

Our reference: 1804-5043 SRA  
Your reference: D/36-2018

25 July 2018

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

Attention: Bevan Koelmeyer

Dear Sir/Madam,

**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 26 April 2018.

**Applicant details**

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Applicant name:	ARB Corporation Ltd C/- Gideon Town Planning
Applicant contact details:	PO Box 450 Rockhampton QLD 4700 gg@gideontownplanning.com.au

**Location details**

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Street address:	46 John Street and 123 Gladstone Road, Allenstown QLD 4700
Real property description:	Lot 2 on Plan RP602840 and Lot 4, 5 & 6 on Plan RP853443
Local government area:	Rockhampton Regional Council

**Application details**

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Development permit	Material Change of Use for a Showroom and Operational Work for an Advertising Device (pylon sign)
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**Referral triggers**

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

Planning Regulation 2017:

- 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: Material change of use</b>				
Proposed Site Layout 8m Pylon Sign Details	Tony Cosetino Architect	29/06/2018	TP02-A	-
Type A – Two Way Access Commercial Driveway Slab	Capricorn Municipal Development Guidelines	12/2016	CMDG-R-04	F

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

For further information please contact Haidar Etemadi, Planning Officer, on 49242915 or via email [RockhamptonSARA@dsmip.qld.gov.au](mailto:RockhamptonSARA@dsmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc Gideon Genade, [gg@gideontownplanning.com.au](mailto:gg@gideontownplanning.com.au)

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</b>		
State-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Road 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 road access must be provided generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>Proposed Site layout prepared by Tony Cosentino Architect dates 29 June 2018, reference TP02-A.</li> </ul>	Prior to the commencement of use and to be maintained at all times
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road (Gladstone 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 (Gladstone Road);</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road (Gladstone Road);</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road (Gladstone Road);</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road (Gladstone Road).</li> </ul>	<p>(a) At all times</p> <p>(b) At all times</p>
3.	<p>(a) The road access location, is to be located at approximate chainage 119.42km (Lat: -23.394286°; Long:150.506216°) on the Bruce Highway (Gladstone Road).</p> <p>(b) Road access works comprising commercial driveway crossover must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Capricorn Municipal Development Guidelines standard drawing titled 'Type A – Two Way Access Commercial Driveway Slab', reference CMDG-R-042, revision F.</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>
4.	Direct access is not permitted between the Bruce Highway (Gladstone Road) and the subject site at any location other than the permitted road access location.	At all times

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

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The reasons for this decision are to ensure:

- the development is carried out generally in accordance with the plans of development submitted with the application.
- that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor
- the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road
- to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

### Attachment 3—Advice to the applicant

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#### ***Transport Infrastructure Act 1994 – Road works***

- |    |   |
|----|---|
| 1. | <p>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 <a href="mailto:FitzroyDistrict@tmr.qld.gov.au">FitzroyDistrict@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.</p> |
|----|---|

Our ref TMR18-024457  
Your ref GTP\_1809  
Enquiries Anton DeKlerk

Department of  
**Transport and Main Roads**

18 July 2018

ARB Corporation Ltd  
c/- Gideon Town Planning  
PO Box 450  
Rockhampton QLD 4700

Dear Gideon Genade

**Decision Notice - Permitted Road Access Location**  
**(section 62(1) *Transport Infrastructure Act 1994*)**

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

I refer to your application for a decision under section 62(1) of the *Transport Infrastructure Act 1994* (TIA) for the construction or changing vehicular access between Lot 5 on RP853443 and the Bruce Highway (Gladstone Road) (a state-controlled road) which was received by the Department of Transport and Main Roads (the department) on 30 April 2018, forming part of a Material Change of Use for a Showroom.

**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
1	The permitted road access location is to be located at approximate chainage 119.42km (Lat: -23.394286°; Long: 150.506216°) on the Bruce Highway (Gladstone Road), generally in accordance with the submitted Proposed Site & Floor Plan, compiled by Tony Cosentino Architects, dated 29 June 2018, reference no. TP02-A, revision A.	At all times.
2	Road access works comprising commercial driveway crossover must be provided at the permitted access location, generally in accordance with the Capricorn Municipal Development Guidelines standard drawing titled 'Type A – Two Way Access Commercial Driveway Slab', reference CMDG-R-042, revision F.	MCU - Prior to commencement of use
3	Direct access is not permitted between the Bruce Highway (Gladstone Road) at any other location than the permitted access location referred to in condition 1.	At all times.
4	The use of the access is restricted to left-in / left out movements	At all times.

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

No.	Conditions of Approval	Condition Timing
	only.	
5	Use of the permitted access locations is restricted to a maximum vehicle size of a 12.5m rigid truck.	At all times
6	All vehicles entering or exiting the property via the permitted access must travel in a forward direction only.	At all times.

### Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety and efficiency of the relevant state-controlled road, the Bruce Highway (Gladstone Road).

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. This decision notice 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

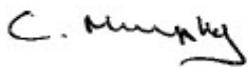
The department also provides the following information in relation to this approval:

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 [FitzroyDistrict@tmr.qld.gov.au](mailto:FitzroyDistrict@tmr.qld.gov.au) or on (07) 4931 1545.

Yours sincerely



Chris Murphy

**Senior Engineer (Civil), Corridor Management and Operations**

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions



## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- The proposal is for a Material Change of Use for a Showroom and Operational Works associated with an Advertising Device at 123 Gladstone Road and 46 John Street, Rockhampton, on land described as Lots 4, 5 and 6 on RP853443 and Lot 2 on RP602840, Rockhampton.
- The subject sites, which consists of four (4) separate parcels of land, have a total area of 4,190m<sup>2</sup>.
- Lots 4 and 5 on RP853443 have frontage onto Gladstone Road (a state-controlled road) and Lot 6 on RP853443 and Lot 2 on RP602840 have frontage to John Street (a local government road).
- The subject site has an existing vehicle crossover in the north-western property corner onto Gladstone Road (a SCR), as well as an existing vehicle crossover in the south-eastern property corner onto John Street. Access via an existing crossover onto Gladstone Road will require widening.
- Vehicles exiting the site onto Gladstone Road will only be able to do a left turn, due to the existing centre median within the road reserve. Thus, the Gladstone Road access will facilitate a 'left-in' / 'left-out' only. Vehicular access (ingress and egress) via John Street will also be facilitated and be upgraded to Council's standards.
- A pylon sign, measuring 8m (height) by 2.4m (width), with a total sign face area of 19.2m<sup>2</sup> is proposed to be located on the western periphery of Lot 5 on RP853443, south of the proposed vehicular access from Gladstone Road, within the on-site landscape buffer.

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	13 April 2018	GTP_1809	-
Proposed Site & Floor Plan	Tony Cosentino Architects	29 June 2018	TP02-A	A
Preliminary Traffic and Stormwater & Sewerage Advice	McMurtrie Consulting Engineers	20 March 2018	0621718	-

## **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.

....

- (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.

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

**Statement of reasons for application 1804-5043 SRA**

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

Departmental role: Referral agency

**Applicant details**

Applicant name: ARB Corporation Ltd  
C/- Gideon Town Planning

Applicant contact details: PO Box 450  
Rockhampton QLD 4700  
gg@gideontownplanning.com.au

**Location details**

Street address: 46 John Street and 123 Gladstone Road, Allenstown QLD 4700

Real property description: Lot 2 on Plan RP602840 and Lot 4, 5 & 6 on Plan RP853443

Local government area: Rockhampton Regional Council

**Development details**

Development permit: Material Change of Use for a Showroom and Operational Work for an Advertising Device (pylon sign)

**Assessment matters**

Aspect of development requiring code assessment	State Development Assessment Provisions, version 2.2 Applicable codes
Material change of use	<ul style="list-style-type: none"> <li>State code 1: Development in a state-controlled road environment</li> </ul>

**Reasons for the department's decision**

The reasons for the decision are the proposed development:

- provides a single access to the subject site from the state-controlled road (Bruce Highway – Gladstone Road)
- does not compromise the safety and efficiency of the state-controlled road
- complies with State code 1 with conditions.

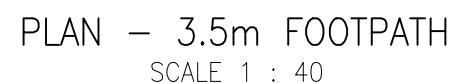
**Response:**

Nature of approval	Response details	Date of response
Development approval	Subject to conditions	25 July 2018

**Relevant material:**

- Development application material
- Information request response

- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules
- Technical agency advice
- State Development Assessment Provisions



**DISCLAIMER.**

The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of the Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, of consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.

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)	

## SECTION A-A

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.



Queensland  
Government

APPLICABILITY TABLE							
	BSC	CHRC	GRC	IRC	LSC	MRC	RRC
<b>Applicable</b>	Yes	Yes	No	Yes	Yes	Yes	Yes
<b>Applicable DWG</b>	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 GRADED DRAIN GRATE AREA	12/2010
A	POST AMALGAMATION REVISION	01/2010

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

TYPE A — TWO WAY ACCESS  
COMMERCIAL DRIVEWAY SLAB






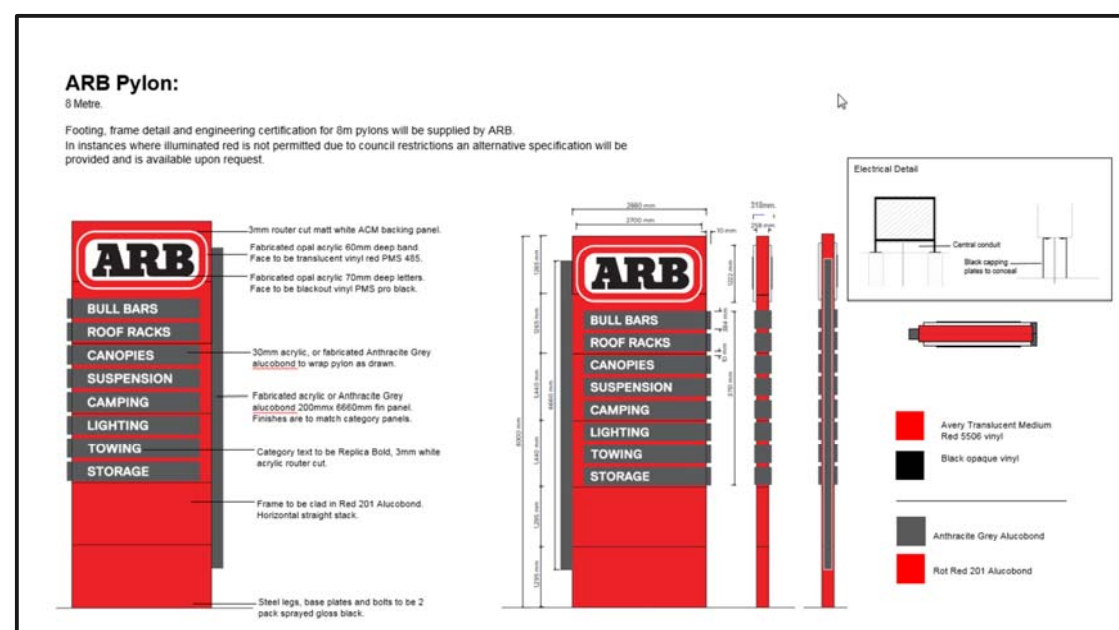


SCALE:

0 1 2 3 4 5 10 15 20 25 30 35m

ROOM LEGEND:	AREA (SQ.U.M.)
1. ENTRY	
2. SHOWROOM (400sq.u.m.)	400
3. STATE MANAGER	17.8
4. COMMS RM/STORE RM	9.6
5. ACCESSABLE TOILET & SHOWER	7
6. CLEANER	3.8
7. LUNCH ROOM	53
8. FEMALE/AMBULANT TOILET	6.5
9. MALE/AMBULANT TOILET	18
10. STAFF LOCKER ALCOVE & PASSAGE	32
11. WAREHOUSE & FITTING AREA (1,620sq.u.m.)	1620
12. RUBBISH WITH VISUAL SCREENING SURROUND	
13. PYLON SIGN	

	CONCRETE PAVING (1709 SQU.M.)
	NEW BUILDING AREA (2230 SQU.M.)
	LANDSCAPED AREA (171 SQU.M.)



### DETAILS OF 8m PYLON SIGN

- 29-06-18 JOHN ST. ENTRY  
- 17-03-18 TOWN PLANNING ISSUE  
REVISION

JOB:  
PROPOSED SHOWROOM &  
WAREHOUSE

AT: 123 Gladstone Road  
Allenstown, Queensland

FOR:



TITLE:

## PROPOSED SITE LAYOUT

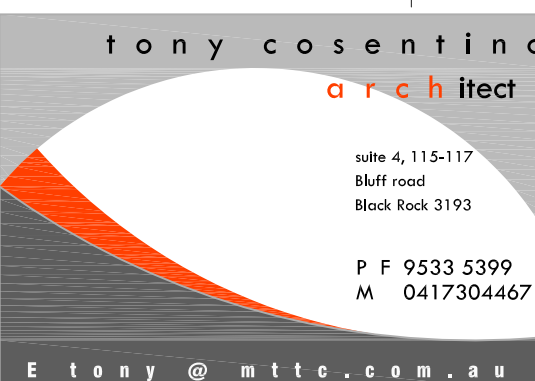
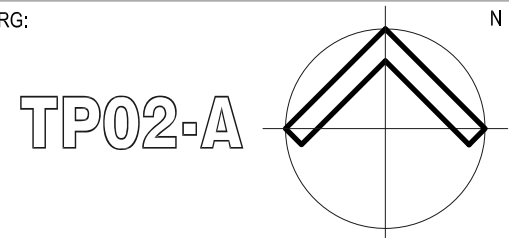
### 8m PYLON SIGN DETAILS

SCALE: 1:200

DATE: MARCH 2018

JOB: 2017/06

DRG:



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