

Applicant response to an information request

Section 13 of the Development Assessment Rules

DA240013	[application reference number]
Ellendee Park and Accommodation	[applicant's name]
122 Shepherds Road GAYNDAH QLD 4625 gayndahmilk@gmail.com	[contact address/email address]
0429 066 634	[contact number]
	[notice date]
North Burnett Regional Council	[name of entity who made the information request]
PO Box 390 GAYNDAH QLD 4625	[address of entity who made the information request]
DA240013	[application reference number]
Ellendee Park and Accommodation	[applicant's name]
122 Shepherds Road GAYNDAH QLD 4625 gayndahmilk@gmail.com	[contact address/email address]
0429 066 634	[contact number]
	[notice date]
North Burnett Regional Council	[name of entity who made the information request]
PO Box 390 GAYNDAH QLD 4625	[address of entity who made the information request]

RE: Development application for: Material change of use - Rooming accommodation and short-term Accommodation

[real property description]

Dear Caroline

[sir/madam name]

In accordance with section 13.2 of the Development Assessment Rules, I wish to advise that I am providing:

[tick relevant boxes]

all of the information requested *[ensure all information provided is attached to this notice]*

1. access from the Burnett Highway located within Lot 26 on SP102268, whereas the existing formed pathway starts on the road frontage of Lot 1 on RP32461, crosses Lot 26 on SP102268, then into Lot 3 on RP32461.
Additionally, the likely timing as to the commencement of the five stages has not been provided, nor any projected traffic movements (number, type and distribution of traffic) generated by the proposed change in use at the Burnett Highway access. Without this information, compliance with the PO15 or the purpose statement of State code1 cannot be determined, and the Department of Transport and Main Roads (DTMR) is unable to issue a decision about access under Section 62 of the Transport Infrastructure Act 1994.

Action

Please provide clarification about access and relevant traffic information, for the proposed development. In your response, please ensure you address the following matters:

(a) provide a clear, drawn-to-scale plan that confirms the precise access location proposed to the Burnett Highway

Please find attached site plan drawn-to-scale confirming the precise existing access location to the Burnett Highway

(b) identify the number, types and frequency of traffic that will be generated by the proposed development on a daily, AM and PM peak hour basis. The traffic information must account for all uses nominated in the application and capture the maximum yield proposed.

Stage 1

Short term accommodation (1 x 3 bedroom unit) and Rooming accommodation in existing house.

- *Maximum vehicles 2, daily 5:30AM and 3PM peak hour. Seasonal workers six (6) months of the year. Much less traffic movement is anticipated as the applicants have an agreement with a harvesting contractor who currently transport the 5 paying guests via a mini bus to and from their place of employment. This will be an ongoing agreement for seasonal work in the area.*

Stage 2

Amenity block (15m x 5m) *No additional traffic movement*
Existing shed – add kitchen facilities (camp kitchen) - *No additional traffic movement*

Stage 3

Short term accommodation 3 x 3 bedroom units

- *Three (3) additional vehicles maximum daily 5:30AM and 3PM peak hour*

Ten (10) wooden hut gazebo's

For seasonal workers camping or combi vans - Maximum vehicles Ten (10), daily 5:30AM and 3PM peak hour

Camp kitchen facility - *No additional traffic movement*

Stage 4

Self contained studio cabins Ten (10)

- *Maximum vehicles Ten (10), daily 5:30AM and 3PM peak hour. Plus one (1) service vehicle per week*

(c) provide the distribution of generated traffic at the Burnett Highway access and include suitable justifications for any assumptions used.

It is anticipated the directional traffic at the Burnett Highway access will be 60% Mundubbera (west) and 40% Gayndah (east). This assumption is due to location of orchards in the region.

A grant was applied for this proposal however the applicants were unsuccessful, therefore stage 1 Rooming accommodation in the existing house and one of 12m x 5m accommodation unit with three bedrooms is only proposed at this time due to financial constraints .

Applicants will be perusing further grants when they become available having been advised after the State elections in October further grants will be available. Further stages of the proposal are reliant on grant monies becoming available.

The number for this stage would be two (2) vehicles as a minibus will transporting the seasonal workers to and from their place of employment.

It is not anticipated that this development would likely to be fully booked at all times being targeted for seasonal workers nonetheless the proposal guesstimate on a maximum yield when fully developed would be 25 with traffic movements being 5:30 AM with return generally as a rule seasonal works finish mid-afternoon.

(d) nominate the expected commencement date for each stage of development. For a staged approach, provide a clear staging plan and specify the anticipated commencement date for each stage of development.

It is not necessary for this information to be prepared by a traffic engineer, but should be prepared by person/s involved with the development who have good knowledge of the development and an understanding of the traffic that is likely to be generated.

Stage 1 will commence within the first year with future stages to progress as grant monies become available. Future stages could be over several years and that would be dependent on securing a grant.

Gestimate staging plan once securing a grant;

Stage 1 – August 2024 (Once approval is received)

Stage 2 -- June 2025

Stage 3 -- June 2027

Stage 4 -- June 2030

2.

Access over Lot 26 SP102268 (land administered by DTMR) Issue DTMR's letter of 9 April 2024 has only consented to the lodgement of the development application and does not constitute approval for any person to enter a rail corridor or land administered by DTMR, which, in this case is Lot 26 on SP102268.

Based on the issues raised in the information request (item 1 of this notice), clarification is requested about the access arrangements for the proposed development, specifically where they are intended to occur across Lot 26 on SP102268.

Action

Please provide a plan of development drawn to scale which clearly shows where vehicular access is proposed to occur from Lot on 26 SP102268. If approval has been given by DTMR for the crossing, please provide evidence of this with your response.

Site plan provided clearly shows where vehicular access is proposed to occur from Lot 26 SP102268

Additional advice

To assist in this matter, please ensure no permanent part of the development, with the exception of the vehicle crossing, is located within Lot 26 on SP102268.

As shown on the site plan no development is proposed within Lot 26 on SP102268.

Any decision issued by DTMR under Section 62 of the Transport Infrastructure Act 1994 only relates to access to state-controlled roads and does not include access to rail corridor land, such as Lot 26 on SP102268.

Access over rail corridor land is administered by DTMR. Further advice about entry over or into rail corridor land can be directed to DTMR's Rail Corridor Management team via RCM@tmr.qld.gov.au

Consent was sought from DTMR's Rail Corridor Management team, and an email trail is (attached) confirming that consent is already in place by the leases of the rail corridor (Isis Central Sugar Mill Co Limited) in the form of a OCC occupation licence (attached).

Attachments:

- 1. Applicant Response to IR*
- 2. Site Plan*
- 3. Email trail – Rail Corridor consent*
- 4. TMR advise – no requirement upgrade to a public crossing*
- 5. Leases - Isis Central Mill email trail.*
- 6. Occupational Licence (OCC)*

[list information provided]

or

part of the information requested *[ensure all information provided is attached to this notice]*

[list information provided]

In giving this part-response I also advise that:

- I now require you to proceed with your assessment of this application under section 13.3 of the Development Assessment Rules, effectively ending my applicant-response period.

or

I intend to provide further information at a later time before the end of the applicant-response period.

or

None of the information requested and I now require you to proceed with your assessment of this application under section 13.3 of the Development Assessment Rules, effectively ending my applicant-response period.

If you wish to discuss this matter further, please contact me on the above telephone number.







Yours sincerely

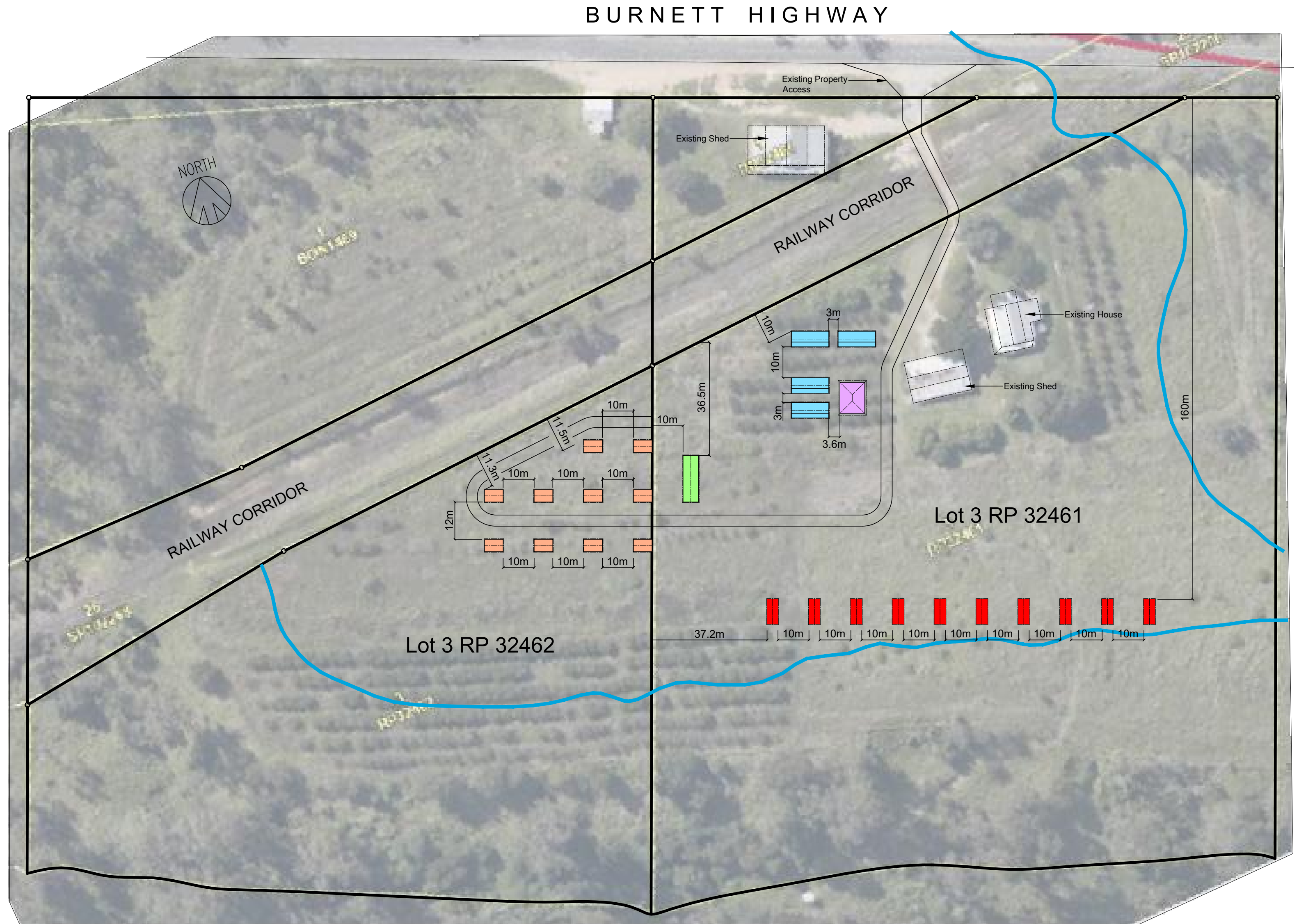
	DAVID MADDEN		LISA MADDEN [applicant signature and date]
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cc: Assessment manager *[where notice is being given to a referral agency]*


Rev	Description	Date
-	-	-

LEGEND:

-  10m x 8m Camp Kitchen
-  15m x 5m Amenities Block
-  12m x 5m Non-Self Contained Accommodation
-  8m x 3.5m Self Contained Accommodation
-  6m x 4m Gazebo
-  Flood Line



 **SITE PLAN**
Scale 1:1000 @A2

	Q.B.C.C. No: 15243624 P.O. Box 1530 Bundaberg Q. 4670 Ph: (07) 41531183 Email: admin@gatleybuildingdesign.com.au Web: www.gatleybuildingdesign.com.au	Site: Ellendee Park & Accomodation 16191 Burnett Highway Lot 3 RP32461 & Lot 3 RP32462 Project: Proposed Amenities Block Client: D & L Madden	Issue: Preliminary Date: 14/05/24 © Copyright 2024, John Gatley Building Designs. Design: M.J. Drawn: M.J. Approved: . Description: Site Plan Drawing No: 24493 Page: 01
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From: Caroline Plank <Caroline.Plank@dsdilgp.qld.gov.au>
Subject: RE: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation
Date: 29 May 2024 at 11:28:26 am AEST
To: Sue-Ann Jensen <sueann.jensen@icloud.com>
Cc: "cameron.x.scott@tmr.qld.gov.au" <cameron.x.scott@tmr.qld.gov.au>, "Paul.Nicol@isissugar.com.au" <Paul.Nicol@isissugar.com.au>, David Madden <gayndahmilk@gmail.com>

Hello Sue-Ann

Thanks for your email.

Please proceed to respond, with that info attached and TMR can assess at that time – if there are any issues, we can then let you know as soon as possible.

The advice was more issued to you to ensure you can access through that land.

Thanks

Caroline Plank (she/her)

Principal Planning Officer - Wide Bay Burnett

Planning and Development Services

Planning Group

Department of Housing, Local Government, Planning and Public Works

P 07 5352 9709

E WBBSARA@dsdilgp.qld.gov.au

Level 4, Foundation Place, 3 South Sea Islander Way, Maroochydore QLD 4558

PO Box 1129, Maroochydore QLD 4558



I acknowledge the Traditional Custodians of the land on which we walk, work and live. I pay my respects to Elders past, present, and emerging.



From: Sue-Ann Jensen <sueann.jensen@icloud.com>

Sent: Wednesday, May 29, 2024 7:38 AM

To: Caroline Plank <Caroline.Plank@dsdilgp.qld.gov.au>
Cc: WBBSARA@dsdilgo.qld.gov.au; cameron.x.scott@tmr.qld.gov.au;
Paul.Nicol@isissugar.com.au; David Madden
<gayndahmilk@gmail.com>
Subject: Fwd: DA240013 - 16191 Burnett Highway, Gayndah - Rooming
accommodation and short-term accommodation

Morning Caroline,
DTMR's rail corridor management team have advised they are unable to
provide a letter of consent, see email below.

Before proceeding to responding to the Information Request (IR) can
you please advise all that is required for access over rail corridor
land (*Lot 26 SP102268*) is the attached Occupation Licence (OCC)
provided by the Isis Sugar Mill Co Limited (sublessee) of
the corridor who the applicants sought access consent from on 26th
March 2024.

Regards

Sue-Ann Jensen



Begin forwarded message:

From: Cameron X Scott

<Cameron.X.Scott@tmr.qld.gov.au>

**Subject: FW: DA240013 - 16191 Burnett Highway,
Gayndah - Rooming accommodation and short-term
accommodation**

Date: 27 May 2024 at 11:05:40 am AEST

To: Sue-Ann Jensen <jenlands2@bigpond.com>

Good morning Sue-Ann,

After discussion within the team, we actually believe TMR is unable to provide a letter of consent, as the land is subleased to Isis Central Sugar Mill Co Limited.

Consent for access would have to come from the sublessee (Isis Sugar), which we believe has already been provided under the Occupation Licence.

Regards

Cameron Scott

Principal Advisor (Rail Corridor Management)

Development Projects and Rail Corridor Management | Department of Transport and Main Roads

Floor 17

61 Mary Street Brisbane Qld 4000

GPO Box 1412 Brisbane Qld 4001

P: (07) 3066 7432

E: cameron.x.scott@tmr.qld.gov.au

W: www.tmr.qld.gov.au

From: Cameron X Scott

Sent: Friday, May 24, 2024 10:36 AM

To: Sue-Ann Jensen <jenlands2@bigpond.com>

Cc: David G Gleadow <David.G.Gleadow@tmr.qld.gov.au>

Subject: RE: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation

Good morning Sue-Ann,

Thanks for your email; we'll prepare a letter of consent and provide that soon.

Thanks again

Cameron Scott

Principal Advisor (Rail Corridor Management)

Development Projects and Rail Corridor Management | Department of Transport and Main Roads

Floor 17

61 Mary Street Brisbane Qld 4000

GPO Box 1412 Brisbane Qld 4001

P: (07) 3066 7432

E: cameron.x.scott@tmr.qld.gov.au

W: www.tmr.qld.gov.au

From: Sue-Ann Jensen <jenlands2@bigpond.com>

Sent: Thursday, May 23, 2024 6:54 AM

To: Cameron X Scott <Cameron.X.Scott@tmr.qld.gov.au>

Cc: RCM Rail Corridor Management <RCM@tmr.qld.gov.au>; David Madden <gayndahmilk@gmail.com>

Subject: Fwd: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation

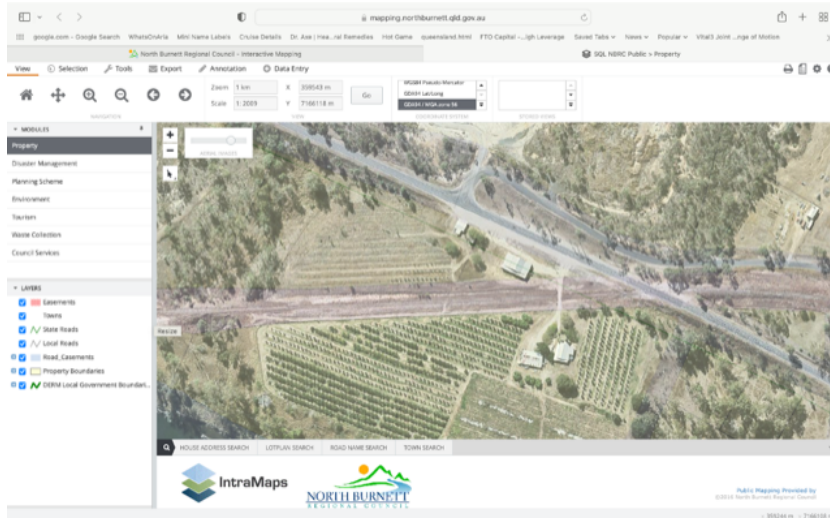
Hi Cameron,

Please find below response from Caroline Plank, it appears they are seeking consent from DTMR's rail corridor management team for access over the rail corridor land (*Lot 26 SP102268*).

Please advise should you require further information. Thanks

Kind regards

Sue-Ann



Begin forwarded message:

From: Caroline Plank <Caroline.Plank@dasilgp.qld.gov.au>
Subject: RE: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation
Date: 22 May 2024 at 4:11:28 pm AEST
To: "jenlands2@bigpond.com" <jenlands2@bigpond.com>
Cc: WBBSARA <WBBSARA@dasilgp.qld.gov.au>, "RCM@tmr.qld.gov.au" <RCM@tmr.qld.gov.au>, "patrick.z.leys@tmr.qld.gov.au" <patrick.z.leys@tmr.qld.gov.au>, "gayndahmilk@gmail.com" <gayndahmilk@gmail.com>

Hello Sue-Ann

The item is stating that the owner's consent is simply owner's consent to MAKE the development application – which is a requirement of the *Planning Act 2016*.

In fact, the owner's consent itself states:

TMR's owner's consent is only provided for the purposes of making the application and does not:

- constitute TMR's approval of, or support for, the development application for the purpose of the Development Assessment System (DAS);
- provide permission to undertake works on land held or administered by the department associated with a development approval without the permission of TMR;
- remove the requirement to obtain any other approvals from TMR or another government department;
- constitute owner's consent for any other development application over land owned or administered by the department; or
- constitute approval for any person to enter a rail corridor.

This is consistent with the IR item – that the owner's consent is only consent to make the development application and does not provide authority for a person to enter the rail corridor, does not provide permission to undertaken works on land held by DTRM etc.

As such, the IR item is asking you to provide a plan that shows where the vehicle access is to occur from Lot 26, and if you have approval for this, then provide it.

Access over rail corridor land must be given by DTMR's rail corridor management team and won't be provided as part of the SARA referral agency response.

Regards

Caroline Plank (she/her)

Principal Planning Officer - Wide Bay Burnett

Planning and Development Services

Planning Group

Department of Housing, Local Government, Planning and Public Works

P 07 5352 9709

E WBBSARA@dasilgp.qld.gov.au

Level 4, Foundation Place, 3 South Sea Islander Way, Maroochydore QLD 4558
PO Box 1129, Maroochydore QLD 4558





*I acknowledge the Traditional Custodians
of the land on which we walk, work and
live. I pay my respects to Elders past,
present, and emerging.*

From: Sue-Ann Jensen <jenlands2@bigpond.com>
Sent: Tuesday, May 21, 2024 8:35 AM
To: WBBSARA <WBBSARA@dasilgp.qld.gov.au>
Cc: RCM Rail Corridor Management <RCM@tmr.qld.gov.au>; David
Madden <gayndahmilk@gmail.com>; patrick.z.leys@tmr.qld.gov.au
Subject: Re: DA240013 - 16191 Burnett Highway, Gayndah - Rooming
accommodation and short-term accommodation

Morning Caroline,
Reference is made to the information request dated 10th May
2024 (attached), re the above application. Being unclear what is being
requested in the information request, we sought advice from the Rail
Corridor Management team and as you can see in the email trail below,
we have been referred back to you. Can you please advise.

Thank you

Kind regards

Sue-Ann

on behalf of the applicants David & Lisa Madden

Good afternoon Sue-Ann

In Patrick's absence, I have discussed this matter with my manager and we're unsure as to what they're actually requesting, given TMR has provided it's Owner's Consent.

It may be best to go back to Caroline Plank as per the letter to determine exactly what needs to be actioned.

Please don't hesitate to come back to us once Caroline has responded.

Thanks Sue-Ann

Cameron Scott

Principal Advisor (Rail Corridor Management)

Development Projects and Rail Corridor Management | Department of Transport and Main Roads

Floor 17

61 Mary Street Brisbane Qld 4000

GPO Box 1412 Brisbane Qld 4001

P: (07) 3066 7432

E: cameron.x.scott@tmr.qld.gov.au

W: www.tmr.qld.gov.au

On 16 May 2024, at 12:18 pm, Sue-Ann Jensen

<jenlands2@bigpond.com> wrote:

Good afternoon Patrick,

In reference to your email of 9th April providing TMR owner's consent for the above development (attached).

The application was then referred to SARA , an information request (attached) was received 10th May, excerpt from the information request below.

Patrick, I would appreciate clarification of what is being asked here because my understanding was that you have already provided owners consent, also referring to our email correspondence on both the 9th and 10th April re the existing OCC 126.600km in place and Mr John Mcdonald from the

Department of Resources (DoR) statement re the access.

"Access over Lot 26 SP102268 (land administered by DTMR)

Issue

DTMR's letter of 9 April 2024 has only consented to the lodgement of the development application and does not constitute approval for any person to enter a rail corridor or land administered by DTMR, which, in this case is Lot 26 on SP102268. Based on the issues raised in the information request (item 1 of this notice), clarification is requested about the access arrangements for the proposed development, specifically where they are intended to occur across Lot 26 on SP102268.

Action

Please provide a plan of development drawn to scale which clearly shows where vehicular access is proposed to occur from Lot on 26 SP102268. If approval has been given by DTMR for the crossing, please provide evidence of this with your response.

Additional advice

To assist in this matter, please ensure no permanent part of the development, with the exception of the vehicle crossing, is located within Lot 26 on SP102268. Any decision issued by DTMR under Section 62 of the Transport Infrastructure Act 1994 only relates to access to state-controlled roads and does not include access to rail corridor land, such as Lot 26 on SP102268. Access over rail corridor land is administered by DTMR. Further advice about entry over or into rail corridor land can be directed to DTMR's Rail Corridor Management team via RCM@tmr.qld.gov.au"

Kind regards

Sue-Ann

Existing OCC

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

From: Sue-Ann Jensen jenlands2@bigpond.com 
Subject: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation
Date: 10 April 2024 at 11:26 am
To: Lyn McLeod Lyn.Mcleod@northburnett.qld.gov.au
Cc: David Newby david@insitesjc.com.au, Evonne Swain Evonne.Swain@resources.qld.gov.au, Lisa Madden lisa-jensen@bigpond.com, David Madden gayndahmilk@gmail.com

SJ

Good morning Lyn,
Please find attached TMR owner's consent for the above application. Please also see below email correspondence with TMR who have confirmed the existing OC will be sufficient for access purposes for this development not requiring an easement.

I have cc'ed both David in Evonne in.

Kind regards

Sue-Ann

Begin forwarded message:

From: Sue-Ann Jensen <jenlands2@bigpond.com>
Subject: Re: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation
Date: 10 April 2024 at 10:53:45 am AEST
To: RCM Rail Corridor Management <RCM@tmr.qld.gov.au>

Morning Patrick,
Thank you very much.
Have a great day

Kind regards

Sue-Ann

On 10 Apr 2024, at 9:49 am, RCM Rail Corridor Management <RCM@tmr.qld.gov.au> wrote:

Good morning Sue-Ann,

We believe that the existing occupational crossing should be sufficient for access purposes, as the current owner will be operating and maintaining the proposed accommodation. Given that the proposal is not large-scale, we wouldn't anticipate a significant increase in traffic over the crossing and there won't be a need to upgrade it to a public crossing.

Kind regards,

Patrick Leys
Principal Advisor | Rail Corridor Management
Portfolio Investment and Programming Branch | PPI Division
Property | Department of Transport and Main Roads

Level 17 | 61 Mary Street | Brisbane Qld 4000

GPO Box 1412 | Brisbane Qld 4001

P: (07) 3066 7430

E: patrick.z.leys@tmr.qld.gov.au

W: www.tmr.qld.gov.au



**Queensland
Government**

From: Sue-Ann Jensen <jenlands2@bigpond.com>
Sent: Tuesday, 9 April 2024 2:26 PM
To: RCM Rail Corridor Management <RCM@tmr.qld.gov.au>
Cc: Craig D England <Craig.D.England@tmr.qld.gov.au>; David Madden

<gayndahmilk@gmail.com>

Subject: Re: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation

Hi Patrick,

Thank you very much for providing the states consent. Can you please advise that this is all we need for this application as there is an existing Occupation Crossing (OCC) to Lot 3RP32461 in place.

Mr John Mcdonald from the Department of Resources (DoR) stated in his email (see attached) that;

"If it can be authorised in another manner, and TMR does not require the negotiation of an easement, then DoR has no further involvement".

Can you please confirm that TMR does not require the negotiaiton of an easement.

Thank you

Kind regards

Sue-Ann

On 9 Apr 2024, at 12:48 pm, RCM Rail Corridor Management
<RCM@tmr.qld.gov.au> wrote:

Good afternoon Sue-Ann,
Please find attached TMR owner's consent for your application.
Please note that it has been addressed to Lisa Madden as the applicant in the planning report, as per our usual practice.

Kind regards,

Patrick Leys
Principal Advisor | Rail Corridor Management
Portfolio Investment and Programming Branch | PPI Division
Property | Department of Transport and Main Roads

Level 17 | 61 Mary Street | Brisbane Qld 4000
GPO Box 1412 | Brisbane Qld 4001
P: (07) 3066 7430
E: patrick.z.leys@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: Sue-Ann Jensen <jenlands2@bigpond.com>

Sent: Monday, 8 April 2024 4:35 PM

To: RCM Rail Corridor Management <RCM@tmr.qld.gov.au>

Subject: Re: DA240013 - 16191 Burnett Highway, Gayndah - Rooming accommodation and short-term accommodation

Hi Craig,
Thank you very much!, that is great news.

Much appreciated

Kind regards

Sue-Ann

On 8 Apr 2024, at 1:54 pm, RCM Rail Corridor Management
<RCM@tmr.qld.gov.au> wrote:

Hi Sue-Ann,

Apologies for the delay in getting back to you but I am glad Isis Sugar have reached out to you. I am happy to provide owners consent to the application. It will be via a letter.

Kind regards,

Craig England

Manager (Rail Corridor Management)

Development Projects and Rail Corridor Management | Department of
Transport and Main Roads

Floor 17
61 Mary Street Brisbane Qld 4000
GPO Box 1412 Brisbane Qld 4001
P: (07) 306 67418 M: 0438 708 069
E: craig.d.England@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: Sue-Ann Jensen <jenlands2@bigpond.com>

Sent: Monday, 8 April 2024 10:48 AM

To: WBB.IDAS <Wide.Bay.Burnett.IDAS@tmr.qld.gov.au>

Cc: RCM Rail Corridor Management <RCM@tmr.qld.gov.au>;
David Madden <gayndahmilk@gmail.com>

Subject: DA240013 - 16191 Burnett Highway, Gayndah -
Rooming accommodation and short-term accommodation

Hi Bryan,

As previously discussed we are seeking owners consent from the state to progress the above development, for access to the property that has been there and utilised, even before the railway was built. The railway corridor is not functional anymore no bridges linking the track from previous floods taking them out. The land (previous railway corridor) is currently leased by the Bundaberg Isis Mill who have sent an email providing information (see attached email page 3) map clearly shows there is an OCC Occupation Crossing to Lot 3RP32461. Advice is that an occupation crossing allows a landowner whose land is

split in two by a railway (or road) to retain access from one parcel of land to the other. See map below the two (2) parcels split L1RP32461 and L3RP32461 both owned by the applicants of this development.

Pre-lodgement advise was sought from SARA as you advised on the 5th March. SARA directed us to DoR (this pre-lodgement advice is in the planning report)

The following advise from John Mcdonald from DoR (email attached) with advise that owners consent is required from The Department of Transport and Main Roads (TMR) and an application for an easement over State land through DoR.

As you see in the correspondence to John, I questioned the fact of requiring owners consent when there was already a OCC in place for access to L3RP32461.

John has responded by saying if authorisation can be granted in another manner and TMR does not require the negotiation of an easement then DoR has no further involvement.

Can you please advise if consent is required especially with a OCC already in place?

I will also attach the Form 1 and Planning report for this application for your information. Thank you for your time and should you require further information please don't hesitate to give me a call on 0428 678 087.

Kind regards
Sue-Ann

Begin forwarded message:

From: WBB.IDAS
<Wide.Bay.Burnett.IDAS@tmr.qld.gov.au>
Subject: Contact details for SARA and TMR's Rail Corridor Management Team - future development on land at Lot 3 RP32461 - Burnett Highway, Gayndah
Date: 5 March 2024 at 4:48:16 pm AEST

To: "jenlands2@bigpond.com"
<jenlands2@bigpond.com>
Cc: RCM Rail Corridor Management
<RCM@tmr.qld.gov.au>

****Without Prejudice****

Attn: Sueanne Jensen

Hello Sueanne,

Please disregard my previous email as it has an incorrect reference in the subject line. Hence, I have resent this email to correct this unfortunate error.

Thank you for your time on the phone earlier today regarding potential development being considered on Lot 3 RP32461, situated at the Burnett Highway, Gayndah. There are two matters we identified in our discussion, being 1) access arrangements for Lot 3 RP32461 and 2) potential development of worker accommodation use on Lot 3 RP32641. As discussed, I have followed up your enquiry with this email which include advice as follows:-

1. Access for Lot 3 RP32461

The access arrangement for Lot 3 RP32461 appears to cross two separate parcels of land, described as Lot 2 SP102268 and Lot 1 RP32461 (see below). Lot 2 SP102268 was once rail corridor land. Enquiries about crossing this land can be directed to our Rail Corridor Management team via their nominated email address being RCM@tmr.qld.gov.au I have copied them into this email to ensure you receive their email address. I encourage you to contact them about this matter.

With regards to access over Lot 1 RP32461, this is freehold land. I could not find any mechanism where Lot 3 RP32461 has access over Lot 1 (such as an access easement). I recall from our discussion Lot 3 RP32461 was recently purchased? I suggest you seek legal advice about this issue.





2. Potential development of workers accommodation on Lot 3 RP32461

As we discussed, you can seek pre-lodgement advice from the Department of Housing, Local Government, Planning and Public Works (otherwise known as the State Assessment Referral Agency or SARA) about potential developments that involve a state interest. In this regard, the matters of interest to the state are reflected in the *State Development Assessment Provisions* (the SDAP). SARA's contact details for enquiries pertaining to seeking pre-lodgement advice are provided below for your information:

Department: Department of Housing, Local Government, Planning and Public Works (SARA)
Email: WBBSARA@dsdilgp.qld.gov.au
Phone: (07) 4331 5614

Should you wish to seek pre-lodgement advice, I would encourage you to provide as much as information as possible about the type of development such as an indicative plan of development showing the proposed access arrangements or alternatively, you can ask specific questions that you would like answered. This will assist in SARA and any other technical agency in understanding the proposal and providing advice and/or answering specific questions about your proposal. I must also advise that the Department of Transport and Main Roads (TMR) has a policy called the *Vehicular access to state-controlled roads policy 2023* (the VAP) which outlines a number of principles and strategies that TMR will apply when making a decision relating to the management of access between adjacent land and a state-controlled road. For Lot 3 RP32461, I would suggest ensuring lawful access arrangements are provided will be a key consideration in any future

provided will be a key consideration in any future development proposal.

I hope this has been of assistance however if you wish to discuss further, please contact SARA in the first instance or my contact details are provided below.

Kind regards

Bryan Richters

Program Support Coordinator - Corridor and Land Management | **Wide Bay District**
Program Delivery and Operations | Infrastructure Management and Delivery | Department of Transport and Main Roads

Floor 1 | Bundaberg Main Roads Building | 23 Quay Street
| Bundaberg Qld 4670
Locked Bag 486 | Bundaberg Qld 4670
P: (07) 4154 0280 | F: (07) 4152 3878
E: WBB.IDAS@tmr.qld.gov.au
W: www.tmr.qld.gov.au

I work flexible hours and I'm sending this message now because it suits my working arrangements. I don't expect you to read, action or respond outside of your normal work hours.

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.



OC - Ellendee
Park MCUJ.pdf

From: Sue-Ann Jensen <jenlands2@bigpond.com>
Subject: Fwd: Rail Crossing
Date: 27 March 2024 at 12:35:34 pm AEST
To: David Madden <gayndahmilk@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Sue-Ann Jensen <jenlands2@bigpond.com>
Date: 27 March 2024 at 12:34:04 pm AEST
To: Lyn McLeod <Lyn.Mcleod@northburnett.qld.gov.au>
Subject: Fwd: Rail Crossing

Hi Lyn,
As discussed.
Thank you

Begin forwarded message

From: **Paul Nicol** <Paul.Nicol@isissugar.com.au>
Date: Tue, 26 Mar 2024 at 4:38 pm
Subject: Rail Crossing
To: gayndahmilk@gmail.com <gayndahmilk@gmail.com>

Dave,

Thank you for your inquiry about rights to cross
the rail line at [Gayndah - 16191 Burnett Highway](#).



My records show an OCC for this location although I didn't have your actual lot and plan.

The OCC at location 126.600 KM is for Lot 3 RP32461 - and is shown in the photograph and in the plan attached.

Please confirm that this is the Parcel you are

Stay Safe

Regards,

Paul Nicol

Cane Supply Manager

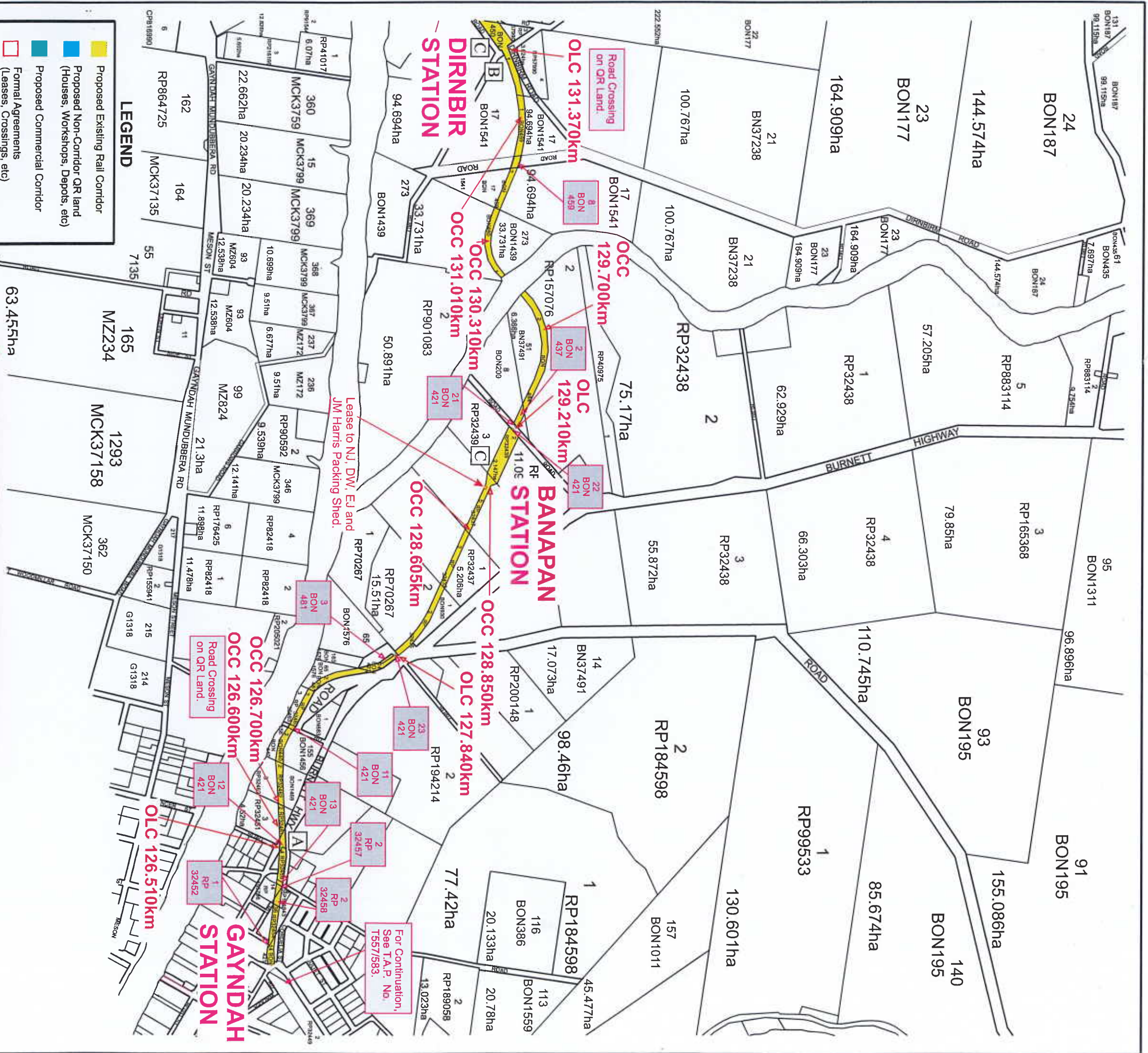
Isis Central Sugar Mill Co. Ltd.

P.M.B. 1 Childers Qld 4660

07 4126 4459

0438 888 590

paul.nicol@isissugar.com.au



LEGEND

- Proposed Existing Rail Corridor
- Proposed Non-Corridor QR Land (Houses, Workshops, Depots, etc)
- Proposed Commercial Corridor
- Formal Agreements (Leases, Crossings, etc)
- To be opened as Road
- Proposed Non-Rail Corridor (Future Transport Corridor Land)

NOTE: The dimensions of categorised land and any leases are approximate only and are **NOT TO BE SCALED.**

SUPERCEDED

For new property descriptions, refer to PLUS

136.002ha

40.529ha

NOTE: This drawing is for the exclusive use of the persons to whom it was originally distributed (being solely for the purposes of the corridor assessment process) and is not to be disseminated, copied or distributed to any other party.

STANDARD MAP NUMBER
9246-44231

MAP WINDOW POSITION



(c) The State of Queensland,
Department of Natural Resources, 1996.



A Product of the Basic Land Information Network
Department of Natural Resources, 1996.
Based upon an extraction from the
Digital Cadastral Data Base

151°36'00"
287°36'00"

NEAREST LOCALITY

+

↓

GAYNDAH

4427'00"

MAP DESCRIPTION		ALTERATIONS	
LOCAL GOVERNMENT	GAYNDAH	ISSUE	DETAILS
LOCALITY	IDERAWAY	A	Road to be opened category
PARISH	TAUGHBOYNE	B	Road to be opened category
COUNTY	BOWEN	C	Surplus to Existing Rail Corridor.
PRINTED	18/12/1996		
DCDB	18/11/1996		

CAP FILE : p:\pccp\gayndah_5571584\hapt1.cdr

CHECKED : D.V. DOBRIDGE

QUEENSLAND RAIL

PROPERTY DIVISION

Gayndah to Monto Line
from Gayndah Station
to Shire Boundary
GAYNDAH SHIRE

PART OF LINE SECTION - 584

T.A.P. NUMBER T557/584	SHEET 1 OF 5 SHEETS ISSUE
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