



SOUTH BURNETT
REGIONAL COUNCIL

Project Lead: Planning Officer – Zack Soper
Direct Telephone: 07 4189 9100
Our Reference: RAL24/0045

20 January 2025

Michael Guse
C/- ONF Surveyors
PO Box 896
KINGARROY QLD 4610

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

Dear Sir/Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 17 January 2025, Council's delegated authority decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: RAL24/0045
Street Address: 485 Wondai Proston Road & Weirs Road CHELMSFORD
Real Property Description: Lots 14 & 17 on FY221
Planning Scheme: South Burnett Regional Council

DECISION DETAILS

Type of Decision: Approval
Development Permit for Reconfiguration of a Lot – Boundary
Type of Approval: Realignment (2 Lots into 2 Lots)
Date of Decision: 17 January 2025

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is twelve (12) months 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	Ref No.	Rev.	Date Drawn
Boundary Realignment	ONF Surveyors	11644P/1	-	22/10/2024

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

- GEN5. 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

- GEN6. 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

- GEN7. All existing on-site structures, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross a property boundary.

VALUATION FEES - RAL

- RAL1. 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 \$107.00 (2 x \$53.50); however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

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, 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. 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.

VEHICLE ACCESS

- ENG7. Construct a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, to access proposed Lot 117.

TELECOMMUNICATION

- ENG8. Provide telecommunications to all lots within the development.

ELECTRICITY

- ENG9. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.
- ENG10. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

SERVICES - EXISTING CONNECTIONS

- ENG11. Ensure that all services provided to the existing house on proposed Lot 114 are wholly located within the lot(s) it serves.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG12. 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.

ENG13. 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, Item 1 (10.9.4.2.1.1) – Reconfiguring a lot within 25 metres of a state-controlled road (Planning Regulation 2017)	The agency provided its response on 23 December 2024 (Reference No. 2411-43486). 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
11644P/1	-	<i>Boundary Realignment</i> , prepared by ONF Surveyors.	22/10/2024

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. The currency period for this development approval for Boundary Realignment is 12 months after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

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

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.

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

ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to Section 119 of the *Planning Act 2016*.

CONCURRENCE AGENCY

ADV5. The State Assessment Referral Agency has imposed conditions on the development permit as attached.

PROPERTY NOTES

Not Applicable.

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
ACTING MANAGER PLANNING & DEVELOPMENT

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

cc SARA

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: M Guse
C/- ONF Surveyors
PO Box 896
KINGAROY QLD 4610

APPLICATION: Reconfiguring a Lot - Boundary Realignment (2 Lots into 2 Lots) -- Code Assessable

DATE: 20/01/2025

FILE REFERENCE: RAL24/0045

AMOUNT OF THE LEVIED CHARGE: **\$0.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$0.00	Transport Network
\$0.00	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: **Lots 14 & 17 on FY221**

SITE ADDRESS: 485 Wondai Proston Road & Weirs Road, Chelmsford

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
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	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 Lots	2	Allotments	\$2,410.00	CR Table 2.3	\$4,820.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	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 Lots	2	Allotments	\$2,009.00	CR Table 2.3	\$4,018.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Levied Charges

Development Description		Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
[Component Description]	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

** 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 Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au



SARA reference: 2411-43486 SRA
Council reference: RAL24/0045
Applicant reference: 12658K

23 December 2024

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

Attention: Zack Soper

Dear Mr Soper

SARA referral agency response — Wondai Proston Road, Chelmsford

(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 20 November 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	23 December 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 for Boundary Realignment (2 Lots into 2 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: 2411-43486 SRA

Assessment manager: South Burnett Regional Council

Street address: Wondai Proston Road, Chelmsford

Real property description: Lots 14 and 17 on FY221

Applicant name: Michael Guse C/- ONF Surveyors

Applicant contact details: PO Box 896
KINGAROY QLD 4610
admin@onfsurveyors.com.au

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: TMR24-044325
- Date: 23 December 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 WBB.SARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning Services

cc Michael Guse C/- ONF Surveyors , admin@onfsurveyors.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Development Permit - Reconfiguring a Lot - (RAL) – Boundary Realignment (Two into Two 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) The road access location for Proposed Lot 114 is to be located generally in accordance with the "Boundary Realignment" plan prepared by ONF Surveyors dated 22 October 2024 as amended in red by the State Assessment and Referral Agency (SARA) on 23 December 2024.</p> <p>(b) Road access works comprising of an Invert Crossing, (at the road access location) must be provided generally in accordance with the Department of Transport and Main Roads' Standard Drawing 1807, Drawing 2 of 2, Revision C dated March 2024;</p> <p>(c) The road access works must be designed and constructed in accordance with Department of Transport and Main Roads' <i>Road Planning and Design Manual 2nd Edition</i> at no cost to the Department of Transport and Main Roads.</p>	<p>(a) and (c) At all times</p> <p>(b) Prior to submitting the Plan of Survey to the local government for approval</p>
2.	Direct access is not permitted between the Wondai – Proston Road and Proposed Lot 117. All access must be provided via the local road (Weirs Road).	At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.1). If a word remains undefined it has its ordinary meaning.
2.	<p><u>Road Works (including road access works) in a state-controlled road</u></p> <p>Condition Numbers 3 and 4 of the Department of Housing, Local Government, Planning and public works (SARA) referral agency response relate to road works in a state-controlled road. Under Section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. Please be aware the road works approval process takes time. For more information or enquiries about road works approval, please contact DTMR's Bundaberg Office via email to WBB.IDAS@tmr.qld.gov.au and quote "TMR24-044325".</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 involves reconfiguring a lot for two (2) lots into two (2) lots (boundary realignment) and proposed Lot 114 will use existing access on the state-controlled road (Wondai – Proston Road) and no new accesses from the state-controlled proposed for Lot 117 (access will be along Weirs Road closer to Coulsens Road).

The scale of the development, and intended future use of the proposed lots, ensures appropriate access arrangements while minimising impacts on the state-controlled road network.

The development complies with State Code 1: Development in a State-Controlled Road Environment as outlined in the State Development Assessment Provisions (SDAP) version 3.1.

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 [delete if not used]
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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WONDAI PROSTON ROAD

WEIRS ROAD

114
1.4 ha

Proposed
Boundaries

Existing
Access

Shed
House
Cottage
(Disused)

Dam

Permitted Road Access Location -
refer to Condition No.1

15
FY221

Existing Boundary

117
128 ha

2
RP83495

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2411-43486 SRA

Date: 23 December 2024

Amended in red by SARA on

23 December 2024

0m 100m 200m

COULSENS ROAD

R.P.D.
Lots 14 & 17 on FY221

NOTES: Areas & dimensions
are approximate only and
subject to field survey.

REG OWNERS. M G Guse

LEVEL DATUM:- N/a
CONTOUR INT:- N/a

SCALE : 1 : 5,000

DRAWN: NB 22/10/2024 L:\projects\location\Wondai\12658\Proposal Plan\12658 P1.dwg



Ph. (07) 4162 2647

Email: admin@onfsurveyors.com.au

CLIENT

M GUSE

TITLE

Boundary Realignment

LOCALITY 485 Wondai Proston
Rd & Weirs Rd
CHELMSFORD

DRAWING No. 11644P/1

Sheet No. 1 of 1 Rev -

Our ref TMR24-044325
Your ref
Enquiries Bryan Richters



23 December 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 RAL24/0045, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 14 FY221 and Lot 17 FY221 the land the subject of the application, and the Wondai – Proston Road (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 M Guse C/- ONF Surveyors
PO Box 869
Kingaroy QLD 4610

Application Details

Address of Property 485 Wondai Proston Road, Chelmsford QLD 4606
Real Property Description Lot 14 FY221 and Lot 17 FY221
Aspect/s of Development Development Permit for Reconfiguration of a Lot for
Reconfigure a Lot - Boundary Realignment Two (2) Lots into
Two (2) 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	The Permitted Road Access Location for proposed Lot 114 is located about 54 metres from the western common boundary between proposed Lots 114 and 117 generally in accordance with " <i>Boundary Realignment</i> " Plan prepared by ONF Surveyors dated 22 october 2024 amended in red by the Department of Transport and Main Roads dated 18 December 2024.	At all times.

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

No.	Conditions of Approval	Condition Timing
2	Road Access Works comprising of an Invert Crossing must be provided at the permitted access location described in Condition Number 1, generally in accordance with Drawing 2 of 2 Department of Transport and Main Roads Drawing Number 1807 Revision C, see attached.	Prior to the lodging the Plan of Survey to the local government for approval and to be maintained at all times.
3	Direct access is prohibited between the Wondai – Proston Road and proposed Lot 114 at any other location other than the Permitted Road Access Location described in Condition Number 1.	At all times
4	Direct access is prohibited between the Wondai – Proston Road and proposed Lot 117. All vehicular access must be provided via Weirs Road.	At all times
5	The standard of road access works specified in Condition Number 2 must be constructed and maintained to the nominated standard by the landowner and/or other person/s with an interest in the land at no cost to the Department of Transport and Main Roads.	At all times
6	Any gate constructed that controls access must be located wholly within the land and the gate must open away from the Wondai – Proston Road. <i>Note: Guidance about positioning of gates for accesses can be found in Figure 7.2 of Austroads Guide to Road Design Part 4 (2023) as referenced in TMR's Road Planning and Design Manual 2nd Edition.</i>	At all times

Reasons for the decision

The reasons for this decision are as follows:

- a) To ensure vehicular access does not compromise the safety of road users of the state-controlled road network or any other transport infrastructure.
- b) To ensure vehicular access is consistent with the functional requirements of the state-controlled road network.
- c) To ensure the access standard between the land and the Wondai – Proston Road can cater for expected traffic types and volumes for the existing land use of Lot 114.

- d) A single point of access for Lot 114 is consistent with Principle 2 and Strategy 3 of the Department of Transport and Main Roads' *Vehicular access to state-controlled roads policy, 2023*.
- e) Requiring access via Weirs Road is consistent with principle 2 Strategy 2 of the Department of Transport and Main Roads' *Vehicular access to state-controlled roads policy 2023*.
- f) To ensure the access is constructed and maintained generally in accordance with accepted road design standards at all times and at no cost to the Department of Transport and Main Roads.

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

There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.

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

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.

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.

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 (TMR) also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from TMR 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. If you have any questions about what works are required to comply with the nominated standard, please forward your enquiry to WBB.IDAS@tmr.qld.gov.au and quote TMR24-044325.

If further information about this approval or any other related query is required, Mr Bryan Richters, Advisor (Corridor Management) should be contacted by email at WBB.IDAS@tmr.qld.gov.au or on (07) 4154 0280.

Yours sincerely

A handwritten signature in black ink, appearing to read 'amc', followed by a long horizontal flourish.

Andrea McPherson
Senior Town Planner

Attachments: *Attachment A – Decision evidence and findings*
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Boundary Relignment Plan prepared by ONF Surveyors amended in red by TMR
Department of Transport and Main Roads Standard Drawing 1807 Revision C

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road and adjacent land is managed by the Department of Transport and Main Roads (TMR) under the *Transport Infrastructure Act 1994* (TIA). The objective of the TIA requires the establishment of a road regime that is safe and efficient.
- TMR's *Vehicular access to state-controlled roads policy 2023* (VAP) outlines state-wide principles which will be applied by TMR when making decisions relating to vehicular access between state-controlled roads and adjacent land.
- Lot 14 FY221 abuts a state-controlled road (Wondai – Proston Road) and a local road (Weirs Road). Lot 17 FY221 only has road frontage to a local road (Weirs Road).
- Section 62 of the TIA provides powers to the Chief Executive of TMR to make decisions about permitted road access locations between particular land and a state-controlled road.
- Section 62(1)(g) of the TIA allows TMR to decide about road access works being a stated type, standard or extent or be constructed in a stated way.
- A development application seeking a boundary realignment (two lots into two lots) has been made to the South Burnett Regional Council (Reference RAL24/0045). There is no Section 62 decision in force between the subject land and the realigned lots proposed by Development Application Reference RAL24/0045.
- The boundary realignment will result in the existing dwelling use being contained within a new lot (proposed Lot 114) which will only have frontage to the Wondai – Proston Road. Proposed Lot 117 will have frontage to both the Wondai - Proston Road and Weirs Road.
- The Boundary Realignment Plan prepared by ONF Surveyors dated 22 October 2024 Reference Drawing Number 11644P/1 shows an existing access between the Wondai – Proston Road and proposed Lot 114
- The Boundary Realignment Plan prepared by ONF Surveyors dated 22/10/2024 Reference Drawing Number 11644P/1 shows no direct access between the Wondai – Proston Road and proposed Lot 117.
- Direct access between the Wondai – Proston Road and proposed Lot 114 will be retained for the established dwelling and ancillary shed. Ensuring access is obtained at a single location complies with Principle 2, Strategy 3 of the VAP.

- Access to proposed Lot 117 can be feasibly provided via the local road network. Ensuring access is obtained via a local road (such as Weirs Road) will achieve compliance with Principle 2, Strategy 2 of the VAP.
- Obtaining access at the approved location and ensuring the road access works are constructed and maintained generally in accordance with Invert Crossing as per TMR Standard Drawing 1807 Revision C will ensure access to the land does not have an unreasonable impact the on safety, function, and operational efficiency of the Wondai – Proston Road.
- Maintaining the road access works between the Permitted Road Access Location and the Wondai – Proston Road shoulder to a safe and trafficable standard and at no cost to TMR will ensure access to the land does not adversely impact the safety, function and operational efficiency of the state-controlled road network.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	Current as at 27 November 2024	---	---
Vehicular access to state-controlled roads policy	Department of Transport and Main Roads	2023	---	---
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at 27 November 2024	---	---
MyDAS 2 record	M Guse C/- ONF Surveyors	27 November 2024	2411-43486 SRA	---
Rural Property Access	Department of Transport and Main Roads	March 2024	Standard Drawing 1807	C
Boundary Relainment Plan amended in red by TMR	ONF Surveyors	22 October 2024	Drawing 11644P/1	---

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.

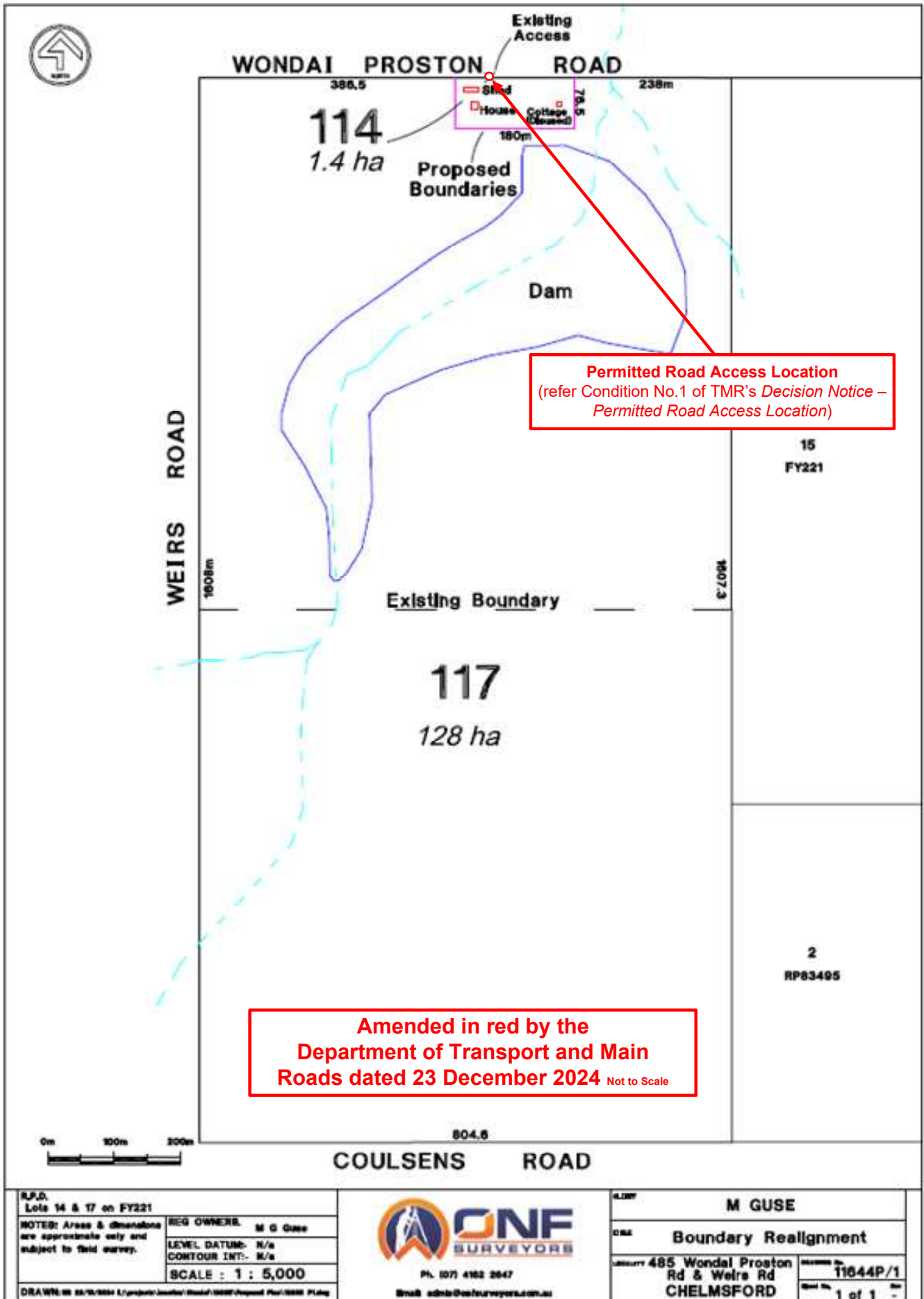
(2) However, if—

(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.



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.

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**

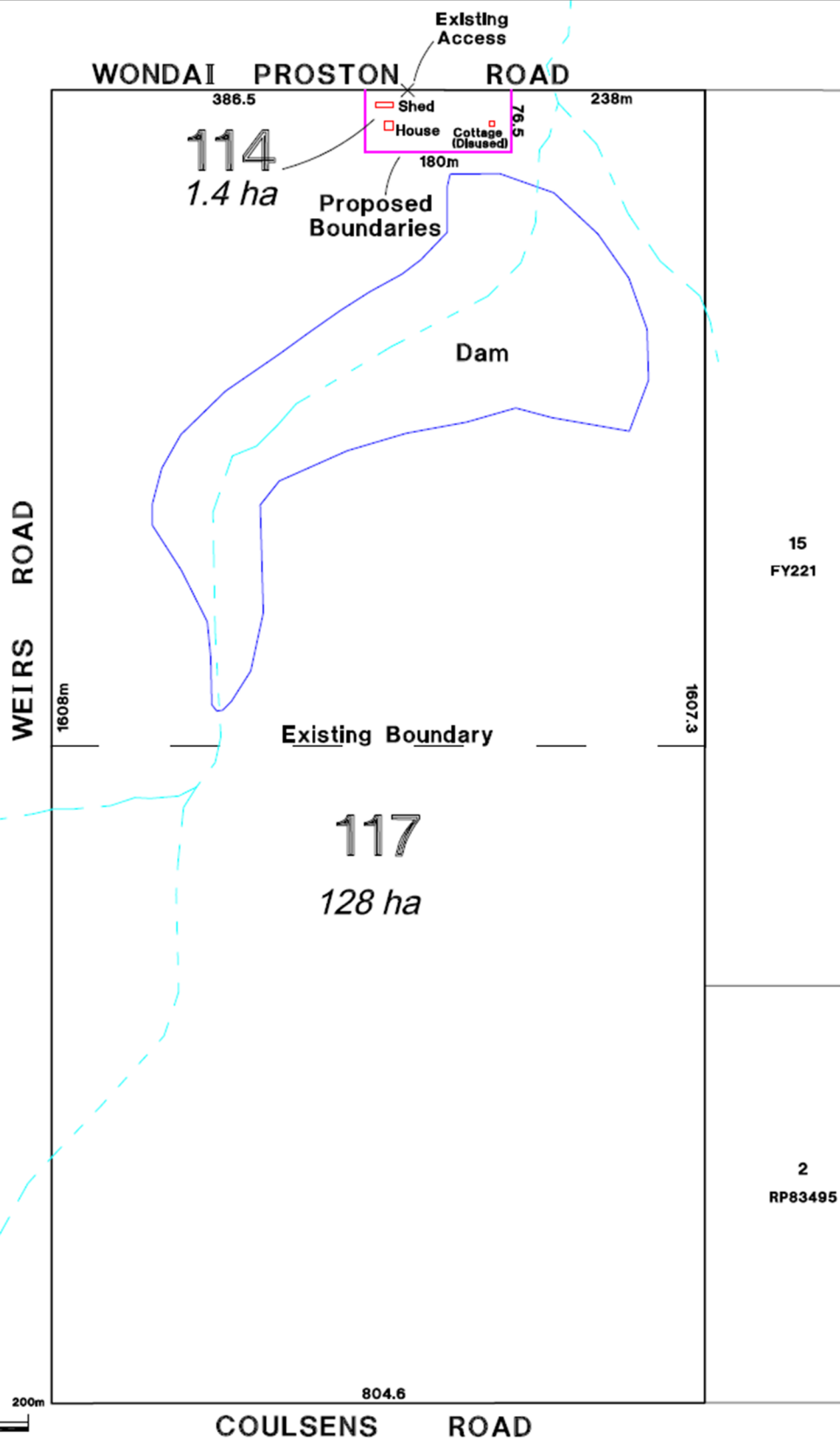
Part 6: Changes to the application and referral agency responses

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.



R.P.D.
Lots 14 & 17 on FY221

NOTES: Areas & dimensions are approximate only and subject to field survey.

REG OWNERS. M G Guse

LEVEL DATUM:- N/A

CONTOUR INT:- N/A

SCALE : 1 : 5,000

DRAWN: NB 22/10/2024 L:\projects\location\Wondal\12698\Proposed Plan\12698 P1.dwg



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CLIENT M GUSE

TITLE Boundary Realignment

LOCALITY 485 Wondal Proston Rd & Weirs Rd CHELMSFORD

DRAWING No. 11644P/1

Sheet No. 1 of 1

Rev -

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.