



Blackall-Tambo

Regional Council

Blackall-Tambo Regional Council

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ABN: 42 062 968 922

DECISION NOTICE

APPROVAL

PLANNING ACT 2016, SECTION 63

I refer to your application and advise that on 19 February 2025, Blackall-Tambo Regional Council decided to approve the application in full, subject to conditions. Details of the decision are as follows:

1. APPLICATION DETAILS

Application Number: DA 23-2024-2025
Properly Made Date: 30 October 2024
Decision Date: 19 February 2025
Planning Scheme: Blackall-Tambo Region Planning Scheme 2020

2. APPLICANT DETAILS

Name: James A & Bronwyn J Beck
Postal Address: 24 Edward Street
BLACKALL QLD 4472
Email Address: James.beck8@bigpond.com

3. PROPERTY DETAILS

Street Address: 3A Arthur Street, Tambo
Real Property Description: Lot 2 RP619340
Local Government Area: Blackall-Tambo Regional Council

4. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for Short-term Accommodation (5 units) and a Food and Drink Outlet

5. CURRENCY PERIOD

This development approval will lapse at the end of the period set out in section 85(1)(a) of the *Planning Act 2016*.

6. ASSESSMENT MANAGER CONDITIONS

1.0 PARAMETERS OF APPROVAL

- 1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.
- 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed prior to commencement of the use and to Council's satisfaction, unless otherwise stated in a development condition.
- 1.4 The cost of all works associated with the construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.
- 1.5 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out for the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- 1.6 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

| Plan/Document Name | Plan/Document Number | Revision Number | Date |
|--------------------|----------------------|-----------------|------------------------------|
| Site Plan | DA23-2024-2025 | - | 28/10/204 (Received date) |

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

3.0 LIMITATIONS OF OPERATION

- 3.1 Guests of the Short-term accommodation are limited to a maximum stay of three (3) consecutive months at any one time.

- 3.2 The Short-term accommodation is limited to a maximum of five (5) units.
- 3.3 The maximum number of guests must not exceed ten (10) guests at any one time.
- 3.4 Hours of operation for the Food and drink outlet are limited to 6am to 8pm, seven days a week.

4.0 ACCESS AND PARKING WORKS

- 4.1 Design, construct and maintain the Arthur Street crossover in accordance with the approved plans (see Condition 2.1) and generally in accordance with the standard drawing, Figure 1 or 2, from the General Development Code of the Blackall-Tambo Region Planning Scheme.
- 4.2 Provide and maintain a minimum of five (5) car parking spaces on-site for guests of the Short-term accommodation. All car parking spaces must be clearly delineated by either line-marking or signage.
- 4.3 Provide and maintain a minimum of two (2) car parking spaces on-site for customers of the Food and drink outlet. All car parking spaces must be clearly delineated by either line-marking or signage.
- 4.4 Design and construct and maintain all car parking and manoeuvring areas in accordance with the approved plan (see Condition 2.1) and *AS2890.1 – Parking Facilities* and *Austrroads Publication AP-G34-13 – Austrroads Design Vehicle and Turning Path Templates*.
- 4.5 All car parking and vehicle manoeuvring areas must be either compacted gravel or concrete.

5.0 SITE MANAGEMENT PLAN

- 5.1 Maintain and implement a site management plan for the Short-term accommodation. The site management plan is to include measures to manage operational aspects of the development including, but not limited to, hours of operation, noise management, site care and maintenance, complaints management and refuse management.

6.0 ROOF AND ALLOTMENT DRAINAGE

- 6.1 Discharge of all roof and allotment drainage such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure from the pre to the post-development condition.

7.0 STORMWATER WORKS

- 7.1 Undertake the development such that all stormwater, except for rainwater captured on-site in rainwater tanks, is to be drained from the site to a lawful point of discharge and carried without causing annoyance or nuisance to any person or property. All works must be designed, constructed and maintained in accordance with the *Queensland Urban Drainage Manual*.

8.0 SEWERAGE AND WATER

- 8.1 The premises must be connected to water and sewer services.
- 8.2 All works must be designed, constructed and maintained in accordance with the approved plans (refer to Condition 2.1), the *Plumbing and Drainage Act, Water Services Association of Australia (WSAA), 2011, "WSA 03-11 Water Supply Code of Australia" Version 3.1* and *Queensland Department of Energy and Water Supply, 2010, Planning Guidelines for Water Supply and Sewerage*.
- 8.3 Remove all redundant water supply and sewerage infrastructure, including but not limited to pipes and connection points.

9.0 TELECOMMUNICATION AND ELECTRICITY SUPPLY

- 9.1 The premises must be connected to electricity and telecommunication services in accordance with the standards and requirements of the relevant service provider.

10.0 WASTE MANAGEMENT

- 10.1 Store all waste within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The waste storage area must be:
 - 10.1.1 Designed to not cause nuisance to neighbouring properties;
 - 10.1.2 Screened from any road frontage or adjoining property;
 - 10.1.3 Of a sufficient size to accommodate a waste bin/s suitable to service the Short-term accommodation and Food and drink outlet.

11.0 AMENITY AND ENVIRONMENTAL HEALTH

- 11.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise
- 11.2 Install and operate all outdoor lighting to comply with *AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting"*.

12.0 LANDSCAPING

- 12.1 Establish and maintain landscaping to all boundaries of the site.
- 12.2 The landscaping must predominantly contain species consisting of native, drought tolerant groundcovers, shrubs, small trees and trees.

13.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

- 13.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 13.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the *IECA 2008 Best Practice Erosion and Sediment Control* (as amended).

13.3 Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted or landscaped).

14.0 ASSET MANAGEMENT

14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

7. ADVISORY NOTES

- A. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, and potentially for operational work, as required under relevant legislation for this work.
- B. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.
- C. General environmental duty under the Environmental Protection Act 1994 and subordinate legislation prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.
- D. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").

8. STATEMENT OF REASONS

8.1 Description of Development

The development application is for a Development Permit for Material Change of Use for Short-term Accommodation (5 units) and a Food and Drink Outlet approved as per Decision Notice DA23-2024-2025.

8.2 Assessment Benchmarks

The following are the benchmarks that are applicable to this development:

| Benchmark applying for the development | Benchmark reference |
|---|---|
| <ul style="list-style-type: none">• Strategic Framework• Township Zone Code• General Development Code | <i>Blackall-Tambo Region Planning Scheme 2020</i> |

8.3 Relevant Matters

Nil.

8.4 Matters Raised in Submission

| Matter raised in submission | Response to matter raised |
|---|---|
| <p>The proposal will impact existing businesses in Tambo.</p> | <p>Council has assessed the application against the assessment benchmarks contained within the Blackall-Tambo Region Planning Scheme 2020 (Planning Scheme). The Planning Scheme does not include assessment benchmarks relating to commercial competition or limiting other commercial uses establishing where existing commercial uses exist.</p> <p>The development includes a commercial activity (Food and drink outlet) and five (5) Short-term accommodation units. It is not anticipated that this proposal will detract from other services provided in the Commercial precinct. It is anticipated that the proposal will allow additional tourists to stay in town and support commercial uses in the township.</p> |

8.5 Reasons for Decision

The development application is approved and the reasons for the decision are based on findings on material questions of fact:

- a) The Purpose of the Township zone allows for and short-term accommodation, if appropriate for the area. The proposal is considered appropriate for the area due to the diverse nature of surrounding uses.
- b) The Food and drink outlet is a commercial activity and is encouraged in the Commercial precinct.
- c) Conditions have been imposed to ensure any impacts associated with the Short-term accommodation are appropriately managed.
- d) The development is of a reasonable scale and will be consistent with built form in the locality.
- e) The development will be able to connect to water and sewer as well as telecommunications and electricity services
- f) Development does not conflict with the State Planning Policy 2017 and Central West Regional Plan 2009.

9. PROPERLY MADE SUBMISSIONS

No properly made submissions were received. One (1) not properly made submission was received.

10. REFERRAL AGENCIES

| PLANNING REGULATION 2017 | FOR AN APPLICATION INVOLVING | NAME OF AGENCY | STATUS | RESPONSE |
|---|---|---|-------------|--|
| Schedule 10, Part 9, Subdivision 2, Table 4, Item 1 | Material change of use of premises near a State transport corridor. | The Chief Executive Department of Housing, Local Government, Planning and Public Works | Concurrence | The Department of Housing, Local Government, Planning and Public Works issued there referral agency response subject to conditions on 13 December 2024. A copy of the response is attached, reference 2411-43244 SRA. |

11. FURTHER DEVELOPMENT PERMITS REQUIRED

The following further development permits are required:

- Building Work; and
- Plumbing and Drainage Work.

12. RIGHTS OF APPEAL

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016* (included in the attachment to this decision notice). For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

13. DELEGATED PERSON


MJ Lollback
CHIEF EXECUTIVE OFFICER

27 February 2025

Encl: **Attachment A** – Approved Plan
Attachment B – SARA Referral Agency Response
Attachment C – Appeal Provisions

Attachment A – Approved Plan

↑ North

BLACKALL-TAMBO REGIONAL COUNCIL

**DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Development Permit for a Material Change of Use for Short-term Accommodation (5 units) and a Food and Drink Outlet

Address: 3A Arthur Street, Tambo described as Lot 2 RP619340

Referred to in Council's Decision Notice for DA 23-2024-2025

Approval Date: 19 February 2025
Application Number: DA 23-2024-2025

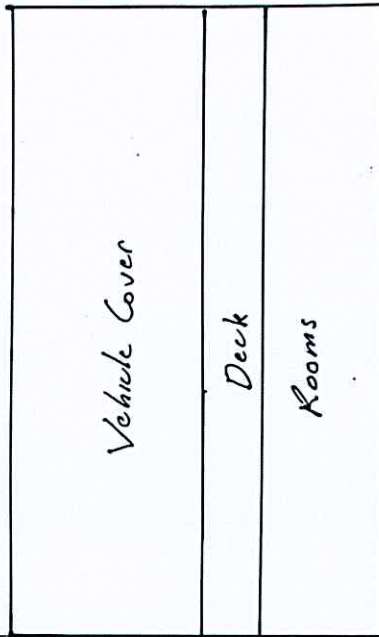
Site Plan
Plan number: DA23-2024-2025
Received date: 28/10/24

Camp
Kitchen

3A Arthur Street

← All SEWAGE ON THIS SIDE

↑
Boundary Setback 1.5m
↓



Truck Museum

Power Meter + Water Treatment

← Underground Power

Fence

Boundary Setback

Gate

Gate

Driveway Footpath - Arthur Street

⊕ Power Pole

Attachment B – SARA Referral Agency Response



SARA reference: 2411-43244 SRA
 Council reference: DA23-2024-2025
 Applicant reference: -

13 December 2024

The Chief Executive Officer
 Blackall Tambo Regional Council
 PO Box 21
 Blackall QLD 4472
 ceo@btrc.qld.gov.au

Attention: Kathy Dendle

Dear Sir/Madam

SARA referral agency response—3A Arthur Street, Tambo

(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 8 November 2024.

Response

| | |
|-------------------|--|
| Outcome: | Referral agency response – with conditions |
| Date of response: | 13 December 2024 |
| 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 Short-term Accommodation and Food and Drink Outlet |
| SARA role: | Referral agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) (Planning Regulation 2017) | |

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

SARA reference: 2411-43244 SRA

Assessment manager: Blackall Tambo Regional Council

Street address: 3A Arthur Street, Tambo

Real property description: Lot 2 on RP619340

Applicant name: James A & Bronwyn J Beck

Applicant contact details: 24 Edward Street
Tambo QLD 4478
james.beck8@bigpond.com

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

- Approved
- Reference: TMR24-044213
- Date: 6 December 2024

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at barcaldine.office@tmr.qld.gov.au.

Human Rights Act 2019 considerations:

Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

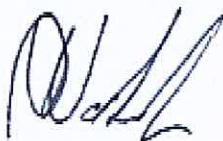
Representations

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

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

For further information please contact Tracey Beath, Senior Planning Officer, on 07 4924 2917 or via email RockhamptonSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc James A & Bronwyn J Beck, james.beck8@bigpond.com

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
Decision – section 62A of the *Transport Infrastructure Act 1994*

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 of premises within 25m of a state-controlled road—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): | | |
| 1. | The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> • Site Plan received by SARA on 4 November 2024, as amended in red by SARA. | Prior to the commencement of use and to be maintained at all times |
| 2. | The road access location is to be located between the Department of Transport and Main Roads chainages 0.06 and 0.07 Landsborough Highway (Road ID 13C). | 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 3.1). If a word remains undefined it has its ordinary meaning. |
|----|--|

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:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.1:
 - o State code 1: Development in a state-controlled road environment.
- The development complies with the assessment benchmarks of State code 1 of SDAP (version 3.1), subject to the implementation of conditions, in that the development:
 - o does not adversely impact the structural integrity or physical condition of the state controlled road
 - o does not adversely impact the function and efficiency of the state controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.1), 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

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Attachment 5—Documents referenced in conditions

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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.

↑ North

3A Arthur Street

← All SEWAGE ON THIS SIDE

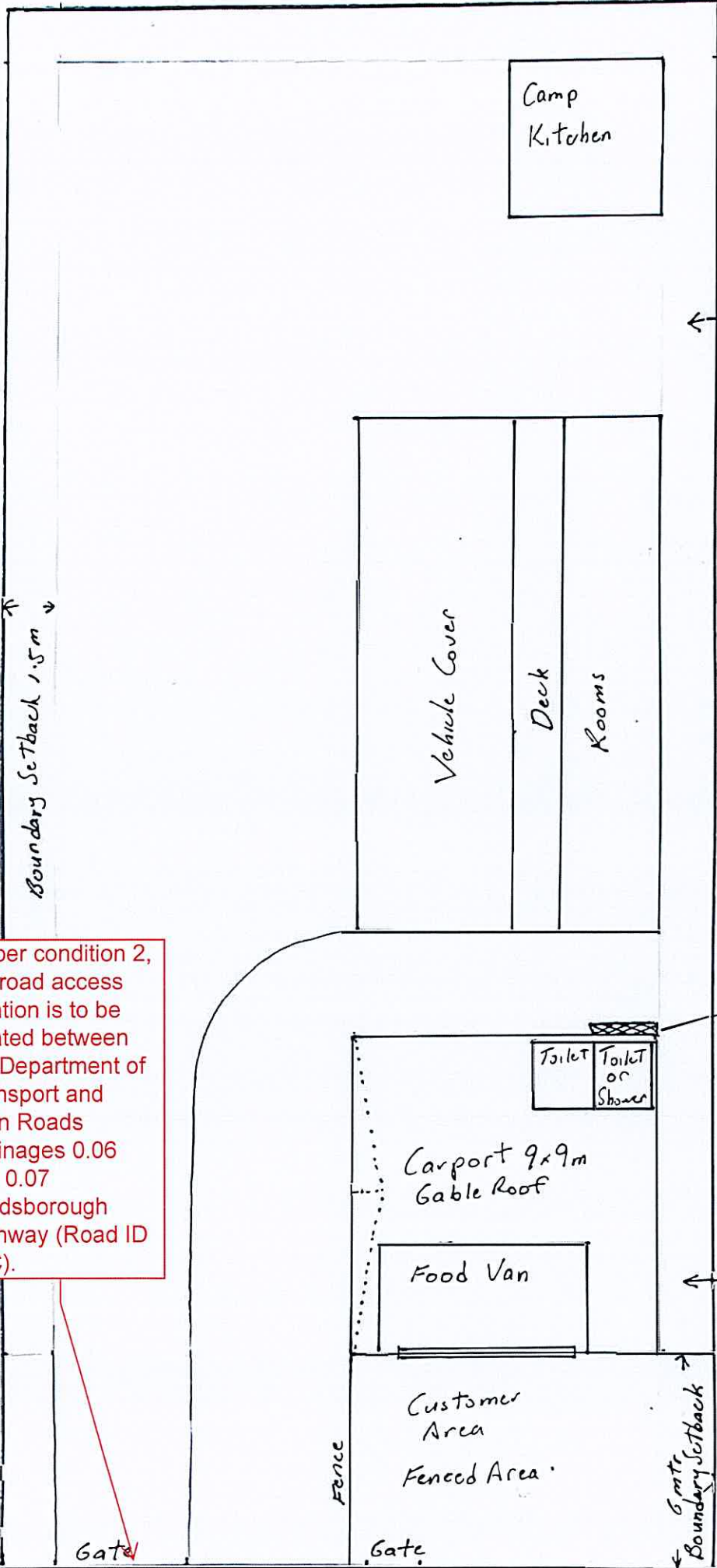
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2411-43244 SRA

Date: 13 December 2024



Amended in red by SARA on 13 December 2024



As per condition 2, the road access location is to be located between the Department of Transport and Main Roads chainages 0.06 and 0.07 Landsborough Highway (Road ID 13C).

Power Meter + Water Treatment

← Underground Power

Driveway Gate Footpath - Arthur Street Gate

Power Pole

Our ref TMR24-044213
Your ref .
Enquiries Alisa Evans



6 December 2024

Department of
Transport and Main Roads

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 DA23-2024-2025, lodged with Blackall-Tambo Regional Council involves constructing or changing a vehicular access between Lot 2RP619340 the land the subject of the application, and Landsborough Highway (Road Id 13C) (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 James A & Bronwyn J Beck
24 Edward Street
Tambo QLD 4478

Application Details

Address of Property 3a Arthur Street, Tambo QLD 4478
Real Property Description 2RP619340
Aspect/s of Development Development Permit for Material Change of Use for Short-term Accommodation and 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 | | |
| A. General | | |
| 1 | The Permitted Road Access Location is in accordance with <i>Site Plan</i> prepared by <i>Applicant</i> and received 11/11/2024. | At all times. |

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

| No. | Conditions of Approval | Condition Timing |
|-----|---|--|
| 2. | <p>The permitted road access location for the development is:</p> <ul style="list-style-type: none"> a) the permitted road access is to be located between TMR road chainages 0.06 and 0.07 Landsborough Highway (Road ID 13C). b) Road Access Works comprising an invert crossing for the subject land must be provided at the Permitted Road Access Location and must be designed and constructed in accordance: <ul style="list-style-type: none"> i. Blackall-Tambo Regional Council standards for kerb and channel invert crossings. | <ul style="list-style-type: none"> a) At all times. (b) Prior to commencement of use |

Reasons for the decision

The reasons for this decision are as follows:

- a) To ensure the road access location to the state-controlled road Landsborough Highway (Road ID 13C) not compromise 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.

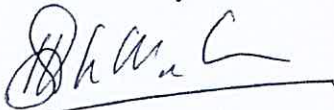
Further approvals

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.
2. General advice:
 - a) To ensure the road access location to the state-controlled road Landsborough Highway (Road ID 13C) not compromise the safety and efficiency of the state-controlled road.

If further information about this approval or any other related query is required to contact by email at barcaldine.office@tmr.qld.gov.au or on 07 4651 2777.

Yours sincerely



Nirianjan Seneviratne
Principal Officer (PP&CM)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access will be from Arthur Street known as Landsborough Highway (Road Id 13C). The subject land proposed access is located at chainages 0.06 to 0.07. The road carries an AADT of 545 vehicles per day, in a posted 50 kph speed zone.

Evidence or other material on which findings were based:

| Title of Evidence / Material | Prepared by | Date | Reference no. | Version/Issue |
|--|--------------------|---------------|----------------------|----------------------|
| 2411-43244 SRA — Request TA assessment (confirmation) | SARA | 11/11/2024 | 2411-43244 SRA | - |
| Site Plan | James Beck | Undated | - | - |
| Vehicular access to state-controlled roads policy (version 1.0). | DTMR | July 2019 | - | Version 1.0 |
| Guide to Traffic Impact Assessment | DTMR | December 2018 | - | - |
| Digital Video Recording Viewer | DTMR | - | - | 5.0 |

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—

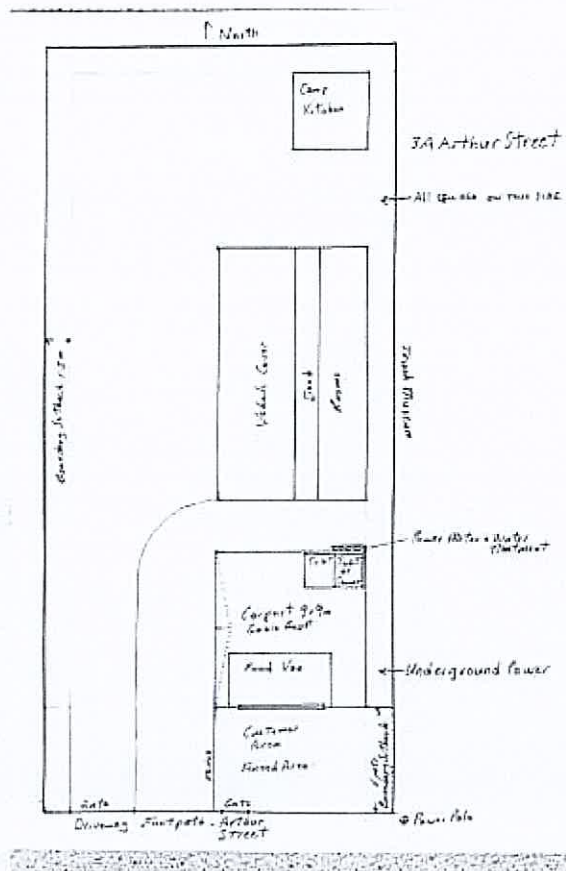
(a) the decision notice did not state the reasons for the decision; and

(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.

Attachment D Permitted Road Access Location Plan



Attachment C – Appeal Provisions

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

-
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than an excluded application, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|--|------------------------|--|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant | The assessment manager | If the appeal is about a concurrence agency's referral response—the concurrence agency | <p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p> |
| <p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p> | | | |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|-------------------------------|--|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>1 The applicant</p> <p>2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice</p> | <p>The responsible entity</p> | <p>If an affected entity starts the appeal—the applicant</p> | <p>1 A concurrence agency for the development application</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 A private certifier for the development application</p> <p>4 Any eligible advice agency for the change application</p> <p>5 Any eligible submitter for the change application</p> |
| <p>3. Extension applications</p> <p>For an extension application other than an extension application called in by the Minister or made to the chief executive under section 87A, an appeal may be made against—</p> <p>(a) the assessment manager’s decision on the extension application; or</p> <p>(b) a deemed refusal of the extension application.</p> | | | |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|--|-------------------------------|--|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p> | <p>The assessment manager</p> | <p>If a concurrence agency starts the appeal—the applicant</p> | <p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p> |
| <p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p> | | | |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---------------------------------------|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the infrastructure charges notice | The local government that gave the infrastructure charges notice | — | — |
| <p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant | The local government to which the conversion application was made | — | — |
| <p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p> | | | |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---------------------------------------|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the enforcement notice | The enforcement authority | — | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |
| 7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the enforcement notice | The local government that gave the enforcement notice | — | — |

| Table 2 Appeals to the P&E Court only |
|---|
| 1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error. |

| Table 2 Appeals to the P&E Court only | | | |
|---|--|--|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A party to the proceedings for the decision | The other party to the proceedings for the decision | — | — |
| <p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

**Table 2
Appeals to the P&E Court only**

3. Eligible submitter and eligible advice agency appeals

For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—

(a) any part of the development application or change application that required impact assessment; or

(b) a variation request.

| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
|--|--|--|---|
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |

4. Compensation claims

An appeal may be made against—

(a) a decision under section 32 about a compensation claim; or

(b) a decision under section 265 about a claim for compensation; or

(c) a deemed refusal of a claim under paragraph (a) or (b).

| Table 2 Appeals to the P&E Court only | | | |
|--|---|---------------------------------------|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person dissatisfied with the decision | The local government to which the claim was made | — | — |
| <p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p> | | | |

| Table 2 Appeals to the P&E Court only | | | |
|--|------------------------|---------------------------------------|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>1 A person given a decision notice about the decision</p> <p>2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision</p> <p>3 If the decision is to amend the registration of premises to include additional land in the affected area for the premises—an owner or occupier of premises within the additional land who is dissatisfied with the decision</p> | <p>The Minister</p> | <p>—</p> | <p>If an owner or occupier starts the appeal—the owner of the registered premises</p> |

| Table 2 Appeals to the P&E Court only | | | |
|---|-----------------------------|---------------------------------------|--|
| <p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>A person who—</p> <p>(a) applied for the decision; and</p> <p>(b) is dissatisfied with the decision or conditions.</p> | <p>The local government</p> | <p>—</p> | <p>—</p> |

| Table 3 Appeals to a tribunal only |
|--|
| <p>1. Building advisory agency appeals</p> <p>An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.</p> |

| Table 3 Appeals to a tribunal only | | | |
|---|----------------------------------|---------------------------------------|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A building advisory agency for the development application related to the approval | The assessment manager | The applicant | 1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval |
| <p>2. Inspection of building work</p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant for the development approval | The person who made the decision | — | — |
| <p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.</p> | | | |

| Table 3 Appeals to a tribunal only | | | |
|--|---|---------------------------------------|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who received, or was entitled to receive, an information notice about the decision | The entity that made the decision | — | — |
| <p>4. Failure to decide an application or other matter under the Building Act</p> <p>An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who was entitled to receive notice of the decision | The entity that failed to make the decision | — | — |
| <p>5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p> | | | |

| Table 3 Appeals to a tribunal only | | | |
|---|---|---------------------------------------|--|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A person who was entitled to receive an information notice about the decision | The entity that failed to make the decision | — | — |