



SARA reference: 2309-36966 SRA
Council reference: D125-2023
Applicant reference: 9106

17 October 2023

Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
Rockhampton QLD 4700
enquiries@rrc.qld.gov.au

Attention: Kathy McDonald

Dear Ms McDonald

SARA referral agency response—49600 Burnett Highway, Oakey Creek

(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 9 October 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	17 October 2023
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 (five lots into five lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 1, Table 1, Item 1 (Planning Regulation 2017)	
	Development application for reconfiguring a lot within an Infrastructure – designated premises	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017)	
	Development application for reconfiguring a lot within 25m of a state-controlled road	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (Planning Regulation 2017)	
	Development application for reconfiguring a lot within 100m of a state-controlled road intersection	
SARA reference:	2309-36966 SRA	
Assessment manager:	Rockhampton Regional Council	
Street address:	49600 Burnett Highway, Oakey Creek	
Real property description:	Lot 1 on MPH11602; Lot 1 on MPH11649; Lot 1 on MPH11791; Lot 40 on RN228; Lot 1 on MPH11839	
Applicant name:	Bronsan Pty Ltd	
Applicant contact details:	C/- Capricorn Survey Group (CQ) Pty Ltd PO Box 1391 Rockhampton QLD 4700 reception@csgcq.com.au	
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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 Rosanna Nobile, Planning Officer, on 07 5352 9777 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Bronsan Pty Ltd, reception@csgcq.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 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		
10.9.4.2.1.1 & 10.9.4.2.3.1 — Reconfiguration of premises near a State transport corridor or that is a future State transport corridor —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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 conditions:		
Stormwater Management		
1.	(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road (ii) concentrate or increase the velocity of flows to the state-controlled road (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road (iv) surcharge any existing culvert or drain on the state-controlled road (v) reduce the quality of stormwater discharge onto the state-controlled road (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road (vii) reduce the floodplain immunity of the state-controlled road. 	(a) At all times
Vehicular Access to state-controlled road		
2.	Direct access is not permitted between the Burnett Highway, the state-controlled road, and the subject site.	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 3.0). If a word remains undefined it has its ordinary meaning.

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 proposal is for a development permit for reconfiguring a lot – Boundary realignment (five lots into five lots)
- The subject site is located in an area with infrastructure designations and an area within 25m of a state-controlled road and 100m of a state-controlled road intersection.
- SARA assessed the development application against State code 1: Development in a state-controlled road environment of the SDAP, version 3.0 and determined that with conditions, the development achieves compliance with the performance outcomes of the State code with the implementation of conditions.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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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.



2 November 2023

Our Ref: DA5436
(MSLink107664 and MSLink107653)

Capricorn Survey Group (CQ) Pty Ltd
PO Box 1391
ROCKHAMPTON QLD 4700

Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Attention: Madison Day
Email: reception@csgcq.com.au
Your Ref: 91063

Attention: Kathy McDonald
Email: enquiries@rrc.qld.gov.au
Application: D/125-2023

Dear Ms Day

Referral Agency Response (Advice)

(Given under section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
Transmission Corridor	Calvale Stanwell (275kV) Transmission Line
Easement ID	Easement B on RN1573 Dealing No 601386266 Easement A on MPH35276 Dealing No 713135986
Location Details	
Street address	49600 Burnett Highway, Mount Morgan
Real property description	Lot 1 on MPH11602, Lot 1 on MPH11649, Lot 1 on MPH11791, Lot 1 on MPH11839 and Lot 40 on RN228
Local government area	Rockhampton Regional Council
Application Details	
Proposed development:	Reconfiguring a Lot for a Boundary Realignment (five lots into five lots)
Approval sought	Development Permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 2 of the *Planning Regulation 2017*, Powerlink Queensland is a **Referral Agency (Advice)** for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For **reconfiguring a lot** – all or part of the lot is subject to a transmission entity easement which is part of the transmission supply network (Table 1 1(a))

PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

33 Harold Street, Virginia
PO Box 1193, Virginia, Queensland 4014, Australia
Telephone: (07) 3860 2111 Facsimile: (07) 3860 2100
www.powerlink.com.au

Powerlink Queensland is the registered business name of the
Queensland Electricity Transmission Corporation Limited
ABN 82 078 849 233

Table 1: Plans and Reports upon which the assessment is based

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
9106 Concept plan		01/11/2023		

Powerlink Queensland, acting as a Referral Agency (Advice) under the Planning Regulation 2017 provides its response to the application as attached (**Attachment 1**).

Please treat this response as a properly made submission for the purposes of Powerlink being an eligible advice agency in accordance with the *Planning Act 2016*.

For further information please contact our Property Services Team via email property@powerlink.com.au who will be pleased to assist.

Yours sincerely



for: Narelle Titman

MANAGER PROPERTY

ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

Powerlink Queensland **supports** this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	The statutory clearances set out in the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met.
3	The existing terms and conditions contained in easement dealing numbers 713135986 and 601386266 (gazetted 1987 and 1988) be amended to reflect contemporary terms and conditions. A Form 13 Amendment is to be signed by the landholder, this is to be completed in collaboration with Powerlink prior to registration of the plan of subdivision.	To be completed and endorsed by Powerlink prior registration of the survey plan.	To ensure the continuation of easement rights including current access arrangements are maintained following the lot reconfiguration and subsequent potential change in land ownership.
4	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met. To ensure the integrity of the easement is maintained.

Advice to Council and the Applicant

1. In accordance with condition 3 in the table above, enclosed is a copy of standard freehold terms and conditions (dealing no. 709461576) registered with the Department of Resources for your consideration.
2. This response does not constitute an approval to commence any works within the easement. Prior written approval is required from Powerlink Queensland before any work is undertaken within the easement areas. All works on easement (including but not limited to earthworks, drainage and detention basins; road construction; underground and overhead service installation) require detailed submissions, assessments and consent (or otherwise) by Powerlink.
3. In order for Powerlink to maintain and operate a safe and reliable supply of electricity, we require unrestricted 24-hour access to our corridors and infrastructure.

We will require practical access (typically by 4WD vehicle – but to standard no less than existing) to the Powerlink structures.

If it is envisaged that there will be any interference or alteration to our current access arrangements prior, during or after the completion of your works, we require that the applicant contacts our Easement Maintenance Service Provider (Ergon Energy – Peter Gorrie – ph 0417 199 931) to formalise unrestricted 24-hour access arrangements.

4. Compliance with the Electrical Safety Act 2002 including any Code of Practice under the Act and the Electrical Safety Regulation 2013 including any safety exclusion zones defined in the Regulation.

In respect of this application, the exclusion zone for untrained persons and for operating plant operated by untrained persons is **six (6) metres** from the **275,000-volt** wires and exposed electrical parts.

Should any doubt exist in maintaining the prescribed clearance to electrical infrastructure the applicant is obliged under the *Electrical Safety Act 2002* to seek advice from Powerlink.

ATTACHMENT 2 – ASSESSED PLANS

ANNEXURE A – GENERIC REQUIREMENTS

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the “Easement”. Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. POWERLINK INFRASTRUCTURE

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. STRUCTURES

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. EXCLUSION ZONES

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as “electrically live” and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the Electrical Safety Regulation 2013 which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. ACCESS AND EGRESS

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. APPROVALS (ADDITIONAL)

Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. MACHINERY

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

ANNEXURE A – GENERIC REQUIREMENTS

7. EASEMENTS

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

8. EXPENDITURE AND COST RECOVERY

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.

11. GROUND LEVEL VARIATIONS

Overhead Conductors

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

13. INDEMNITY

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorized use. If other parties make damage claims against Powerlink as a result of unauthorized use then Powerlink reserves the right to recover those damages from the applicant.

ANNEXURE A – GENERIC REQUIREMENTS

14. INTERFERENCE

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "*prudent avoidance*" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website: www.arpansa.gov.au Information on EMF is also available on the ENA's website: www.ena.asn.au

DATE ASSESSED:

01/11/23



PROPOSED BDY
CHANGE (DASHED)

min
25M

