane providing a single connection point for all lots to the Bunya Highway carriageway.
- c) To ensure access to the lots does not result in an unacceptable impact to road safety on the Bunya Highway.
- d) To ensure access is constructed to a standard that is suitable to cater for anticipated use.
- e) The landowner and/or any person with an interest in the land is responsible to ensure access is maintained in accordance these conditions.
- f) Access at the permitted location should not create an unreasonable impact on the safe operation of Bunya Highway if constructed in accordance with the conditions of approval, and used in accordance with the road for the purposes identified in the application for access.

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

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

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

Further information about the decision

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

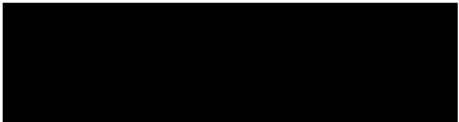
Further approvals

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

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ian Leyton, Senior Advisor (Corridor Management) should be contacted by email at WBB.IDAS@tmr.qld.gov.au on (07) 5482 0367.

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

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

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The development application (Council ref: RAL24/0041) seeks a Development Permit for reconfiguring a lot 1 into 4 lots.
- Access between a state-controlled road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- The subject site has frontage to the Bunya Highway, a State-controlled Road. The site has access to Mullers Lane which is contained entirely within the Bunya Highway reserve and provides a single point of access to the Bunya Highway.
- Therefore, the development is taken to include an application for access under section 62 of the *Transport Infrastructure Act 1994*.
- There is no record of a decision about access under section 62 of the *Transport Infrastructure Act 1994* for the existing access or the access arrangement proposed.
- Section 62 of the *Transport Infrastructure Act 1994* allows the department to decide about road access including the location and standard of access required, including maintenance obligations.
- Access for each lot at the property boundary as proposed is consistent with the *Vehicular access to state-controlled roads policy 2023* due to the effect of Mullers Lane providing a single connection point for all lots to the Bunya Highway carriageway.
- This decision will formalise approval for access to each of the parcels proposed and is also to ensure vehicular access is constructed and maintained to a standard that is suitable to safely cater for anticipated use.

Evidence or other material on which findings were based:

| Title of Evidence / Material | Prepared by | Date | Reference no. | Version/Issue |
|---|-------------|---|---------------|---------------|
| PSP 1 General Information Request Information for assessment responses. | Un authored | Attached to The planning attached to the planning applicat received 30 October 2024 | -- | -- |
| Proposed Subdivision Plan | Josh Reid | 7/10/2024 | Job 14 | -- |

| Title of Evidence / Material | Prepared by | Date | Reference no. | Version/Issue |
|--|--|--------------------------------|----------------------|----------------------|
| <i>Transport Infrastructure Act 1994</i> | Queensland Government | Current as at 19 February 2024 | | |
| Vehicular access to state-controlled roads policy: management of access between adjacent land and state-controlled roads | Department of Transport and Main Roads | 2023 | | |
| Road Planning and Design Manual 2 nd Edition | Department of Transport and Main Roads | Current as at October 2024 | | |

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

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

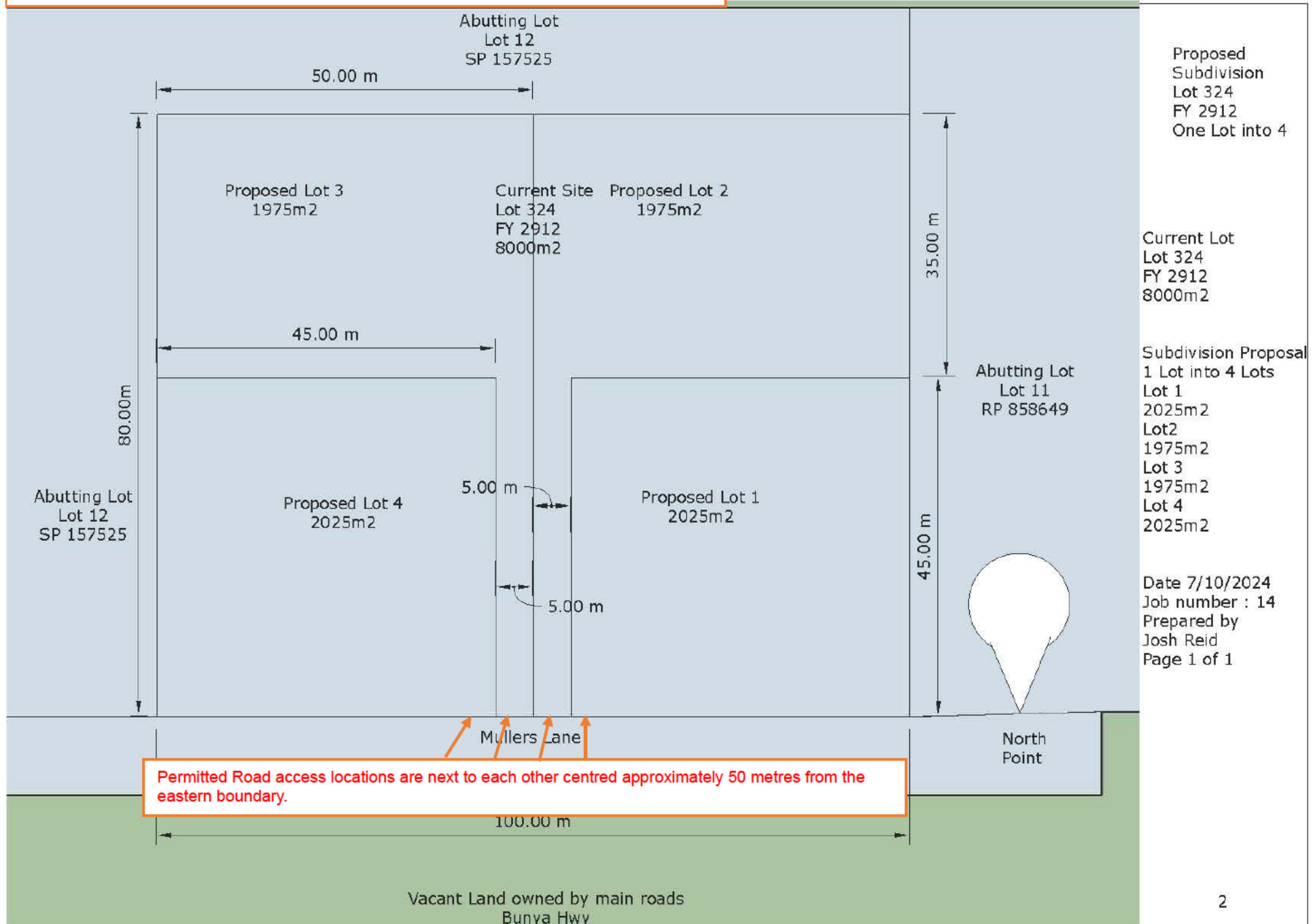
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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

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



Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

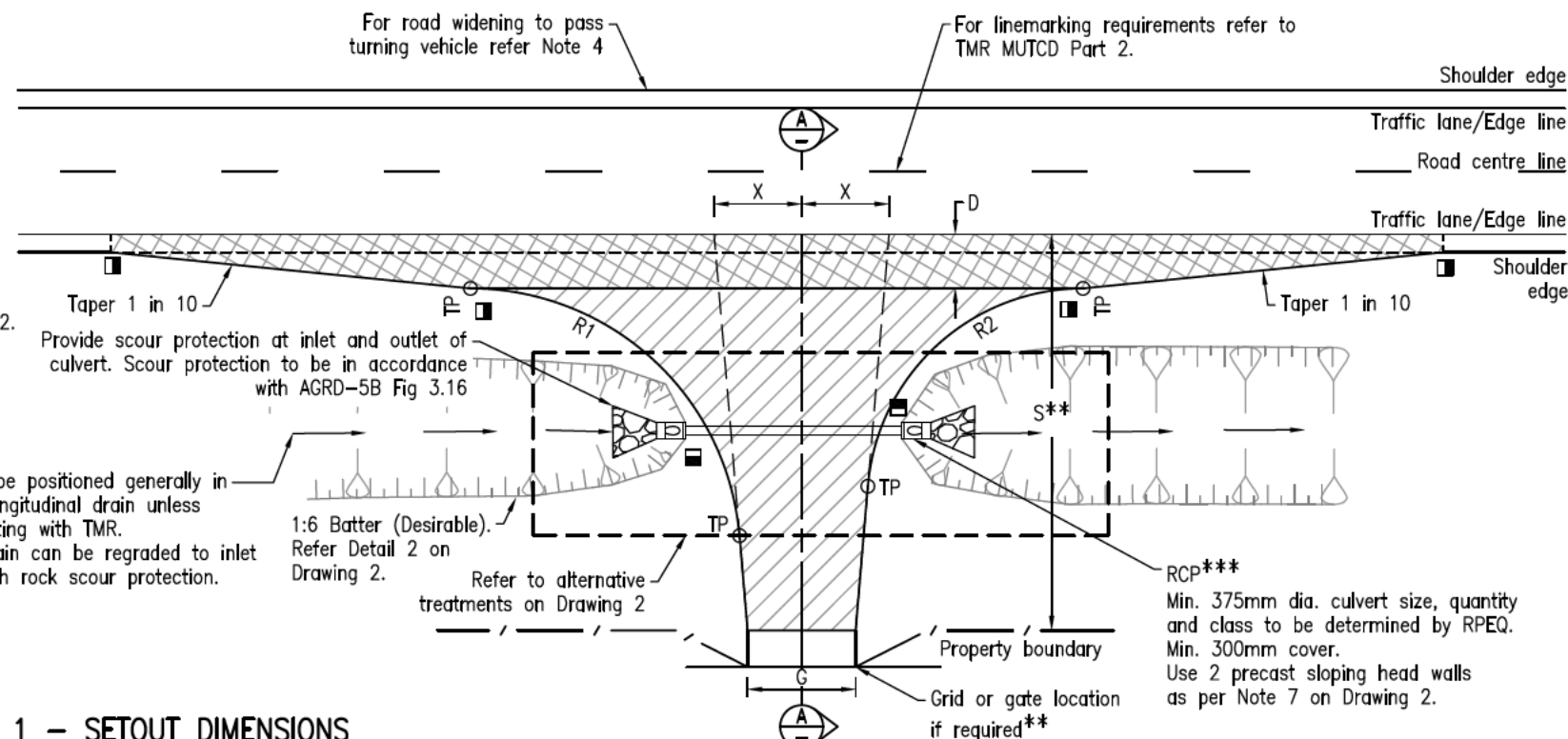
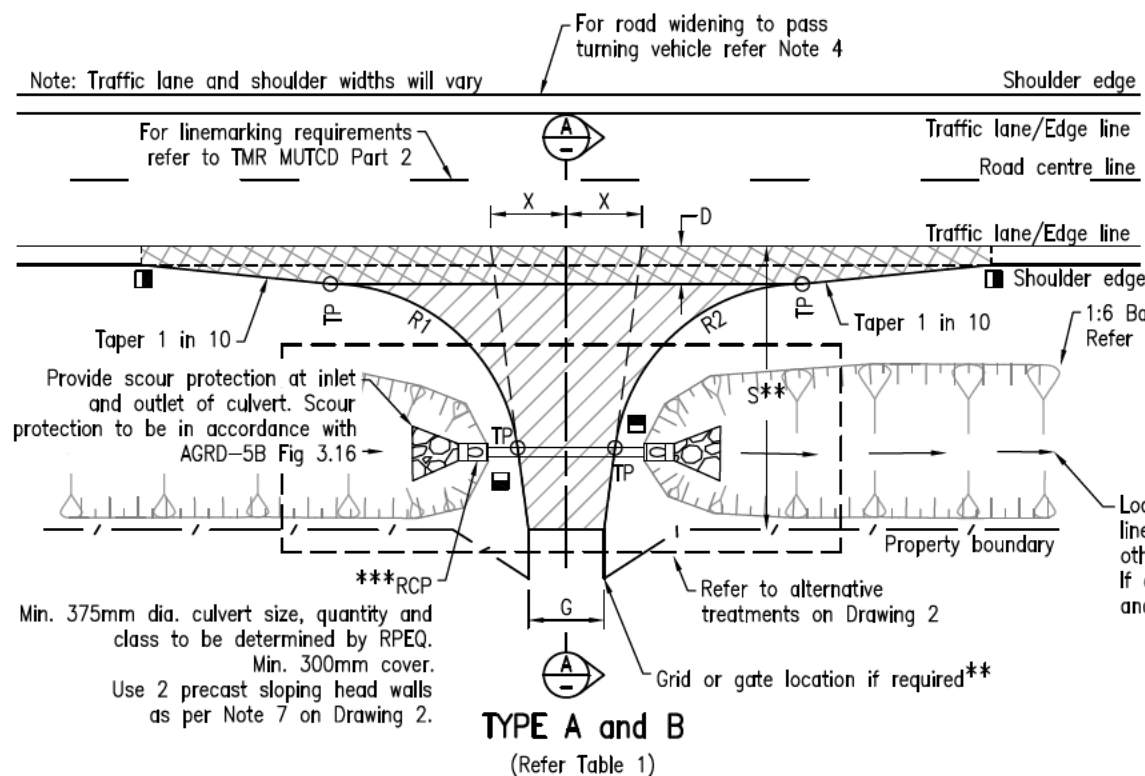


TABLE 1 – SETOUT DIMENSIONS

| | TYPE A Residential (Car/Service Vehicle) | TYPE B Commercial (Single Unit Truck/Bus) | TYPE C Special (Articulated Vehicles) | TYPE D Special (Road Train Type 1) |
|---|--|---|---|--|
| R1 | 10m | 10m | 15m | 20m |
| R2 | 10m | 10m | 12m | 12m |
| D | 2m | 2m | 3m | 3m |
| X | 3m | 5m | 4m | 5m |
| S | 12m | 15m | 22m | 30m** |
| G | 4–6m ∅ | 4–6m ∅ | 6m | 6m |
| ∅ 6m Minimum width for two-way two-lane access. | | | | |

LEGEND

- Pavement Type 1 – Bitumen surfacing, 2 coat bitumen seal. Pavement depth and type to match existing or proposed through road pavement. Refer to Table 2 for minimum depths.
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimise gravel on through road) to be determined by the RPEQ.
- * Maintain existing shoulder crossfall and superelevation.
- ** Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- *** RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post
- The Filled in portion denotes a red reflector and the open portion a white reflector.

TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH

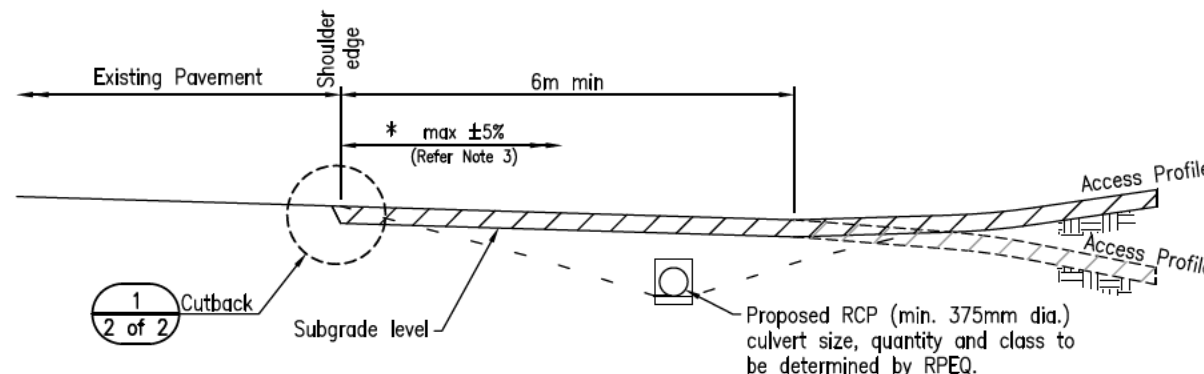
| | TYPE A Residential (Car/Service Vehicle) | TYPE B Commercial (Single Unit Truck/Bus) | TYPE C & D Special (Articulated Vehicles) |
|----------------------------------|--|---|---|
| Sealed Pavement Base Course | 150mm(Min.) Type 2.2 or match existing | 200mm(Min.) Type 2.2 or match existing | 280mm(Min.) Type 2.2 or match existing |
| Unsealed Pavement Base Course | 150mm(Min.) Type 2.4 or match existing | 200mm(Min.) Type 2.4 or match existing | # |

NOTE:

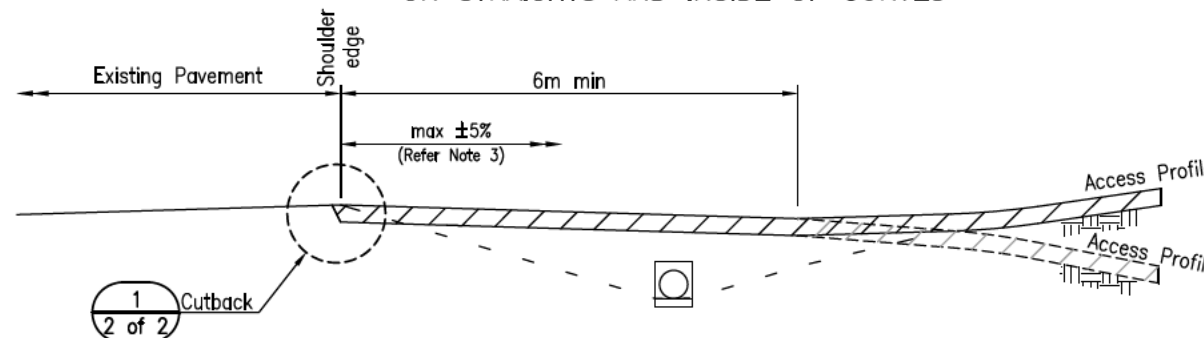
- Pavement to be sealed if through road is sealed to minimum of width 'D' of Table 1.
- Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.

Bitumen sealed pavement only.

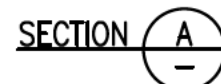
◆ Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.



ON STRAIGHTS AND INSIDE OF CURVES



ON OUTSIDE OF SUPERELEVATED CURVES



NOTES:

- Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to the RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 4 Sections 7.2.1 and 7.2.3.
- For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Part 4A in conjunction with AGRD.
- Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 – Parking Facilities Off-Street Commercial Vehicle Facilities.
- RPEQ or designer to conduct Traffic Impact Assessment to determine if turning treatments are required. For rural right-turn treatments, refer to Section 7 of the RPDM (2nd Edition) Volume 3 Part 4A in conjunction with AGRD. Note that Auxiliary Right Turns shall not be used. Pavement type to match existing or minimums specified in Table 2 of this drawing.
- This drawing is to be read in conjunction with Drawing 2 of 2.
- All dimensions in metres and are minimum unless specified.

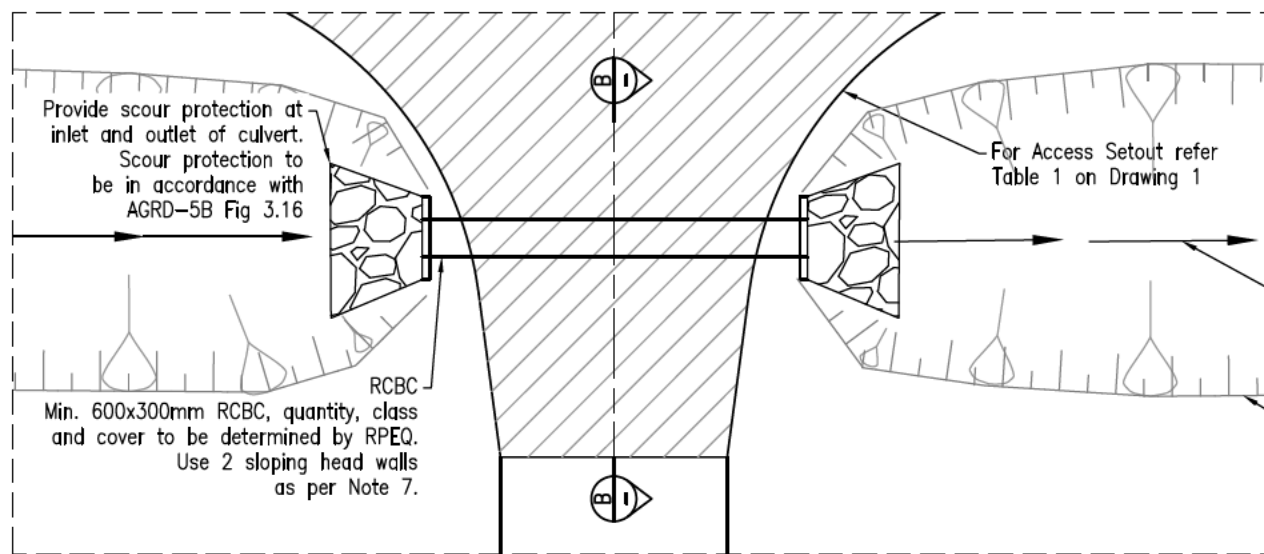
REFERENCED DOCUMENTS:

- Departmental Standard Drawings:
- 1243 Precast Culvert Headwalls – Headwall Connections for Culverts
 - 1305 Pipe Culverts – Headwall and Apron for Pipe Diameter 375 to 675
 - 1359 Culverts – Installation, Bedding and Filling/Backfilling Against/Over Culverts
- Departmental Documents:
- RPDM Road Planning and Design Manual (2nd Edition) Volume 3.
 - MRTS03 Drainage Structures, Retaining Structures and Embankment Slope Protections

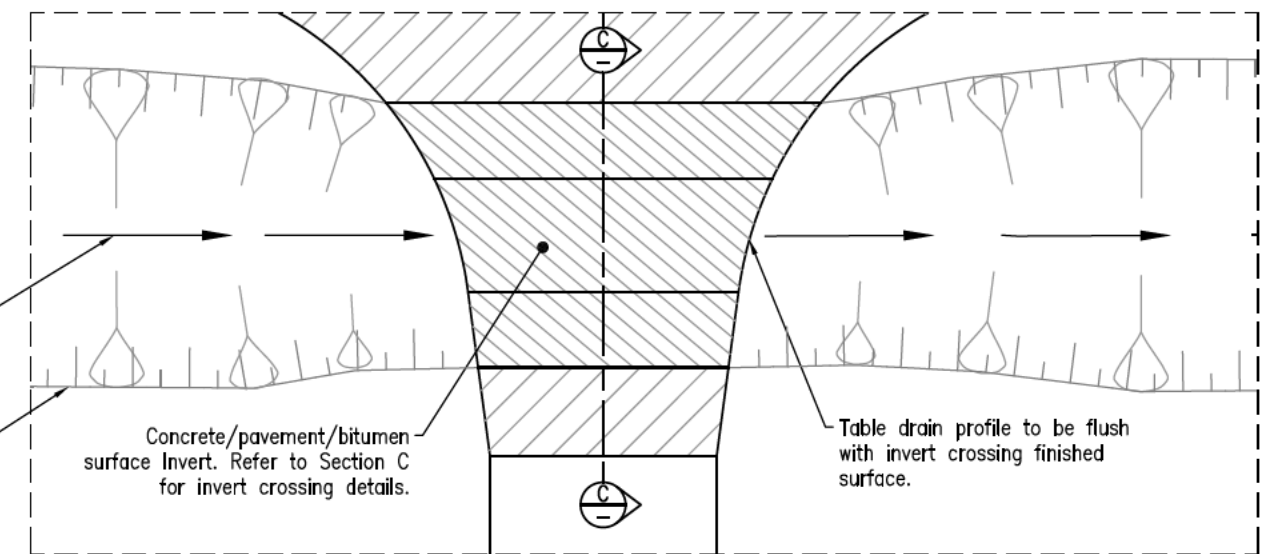
Austrroads Guide to Road Design:

- AGRD-4 (2023) Part 4: Intersections and Crossings – General
- AGRD-4A (2023) Part 4A: Unsignalised and Signalised Intersections
- AGRD-5B (2023) Part 5B: Drainage – Open Channels, Culverts and Floodway Crossings
- AGRD-6 (2022) Part 6: Roadside Design, Safety and Barriers

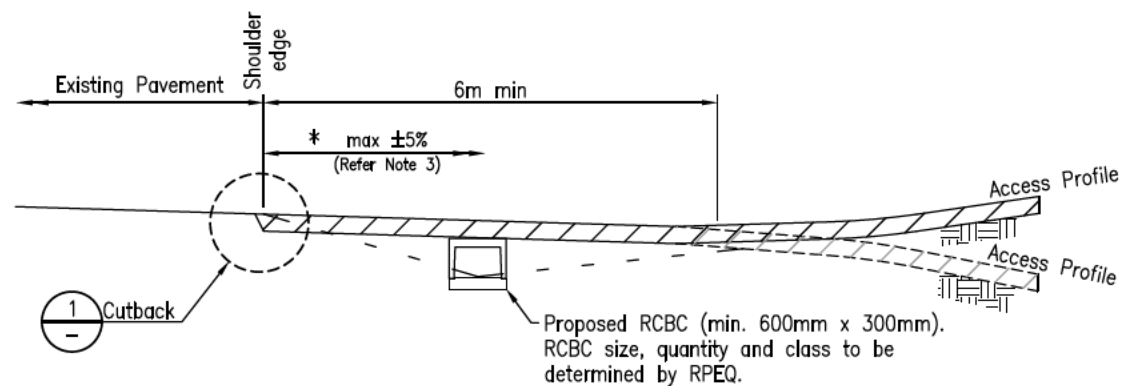
| | | | |
|---|---|---------------------|-------------|
| Department of Transport and Main Roads | | | |
| PROPERTY ACCESS | | Standard Drawing No | |
| RURAL PROPERTY ACCESS DRAWING 1 OF 2 | | A3 | 1807 |
| | | Not to Scale | Date 3/2024 |
| A | B | C | |



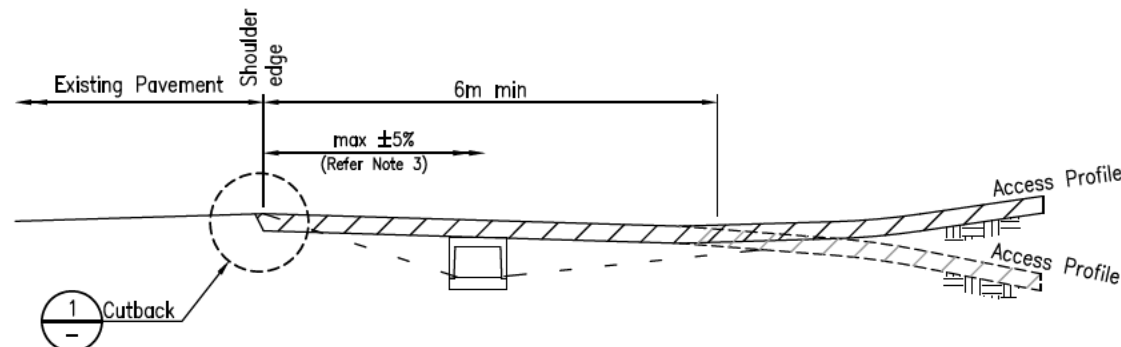
RC BOX CULVERT PLAN VIEW



INVERT CROSSING PLAN VIEW

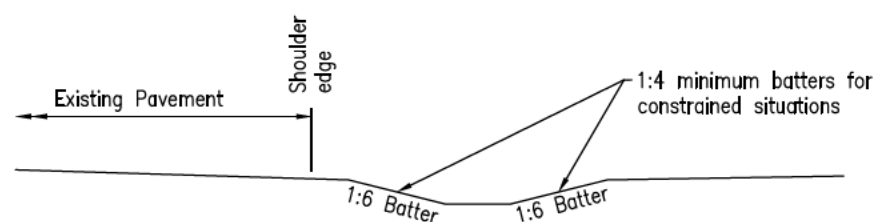


ON STRAIGHTS AND INSIDE OF CURVES



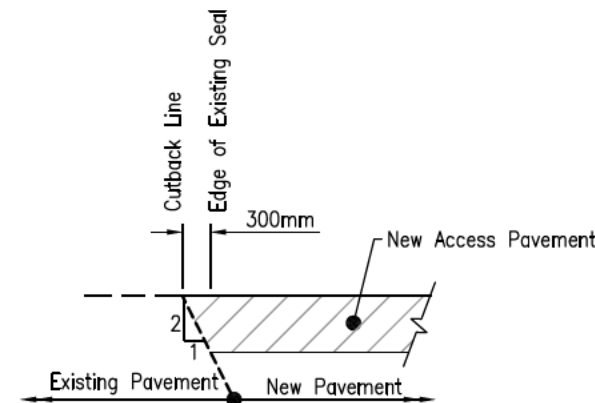
ON OUTSIDE OF SUPERELEVATED CURVES

SECTION B



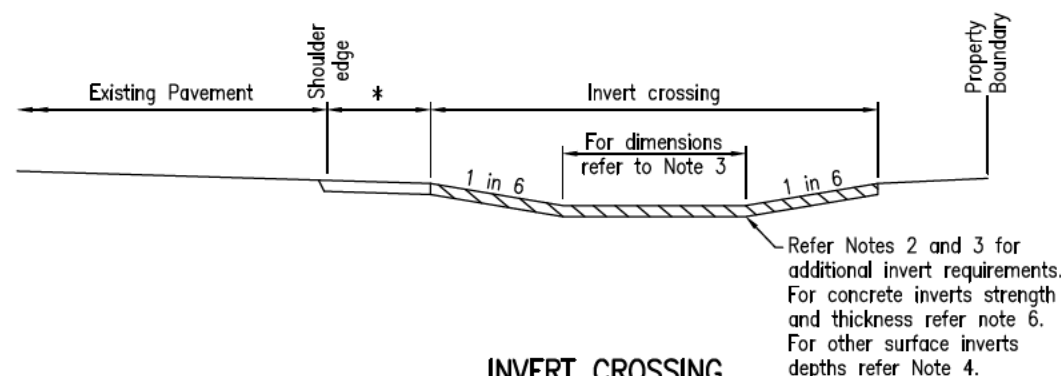
BATTER DETAIL

DETAIL 2



CUTBACK DETAIL

DETAIL 1



INVERT CROSSING

SECTION C

LEGEND



Pavement Type 2 - Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.



Invert crossing surface

* Maintain existing shoulder crossfall and superelevation.

NOTES:

1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Refer to RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 5B and Part 6 for application of sloping headwalls.

REFERENCED DOCUMENTS:

Departmental Standard Drawings:

1260 R C Box Culverts and Slab Link Box Culverts - Culverts Height = 375 To 600

1033 Kerb and Channel - Profiles

Australian Standards Documents:

AS2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities

| | | | |
|--|--------------|------------------------------------|-----|
| Department of Transport and Main Roads | | | |
| PROPERTY ACCESS | | | |
| RURAL PROPERTY ACCESS | | Standard Drawing No 1807 | |
| DRAWING 2 OF 2 | | Date 3/2024 | |
| A3 | Not to Scale | A | B C |

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and

- (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
 - (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –

decision includes-

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.