



SARA reference: 2412-43824 SRA
 Applicant reference: 36293-001-01
 Council reference: DA/4851

31 January 2025

Chief Executive Officer
 Cook Shire Council
 PO Box 3
 COOKTOWN QLD 4895
 mail@cook.qld.gov.au

Attention: Lisa Miller

Dear Sir/Madam

SARA referral agency response— Reconfiguring a Lot (1 lot into 2 lots) at 2942 Endeavor Valley Road, Cooktown

(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 11 December 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	31 January 2025
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 Reconfiguring a lot for 1 Lot into 2 Lots
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

(Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection

Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017)
– Reconfiguring a lot involving clearing native vegetation

SARA reference:	2412-43824 SRA
Assessment manager:	Cook Shire Council
Street address:	2942 Endeavour Valley Road, Cooktown
Real property description:	Lot 1 on RP741120
Applicant name:	D. & L. Burke
Applicant contact details:	C/- Brazier Motti Pty Ltd PO Box 1185 Cairns QLD 4870 Michael.Tessaro@braziermotti.com.au
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: TMR24-044527 Date: 16 January 2025
	If you are seeking further information on the road access permit, please contact Ronald Kaden, Technical Officer (Development Control) at the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

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 Anthony Westbury, A/Senior Planning Officer, on 4037 3215 or via email CairnsSARA@dcdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc D. & L. Burke c/- Brazier Motti Pty Ltd, Michael.Tessaro@braziermotti.com.au

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

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 and Table 3 – Reconfiguring a lot near a state-controlled road and intersection—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 conditions:		
1.	<p>(a) The road access locations are to be located generally in accordance with TMR Layout Plan (6601 – 29.42km), prepared by Queensland Government Transport and Main Roads, dated 16/01/2025, Reference TMR24-044527, Issue A.</p> <p>(b) Road access works comprising of a sealed ‘Type B’ rural property access must be provided at the road access location for proposed Lot 11 identified in part (a) of this condition.</p> <p>(c) The road access works must be designed and constructed in accordance with DTMR Standard Rural Property Access Drawing, Sheets 1 & 2, Drawing No. 1807, Type B – Rural Property Access, dated 3/2024 and Revision C.</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.</p>
Schedule 10, Part 3, Division 4, Table 2 – Reconfiguring a lot involving clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, 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):		
2.	<p>Clearing of vegetation must not occur within the areas identified as Area B (B1-B3) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2412-43824 SRA, Sheet 1 of 1, version 1, dated 31 January 2025; and</p> <p>(b) Attachment to Vegetation Management Plan VMP 2412-43824 SRA, Derived Reference Points for GPS.</p>	At all times.
3.	<p>Built infrastructure, other than for fences, roads, underground services, firebreaks and fire management, must not be established, constructed or located within Area C (C1-C2) as shown on the attached:</p> <p>(a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2412-43824 SRA, Sheet 1 of 1, version 1, dated 31 January 2025; and</p> <p>(b) Attachment to Vegetation Management Plan VMP 2412-43824 SRA, Derived Reference Points for GPS.</p>	At all times.

4.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing.
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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) v3.1. If a word remains undefined it has its ordinary meaning.
2.	<p>Road works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (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>

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 1: development in a state-controlled road environment and State code 16: Native vegetation clearing, as it:

- Is unlikely to compromise the safety, function, and efficiency of Endeavor Valley Road, a state-controlled road.
- Has a new vehicle access located and constructed in accordance with the Department of Transport and Main Roads' current access standards and requirements.
- Is considered a small-scale development and traffic generation is unlikely to impact on the function of Endeavour Valley Road and the state-controlled road network.
- Appropriately avoids and minimises vegetation clearing, to avoid the loss of biodiversity and land degradation, maintain ecological processes, and conserve vegetation.
- Locates future buildings and the new boundary outside category B remnant vegetation as much as possible.
- Does not result in a significant residual impact on a matter of state environmental significance.

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 3.1)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 4— Representations about a referral agency response

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)

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*

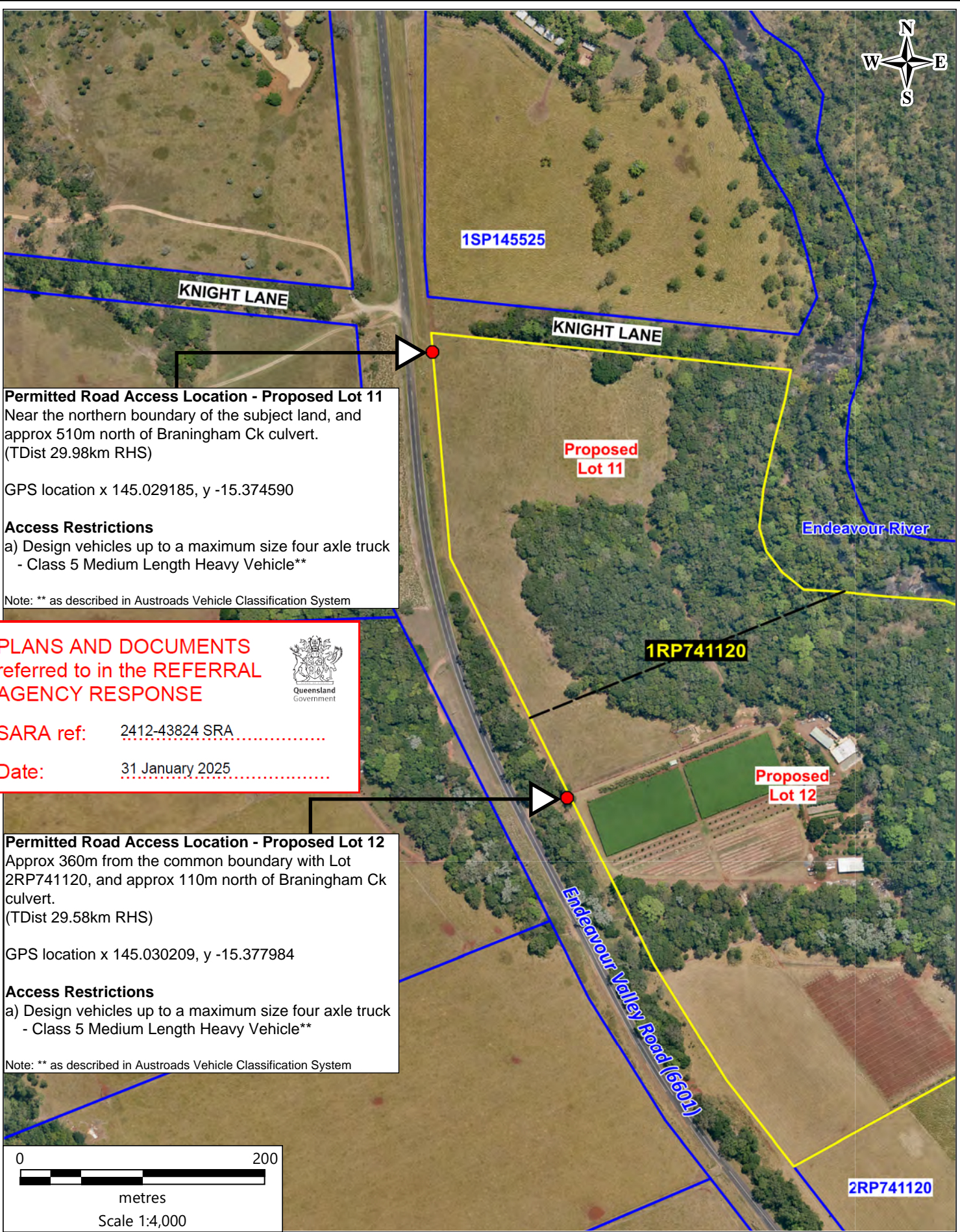
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.



Permitted Road Access Location - Proposed Lot 11
 Near the northern boundary of the subject land, and approx 510m north of Braningham Ck culvert.
 (TDist 29.98km RHS)

GPS location x 145.029185, y -15.374590

Access Restrictions


- a) Design vehicles up to a maximum size four axle truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2412-43824 SRA

Date: 31 January 2025



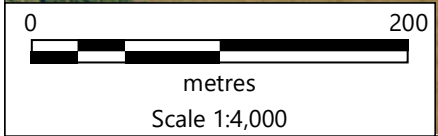
Permitted Road Access Location - Proposed Lot 12
 Approx 360m from the common boundary with Lot 2RP741120, and approx 110m north of Braningham Ck culvert.
 (TDist 29.58km RHS)




GPS location x 145.030209, y -15.377984

Access Restrictions


- a) Design vehicles up to a maximum size four axle truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System



Branch/Unit : Corridor Management / Far North District	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
 Land parcels	 Subject land
 Proposed new boundary	

TMR Layout Plan (6601 - 29.42km)

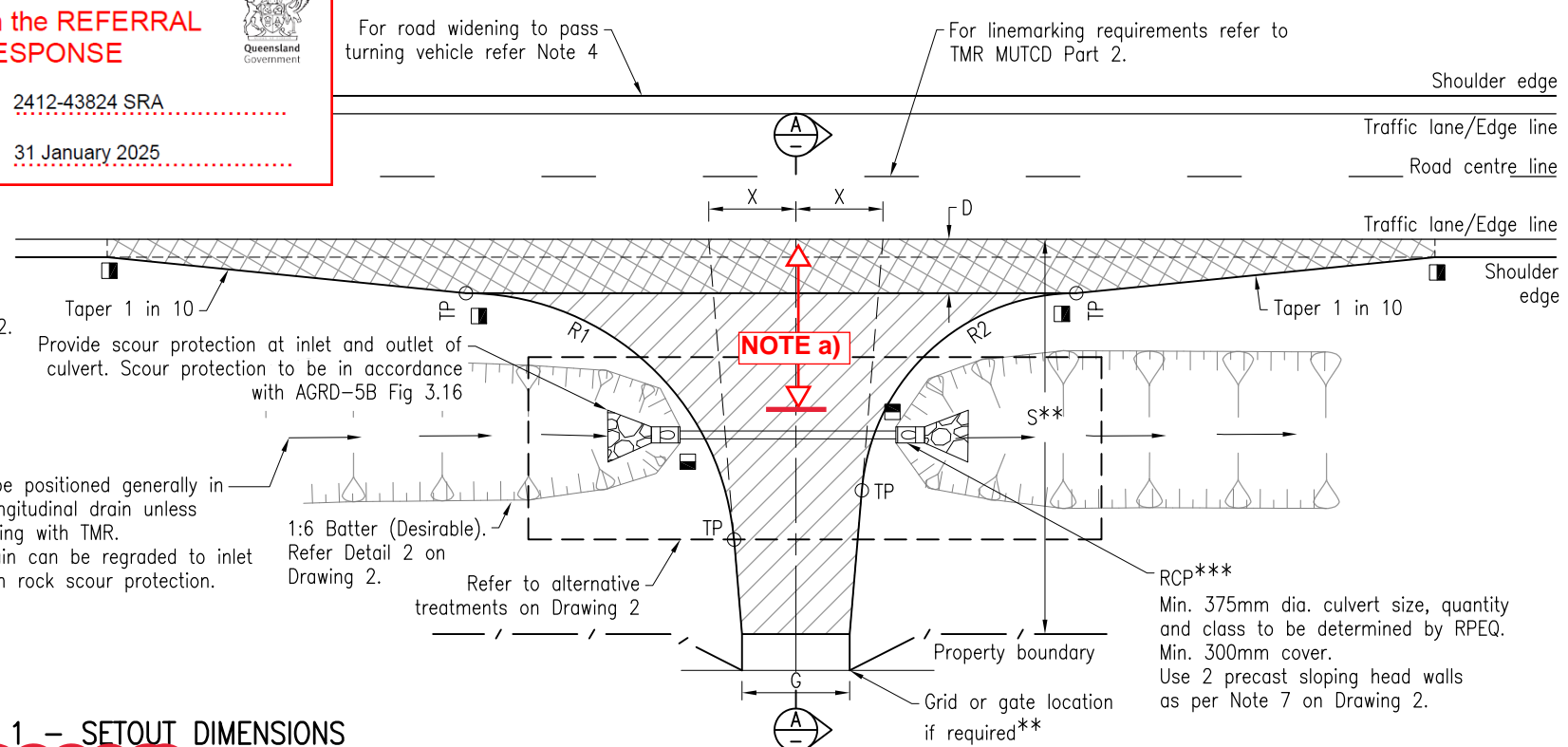
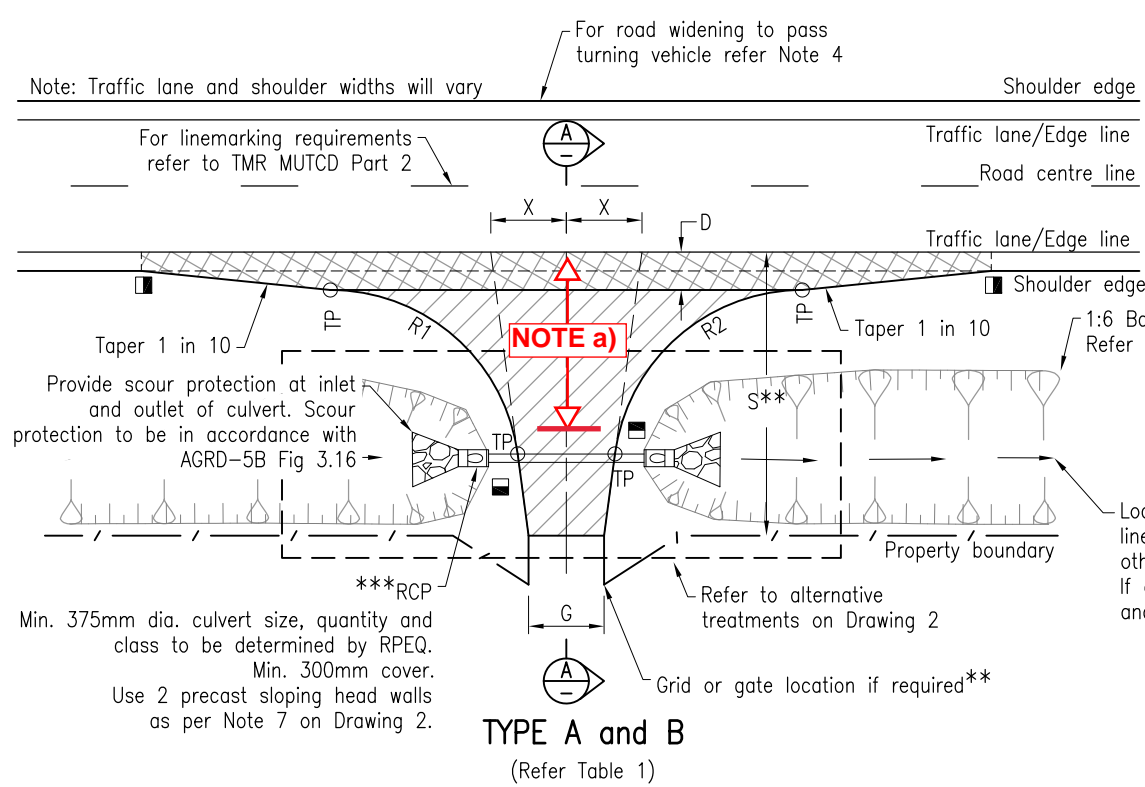
 Queensland Government Transport and Main Roads		
Plan: 1 / 1	Issue: A	Date: 16/01/2025
Drawn by: RPK	File ref: TMR24-044527	

© The State of Queensland, 2010 © Pitney Bowes Software Pty Ltd, 2010 © QR Limited, 2010 Based on [Dataset - State Digital Road Network (SDRN)] provided with the permission of Pitney Bowes Software Pty Ltd (Current as at 04 / 10). [Dataset - Rail Centre Line, May 2010] provided with the permission of QR Limited and other state government datasets
 Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

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LEGEND

- Pavement Type 1 – Bitumen surfacing, 2 coat bitumen seal. Pavement depth and type to match existing or proposed through road pavement. Refer to Table 2 for minimum depths.
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimise gravel on through road) to be determined by the RPEQ.
- * Maintain existing shoulder crossfall and superelevation.
- ** Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- *** RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post
- The Filled in portion denotes a red reflector and the open portion a white reflector.

TABLE 1 – SETOUT DIMENSIONS

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Train Type 1)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	5m
S	12m	15m	22m	30m**
G	4-6m ϕ	4-6m ϕ	6m	6m
ϕ	6m Minimum width for two-way two-lane access.			

TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH

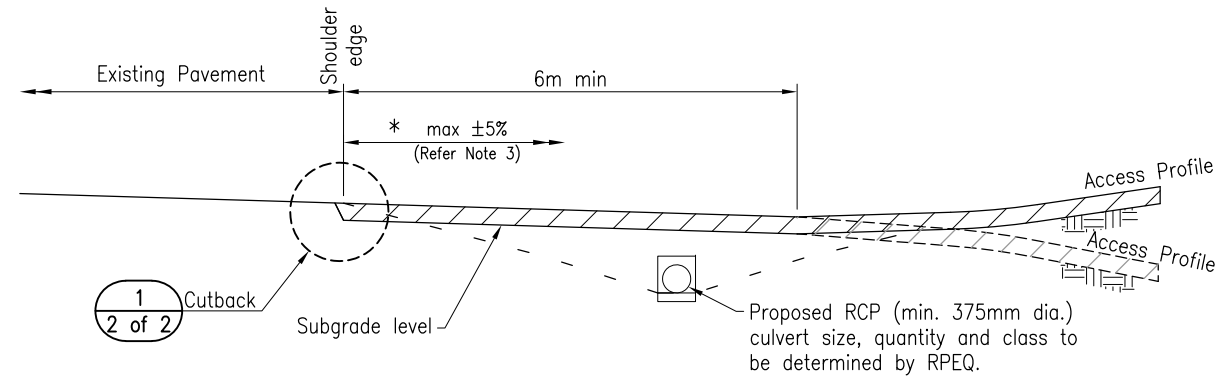
	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm(Min.) Type 2.2 or match existing	200mm(Min.) Type 2.2 or match existing	280mm(Min.) Type 2.2 or match existing
Unsealed Pavement Base Course	150mm(Min.) Type 2.4 or match existing	200mm(Min.) Type 2.4 or match existing	#

NOTE:

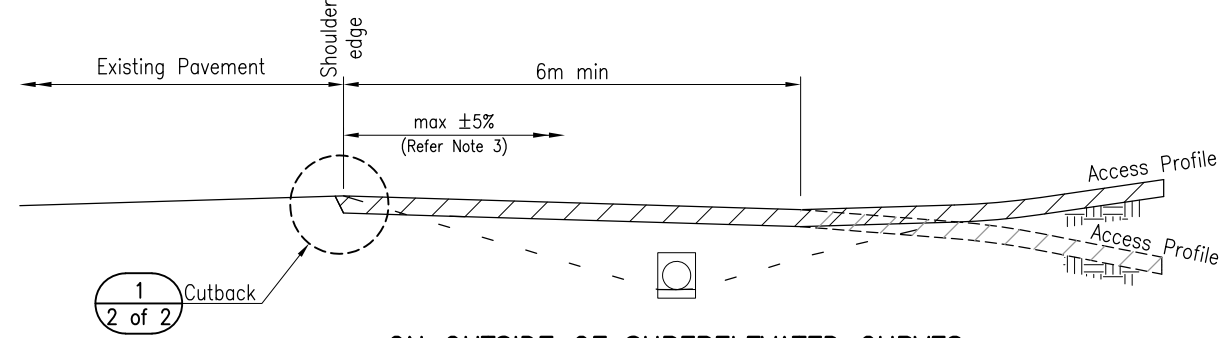
- Refer to additional notes on drawing 2 of 2
- Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.

Bitumen sealed pavement only.

◆ Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.



ON STRAIGHTS AND INSIDE OF CURVES



ON OUTSIDE OF SUPERELEVATED CURVES

SECTION A

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.

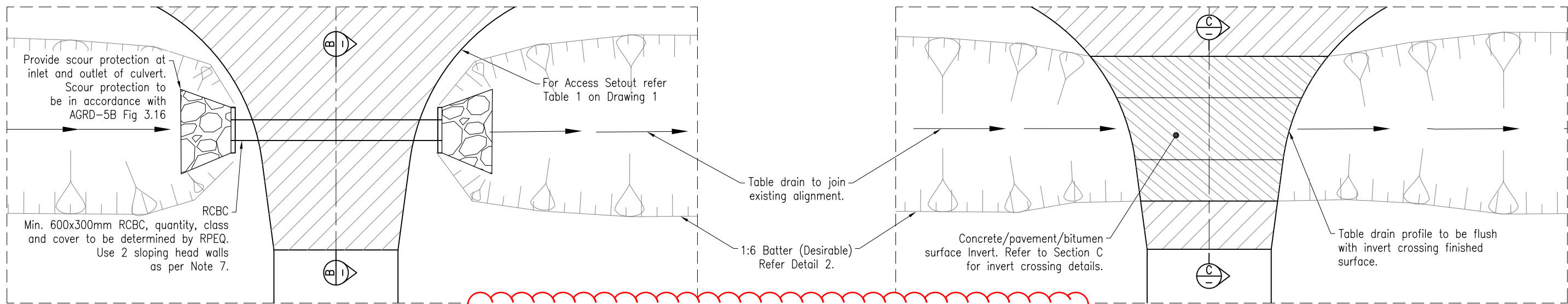
NOTES:

- Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to the RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 4 Sections 7.2.1 and 7.2.3.
- For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Part 4A in conjunction with AGRD.
- Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 – Parking Facilities Off-Street Commercial Vehicle Facilities.
- RPEQ or designer to conduct Traffic Impact Assessment to determine if turning treatments are required. For rural right-turn treatments, refer to Section 7 of the RPDM (2nd Edition) Volume 3 Part 4A in conjunction with AGRD. Note that Auxiliary Right Turns shall not be used. Pavement type to match existing or minimums specified in Table 2 of this drawing.
- This drawing is to be read in conjunction with Drawing 2 of 2.
- All dimensions in metres and are minimum unless specified.

REFERENCED DOCUMENTS:

- Departmental Standard Drawings:**
- 1243 Precast Culvert Headwalls – Headwall Connections for Culverts
 - 1305 Pipe Culverts - Headwall and Apron for Pipe Diameter 375 to 675
 - 1359 Culverts - Installation, Bedding and Filling/Backfilling Against/Over Culverts
- Departmental Documents:**
- RPDM Road Planning and Design Manual (2nd Edition) Volume 3.
 - MRTS03 Drainage Structures, Retaining Structures and Embankment Slope Protections
- Austrroads Guide to Road Design:**
- AGRD-4 (2023) Part 4: Intersections and Crossings – General
 - AGRD-4A (2023) Part 4A: Unsignalised and Signalised Intersections
 - AGRD-5B (2023) Part 5B: Drainage – Open Channels, Culverts and Floodway Crossings
 - AGRD-6 (2022) Part 6: Roadside Design, Safety and Barriers

Department of Transport and Main Roads			
PROPERTY ACCESS			
RURAL PROPERTY ACCESS		A3	Standard Drawing No
DRAWING 1 OF 2		Not to Scale	1807
			Date 3/2024



RC BOX CULVERT PLAN VIEW

INVERT CROSSING PLAN VIEW

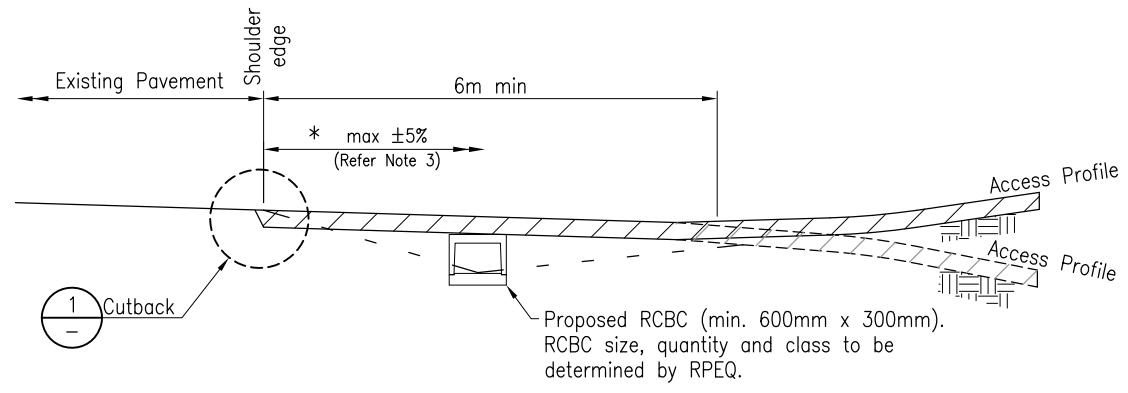
ADDITIONAL NOTES:
 a) In all cases, bitumen seal to extend a minimum of 10m from road edge.
 b) Annexure to construction drawings is to be read in conjunction with standard drawing 1807.

LEGEND

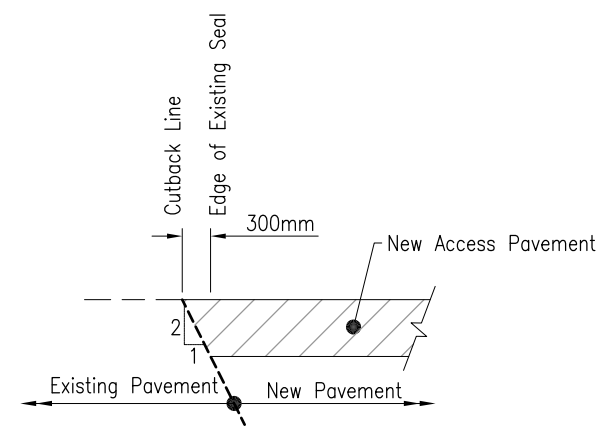
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.
- Invert crossing surface
- * Maintain existing shoulder crossfall and superelevation.

NOTES:

- This drawing is to be read in conjunction with Drawing 1 of 2.
- Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
- 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
- Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
- For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
- Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
- Refer to RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 5B and Part 6 for application of sloping headwalls.

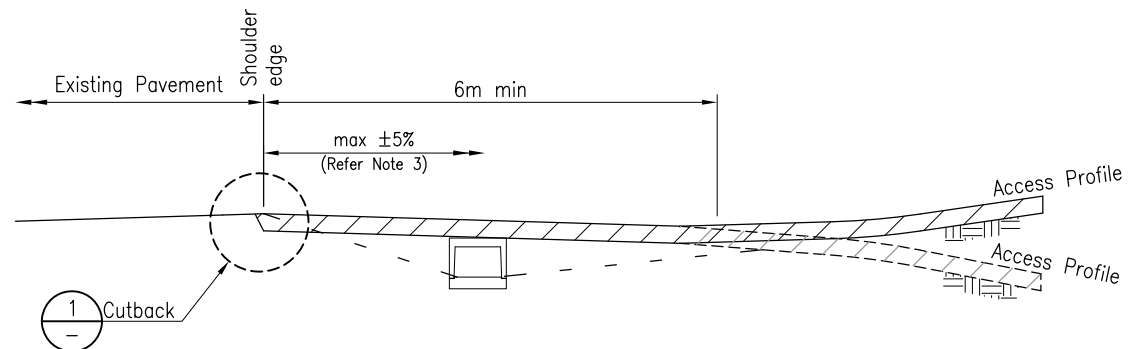


ON STRAIGHTS AND INSIDE OF CURVES



CUTBACK DETAIL

DETAIL 1

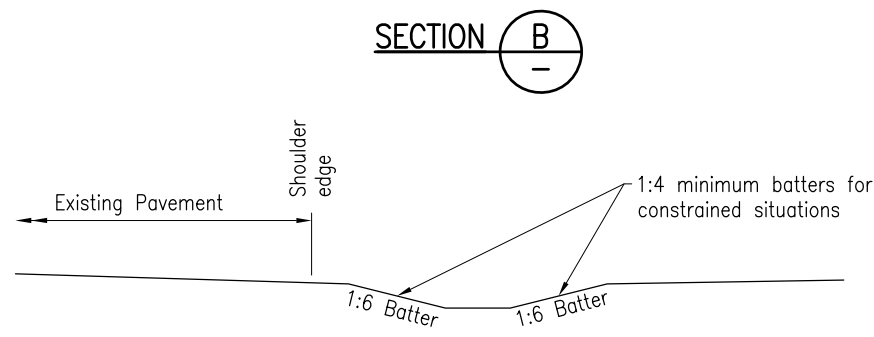


ON OUTSIDE OF SUPERELEVATED CURVES

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2412-43824 SRA

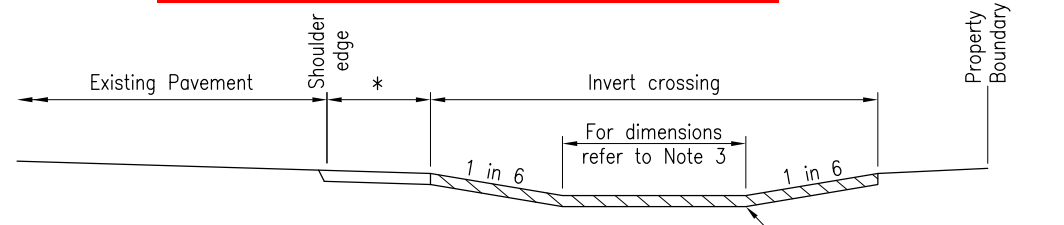
Date: 31 January 2025



BATTER DETAIL

DETAIL 2

Department of Transport and Main Roads note:
 Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.



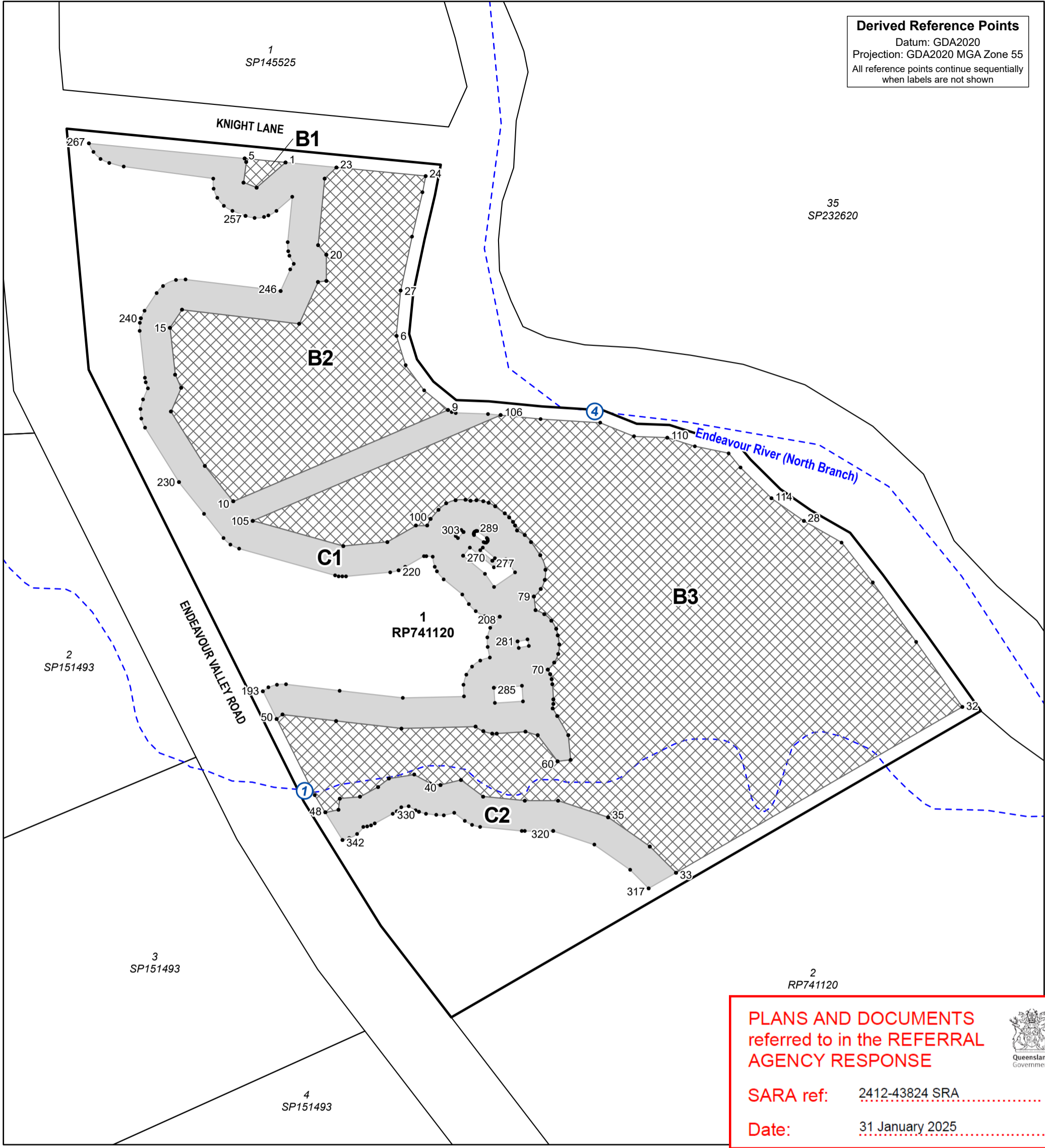
INVERT CROSSING

SECTION C

- REFERENCED DOCUMENTS:**
- Departmental Standard Drawings:
- 1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 To 600
 - 1033 Kerb and Channel – Profiles
- Australian Standards Documents:
- AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

Department of Transport and Main Roads			© The State of Queensland (Department of Transport and Main Roads) 2024 http://creativecommons.org/licenses/by/4.0/
PROPERTY ACCESS			
A3	Not to Scale	Standard Drawing No	1807
RURAL PROPERTY ACCESS		Date	3/2024
DRAWING 2 OF 2			

Derived Reference Points
 Datum: GDA2020
 Projection: GDA2020 MGA Zone 55
 All reference points continue sequentially when labels are not shown



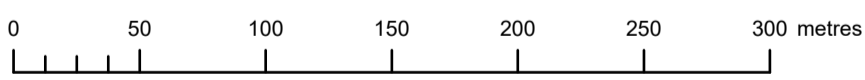
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2412-43824 SRA

Date: 31 January 2025



SCALE 1:3,000 @ A3 paper size



Projection: GDA2020 MGA Zone 55 Datum: GDA2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.
 Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.
 The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2412-43824 SRA

LEGEND

- 1 Derived Reference Points (see attachment)
- ▭ Subject Lot
- ▨ Area B - Clearing must not occur
- ▩ Area C - Firebreak/safety buffer (only certain infrastructure permitted)
- ① Watercourse and/or drainage feature (Stream order label)

Note: This is a colour map and must be reproduced in colour

Vegetation Management Plan

Plan of Area B (Parts B1 - B3) and Area C (Parts C1 - C2) in Lot 1 on Plan RP741120

Version: 1 eLVAS Case ID: 2024/004399

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VMP 2412-43824 SRA

Sheet 1 of 1

Our ref TMR24-044527
Your ref 36293-001-01
Enquiries Ronald Kaden



Department of
Transport and Main Roads

16 January 2025

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 LM:lmc:DA/4851:AD2024/0007768, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 1RP741120, the land the subject of the application, and Endeavour Valley Road (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 D. & L. Burke c/- Brazier Motti Pty Ltd
PO Box 1185
Cairns QLD 4870

Application Details

Address of Property 2942 Endeavour Valley Road, Cooktown QLD 4895
Real Property Description 1RP741120
Aspect/s of Development Development Permit for Reconfiguration of a Lot for 1 Lot into 2 Lots.

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The Permitted Road Access Locations are: (a) Proposed Lot 11 <ul style="list-style-type: none">Near the northern boundary of the subject land, and approximately 510 metres north of Braningham Ck culvert. (b) Proposed Lot 12 <ul style="list-style-type: none">Approximately 360 metres from the common boundary with Lot 2RP741120, and approximately 110 metres north of Braningham Ck culvert.	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: (i) TMR Layout Plan (6601 - 29.42km) Issue A dated 16/01/2025. (Attachment D)	
2	Direct access is prohibited between Endeavour Valley Road and proposed Lots 11 and 12 at any location other than the permitted road access locations described in Condition 1 .	At all times.
3	The use of the permitted road access locations described in Condition 1 are to be restricted to: a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle** Note: ** as described in Austroads Vehicle Classification System	At all times.
4	Road access works comprising a sealed rural vehicle access at the location described in Condition 1 (a) must be constructed and maintained, generally in accordance with: a) Type B Property Access drawing prepared by Queensland Government dated 3/2024 reference 1807 Issue C (with additional notes).	Prior to submitting the Plan of Survey to the local government for approval
5	Road access works comprising a sealed rural vehicle access at the location described in Condition 1 (b) must be maintained, generally in accordance with: a) Type B Property Access drawing prepared by Queensland Government dated 3/2024 reference 1807 Issue C.	At all times

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site (Lot 1 on RP741120) has road frontage and vehicle access via Endeavour Valley Road, a state-controlled road.
- b) The proposal is for a development permit for reconfiguration of a lot - 1 lot into 2 lots.
- c) The proposed reconfiguration is creating an additional lot (proposed Lot 11) and increasing traffic generation onto Endeavour Valley Road.
- d) A new sealed and formal vehicular access via Endeavour Valley Road will be required to be constructed to service proposed Lot 11.
- e) The existing vehicular access via Endeavour Valley Road service proposed Lot 12 will not require any additional works but will require maintaining to department standards.
- f) Pre-Lodgement advice (ref: TMR24-044029) identified a "Type A" rural property access requirement for proposed Lot 11.
- g) The applicant has since advised the proposed allotment (Lot 11) is for rural lifestyle purposes, and access will be sealed and constructed in accordance with 'Type B' rural property access. The largest vehicle size expected to access proposed Lot 11 is an HRV body truck.
- h) The department's decision is a result of this advice.

- i) As the proposed development is seeking a new access and increasing generation, a new 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. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-controlled road network are maximised. This may or may not require all future access to be provided via the local road network.
3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

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

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of

engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

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

Yours sincerely



Liliya Yates
A/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 (6601 - 29.42km)	Queensland Government Transport and Main Roads	16 January 2025	TMR24-044527 As Attachment D	A
Proposed Reconfiguration Lots 11 & 12 Cancelling Lot 1 on RP741120	BrazierMotti	08 January 2025	36293/001	B
Rural Property Access (with additional notes)	Queensland Government	March 2024	1807	C
Vehicle Access to state- controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-

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—

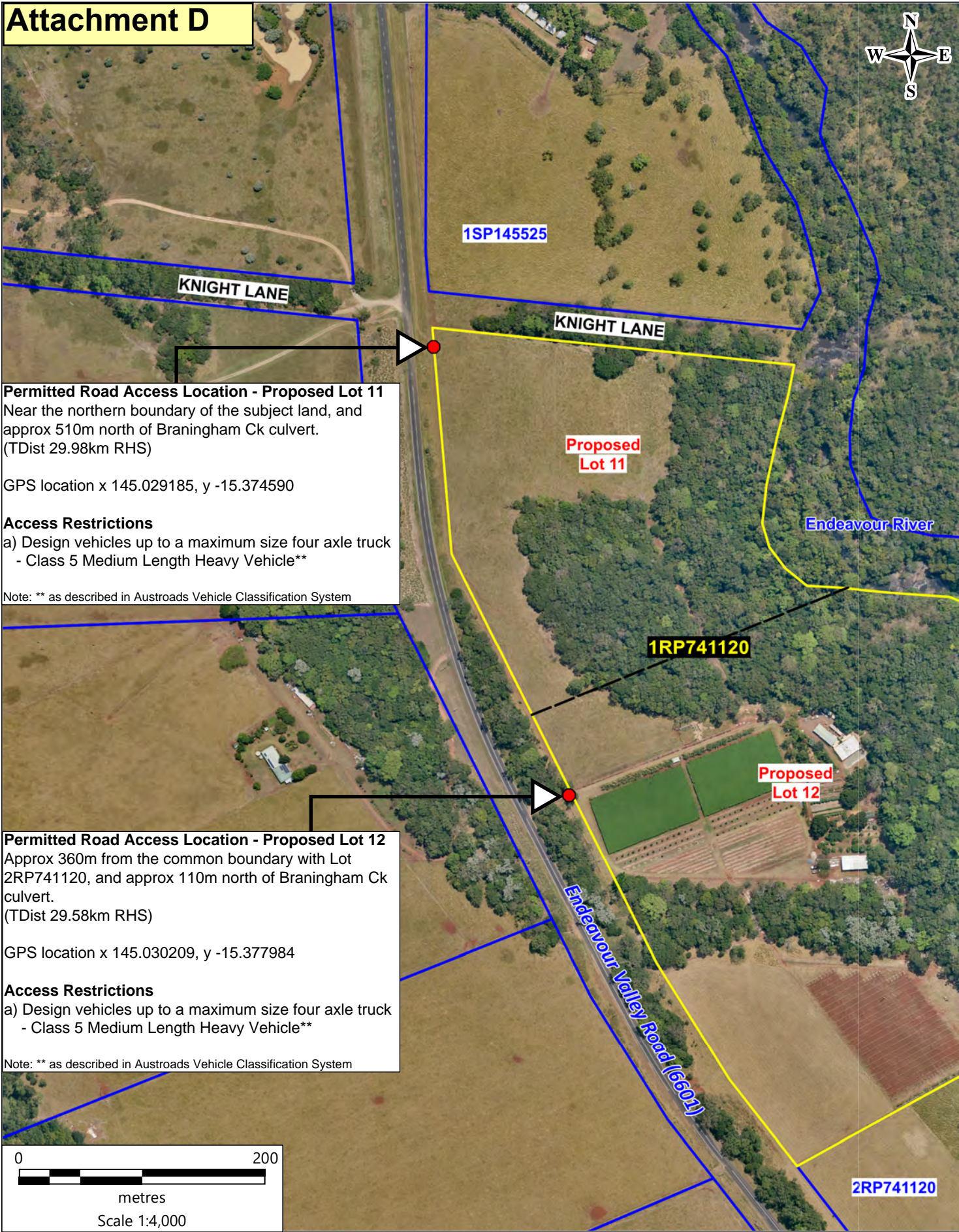
(a) the decision notice did not state the reasons for the decision; and

(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 - Proposed Lot 11
 Near the northern boundary of the subject land, and approx 510m north of Braningham Ck culvert.
 (TDist 29.98km RHS)

GPS location x 145.029185, y -15.374590

Access Restrictions

- a) Design vehicles up to a maximum size four axle truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

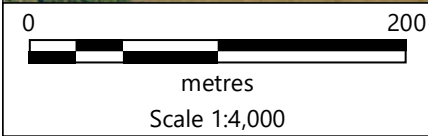
Permitted Road Access Location - Proposed Lot 12
 Approx 360m from the common boundary with Lot 2RP741120, and approx 110m north of Braningham Ck culvert.
 (TDist 29.58km RHS)

GPS location x 145.030209, y -15.377984

Access Restrictions

- a) Design vehicles up to a maximum size four axle truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System



Branch/Unit : Corridor Management / Far North District	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
Land parcels	Subject land
Proposed new boundary	

TMR Layout Plan (6601 - 29.42km)

Queensland Government Transport and Main Roads		
Plan:	Issue:	Date:
1 / 1	A	16/01/2025
Drawn by:	File ref:	
RPK	TMR24-044527	

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