



SARA reference: 2208-30692 SRA
 Council reference: MCUI/48/2022
 Applicant reference: JN92-DEN-04

10 May 2023

Chief Executive Officer
 Logan City Council
 development@logan.qld.gov.au

Dear Sir/Madam

SARA response—2-26 Hotz Road and Waterford Tamborine Road, Logan Village

(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 30 August 2022.

Response

Outcome:	Referral agency response - with conditions
Date of response:	10 May 2023
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 for Material change of use for Childcare centre, Food and drink outlet x2 and Service station
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises within 25 metres of a State transport corridor and within 100 metres of a state-controlled road intersection (Planning Regulation 2017)
SARA reference:	2208-30692 SRA
Assessment Manager:	Logan City Council
Street address:	2-26 Hotz Road and Waterford Tamborine Road, Logan Village

Real property description: Lots 1 and 5 on RP201777

Applicant name: Start Yarrabilba Pty Ltd
c/- OneFin Property

Applicant contact details: jeff@jntownplanning.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:

- Access permitted
- Reference: TMR22-037299
- Date: 4 May 2023

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

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* 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 Brianna Gosper, Senior Planning Officer on (07) 5644 3272 or via email SEQSouthPlanning@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Karley Lawler
Manager, Planning and Development Services (SEQ South)

cc Start Yarrabilba Pty Ltd c/- OneFin Property, jeff@jntownplanning.com.au

enc Attachment 1–Referral agency conditions
Attachment 2–Advice to the applicant
Attachment 3–Reasons for referral agency response
Attachment 4–Change representation provisions
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 plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Development Permit for Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) — 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) Road access works comprising the ingress and egress driveways with Waterford Tamborine Road must be provided at the permitted access location generally in accordance with Site Plan, prepared by Thomson Adsett, dated 23.03.2023, reference A1.01 and revision 14.</p> <p>(b) The road access works must be designed and constructed in accordance with the 'Department of Transport and Main Roads' current road planning guidelines and technical publications (available at: https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications).</p>	Prior to the commencement of use.
2.	<p>(a) Carry out the stormwater management of the development generally in accordance with:</p> <ul style="list-style-type: none"> (i) Concept Grading and Stormwater Layout Plan Sheet 1, prepared by Farr Engineers Associates Pty Ltd, dated 20/06/22, drawing no. CSK200 and issue 3. (ii) Concept Grading and Stormwater Layout Plan Sheet 2, prepared by Farr Engineers Associates Pty Ltd, dated 20/06/22, drawing no. CSK201 and issue 2. (iii) Concept Grading and Stormwater Layout Plan Sheet 3, prepared by Farr Engineers Associates Pty Ltd, dated 20/06/22, drawing no. CSK202 and issue 2. <p>(b) Submit Registered Professional Engineer of Queensland (RPEQ) certification with supporting documentation to South Coast Region – Corridor and Land Management at scr.calm@tmr.qld.gov.au or on (07) 5563 6600 within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times.</p> <p>(b) Within 20 business days of the completion of works.</p>
3.	<p>(a) Construct 2.0 metre high and 2.4 metre high noise barriers in the location shown on plan Acoustic Barrier Locations, prepared by MWA Environmental, dated 13/06/22, dwg number 21-188-5 and rev. 7.</p> <p>(b) The noise barrier must be designed in accordance with:</p> <ul style="list-style-type: none"> (i) The Department of Transport and Main Roads' Road Traffic Noise Management Code of Practice, Chapter 5' Specifications MRS15 and MRTS15. (ii) Standard Drawings Road Manual, Part 13. <p>(c) RPEQ certification must be provided to South Coast Region – Corridor and Land Management at scr.calm@tmr.qld.gov.au or</p>	<p>(a) and (b) Prior to the commencement of use and to be maintained at all times.</p> <p>(c) Prior to the commencement of use.</p>

	on (07) 5563 6600 within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	
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Attachment 2—Advice to the applicant

General advice	
1.	<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 v3.0 (SDAP). If a word remains undefined it has its ordinary meaning.</p>
2.	<p>Works in a state-controlled road reserve</p> <p>This approval does not constitute a decision under section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA). Under section 33 of the TIA, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road or interfere with a state-controlled road or its operation.</p> <p>No works are to commence within the state-controlled road reserve until approval of the plan/s showing the proposed works is issued by the DTMR accordingly with section 33 of the TIA. Further information regarding works in state-controlled roads, including application forms, are available at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval.aspx.</p> <p>The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland. The approval may be subject to conditions related to the works construction process. Please contact the DTMR (South Coast Region) at scr.calm@tmr.qld.gov.au or on (07) 5563 6600 to make an application for works in the state-controlled road reserve.</p>
3.	<p>Road corridor permit</p> <p>Under section 50(2) of the TIA, an application for a road corridor permit is required for any ancillary works and encroachments on the state-controlled road under Schedule 1 of the Transport Infrastructure (State-controlled Roads) Regulation 2006. A decision of approval may include conditions or restrictions.</p> <p>Ancillary works and encroachments include but are not limited to advertising devices, paths, removal of existing road access works, infrastructure works, vegetation clearing, landscaping and planting, and any works that present a potential hazard to road users, including demolition activities and building scaffolding.</p> <p>Further information regarding ancillary works and encroachments is available at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval.aspx.</p> <p>Please contact the DTMR (South Coast Region) at scr.calm@tmr.qld.gov.au or on (07) 5563 6600 to make any application for a road corridor permit.</p>
4.	<p>Third party public utility and plant (PUP) asset works in a state-controlled road</p> <p>In accordance with section 80 of the TIA, a utility provider must obtain written approval from the DTMR prior to undertaking any PUP works (including building, replacing, removing, altering, repairing or maintaining PUP networks) in land managed by the DTMR on behalf of the State, regardless of whether the assets are installed by or gifted to the utility provider.</p> <p>In addition to approvals granted to a utility provider, developers installing the approved PUP works must apply for a permit to work in a state-controlled road in accordance with section 50 of the TIA prior to commencement of any works. A decision of approval may include conditions or restrictions.</p>

Applications for approval from the DTMR must be submitted by the developer via the DTMR online portal at: <https://rcp.tmr.qld.gov.au/> and include a copy of works agreement between the DTMR and the utility provider.

Additional information regarding the management of existing and/or new PUP, including fact sheets, technical guidelines and technical standards is available at:

- <https://www.tmr.qld.gov.au/business-industry/Business-with-us/Alliances/Utilities>
- <http://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Technical-Notes/Road-design>
- <https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Road-planning-and-design-manual-2nd-edition>

Please contact the DTMR (South Coast Region) at scr.calm@tmr.qld.gov.au or on (07) 5563 6600 for information relating to the installation of new or management of existing PUP.

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 has been assessed against and complies with State code 1: Development in a state-controlled road environment of the SDAP, with conditions. In particular:

- The proposal will not interfere with the state-controlled road, given all buildings, structures, infrastructure services, utilities or landscaping are located entirely within the site boundaries.
- No new stormwater drainage will be discharged to the state-controlled road and therefore will not result in any adverse hydraulic impact on the state-controlled road network. A condition is imposed to ensure the stormwater management is carried out in accordance with the stormwater management plans.
- Conditions are imposed to ensure the proposed vehicle access to the state-controlled road will not worsen the network operations of the state-controlled road.
- The proposal has been conditioned to provide noise barriers to minimise noise intrusion from the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Change representation provisions

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Attachment 5—Documents referenced in conditions

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PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2208-30692 SRA
Date: 10 May 2023

DEVELOPMENT SCHEDULE

USE	GFA	CARS REQUIRED
FOOD & DRINKS OUTLET	450m ²	45 (1/10m ²)
FOOD & DRINKS OUTDOOR DINING	40m ²	8 (2/10m ²)
SERVICE STATION	240m ²	12.5
CHILDCARE CENTRE	1130m ²	43
TOTALS	795m²	108.5
CARS PROVIDED		116

SITE AREA

SURFACE TYPE	AREA	% OF DEVELOPMENT SITE COVERAGE
IMPERVIOUS AREA	10109 m ²	50%
LANDSCAPE	10209 m ²	50%
TOTAL AREA	20319 m²	100%

SITE COVER

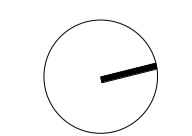
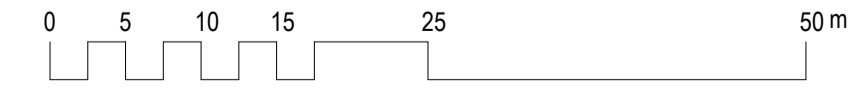
	AREA	% OF DEVELOPMENT SITE COVERAGE
SITE COVER (ROOFED)	3143 m ²	15%
SITE COVER (NOT ROOFED)	17176 m ²	85%
TOTAL AREA	20319 m²	100%

PAD SITE 4290m² (FUTURE
CHILDCARE CENTRE-150
PLACE) BY RAUNIK DESIGN
GROUP

- WAIT BAYS
- REFUSE 35m²
- OUTDOOR DINING 40m²
- FOOD & DRINKS OUTLET 240m²
- OUTDOOR PLAY AREA 60m²
- LANDSCAPE BUFFER STRIP
- ORDER STATIONS
- FOOD AND DRINK PYLON SIGN

- SERVICE STATION 240m²
- FOOD & DRINKS OUTLET 210m²
- WAIT BAYS
- FUEL CANOPY
- 3.5m WIDE PULL THRU LANE BETWEEN BOWSERS
- LINE MARKING FOR SIGNALISED CROSSING

DEVELOPMENT APPLICATION



YARRABILBA SERVICE CENTRE
2-26 HOTZ ROAD LOGAN VILLAGE QLD 4207 AUSTRALIA
START YARRABILBA PTY LTD C/- ONEFIN PROPERTY

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SITE PLAN

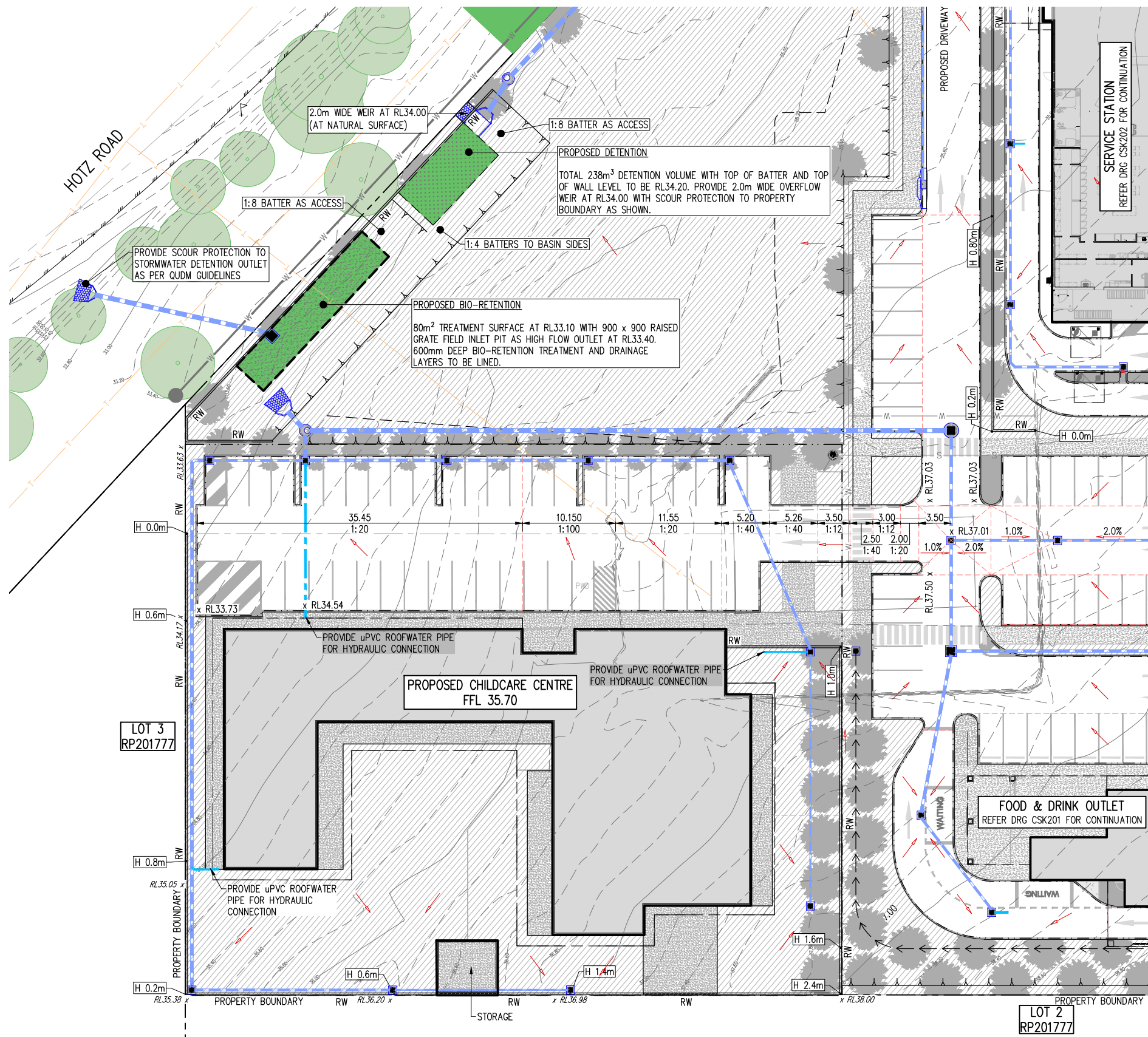
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TA # 20.0303.17

A1.01

23.03.2023

rev. 14



LEGEND

- RETAINING WALL
- PROPOSED BUILDING
- ROOF OVER
- LANDSCAPING/ DISTURBED AREA
- WATER RETICULATION
- SEWER RETICULATION
- STORMWATER PIPE
- STORMWATER FIELD INLET PIT
- STORMWATER MANHOLE
- PROPOSED OUTLET SCOUR PROTECTION
- SURFACE FALL DIRECTION
- TOP OF BATTER (MAXIMUM 1:4 UNO)
- CHANGE IN GRADE

DRAWN	SGO	DESIGNED	SGO	CHECKED	THN
PROJECT ENGINEER	SGO	DESIGN VERIFICATION			
PROJECT DIRECTOR	ACF	DATE	NOV'21		

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3	20/06/22	FOR APPROVAL	SGO
2	07/12/21	FOR APPROVAL	SGO
1	05/11/21	FOR APPROVAL	SGO
REV	DATE	AMENDMENT	INIT.
AMENDMENTS			
CLIENT			

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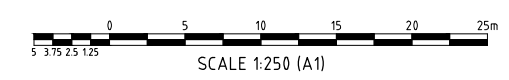
PROJECT
YARRABILBA SERVICE CENTRE
 2-26 HOTZ ROAD
 YARRABILBA QLD 4207

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2208-30692 SRA

Date: 10 May 2023

TITLE
CONCEPT GRADING AND STORMWATER LAYOUT PLAN SHEET 1



ISSUED FOR APPROVAL
 NOT TO BE USED FOR CONSTRUCTION PURPOSES

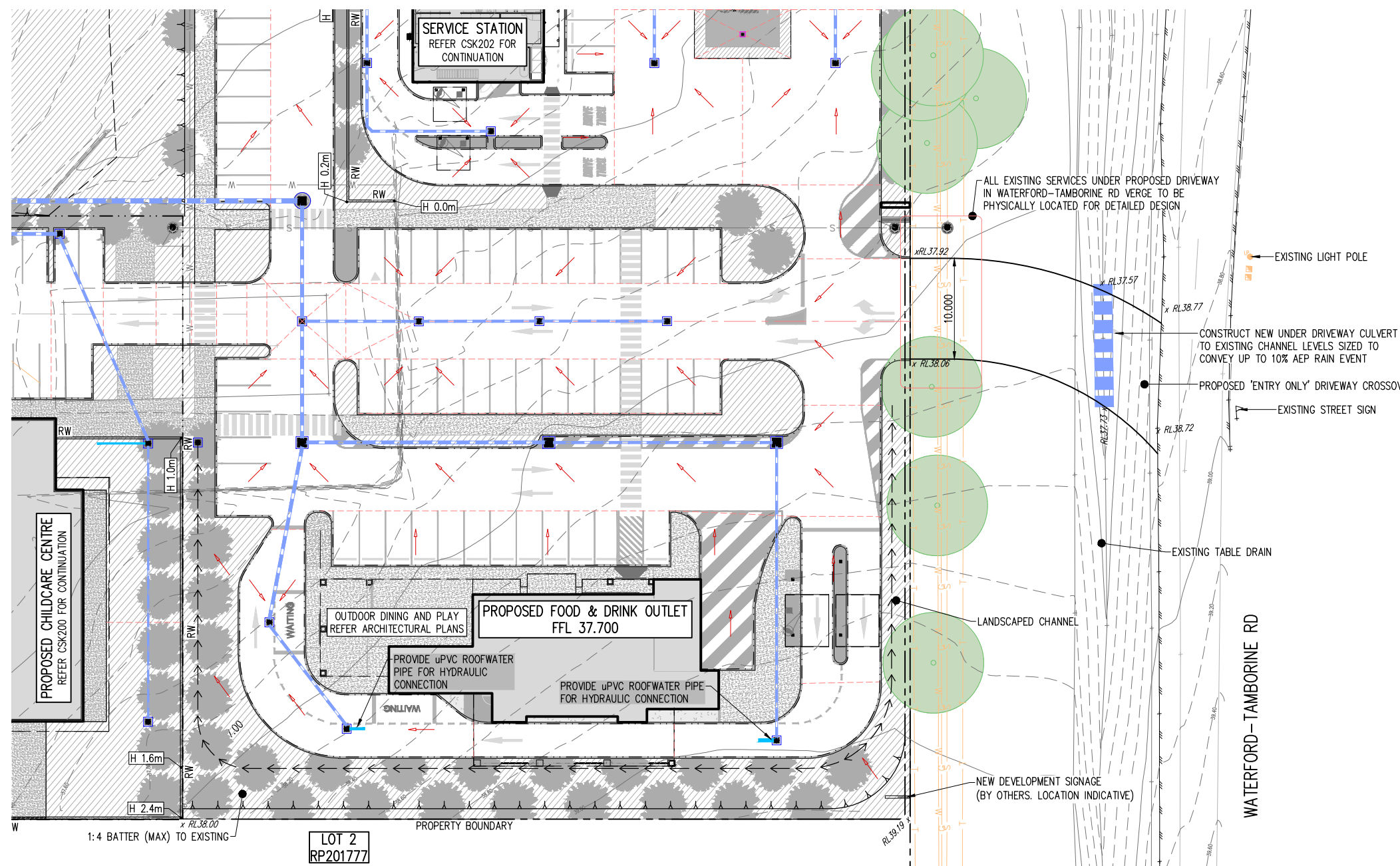
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PROJECT No.	DRAWING No.	ISSUE
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ORIGINAL SHEET SIZE A1-594 x 841mm		

DRAWN	SGO	DESIGNED	SGO	CHECKED	THN
PROJECT ENGINEER	SGO	DESIGN VERIFICATION			
PROJECT DIRECTOR	ACF	DATE	NOV'21		

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LEGEND

- RW RETAINING WALL
- PROPOSED BUILDING
- ROOF OVER
- LANDSCAPING/ DISTURBED AREA
- WATER RETICULATION
- SEWER RETICULATION
- STORMWATER PIPE
- STORMWATER FIELD INLET PIT
- STORMWATER MANHOLE
- PROPOSED OUTLET SCOUR PROTECTION
- SURFACE FALL DIRECTION
- TOP OF BATTER (MAXIMUM 1:4 UNO)
- CHANGE IN GRADE

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2208-30692 SRA

Date: 10 May 2023



ISSUED FOR APPROVAL
 NOT TO BE USED FOR CONSTRUCTION PURPOSES

2	20/06/22	FOR APPROVAL	SGO
1	07/12/21	FOR APPROVAL	SGO
REV	DATE	AMENDMENT	INIT.
AMENDMENTS			
CLIENT			

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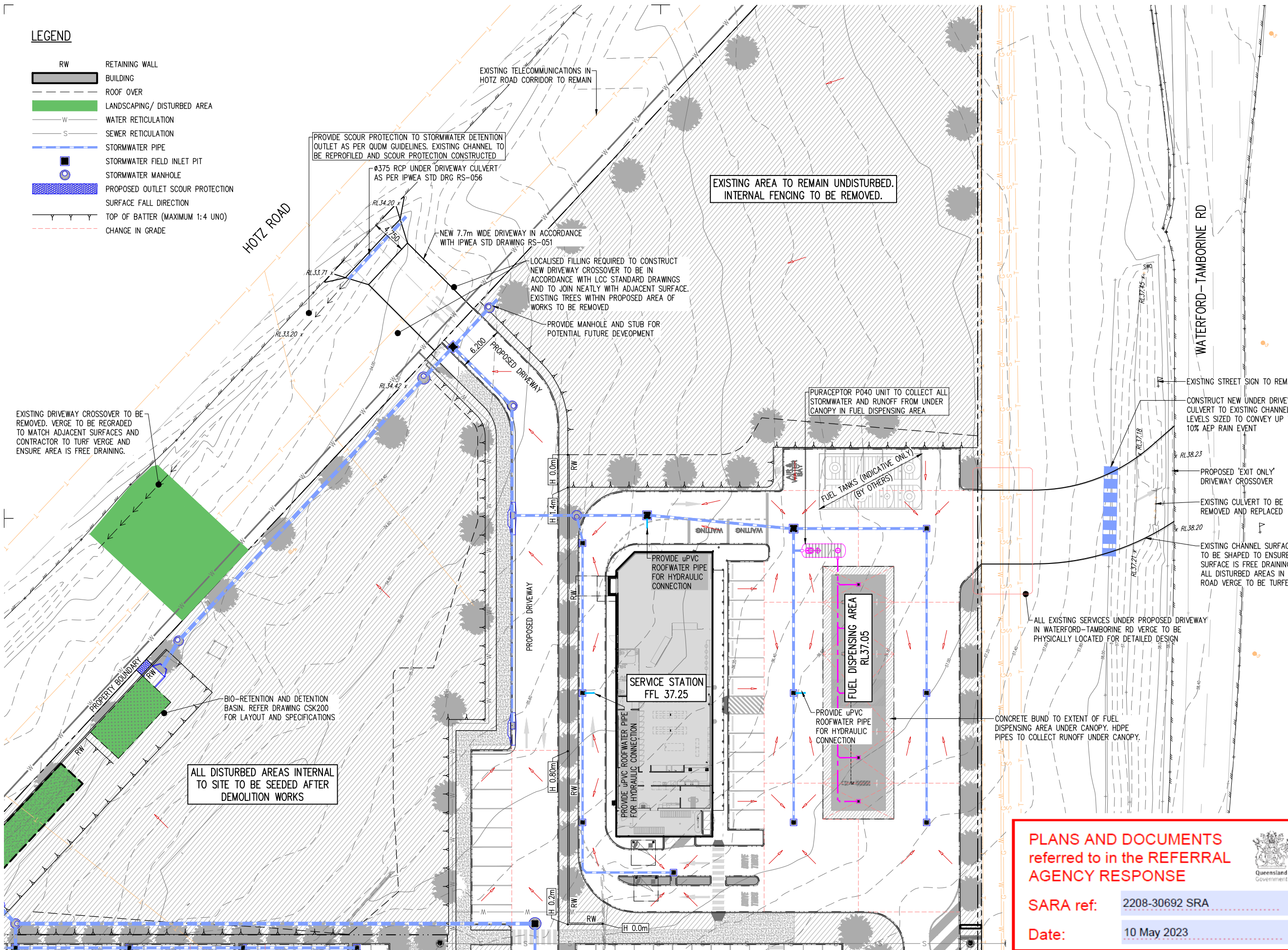
PROJECT
YARRABILBA SERVICE CENTRE
 2-26 HOTZ ROAD
 YARRABILBA QLD 4207

TITLE
CONCEPT GRADING AND STORMWATER LAYOUT PLAN SHEET 2

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1:250		
PROJECT No.	DRAWING No.	ISSUE
220362	CSK201	2
ORIGINAL SHEET SIZE A1-594 x 841mm		
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LEGEND

- RW RETAINING WALL
- BUILDING
- ROOF OVER
- LANDSCAPING/ DISTURBED AREA
- W WATER RETICULATION
- S SEWER RETICULATION
- STORMWATER PIPE
- STORMWATER FIELD INLET PIT
- STORMWATER MANHOLE
- PROPOSED OUTLET SCOUR PROTECTION
- SURFACE FALL DIRECTION
- TOP OF BATTER (MAXIMUM 1:4 UNO)
- CHANGE IN GRADE



DRAWN	SGO	DESIGNED	SGO	CHECKED	THN
PROJECT ENGINEER	SGO	DESIGN VERIFICATION			
PROJECT DIRECTOR	ACF	DATE	NOV'21		

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1	08/12/21	FOR APPROVAL	SGO
REV	DATE	AMENDMENT	INIT.
AMENDMENTS			
CLIENT			

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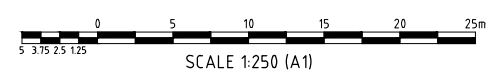
PROJECT
YARRABILBA SERVICE CENTRE
 2-26 HOTZ ROAD
 YARRABILBA QLD 4207

TITLE
CONCEPT GRADING AND STORMWATER LAYOUT PLAN SHEET 3

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2208-30692 SRA

Date: 10 May 2023



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SCALE AT A1	1:250	
PROJECT No.	DRAWING No.	ISSUE
220362	CSK202	2
ORIGINAL SHEET SIZE A1-594 x 841mm		



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2208-30692 SRA

Date: 10 May 2023

LEGEND
3.0m BARRIER HEIGHT
ACOUSTIC BARRIER / WALL

DRAWING REFERENCE
THOMSON ADSETT # 20.0303.17
SITE PLAN A1.01 REV 7, 06.06.2022.

CLIENT
ONEFIN PTY LTD

PROJECT
NOISE IMPACT ASSESSMENT
PROPOSED FOOD & DRINK OUTLETS
SERVICE STATION & CHILDCARE CENTRE
2-26 HOTZ ROAD LOGAN VILLAGE

TITLE
ACOUSTIC BARRIER LOCATIONS

JOB	LOGAN VILLAGE	FIGURE 5
JOB NO.	21-188	DWG NUMBER
DATE	13/06/22	21-188-5
SCALE	1:1000 (A4)	

DEVELOPMENT APPLICATION

onefin

YARRABILBA SERVICE CENTRE
2-26 HOTZ ROAD LOGAN VILLAGE QLD 4207 AUSTRALIA

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TA # 20.0303.17

SITE PLAN

1 : 500 @ A1 06.06.2022

A1.01 rev. 7

Max Winders & Associates Pty Ltd t/as MWA Environmental
Level 15, 241 Adelaide St, Brisbane. GPO BOX 3137, Brisbane Qld 4001
P 07 3002 5500 F 07 3002 5588 E mail@mwaenviro.com.au
W www.mwaenviro.com.au
ABN 94 010 833 084

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 TMR22-037299
Your ref JN92-DEN-04
Enquiries Nathan Bright



4 May 2023

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCUI/48/2022, lodged with Logan City Council involves constructing or changing a vehicular access between Lot 5RP201777, 1RP201777, the land the subject of the application, and Waterford-Tamborine 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 Start Yarrabilba Pty Ltd C/- OneFin Property
PO Box 830
Coorparoo QLD 4151

Application Details

Address of Property 2-26 Hotz Road, Logan Village QLD 4207
Real Property Description 5RP201777, 1RP201777
Aspect/s of Development Development Permit for a Material Change of Use for a
Childcare Centre, Food and Drink Outlet x2 & Service Station

Decision (given under section 67 of TIA)

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

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

No.	Conditions of Approval	Condition Timing
Road Access Location		
1	<p>The permitted road access location and left-in and left-out only use to Waterford-Tamborine Road is in accordance with:</p> <p>a) Attachment D: Permitted Road Access Location Plan, described as Site Plan for 2-26 Hotz Road Logan Village QLD 4207 dated 23.03.2023 reference A1.01 Rev 14.</p>	Prior to commencement of use and maintained at all times.
2	<p>Road access works comprising ingress and egress driveway only with Waterford-Tamborine Road must be provided at the permitted access location, generally in accordance with:</p> <p>a] Attachment D: Permitted Road Access Location Plan, described as Site Plan for 2-26 Hotz Road Logan Village QLD 4207 dated 23.03.2023 reference A1.01 Rev 14.</p> <p>b] The road access works must be designed and constructed in accordance with the 'Department of Transport and Main Roads' current road planning guidelines and technical publications (available at: https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications).</p>	MCU - Prior to commencement of use
3	Direct access is prohibited between Waterford-Tamborine Road and Lot 5 RP201777 at any other location other than the permitted road access location described in Condition 1.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site proposes access to Waterford-Tamborine Road, a State-controlled road.
- b) The department supports providing access to the State-controlled road network that does not adversely impact the operation, function and efficiency of Waterford-Tamborine Road and be of a standard to adequately service the proposed development.
- c) The proposed access location is generally acceptable to the department.
- d) The access arrangements to the State-controlled road must be maintained and constructed in accordance with the identified plans, standards and requirements.
- e) The development access arrangements for Waterford-Tamborine Road is in accordance with Attachment D: Permitted Road Access Location Plan, described as Site Plan for 2-26 Hotz Road Logan Village QLD 4207 dated 23.03.2023 reference A1.01 Rev 14.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

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

Further approvals

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

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.
2. General advice:
 - a) **Road Works Permit Required** – This approval does not constitute a decision under section 33 of the TIA. Under section 33 of the TIA, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a State-controlled road or interfere with a State-controlled road or its operation.

No works are to commence within the State-controlled road reserve until approval of the plan/s showing the proposed works is issued by the Department of Transport and Main Roads accordingly with section 33 of the TIA. Further information regarding works in State-controlled roads, including application forms, is available at:

<https://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Other-matters-requiring-approval.aspx>.

The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The approval may be subject to conditions related to the works construction process. Please contact the department (South Coast Region) at SouthCoast@tmr.qld.gov.au or on (07) 5563 6600 to make an application for works in the State-controlled road reserve (WSCRR).

- b) **Public utility plant** - Pursuant to section 80 of the *Transport Infrastructure Act 1994*, the construction, augmentation, alteration or maintenance of public utility plant in a State-controlled road corridor must be undertaken in accordance with the Department of Transport and Main Roads' (TMR) requirements and at the expense of the owner of the plant.

The owner of the plant must also obtain approval from TMR prior to commencement of any works. Please contact the Department of Transport and Main Roads (SouthCoast Region) on 5563 6600 or at southcoast@tmr.qld.gov.au or any application for PUP in State controlled road.

Additional information regarding the installation of public utility plant can be obtained from TMR's Technical Note 163: Third Party Utility Infrastructure Installation in State Controlled Roads Technical Guidelines (available at <http://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Technical-Notes/Road-design>)

If further information about this approval or any other related query is required, please contact the department's South Coast Region, Corridor and Land Management Team via email at scr.calm@tmr.qld.gov.au.

Yours sincerely



Casandra Smith
Principal Advisor (Corridor and Land Management)

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

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road and adjacent land is managed by the Department of Transport and Main Roads (TMR) under the *Transport Infrastructure Act 1994* (TIA). The objective of the TIA requires the establishment of a road regime that is safe and efficient.
- Section 62 of the TIA allows the Chief Executive of TMR to make decisions about access between particular land and a state-controlled road.
- The development application seeks a Development Permit for a Material Change of Use for a Childcare Centre, Food and Drink Outlet x2 & Service Station

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government		-	-
<i>Planning Act 2016</i>	Queensland Government		-	-
Vehicular access to state-controlled roads policy	Department of Transport and Main Roads	2019	-	-
Road Planning and Design Manual	Department of Transport and Main Roads		-	2 nd Edition
Guide to Road Design Part 4A Unsignalised and Signalised Intersections	Austrroads	2021	-	Edition 3.1
Confirmation Notice	Logan City Council	16 August 2022	MCUI/48/2022	-
Town Planning Assessment Report 2-26 Hotz Road Logan Village	Jeff Nicholls Town Planning	July 2022	JN90-DEN-04	E
Traffic Impact Assessment	Lambert & Rehbein	30/06/2022	B20505TR001	Rev C
Engineering Report including Stormwater Management Plan	Farr Engineers	1 July 2022	220362	5
Noise Impact Assessment	MWA Environmental	26 June 2022	21-188	1
Architectural Plans – Child Care Centre	Raunik Design Group	2/06/2022	Project No. 21676	varies

Architectural Plans – Service Station and Food & Drink Outlets X 2	Thomson Adsett	30.06.2022	TA # 20.0303.17	varies
Response to Information Request	Jeff Nicholls Town Planning	11 April 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.