

**Queensland Treasury**

SARA reference: 2003-16057 SRA  
Council reference: D/28-2020  
Applicant reference: GTP2001

30 September 2020

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

Attention: Bevan Koelmeyer

Dear Sir/Madam

**SARA response—26 Albert Street, Rockhampton City; 24  
Albert Street, Rockhampton City; 22 Albert Street,  
Rockhampton City; 20 Albert Street, Rockhampton City; 34  
Kent Street, Rockhampton City**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 14 April 2020.

## Response

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Outcome:	Referral agency response – with conditions.
Date of response:	30 September 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

## Development details

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Description:	Development permit	Material change of use for Service Station Operational works (advertising device)
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SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)

Development application for a material change of use within 25m of a state-controlled road

SARA reference: 2003-16057 SRA

Assessment Manager: Rockhampton Regional Council

Street address: 26 Albert Street, Rockhampton City; 24 Albert Street, Rockhampton City; 22 Albert Street, Rockhampton City; 20 Albert Street, Rockhampton City; 34 Kent Street, Rockhampton City

Real property description: Lots 1 – 5 on RP600729

Applicant name: RCI Group

Applicant contact details: c/- Gideon Town Planning  
PO Box 450  
Rockhampton QLD 4700  
gg@gideontownplanning.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR20-029855
- Date: 30 September 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [CorridorManagement@tmr.qld.gov.au](mailto:CorridorManagement@tmr.qld.gov.au).

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Tracey Beath, Senior Planning Officer, on (07) 4924 2917 or via email [RockhamptonSARA@dsdmip.qld.gov.au](mailto:RockhamptonSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager (Planning)

cc RCI Group c/- Gideon Town Planning, gg@gideontownplanning.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)—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):		
1.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>Proposed Fuel Filling Station Development prepared by TRG and dated 8 May 2020, drawing no. TP03 and revision D (as amended in red by SARA to show:               <ul style="list-style-type: none"> <li>Permitted road access locations</li> <li>Signage and line marking</li> <li>Painting of cycle path)</li> </ul> </li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	<p>(a) The permitted road access locations are to be located generally in accordance with the Proposed Fuel Filling Station Development prepared by TRG and dated 8 May 2020, drawing no. TP03 and revision D (as amended in red by SARA).</p> <p>(b) Road access works comprising of Commercial Driveways, (at the permitted road access locations) must be provided generally in accordance with Type A – Two Way Access Commercial Driveway Slab of the Capricorn Municipal Development Guideline dated December 2016, reference CMDG-R-042 and revision F.</p> <p>(c) The road access works must be designed and constructed in accordance with the Capricorn Municipal Development Guidelines, the Department of Transport and Main Roads' (DTMR) Manual of Uniform Traffic Control Devices and Road Planning and Design Manual (including DTMR specifications).</p>	<p>(a) At all times.</p> <p>(b) Prior to the commencement of use.</p> <p>(c) Prior to the commencement of use.</p>
3.	A concrete pedestrian footpath must be provided along Albert Street for the full frontage of the site. The footpath must include kerb ramps and Tactile Ground Surface Indicators (TGSIs) at the intersection with Kent Lane and Kent Street, in accordance with the DTMR's specifications and standard drawings.	Prior to the commencement of use.
4.	The sections of the existing cycle lane on Albert Street crossing the new accesses must be painted green (as a "Priority Cycle Path") generally in accordance with the Proposed Fuel Filling Station Development prepared by TRG and dated 8 May 2020, drawing no. TP03 and revision D (as amended in red by SARA) and the DTMR's Manual of Uniform Traffic Control Devices and the DTMR's specifications.	Prior to the commencement of use.
5.	<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>create any new discharge points for stormwater runoff onto the state-controlled road;</li> </ul>	<p>(a) At all times.</p> <p>(b) At all times</p>

	<ul style="list-style-type: none"> <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 (with supporting documentation) must be provided to the Manager of Project Planning and Corridor Management at <a href="mailto:CorridorManagement@tmr.qld.gov.au">CorridorManagement@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.</p>	(c) Prior to the commencement of use.
6.	Signage (R5-35 (L & R), indicating “No Stopping”, is to be installed between the ingress and egress driveways to Albert Street in accordance with the DTMR’s Manual of Uniform Traffic Control Devices.	Prior to the commencement of use.
7.	Signage, indicating “No Caravans or Trailers”, must be provided at the first fuel bowser, located closest to Albert Street, in accordance with the Proposed Fuel Filling Station Development prepared by TRG and dated 8 May 2020, drawing no. TP03 and revision D (as amended in red by SARA).	Prior to the commencement of use and to be maintained at all times.

## Attachment 2—Advice to the applicant

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General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	Under section 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 on a state-controlled road. Please contact the Department of Transport and Main Roads' at email address <a href="mailto:CorridorManagement@tmr.qld.gov.au">CorridorManagement@tmr.qld.gov.au</a> to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.

## Attachment 3—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for the department's decision are:**

- the proposed development is for a service station
- traffic generated by the proposed development is not considered to adversely impact on Albert Street (state-controlled road). Driveway accesses to Albert Street will be appropriately located and designed. Signage and line marking will be installed to aid in management of traffic impacts and safety
- stormwater from the site will be managed so that it does not adversely impact on the state-controlled road
- the development complies with relevant provisions of State code 1 of the State Development Assessment Provisions, version 2.6, subject to the implementation of conditions.

**Material used in the assessment of the application:**

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

## **Attachment 4—Change representation provisions**

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## **Attachment 5—Approved plans and specifications**

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Our ref TMR20-029855  
Your ref  
Enquiries Anton DeKlerk



Department of  
**Transport and Main Roads**

30 September 2020

RCI Goup  
c/- Gideon Town Planning  
PO Box 450  
Rockhampton QLD 4700

## **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 D/28-2020, lodged with Rockhampton Regional Council involves constructing or changing a vehicular access between Lot 1RP600729, 2RP600729, 3RP600729, 4RP600729, 5RP600729, the land the subject of the application, and Albert Street (also known as Road 10F Bruce Highway) (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.

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

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

No.	Conditions of Approval	Condition Timing
<b>Road Access Location</b>		
1	The permitted road accesses are to be located generally in accordance with Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D, at: <ul style="list-style-type: none"><li>Approximate Chainage 0.95km (Lat: -23.374279; Long:150.503384)</li><li>Approximate Chainage 0.97km (Lat: -23.374174; Long: 150.503551)</li></ul>	At all times.
2	Road access works comprising ingress (at the road access location), must be provided generally in accordance with Type A Two Way Access Commercial Driveway Slab prepared by Capricorn Municipal Development Guidelines dated December 2016, reference CMDG-R-042 and revision F.  (i) The ingress must be modified to be angled in accordance with the Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D,	Prior to the commencement of use.

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

No.	Conditions of Approval	Condition Timing
	<p>preventing egress from the site to the state-controlled road.</p> <p>(ii) The ingress from the state-controlled road to the site must be limited to left-in movements only.</p> <p>(iii) "No Entry" (R2-4) signs must be provided within the site on both sides of the ingress (facing towards the site), in accordance the Manual of Uniform Traffic Control Devices (MUTCD).</p> <p>(iv) "Directional arrows" must be provided in accordance with the Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D.</p>	
3	<p>Road access works comprising egress (at the road access location), must be provided generally in accordance with Type A Two Way Access Commercial Driveway Slab consistent with Capricorn Municipal Development Guidelines dated December 2016, reference CMDG-R-042 and revision F.</p> <p>(i) The egress must be modified to be angled in accordance with the Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D, preventing ingress to the site from the state-controlled road.</p> <p>(ii) The egress to the state-controlled road must be limited to left-out movements only.</p> <p>(iii) "All traffic turn left" (R2-14(L)) signs must be provided within the site on both sides of the egress (facing towards the site) in accordance the MUTCD.</p> <p>(iv) "Directional arrows" must be provided in accordance with the Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D.</p>	Prior to the commencement of use.
4	<p>"No Stopping" (R5-35 (L &amp; R)) signs, supplemented with a painted yellow pavement line marking between the ingress and the egress driveways must be provided in accordance with the requirements of the MUTCD.</p>	Prior to the commencement of use.
5	<p>"No Caravans or Trailers" sign must be provided at the first bowser, located closest to Queen Elizabeth Drive (the state-controlled road) in accordance with the Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D.</p>	At all times.
6	<p>The use of the accesses is limited to articulated vehicles not exceeding 19 metres in length (19m semi-trailer).</p>	At all times.
7	<p>Fuel delivery vehicles equal to 19 metres in length are not permitted to enter the site between the hours of 7am - 9am</p>	At all times.

No.	Conditions of Approval	Condition Timing
	and 3pm - 7pm.	
8	Direct access is prohibited between Albert Street (the state-controlled road) and Lot 1 to Lot 4 on RP600729 at any other location other than the permitted road access locations described in Condition 1.	At all times.
9	Any other existing vehicular property access (other than described in condition 1) located between Lot 1 to Lot 4 on RP600729 and Albert Street (the state-controlled road) must be permanently closed and removed and the verge areas and table drains reinstated to a condition similar to the adjacent verge areas.	Prior to the commencement of use.
10	The road accesses are to be constructed and maintained at no cost to the department in accordance with section 64(a) & (b) of the <i>Transport Infrastructure Act 1994</i> .	At all times.
11	The applicant shall be responsible for all maintenance works for the accesses in accordance with Module 9 of the Local Government Association of Queensland document 'TMR/Local Government Cost Sharing Arrangement', dated October 2017.	At all times
12	All vehicles entering and/or exiting the property via the Permitted Road Access locations must travel in a forward direction only.	At all times.
13	Reasonable steps are taken to ensure that the permitted road accesses are used by others in accordance with these conditions.	At all times.

### Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety and efficiency of the state-controlled road.
- b) To ensure the vehicular accesses are consistent with the functional requirements of the state-controlled road.
- c) To ensure the vehicular accesses do not compromise safety of the users of the state-controlled road network or any other transport infrastructure.
- d) To ensure vehicle movements and use of the accesses will not create any significant impacts to the pavement of the state-controlled road.
- e) To ensure the vehicle accesses are built to the relevant standard required to suit the largest anticipated vehicle type (19m semi-trailer).
- f) To ensure the turning movements of vehicles entering and exiting the premises via the road accesses maintains the safety and efficiency of the state-controlled road.
- g) To ensure the road works on, or associated with, the state-controlled road network is undertaken in accordance with applicable standards.

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, you are bound by this decision. A copy of section 70 is attached as **Attachment B**, 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 is attached in **Attachment C** for your information.
3. In accordance with section 485B of the TIA and section 35 of TPCA you may appeal against a reviewed decision. You 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 C** for your information.

#### **Further approvals**

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

1. Road Works approval required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33(1) of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application for road works approval.

If you require further information about this approval or any other related query, I encourage you to contact Mr Anton DeKlerk, Principal Town Planner by email at [CorridorManagement@tmr.qld.gov.au](mailto:CorridorManagement@tmr.qld.gov.au) or on (07) 4931 1545.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anton DeKlerk', with a horizontal line underneath.

Anton DeKlerk  
**Principal Town Planner**

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions  
Attachment D - Proposed Fuel Filling Station Development by TRG, dated 8 May 2020, reference TP03 and revision D  
Attachment E - Module 9 of the Local Government Association of Queensland document 'TMR/Local Government Cost Sharing Arrangement', dated October 2017

## **Attachment A**

### **Decision Evidence and Findings**

#### Findings on material questions of fact:

- The proposal is for a Material Change of Use for a 24-hour service station at 20-26 Albert Street (on land described as Lot 1-5 on RP600729).
- Access to the site is proposed via a left-in (Entry Only) and left-out (Exit Only) to Albert Street, which is a State-controlled Road (SCR).
  - Whilst the entry-only access is located very close to the intersection with Kent Lane, given the relatively limited frontage of the site to the SCR and the design vehicle swept paths provided, the location of the entry could be considered reasonable. The entry-only will be angled towards the west to better facilitate entry-only movements.
  - The exit-only egress will be angled towards the east to better facilitate the exit-only movements and to discourage any motorists trying to enter the site via this exit point.
  - A second exit-only egress will be provided to Kent Street, which is a Local Government Road (LGR). This exit-only is anticipated to facilitate 19m semi-trailers to be able to exit the site.
- Swept path drawings have been provided and demonstrated that a 19.0m long semi-trailed fuel truck will be able to enter the subject site from Albert Street via the entry-only access point and leave the site onto Kent Street via the exit-only egress. A 19m semi-trailer (or larger vehicle) cannot enter the site via Albert Street and exit the subject site onto Albert Street, thus the exit-only onto Kent Street for larger vehicles.
- The impact of longer vehicles such as cars towing caravans, trailers, boats and so on using the bowsters closest to Albert Street on the southern side of the site and the potential to block access for other vehicles utilising the entry-only access off Albert Street can be addressed by potentially restricting vehicles towing caravans and trailers to use the first bowser (located closest to Albert Street) and by potentially restricting the times when 19m semi-trailer fuel trucks deliver fuel.
  - The department will therefore condition a sign at the first bowser stating, "No Caravans or Trailers". Placing a sign restricting the use of the bowser might not be ideal, however TMR acknowledge there are limited options that can be implemented on a small site like this.
  - Given the size of the proposed service station and the relatively low likelihood that a car towing a caravan, trailer or boat will block access for a 19m semi-trailer, it is considered that this matter might be able to be reasonably mitigated by a condition that restricts any fuel supply vehicles that are 19m in length from accessing the site (to deliver fuel) between the hours of 7am - 9am and 3pm - 7pm to avoid any conflicts occurring during peak traffic periods.
- Although no dedicated on-site parking space is provided for longer light vehicles towing trailers, boats or caravans etc., the proposal does allow for an air and water filling point which could provide sufficient space for the temporary parking of these vehicles. It might not be ideal, but the department can consider this matter been adequately catered for and no specific conditions are considered necessary to further address this issue.
- Albert Street contains an existing cycle lane which must not be compromised. It is however noted that the proposed new accesses will cause additional conflict points with the existing cycle lane located within Albert Street which impacts the safety of cyclists. The department will therefore condition green painted cycle lane markings to be provided across the entry and exit driveways (and across Kent Lane) in accordance with the requirements of the Manual of Uniform Traffic Control Devices (MUTCD). This condition will form part of the DA conditions.

- A concrete pedestrian footpath for the full length of the frontage of the site to Albert Street will also be required. This is to include kerb ramps and Tactile Ground Surface Indicators at the intersection with Kent Street and Kent Lane. This condition will also form part of the DA conditions.

Evidence or other material on which findings were based:

<b>Title of Evidence / Material</b>	<b>Prepared by</b>	<b>Date</b>	<b>Reference no.</b>	<b>Version/Issue</b>
Planning Report	Gideon Town Planning	06/03/2020	GTP 2001	-
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	21/02/2020	053-19-20	A
Environmental Noise Assessment Proposed Service Station	RoadPro Acoustics	05/03/2020	1237R1-R0	0
(Appendix B – Updated Plans)	TRG	7.05.20	TP01 TP03 TP04 TP05 TP06 TP07 TP08	A D B B B Ø A



## **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.

### **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.

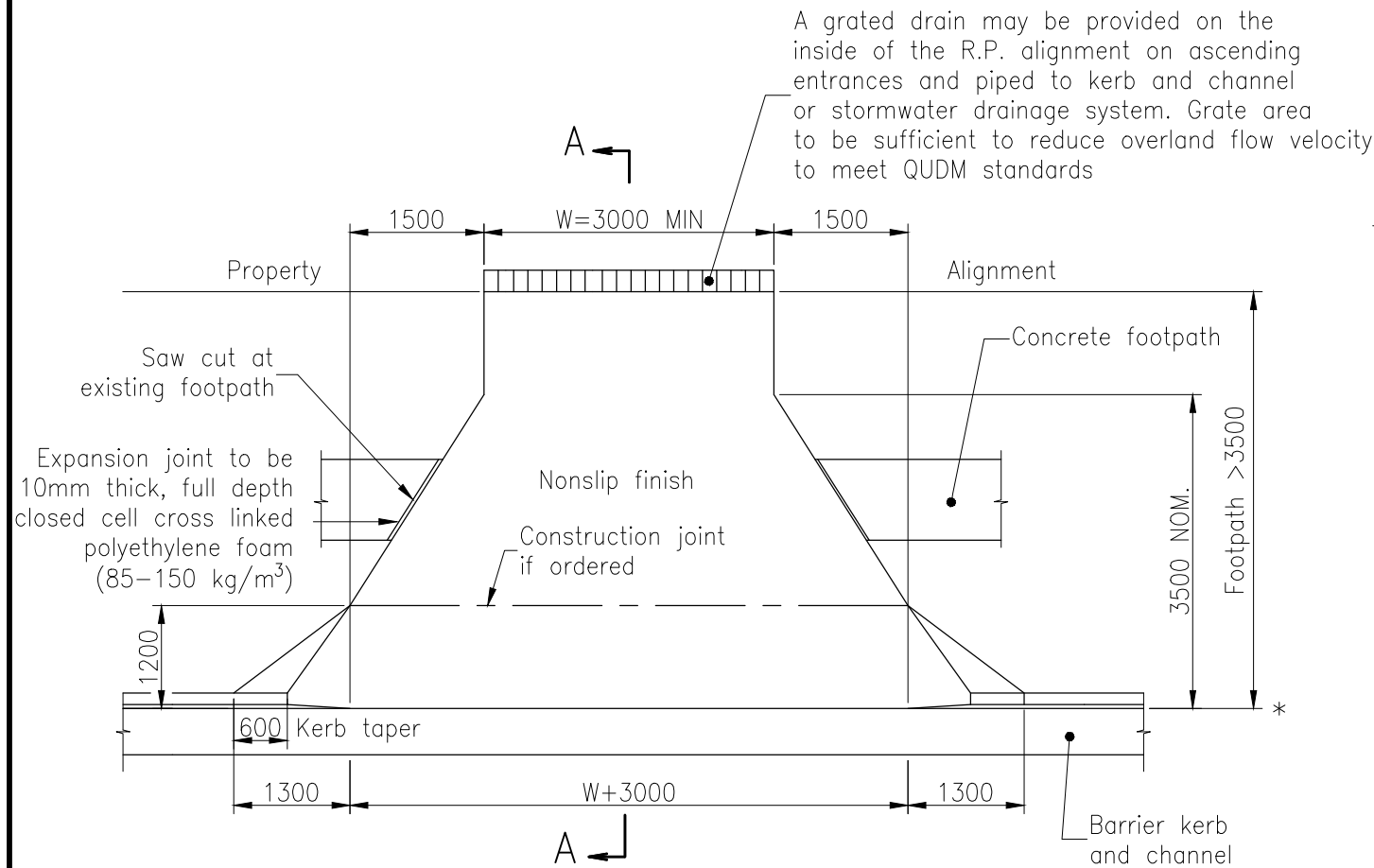
(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

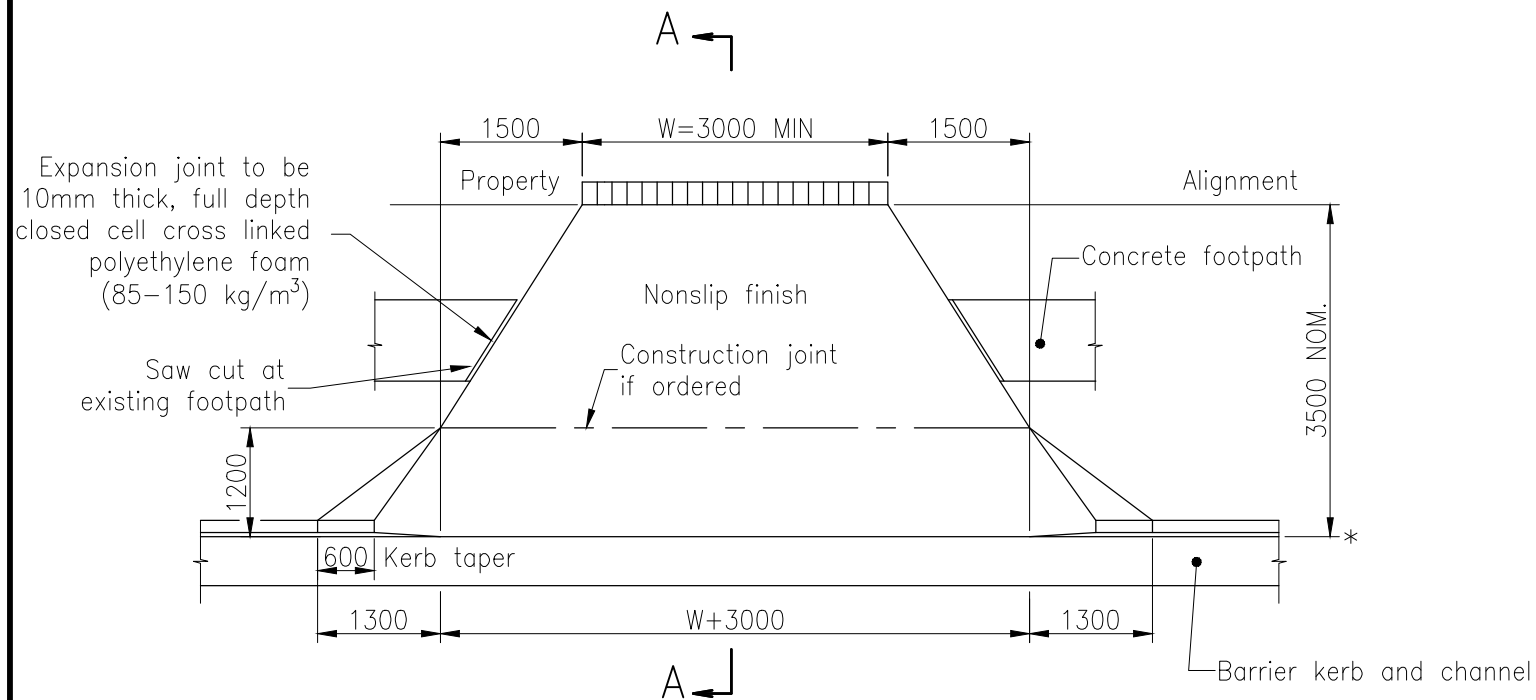
(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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.

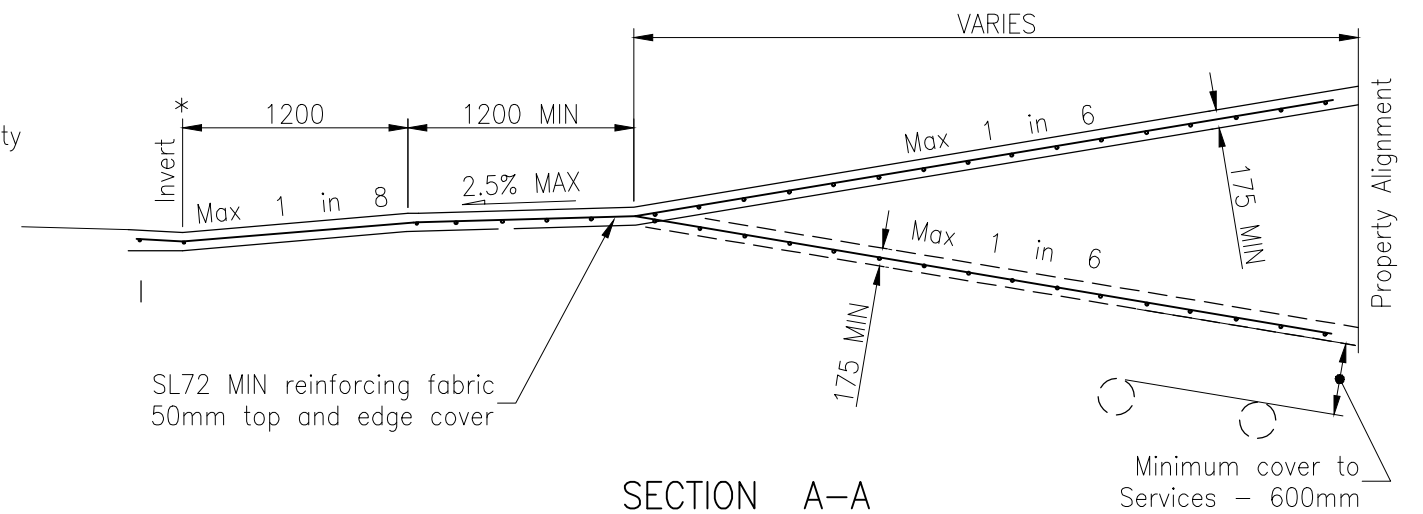


PLAN – WIDE FOOTPATHS  
SCALE 1 : 40



PLAN – 3.5m FOOTPATH  
SCALE 1 : 40

ADDED REGARDING  
GRATED DRAIN GRATE  
AREA



SECTION A-A

**LEGEND:**

\* NOM. kerb line.

**NOTES:**

1. The owner of the property served by the driveway shall be responsible for all maintenance associated with the driveway.
2. Concrete N32 in accordance with AS 1379 and AS 3600.
3. Reinforcing fabric to AS 4671. Lap fabric 250mm.
4. Depths of concrete and reinforcing steel shown are the minimum requirements for good foundation conditions, and average traffic loading. Where this does not apply, depths of concrete and reinforcing shall be increased to suit specific conditions. Council accepts no responsibility for the structural adequacy of the design and it is recommended that engineering advice be sought where higher commercial vehicle loadings are expected.
5. Reprofile adjacent footpath to match driveway. Footpath earthworks adjoining concrete must be well compacted.
6. Existing footpath profile to be maintained where possible.
7. Compaction for subgrade 95% Standard to AS 1289.5.1.1.
8. Where subgrade is less than CBR 5 excavate and provide imported material to satisfaction of independent Engineering authority.
9. Driveways to be constructed from concrete only.
10. Approval of location, feature finishes and levels must be obtained from Local Authority prior to excavation.
11. Engineering advice should be sought where it is proposed to modify the footpath profile by excavation or filling to ensure drainage problems do not result and existing services are not affected.
12. Where new concrete work abuts existing concrete work, 12dia dowels (500mm length) at 300mm centres (500mm allowable at invert of kerb and channel) to be installed to prevent differential movement.
13. All dimensions in millimetres.

APPLICABILITY TABLE							
	BSC	CHRC	GRC	IRC	LSC	MRC	RRC
Applicable	Yes	Yes	No	Yes	Yes	Yes	Yes
Applicable DWG	CMDG-R-042A						

REVISIONS		DATE
F	IRC ADDED	12/2016
E	APPLICABLE DRAWING ADDED	04/2016
D	GRC AND LSC ADDED	09/2014
C	MRC ADDED/AMENDMENT TO DRIVEWAY GRADE	07/2011
B	NOTE ADDED REGARDING GRATED DRAIN GRATE AREA	12/2010
A	POST AMALGAMATION REVISION	01/2010

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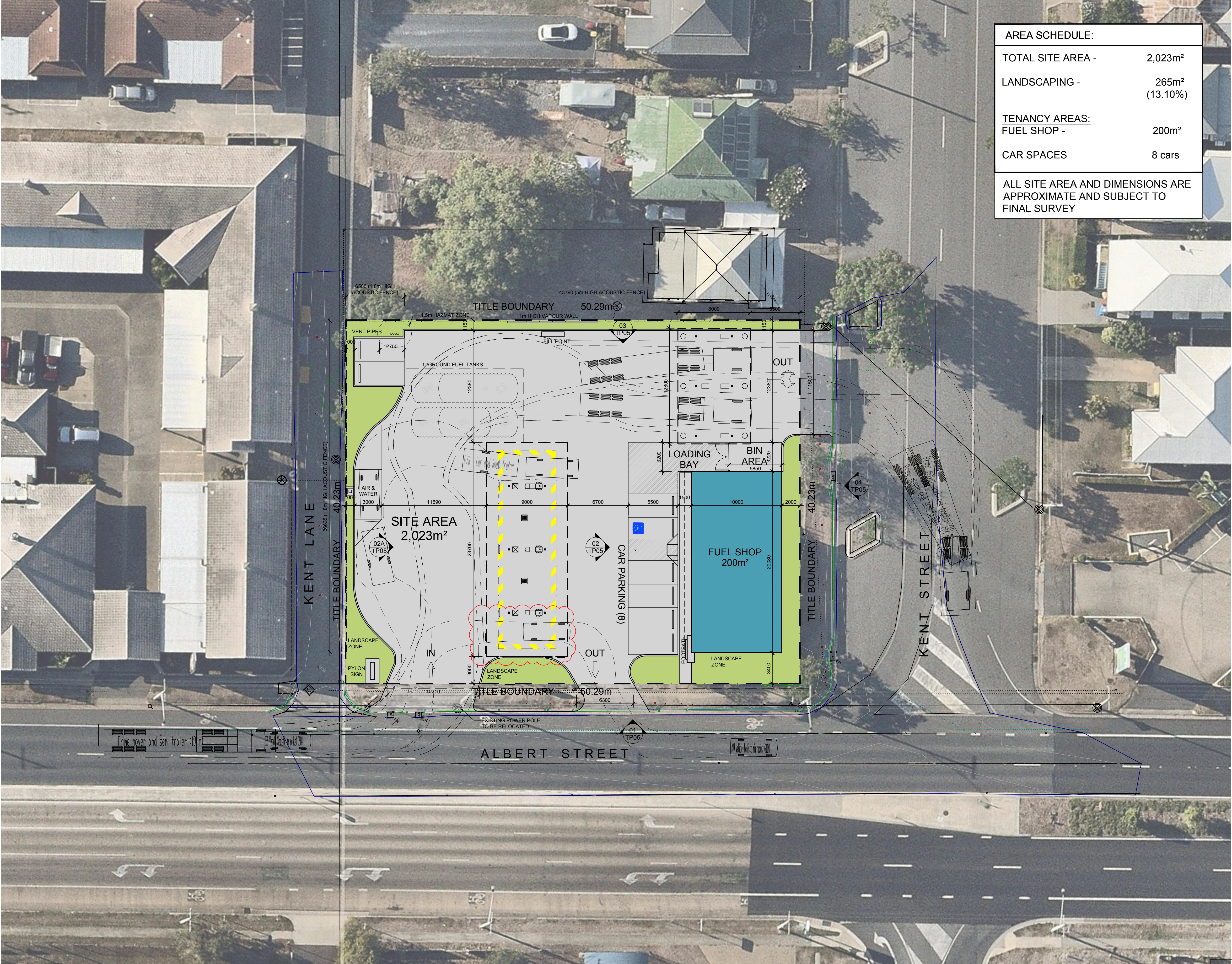
**Capricorn Municipal Development Guidelines**

Incorporating:  
Banana Shire Council (BSC) Livingstone Shire Council (LSC)  
Central Highlands Regional Council (CHRC) Maranoa Regional Council (MRC)  
Gladstone Regional Council (GRC) Rockhampton Regional Council (RRC)  
Isaac Regional Council (IRC)

**TYPE A – TWO WAY ACCESS  
COMMERCIAL DRIVEWAY SLAB**

ROADS							
STANDARD DRAWING CMDG-R-042							
REV.	A	B	C	D	E	F	





AREA SCHEDULE:	
TOTAL SITE AREA -	2,023m²
LANDSCAPING -	265m² (13.10%)
<u>TENANCY AREAS:</u>	
FUEL SHOP -	200m²
CAR SPACES	8 cars
ALL SITE AREA AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY	

D	CAR PATH MODIFIED	JS	08-05-20
C	PYLON SIGN, AIR & WATER RELOCATED. EGRESS CROSSOVER TO ALBERT ST. & LANDSCAPING AREA REVISED	JS	07-05-20
B	PYLON SIGN RELOCATED. FENCE EXTENT REVISED	JS	05-05-20
A	LANDSCAPE BUFFER INCREASED AT NORTH SIDE. FENCE ADDED ALONG NORTH & WEST BOUNDARY. LANDSCAPE AREA ADDED.	JS	05-03-20
O	PLANNING ISSUE	JS	13-02-20
P1	PRELIMINARY ISSUE	JS	06-02-20
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PROJECT  
PROPOSED FUEL FILLING  
STATION DEVELOPMENT

PROJECT ADDRESS  
20- 26 ALBERT STREET

ROCKHAMPTON  
QLD 4700

DRAWING TITLE  
PROPOSED SITE PLAN

CLIENT  
RCI GROUP

DATE FEB.'20	SCALE @ A1 1:200	NORTH 	
DRAWN JS	CHECKED AB		
ISSUE PLANNING			
PROJECT No. 20004	DRAWING No. TP03	REVISION No. D	SHEET 03 of 08



## MODULE 9:

# SERVICE ROADS, ACCESS ROADS, PROPERTY ACCESS

This module provides guidance as a starting point for the determination of agreements related to the management of service roads, access roads and property access. The determination of agreements is to occur in accordance with the overarching principles contained in Part 1 of this document.

### 9.1 Scope

It is acknowledged that when TMR undertakes a road upgrade project, some properties and businesses could be affected and that not all existing accesses and movements can be retained. The removal of driveways and the reconfiguration of intersections with possible restrictions on turning movements is part of TMR's responsibility to ensure the SCR remains safe to all users.

This module addresses the cost sharing arrangement for the following common range of private accesses to the SCR:

- Service Roads are the responsibility of Local Government (as shown in Figure 9.1) unless declared as part of a SCR
- Access Road can be required as a condition of the Development Approval and remain the responsibility of the developer/proprietor to construct and Local Government or proprietor to maintain in a serviceable condition (see Figure 9.1)
- Driveways and Property Accesses see Figure 9.2.

On some occasions there can be a bridge structure along the service road. These bridges are addressed in the following module:

- Bridges – Module 11.

### 9.2 Planning Design Construction and Rehabilitation

Typically, the construction of a service road will occur during an upgrade of the SCR carriageway. As such, the construction of the service road is the responsibility of TMR, even if the service road is to be formally handed over to Local Government.

In regards to private access roads and driveways, it is essential that any access to the SCR be authorised by TMR including the access standard. Ongoing maintenance of this infrastructure will be the applicant's responsibility.

### 9.3 Maintenance

Although the authorisation for older property accesses and sometimes their respective maintenance has some historical arrangement, there is no requirement for Local Government and TMR to construct or maintain the access to properties.

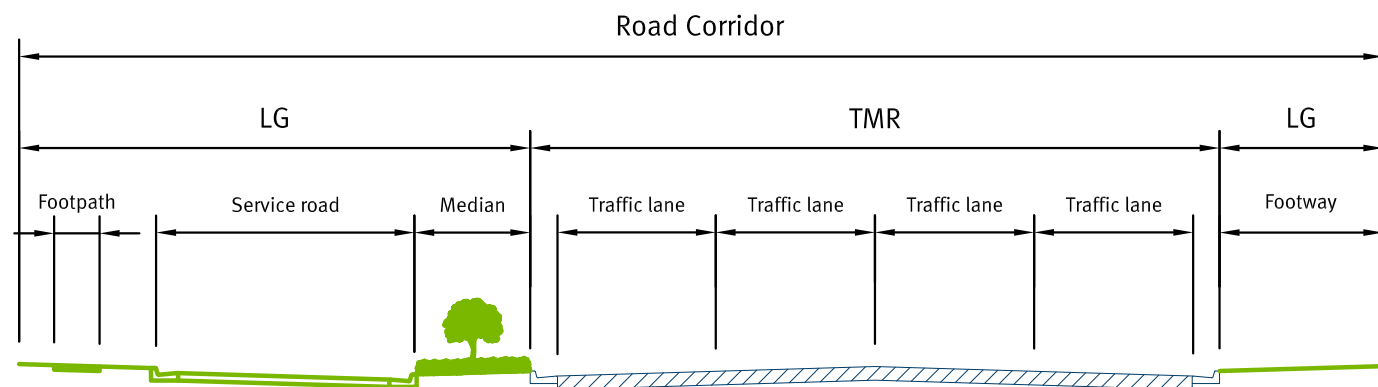
For maintenance responsibilities, refer to Section 9.5.



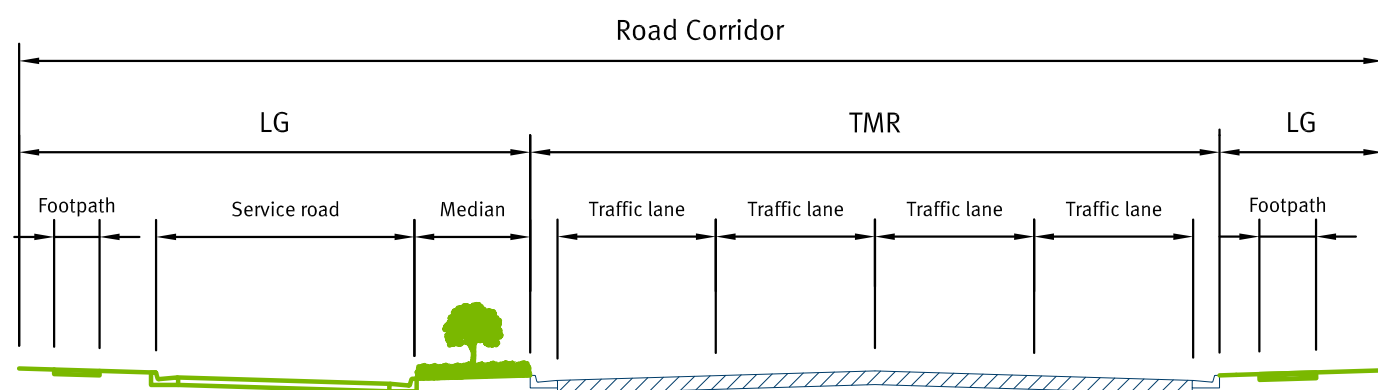
## 9.4 Illustrations

Examples of road cross sections showing the various responsibilities are illustrated in Figure 9.1

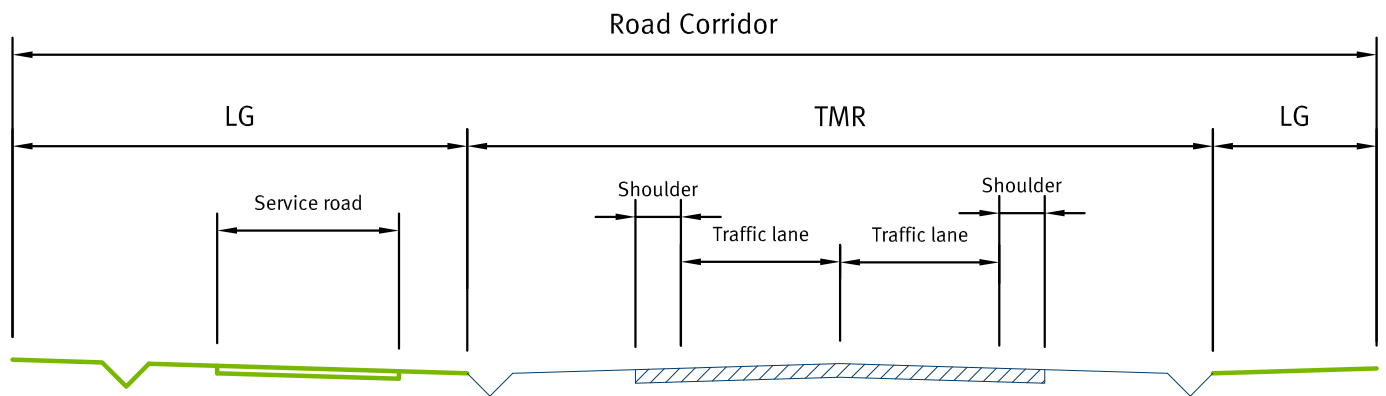
**Figure 9.1: Responsibilities for Typical Service Road Configurations**



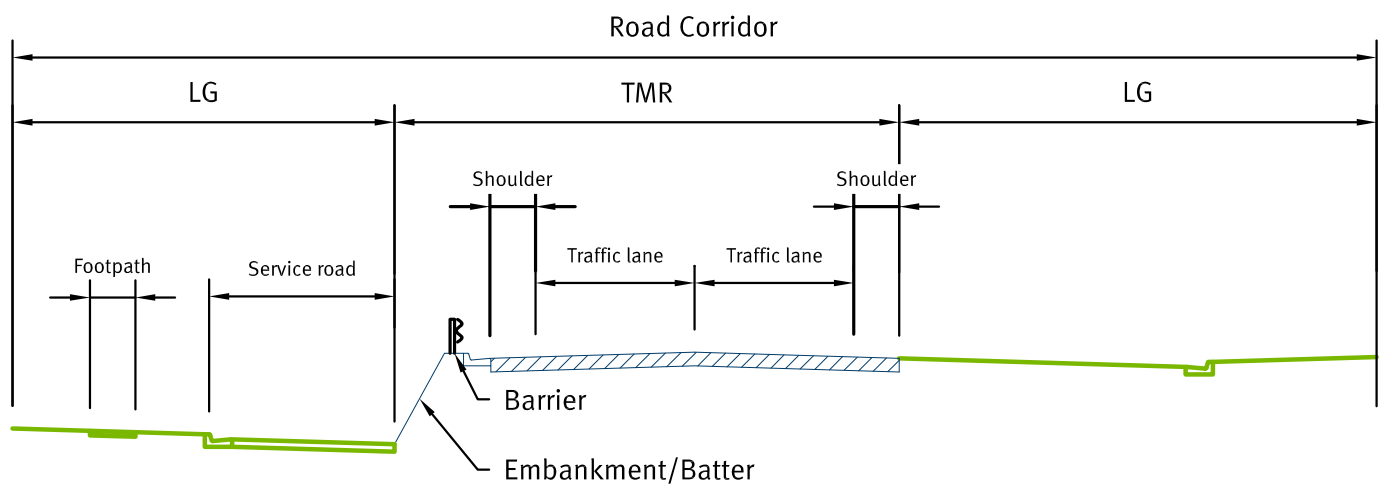
**Service Roads, Access Road and Property Access  
Example 1**



**Service Roads, Access Road and Property Access  
Example 2**

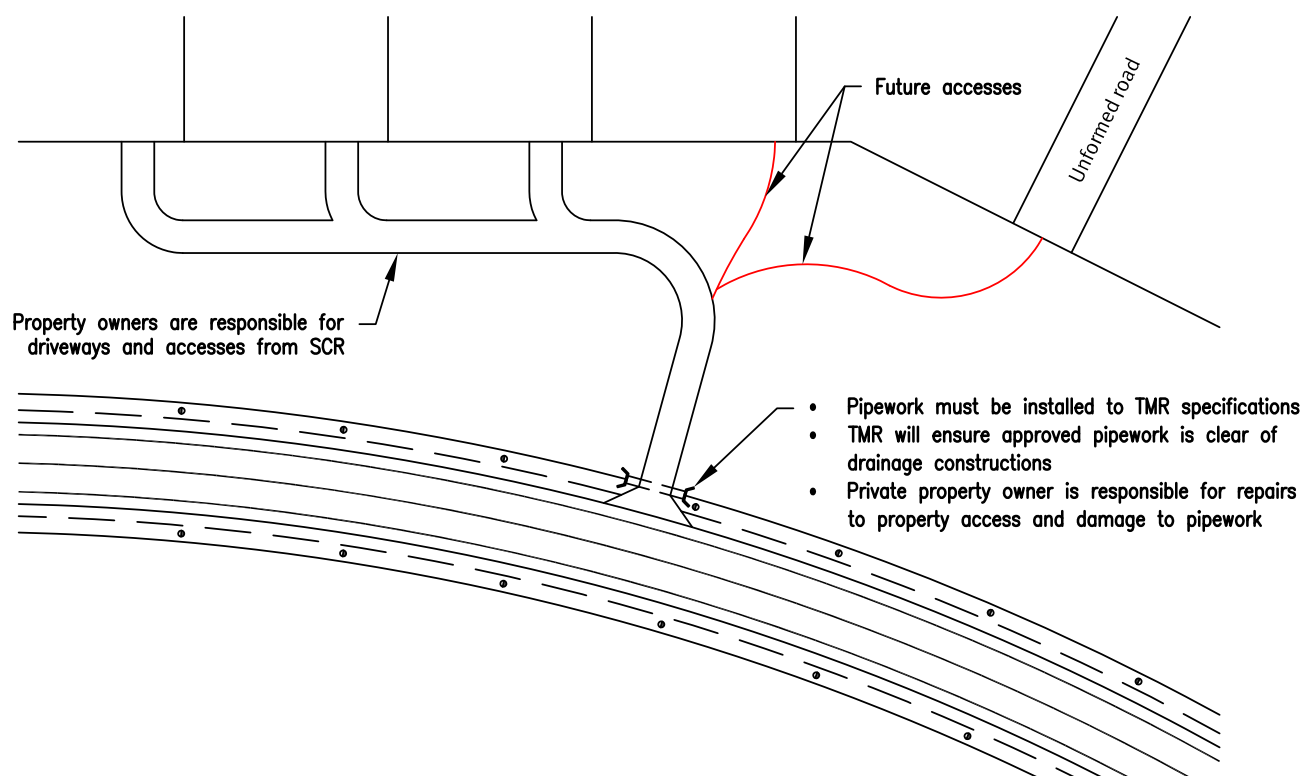


Service Roads, Access Road and Property Access  
Example 3



Service Roads, Access Road and Property Access  
Example 4

**Figure 9.2: Multiple Property Accesses in Outer Urban and Rural Locations**



## 9.5 Summary of Cost Sharing Responsibilities

### COST SHARING RESPONSIBILITY FOR SERVICE ROADS, ACCESS ROADS, DRIVEWAYS AND PROPERTY ACCESSES

Item	Planning	Design	Funding of Construction	Funding of Rehabilitation and Replacement	Funding of Maintenance	Ownership
Existing service road included in a SCR declaration	Existing - N/A	Existing - N/A	Existing - N/A	TMR	TMR	TMR
Existing service road not included in a SCR declaration	Existing - N/A	Existing - N/A	Existing - N/A	LG	LG	LG
Driveways and accesses (sealed and unsealed) from SCR carriageway to residential properties	Instigator to obtain approval from TMR	Instigator	Instigator	Property owner	Property owner	Constructed asset = property owner  Land within SCR = TMR

## 9.6 Photo Library

Photo examples of service roads, access roads, driveways and property accesses – these images are indicative only.



TMR is responsible for the traffic lanes, shoulder and kerb on the main carriageway. Local Government is responsible for the service road and landscaped embankment.



The private property is responsible for maintenance and replacement of the driveway access.



TMR is responsible for the traffic lanes and the retaining wall/barrier structure. The responsibility of Local Government will start at the base of the structure and take in all of the service road.



TMR is responsible for the SCR carriageway. In this situation, a private business has been granted access to the SCR carriageway. The construction and maintenance of the access is to the responsibility of the service station.

# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

---

<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.




PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE

SARA ref:

2003-16057 SRA

Date:

30 September 2020



Amended in red by SARA on  
30 September 2020

AREA SCHEDULE:	
TOTAL SITE AREA -	2,023m <sup>2</sup>
LANDSCAPING -	265m <sup>2</sup> (13.10%)
TENANCY AREAS:	
FUEL SHOP -	200m <sup>2</sup>
CAR SPACES	8 cars

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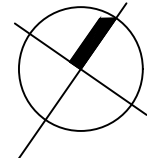
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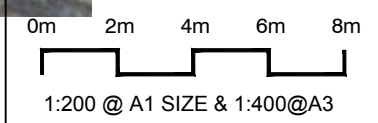
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