

#1970549: EC: ts GPC Reference: RR2023/012/01

11 November 2024

Rickert Family Trust C/- The Development Directive Pty Ltd Samuel Hutchinson 884 Logan Road HOLLAND PARK WEST QLD 4121

Dear Sam,

AMENDED REFERRAL AGENCY RESPONSE – WITH CONDITIONS - RR2023/012/01 (GIVEN UNDER S28 OF THE DA RULES)

1 Application Details

Change representations were made to the Gladstone Ports Corporation Limited under section 30.1 of the DA Rules on 17 September 2024. This amended Referral Agency Response replaces the referral agency response dated 3 September 2024.

Application Number:	RR2023/012/01	
Applicant Name:	Rickert Family Trust	
Applicant Contact Details:	Rickert Family Trust C/- The Development Directive Pty Ltd Samuel Hutchinson 884 Logan Road HOLLAND PARK WEST QLD 4121 Email: samuel@developmentdirective.com.au	
Approval Sought (Port Limits):	 Planning Regulation 2017 - Schedule 10, Part 13, Division 3, Table 1, Item 1 Prescribed assessable development within limits of a port and On land below high-water mark and within the limits of a port under the Transport Infrastructure Act Prescribed assessable development within the limits of a Port – GPC as the Referral Agency 	
Details of Proposed Development:	Preliminary approval - for a material change of use that includes a variation request to vary the effect of the BRC planning scheme to change the zoning from Limited Development Zone to Low Density Residential Precinct	

	<u>Development Permit</u> - Reconfiguration of a Lot for subdivision of 173 lots into 172 residential lots, two (2) open space lots, two (2) stormwater treatment lots, and new road in 9 Stages.	
Location Street Address:	Powers, Aldridge, Beachmere, Corser, Coates and Hanse Street, and Hoffmans Road, Burnett Heads	
Location Real Property Description:	Lots 11 – 44 and Lots 65 – 91, Lots 93 – 184, Lots 219 – 232, Lots 235 – 236 on RP7182, Lots 8 & 14 on RP166529 and Lots 5 & 167 on CK1415.	
Land Owner;	PE Rickert & MG Adil & MA Rickert & AG Mackenzie as Personal Representatives for the Estate of Grace Rickert	

2 Description of Proposed Development

- <u>Preliminary approval</u> for a material change of use that includes a variation request to vary the effect of the Bundaberg Regional Council planning scheme to change the zoning from Limited Development Zone to Low Density Residential Precinct;
- <u>Development Permit</u> Reconfiguration of a Lot for subdivision of 173 Lots into 172 Residential Lots, two (2) open space lots, two (2) stormwater treatment lots, and new road in 9 Stages.

3 Referral Triggers

This development application was referred to the Gladstone Ports Corporation Limited under the following provisions of the *Planning Regulation 2017*:

Referral trigger: Schedule 10, Part 13, Division 3, Table 1 - Prescribed assessable

development within limits of a port and on land below high-water mark and within the limits of a port under the Transport Infrastructure Act.

4 Details of Referral Response

Referral agency powers: Referral agency powers are not limited in this response.

This development application has been assessed against port authority functions under the *Transport Infrastructure Act 1994*, chapter 8, part 3 as required in Schedule 10, Part 13, Division 3, Table 1, Item 4 of the *Planning Regulation 2017* and also matters referred to in section 22.

The Gladstone Ports Corporation Limited directs the Assessment Manager, under section 56(1)(b)(i) of the *Planning Act 2016* to give any development approval subject to development conditions stated in Attachment 1.

For further information please contact Trudi Smith, Acting Principal Planner on 07 4976 1314 or via email planning@gpcl.com.au.

Yours sincerely



Kim Gebers Acting Chief Executive Officer

Cc: Assessment Manager – Bundaberg Regional Council

Enc. Attachment 1: Referral Agency Conditions

Attachment 1: Referral Agency Conditions

PART 1: REFERRAL AGENCY CONDITIONS

In accordance with the requirements of the *Transport Infrastructure Act 1994* (Chapter 8, Part 3), and section 56 (1)(b)(i) of the *Planning Act* 2016 this Referral Agency response is subject to each of the following conditions which are stated by the Gladstone Ports Corporation Limited, the Referral Agency.

Part 1a: Approval sought under *Planning Act 2016* –

 Preliminary Approval including a Variation Request and Reconfiguring a Lot (173 lots into 172 residential lots, two [2] open space lots, two [2] stormwater treatment lots, and new road) in 9 Stages.

General

- 1. Development must be carried out generally in accordance with the Approved plans, except where modified by conditions within this response.
- 2. Unless otherwise stated, all conditions must be complied with and completed prior to the commencement of the development.
- 3. Where additional "approval" is required under these conditions by the Referral Agency (Gladstone Ports Corporation Limited) for drawings or documentation the Applicant must submit for review, amend to the satisfaction of, and obtain written approval from the Referral Agency.
 - Furthermore, the Referral Agency will require no less than 20 business days, unless otherwise conditioned by the Assessment Manager, to initially assess the drawings or documentation provided prior to the commencement of the development/works. Should further information be required for assessment, the Referral Agency will require a further 5 business days to complete the information request assessment and response.
- 4. The development must be appropriately designed and constructed to mitigate potential adverse impacts to port operations, services and facilities, and to maintain safe navigable access within Port Limits.
- 5. The construction of the development must not adversely impact other port users, including but not limited to, safe and efficient vessel access throughout Port Limits must be maintained at all times, beyond the construction site.
- The Assessment Manager is to provide the following notation to every lot created under the Development Approval 525.2023.50.1 (Bundaberg Regional Council reference) and RR2023/012/01 (Referral Agency reference) on lots numbered 1 to 172 and 800 to 803 as follows -
 - "Strategic Port Land All future purchasers of the subject land should note that Strategic Port Land is located within 500 metres of this lot. Port related activity may impact on the residential amenity of the occupants/residents."

Amendment to Plans of Development

- 7. Prior to the first stage of the subdivision, Plans of Development for the Proposed Reconfiguration must be amended and submitted to the Referral Agency for Approval, to increase setback distances from Strategic Port Land as follows:
 - a) Prior to the first stage to be developed, submit a plan for the endorsement of a 2.4m high acoustic fence for the full extent of the southern boundary of Lots 38 and 39 and Lots 155 172; and
 - b) Prior to the plan sealing of the first Stage to be developed, construct a 2.4m high acoustic fence for the full extent of the southern boundary of Lots 38 and 39 and Lots 155 172.

Landscaping Buffers

- 8. Deleted
- 9. Deleted.

Stormwater/ Drainage

10. At all times, Infrastructure installed as a result of the development (i.e. the proposed B4 detention basin) shall not restrict current or future access to Council or State road/transport corridors, along the frontages of Strategic port land.

Engineering

- 11. Upon completion of any works for other related approvals undertaken within Port Limits, the Applicant must supply the Referral Agency with RPEQ certified "As Constructed" plans in electronic (CAD format) which illustrate all infrastructure and services installed on, under or over Port Limits associated with the activity unless otherwise approved in writing by the Referral Agency.
- 12. The Applicant must inform the Referral Agency of completion of any works within Port Limits within 14 days of practical completion and certify that the site is fit for purpose.
- 13. Any site lighting used during construction / development should not negatively impact on the visibility of Navigational Aids utilised for the primary shipping channels within Port Limits nor illuminate a landward glare beyond the site boundary. Where an issue is identified or a validated complaint received, the Applicant must immediately rectify to the satisfaction of the Referral Agency.
- 14. Any material which is deposited or any debris which falls or is deposited within Port Limits during the construction of the approved development or other related approvals undertaken within Port limits shall be removed by the applicant at their cost and expense. The applicant is to notify the Port Authority if any material or debris is deposited.
- 15. Upon completion of construction of the approved development or other related approvals within Port limits, the applicant shall provide the Referral Agency with written confirmation that the seabed is clear of foreign materials.
- 16. If, as a result of the works, or other cause attributable to the Applicant, any bank or tidal structure within Port Limits is displaced, the Applicant at its cost and expense shall restore the bank or structure to its former condition and take such other action as is necessary to ensure the stability of the bank or structure to the satisfaction of the Gladstone Ports Corporation Limited's Port Infrastructure Asset Manager.

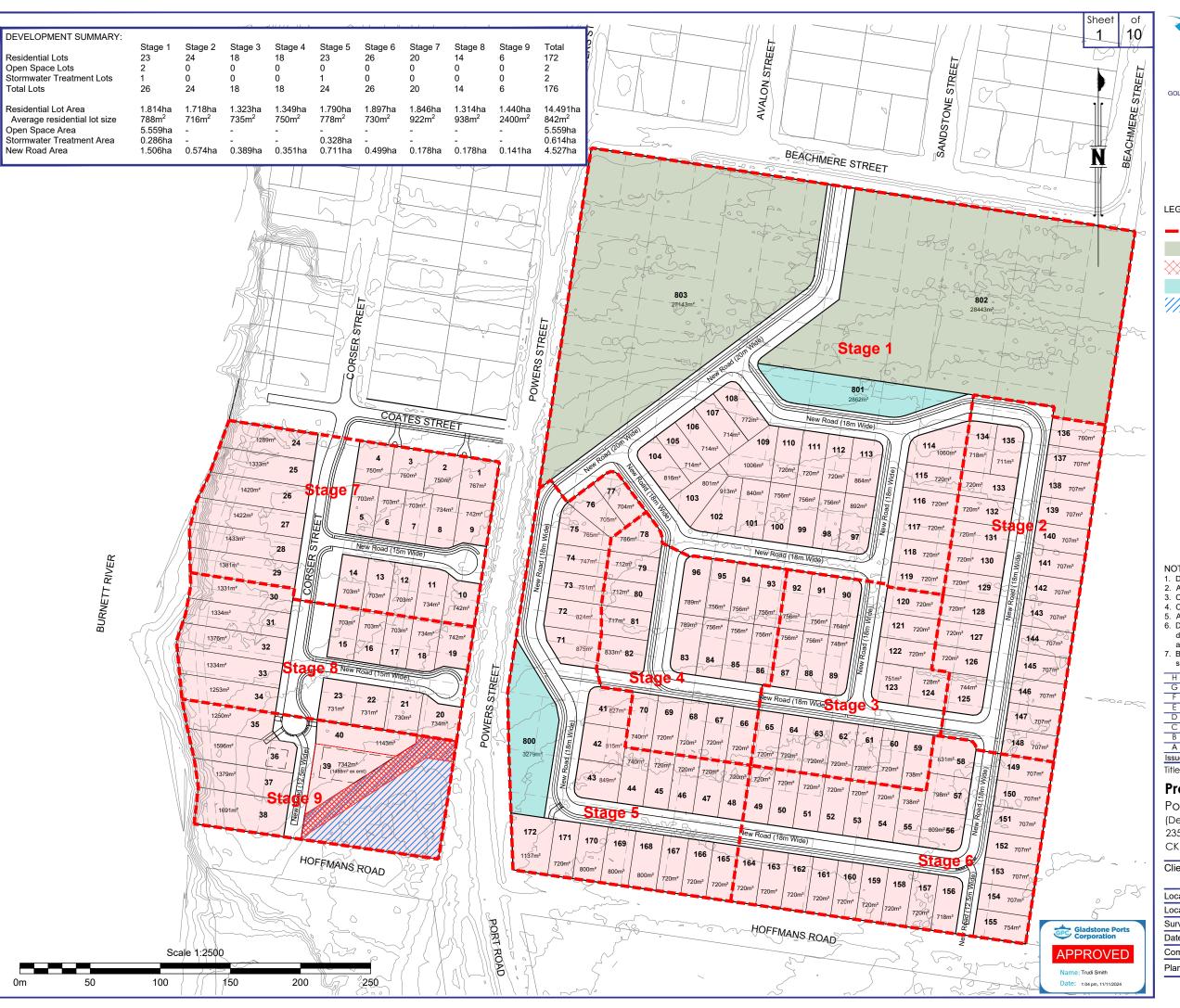
Environmental

17. At all times, Gladstone Ports Corporation Environment Hotline (07) 4976 1617 is to be notified of the occurrence of any release / spill of contaminants (e.g. fuels / chemicals

- sediment and waste of any amount to water within Port Limits.
- 18. Environmental incident notification must be included in any Management Plans for the works or any related works within Port Limits.

Part 1b: ADVICE NOTES

- A. All other relevant approvals must be obtained before commencement of the development or operation of the development, including any Operational works, storm water and drainage works;
- B. Where the Applicant is required to submit further documentation to the Referral Agency, this is to be directed to the Planning section at planning@gpcl.com.au, including reference to the allocated referral response number.
- C. Where the Applicant is required to report damage to any bank or tidal structure within Port Limits, the Applicant is directed to contact the Port Infrastructure Asset Manager on 4976 1332 or bartona@gpcl.com.au
- D. The *Environmental Protection Act* 1994 states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction, and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
- E. All development should proceed in accordance with the duty of care guidelines under the *Aboriginal Cultural Heritage Act 2003*. Penalties may apply where duty of care under that Act has been breached.





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LEGEND:

Subject Site

Open Space

Bushfire APZ - Covenant

Stormwater Treatment Area

Stormwater Drainage Easement

NOTES:

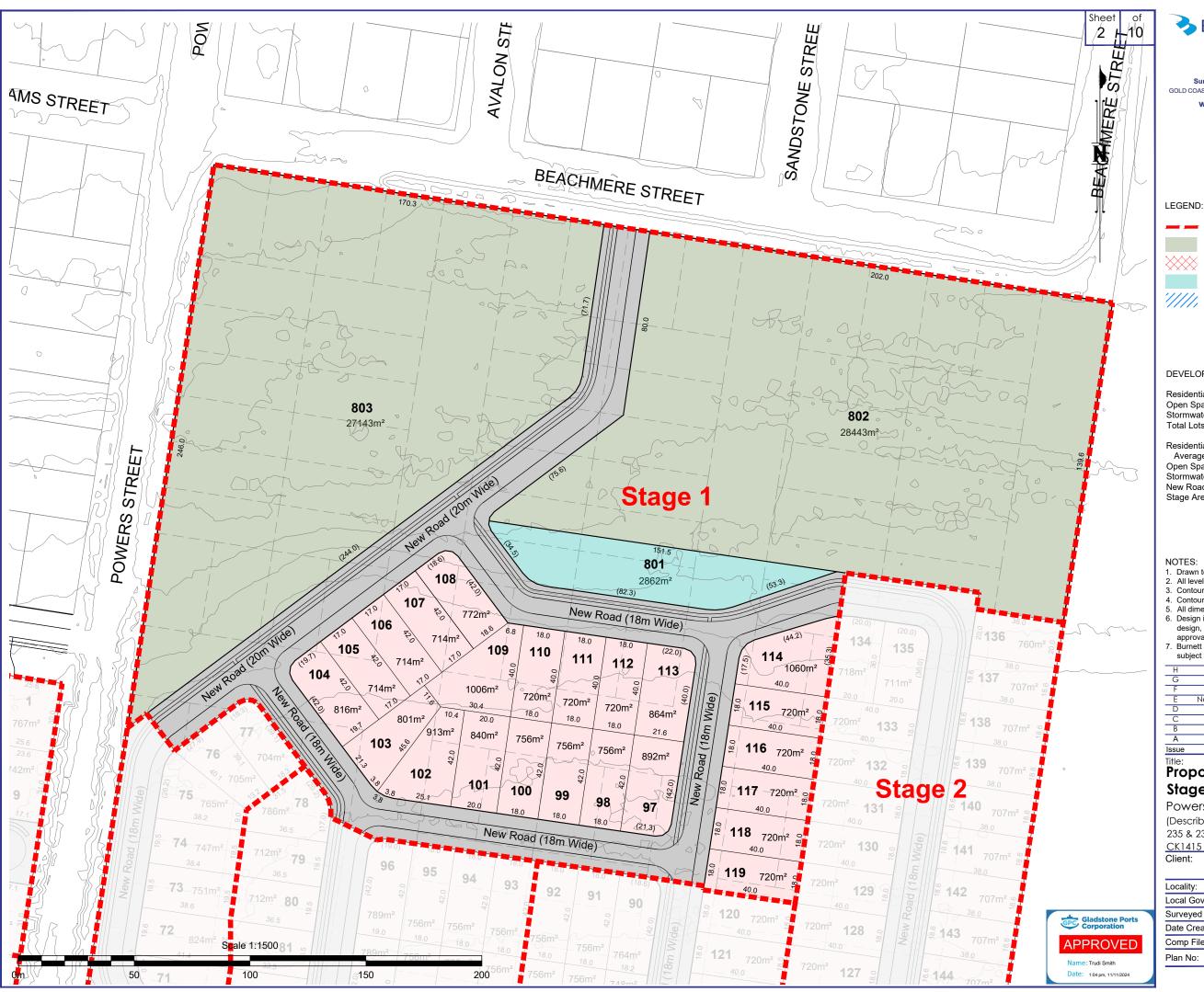
- Drawn to scale on an A3 sheet.
 All levels are in metres on the Australian Height
- 3. Contour Interval:0.5m
- Contours are derived from State LIDAR data.
 All dimensions and areas are subject to final survey.
- 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority
- 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey.

Issue	Revision	Int	Date
Α	Original Issue		4/08/2023
В	River edge revised	DR	8/08/2023
С	Layout Revised	HK	,,
D	Stage Details Added	HK	13/09/2023
Е	New Roads Area updated	HK	27/09/2023
F	Stage7,8 & 9 Updated		14/11/2023
G	Response to IR		21/03/2024
_ н	Layout upaatea		22/08/2024

Proposed Reconfiguration

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on CK1415 & Lot 14 on RP166529)

Client:	TRUSTEES FOR THE ESTATE		
	OF GRACE	RICKERT	
Locality:	BURNETT HI	EADS	
Local Gov:	BRC	Prepared E	By: DR
Surveyed By:		Approved:	
Date Created:	13/05/2022	Scale:	1:2500
Comp File:			
Plan No:	220239_00	6_PRO	





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Subject Site

Bushfire APZ - Covenant

Stormwater Drainage Easement

DEVELOPMENT SUMMARY:

Residential Lots Open Space Lots Stormwater Treatment Lots **Total Lots**

Residential Lot Area Average Size of residential Lots 788m² Open Space Area 5.559ha Stormwater Treatment Area 0.286ha New Road Area 1.506ha Stage Area 9.165ha

NOTES:

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 All levels are in metres on the Australian Height
- 3. Contour Interval:0.5m
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 5. All dimensions and areas are subject to final survey.
 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority
- approvals.

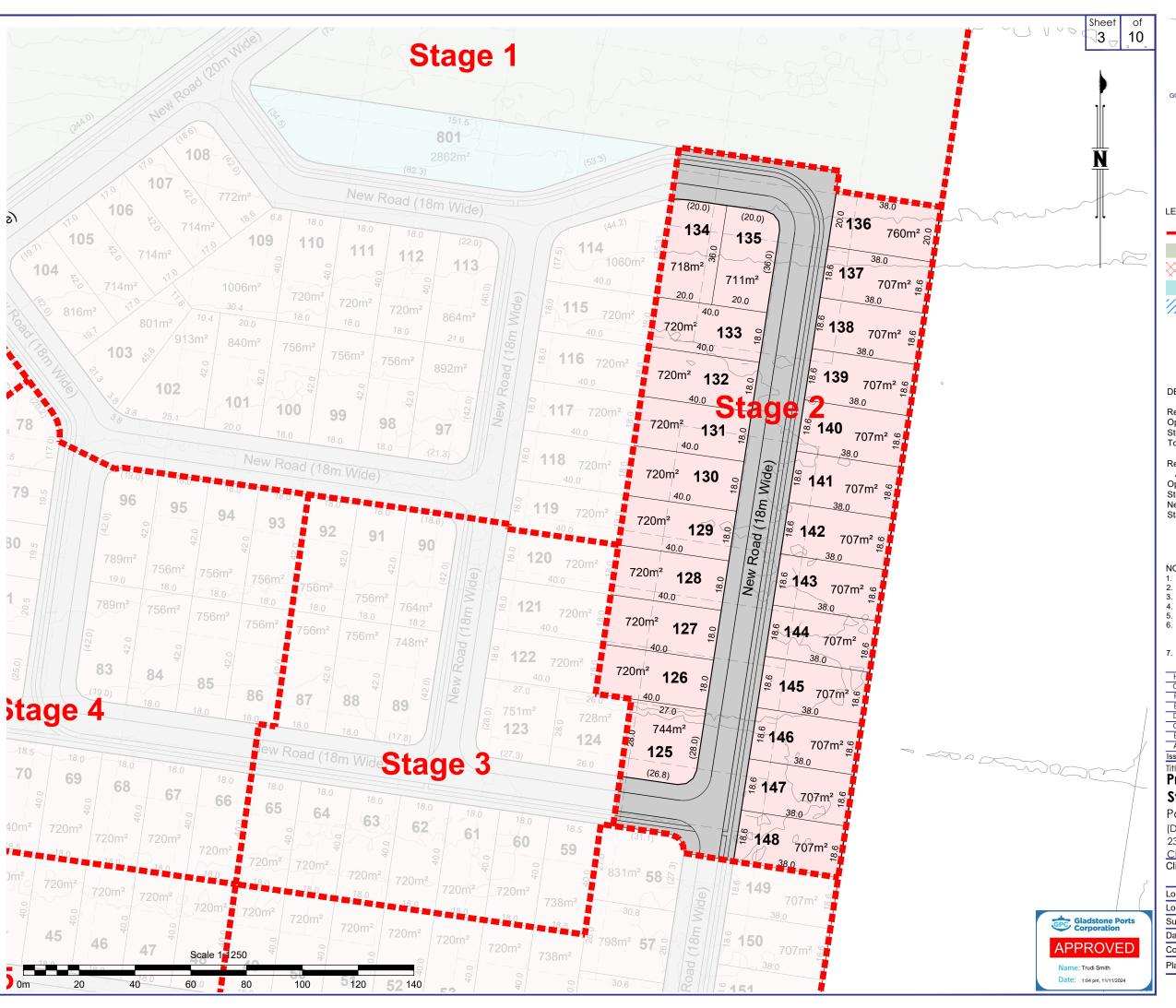
 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey

Issue	Revision	Int	Date
Α	Original Issue		4/08/2023
В	River edge revised	DR	8/08/2023
С	Layout Revised	HK	10/08/2023
D	Stage Details Added	HK	13/09/2023
Е	New Roads Area updated	HK	27/09/2023
F	Stage7,8 & 9 Updated		14/11/2023
G	Response to IR		21/03/2024
Н	Layout upaatea		22/08/2024

Proposed Reconfiguration Stage 1

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on CK1415 & Lot 14 on RP166529)

Client:	TRUSTEES FOR THE ESTATE OF GRACE RICKERT		
Locality:	BURNETT H	EADS	
Local Gov:	BRC	Prepared By: DR	
Surveyed By:		Approved	:
Date Created:	13/05/2022	Scale:	1:1500
Comp File:			
Plan No:	220239_006_PRO		





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LEGEND:

Open Space

Bushfire APZ - Covenant

Stormwater Drainage Easement

DEVELOPMENT SUMMARY:

Residential Lots Open Space Lots 0 Stormwater Treatment Lots Total Lots 24

Residential Lot Area 1.718ha Average Size of residential Lots 716m² Open Space Area Nil Stormwater Treatment Area Nil New Road Area 0.574ha Stage Area

NOTES:

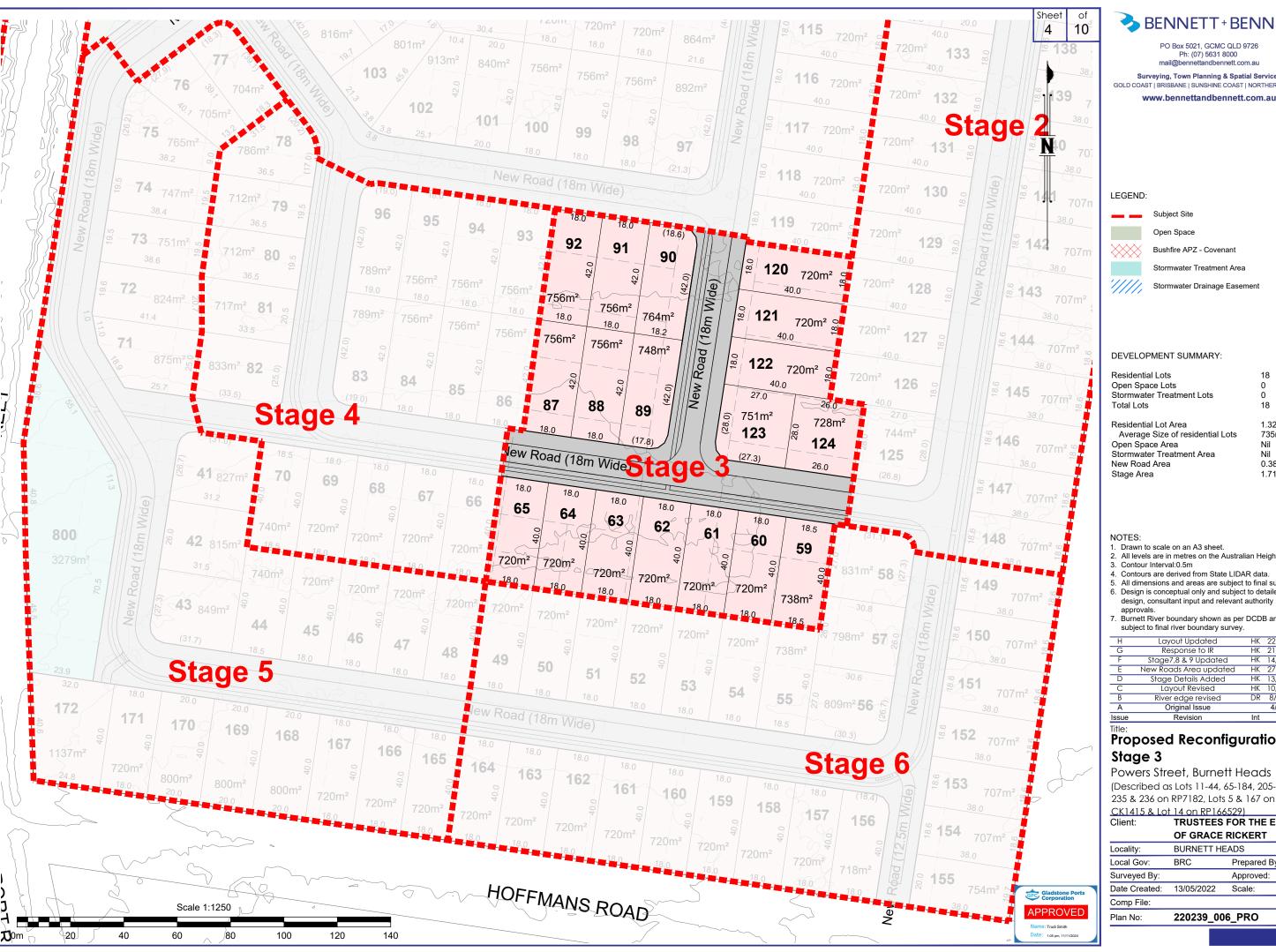
- 1. Drawn to scale on an A3 sheet
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- 3. Contour Interval:0.5m
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 All dimensions and areas are subject to final survey.
- 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority
- 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey.

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Ì	Α	Original Issue		4/08/2023
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•	D	Stage Details Added	HK	13/09/2023
	Е	New Roads Area updated	HK	27/09/2023
	F	Stage7,8 & 9 Updated		14/11/2023
	G	Response to IR		21/03/2024
	Н	Layout upaatea		22/08/2024

Proposed Reconfiguration Stage 2

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on CK1415 & Lot 14 on RP166529)

Client:	TRUSTEES FOR THE ESTATE			
	OF GRACE RICKERT			
Locality:	BURNETT HEADS			
Local Gov:	BRC	Prepared	Ву:	DR
Surveyed By:		Approved	d:	
Date Created:	13/05/2022	Scale:	1:1	250
Comp File:				
Plan No:	220239_006_PRO			





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Subject Site

Open Space

Bushfire APZ - Covenant

Stormwater Drainage Easement

DEVELOPMENT SUMMARY:

Open Space Lots Stormwater Treatment Lots 18

1.323ha Residential Lot Area Average Size of residential Lots 735m² Open Space Area Nil Stormwater Treatment Area Nil New Road Area 0.389ha Stage Area 1.712ha

- 1. Drawn to scale on an A3 sheet
- 2. All levels are in metres on the Australian Height
- 3. Contour Interval:0.5m
- 4. Contours are derived from State LIDAR data.5. All dimensions and areas are subject to final survey.
- 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority
- 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey.

Н	Layout Updated		22/08/2024
G	Response to IR	HK	21/03/2024
F	Stage7,8 & 9 Updated	HK	, ,
Е	New Roads Area updated	HK	27/09/2023
D	Stage Details Added	HK	13/09/2023
С	Layout Revised	HK	10/08/2023
В	River edge revised	DR	8/08/2023
Α	Original Issue		4/08/2023
ssue	Revision	Int	Date

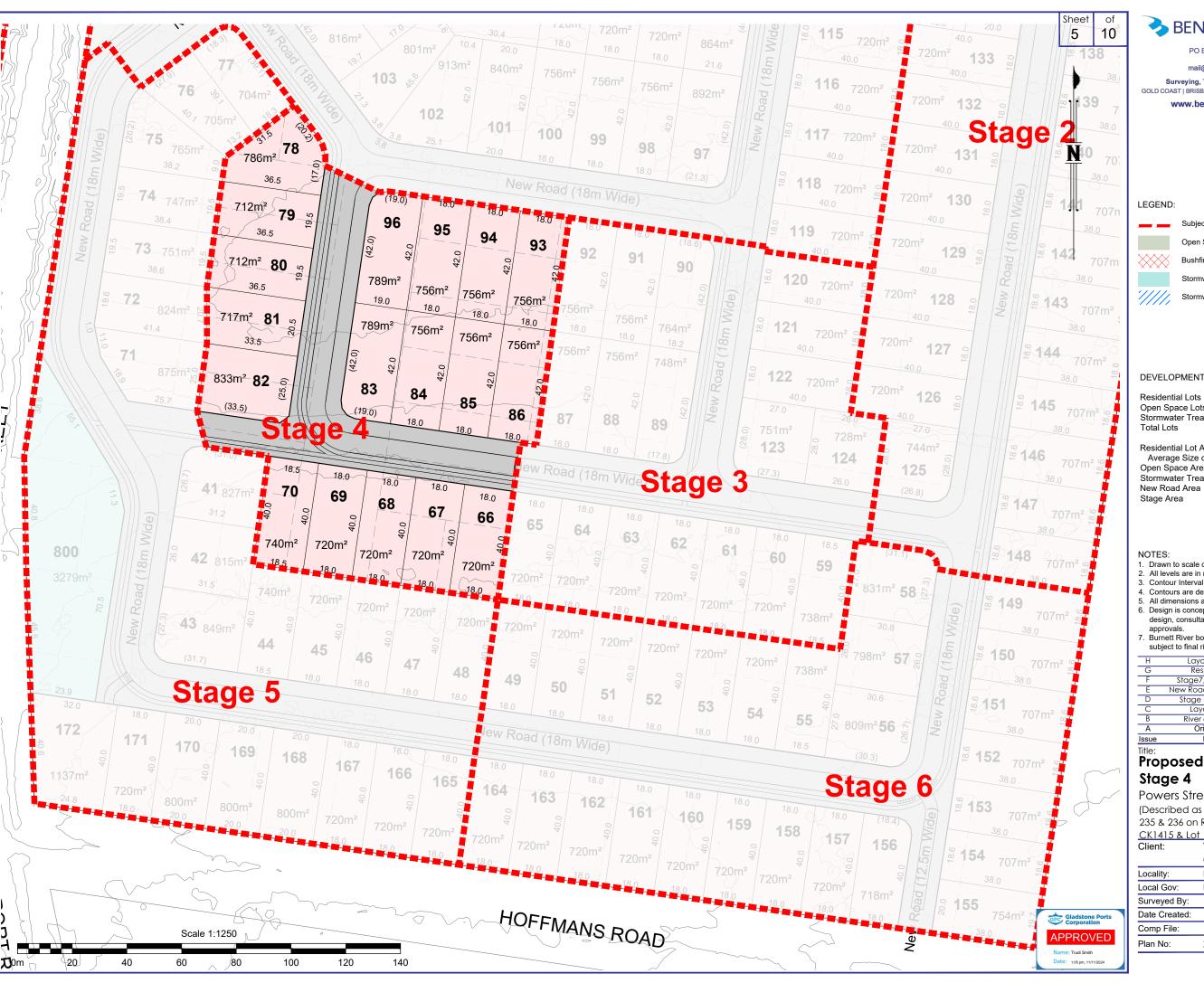
Proposed Reconfiguration Stage 3

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on

CK1415 & Lo	<u>ot 14 on RP</u>	166529)	
Client:	TRUSTE	ES FOR THE EST	ATE
	OF GRA	CE RICKERT	
.ocality:	BURNETT	HEADS	
ocal Gov.	BRC	Prepared By:	DR

Local Gov:	BRC	Prepared By:	
Surveyed By:		Approved:	
Date Created:	13/05/2022	Scale:	1:1250
Comp File:			

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Open Space

Bushfire APZ - Covenant

Stormwater Drainage Easement

DEVELOPMENT SUMMARY:

Open Space Lots Stormwater Treatment Lots

Residential Lot Area 1.349ha Average Size of residential Lots 750m² Open Space Area Stormwater Treatment Area Nil New Road Area 0.351ha 1.70ha

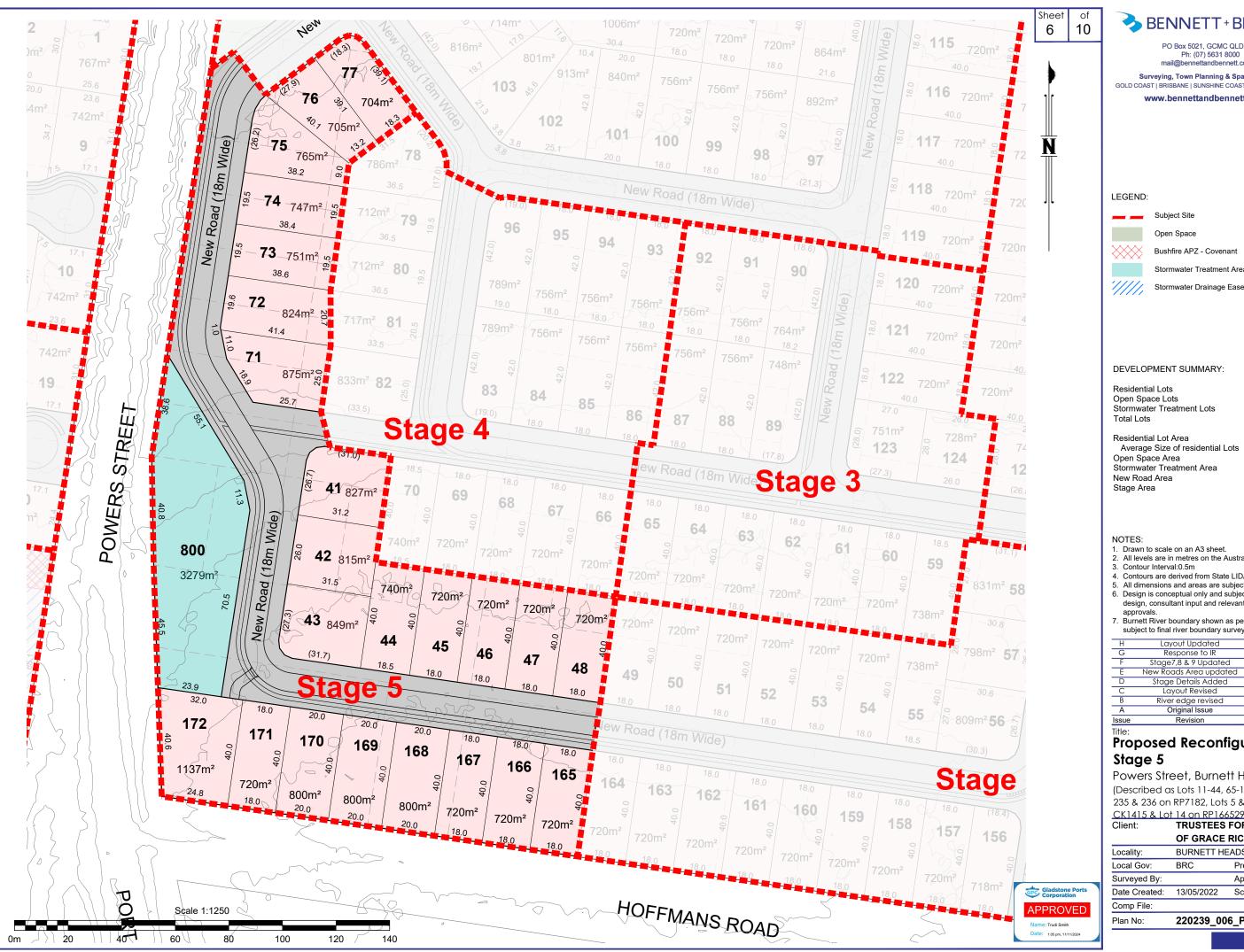
- 1. Drawn to scale on an A3 sheet
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- 3. Contour Interval:0.5m
- Contours are derived from State LIDAR data.
 All dimensions and areas are subject to final survey.
- 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority
- 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey.

Н	Layout Updated		22/08/2024
G	Response to IR	HK	21/03/2024
F	Stage7,8 & 9 Updated		14/11/2023
Е	New Roads Area updated		27/09/2023
D	Stage Details Added		13/09/2023
С	Layout Revised	HK	10/08/2023
В	River edge revised	DR	8/08/2023
Α	Original Issue		4/08/2023
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Proposed Reconfiguration

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on CK1415 & Lot 14 on RP166529)

Client:	TRUSTEES FOR THE ESTATE			
OF GRACE RICKER				
Locality:	BURNETT HI	EADS		
Local Gov:	BRC	Prepared By: [DR
Surveyed By:		Approved		
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Comp File:				
Plan No:	220239_00	6_PRO		





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Subject Site

Open Space

Bushfire APZ - Covenant

Stormwater Treatment Area

Stormwater Drainage Easement

DEVELOPMENT SUMMARY:

Residential Lots 23 Open Space Lots 0 Stormwater Treatment Lots **Total Lots**

Residential Lot Area 1.790ha Average Size of residential Lots 778m² Open Space Area Stormwater Treatment Area 0.328ha New Road Area Stage Area

NOTES:

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- Contours are derived from State LIDAR data.
 All dimensions and areas are subject to final survey.
- 6. Design is conceptual only and subject to detailed
- design, consultant input and relevant authority approvals. 7. Burnett River boundary shown as per DCDB and

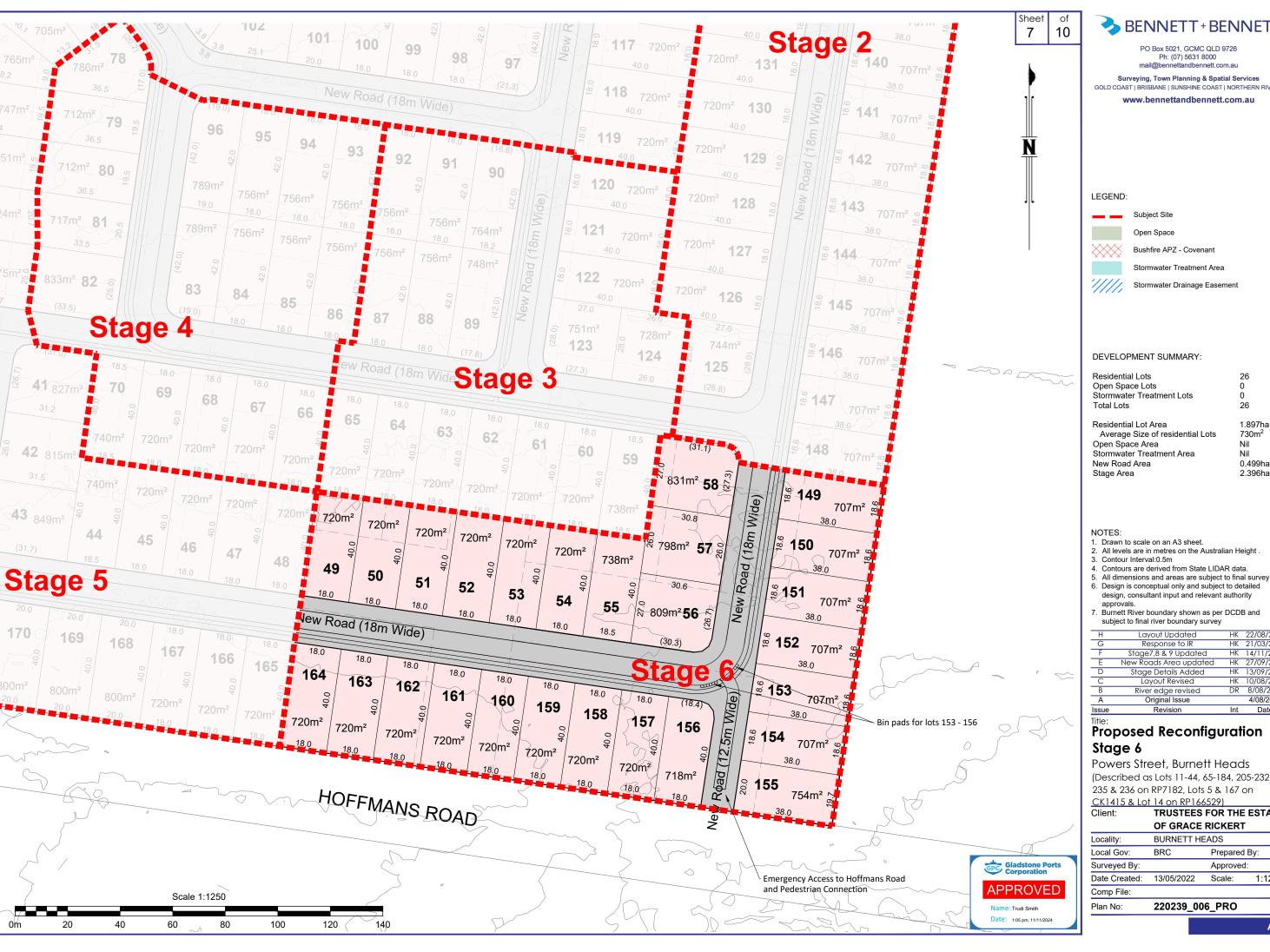
Н	Layout Updated		22/08/2024
G	Response to IR		21/03/2024
F	Stage7,8 & 9 Updated		14/11/2023
Е	New Roads Area updated	HK	27/09/2023
D	Stage Details Added	HK	13/09/2023
С	Layout Revised	HK	10/08/2023
В	River edge revised	DR	8/08/2023
Α	Original Issue		4/08/2023
Issue	Revision	Int	Date

Proposed Reconfiguration Stage 5

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on CK1415 & Lot 14 on RP166529)

Client:	TRUSTEES FOR THE ESTATE		
	OF GRACE	RICKERT	
Locality:	BURNETT HI	EADS	
Local Gov:	BRC	Prepared By: DR	
Surveyed By:		Approved:	
Date Created:	13/05/2022	Scale: 1:1250	
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220239_006_PRO Plan No:





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0 Stormwater Treatment Lots 26

1.897ha Average Size of residential Lots 730m² Nil Stormwater Treatment Area Nil 0.499ha 2.396ha

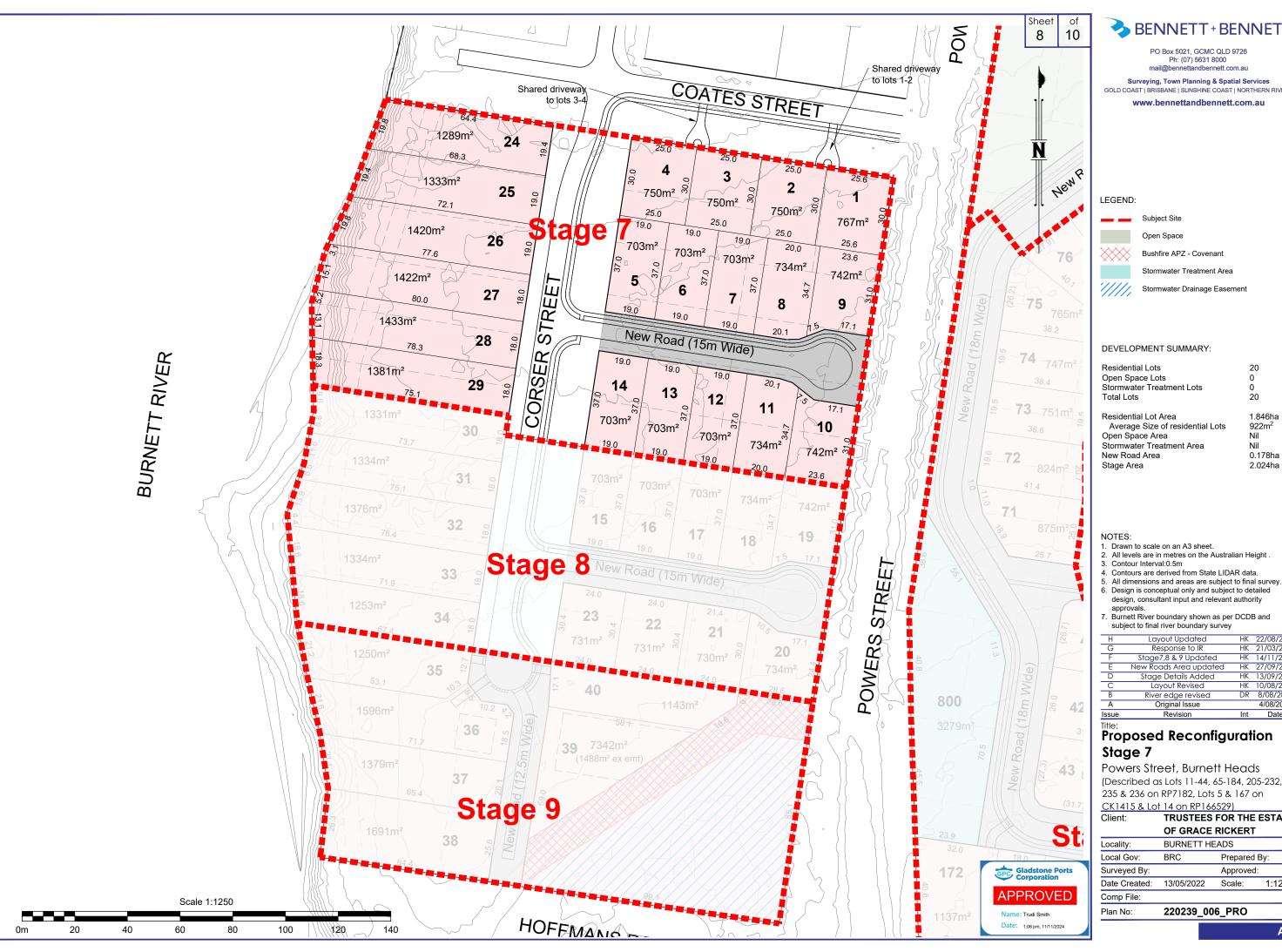
- 1. Drawn to scale on an A3 sheet
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- 4. Contours are derived from State LIDAR data.
- 6. Design is conceptual only and subject to detailed
- design, consultant input and relevant authority
- 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey

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Е	New Roads Area updated	HK	27/09/2023
F	Stage7,8 & 9 Updated		14/11/2023
G	Response to IR		21/03/2024
Н	Layout Updated		22/08/2024

Proposed Reconfiguration

Powers Street, Burnett Heads (Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on CK1415 & Lot 14 on RP166529)

Client:	TRUSTEES	FOR THE	ESTATE
	OF GRACE	RICKERT	
Locality:	BURNETT H	EADS	
Local Gov:	BRC	Prepared	By: DR
Surveyed By:		Approved:	
Date Created:	13/05/2022	Scale:	1:1250
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Stormwater Drainage Easemen

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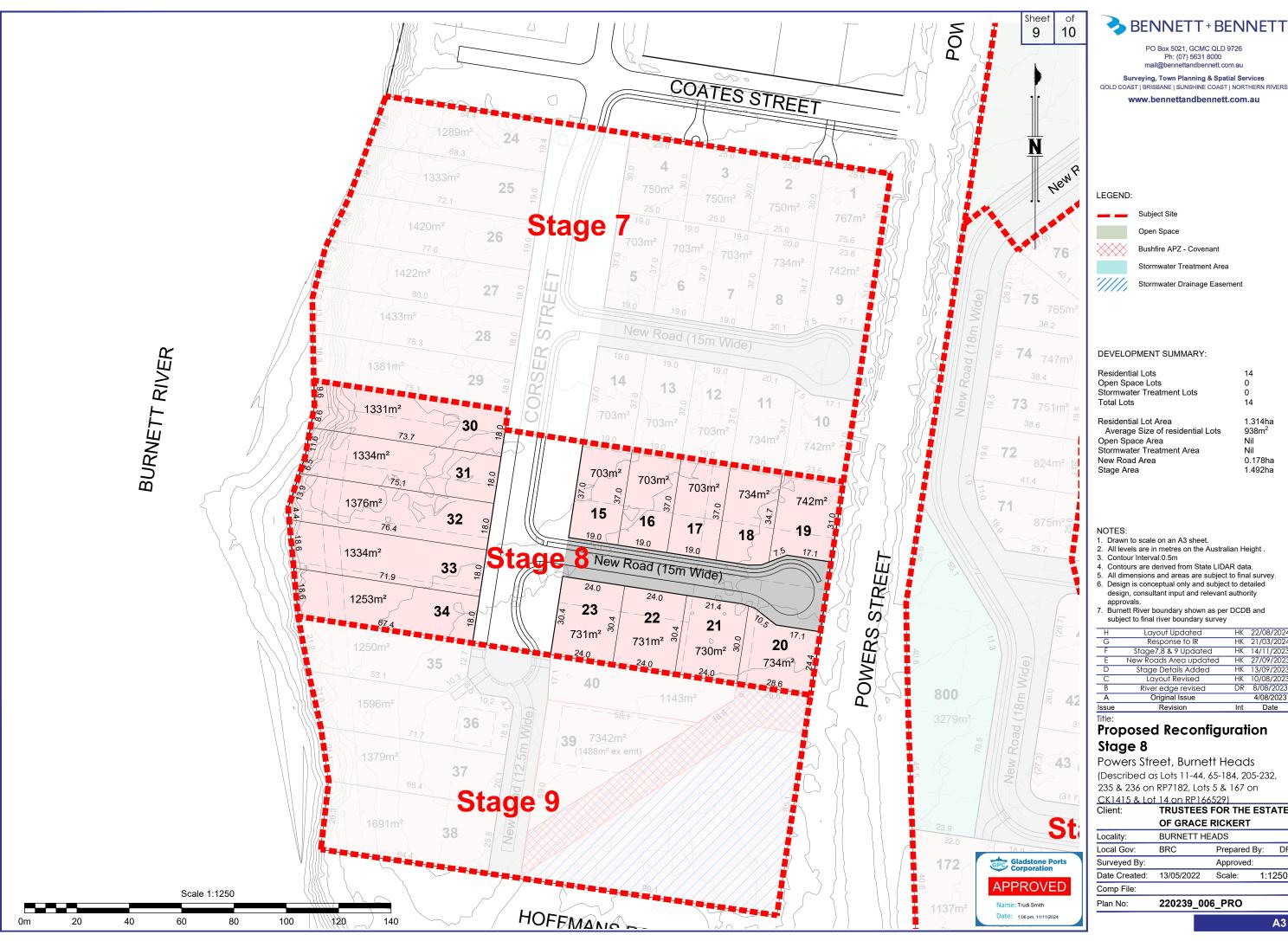
1.846ha 922m² Nil 0.178ha

- 6. Design is conceptual only and subject to detailed design, consultant input and relevant authority

ssue	Revision	Int	Date
Α	Original Issue		4/08/2023
В	River edge revised	DR	8/08/2023
С	Layout Revised	HK	10/08/2023
D	Stage Details Added	HK	13/09/2023
Е	New Roads Area updated		27/09/2023
F	Stage7,8 & 9 Updated		14/11/2023
G	Response to IR		21/03/2024
Н	Layoui upaaiea		22/08/2024

(Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on

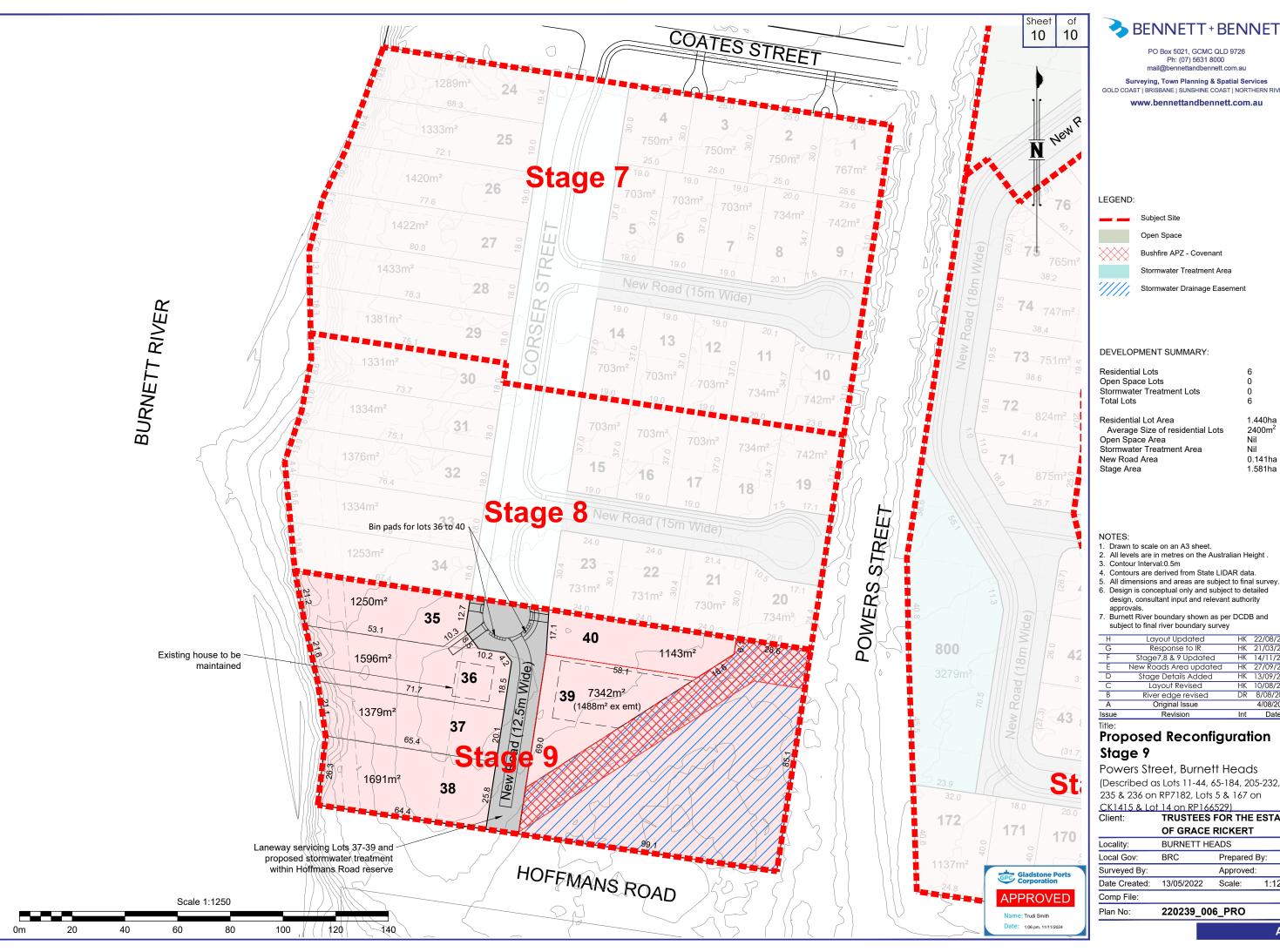
Client:	TRUSTEES FOR THE ESTATE			
	RICKERT			
Locality:	BURNETT H	EADS		
Local Gov:	BRC	Prepared By:		DR
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Plan No:	220239 00	6 PRO		





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Α	Original Issue		4/08/2023
В	River edge revised	DR	8/08/2023
С	Layout Revised		10/08/2023
D	Stage Details Added		13/09/2023
Е	New Roads Area updated		27/09/2023
F	Stage7,8 & 9 Updated		14/11/2023
G	Response to IR		21/03/2024
Н	Layout Updated		22/08/2024

Client:	TRUSTEES FOR THE ESTATE			
	OF GRACE RICKERT			
Locality:	BURNETT H	EADS		
Local Gov:	BRC	Prepared By: DF		DR
Surveyed By:		Approved	i:	
Date Created:	13/05/2022	Scale:	1:1	250
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1.440ha 2400m² Nil 0.141ha

- 6. Design is conceptual only and subject to detailed

1.581ha

- design, consultant input and relevant authority
- 7. Burnett River boundary shown as per DCDB and subject to final river boundary survey

G	Response to IR		21/03/2024
F	Stage7,8 & 9 Updated		14/11/2023
Е	New Roads Area updated	HK	27/09/2023
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Proposed Reconfiguration

(Described as Lots 11-44, 65-184, 205-232, 235 & 236 on RP7182, Lots 5 & 167 on

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	OF GRACE RICKERT			
Locality:	BURNETT H	EADS		
Local Gov:	BRC	Prepared By: DF		DR
Surveyed By:		Approved	l:	
Date Created:	13/05/2022	Scale:	1:1	1250
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