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Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

Our reference: 1710-2118 SRA  
 Your reference: MCU17/2097  
 Applicant reference: 60613

1 February 2018

The Chief Executive Officer  
 Sunshine Coast Regional Council  
 Locked Bag 72  
 Sunshine Coast Mail Centre Qld 4560  
 mail@sunshinecoast.qld.gov.au

**Attention: Leanne Simpson**

Dear Mr Simpson

**Referral agency response—with conditions**

(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 24 October 2017.

**Applicant details**

Applicant name:	Parmac Property Group C/- Murray & Associates (Qld) Pty Ltd
Applicant contact details:	PO Box 246 Nambour QLD 4560 callan@mursurv.com

**Location details**

Street address:	227 - 229 Nambour Connection Road, Woombye
Real property description:	Lot 2 on SP119132 and Lot 1 on SP119132
Local government area:	Sunshine Coast Regional Council

**Application details**

Development permit	Material change of use for Service Station Reconfiguring a lot for boundary realignment (2 Lots into 2 Lots)
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**Referral triggers**

The development application was referred to the department under the following provisions of the

South East Queensland (North) regional  
 office  
 Mike Ahern Building, Level 3, 12 First  
 Avenue, Maroochydore  
 PO Box 1129, Maroochydore QLD 4558

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Planning Regulation 2017:

- 10.9.4.2.1.1 State transport corridors and future State transport corridors
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

#### Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in **Attachment 1** must be attached to any development approval.

#### Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in **Attachment 2**.

#### Advice to the applicant

The department offers advice about the application to the applicant—see **Attachment 3**.

#### Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: All</b>				
Preliminary Functional Design Access Turn Lane Design	TTM Consulting Pty Ltd	12 December 2017	17BRT0042-05, Sheet 1 of 1	A
Site Based Stormwater Management Plan for Retail Fuel Development	Farr Engineers & Associated Pty Ltd	27 September 2017	217150 Woombye SS SBSMP	1
<b>Aspect of development: Reconfiguring a lot (2 into 2 lots)</b>				
Proposed Boundary Realignment between Lots 1 & 2 on SP119132	Murray & Associates Surveyors & Town Planners	3 October 2017	Map Ref. 9444-12124, Job No. 60613.	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Danika Cowie, Principal Planning Officer, on 53529776 or via email [SEQNorthSARA@dilgp.qld.gov.au](mailto:SEQNorthSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Garth Nolan  
 Manager (Planning)

1710-2118 SRA

cc Parmac Property Group C/- Murray & Associates (Qld) Pty Ltd, callan@mursurv.com

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Advice to the applicant  
Approved plans and specifications

## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Material change of use (service station)</b>		
10.9.4.2.4.1—State-controlled road—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 condition(s):		
<b>Vehicular access onto State-controlled road</b>		
1.	The road access location and standard between Lot 1SP119132 and the state-controlled road; and Lot 2SP119132 and the state-controlled road, is to be in accordance with the Decision Notice - Permitted Road Access Location made by the Department of Transport and Main Roads, dated 31 Jan 2018, reference TMR17 - 022884 under section 62(1) of the <i>Transport Infrastructure Act 1994</i> .	At all times.
<b>Stormwater</b>		
2.	(a) The development must be carried out generally in accordance with Site Based Stormwater Management Plan for Retail Fuel Development prepared by Farr Engineers Associates Pty Ltd dated 27 September 2017, reference 217150 Woombye SS SBSMP Rev1.doc.  (b) RPEQ certification must be provided to the North Coast District Development Assessment Team, via North.Coast.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with part (a) of this condition.	(a) At all times.  (b) Prior to commencement of use.
<b>Reconfiguring a lot (2 lots into 2 lots)</b>		
10.9.4.2.1.1—State-controlled road—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 condition(s):		
<b>Vehicular access onto the state controlled road</b>		
3.	The road access location and standard between Lot 1SP119132 and the state-controlled road; and Lot 2SP119132 and the state-controlled road, is to be in accordance with the Decision Notice - Permitted Road Access Location made by the Department of Transport and Main Roads, dated 31 Jan 2018, reference TMR17 - 022884 under section 62(1) of the <i>Transport Infrastructure Act 1994</i> .	At all times.
<b>General conditions</b>		
4.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>- Proposed Boundary Realignment - between Lots 1 &amp; 2 on SP119132, prepared by Murray &amp; Associates Surveyors &amp; Town Planners, dated 03/10/17, Map Ref. 9444-12124, Job No. 60613. In particular, proposed allotment boundaries of</li> </ul>	At all times.

	Lot 1, Lot 2 & associated access easements.	
<b>Reciprocal access easement</b>		
5.	<p>(a) The applicant must register an access easement on proposed Lot 2 in favour of proposed Lot 1, for the shared access.</p> <p>(b) The applicant must provide to the North Coast District Development Assessment Team, via North.Coast.IDAS@tmr.qld.gov.au of the Department of Transport and Main Roads a copy of Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the registration of the easement/s referred to in part (a) of this condition.</p>	<p>(a) At the time of survey plan registration</p> <p>(b) Within 20 business days of registration of the easements</p>
<b>Stormwater</b>		
6.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) create any new discharge points for Stormwater runoff onto the state-controlled road;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road;</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul> <p>(c) RPEQ certification must be provided to the North Coast District Development Assessment Team, via North.Coast.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with part (a) and (b) of this condition.</p>	<p>(a) and (b) At all times.</p> <p>(c) Prior to submitting the Plan of Survey to the local government for approval.</p>

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the access points for the development are located as per the s62 approval.
- IP03(a) and (b) model condition is considered reasonable and relevant to the development application to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state controlled road the number of road access locations are minimised.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.

**Findings on material questions of fact**

- The development application is for a material change of use for a service station and reconfiguring a lot from two (2) into two (2) lots.
- The development will occur on Lot 2 on SP119132 and Lot 1 on SP119132, which adjoins a state-controlled road corridor.

**Evidence or other material on which the findings were based**

- development application
- response to the further advice notice
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017

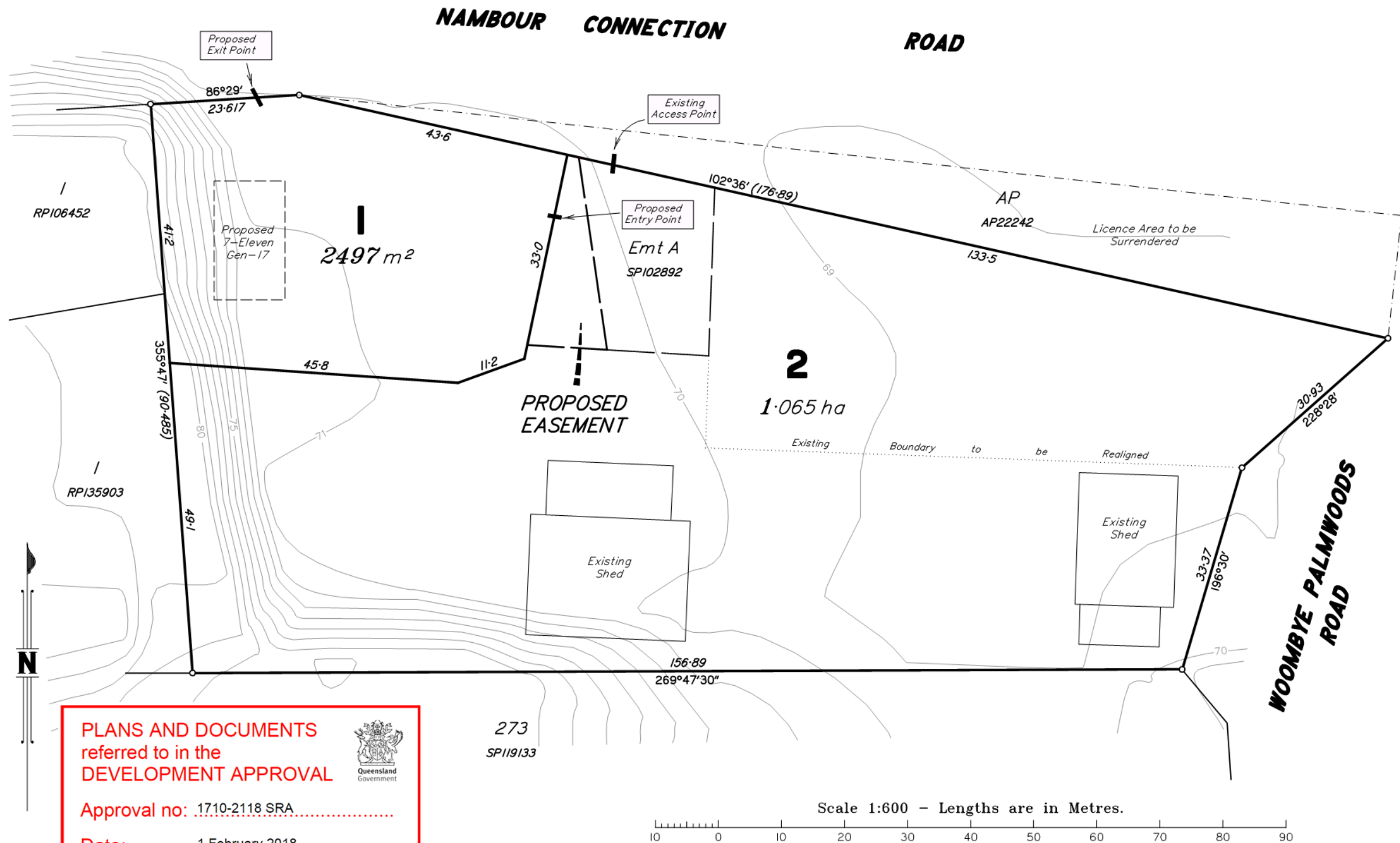
## Attachment 3—Advice to the applicant

<b>General advice</b>	
<b>Advertising</b>	
1.	<p>Advertising devices have the potential to cause unsafe distraction, glare or other nuisance to drivers, which affects safety on the state-controlled road. Any proposed advertising devices are to be in accordance with the Department of Transport and Main Roads' Roadside Advertising Guide. In particular:</p> <ul style="list-style-type: none"> <li>Proposed pylon signage must be placed within the subject site, clear of the state-controlled Rd reserve (without overhang).</li> <li>Construction and maintenance of a pylon sign must be carried out from within the subject site.</li> <li>Any proposed illumination must not exceed 350cd/m<sup>2</sup> and must not contain a variable message component.</li> </ul>
<b>MCU compliance</b>	
<b>Road works on a State-controlled road</b>	
2.	<p>To ensure compliance with Condition 1:</p> <p>Prior to commencement of use and Under sections 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road and road upgrade works (turn treatments). Please contact the Department of Transport and Main Roads via North.Coast.IDAS@tmr.qld.gov.au (or phone 5451 7055), (please quote TMR17-022884) to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> <p>The applicant is requested to submit the certification of completion from TMR once works are complete as evidence of compliance with Condition 1.</p>
<b>Stormwater</b>	
3.	<p>To ensure compliance with Condition 2:</p> <p>Prior to commencement of use, the applicant is requested to submit RPEQ certification that the development has been designed and constructed in accordance with the approved Stormwater Management Report to the North Coast District Development Assessment Team of the Department of Transport and Main Roads via North.Coast.IDAS@tmr.qld.gov.au (or phone 5451 7055) (please quote TMR17-022884).</p>
<b>RAL compliance</b>	
<b>Vehicular access onto a State-controlled road</b>	
4.	<p>To ensure compliance with Condition 3:</p> <p>Prior to sealing of the survey plan and Under sections 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road and road upgrade works (turn treatments). Please contact the Department of Transport and Main Roads via North.Coast.IDAS@tmr.qld.gov.au (or phone 5451 7055), (please quote TMR17-022884) to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p>

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	<p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> <p>The applicant is requested to submit the certification of completion from TMR once works are complete as evidence of compliance with Condition 3.</p>
<b>Access easement compliance</b>	
5.	<p>To ensure compliance with Condition 5:</p> <p>The applicant is requested to submit a copy of the registration confirmation statement/s and easement registration dealing number/s as evidence of the registration of the conditioned easement along with a copy of the survey plan.</p> <p>Please submit to the North Coast District Development Assessment Team of the Department of Transport and Main Roads via North.Coast.IDAS@tmr.qld.gov.au (or phone 5451 7055) (please quote TMR17-022884) within 20 days of sealing the survey plan.</p>
<b>Stormwater</b>	
6.	<p>To ensure compliance with Condition 6:</p> <p>Prior to sealing the survey plan, the applicant is requested to submit to the Department of Transport and Main Roads, North Coast District Development Assessment Team via email North.Coast.IDAS@tmr.qld.gov.au or phone 5451 7055 (please quote TMR17-022884) either RPEQ certification, with supporting documentation, that the development achieves a “no worsening” outcome or provide certification from a surveyor that no changes to the existing levels have occurred.</p>



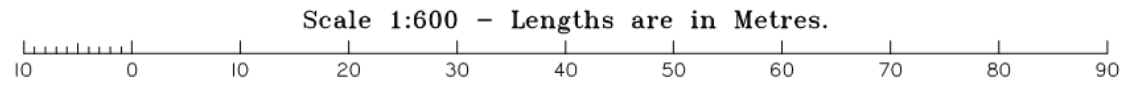


**PLANS AND DOCUMENTS**  
 referred to in the  
**DEVELOPMENT APPROVAL**

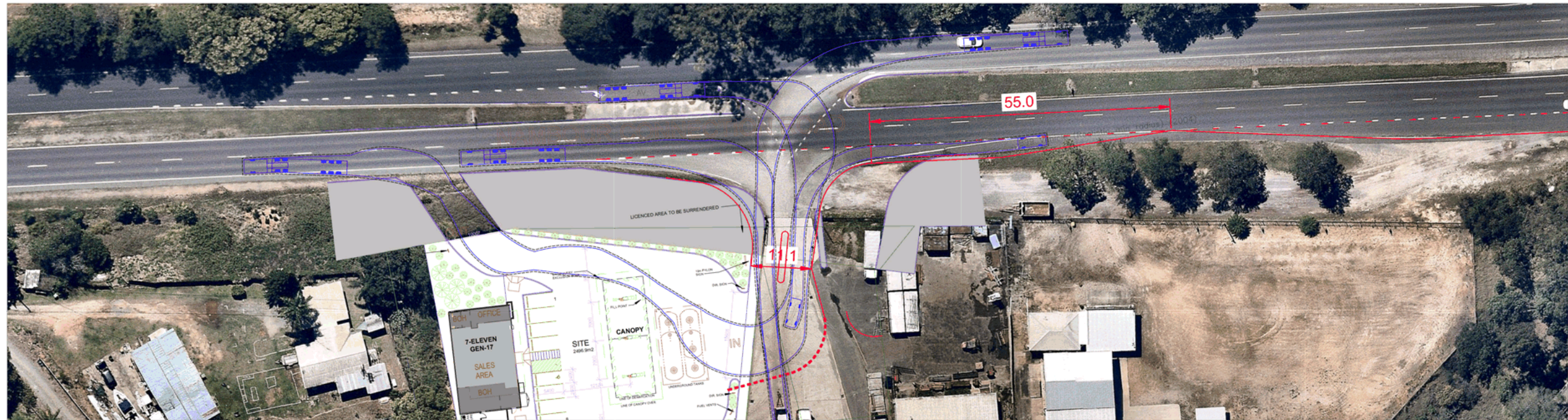
Approval no: 1710-2118 SRA

Date: 1 February 2018

Areas and dimensions are approximate only  
 and subject to final Survey and Council  
 approval. Contours are Sunshine Coast  
 Council DCDB derived.



<p><b>MURRAY &amp; ASSOCIATES</b>                  SURVEYORS &amp; TOWN PLANNERS                  ACN 075 543 154                  Murray Building, 15-17 Currie St. Nambour Ph. (07)5441 2188 P.O. Box 246                  Branch Offices at Caboolture Chinchilla Roma Gympie &amp; Emerald</p> <p>CADASTRAL SURVEYOR</p>	<p><b>PLAN OF DEVELOPMENT</b></p> <p><b>Proposed Boundary                  Realignment between                  Lots 1 &amp; 2 on SP119132</b></p>		<p>CLIENT  <b>Parmac Properties</b></p>	
	<p>LOCALITY                  Woombye</p>	<p>MAP REF.                  9444-12124</p>	<p>DATE                  3/10/2017</p>	<p>LEVEL DATUM                  ASSUMED</p>
	<p>FILE                  61010_(Proposal)_Parmac.dwg</p>			
	<p>DRAWN                  LF</p>	<p>CHECKED                  BWB</p>	<p>ORIGINAL                  POR 31</p>	<p>SCALE  <b>1:600</b></p>
	<p>LOCAL AUTHORITY:                  SUNSHINE COAST REGIONAL COUNCIL</p>		<p>JOB No  <b>60613</b></p>	



**Note**

Aerial image from Nearmap - Any scaling and dimensions are indicative only and subject to detail survey

**PLANS AND DOCUMENTS**  
 referred to in the  
**DEVELOPMENT APPROVAL**

Approval no: 1710-2118 SRA

Date: 1 February 2018



**PRELIMINARY**  
 ISSUED FOR COMMENT ONLY

				SCALE 0 7.5 15 22.5 30 37.5m SCALE 1:750 AT ORIGINAL SIZE		<b>ttm</b> TTM CONSULTING PTY LTD ABN 65 010 868 621 LEVEL 8, ANN STREET, BRISBANE, QLD 4000 PO BOX 12015, BRISBANE, QLD 4003 T: (07) 3327 9500 F: (07) 3327 9501 E: ttmbri@ttmgroup.com.au W: www.ttmgroup.com.au		PROJECT <b>229 NAMBOUR CONECTION ROAD, WOOMBYE</b>		PROJECT NUMBER 17BRT0042	ORIGINAL SIZE A3
				NORTH CLIENT		DRAWING TITLE <b>PRELIMINARY FUNCTIONAL DESIGN                  ACCESS TURN LANE DESIGN</b>		DRAWING NUMBER 17BRT0042-05	REVISION A	DATE 12 DEC 2017	SHEET 1 OF 1
REV.	DATE	AMENDMENT DESCRIPTION	DRAWN	CHECKED	APPROVED						
A	12-12-17	ORIGINAL ISSUE	GH	SC	SC						

GE78-N



Department of  
**State Development,  
 Manufacturing,  
 Infrastructure and Planning**

**Department of State Development, Manufacturing, Infrastructure and Planning**

**Statement of reasons for application 1710-2118 SRA**

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

**Applicant details**

Applicant name: Parmac Property Group C/- Murray & Associates (Qld) Pty Ltd  
 Applicant contact details: PO Box 246  
 Nambour QLD 4560  
 callan@mursurv.com

**Location details**

Street address: 227 - 229 Nambour Connection Road, Woombye  
 Real property description: Lot 2 on SP119132 and Lot 1 on SP119132  
 Local government area: Sunshine Coast Regional Council

**Development details**

Development permit Material change of use for Service Station  
 Reconfiguring a lot for a boundary realignment (2 Lots into 2 Lots)

**Assessment matters**

Aspect of development requiring code assessment	Applicable codes
Planning Regulation 2017, Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – State transport corridors and future State transport corridors	State Development Assessment Provisions (SDAP), version 2.1, State code 1: Development in a state-controlled road environment
Planning Regulation 2017, Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – State transport corridors and future State transport corridors	

**Reasons for the department's decision**

South East Queensland (North) regional office  
 Mike Ahern Building, Level 3, 12 First Avenue, Maroochydore  
 PO Box 1129, Maroochydore QLD 4558

1710-2118 SRA

The reasons for this decision are:

- To ensure the access points for the development are located as per the s62 approval.
- IP03(a) and (b) model condition is considered reasonable and relevant to the development application to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state controlled road the number of road access locations are minimised.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.

**Findings on material questions of fact**

- The development application is for a material change of use for a service station and reconfiguring a lot from two (2) into two (2) lots.
- The development will occur on Lot 2 on SP119132 and Lot 1 on SP119132, which adjoins a state-controlled road corridor.

**Evidence or other material on which the findings were based**

- development application
- response to the further advice notice
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017



Our ref TMR17-022884  
Your ref 60613  
Enquiries Susan Brown

Department of  
Transport and Main Roads

31 January 2018

## Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number MCU17/2097, lodged RAL17/2048 involves constructing or changing a vehicular access between Lot 1SP119132, 2SP119132, the land the subject of the application, and Nambour Connection Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### Applicant Details

Name and address Parmac Property Group C/- Murray & Associates (Qld) Pty Ltd  
PO Box 246  
Nambour QLD 4560

### Application Details

Address of Property 227 Nambour Connection Road, Woombye QLD 4559  
Real Property Description 1SP119132, 2SP119132  
Aspect/s of Development Development Permit for Reconfiguration of a lot (2 Lots in to 2 Lots)  
- Developmetn Permit for Material change of Use (Service Station)

TMR has assessed your application, including the following plans:

### Engineering Documents:

1. TTM Consulting Pty Ltd drawings :

Drawing Number	Drawing Title	Revision
17BRT0042-05	Preliminary Functional Design – Access Turn Lane Design	A
17BRT0042-02	Swept Path Analysis	A

2. Murray & Associates Surveyours and Town Planners drawing;

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

Drawing Number	Drawing Title	Revision
60613	Proposed Boundary Realignment	A

Other Documents:

1. Application Form
2. TTM Traffic Engineering Report 25 September 2017
3. Murray and Associates Surveyors and Town Planners Planning Report No 60613

**Decision (given under section 67 of TIA)**

It has been decided to approve the application, subject to the following conditions:

1. The Permitted Road Access Locations are to be
  - a. Between Lot 1SP119132 and Nambour Connection Road (Road Number 489) at approximately Latitude -26.66690 and Longitude 152.97551 for Eastern access;
  - b. Between Lot 1SP119132 and Nambour Connection Road (Road Number 489) at approximately Latitude -26.66672 and Longitude 152.97497 for Western access
  - c. Generally in accordance with TTM Consulting Pty Ltd drawing 17BRT0042-02 Swept Path Analysis listed.
  
2. Restrictions/Conditions of Use
  - a. The permitted land use is commercial
  - b. Use is not permitted to commence until such time that road works and/or road access works on the state controlled road as required by the conditions of the development approval are accepted as completed by TMR;
  - c. Use for the purposes of construction access to the site is subject to the following additional conditions:
    - i. Construction access location must be at the permitted road access location at approximately Latitude -26.66690 and Longitude 152.97551 for Eastern access.
    - ii. Construction access must have an approved TCP in place prior to commencement of use
    - iii. Construction access standard shall be in accordance with IPWEA standard drawing RS-051 rev E Driveway Heavy Duty Vehicle Crossing.
    - iv. Use during construction must not transport any debris, sediment or materials onto the state controlled road. The property owner must immediately notify the department of any debris, sediment or materials deposited on the state controlled road. The debris, sediment or materials shall be cleaned off at the cost of the property owner.
  - d. Eastern access at approximately Latitude -26.66690 and Longitude 152.97551 shall be approved for all movements
  - e. Western access at approximately Latitude -26.66672 and Longitude 152.97497 is left out only
  - f. Exit and Entry must be in a forward direction
  - g. Largest vehicle approved for regular use is a fuel tanker

- h. Direct access is prohibited between Road and Lot at any other location other than the permitted road access location. Any other access must be physically closed.
- i. Any property gate must be positioned wholly within the boundaries of the property, in accordance with Austroads Guide to Road Design Part 4. The gate must not open towards the road.
- j. An access easement shall be registered in accordance with the Proposed Boundary Realignment plan, prepared by Murray and associates, dated 3 October 2017, Job no. 60613 prior to commencement of use

### 3. Location of Road Access Works

- a. Road Access Works are required between the Permitted Road Access Location and Nambour Connection Road (Road Number 489) at approximately Latitude -26.66690 and Longitude 152.97497 for the Western access.
- b. Road Access Works are required between the Permitted Road Access Location and Nambour Connection Road (Road Number 489) at approximately Latitude -26.66690 and Longitude 152.97551 for the Eastern access.

### 4. Conditions or restriction on use road access works

- a. All Road Access Works shall be constructed at the cost of the applicant.
- b. The completed Road Access Works shall be maintained at the cost of the property owner.
- c. Prior to commencement of any works you must have written authority from the Department of Transport and Main Road to construct works within the state controlled road. This decision is NOT authority to construct works.

### 5. Standard of Road Access Works

- a. Road Access Works must be provided at the permitted access locations generally in accordance with IPWEA Standard Drawing RS-051 rev E, Driveway Heavy Duty Vehicle Crossing and TTM Consulting Pty Ltd Drawing 17BRT0042-05 Preliminary Functional Design – Access Turn Lane Design dated 12 December 2017. An Auxiliary Left Turn Treatment, AUL(S) must also be provide for the Eastern access
- b. RPEQ certified detail design drawing for both accesses (including the AUL(s) treatment for Eastern access) must be submitted and Transported Infrastructure Act section 33, approval must be obtain prior to construction.

### 6. Duration of Decision

- a. This decision remains in force only while there is no change to the current land use and intensity on the property. The western access is only approved for the current development permit for material change of use (service station).
- b. There is no guarantee of the continuation of these road access arrangements, as this depends on future traffic safety and efficiency circumstances of the state-controlled road network.

### Reasons for the decision

The reasons for this decision are as follows:

- a) Adequate sight distance is available
- b) No significant impact on the safety and efficiency of the road network.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

### Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment A**, as required, for your information.

### Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment B** for your information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment B** for information.

### Further approvals

The department also provides the following information in relation to this approval:

1. Road Access Works Permit Required – This permit does not constitute a Decision under Section 33 of TIA. Written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. Please refer to the section 33 conditional approval provided separate to this letter.

If you require further information about this approval or any other related query, I encourage you to contact the department by email at [North.Coast.IDAS@tmr.qld.gov.au](mailto:North.Coast.IDAS@tmr.qld.gov.au) or on (07) 5451 7055.



Yours sincerely



Sarah Ashworth  
A/Principal Advisor

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions  
Attachment D - Permitted Road Access Location Plan  
Attachment E – Permitted Reconfiguration of Lot Plan (Boundary Realignment)

## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- Adequate sight distance is available
- No significant impact on the safety and efficiency of the road network

## Attachment B

### Section 70 of TIA

*Transport Infrastructure Act 1994*  
Chapter 6 Road transport infrastructure  
Part 5 Management of State-controlled roads

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#### **70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
  - (a) the appeals to be heard together or 1 immediately after the other; or
  - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

***original decision*** means a decision described in schedule 3.

***reviewed decision*** means the chief executive's decision on a review under section 485.

*Transport Planning and Coordination Act 1994*  
Part 5, Division 2 – Review of Original Decisions

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### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### 35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

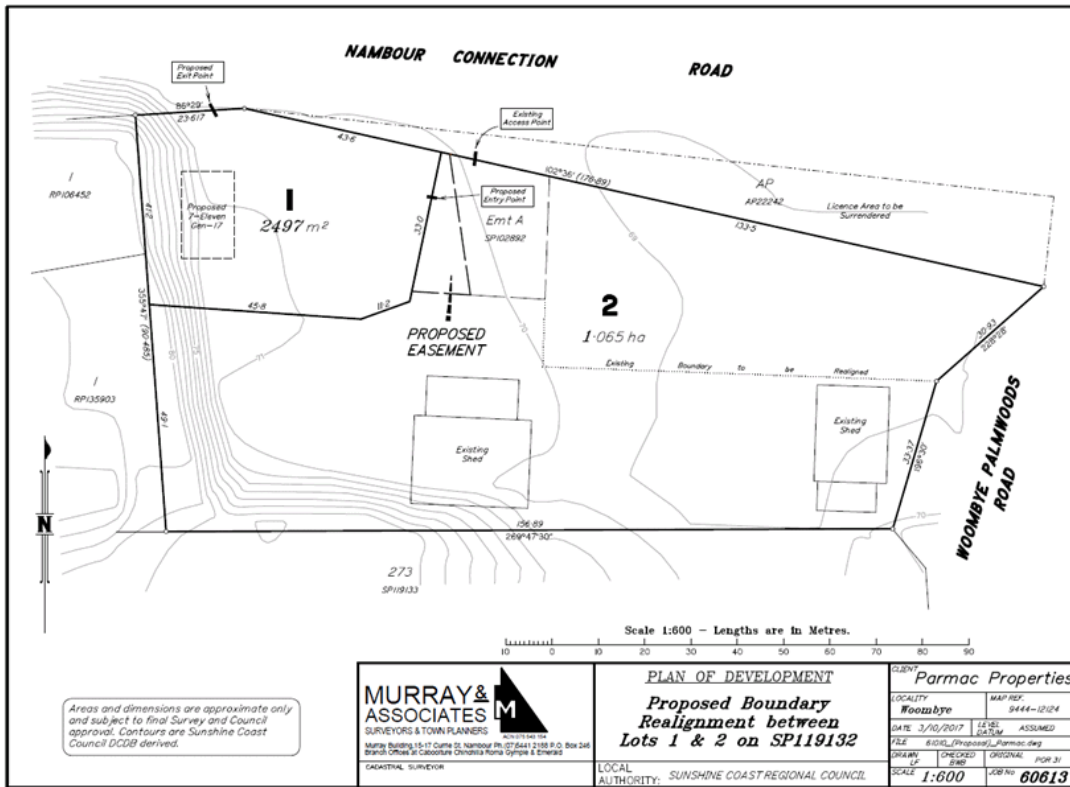
(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment D - Permitted Road Access Location Plan – Reconfiguration of Lots





Attachment E - Permitted Road Access Location Plan – Material Change of Use



