



SARA reference: 2202-27317 SRA
Council reference: MCUI 2021_4066/1
Applicant reference: 4132458

23 May 2022

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Sarah Wilson

Dear Sir/Madam

SARA response—Captain Cook Highway, Ellis Beach; Captain Cook Highway, Wangetti — Wangetti Trail South Section A

(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 24 February 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	23 May 2022
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 an Environmental Facility Material change of use for Nature Based Tourism
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Operational work for in a Coastal
Management District (Interfering with
Quarry Material)

SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Material Change of Use within 25 metres of a State-controlled road Schedule 10, Part 17, Division 3, Table 1 (Planning Regulation 2017) Operational Work in the Coastal Management District
SARA reference:	2202-27317 SRA
Assessment Manager:	Douglas Shire Council
Street address:	Captain Cook Highway, Ellis Beach and Captain Cook Highway, Wangetti
Real property description:	31SP129117; 6SP309107; 39SP309107; 174NPW930; 2SP309094
Applicant name:	Department of State Development, Tourism and Innovation - Tourism Development Projects Division
Applicant contact details:	Level 13, The Rocket, 203 Robina Town Centre Drive Robina QLD 4226 Sarah.Wilson@ghd.com
State-controlled road access permit:	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: <ul style="list-style-type: none"> • Approved • Reference: TMR22-035669 (500-1385) • Date: 18 May 2022 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au</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 Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Joanne Manson', with a stylized, cursive script.

Joanne Manson
A/Manager (Planning)

- cc Department of State Development, Tourism and Innovation - Tourism Development Projects Division,
Sarah.Wilson@ghd.com
- enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 — 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:		
1.	<p>(a) The service road access locations are to be located generally in accordance with the following drawings:</p> <ul style="list-style-type: none"> (i) TMR Layout Plan – 20A (32.63km – 34.19km) prepared by Queensland Government Transport and Main Roads, dated 17/05/2022, ReferenceTMR22-35669 (500-1385), Issue A; and (ii) TMR Layout Plan – 20A (36.73km – 39.20km) prepared by Queensland Government Transport and Main Roads, dated 17/05/2022, ReferenceTMR22-35669 (500-1385), Issue A. <p>(b) Road access works comprising of a sealed rural access must be provided at the road access locations.</p> <p>(c) The road access works must be designed and constructed in accordance with Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, Volume 3 – Guide to Road Design, November 2020.</p>	<p>(a) At all times</p> <p>(b) and (c): Prior to the commencement of use</p>
Schedule 10, Part 17, Division 3, Table 1 — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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 conditions:		
2.	<p>The construction of the Wangetti Trail South Section A must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> (a) Wangetti Trail South Section A Locality Plan - shared use trail, waterway crossings, service tracks and trail head, prepared by GHD, dated 23/03/2021, reference 41-32458, Plan - 1 of 5 revision B. (b) Wangetti Trail South Section A Locality Plan - shared use trail, waterway crossings, service tracks and trail head, prepared by GHD, dated 23/03/2021, reference 41-32458, Plan - 2 of 5 revision B. (c) Wangetti Trail South Section A Locality Plan - shared use trail, waterway crossings, service tracks and trail head, prepared by 	For the duration of works

	<p>GHD, dated 23/03/2021, reference 41-32458, Plan - 3 of 5 revision B.</p> <p>(d) Wangetti Trail South Section A Locality Plan - shared use trail, waterway crossings, service tracks and trail head, prepared by GHD, dated 23/03/2021, reference 41-32458, Plan - 4 of 5 revision B.</p> <p>(e) Wangetti Trail South Section A Locality Plan - shared use trail, waterway crossings, service tracks and trail head, prepared by GHD, dated 23/03/2021, reference 41-32458, Plan - 5 of 5 revision B.</p>	
3.	Erosion and sediment control measures which are in accordance the Best Practice Erosion and Sediment Control (BPESC), International Erosion Control Association 2008, as updated, are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of works
4.	<p>(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i>, prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014.</p> <p>(b) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to:</p> <p style="padding-left: 40px;">Department of Environment and Science Permit and License Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001</p> <p>Appropriately qualified person means a professional with appropriate qualifications and/or professional experience in the field of acid sulfate soil management.</p>	<p>(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained.</p> <p>(b) At the time the soils have been neutralised or contained.</p>

Attachment 2—Advice to the applicant

General advice	
1.	<p>Terms and Phrases</p> <p>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 2.6, effective from 7 February 2020. If a word remains undefined it has its ordinary meaning.</p>
2.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works.</p> <p>Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p>Vehicular Access Works</p> <p>The required vehicular access works for each identified service vehicle access location within the Wangetti South – Section A trail varies due to the topography of the land, drainage and the vertical and horizontal alignment of the Captain Cook Highway, a state-controlled road.</p> <p>The Department of Transport and Main Roads (DTMR) will assess each service vehicle access location individually as to what specific road access works are required when issuing a road corridor works approval.</p>
4.	<p>Lot 31 on SP129117</p> <p>SARA has identified that Lot 31 on SP129117 included in the development application and listed in Douglas Shire Council's confirmation notice is located in Cairns Regional Council's local government area.</p> <p>SARA notes that the Wangetti Trail application lodged with Cairns Regional Council included Lot 31 on SP129117. SARA has issued a referral response under 2104-22027 SRA for that application.</p> <p>SARA is not aware of any Assessment Manager Determination made by the Planning Minister for this application lodged with Douglas Shire Council.</p> <p>The applicant may wish to discuss this issue with Douglas Shire Council, with a view to make a change to the development application to remove Lot 31 on SP129117.</p>

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- The proposed development is coastal dependent development because it provides access to the coast.
- The trail accesses are also able to be abandoned (allowed to be lost rather than protected) if threatened by coastal erosion.
- Construction aspects of the trail are temporary.
- The trail is set back from the coastline, located above the highest astronomical tide and is not expected to interfere with coastal processes.
- The long-term stability of beaches, dunes and other coastal landforms at this location will not be impacted by the proposed works.
- Public access and use of the coast will be enhanced for current and future generations because of the works.
- The application material demonstrates that matters of state environmental significance values will be avoided, mitigated and minimised.
- Subject to conditions, the development complies with State code 8: Coastal development and Tidal works of the State Development Assessment Provision (SDAP).
- The Wangetti South Section A shared use trail will not be located within the State-controlled road corridor.
- The proposed Wangetti South Section A trail requires vehicular access via several service access locations for construction, maintenance and emergency purposes.
- Access to the state-controlled road does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.
- A condition will ensure that service access locations are upgraded as a sealed road access.
- Subject to conditions, the development complies with State code 1: Development in a state-controlled road environment of the SDAP.

Material used in the assessment of the application:

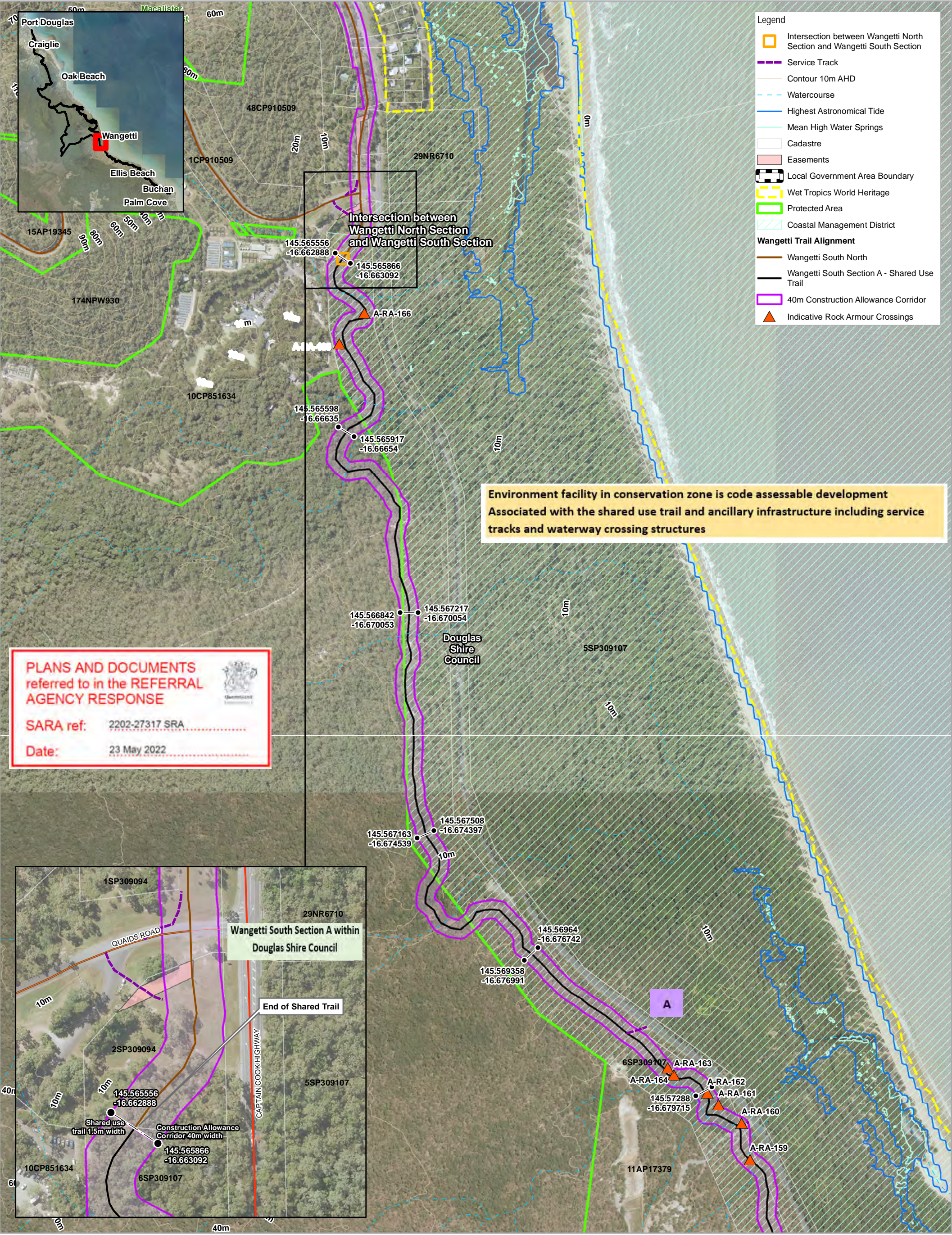
- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6, effective from 7 February 2020), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy (SPP) Interactive Mapping System (IMS)
- *Human Rights Act 2019*

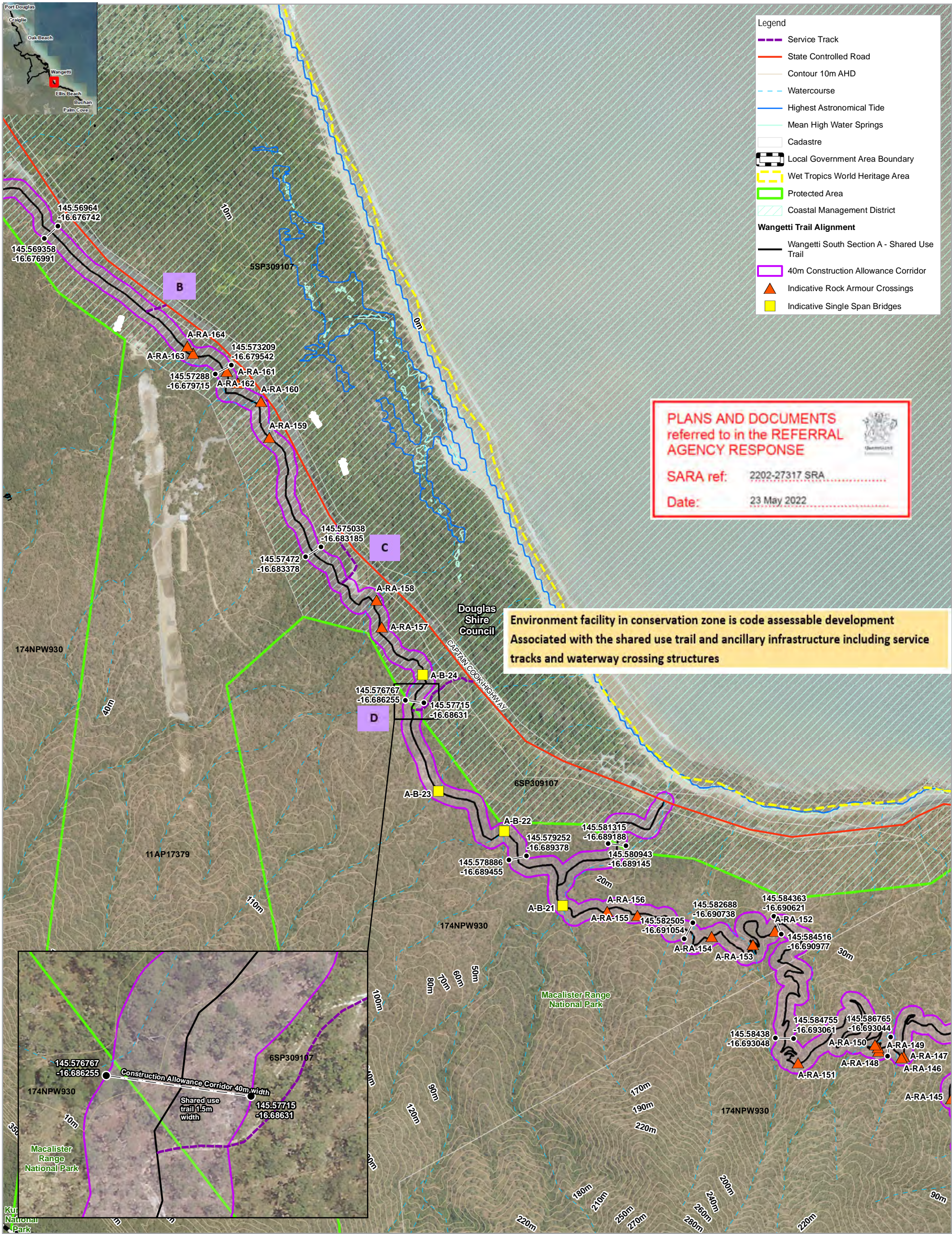
Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

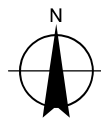
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Based on or contains data provided by the State of QLD (DNRME) 2021. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for marketing or be used in breach of the privacy laws.

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Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

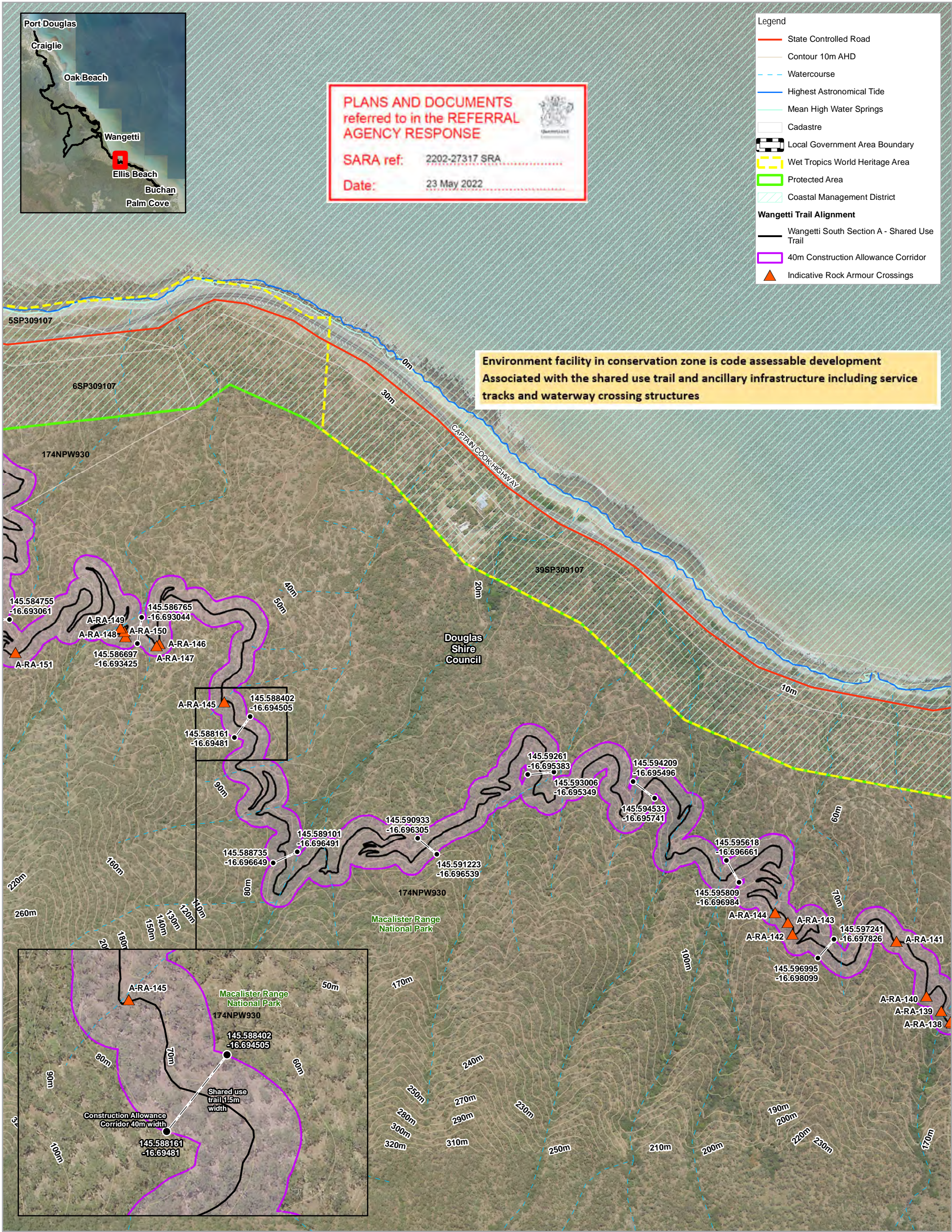


DITID
Environment Assessment Stage 2 Wangetti Trail

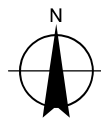
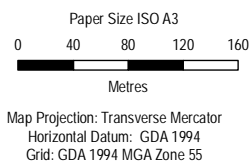
Wangetti Trail South Section A
Locality Plan - shared use trail, waterway
crossings, service tracks and trail head

Project No. 41-32458
Revision No. B
Date 23/03/2021

Plan - 2 of 5



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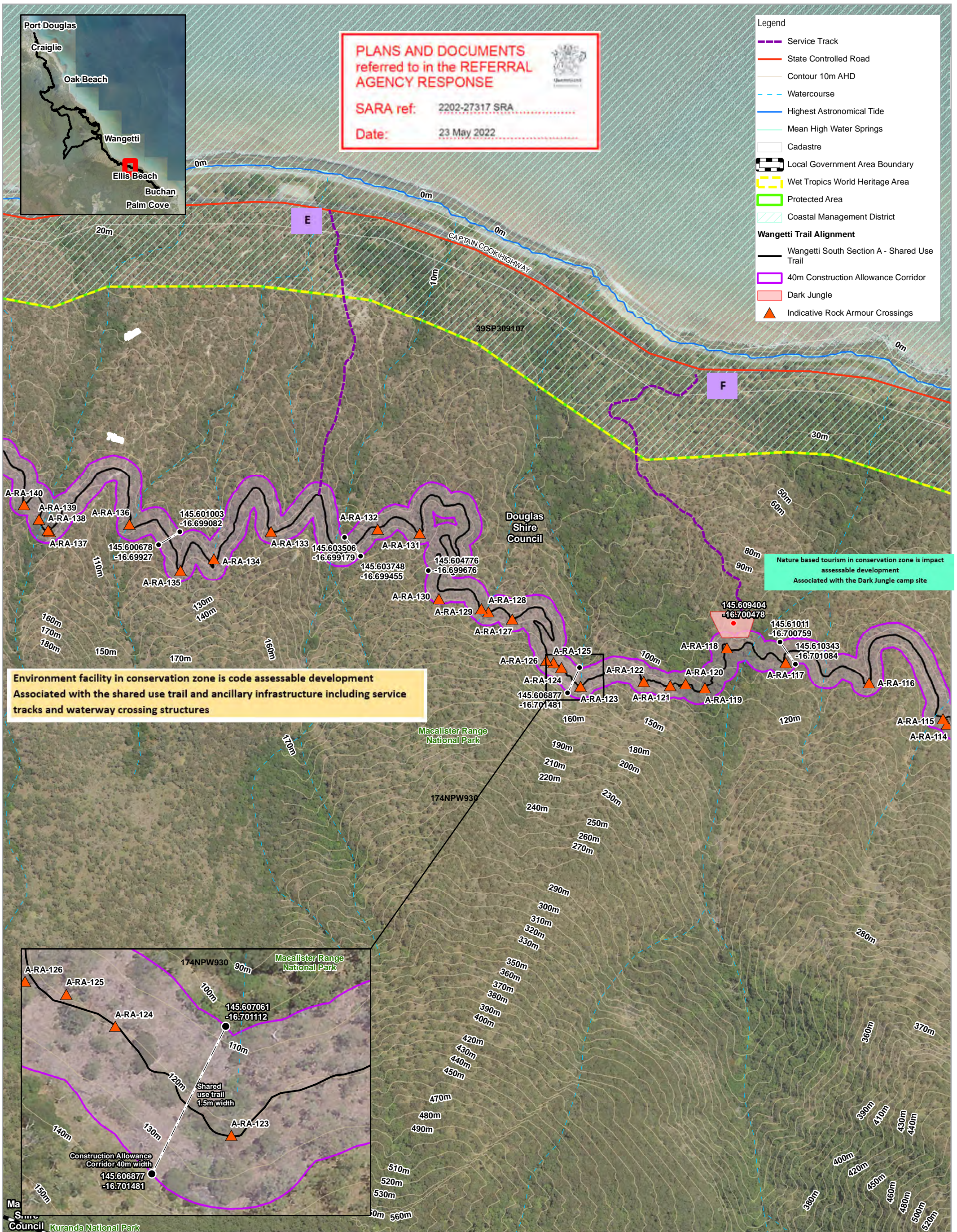


DITID
Environment Assessment Stage 2 Wangetti Trail

Wangetti Trail South Section A
Locality Plan - shared use trail, waterway
crossings, service tracks and trail head

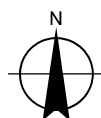
Project No. 41-32458
Revision No. B
Date 23/03/2021

Plan - 3 of 5



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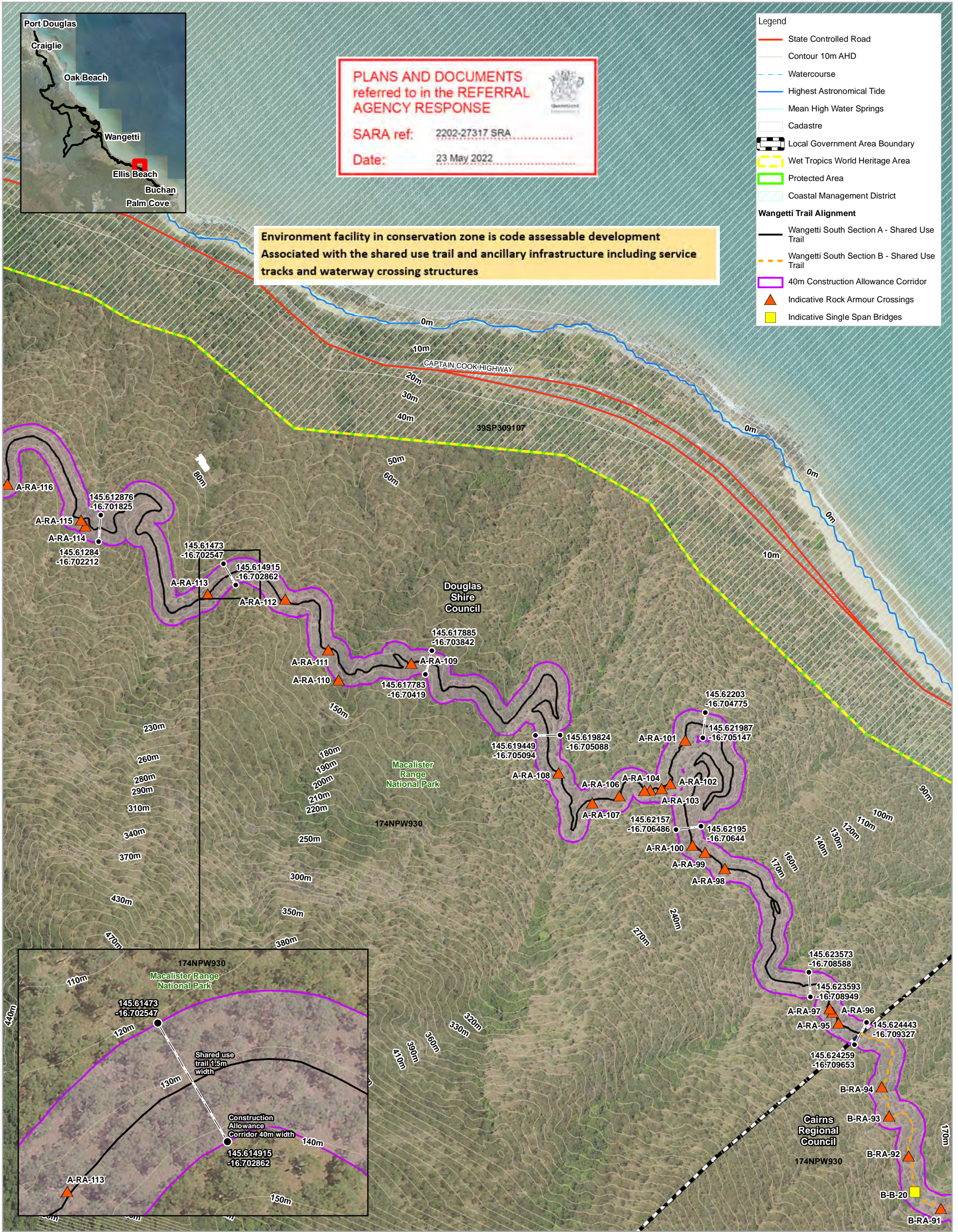


DITID
Environment Assessment Stage 2 Wangetti Trail

Wangetti Trail South Section A
Locality Plan - shared use trail, waterway
crossings, service tracks and trail head

Project No. 41-32458
Revision No. B
Date 23/03/2021

Plan - 4 of 5



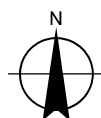
Based on or contains data provided by the State of QLD (DNRME) 2021. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for marketing or be used in breach of the privacy laws.

Paper Size ISO A3

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Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

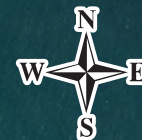


DITID
Environment Assessment Stage 2 Wangetti Trail

Wangetti Trail South Section A
Locality Plan - shared use trail, waterway
crossings, service tracks and trail head

Project No. 41-32458
Revision No. B
Date 23/03/2021

Plan - 5 of 5



Permitted Road Access Location - Lot 39SP309107

108 Access Track (Service Track 4)
Adjacent Culvert 219 (TDist - 34.19km LHS)
GPS location x 145.603302, y -16.694696

Access Restrictions

- a) Left-In, Left-Out vehicle movements only
- b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Permitted Road Access Location - Lot 39SP309107

107 Dark Jungle (Service Track 3)
Adjacent Culvert 214 (TDist - 33.53km LHS)
GPS location x 145.608675, y -16.697121

Access Restrictions

- a) Left-In, Left-Out vehicle movements only
- b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

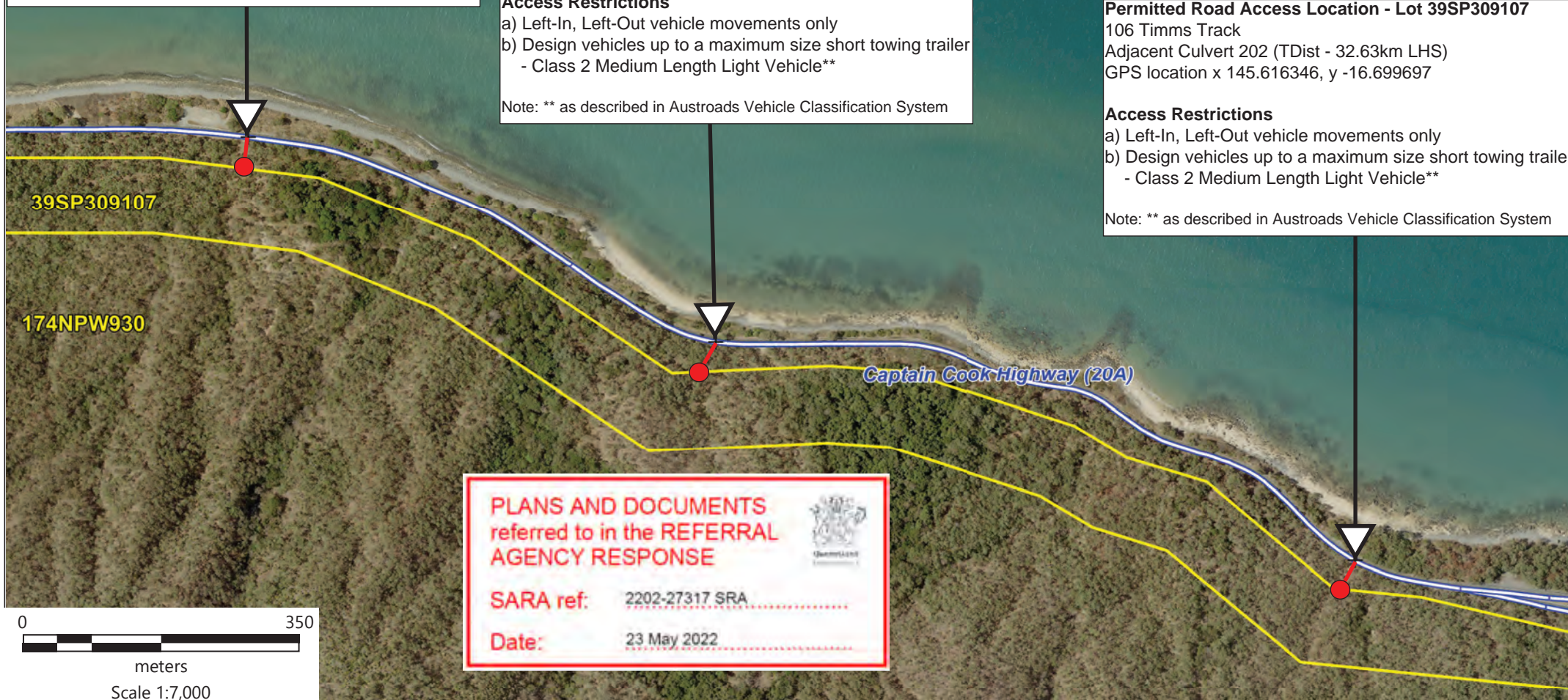
Permitted Road Access Location - Lot 39SP309107

106 Timms Track
Adjacent Culvert 202 (TDist - 32.63km LHS)
GPS location x 145.616346, y -16.699697

Access Restrictions

- a) Left-In, Left-Out vehicle movements only
- b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System



Branch/Unit : Corridor Management / Far North District

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

File ref: TMR22-35669 (500-1385)

Subject land

State-controlled road

Road access location
(works required)

Existing access
(no requirements)

TMR Layout Plan - 20A (32.63km - 34.19km)

Plan:
1 / 1

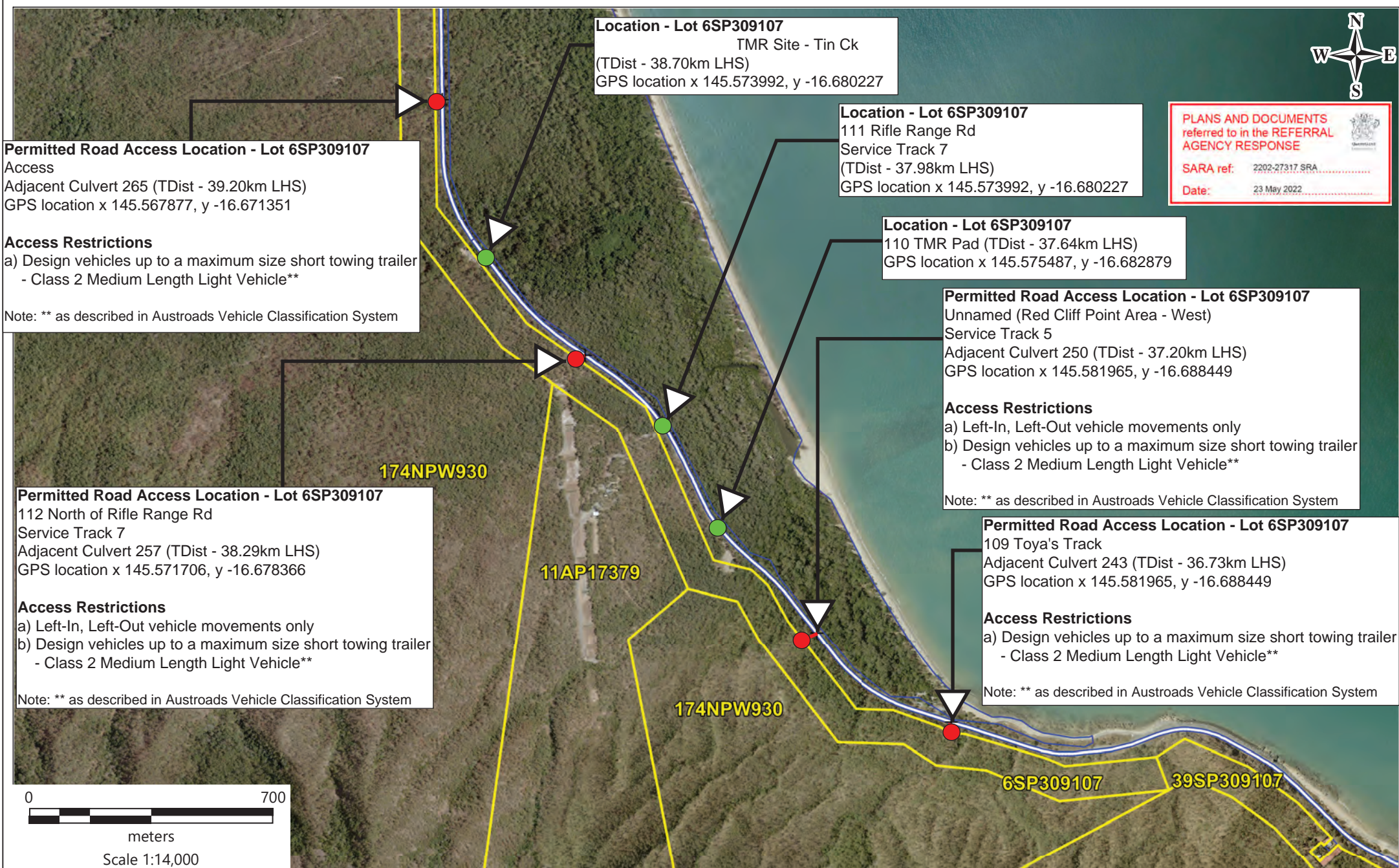
Issue:
A






Drawn by:
RPK



Queensland Government
Transport and Main Roads

Date:
17/05/2022



Branch/Unit : Corridor Management / Far North District	 Subject land	 Road access location (works required)	TMR Layout Plan - 20A (36.73km - 39.20km)	Plan: 1 / 1	 Queensland Government Transport and Main Roads
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	 State-controlled road	 Existing access (no requirements)		Issue: A	
File ref: TMR22-35669 (500-1385)				Drawn by: RPK	
				Date: 17/05/2022	

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.

Our ref TMR22-035669 (500-1385)
Your ref
Enquiries Ronald Kaden



Department of
Transport and Main Roads

18 May 2022

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 MCUI 2021_4066, lodged with Cairns Regional Council involves constructing or changing a vehicular access between Lot 174NPW930, 2SP309094, 31SP129117, 39SP309107, 6SP309107, the land the subject of the application, and Captain Cook Highway (a state-controlled road).

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

Applicant Details

Name and address Dept of State Development, Tourism & Innovation - Tourism
Development Projects Division
C/- GHD Pty Ltd
Level 13, The Rocket, 203 Robina Town Centre Drive
Robina QLD 4226

Application Details

Address of Property Captain Cook Highway, Ellis Beach QLD 4879
Real Property Description 174NPW930, 2SP309094, 31SP129117, 39SP309107,
6SP309107
Aspect/s of Development Development Permit for Material Change of Use for
Environmental Facility, Nature-based Tourism, Interfering with
Quarry Material in a Coastal Management District

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	Lot 39SP309107 The permitted road access locations are: a) 106 Timms Track - adjacent Culvert 202, b) 107 Dark Jungle - adjacent Culvert 214, and c) 108 Access Track - adjacent Culvert 219,	At all times.

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

No.	Conditions of Approval	Condition Timing
	in accordance with: <ul style="list-style-type: none"> TMR Layout Plan - 20A (32.63km - 34.19km) Issue A 17/05/2022 	
2	Lot 6SP309107 The permitted road access locations are: <ol style="list-style-type: none"> 109 Toya's Access - adjacent Culvert 243, Unnamed (Red Cliff Point Area - West) - adjacent Culvert 250, 112 North of Rifle Range Rd - adjacent Culvert 257, and Access - adjacent Culvert 265, in accordance with: <ul style="list-style-type: none"> TMR Layout Plan - 20A (36.73km - 39.20km) Issue A 17/05/2022 	At all times.
3	The use of the permitted road access locations described in Conditions 1 a), 1 b), 1 c), and Conditions 2 b), 2 c) are to be restricted to: <ol style="list-style-type: none"> Left-In, Left-Out vehicle movements only Design vehicles up to a maximum size short towing trailer - Class 2 Medium Length Light Vehicle** Vehicle access during construction phase, and Service vehicle and emergency access during the operational phase. <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
4	The use of the permitted road access locations described in Conditions 2 a) and 2 d) are to be restricted to: <ol style="list-style-type: none"> Design vehicles up to a maximum size short towing trailer - Class 2 Medium Length Light Vehicle** Vehicle access during construction phase, and Service vehicle and emergency access during the operational phase. <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
5	Road access works comprising of a sealed rural access must be provided at the road access locations described in Conditions 1 and 2. The road access works must be designed and constructed in accordance with Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, Volume 3 – Guide to Road Design, November 2020	Prior to commencement of use
6	Gates must be installed at each of the permitted road access locations identified in Conditions 1 and 2 to prohibit access by the public and must be positioned such that: <ol style="list-style-type: none"> They are located a minimum 9.0 metres from the road shoulder, and Must open away from the through road, 	Prior to commencement of use

No.	Conditions of Approval	Condition Timing
	to ensure queuing of vehicles does not occur on the Captain Cook Highway.	

Reasons for the decision

The reasons for this decision are as follows:

- a) Currently, Lots 39SP309107 & 6SP309107 have road frontage to the Captain Cook Highway, a state-controlled road.
- b) The Wangetti Trail South Section A requires access for the purpose of vehicle access during construction phase, and service vehicles and emergency vehicles access during the operational phase.
- c) As the proposed development is seeking new accesses, a section 62 approval is required to be issued by TMR.

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:

I. Additional locations identified are at existing access or roads and therefore have no requirements. These are specifically:

- a) 110 TMR Pad - TDist 37.64km,
- b) 111 Rifle Range Road - 37.98km, and
- c) TMR Site Tin Creek - 38.70km

As identified on TMR Layout Plan - 20A (36.73km - 39.20km) Issue A 17/05/2022

II. The applicant should be aware that the required vehicular access works for each identified service vehicle access location within the Wangetti South – Section A trail varies due to the topography of the land, drainage and the vertical and horizontal alignment of the Captain Cook Highway.

III. The Department of Transport and Main Roads (DTMR) will assess each service vehicle access location individually as to what specific road access works are required when issuing a road corridor works approval.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Technical Officer (Development Control) should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

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

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan - 20A (32.63km - 34.19km)	Queensland Government Transport and Main Roads	17 May 2022	TMR22-35669 (500-1385)	A
TMR Layout Plan - 20A (36.73km - 39.20km)	Queensland Government Transport and Main Roads	17 May 2022	TMR22-35669 (500-1385)	A
Access Location requirements and assessment	Enviro Edge & TMR	23 September 2021	Meeting outcome	-
Planning Report	GHD	January 2022	4132458	-
Response to information request	GHD	02 May 2022	2202-27317 SRA	-

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 - Lot 39SP309107
108 Access Track (Service Track 4)
Adjacent Culvert 219 (TDist - 34.19km LHS)
GPS location x 145.603302, y -16.694696

Access Restrictions
a) Left-In, Left-Out vehicle movements only
b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Permitted Road Access Location - Lot 39SP309107
107 Dark Jungle (Service Track 3)
Adjacent Culvert 214 (TDist - 33.53km LHS)
GPS location x 145.608675, y -16.697121

Access Restrictions
a) Left-In, Left-Out vehicle movements only
b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Permitted Road Access Location - Lot 39SP309107
106 Timms Track
Adjacent Culvert 202 (TDist - 32.63km LHS)
GPS location x 145.616346, y -16.699697

Access Restrictions
a) Left-In, Left-Out vehicle movements only
b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System



Branch/Unit : Corridor Management / Far North District	<div>Subject land</div> <div>State-controlled road</div>	<div>Road access location (works required)</div> <div>Existing access (no requirements)</div>	<div>TMR Layout Plan - 20A</div> <div>(32.63km - 34.19km)</div>	Plan: 1 / 1	<div>Queensland Government Transport and Main Roads</div>
Projection/Datum : Geocentric Datum of Australia (GDA) 2020				Issue: A	
File ref: TMR22-35669 (500-1385)				Drawn by: RPK	Date: 17/05/2022

ATTACHMENT D



Permitted Road Access Location - Lot 6SP309107

Access
Adjacent Culvert 265 (TDist - 39.20km LHS)
GPS location x 145.567877, y -16.671351

Access Restrictions

- a) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Location - Lot 6SP309107

TMR Site - Tin Ck
(TDist - 38.70km LHS)
GPS location x 145.573992, y -16.680227

Location - Lot 6SP309107

111 Rifle Range Rd
Service Track 7
(TDist - 37.98km LHS)
GPS location x 145.573992, y -16.680227

Location - Lot 6SP309107

110 TMR Pad (TDist - 37.64km LHS)
GPS location x 145.575487, y -16.682879

Permitted Road Access Location - Lot 6SP309107

Unnamed (Red Cliff Point Area - West)
Service Track 5
Adjacent Culvert 250 (TDist - 37.20km LHS)
GPS location x 145.581965, y -16.688449

Access Restrictions

- a) Left-In, Left-Out vehicle movements only
b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

Permitted Road Access Location - Lot 6SP309107

112 North of Rifle Range Rd
Service Track 7
Adjacent Culvert 257 (TDist - 38.29km LHS)
GPS location x 145.571706, y -16.678366

Access Restrictions

- a) Left-In, Left-Out vehicle movements only
b) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System

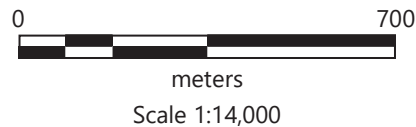
Permitted Road Access Location - Lot 6SP309107

109 Toya's Track
Adjacent Culvert 243 (TDist - 36.73km LHS)
GPS location x 145.581965, y -16.688449

Access Restrictions

- a) Design vehicles up to a maximum size short towing trailer
- Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System



Branch/Unit : Corridor Management / Far North District

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

File ref: TMR22-35669 (500-1385)

Subject land

Road access location
(works required)

State-controlled road

Existing access
(no requirements)

TMR Layout Plan - 20A (36.73km - 39.20km)

Plan:
1 / 1

Issue: A

Drawn by:
RPK



Queensland Government
Transport and Main Roads

Date:
17/05/2022