Queensland Government

Department of Infrastructure, Local Government and Planning

Our reference: SPD-0816-029450
Your reference: 4571
Your reference: D/136-2011

30 August 2016

The Chief Executive Officer
Rockhampton Regional Council
enquiries@rrc.qld.gov.au

Dear Sir/Madam,

Notice about request to extend relevant period
101 Nine Mile Road, Mount Morgan QLD 4714 (82 RN338; 1944 RAG4057)
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 2 August 2016 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is 48 months.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

If you require any further information, please contact Glenn Druery, A/Senior Planning Officer, on 4924 2907, or via email RockhamptonSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Anthony Walsh
A/Manager (Planning)

Fitzroy/Central Regional Office
Level 2, 209 Bolsover Street
PO Box 113
Rockhampton QLD 4700

Queensland Government

19 April 2012

ROCKHAMPTON REGIONAL COUNCIL
File No: D136/2011 Doc No:
Action Officer: Zet Town Planning
23 APR 2012
Mark to: 2
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QDAN: v: Ref:
Box No: Yrs: P

The Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Attention: Anton de Klerk

Dear Sir

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development:	Development Permit for Reconfiguring of Lot (1 into 8)
Real Property Description:	Lot 82RN338
Street Address:	101 Nine Mile Road, Mount Morgan QLD 4714
Assessment Manager ref.:	D/136-2011
Local Government Area:	Rockhampton Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 9 June 2011.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA in accordance with the following submitted material:

Name of Report/ Plan Title	Author/ Consultant	Report/ Plan Number & Version	Report/Plan Date
Golf Links Road/Burnett Highway Intersection Engineering Assessment Report	Cardno (Qld) Pty Ltd	R130907 (Version 2)	02 April 2012

Department of Transport and Main Roads
Program Delivery and Operations
Fitzroy Region
31 Knight Street North Rockhampton Queensland 4701
PO Box 5096 Red Hill Rockhampton Queensland 4701

Our ref TMR11-000111
Your ref D/136-2011
Enquiries Kristofina Asino
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Mount Morgan Rural Subdivision Traffic Operation Assessment	Cardno (Qld) Pty Ltd	R103907 (Final Version)	28 March 2012
Plan of Development Proposed Subdivision Lot 82 on RN338 Lots 500 - 507	Capricorn Survey Group	4571A-PRO (Rev. B)	-

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

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

If you have any questions or wish to seek clarification about any of the details in this response, please contact Kristofina Asino, Town Planner (Corridor Management and Operations) on 07 4931 1686.

Yours sincerely

Chris Hewitt
Manager (Corridor Managment & Operations)

Enc. Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons

C/c Paul Gryce William Czislowski
c/ - Capricorn Survey Group (CQ) Pty Ltd
PO Box 1391
Rockhampton QLD 4700

Queensland Government

Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons

Proposed Development: Development Permit for Reconfiguring of Lot (1 into 8)
Real Property Description: Lot 82RN338
Street Address: 101 Nine Mile Road, Mount Morgan QLD 4714
Assessment Manager ref.: D/136-2011
Local Government Area: Rockhampton Regional Council

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
1	Development must be carried out generally in accordance with the following plan, except as modified by these concurrence agency conditions: • Capricorn Survey Group's *Plan of Development Proposed Subdivision Lot 82 on RN338 Lots 500 - 507* drawing number 4571A-PRO (Rev. B)	Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994. The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plan and/or submitted report/s which depict how the proposed development will be carried out.
2	(a) The applicant must regrade Burnett Highway in accordance with Chapter 13 of the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice and Austroads to achieve appropriate sight visibility at the intersections of Burnett Highway with "Golf Links Road" and Cooks Road.	(a) (e) Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994 (TIA). The proposed development require access to the allotments via the intersections of Burnett Highway with Golf Links Road (existing unnamed road reserve that provides access to the Golf Course) and Cooks Road. Both intersections

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	The design parameters to be adopted include a design speed of 110km/h and all design shall be within the Normal Design Domain (NDD). The Department of Transport and Main Roads will not consider the use of the Extended Design Domain (EDD).		have serious sight visibility problems, with visibility from the Golf Course Access Road being restricted to the north and visibility from Cooks Road being restricted to the south.
(b)	The applicant must upgrade both "Golf Links Road" and Cooks Road intersections with the Burnett Highway to a BAR/BAL standard in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice and Austroads.		The intersections upgrades and regrading of the Burnett Highway is required as a result of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network.
(c)	The intersections upgrades must be designed and constructed to include the installation of lighting at the intersections of Burnett Highway with both "Golf Links Road" and Cooks Road, in accordance with Chapter 17 of the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice.		This is also in line with Cardno (Qld) Pty Ltd's *Golf Links Road/Burnett Highway Intersection Engineering Assessment Report* (Reference No.: R130907, Version 2) dated 02 April 2012, which shows that there is limited sight distance to the north of the Golf Links Road / Burnett Highway intersection, and several other safety issues currently exist on this section of the highway. The above report further shows that the recommended upgrades is one of the options that can address the intersection sight distance and associated safety issues.
(d)	The regrading of the highway (and any works associated with the augmentation), intersections upgrades, property accesses and earthworks, and any necessary alterations to other existing intersections (such as Burnett Highway/Murray Street intersection) must be provided by the applicant at no cost to the Department of Transport and Main Roads.		Comments or additional information: In accordance with Section 33 of the TIA, you must have written approval to carry out road
(e)	All adjustments and/or relocations to existing services within		

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
	the state-controlled road reserve as a result of the development are at the applicant's expense.		works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 4931 1559 to make an application for approval under section 33 of the TIA to carry out road works. The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx. Where services within the state-controlled road reserve will be impacted by the development, the applicant will need to contact the relevant service provider.
3	Where services (required to serve this development) are proposed to be laid/placed within the boundaries of the State-controlled road reserve, they shall be laid/placed in accordance with the Department of Transport and Main Roads' requirements.	At all times	The purposes of the Transport Infrastructure Act 1994 (TIA). The Department of Transport and Main Roads is concerned that the placement of services by developers in the State-controlled road reserve may restrict future upgrading works in the reserve

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
4	(a) The applicant shall prepare plans in accordance with RFCD-0101 and submit the plans to Rockhampton Office of the Department of Transport and Main Roads for approval. No works (including installation of services) are to commence within the state-controlled road reserve until approval of the plans showing the works in the state-controlled road reserve is issued by the Department of Transport and Main Roads. (b) All works in the state-controlled road reserves are required to be completed and accepted by the Department of Transport and Main Roads.	(a) Prior to commencement for any works within the State-controlled road reserve (b) Prior to submitting the Plan of Survey to the local government for approval	In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads (Rockhampton Office) on 4931 1559 to make an application for approval under section 33 of the TIA to carry out road works. The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx. Where services within the state-controlled road reserve will be impacted by the development, the applicant will need to contact the relevant service provider.
5	Bonding of any of the conditions not completed at the requisite date as stated will not be permitted unless the Department of Transport and Main Roads has given written agreement to the bonding of the condition.	Prior to submitting the Plan of Survey to the local government for approval	The purposes of the Transport Infrastructure Act 1994 The Department of Transport and Main Roads is concerned the non fulfilment of its conditions and the bonding of the conditions without the Department of Transport and Main Roads' agreement can compromise the safety and

No.	Conditions of Development	Condition Timing	Jurisdiction and Reasons
			efficiency objectives of the State-controlled road.
6	The approval lapses if the proposed reconfiguring of the lots does not start within four (4) years from the day the approval takes effect unless the assessment manager prescribes a shorter period under sections 341(2)(a) or 341(2)(c) of the Sustainable Planning Act 2009 in its conditions of approval.		The Department of Transport and Main Roads has the concurrence agency powers under the Sustainable Planning Act 2009. The Department of Transport and Main Roads needs to be assured that the development is carried out within a reasonable timeframe that is consistent with the legislated timeframe.

Advice for state controlled roads
Under section 43 of the *Transport Infrastructure Act 1994*, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway; and beyond the boundaries of the motorway; and reasonably likely to create a traffic hazard for the motorway.
Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 4931 1559 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).
An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State-Controlled Roads) Regulation 2006*. Please contact the Department of Transport and Main Roads on 4931 1522 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.
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 *transport noise corridor*. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a *transport noise corridor* are designed and constructed to reduce transport noise. *Transport noise corridor* means land designated under Chapter 8B of the *Building Act 1975* as a *transport noise corridor*. Information about *transport noise corridors* is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated *transport noise corridor*. This tool is available at the Department of Local Government and Planning website (http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.
Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.
Pursuant to Section 80 of the *Transport Infrastructure Act 1994*, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.

INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the *Sustainable Planning Act 2009* (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

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