

7 June 2011



**Queensland
Government**

Brown & Hurley Pty Ltd
GSPC
Attn: Mr. Sunil Govind
PO Box 379
Gracemere Qld 4702

Dear Sir

NEGOTIATED REFERRAL AGENCY'S RESPONSE

**Rockhampton Region: Bruce Highway (Rockhampton - St. Lawrence)
Proposed Reconfiguring of Lot (1 Lot into 5 Lots)
Application No D-599/2008
Lot 41 on SP169165
Situated at 985 - 1005 Yaamba Road, Parkhurst
For Brown & Hurley Pty Ltd**

I refer to the above application and the notice to stop the decision making period received by the Department of Transport and Main Roads (the Department) on 19 May 2008 and 03 June 2010 respectively, as well as to the representations received by the Department on 26 August 2010 and 21 September 2010, relative to the above application.

This Department has investigated your request and pursuant to section 3.3.17(1) of the *Integrated Planning Act 1997* advises that it plans to amend its response and issue conditions of development (including amending *Condition 3.2*), as outlined in the attached **Department of Transport and Main Roads' Negotiated Conditions of Development Approval (including Statement of Reasons)**

Please note that the negotiated response is only from the Department of Transport and Main Roads as a referral agency for State-controlled roads. The former Queensland Transport's response (and associated conditions of development) dated 03 June 2008 (reference 890/02498 BRIS-1649 P27976) shall still apply.

Department of Transport and Main Roads
Corridor Management and Operations
Fitzroy Region (Rockhampton Office)
31 Knight Street North Rockhampton Queensland 4701
PO Box 5096 Red Hill Rockhampton 4702

ABN 39 407 690 291

Our ref 500/10 AAB:rz: E14679 (DCT 1112)
Your ref D-599/2008
Enquiries Amanda Barram
Telephone +61 7 4931 1598
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Website www.tmr.qld.gov.au

Copies of this letter and the proposed Negotiated Conditions of Development (including Statement of Reasons) have been sent to the assessment manager advising them of the changes.

Yours sincerely



Terry Hill
Regional Director (Fitzroy)



**Queensland
Government**

File N° 500/10 AAB:rzt E14679 (DCT 1112)

B/c Chief Executive Officer
Rockhampton Regional Council - Rockhampton Office
PO Box 1860
Rockhampton Qld 4700

For your information.



Terry Hill
Regional Director (Fitzroy)

7 June 2011

TRANSPORT AND MAIN ROADS' NEGOTIATED CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

1. DEVELOPMENT PLANS			
<p>Development shall be carried out generally in accordance with the following plans and supporting information provided except as modified by the conditions:</p> <ul style="list-style-type: none"> o Gracemere Surveying and Planning Consultants' Proposed Lots 49 - 53 and Easements C-G in Lots 49 - 53 Respectively, Cancelling Lot 41 on SP226572, drawing number 070008-10 dated 28 April 2010, as modified by: <ul style="list-style-type: none"> • Covey Associates' Proposed Subdivision Plans, drawings/references number, 09935-P1 to 09935-P4 (all issue C), except as modified by the Hayes Traffic Engineering's Revised Traffic Assessment report dated 23 August 2010. 	<p>The assessment of the impacts on the State controlled roads from the proposed development and management measures recommended relate to the plans and supporting information provided.</p>	<p>The Department of Transport and Main Roads has the power under section 3.3.16 of the <i>Integrated Planning Act 1997</i>. In accordance with Hayes Traffic Engineering's Revised Traffic Assessment report dated 23 August 2010.</p>	
2. ACCESS			
2.1	<p>Vehicular access at the permitted road access location, constructed to the department's standards will provide an acceptable access to the subject land without compromising the safety and efficiency of the State-controlled Road network.</p>	<p>This Department has the power under section 62 of the <i>Transport Infrastructure Act 1994</i> to manage access between properties and State-controlled roads. This Department's Access Policy supports section 62 of the <i>Transport Infrastructure Act 1994</i>.</p>	

TRANSPORT AND MAIN ROADS' NEGOTIATED CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

	<p>The access layout will require amendments to the Gracemere Surveying and Planning Consultants <i>Proposed Lots 49 - 53 Subdivision Plan 070008-10</i> to reflect the changed road reserve boundaries.</p>	<p>2.2 Prior to the issue of the certificate of classification for the development by Council or a private building certifier, or prior to the commencement of use (whichever is earlier), the applicant shall construct the signalised intersection and associated works (including lighting) in the State-controlled road (Bruce Highway/Yaamba Road) in accordance with the Department of Transport and Main Roads' <i>Road Planning and Design Manual</i> including the <i>Interim Guide to Road Planning and Design Practice</i>, and generally in accordance with the attached Covey Associates' <i>Proposed Subdivision Plans</i> drawings/reference number 09935-P1 to 09935-P4 (all issue C) and the attached Hayes Traffic Engineering's <i>Revised Traffic Assessment Report</i> (dated 23 August 2010) - <i>Figure 1: Proposed Intersection Layout with Signals</i>.</p>	<p>The Department of Transport and Main Roads' <i>Road Planning and Design Manual</i> including the <i>Interim Guide to Road Planning and Design Practice</i></p>
		<p>3. FUTURE STATE-CONTROLLED ROAD REQUIREMENTS</p> <p>3.1 Development within 10 meters of the boundary of Lot 53 on RP606902 fronting the State-controlled road (Bruce Highway/Yaamba Road), as generally shown on the attached Gracemere Surveying and Planning Consultants <i>Proposed Lots 49 - 53 Subdivision Plan 070008-10</i> and the Covey Associates'</p>	



TRANSPORT AND MAIN ROADS' NEGOTIATED CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

	<p><i>Proposed Subdivision Plans Ref: 09935-P01 to P04, shall not be permitted to protect the future land requirements of the Department.</i></p> <p>3.2 The area of future requirement is to be excluded from the proposed development and kept clear of any permanent structures or improvements associated with the development.</p>	<p>The Department is concerned that the development may increase and redirect the stormwater runoff from the site onto the State-controlled road.</p> <p>The Department of Transport and Main Roads has the power under section 487 of the <i>Transport Infrastructure Act 1994</i>.</p>
<p>4. DRAINAGE</p>	<p>4.1 The applicant/landowner shall not increase the peak intensity of stormwater runoff onto the State-controlled road from the proposed development for all events up to ARI 100.</p> <p>4.2 Overland stormwater runoff from the site onto the State-controlled road is not to exceed present overland flow rates in terms of in terms of peak discharge and velocity from a storm event (this may require the installation of internal stormwater drainage collection, retention and distribution systems); and is to be cleansed of pollution and of no lesser water quality as at present.</p> <p>4.3 Prior to the to the commencement of use for the development the applicant/landowner shall submit to the Department of Transport and Main Roads (Rockhampton Office), certification from a Registered Professional Engineer of Queensland (RPEQ) that Conditions 4.1 and 4.2 above have been fulfilled.</p>	

TRANSPORT AND MAIN ROADS' NEGOTIATED CONDITIONS OF DEVELOPMENT APPROVAL (INCLUDING STATEMENT OF REASONS)

5. DEVELOPMENT LIGHTING AND SIGNAGE		
<p>5.1 All external lighting and signage associated with the development shall not impact on the safety of motorists using the State-controlled roads.</p> <p>5.2 The external lighting shall be positioned and shielded to prevent light intrusion and glare onto the State-controlled roads.</p> <p>5.3 All signage associated facilities shall be fully contained within the development site with no encroachment onto the State-controlled road reserve.</p>	<p>The Department is concerned that these development associated facilities can impact on the safety of the State-controlled road.</p> <p>Glare from the development could distract or mislead the motorists using the State-controlled road (Bruce Highway).</p>	<p>The Department of Transport and Main Roads has the power under sections 2 and 50 of the <i>Transport Infrastructure Act 1994</i>.</p>
<p>6. PARKING</p> <p>No parking associated with the proposed development shall be permitted on the State-controlled road reserve (Bruce Highway/Yaamba Road). This includes during the construction phase of the development.</p>	<p>The Department is concerned that any parking demand from the developed reserve can impact on the safety and efficiency of the State-controlled road.</p>	<p>The Department of Transport and Main Roads has the power under section 2 of the <i>Transport Infrastructure Act 1994</i> to require all parking for the development to be provided within the site.</p>
<p>7. PUBLIC UTILITY SERVICES</p> <p>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.</p>	<p>The Department is concerned that the placement of services by developers in the State-controlled road reserve may restrict future upgrading works in the reserve.</p>	<p>The Department of Transport and Main Roads has the power under section 79 of the <i>Transport Infrastructure Act 1994</i>.</p>



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<p>8. CONSTRUCTION WORKS</p>	<p>The site works and material cartage shall not result in environmental emissions (dust, waste, material spillage, stormwater, pollution) onto the State-controlled road.</p>	<p>The Department is concerned that these emissions can impact on the safety and operational cost of the State-controlled road.</p>	<p>The Department of Transport and Main Roads has the power under section 47 of the <i>Transport Infrastructure Act 1994</i>.</p>
<p>9. WORKS IN STATE-CONTROLLED ROAD RESERVES</p>	<p>Preparation of plans (in accordance with RFCD-0101) and submission of plan/s to the Rockhampton office of Department Transport and Main Roads for approval.</p> <p>No works in State-controlled road reserves (including construction of access and associated works, removal of parking, installation of services, etc) are to commence within the State-controlled road reserve until approval of the plan/s showing the works is issued by the Department.</p> <p>This approval may be subject to conditions related to the Works in State-Controlled Road Reserve construction process.</p> <p>All works in State-controlled road reserves are required to be completed and accepted by the Department of Transport and Main Roads prior to the issue of the certificate of classification for the building works by council or private certifier or prior to the commencement of use (whichever is earlier) for the development</p>	<p>Plans are required to be submitted to the Department to demonstrate the works proposed to be constructed on the boundary of the State-controlled road reserve. Amendments may be required to the plans showing the works prior to the issuing of the approval to construct.</p>	<p>The Department of Transport and Main Roads has the power under section 33 of the <i>Transport Infrastructure Act 1994</i> to review the plans and issue approval for works subject to conditions.</p>

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<p>10. GENERAL</p>	<p>All conditions stated above are required to be completed prior to the issue of the certificate of classification for building works by Council or private certifier OR prior to the commencement of use (whichever is earlier) for the development unless otherwise stated within the condition.</p> <p>Bonding of any of the conditions not completed prior to the issue of the certificate of classification for the building works by council or private certifier or prior to the commencement of use (whichever is earlier) for the development or other requisite date as stated in the particular condition will not be permitted unless the Department of Transport and Main Roads has given written agreement to the bonding of the condition.</p>	<p>The Department is concerned the non fulfilment of its conditions and the bonding of the conditions without the Department's agreement can compromise the safety and efficiency objectives of the State-controlled road.</p>	<p>The Department of Transport and Main Roads has the power under section 2 of the <i>Transport Infrastructure Act 1994</i>.</p>
<p>11.</p>	<p>RELEVANT PERIOD PURSUANT TO s3.5.21 OF THE INTEGRATED PLANNING ACT 1997</p> <p>This approval is valid for the standard period for reconfiguring a lot of four (4) years from the day the approval takes effect unless the assessment manager prescribes a shorter period under section s3.5.21(2)(c) of the <i>Integrated Planning Act 1997</i> in its conditions of approval.</p>	<p>The Department needs to be assured that the development is carried out within a reasonable timeframe that is consistent with the legislated timeframe.</p>	<p>The Department of Transport and Main Roads has the concurrence agency powers under the <i>Integrated Planning Act 1997</i>.</p>