



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

Our reference: 1803-4607 SRA  
Your reference: D/24-2018

2 May 2018

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

Attention: Jonathon Trevett-Lyall

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 27 March 2018.

**Applicant details**

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

**Location details**

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Street address: 116 and 122 Campbell Street and 34 Albert Street, Rockhampton City  
Real property description: Lot 1 on RP605803; Lot 1 on RP607113; Lot 2 on RP605803; Lot 2 on RP607113  
Local government area: Rockhampton Regional Council

**Application details**

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Development permit Material change of use for Food and Drink Outlet  
Operational work for Advertising Device (Pylon Sign)

## Referral triggers

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.

## 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>				
Site Plan	Rufus Design Group	15 February 2018	180105-01	-

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@dsgmip.qld.gov.au](mailto:RockhamptonSARA@dsgmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

cc Ultrachocks Pty Ltd c/- Gideon Town Planning, [gg@gideontownplanning.com.au](mailto:gg@gideontownplanning.com.au)

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

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use</b>		
State transport corridors and future State transport corridors —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>(a) Dense screen planting must be provided along the entire frontage of Lot 2 on RP605803 to Albert Street (Bruce Highway) generally in accordance with the following plan:</p> <ul style="list-style-type: none"> <li>• Site Plan prepared by Rufus Design Group dated 15 February 2018, reference 180105-01.</li> </ul> <p>(b) The maintained height of this dense screen planting must be a minimum of 0.70 metres.</p>	<p>(a) Prior to the commencement of use</p> <p>(b) At all times</p>
2.	<p>(a) The existing vehicular property access (driveway) located between Lot 2 on RP607113 and Campbell Street must be permanently closed and removed.</p> <p>(b) The portion of the driveway between the back of the kerb and channel and the edge of the existing concrete pedestrian pathway (nearest to the traffic lanes) must be reinstated with top soil and turf at no cost to the Department of Transport and Main Roads.</p>	(a) and (b): Prior to the commencement of the use
3.	<p>(a) The road access location is to be located generally in accordance with the Site Plan prepared by Rufus Design Group dated 15 February 2018, reference 180105-01.</p> <p>(b) The road access works must be designed and constructed in accordance with the Capricorn Municipal Design Guideline (CMDG) to accommodate a two way commercial access driveway. The road access must be constructed generally in accordance with Standard Drawing CMDG-R-042 dated December 2016, Revision F.</p>	(a) and (b): Prior to the commencement of the use

**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
- To maintain the safety and efficiency of the state-controlled road by reducing the number of road access
- To ensure 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 the design of any road access maintains the safety and efficiency of the state-controlled road

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

**Statement of reasons for application 1803-4607 SRA**

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

Departmental role: Referral agency

**Applicant details**

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

**Location details**

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**Development details**

Development permit Material change of use for Food and Drink Outlet  
 Operational work for 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 response are the proposed development:

- uses an existing access to Campbell Street
- will not adversely impact on the state-controlled road network
- includes landscaping along Albert Street (Bruce Highway) to mitigate the potential impacts of headlight glare
- complies with State code 1, subject to implementation of conditions.

**Response:**

Nature of approval	Response details	Date of response
Development approval	Subject to conditions	2 May 2018

**Relevant material**

- development application

- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules

Our ref TMR18-024240  
Your ref GTP 1728  
Enquiries Anton DeKlerk

Department of  
**Transport and Main Roads**

9 April 2018

## 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>**

Development application reference number TMR18-024240 involves constructing or changing a vehicular access between Lot 1RP607113, Lot 2 RP607113, Lot 1RP605803 and Lot 2 RP605803, the land the subject of the application, and Campbell Street (a state-controlled road).

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

### Applicant Details

Name and address Ultrachocks Pty Ltd  
C/- Gideon Town Planning  
PO Box 450  
Rockhampton QLD 4700

### Application Details

Address of Property 122 Campbell Street, Allenstown QLD 4700  
Real Property Description Lot 1RP607113, Lot 2 RP607113, Lot 1RP605803 and Lot 2 RP605803  
Aspect/s of Development Development Permit for Material Change of Use for 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
1	The permitted road access location is to be generally in accordance with the Site Plan done by Rufus Design Group dated 15 February 2018, reference 180105-01. The access must only be used as a	At all times

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

	left-in/left-out.  Note: The access location is off Campbell Street (a state-controlled road) at approximate chainage 0.036km.	
2	(a) The road access works must be designed and constructed in accordance with the Capricorn Municipal Design Guideline (CMDG) to accommodate a two way commercial access driveway.  (b) The permitted road access must be constructed generally in accordance with Standard Drawing CMDG-R-042 dated December 2016, Revision F	Prior to commencement of use
3	(a) The existing road access between Lot 2 RP607113 and Campbell Street, at approximate chainage 0.046km, must be closed and permanently removed.  (b) Reinstate the portion of the driveway, between the back of the kerb and channel and the edge of the existing concrete pedestrian pathway (nearest to the traffic lanes), with top soil and turf at no cost to the Department of Transport and Main Roads'.	Prior to commencement of use
4	Direct access is prohibited between Albert Street (Bruce Highway) and Lot 2 RP605803 & Lot 1 RP605803.	At all times
5	The applicant shall 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
6	The road access to the subject land shall be used for Commercial purposes in accordance with the approved use(s) of the site (being an office, shop and a food and drink outlet).	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.

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 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.

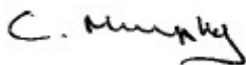
### Further approvals

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

1. Road Works approval required – Written approval is required from the department to carry out road works regarding the closure of a vehicular driveway crossover located between Lot 2 RP607113 and Campbell Street as per condition 3 above. The department will accept an application for a Road Corridor Permit (RCP) to facilitate the closure of this existing vehicular driveway. This approval must be obtained prior to commencing any works on the state-controlled road (Campbell Street). The approval process may require the approval of a Traffic Management Plan.

If further information about this approval or any other related query is required, Mr Anton DeKlerk, Principal Town Planner can be contacted by email at [Anton.Z.DeKlerk@tmr.qld.gov.au](mailto:Anton.Z.DeKlerk@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 D – Site Plan (illustrating permitted road access location)

## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- The proposal is for a Development Application for a Material Change of Use for Food and Drink Outlet and Operational Work associated with an Advertising Device (Pylon Sign) at 116 Campbell Street, Rockhampton (Lot 2 on RP607113), 122 Campbell Street, Rockhampton (Lot 1 on RP607113 and Lot 1 on RP605803) and 34 Albert Street, Rockhampton (Lot 2 on RP605803)
- The development proposal is to establish a food and drink outlet with a gross floor area of approximately 151m<sup>2</sup>, with a drive-through facility, car parking and signage over the subject site.
- 122 Campbell Street accommodates an existing building, comprising of two commercial tenancies, being *The Cheesecake Shop* and an office for *Castlemaine Perkins*, with a total gross floor area of 362.3m<sup>2</sup>. The subject site is serviced with a formal driveway access from Campbell Street, into a car parking area provided directly adjacent to the building.
- 34 Albert Street is located on the corner of Albert Street and Campbell Lane and is currently vacant. 116 Campbell Street currently accommodates a highset dwelling (to be removed) with a primary road frontage and access from Campbell Street. The subject site also fronts onto Campbell Lane.
- The existing two commercial tenancies located on the corner of Albert Street and Campbell Street will be retained with a new freestanding building proposed on Lot 2 on RP605803 (34 Albert Street).
- The primary vehicle access (ingress and egress) to the site and drive-through service lane will be from Campbell Street. This access point will also be utilised by service vehicles for deliveries and pickups for all businesses on site. A secondary access from Campbell Lane will also be supported.
- Vehicles exiting the site onto Campbell Street will only be able to do a left turn, due to the existing centre median within the road reserve. Vehicles will only be able to turn right on to Campbell Lane when exiting the site as it is a one-way lane (in a north-western direction).
- A pylon sign, measuring 5m (height) by 1.5m (width), with a total sign face area of 4.5m<sup>2</sup> is proposed near the southern property corner, within the 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 March 2018	GTP_1728	-
Site Plan	Rufus Design Group	15 February 2018	180105-01	-
Preliminary Traffic and Stormwater Advice	McMurtrie Consulting Engineers	2 March 2018	0751718	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—

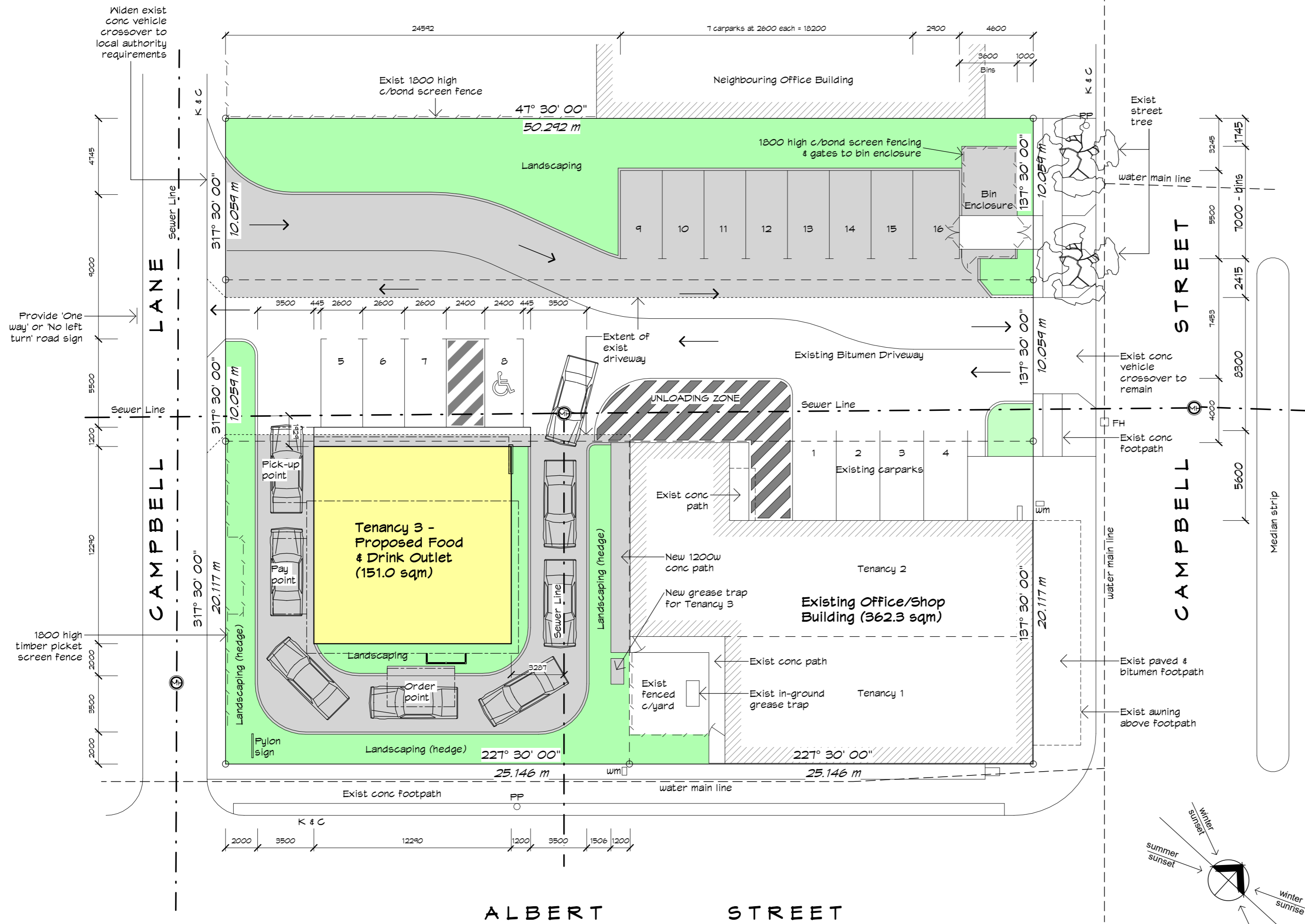
(a) the decision notice did not state the reasons for the decision; and

(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.

**R.P.D.**  
 Lot Number : 1 & 2, 1 & 2  
 Reg./Survey Plan Number : 605803 & 607113  
 Parish : Rockhampton  
 County : Livingstone  
 Area : 2023.5 sqm



**Site Analysis**

Existing Floor Area = 362.3 sqm  
 Proposed Floor Area = 151.0 sqm  
 Total Building Footprint Area = 513.3 sqm  
 Total Site Coverage = 25.4%  
 Total Landscaped Area Required = 202.4 sqm  
 Total Landscaped Area Provided = 380.5 sqm  
 Total Site Area = 2023.5 sqm

**Car Parking**  
 Car parking spaces required = 16  
 Total car spaces provided = 16 + 10 Queuing

**Driveways**  
 Existing concrete driveway area = 573.3 sqm  
 New concrete driveway area = 556.4 sqm  
 Total driveway area = 1129.7 sqm

**PRELIM 04**  
 DATE: 15/02/18  
 NOT FOR CONSTRUCTION

**1 Site Plan**  
 1 : 200

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**

SARA ref: 1803-4607-SRA  
 Date: 2 May 2018

REVISIONS	No.	DESCRIPTION	DATE

**PROPOSED FOOD & DRINK OUTLET FOR ASM BUILDERS P/L AT 122 CAMPBELL STREET ROCKHAMPTON**

this drawing  
**Site Plan**

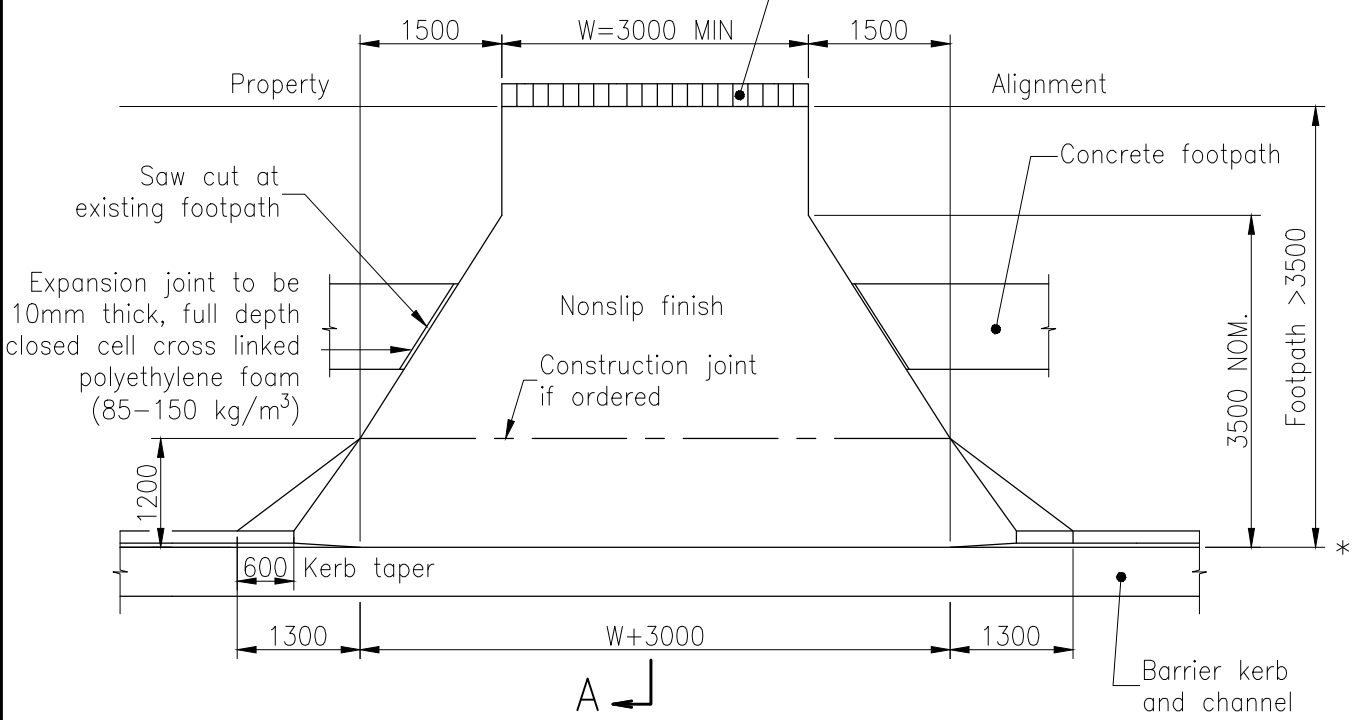
**Rufus Design Group**  
 STYLE • QUALITY • INNOVATION

MEMBER BUILDING DESIGNERS ASSOC. OF QLD INC. Lic No. 1180286  
 Licenced under the QBSA Act Lic No. 1180286  
 Telephone 61 7 49288011  
 Facsimile 61 7 49266579  
 E-mail mailbox@rufusdesigngroup.com

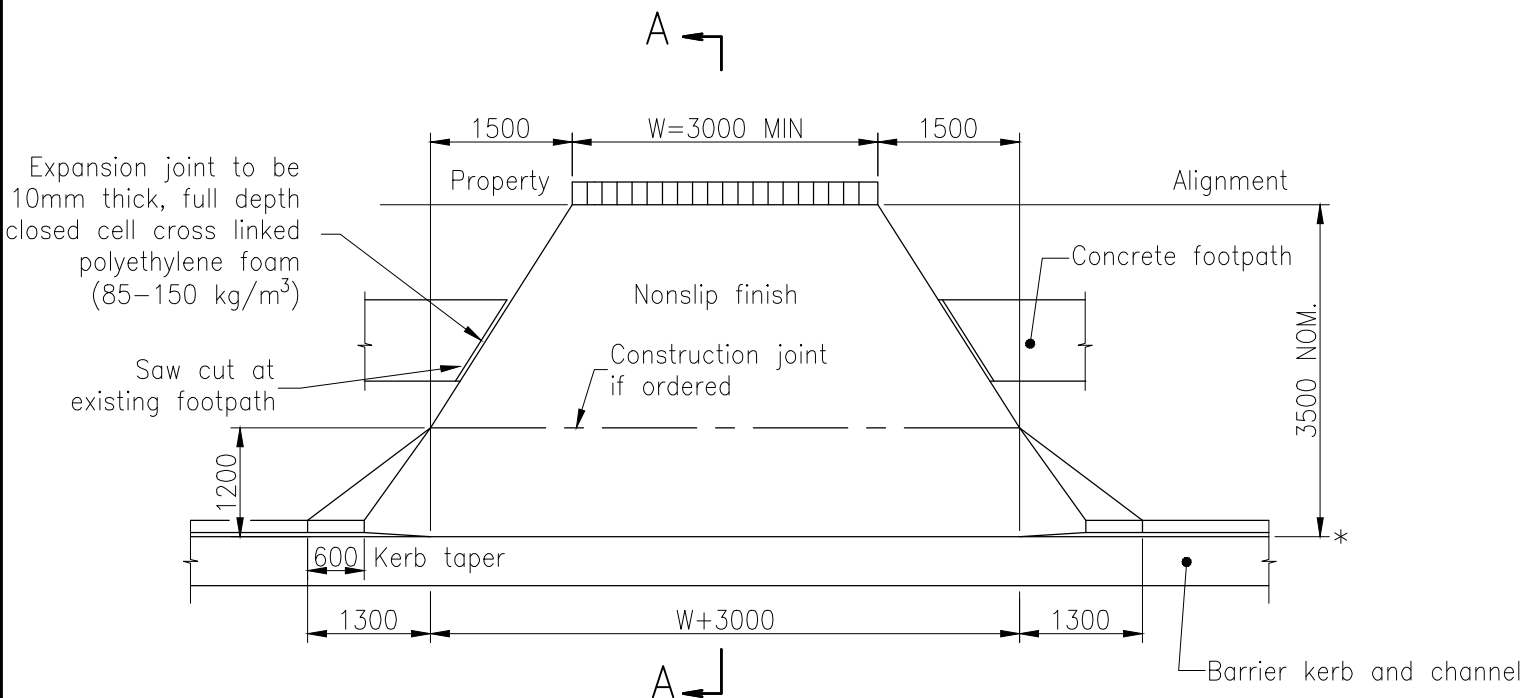
PROJECT MANAGER : <b>DAW</b>	WIND SPEED <b>C1</b>	PROJECT NUMBER <b>180105 - 01</b>
DRAWN : <b>DAW</b>	PLAN SIZE: <b>A2</b>	SHEET 01 OF 02 SHEETS
CHKD :		REVISION



A grated drain may be provided on the inside of the R.P. alignment on ascending entrances and piped to kerb and channel or stormwater drainage system. Grate area to be sufficient to reduce overland flow velocity to meet QUDM standards

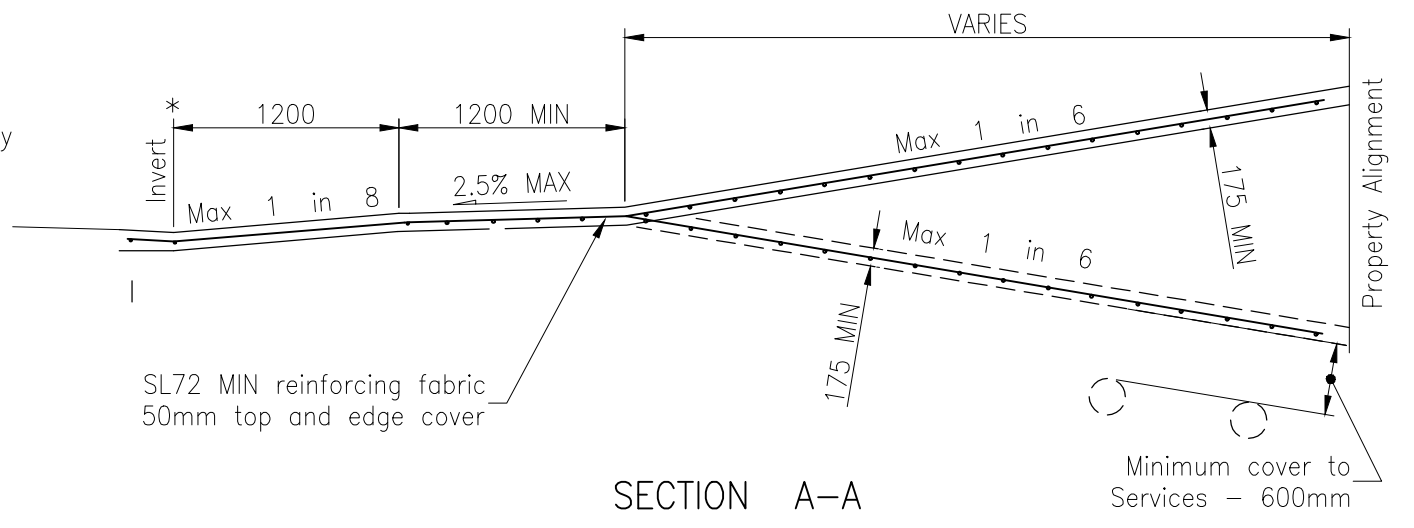


PLAN - WIDE FOOTPATHS  
SCALE 1 : 40



PLAN - 3.5m FOOTPATH  
SCALE 1 : 40

ADDED REGARDING  
GRATED DRAIN GRATE  
AREA



SECTION A-A

LEGEND:

\* NOM. kerb line.


NOTES:

- The owner of the property served by the driveway shall be responsible for all maintenance associated with the driveway.
- Concrete N32 in accordance with AS 1379 and AS 3600.
- Reinforcing fabric to AS 4671. Lap fabric 250mm.
- 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.
- Reprofile adjacent footpath to match driveway. Footpath earthworks adjoining concrete must be well compacted.
- Existing footpath profile to be maintained where possible.
- Compaction for subgrade 95% Standard to AS 1289.5.1.1.
- Where subgrade is less than CBR 5 excavate and provide imported material to satisfaction of independent Engineering authority.
- Driveways to be constructed from concrete only.
- Approval of location, feature finishes and levels must be obtained from Local Authority prior to excavation.
- 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.
- 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.
- All dimensions in millimetres.

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**

SARA ref: 1803-4607 SRA

Date: 2 May 2018



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

**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 these 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.

**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