



Our reference: 2308-36104 SRA
Council reference: DA230040

10 August 2023

Mr Tony Bosotas
PO Box 3635
QUEANBEYAN EAST NSW 2620
tonybosotas@hotmail.com

Attention: Mr Tony Bosotas

Dear Mr Bosotas

Action notice

(Given under section 8 of the Development Assessment Rules)

The State Assessment and Referral Agency (SARA) received your referral agency material for the following premises on 9 August 2023.

Location details

Street address:	22 Dalgangal Road, GAYNDAH
Real property description:	Lot 21 on SP203242
Local government area:	North Burnett Regional Council

Under the Planning Regulation 2017, the relevant referral requirements for the development application are as follows:

- 10.9.4.2.4.1 Material change of use of premises near a State-controlled road

The application does not meet the requirements for a properly referred application under Section 54 of the *Planning Act 2016*. The reason for this decision is:

- the proposed development involves a *new or changed access* (extension of an existing driveway access and/or an increase in the number of vehicles regularly using an existing relevant vehicular access) as defined within Schedule 24 of the Planning Regulation 2017 (please refer to attached Department of Transport and Main Roads information sheet for further details)
- where the proposed development involves a *new or changed access* and the number of dwelling units exceeds four (4) a higher SARA referral fee applies (\$3,636)
- the correct fees have not been paid
 - o the applicable fee for trigger 10.9.4.2.4.1 is \$3,636
 - o you have advised the SARA that \$1,817 has been paid.

The application will not be accepted as properly referred until the following action is taken:

- the total development application fee is paid to the SARA. Based on the information provided above, the SARA calculates that \$1,819 is currently outstanding (total amount of \$3,636 minus \$1,817 previously paid).

The above action must be completed within 20 business days of receiving this notice (7 September 2023), or a further period agreed with the SARA, to avoid your application lapsing.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email WBBSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Plank', written in a cursive style.

Caroline Plank
A/Manager, Planning – Wide Bay Burnett

cc North Burnett Regional Council
admin@northburnett.qld.gov.au

SDAP Supporting Information

Vehicular access to a state-controlled road

Purpose

This document provides explanatory guidance to support the state's requirements for vehicular access to a state-controlled road as stated in *State code 1: Development in a state-controlled road environment* of the State Development Assessment Provisions (SDAP).

The content in this section supports the following performance outcomes (POs) outlined in:

State code 1 – Development in a state-controlled road environment

- Table 1.2.1: Development in a state-controlled road environment
 - Vehicular access to a state-controlled road (**PO15-PO18**).

What is the issue?

Managing vehicular access between a state-controlled road and adjacent land is essential to ensure the safety of all road users and maintain the operational efficiency of the state-controlled road. Vehicular access to state-controlled roads, and to local government roads within 100 metres of an intersection with a state-controlled road, has the potential to create a safety hazard for users of a state-controlled road by increasing the likelihood or frequency of fatality and serious injury.

The location, design and construction of a vehicular access to a state-controlled road can compromise the structural integrity of public passenger transport infrastructure located on state-controlled roads or compromise the operating performance of public passenger transport services on state-controlled roads.

What is the objective?

The objective of the provisions is to ensure that new or changed access to a state-controlled road, and access to local government roads within 100 metres of an intersection with a state-controlled road, is managed to protect the safety and operational efficiency of the state-controlled road network and public passenger transport infrastructure located on state-controlled roads.

The *Planning Regulation 2017* defines new or changed access between premises and a state-controlled road as:

- the use of a new location as a relevant vehicular access between premises and a road
- the construction of a new relevant vehicular access between premises and a road
- the extension of an existing relevant vehicular access between premises and a road
- an increase in the number of vehicles regularly using an existing relevant vehicular access between premises and a road
- a change in the type of vehicles regularly using an existing relevant vehicular access between premises and a road.

A relevant vehicular access means:

- a road, other than a pedestrian or bicycle path, that provides access between premises and a road
- a driveway that provides access between premises and a road.

There are a number of processes by which the state regulates vehicular access to a state-controlled road:

- under section 62 of the *Transport Infrastructure Act 1994* (TIA), vehicular access to a state-controlled road (including the location and use of the access) must be approved by the Department of Transport and Main Roads (TMR). TMR has the power to permit, amend, prohibit, or apply conditions to vehicular accesses between a state-controlled road and adjacent land.
- under the Planning Regulation certain development applications involving vehicular access to a state-controlled road must be referred to the State Assessment and Referral Agency (SARA) for assessment. These applications are assessed against the assessment criteria contained in State code 1: Development in a state-controlled road environment.

TMR is the decision maker for all proposals involving new or changed vehicular access to a state-controlled road, while SARA is the decision maker for development applications referred for assessment.

TMR and SARA recognise vehicular access to a state-controlled road can affect the viability of a development proposal. Therefore the agencies will work together to ensure that decision making processes for vehicular access under TIA and development applications involving vehicular access under the *Planning Act 2016* are coordinated.

From the 3 July 2017, a development application or a change application made under the Planning Act involving a new or changed vehicular access to a state-controlled road is also taken to be an application for vehicular access to a state-controlled road under section 62 of TIA. TMR will issue a decision regarding vehicular access to a state-controlled road that will be attached by SARA to its referral agency response for the development application.

How to achieve the performance outcomes

Performance outcome 15

Acceptable outcomes have been provided for this performance outcome. An application can demonstrate it has complied with the acceptable outcomes by providing the following information as part of the application:

- supporting information demonstrating that the development does not propose a new or changed vehicular access to a limited access road, or
- supporting information demonstrating that a new or changed vehicular access to a limited access road is consistent with a limited access policy, if applicable. A list of state-controlled roads that have been fully or partially declared as limited access roads is available at Appendix 1 and mapped in the Development Assessment Mapping System (DAMS). Limited access policies can be accessed by contacting the relevant TMR regional office.
- supporting information demonstrating that a new or changed access for a service centre is consistent with:
 - TMR's *Service Centre Policy*
 - TMR's *Access Policy for Roadside Service Centre Facilities on Limited Access Roads*
 - a relevant service centre strategy.

The Service Centre Policy, Access Policy for Roadside Service Centre Facilities and service centre strategies for state-controlled roads can be accessed by contacting the relevant TMR regional office.

Performance outcome 16

Acceptable outcomes have been provided for this performance outcome. An application can demonstrate it has complied with the acceptable outcomes by providing the following information as part of the application:

- plans and supporting information demonstrating that there is no proposed or existing vehicular access to state-controlled road, or

- plans and supporting information demonstrating that vehicular access for the development will be provided via a local government road, or
- appropriate supporting information, as detailed in Appendix 2, demonstrating:
 - vehicular access for the development is consistent with the function and design of the state-controlled road
 - the development does not require a new or changed access between the premises and the state-controlled road
 - existing vehicular access to a state-controlled road is consistent with a section 62 decision under TIA. A section 62 decision must have been granted no more than 5 years prior to the lodgement of the application
 - onsite vehicle circulation gives priority to entering vehicles at all times.

Performance outcome 17

Acceptable outcomes have been provided for this performance outcome. An application can demonstrate it has complied with the acceptable outcomes by providing the following information as part of the application:

- suitably scaled plans and supporting information demonstrating that a vehicular access to a state-controlled road or local government road, and any associated road access works, are not located within 5 metres of existing public passenger transport infrastructure
- supporting information demonstrating that the location or design of a vehicular access for a development does not necessitate the relocation of existing public passenger transport infrastructure
- supporting information demonstrating that on-site vehicle circulation gives priority to entering vehicles at all times and does not:
 - adversely impact on public passenger transport infrastructure
 - adversely impact on the operation of public passenger services
 - obstruct pedestrian or cycle access to public passenger transport infrastructure
 - obstruct pedestrian or cycle access to public passenger services
- supporting information demonstrating that the development will not adversely impact public passenger transport infrastructure or the operation of public passenger services during construction. It is recommended the applicant contact the TMR for advice regarding any proposed temporary relocation of public passenger transport infrastructure during construction.

Performance outcome 18

Acceptable outcomes have been provided for this performance outcome. An application can demonstrate it has complied with the acceptable outcomes by providing the following information as part of the application:

- supporting information demonstrating that any vehicular access to a local government road is located as far away as practically possible from an intersection with a state-controlled road
- supporting plans and technical documents demonstrating that any new or upgraded vehicular access is designed in accordance with the following parts of the *Road Planning and Design Manual*:
 - Part 3: Geometric Design
 - Part 4: Intersections and Crossings – General
 - Part 4A: Unsignalised and Signalised Intersections.

Other information

A list of state-controlled roads that have been fully or partially declared as limited access roads is available at Appendix 1. Limited access roads are also mapped in DAMS which can be accessed by visiting <https://planning.dilgp.qld.gov.au/maps>.

Contact details

Please contact your local Transport and Main Roads office for more information. The contact details for your local Transport and Main Roads office are listed at www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices.

Appendix 1: State-controlled roads wholly or partially declared as limited access roads

U12A South East Arterial Road (Pacific Motorway)	33A&B Peak Downs Highway	197 Western Yeppoon - Emu Park Road
U13C Gateway Arterial Road (Gateway Motorway - North)	40A&C D'Aguilar Highway	203 Beaudesert - Beenleigh Road
U14 Gympie Arterial Road	41C&F Burnett Highway	209 Mooloolun Connection Road
U15 Mount Lindesay Arterial Road	42A Brisbane Valley Highway	401 Brisbane - Woodford Road
U16 Cunningham Arterial Road (Ipswich Motorway)	45B Bunya Highway	450 Gavia - Gracemere Road
U18A Western Arterial Road (Ellen Grove - Jindalee)	46A Dawson Highway	478 Maryborough - Biggenden Road
U18B Western Arterial Road (Jindalee - Everton Park)	101 Smith Street Connection Road	484 Eumundi - Kenilworth Road 492 Kilcoy - Beerwah Road
U19 East - West Arterial Road	103 Southport - Burleigh Road	531 Rockleigh - North Mackay Road
U20 Griffith Arterial Road	105 Nerang - Broadbeach Road	642 Gillies Range Road
U91 Redland Sub-Arterial Road	109 Cleveland - Redland Bay Road	647 Cairns Western Arterial Road
U94 Albany Creek Sub-Arterial Road	111 Mount Cotton Road	651 Smithfield Bypass (proposed)
U96 Moggill Sub-Arterial Road	112 Capalaba - Cleveland Road	811 Portsmouth Road
U98 Cleveland Sub-Arterial Road	126 Caboolture - Bribie Island Road	832 North Townsville Road
U99 Redcliffe Sub-Arterial Road	132 Caloundra Road	835 Garbutt - Upper Ross Road
10A-P Bruce Highway (Brisbane - Cairns)	133 Maroochydore - Noosa Road	851 Proserpine - Shute Harbour Road
11A&B Gold Coast Highway	136 Maroochydore Road	855 Yakapari - Seaforth Road
12A Pacific Highway (Pacific Motorway)	138 Yandina - Coolum Road	856 Mackay - Bucasia Road
13A&B Landsborough Highway	140 Eumundi - Noosa Road	857 Mackay - Slade Point Road
14A&E Flinders Highway	142 Cooroy - Noosa Road	901 Burpengary Service Road
15A&B Barkly Highway	144 Emu Mountain Road	902 Linkfield Connection Road
16A-D Capricorn Highway	150A&B Sunshine Motorway	905 Brisbane - Redland Road
17A-D Cunningham Highway	152 Kawana Way	910 Centenary Motorway
18A-C Warrego Highway	162 Pialba - Burrum Heads Road	913 Southern Cross Way
19A Isis Highway	163 Maryborough - Hervey Bay Road	
20A Captain Cook Highway	164 Torbanlea - Pialba Road	
22C New England Highway	166 Maryborough - Cooloola Road	
25A Mount Lindesay Highway	171 Goodwood Road	
26B&C Leichhardt Highway	172 Elliott Heads Road	
27A-C Gregory Highway	174 Bundaberg - Bargara Road	
28A Gore Highway	175 Bundaberg - Port Road	
32A&B Kennedy Highway	176 Bundaberg - Gin Gin Road	
643 Malanda - Lake Barine Road	177 Bundaberg Ring Road	
	179 Bundaberg - Miriam Vale Road	
	181 Gladstone - Mt Larcom Road	
	185 Gladstone - Benaraby Road	
	188 Bajool - Port Alma Road	
	196 Rockhampton - Yeppoon Road	

Appendix 2: Information requirements for a vehicular access concurrent assessment

The following information should be provided as part of a development application to enable TMR to undertake an assessment of any new or changed vehicular access proposed for the development.

Existing section 62 decision in force

- a copy of any existing decisions under section 62 of TIA relating to vehicular access for the premise subject of the development application
- information demonstrating that the development is for an equivalent use and intensity for which the current section 62 approval was issued.

Contextual information

- the location and number of existing vehicular accesses to the state-controlled road, even if there is no record of an existing section 62 approval for the access
- the location of the proposed vehicular access in relation to the state-controlled road and/or intersections with the state-controlled
- sight lines and sight distances such as safe intersection sight distances (e.g. details of safe stopping distances, driver eye height and object height where relevant)
- if the state-controlled road is a limited access road, details about how the proposed access is consistent with the corresponding limited access policy for the limited access road.

Vehicular access design

- proposed vehicular access design and location relative to the state-controlled road
- details of vehicle types which will use the proposed access and their frequency (e.g. service vehicles, public transport, refuse collection)
- details of the slope/gradient of the proposed vehicular access relative to the existing state-controlled road pavement
- details of the typography of the development site
- scaled plan(s) showing existing and proposed conflict points (e.g. side roads, chevrons, street signs, power/light poles, guard rail/road furnishings, service/utilities, bus stops, on street parking)
- proposed drainage structures associated with the vehicular access (e.g. culvert, kerb and channel)
- proposed on-site vehicular manoeuvring areas including swept paths for turning vehicles (e.g. ingress and egress).

Traffic impact assessment

- where necessary, an applicant may have to provide a traffic impact assessment to support a proposed vehicular access to a state-controlled road. A traffic impact assessment must be prepared in accordance with TMR's *Guide to Traffic Impact Assessment*.

Other

- where relevant, details of lawful shared access arrangements (e.g. easement document)
- details of any proposed temporary vehicular access arrangements.

The level of detail needed to concurrently assess a vehicular access location as part of a development application and section 62 application are the same, however, the extent of information required for the concurrent assessment may vary depending on the complexity of the proposal.

These consideration will be influenced by the characteristics of the state-controlled road (e.g. function, traffic volumes and environment) and type/form of development (e.g. land use, scale, access location and design).

The information listed above may be provided via a report, plans, photographs, and/or traffic impact assessment.