



**Fraser Coast**  
REGIONAL COUNCIL

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**PLANNING & DEVELOPMENT  
COMMITTEE MEETING NO. 3**

**WEDNESDAY 11 MAY 2011**



**SUPPLEMENTARY**

**BUSINESS**

**PAPER**

**ITEM P&D 5.2**

**&**

**ATTACHMENT 4 – ITEM P&D 9.2**

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ITEM NO: P&amp;D 5.2

**FRASER COAST REGIONAL COUNCIL  
PLANNING & DEVELOPMENT COMMITTEE MEETING NO. 3**

**WEDNESDAY 11 MAY 2011**

**SUBJECT:** APPLICATION FOR DEVELOPMENT PERMIT - MATERIAL CHANGE OF USE - OUTDOOR SALES PREMISES AT 91-93 ISLANDER ROAD, PIALBA - STIRLING NORTH PTY LTD

**DIRECTORATE:** COMMUNITY AND DEVELOPMENT

**RESPONSIBLE OFFICER:** EXECUTIVE MANAGER DEVELOPMENT ASSESSMENT – Michael Ellery

**AUTHOR:** PLANNER – Stephanie Ellis

**APPLICATION NO:** MCU-111021

**DOC NO:** #2021562v2

**APPLICATION SUMMARY**

<b>PROPOSAL:</b>	Development Permit for a Material Change of Use for an Outdoor Sales Premises (Vehicle Display Premises and ancillary Mechanical Vehicle Workshop)
<b>PROPERTY DESCRIPTION:</b>	Part of Lot 54 on SP168810
<b>ADDRESS:</b>	91-93 Islander Road, Pialba
<b>SITE AREA:</b>	2419m <sup>2</sup>
<b>ZONING:</b>	Urban Locality – Services/Trade Zone
<b>CURRENT USE:</b>	Last approved use – Bulk Store. Currently vacant.
<b>DATE RECEIVED:</b>	17 February 2011
<b>REFERRAL AGENCIES:</b>	Department of Transport and Main Roads
<b>STATUS:</b>	Extended Decision Period Expires 17 May 2011
<b>ISSUES:</b>	<ul style="list-style-type: none"> <li>• Re-use of existing buildings and on-site infrastructure; and,</li> <li>• Use of services and facilities on adjoining land.</li> </ul>
<b>SUMMARY:</b>	<ul style="list-style-type: none"> <li>• Additional plans required to detail aspects of the proposed development; and,</li> <li>• Access, car parking, waste management and landscaping requirements can be conditioned.</li> </ul>
<b>RECOMMENDATION:</b>	Approval, subject to conditions

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## 1. INTRODUCTION

### 1.1 Proposal

The applicant seeks a Development Permit for a Material Change of Use for an Outdoor Sales Premises located at 91-93 Islander Road, Pialba. The application comprises a size of 2419m<sup>2</sup>, a small area of Lot 54 on SP158810. The Applicant submits that this proposal is to allow for expansion of the existing Hervey Bay Holden Vehicle Sales Premises over the remainder of the lot.

The premises will be used to sell new and used motor vehicles caravans, boats, motor cycles, trailers or other vehicles. The proposal consists of an office (68m<sup>2</sup>), storage shed (66m<sup>2</sup>), vehicle display area (650m<sup>2</sup>), mechanical vehicle workshop (288m<sup>2</sup>) and a service yard (1428m<sup>2</sup>) together with associated vehicle parking and manoeuvring areas. No building works are proposed as all structures are pre-existing on the premises. A plan of the proposed use is included as **Attachment 2**.

As part of the application, the applicant has requested that Council discount the infrastructure contributions applicable to the proposed use. In essence, a discount of 25% is sought on the grounds that due to the time taken for Council to consider previous representations and amendments made to the interpretation of PSP4 2009 for outdoor sales premises the applicant was delayed in making an application and hence was denied an opportunity to take advantage of Council's roll in discounts.

### 1.2 History

The former Hervey Bay City Council issued a material change of use to Vehicle Sales Premises, Caretaker's Residence and Environmentally Relevant Activity, DA 513/3-031040 on 18 August 2003. The approval is for the balance of the subject lot, excluding the site of this application. A previous consent approval for Bulk Store relates to that part of the site the subject of this application.

### 1.3 Site Description

The subject site is a 2419m<sup>2</sup> rectangular area with frontage to Islander Road, Pialba. The site forms part of the larger Lot 54 on SP168810, which houses the existing Hervey Bay Holden vehicle sales premises that has frontage to Boat Harbour Drive.

All neighbouring allotments are located within the Services/Trade Zone of the Urban Locality, and the site is surrounded by similar commercial and trade businesses.

The site falls towards the Islander Road frontage at a grade of 2.5% or 1 in 40.

The frontage to Islander Road contains a black powder coated steel picket fence with one pedestrian gateway. This portion of the site is bitumen sealed up to the road title boundary. It also contains a grassed area located to the north east.

It is noted that the proposal does not include the access and driveway area, which are located adjacent to that part of the site subject to this application.

Wide Bay Water Corporation has advised the parent lot currently has two water connections and two water meters. A sewer main is located outside the property's boundary.

**Refer Attachment 1 – Locality Plan.**

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## 2. PLANNING ASSESSMENT

### 2.1 *Hervey Bay City Council Planning Scheme 2006*

The site is zoned Services/Trade under the *Hervey Bay Council City Planning Scheme 2006*. Section 1.13.1 of the Scheme triggers an Outdoor Sales Premises as subject to Code Assessment, and stipulates the following codes are relevant to the assessment of this application:

- Urban Locality Code (Services/Trade Zone);
- Commercial Use Code;
- Landscaping Code;
- Parking and Access Code; and
- Works, Services and Infrastructure Code.

Relevant Overlay Codes are:

- Acid Sulfate Soils Overlay Code
- Airport Environs Overlay Code

The following is an assessment against the applicable Codes.

#### 2.1.1 **Urban Locality Code (Services/Trade Zone)**

An assessment of the proposed development against the Urban Locality Code (Services/Trade Zone) demonstrates that the use generally complies with the requirements. Standard conditions relating to the provision of waste storage and collection, access, car parking and landscaping are included in the recommendation.

To avoid any need to remove existing sealed areas of the site, existing landscape areas will be required to be intensified to ensure an appropriate level of amenity is provided to the site.

#### 2.1.2 **Commercial Use Code**

An assessment of the proposed development against the Commercial Uses Code demonstrates that the use generally complies with the requirements, in that vehicular and pedestrian access are available to the site, landscaping can be intensified to achieve an appropriate visual outcome, and the existing buildings are suited for the intended development. Standard conditions to mitigate any off-site impacts are included in the recommendation.

#### 2.1.3 **Landscaping Code**

An assessment of the proposed development against the Landscaping Code demonstrates that while the proposal may not comply with all Acceptable Solutions, the development will achieve an appropriate level of visual amenity in this location.

As the nature of the proposal is to display vehicles to passersby, and the business relies on open space within the road frontage to attract visitors, a requirement for additional frontage landscaping may negatively impact the proposal. Furthermore, landscaping of side and rear boundaries is not considered necessary given that there are no adjoining sensitive uses. Enhancement of existing landscape areas will be required to include a mix of trees, plants and shrubs selected in accordance with Planning Scheme Policy No. 2 – Development Manual. A condition will also be included to provide a 1.5 metre wide footpath along the Islander Road frontage.

#### **2.1.4 Parking & Access Code**

An assessment of the proposed development against the Parking & Access Code demonstrates that the use generally complies with the relevant requirements, and it is noted that the proposal can rely on additional car parking spaces, which exists on the adjacent Hervey Bay Holden Dealership site. The applicant has indicated that access to the site will be gained via an existing adjoining driveway onto Islander Road, although a secondary access is also available through the Hervey Bay Holden Dealership onto Boat Harbour Drive. These accesses were approved under Development Permit 513/3-031040.

The application indicates sufficient car parking is available on-site; however, the applicant has only identified that three (3) dedicated car parking spaces can be provided adjacent to the existing office, when a total of thirteen (13) spaces are required on the site (if two (2) service bays are proposed). An additional sixteen (16) car parking areas associated with the adjoining Hervey Bay Holden Dealership are available immediately adjacent to the proposed Mechanical Vehicle Workshop. The applicant will be conditioned to submit amended plans identifying the location of the required number of car parking spaces for the proposed uses.

Council's Engineers have advised the site currently consists of sealed and gravelled surfaces. Given the potential impacts to the site from vehicle movements associated with the Mechanical Vehicle Workshop, it will be necessary to provide an impervious seal to the apron between the workshop and proposed driveway access. Sufficient overflow car parking and manoeuvring areas exist within the service yard and existing car parking areas are designed to allow vehicles to enter and exit the site in a forward direction.

To ensure car parking areas are easily accessible to visitors, the applicant will be conditioned to erect signage directing visitors to car parking spaces dedicated for the proposed use. The applicant will be required to detail car parking spaces, signage and access arrangements on amended proposal plans. Standard conditions will also be included requiring car parking areas to conform to Australian Standards – AS2890.1 and AS2890.2 and to ensure parking areas are kept and used exclusively for parking and are maintained in a suitable condition at all times.

#### **2.1.5 Works, Services & Infrastructure Code**

An assessment of the proposed development against the Works, Services & Infrastructure Code demonstrates that the use generally complies with the relevant requirements. Standard conditions will be included in relation to provision of services and service connections.

#### **2.1.6 Acid Sulfate Soils Overlay Code**

The proposal will not involve the excavating or otherwise removing 1000m<sup>3</sup> or more of soil or sediment from at or below 20m AHD. As such, the development will not have a significant adverse effect on the environment and is consistent with the Overall Outcomes for the Acid Sulfate Soils Overlay Code.

#### **2.1.7 Airport Environs Overlay Code**

The site is located within the airport buffer radius of 6 – 8 km and obstacle limitation surface 130m AHD and consequently required assessment against the Airport Environs Overlay Code. The associated assessment found the proposal complies or could be conditioned to comply with all requirements of the Airport Environs Overlay Code.

## 2.2 Planning Scheme Policies

The following Planning Scheme Policies are relevant to this development:

Planning Scheme Policy	Proposed Development	Comments?
Planning Scheme Policy 2 – Development Manual	The construction of the proposal will be required to comply with the provisions of the Development Manual.	Can comply – subject to conditions.
Planning Scheme Policy 4 – Infrastructure Contributions	Infrastructure contributions will be required for transport, water and sewerage infrastructure.	The applicant has requested a reduction in infrastructure contributions. See below for further discussion.
Planning Scheme Policy 15 – Development Procedures	The construction of the proposal will be required to comply with the provisions of the Development Manual.	Can comply – subject to conditions.

### Request for Discount of Infrastructure Contributions

In prelodgement discussions with the proponent, it was estimated that, based on the preliminary plan submitted, contributions for the proposal were likely to be in the order of \$60,000. It was the quantum of this estimate that ultimately lead to the request by the applicant to reduce the infrastructure contributions that would be applicable to the development.

However, upon assessment of the further detailed plans submitted by the applicant as part of the response to Council's request for further information, it has been calculated that the contributions applicable to the use will be substantially less, as outlined in the table below.

### Infrastructure Contribution Calculations

Water Supply Infrastructure Contribution:	\$	3,386.41
Sewerage Infrastructure Contribution:	\$	Nil
Transport Infrastructure (Council Roads, State Controlled Road, Local Function) Contribution:	\$	Nil
<b>TOTAL</b>	<b>\$</b>	<b>3,386.41</b>

Given that the total contribution attributable to this development is relatively low, it is considered that a discount to the contributions is no longer warranted.

## 2.3 State Planning Policies

There are no State Planning Policies applicable to the proposal.

## 3. REFERRALS

### 3.1 Internal Referrals

The application was referred to Council's Development Engineers who advised there are no engineering objections to the proposal subject to a number of conditions. These conditions have been included in the recommendation.

### 3.2 External Referrals

#### 3.2.1 Department of Transport and Main Roads

The applicant sought per-lodgement advice from the Department of Transport and Main Roads (DTMR) as a concurrence agency, due to the site being located adjacent to a State-controlled road (Boat Harbour Drive). The DTMR advised it has no requirements in regard to the proposal in their response dated 3 March 2010.

#### 3.2.2 Other External Referrals

The application was also referred to other various external organisations. A summary of feedback received is detailed in the following table:

Organisation	Docs#	Comments
Wide Bay Water Corporation	2012919	<ul style="list-style-type: none"> <li>The water connection and meter in Islander Road must be disconnected;</li> <li>No further connections to sewer will be permitted; and</li> <li>All water and sewer connections or disconnections to live mains are to be performed by Wide Bay Water Corporation at the developer's expense.</li> </ul>
Ergon Energy	2011232	<ul style="list-style-type: none"> <li>Any relocation, repairs or alterations to the works that may be required by the proposal shall be at the developer's expense; and,</li> <li>The developer will be required to negotiate electricity supply arrangements with Ergon.</li> </ul>

## 4. PUBLIC NOTIFICATION

The application is Code Assessable and did not require Public Notification.

## 5. CONCLUSION

The application seeks a Development Permit for a Material Change of Use for an Outdoor Sales Premises at 91-93 Islander Road, Pialba, being Lot 54 on SP168810.

Assessment of the proposal has demonstrated that the development is appropriate for its location. Approval is recommended subject to the provision of more detailed plans which identify all car parking spaces, manoeuvring areas, landscaping and internal signage associated with the extension of the Hervey Bay Holden Dealership.

In assessing the proposed use of the land, the relevant provisions of the *Hervey Bay City Council Planning Scheme 2006* and the *Sustainable Planning Act 2009*, it is considered that the proposal is generally suitable for approval subject to conditions recommended below.

## 6. RECOMMENDATION

That the application by Stirling North Pty Ltd for a Development Permit for a Material Change of Use for an Outdoor Sales Premises (Vehicle Sales Premises and ancillary Mechanical Vehicle Workshop), located at 91-93 Islander Road, Pialba, being Lot 54 on SP168810, be approved, subject to conditions, which must be met prior to the commencement of the use, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation (WBWC) unless specified in any particular condition:

### PRE-CONSTRUCTION

#### General

1. Submit and obtain approval from Council for amended development plans. Such development plans must include, but not be limited to, the following features:
  - (i) Identify the location and correct size of all buildings, structures and service areas on the site, and appropriate setbacks from property boundaries, landscaping areas and structures;
  - (ii) Identify the number and location of service bays for the proposed ancillary Mechanical Repair Workshop;
  - (iii) Identify a total of 13 car parking spaces to be dedicated to the use;
  - (iv) Identify the extent of proposed driveway, access and manoeuvring areas;
  - (v) Identify the location of screened on-site waste storage areas and appropriate turning paths for waste collection vehicles; and,
  - (vi) Identify the location of signage directing visitors to on-site car parking and office areas.

When approved, such plans will form part of the endorsed plans under this development approval.

2. Submit and obtain approval from Council for a Landscaping Plan. The Landscaping Plan must include but not be limited to the following detail:
  - (i) Provide appropriate landscaping in the existing grassed area identified on submitted plans to improve the visual appearance of the development when viewed from the Islander Road frontage;
  - (ii) Ensure all species used in landscaping areas are selected in accordance with Planning Scheme Policy No. 2 – Development Manual, are low maintenance landscape plantings that incorporate at least 70% local endemic plant species (selected from the schedules as contained in the Landscaping Code);
  - (iii) Provide a plan and schedule of all proposed trees, shrubs and groundcovers (other than lawn), including their botanical and common names, and details about their location and size at the time of planting, and upon maturity;
  - (iv) Provide details relating to the following:
    - (a) Pot sizes at the time of planting;
    - (b) Design of a fully reticulated and automated drip fed watering system;
    - (c) Incorporation of Water Sensitive Urban Design (WSUD) principles to ensure appropriate uptake of nutrients and minimise water consumption; and,
    - (d) Measures to ensure that plantings will be retained and managed to allow growth of trees to their mature size.

When approved, such plans will form part of the endorsed plans under this development approval.

3. Undertake the development in accordance with Council's Planning Scheme Policy 2 - Development Manual and Planning Scheme Policy 15 - Development Procedures.
4. Unless otherwise stated in a particular condition, all conditions must be completed prior to commencement of the proposed change of use of the site, unless otherwise agreed to by the Executive Manager, Development Assessment.
5. The developer must meet the costs of all development works including any necessary alteration or relocation of services, provision of upgrading of car parking works and all vehicular access works together with all public utility mains and/or installations.
6. The developer must accurately locate all existing services before any development works commence.
7. All works that will revert to Council control must be designed and supervised by a Registered Professional Engineer in accordance with Council Policy. The works will be required to comply with all Local Laws, Policies and Standards of Council current at the time of submission of the application for approval of Operational Works. No works associated with this permit may commence until an Operational Works Permit has been issued by Council.

## **CONSTRUCTION**

### **Services**

8. All utility service connections are to be wholly contained within the lot forming part of the proposal.
9. Disconnect the existing water connection and meter on the Islander Road frontage. All work to be performance by Wide Bay Water Corporation at the Developer's cost.
10. Extend the existing water service from Boat Harbour Drive, internally through the site to provide for fire fighting supply in accordance with the requirements of Wide Bay Water Corporation.

### **Stormwater**

11. Construct internal and external stormwater drainage infrastructure to service the development site as required.
12. The stormwater drainage must be designed such that no restriction to developed stormwater flows from upstream properties or ponding of stormwater within upstream properties occurs or intensification of existing flows to downstream properties as a result of the development.
13. All stormwater runoff from the site must be treated by suitably designed and located stormwater quality improvement devices designed in accordance with best practice Water Sensitive Design Techniques (WSUD), located within the site boundaries.
14. Stormwater discharged from the site must meet the Water Quality Objectives (WQO) as defined under the Environmental Protection (Water) Policy 1997, dated March 2007 which includes all Hervey Bay coastal rivers and creeks. Part 3, Table 2, identifies the Water Quality Objectives (WQOs) to protect environmental

values. The document and the accompanying plan are available in electronic form from the Environmental Values web page on the EPA website: <http://www.epa.qld.gov.au>.

### **Landscaping**

15. Undertake landscaping on the site in accordance with approved Landscaping Plan.

### **Footpath**

16. Construct a 1.5 metre wide concrete footpath (or equivalent) along the Islander Road frontage in accordance with engineering drawings submitted to and approved by Council. The footpath is to be constructed to the standard set out in Council's Development Manual.

### **Vehicular Access**

17. Demonstrate that a vehicular access is available to the site from Islander Road in accordance with Council Policy. Any new vehicular access works must comply with Council's Standard Drawing RO-8, Commercial Driveway Slab and Access.

### **Car Parking**

18. Provide 13 on-site car parking spaces in accordance with Council's Parking and Access Code. No on-street car parking facilities are to be utilised.
19. Design and construct car parking spaces, associated access aisles and driveways to the dimensions detailed in Council's Planning Scheme Policies and Australian Standard AS2890.1. Provide manoeuvring areas to ensure that vehicles ingress and egress the property in a forward direction. Driveways, car parking and reversing areas are to be constructed to the standards defined in Council's development manual and car parking spaces are to be permanently marked. Provide at least one disabled visitor car space at ground level, conforming to AS1428 – Design for Access and Mobility.
20. All car parking and manoeuvring areas associated with the Mechanical Vehicle Workshop must be provided with an approved impervious seal approved by Council.
21. Erect appropriate signage to direct visitors to car parking and office areas.

### **Environmental Health**

22. Contain airborne hazards and other emissions, such as ash, fumes, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.
23. Contain all litter and building waste on the building site by the use of a skip or any other reasonable means during construction to prevent release to a neighbouring property.
24. Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.

25. Implement drainage, erosion and sediment control measures and maintain in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Ensure erosion and sediment runoff does not contaminate stormwater at unacceptable levels.

### **Waste**

26. Provide adequate facilities for storage and collection of waste and recyclable materials in accordance with Council's Waste Services Policy. Liaise directly with Council's Waste Services Coordinator with regard to the size and quantity of bins and the method and frequency of service. The access path for the collection vehicle must provide for adequate turning space such that the vehicle enters and exits the site in a forward direction.

### **Administration**

27. All works that will revert to Council control are subject to a twelve month maintenance period during which time the Developer must be responsible for the maintenance of the works, the rectification of any design omissions or defects, and the repair of any construction defects that are subsequently found. Council requires the developer to secure the maintenance of the works by the submission of a bond valued at 5% of the total value of the works. The bond must be submitted in accordance with Council's policy.
28. Prior to acceptance of the works on maintenance, the supervising engineer must arrange for the collection and submission to Council of digital "as constructed" information for the works. The digital information must comply with Council's "Submission of Digital As Constructed Manual" and must be certified as specified in the Manual.

## **POST CONSTRUCTION**

### **Environmentally Relevant Activity**

29. An approval for an Environmentally Relevant Activity must be obtained prior to commencement of use of the Mechanical Repair Workshop.

### **Car Parking**

30. Ensure parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking at all times.

### **Landscaping**

31. Maintain landscaping on the site in accordance with the approved plans, and to the satisfaction of the Executive Manager, Development Assessment.

### **Infrastructure Contributions**

32. Pay a Contribution toward Water Supply Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

### **ATTACHMENTS:**

1. **Locality Plan**
2. **Site Plan**
3. **Referral Agency Response – Department of Transport and Main Roads**



**Important Notice!**

**This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.**

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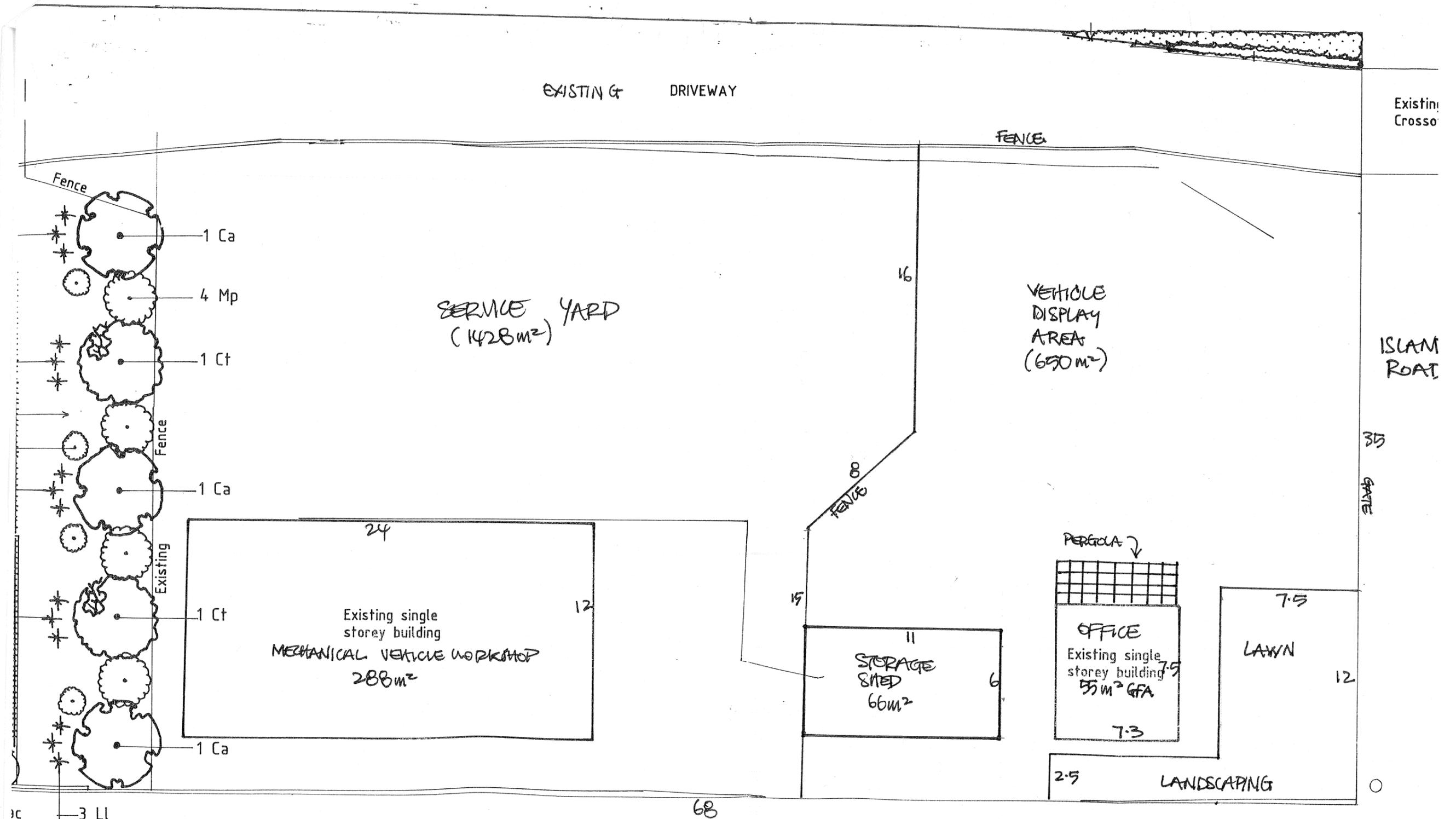
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REGIONAL COUNCIL

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### Locality Plan





<b>Angelo Oliaro Town Planning</b> 56 Honiton Street Hervey Bay Qld 4655 P 4125 6887 F 4124 9887	Stirling North Pty Ltd PROPOSED MATERIAL CHANGE OF USE TO OUTDOOR SLAES PREMISES	Plan 100203-2 Scale 1:200
	Part of Lot 54 on RP 168810 located at 91-93 Islander Road Pialba	Job 100203
		Date April 2011



Queensland  
Government

3 March 2010

Mr Angelo Oliaro  
Angelo Oliaro Town Planning  
56 Honiton Street  
Hervey Bay Qld 4655

Dear Mr Oliaro

**Referral Agency's response before application is made  
Transport and Main Roads as concurrence agency**

**Fraser Coast Regional Council: Maryborough – Hervey Bay Road (Boat Harbour Drive)  
Proposal: Outdoor Sales Premises  
Subject land: Lot 54 on SP168810  
Situated at 91 – 93 Islander Road, Pialba  
Access location: 163 at 37.928L**

Thank you for your letter of 2 March 2010 regarding the proposal, requesting Transport and Main Roads (the department) to provide a referral agency's response for the proposal before a development application is made to the Assessment Manager.

The Queensland Department of Transport and Main Roads as a **concurrence agency** has determined that the proposal will not have an impact on the state-controlled road network and advises it has no objection to the Assessment Manager issuing a **development permit** for the proposal.

Transport and Main Roads has no requirements regarding the proposal.

This advice constitutes the department's referral agency response for the proposal under Section 271 of the *Sustainable Planning Act 2009*.

The Applicant is not required to refer the development application for the proposal to Transport and Main Roads.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Mallows'.

Steve Mallows  
Acting District Director (Bundaberg)

Department of Transport and Main Roads  
Bundaberg Office - Wide Bay/Burnett Region  
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