

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 Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

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.²
- 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.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² 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.³

³ 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.



SARA reference: 2306-35254 SRA
Council reference: D/75-2023
Applicant reference: J001598

12 October 2023

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

Dear Sir/Madam

SARA referral agency response—765 Capricorn Highway, Gracemere

(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 (SARA) on 30 June 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	12 October 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for a service station and food and drink outlet Reconfiguring a lot (one (1) lot into two (2) lots with two (2) access easements)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1	

(Planning Regulation 2017)

Development impacting state transport infrastructure

Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1
(Planning Regulation 2017)

Reconfiguring a lot near a state transport corridor

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
Planning Regulation 2017)

Material change of use near a state transport corridor

SARA reference:	2306-35254 SRA
Assessment manager:	Rockhampton Regional Council
Street address:	765 Capricorn Highway, Gracemere
Real property description:	Lot 73 on LN569
Applicant name:	Development Holdings Pty Ltd
Applicant contact details:	c/- Property Projects Australia Pty Ltd PO Box 1264 NEW FARM QLD 4005 francisco@propertyprojectsaustralia.com.au
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: TMR23-039696 • Date: 11 October 2023 <p>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.</p>
<i>Human Rights Act 2019</i> considerations:	<p>Consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.</p>

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 Thomas Gardiner, Principal Planning Officer, on 0749242916 or via email RockhamptonSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'AW', written in a cursive style.

Anthony Walsh
Manager Planning

cc Development Holdings Pty Ltd, francisco@propertyprojectsaustralia.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.4.1 – Material change of use in proximity to a state transport corridor—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.	The road access location, is to be located generally in accordance with VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.	At all times.
2.	<p>(a) Road access works (at the road access location stated in Condition 1) comprising a Rural Short Auxiliary Left-turn Lane (AUL(s)) treatment and a Rural Channelised Right-turn Lane (CHR) treatment, must be provided at the road access location and generally in accordance with VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.</p> <p>(b) The road access works must include provision of a cycle lane at the location shown on VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA and in accordance with W6-Q05_2 of the Manual of Uniform Traffic Control Devices (MUTCD), Q-Series.</p> <p>(c) The road access works (and street lighting) must be designed and constructed in accordance with the DTMR's Road Planning and Design Manual, 2nd edition.</p>	Prior to the commencement of use.
3.	Direct access is not permitted between the Capricorn Highway, the state-controlled road, and the subject site other than the permitted road access location stated in Condition 1.	At all times.
4.	<p>(a) The existing property accesses located between the subject site (Lot 73 on LN569) and the Capricorn Highway, the state-controlled road, must be permanently closed and removed.</p> <p>(b) The verge area and table drain between the pavement edge and the property boundary must be reinstated in accordance with the DTMR's Road Planning and Design Manual, 2nd edition, at no cost to the Department of Transport and Main Roads.</p>	Prior to the commencement of use.

5.	<p>(a) Road works comprising a Seagull Treatment at the Saleyards Road / Capricorn Highway intersection must be provided generally in accordance with VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.</p> <p>(b) The road works must include a minimum shoulder width of two (2) metres provided along the southern side of the Capricorn Highway between the permitted road access location (stated in Condition 1) and the Langley Road / Capricorn Highway intersection.</p> <p>(c) The road works (and street lighting) must be designed and constructed in accordance with the DTMR's Road Planning and Design Manual, 2nd edition.</p>	Prior to the commencement of use.
6.	<p>(a) Fencing to prevent unauthorised access by people, vehicles and projectiles, must be provided between the Capricorn Highway and Saleyards Road for the full frontage of the subject site at the location shown on VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.</p> <p>(b) Fencing must be designed and constructed in accordance with DTMR's Road Planning and Design Manual, 2nd edition.</p>	Prior to the commencement of use.
7.	<p>(a) Stormwater management of the development must not cause worsening to the operating performance of the of the state-controlled road and railway corridor, such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road and railway corridor. (ii) concentrate or increase the velocity of flows to the state-controlled road and railway corridor. (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road and railway corridor. (iv) surcharge any existing culvert or drain on the state-controlled road and railway corridor. (v) reduce the quality of stormwater discharge onto the state-controlled road and railway corridor. (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road and railway corridor. (vii) reduce the floodplain immunity of the state-controlled road and railway corridor. 	At all times.

Reconfiguring a lot		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—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):		
8.	The road access location, is to be located generally in accordance with VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.	At all times.
9.	<p>(a) Road access works (at the road access location stated in Condition 8) comprising a Rural Short Auxiliary Left-turn Lane (AUL(s)) treatment and a Rural Channelised Right-turn Lane (CHR) treatment, must be provided at the road access location and generally in accordance with VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.</p> <p>(b) The road access works must include provision of a cycle lane at the location shown on VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA and in accordance with W6-Q05_2 of the Manual of Uniform Traffic Control Devices (MUTCD), Q-Series.</p> <p>(c) The road access works (and street lighting) must be designed and constructed in accordance with DTMR's Road Planning and Design Manual, 2nd edition.</p>	Prior to submitting the Plan of Survey to the local government for approval.
10.	Direct access is not permitted between the Capricorn Highway, the state-controlled road, and the subject site other than the permitted road access location stated in Condition 8.	At all times.
11.	<p>(a) The applicant must register reciprocal access easements on the titles of proposed Lots 1 and 2 for the shared access.</p> <p>(b) The applicant must provide to the Manager of Project Planning and Corridor Management (Fitzroy District) within the Department of Transport and Main Roads at CorridorManagement@tmr.qld.gov.au. 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 twenty (20) business days of registration of the easements.</p>
12.	<p>(a) The existing property accesses located between the subject site (Lot 73 on LN569) and the Capricorn Highway, the state-controlled road, must be permanently closed and removed.</p> <p>(b) The verge area and table drain between the pavement edge and</p>	Prior to submitting the Plan of Survey to the local government for approval.

	the property boundary must be reinstated in accordance with DTMR's Road Planning and Design Manual, 2 nd edition, at no cost to the Department of Transport and Main Roads.	
13.	<p>(a) Road works comprising a Seagull Treatment at the Saleyards Road / Capricorn Highway intersection must be provided generally in accordance with VEHICLE SITE ACCESS DESIGN AUL(s) and CHR CONFIGURATION, prepared by TTM Consulting Pty Ltd, dated 20 Sep 2023, reference 22BRT0852-01, revision E, as amended in red by SARA.</p> <p>(b) The road works must include a minimum shoulder width of two (2) metres provided along the southern side of the Capricorn Highway between the permitted road access location (stated in Condition 8) and the Langley Road / Capricorn Highway intersection.</p> <p>(c) The road works (and street lighting) must be designed and constructed in accordance with DTMR's Road Planning and Design Manual, 2nd edition.</p>	Prior to submitting the Plan of Survey to the local government for approval.
14.	<p>(a) Stormwater management of the development must not cause worsening to the operating performance of the of the state-controlled road and railway corridor, such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road and railway corridor. (ii) concentrate or increase the velocity of flows to the state-controlled road and railway corridor. (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road and railway corridor. (iv) surcharge any existing culvert or drain on the state-controlled road and railway corridor. (v) reduce the quality of stormwater discharge onto the state-controlled road and railway corridor. (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road and railway corridor. (vii) reduce the floodplain immunity of the state-controlled road and railway corridor. 	At all times.

Attachment 2—Advice to the applicant

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) (version 3.0). If a word remains undefined it has its ordinary meaning.
Works in a state-controlled road	
2.	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 <i>Transport Infrastructure Act 1994</i> . 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 at CorridorManagement@tmr.qld.gov.au to make an application.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- The development is for the following aspects on land located at 765 Capricorn Highway, Gracemere, described as Lot 73 on LN569:
 - Material change of use for a service station and food and drink outlet; and
 - Reconfiguring a lot (one (1) lot into two (2) lots with two (2) access easements).
- The assessment benchmarks which are relevant to SARA's assessment are the State Development Assessment Provisions (SDAP):
 - State code 1: Development in a state-controlled road environment.
 - State code 2: Development in a railway environment.
 - State code 6: Protection of state transport networks.
- The development is considered to comply with the assessment benchmarks subject to conditions which:
 - require road works to be undertaken on the Capricorn Highway to maintain the function of the state-controlled road network, including the operation of the Saleyards Road intersection.
 - require road access works to be undertaken at the road access location to maintain the function and efficiency of the Capricorn Highway.
 - require the construction of fencing between Saleyards Road and the Capricorn Highway to restrict pedestrian movements on the state-controlled road between the Central Queensland Livestock Exchange facility and the development site.
 - require stormwater and overland flow resulting from the development to be managed so that no worsening is caused to the operating performance of the state-controlled road and railway corridor.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank)

Attachment 5—Documents referenced in conditions

(page left intentionally blank)

Our ref TMR23-039696
Your ref J001598
Enquiries Anton DeKlerk



11 October 2023

Department of
Transport and Main Roads

Development Holdings Pty Ltd
c/- Property Projects Australia Pty Ltd
PO Box 1264
New Farm QLD 4005

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

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number D/75-2023, lodged with Rockhampton Regional Council involves constructing and changing vehicular accesses between Lot 73LN569, the land the subject of the application, and Road 16A Capricorn Highway (a state-controlled road). The new access is to facilitate a Service Station and a Food & Drink Outlet, located at approximate Chainage 7.649km (lat: -23.443150; long: 150.439605).

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.

Application Details

Address of Property	765 Capricorn Highway, Gracemere QLD 4702
Real Property Description	73LN569
Aspect/s of Development	Development Permit for Reconfiguring a Lot (1 lot into 2 lots and access easements) and; Development Permit for a Material Change of Use for a Service Station and a Food and Drink Outlet

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
Road Access Location		
1	(a) The permitted road access location, is to be located generally in accordance with the Vehicle Manoeuvring Plan, prepared by TTM, dated 21 September 2023 reference 22BRT0852-02 and revision B, at: <ul style="list-style-type: none">Approximate Chainage 7.649km (lat: -23.443150; long: 150.439605)	(a) At all times. (b) Prior to the commencement of use.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	<p>(b) Road access works must include a 'retrofit' Bicycle Lane in the left-turn lane of the access to the proposed Service Station and be generally in accordance with W6-Q05_2 of the Manual of Uniform Traffic Control Devices (MUTCD), Q-Series.</p> <p>Note: Due to the heavy vehicle movements anticipated at this access to the proposed Service Station, the separator kerb and guideposts between the bicycle lane and the thru lane of the Capricorn Highway may be omitted.</p>	
2	<p>(a) Road Access Works comprising of a Rural Short Auxiliary Left-turn Lane (AUL(s)) treatment and a Rural Channelised Right-turn Lane (CHR) Treatment, must be provided at the permitted road access location to the proposed Service Station and be provided generally in accordance with:</p> <ul style="list-style-type: none"> Vehicle Site Access Design prepared by TTM Consulting, dated 21 September 2023 reference 22BRT0852-02 and revision E. <p>(b) The road access works (and street lighting) must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd Edition and the following is to be applied:</p> <ul style="list-style-type: none"> A 36.2m Type 1 Road Train must be utilised as the Design Vehicle for the right-in and left-out movements between the Capricorn Highway and the access to the proposed Service Station. A 25.0m B-Double must be utilised as the Design Vehicle for the left-in and right-out movements between the Capricorn Highway and the access to the proposed Service Station. A 36.2m Type 1 Road Train must be utilised as the Check Vehicle for the left-in and right-out movements between the Capricorn Highway and the access to the proposed Service Station. The minimum storage length for this channelised right-turn treatment must be 36.2m to cater for the Type 1 Road Train Design Vehicle. Recognising the proximity to the intersection of Langley Road, a deceleration rate of up to 3.5m/s² may be utilised. 	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.
3	<p>(a) Road Works comprising of a Seagull treatment must be implemented at the Saleyards Road / Capricorn Highway intersection, facilitating turning movements between the</p>	Prior to the commencement of the use

No.	Conditions of Approval	Condition Timing
	<p>Capricorn Highway and Saleyards Road and be provided generally in accordance with:</p> <ul style="list-style-type: none"> Vehicle Site Access Design prepared by TTM Consulting, dated 21 September 2023 reference 22BRT0852-02 and revision E. <p>(b) Raised concrete medians must be adopted to provide separation and delineation between opposing traffic movements between the thru lanes of the Capricorn Highway.</p> <p>(c) A minimum shoulder width of 2.0m must be provided along the southern side of the Capricorn Highway between the permitted road access to the Service Station and the existing intersection of Langley Road.</p> <ul style="list-style-type: none"> Due to the geometry change at Langley Road, vehicle paths for the left-turn in must be assessed and a 12.5m Rigid Truck must be utilised as the Design Vehicle. A 19.0m Semi Trailer may be utilised as the Check Vehicle for this left-turn movement. <p>(d) The road works (and street lighting) must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd Edition and the following is to be applied:</p> <ul style="list-style-type: none"> A 36.2m Type 1 Road Train must be utilised as the Design Vehicle for the right-in and right-out movements (Seagull Treatment) between the Capricorn Highway and Saleyards Road. 	<p>of the Road Works and to be maintained at all times.</p>
4	<p>Direct access is not permitted between the Capricorn Highway, the state-controlled road, and the subject site (Lot 73 LN569) at any location other than the permitted access location as per Condition 1.</p>	<p>At all times</p>
5	<p>(a) The existing vehicular property accesses located between the subject site (Lot 73 LN569) and the Capricorn Highway, the state-controlled road, must be permanently closed and removed.</p> <p>(b) The verge area and table drain between the pavement edge and the property boundary must be reinstated in accordance with the Road Planning and Design Manual, 2nd Edition, at no cost to the Department of Transport and Main Roads'.</p>	<p>Prior to completion of Road Access Works for new permitted road access location.</p>

No.	Conditions of Approval	Condition Timing
6	<p>(a) The applicant must register reciprocal access easements on the titles of proposed lots 1 and 2 for the shared access.</p> <p>(b) The applicant must provide to the Manager of Project Planning and Corridor Management (Fitzroy District) within the Department of Transport and Main Roads at CorridorManagement@tmr.qld.gov.au 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>
7	The road access is 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
8	The property owner will be responsible for all maintenance works for the access 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
9	All vehicles entering or exiting the property via the permitted access must travel in a forward direction only.	At all times
10	Reasonable steps are taken to ensure that the permitted road access is used by others in accordance with these conditions.	At all times
11	The department may amend or modify conditions within this approval subject to change circumstances in relation to the state-controlled road environment, in accordance with section 62(3) of the <i>Transport Infrastructure Act 1994</i> .	At all times
12	This decision shall expire after 24 months from the date of this notice should the permitted access not be constructed in accordance with condition 1, 2 and 3.	After 24 months from the date of this notice.

Reasons for the decision

The reasons for this decision are as follows:

- a) To maintain the safety and efficiency of the state-controlled 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, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for 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 C** for 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 C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access 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 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.

If further information about this approval or any other related query is required, Mr Anton DeKlerk, Principal Town Planner should be contacted by email at CorridorManagement@tmr.qld.gov.au or on (07) 4931 1500.

Yours sincerely



Anton DeKlerk
Principal Town Planner

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Vehicle Manoeuvring Plan, prepared by TTM, dated 21 September 2023 reference 22BRT0852-02 and revision B
Attachment E - Vehicle Site Access Design prepared by TTM Consulting, dated 21 September 2023 reference 22BRT0852-02 and revision E

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The subject site, located at 765 Capricorn Highway, Gracemere, formally described as Lot 73 on LN569. The site has an area of 1.169 ha and a street frontage of approximately 127m to Capricorn Highway which is recognised as a state-controlled road under the State Development Assessment Mapping and a Highway under the Road Hierarchy Overlay under the Rockhampton Region Planning Scheme (Planning Scheme).
- This component on the proposal involves the establishment of an integrated service station and food and drink building with a gross floor area of 387m², comprising 292m² of service station floor area and 95m² of food and drink outlet floor area. The building will be serviced by nineteen (19) parking spaces, and an integrated delivery and refuse collection bay at the rear. The service station will provide six (6) standard passenger re-fuel points, three (3) truck re-fuel points, and four (4) truck parking spaces.
- This component of the proposal seeks to subdivide one (1) lot into two (2) lots and create two (2) access easements. Proposed Lot 1 (the development lot) is to comprise of the proposed Service Station and Food and Drink Outlet described earlier, whereas Proposed Lot 2 is for the remaining land portion (balance land). See Table 2 for the schedule of proposed lots. Access easements will be established over Proposed Lot 1 in favour of Proposed Lot 2.
- TMR considered the following matters in assessing the development:
 - Proximity to the Gracemere Saleyards access opposite the proposed access.
 - Pedestrian movements between the Saleyards and the Service Station.
 - Vehicular movements between the Saleyards and the Service Station.
 - Stormwater Management. The Stormwater Management Plan presented does not address the impacts of both Lots 1 and 2 on the State Controlled Road or the Blackwater Rail Line. Stormwater management plan will be required to be updated for presentation with the *Transport Infrastructure Act 1994* section 33 development application and prior to commencement of works on the site.
 - Turn warrants for “as-of-right” vehicles at this location of the Capricorn Highway being Type 1 36.2m Road Trains to the west of the access location and 25m B-Double Vehicles to the east of the access locations.
 - Proximity of the proposed access location to Langley Road.
 - Proximity and design of the proposed access relative to the existing access to the warehouse that is proposed to be retained on proposed Lot 2 of the development. TMR has determined the existing access to the warehouse will create unacceptable conflicts for vehicles accessing and egressing the service station. This access is to be closed and reciprocal access easements to be registered. The easement will need to provide access to Lot 1 for vehicles accessing the Warehouse on proposed Lot 2 to address the issues / concerns.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
Town Planning Report	Property Projects Australia	2 June 2023	Not Referenced	-
Traffic Engineering Report	TTM Consulting	2 June 2023	22RT0852	2
Stormwater Management Plan	VT Consulting Engineers	5 June 2023	22368-ENG-B	B
SARA Information Request	SARA	18 July 2023	2306-35254 SRA	-
SARA Advice Notice	SARA	18 July 2023	2306-35254 SRA	-
Response to Information Request Pursuant to s.13 of the Development Assessment Rules	Property Projects Australia	10 August 2023	J001598	-
SARA Advice Notice	SARA	25 August 2023	2306-35254 SRA	-
Response to Further Advice Letter Pursuant to Section 35 of the DAR	Property Projects Australia	22 September 2023	J001598	-
Vehicle Site Access Design	TTM	20 September 2023	22BRT0852-01	E
Vehicle Manoeuvring	TTM	21 September 2023	22BRT0852-02	B

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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—

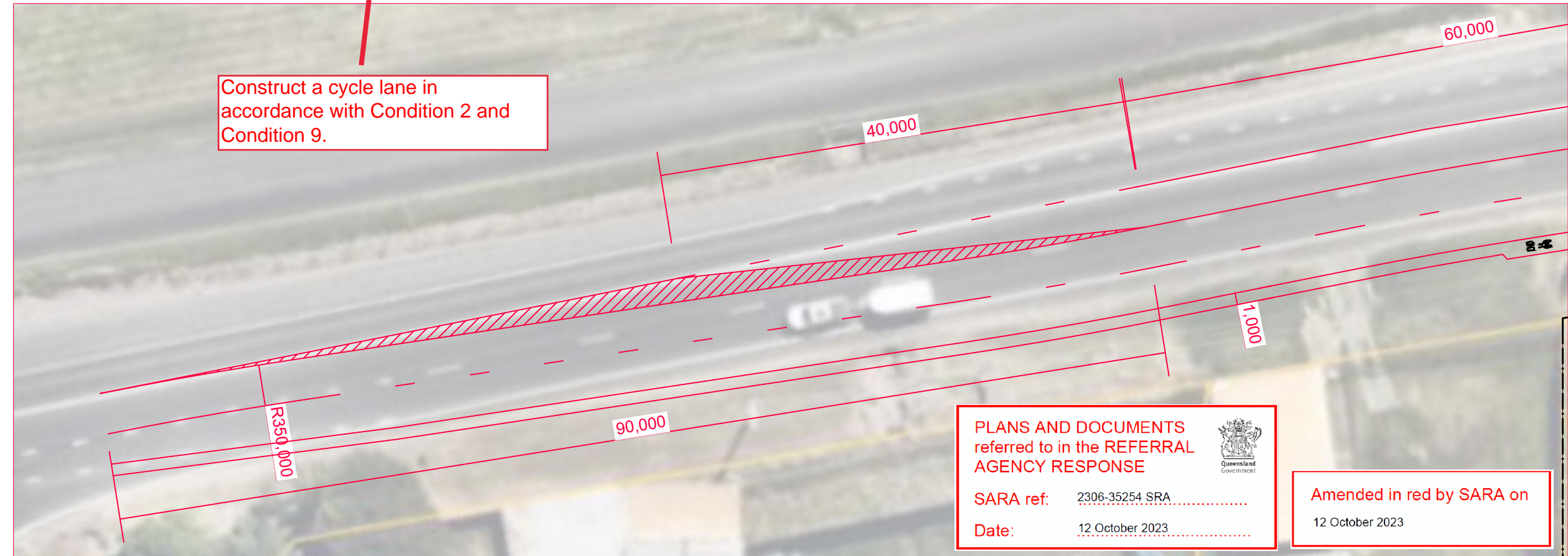
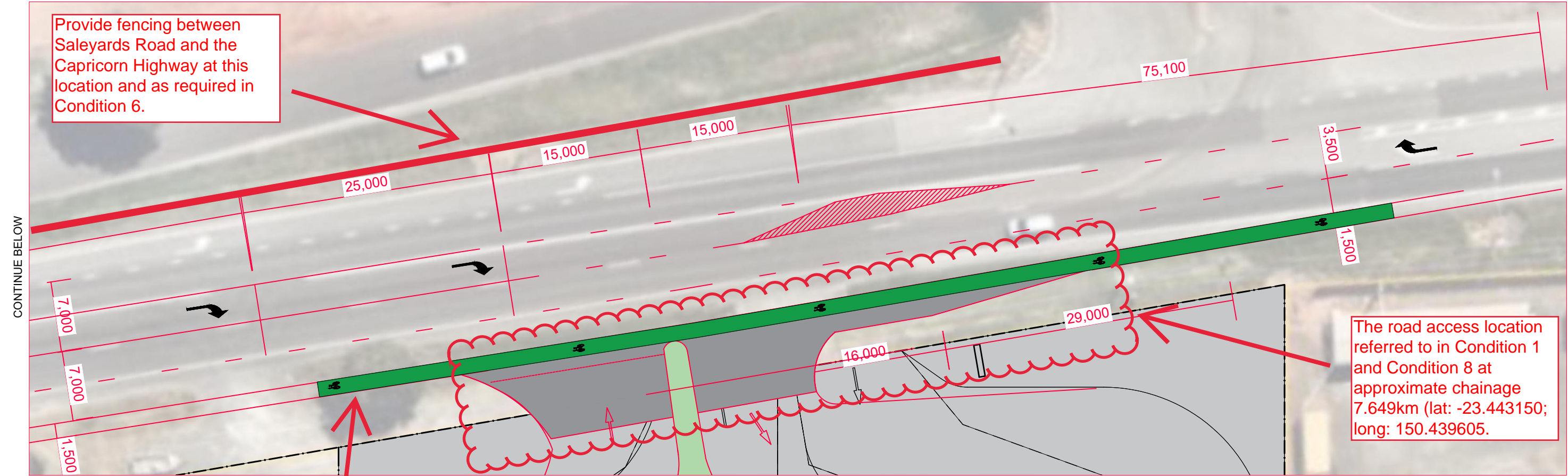
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(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.



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2306-35254 SRA

Date: 12 October 2023

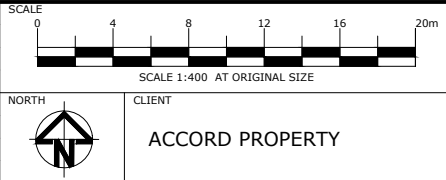


Amended in red by SARA on 12 October 2023

DIRECTOR
SIMON CRANK RPEQ 18360
APPROVED 20 Sep 2023

**PRELIMINARY
ADVICE ONLY**
20 September 2023

REV.	DATE	AMENDMENT DESCRIPTION	DRAWN	CHECKED	APPROVED
E	20-09-23	AMEND TO CHR	SC		SC
D	30-08-23	SARA F1 RESPONSE	SC		SC
C	10-08-23	SARA RFI RESPONSE	SC		SC
B	27-07-23	AMEND FOR "SEAGULL" TREATMENT	SC		SC
A	31-05-23	ORIGINAL ISSUE	SC		SC

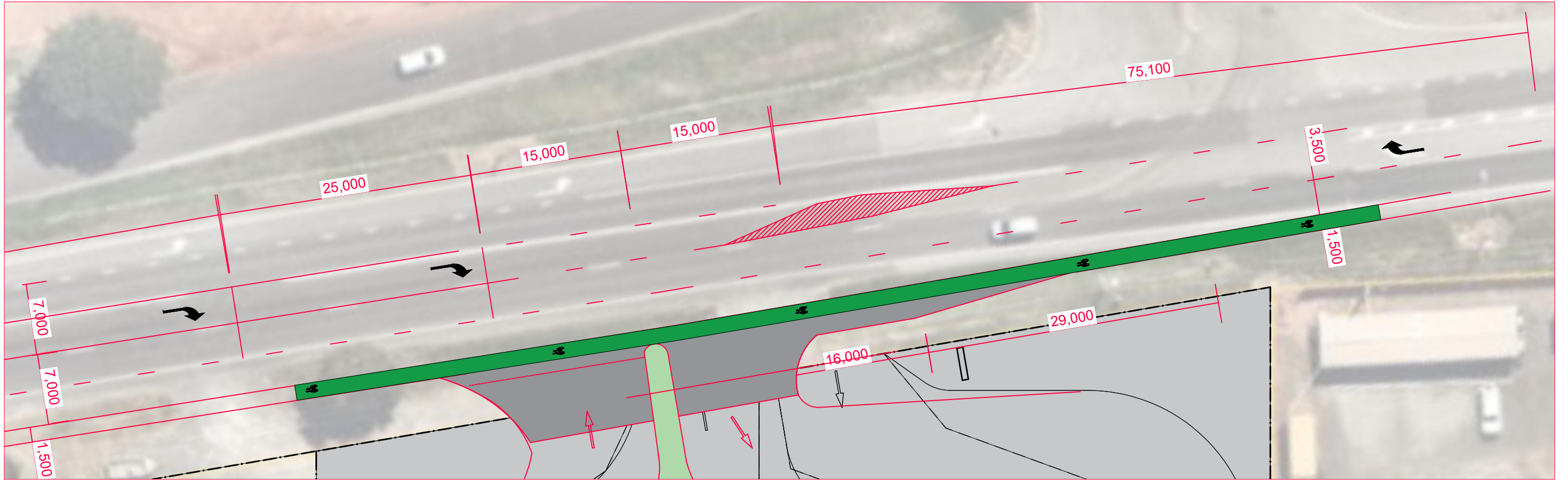


TTM CONSULTING PTY LTD
ABN 65 010 868 621
LEVEL 8, 369 Ann Street, BRISBANE QLD 4000
P.O. BOX 12015, BRISBANE QLD 4003
T: (07) 3327 9500 F: (07) 3327 9501
E: ttmbri@ttmgroup.com.au W: www.ttmgroup.com.au

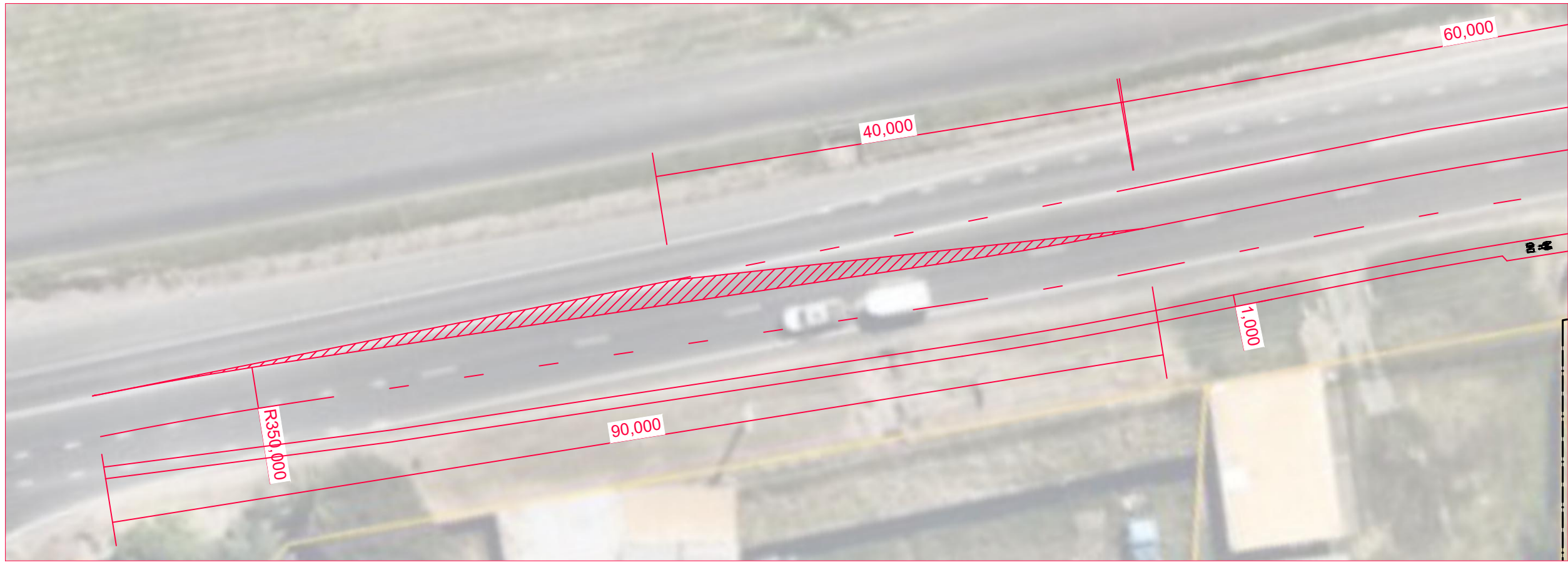
PROJECT
765 CAPRICORN HWY, GRACEMERE
DRAWING TITLE
**VEHICLE SITE ACCESS DESIGN
AUL(s) and CHR CONFIGURATION**

PROJECT NUMBER 22BRT0852	ORIGINAL SIZE A3
DRAWING NUMBER 22BRT0852-01	REVISION E
DATE 20 Sep 2023	SHEET 1 OF 1

CONTINUE BELOW



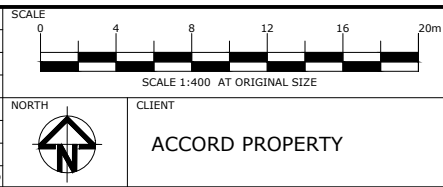
CONTINUE ABOVE



 DIRECTOR
SIMON CRANK RPEQ 18360
APPROVED 20 Sep 2023

**PRELIMINARY
ADVICE ONLY**
20 September 2023

REV.	DATE	AMENDMENT DESCRIPTION	DRAWN	CHECKED	APPROVED
E	20-09-23	AMEND TO CHR	SC		SC
D	30-08-23	SARA FI RESPONSE	SC		SC
C	10-08-23	SARA RFI RESPONSE	SC		SC
B	27-07-23	AMEND FOR "SEAGULL" TREATMENT	SC		SC
A	31-05-23	ORIGINAL ISSUE	SC		SC

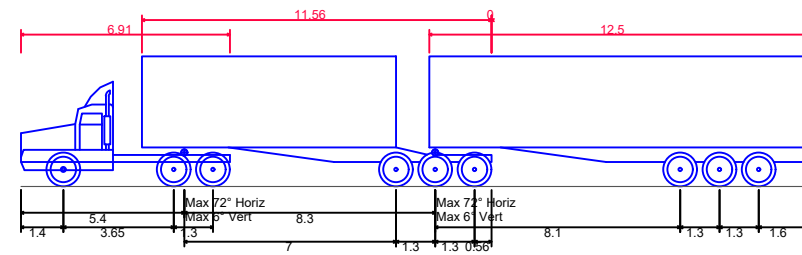
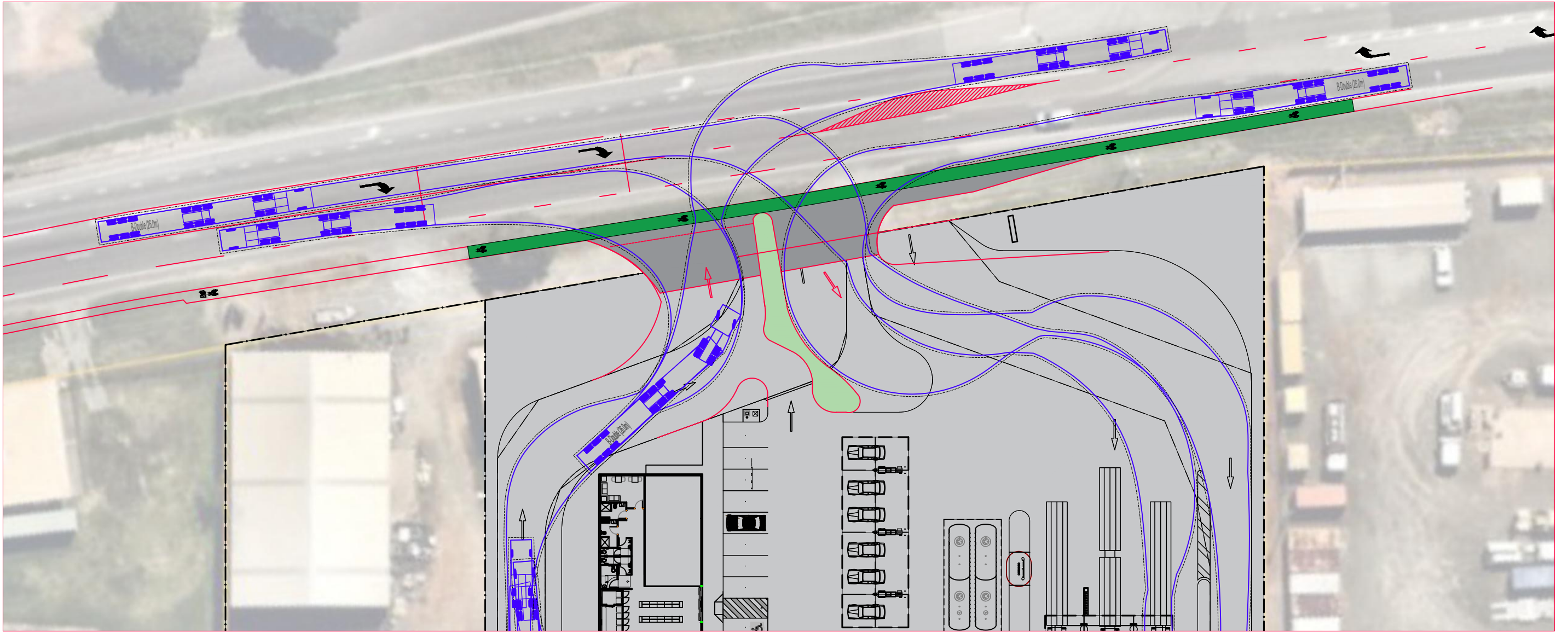


TTM CONSULTING PTY LTD
ABN 65 010 868 621
LEVEL 8, 369 Ann Street, BRISBANE QLD 4000
P.O. BOX 12015, BRISBANE QLD 4003
T: (07) 3327 9500 F: (07) 3327 9501
E: ttmbri@ttmgroup.com.au W: www.ttmgroup.com.au

PROJECT
765 CAPRICORN HWY, GRACEMERE

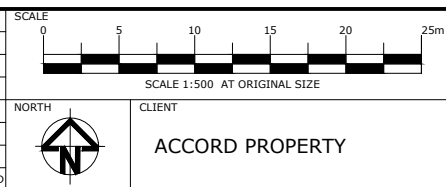
DRAWING TITLE
VEHICLE SITE ACCESS DESIGN
AUL(s) and CHR CONFIGURTION

PROJECT NUMBER 22BRT0852	ORIGINAL SIZE A3
DRAWING NUMBER 22BRT0852-01	REVISION E
DATE 20 Sep 2023	SHEET 1 OF 1



B-Double (26.0m)
Overall Length 26.000m
Overall Width 2.500m
Overall Body Height 4.300m
Min Body Ground Clearance 0.540m
Track Width 2.500m
Lock-to-lock time 6.00s
Curb to Curb Turning Radius 15.000m
Design Speed Forward Min. 5.0km/h
Clearance Envelope 0.500m

REV.	DATE	AMENDMENT DESCRIPTION	DRAWN	CHECKED	APPROVED
B	21-09-23	INFORMATION REQUEST RESPONSE	SC		SC
A	31-05-23	ORIGINAL ISSUE	SC		SC



ttm TTM CONSULTING PTY LTD
ABN 65 010 868 621
LEVEL 8, 369 Ann Street, BRISBANE QLD 4000
P.O. BOX 12015, BRISBANE QLD 4003
T: (07) 3327 9500 F: (07) 3327 9501
E: ttmbri@ttmgroup.com.au W: www.ttmgroup.com.au

PROJECT **765 CAPRICORN HWY, GRACEMERE**
DRAWING TITLE **VEHICLE MANOEUVRING
ACCESS B-DOUBLE SWEPT PATH ANALYSIS**

PROJECT NUMBER 22BRT0852	ORIGINAL SIZE A3
DRAWING NUMBER 22BRT0852-02	REVISION A
DATE 21 Sep 2023	SHEET 1 OF 1