

Released under RTI-DTMR

From: [SouthCoast](#)
To: [Ken W Jensen](#); [Kevin J Lotz](#)
Subject: Telephone Message personal information
Date: Thursday, 9 May 2019 10:03:50 AM
Attachments: [image001.png](#)

Telephone Message	
Customer Name	personal information
Company	
Phone Number	NR
Email	
Message	<ul style="list-style-type: none">• Re: DMS 345315 and CM13004• Personal information asked to speak with Ken Jensen, Kevin Lotz and Fern Fisher who were all unavailable• She asked if there is a good time of day to call as she only ever gets to leave voice messages – I apologised as don't have access to your calendars to be able to answer• Please could someone call for an update to reassure her we are looking at the enquiry, even if we don't have an answer. She said she'll email again

Kind regards,

Helen Jaques

Program Administration Officer | Customer Administration Team

South Coast Region | Program Delivery and Operations | Department of Transport and Main Roads

Ground Floor | 36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 55636428 | F: (07) 55636611

helen.p.jaques@tmr.qld.gov.au

www.tmr.qld.gov.au

cid:image001.png@01D4B879.1AC8FC40



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From: personal information
To: [SCR CMAllocations](#)
Subject: Road Permit CM13004 (ATTN: Kevin Lotz)
Date: Wednesday, 21 August 2019 9:53:43 AM
Attachments: [image001.png](#)

Hi Kevin

Thanks for speaking with me on Monday regarding the road permit CM13004 and for agreeing to meet with me to further discuss the concerns first raised in April 2019 and how this road permit impacts personal information 422 Binna Burra Rd, Beechmont).

As discussed, please let me know your availability to meet on site, or I can come to your Nerang offices if more convenient and if it allows us to meet sooner – I can bring photos or footage to provide context for the discussion.

I look forward to hearing from you at your earliest convenience so that we can resolve this issue.

Thanks

personal information

HE_RGB



NR

personal information

[www.hazelwoodgroup.com.au](#) | [www.hazelwoodestate.com.au](#)

422 Binna Burra Road, Beechmont, Queensland, Australia 4211

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From: [redacted] personal information
To: [SCR CMAllocations](#)
Subject: Road Permit CM13004 (ATTN: Kevin Lotz)
Date: Wednesday, 21 August 2019 9:53:43 AM
Attachments: [image001.png](#)

Hi Kevin

Thanks for speaking with me on Monday regarding the road permit CM13004 and for agreeing to meet with me to further discuss the concerns first raised in April 2019 and how this road permit impacts [redacted] (422 Binna Burra Rd, Beechmont).

As discussed, please let me know your availability to meet on site, or I can come to your Nerang offices if more convenient and if it allows us to meet sooner – I can bring photos or footage to provide context for the discussion.

I look forward to hearing from you at your earliest convenience so that we can resolve this issue.

Thanks

[redacted] personal information

HE_RGB



NR [redacted] [\[redacted\]@hazelwoodgroup.com.au](mailto:[redacted]@hazelwoodgroup.com.au) | www.hazelwoodestate.com.au

422 Binna Burra Road, Beechmont, Queensland, Australia 4211

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Item

ITEM DETAILS

Item ID:	361654 - PDO	Item Type:	Email
Date Created:	22/08/2019	Project ID:	
Date Captured:	22/08/2019	Sub Project ID:	CM13004
Item Format:	Electronic	Other Reference:	
Circulation:		Copies Sent To:	
Subject:	RCP - CM13004 - meeting arrangements personal information Hazelwood Estate		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Hazelwood Group
Author Title / Position:		Complaint Classification:	
Business Unit:			
Action Officer:	Kevin J Lotz	Action Required:	For Action - CM
Action Instructions:	attn: Kevin Lotz	Action Due Date:	05/09/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	22/08/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
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DOCUMENT CONTENTS

Fwd: Road Permit CM13004 (ATTN: Kevin Lotz)

Subject Fwd: Road Permit CM13004 (ATTN: Kevin Lotz)
From personal information@hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au
Cc
Bcc
Sent 22/08/2019 7:37:07 AM
Attached

HAZELWOOD
 image001.png

See email below

Sent from my iPhone

Begin forwarded message:

From [personal information] <hazelwoodgroup.com.au>
Date: 21 August 2019 at 9:53:39 am AEST
To: "<scrcmallocations@tmr.qld.gov.au>" <scrcmallocations@tmr.qld.gov.au>
Subject: Road Permit CM13004 (ATTN: Kevin Lotz)

Hi Kevin

Thanks for speaking with me on Monday regarding the road permit CM13004 and for agreeing to meet with me to further discuss the concerns first raised in April 2019 and how this road permit impacts [personal information] (422 Binna Burra Rd, Beechmont).

As discussed, please let me know your availability to meet on site, or I can come to your Nerang offices if more convenient and if it allows us to meet sooner ? I can bring photos or footage to provide context for the discussion.

I look forward to hearing from you at your earliest convenience so that we can resolve this issue.

Thanks

[personal information]

NR [personal information] <hazelwoodgroup.com.au> | www.hazelwoodestate.com.au
422 Binna Burra Road, Beechmont, Queensland, Australia 4211

From: [personal information]
To: [Kevin J Lotz](#)
Subject: Accepted: Hazelwood site meeting with [personal information]

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From: admin@tmr.edam.qld.gov.au
To: [Mark L Taylor](#)
Subject: eDAM Alert: Technical Advice - Review Required
Date: Tuesday, 14 November 2017 2:22:57 PM

eDAM - Technical Advice Alert!

Dear:edam\mltaylo

A Technical Advice requires your attention:

Application Web Site: [View Technical Advice](#)
Application Number: TMR17-023014
Applicant: Hazelwood Lodge Pty Ltd C/- Ethos Urban
Subject Land: 15 Bibaringa Close, Beechmont QLD 4211
Assessment Status: Assessment, In Progress

Technical Advice:

Requested By: edam\mltaylo
Assigned To: edam\kwjense
Created: Thu Nov 9 2017
Assessment Area: Access
Status: Responded
Date Required: Thu Nov 16 2017

*** Technical Advice Created - 09 Nov 2017 12:15:00 ***
Hello,

As discussed with Tony this application will require a section 62 approval. There is a new access location shown for proposed Lot 21.

Request: I am concerned with the indicative access arrangement shown. Despite the low volumes the access traverses along the road verge with potential for headlight glare into the traffic stream. The access may also be quite close to the road formation.

Could you advise if this matter can be resolved under the section 62 decision notice or if further information is required.

Regards Mark

Technical Advice Responses:

Responded	Responded By	Advice
		Mark I agree with your concerns. Also, the proposed arrangement will result in a difficult turn movement at the relocated entrance into Proposed Lot 21, quite close to the through carriageway. Recently, when a shared access arrangement is being proposed in association with a Reconfiguration of Lot, we attempt to get the access provided as a single driveway to the propoerty boundary then splitting into multiple driveways as required inside private property (using easements as required). We try not to have any 'private' service road arrangement within the road corridor unless absolutley required. I don't think we can leave this issue to be resolved

Tue Nov 14 2017	edam\kwjense	<p>under the s.62 decision notice as it may require a change to the boundary alignment and/or placement of easements. It is recommended that we seek further information from the applicant in the form of a revised access arrangement / boundary alignment / easement configuration such that a single access point and driveway is provided from Binna Burra Road to the current property boundary.</p> <p>It should be noted that the existing access if retained (or new access if relocated) will need to be upgraded / constructed in accordance with IPWEAQ standard drawing RS-056 'Rural Driveway', and provided with a sealed surface for a minimum length of 10m.</p> <p>Happy to discuss as required.</p> <p>Ken Jensen Senior Engineer (Corridor Management)</p>
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Active Application Timeframes:

Status	Due Date	Title
Active	Original Due Date: 0 day(s) Wed Nov 15 2017 Revised Due Date: in 1 day(s) in Thu Nov 16 2017	Third Party Advice Period

eDAM System | Department of Transport and Main Roads

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From: eDAMdonotreply@tmr.qld.gov.au
Sent: Friday, 17 November 2017 9:29 AM
To: IpswichSARA@dilgp.qld.gov.au
Cc: Mark L Taylor; Heleana M Crombie; South Coast IDAS
Subject: TMR17-023014 - TMR response for 15 Bibaringa Close, Beechmont QLD 4211 (Reference Numbers: TMR17-023014; 1711-2404 SRA; RAL 17/515)
Attachments: PA_information request and no further advice_tech agency_1.pdf; PA_information request and no further advice_tech agency_1.docx

Our Reference: TMR17-023014
Application street address: 15 Bibaringa Close, Beechmont QLD 4211

Please see the attached [PA_information request and no further advice_tech agency_1] from the Department of Transport and Main Roads.

PLEASE DO NOT REPLY TO THIS EMAIL AS THE MAILBOX IS NOT MONITORED

If you require any further information or clarification, please contact TMR Gold Coast Region on (07) 5563 6600, or via email South.Coast.IDAS@tmr.qld.gov.au who will be able to assist.

Regards,
eDAM System | Department of Transport and Main Roads

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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

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SARA technical agency assessment response – information requirements
Technical agency (TA)—Transport and Main Roads

DILGP reference: 1711-2404 SRA
DILGP role Referral Agency
DILGP regional office: SARA Ipswich
DILGP email: IpswichSARA@dilgp.qld.gov.au
TA reference: TMR17-023014
TA contact name: Mark Taylor
TA contact details: (07) 5561 3823
TA approver: Heleana Crombie

1.0 Application details

Street address: 15 Bibaringa Close, Beechmont QLD 4211
Real property description: Lots 1 & 3 on SP118338
Local government area: Scenic Rim Regional Council
Applicant name: Hazelwood Lodge Pty Ltd C/- Ethos Urban
Applicant contact details: PO Box 205
Fortitude Valley QLD 4006
NR @ethosurban.com

2.0 Aspects of development and type of approval being sought

Aspect 1: Development Application for Reconfiguring of a Lot (2 into 2 Lots)

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the *Planning Regulation 2017*:

The subject application is triggered for **State-controlled road** assessment as per Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, item 1 of the *Planning Regulation 2017* for:

Development application for reconfiguring a lot that is assessable development under section 21, if—

- (a) all or part of the premises are within 25m of a State transport corridor; and
- (b) 1 or more of the following apply—
 - (i) the total number of lots is increased;
 - (ii) the total number of lots adjacent to the State transport corridor is increased;
 - (iii) there is a new or changed access between the premises and the State transport corridor;
 - (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and
- (c) the reconfiguration does not relate to government supported transport infrastructure

4.0 Assessment of Application

4.1 Considerations and assessment

Background

An application was submitted to the department on 7 January 1998 for a Reconfiguring of a Lot (Council ref. 18/0830900000). The department advised in written letter dated 14 January 1998 that *"A separate approval for access onto a State-controlled road from proposed lots 5 and 6, must be obtained from the Queensland Department of Main Roads. Approval by Council does not constitute approval under section 52 of the Transport Infrastructure Act 1994. Direct allotment access to the adjacent State-controlled road from the remaining lots will not be permitted."* The Council issued a decision notice on 19 June 1998.

An applicant submitted written correspondence to the department on 1 July 1998. The department advised in written letter dated 20 August 1998 that *"(...) under condition (g) in Councils conditions of approval, the existing/proposed accesses to Lots 3 and 4 are not permitted to the State-controlled road."*

Subject Land

The development application relates to a development application for the reconfiguring of a lot for a boundary realignment (2 into 2 lots). The subject land described as Lots 1 & 3 on SP118338, abuts Binna Burra Road, being a State-controlled road.

The current application was acknowledged by the Scenic Rim Regional Council and considered properly made on 24 October 2017. Therefore, the development application is triggered for assessment under the state codes of the State Development Assessment Provisions (SDAP) Version 2.1, effective from 11 August 2017 in relation to State-controlled roads.

PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.

AND

PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.

- The application materials includes a Town Planning Report, prepared by Ethos Urban, and dated October 2017.
- Section 3.0 of the Town Planning Report (p.11) states:
The changed boundaries will necessitate the construction of a new access point onto the Binna Burra Road Reserve for Lot 3 and the establishment of a new internal driveway connection to the current dwelling (see attached Proposal Plan at Appendix A). In order however to minimise any impacts of this new access arrangements on Binna Burra Road, it is proposed to construct a lower order gravel driveway from the property frontage, running parallel with Binna Burra Road in the northerly direction, to join up with the existing gravel driveway leading into (existing) Lot 3 from the main constructed part of Binna Burra Road. In this arrangement, a single only driveway intersection with Binna Burra Road will result for the 2 lots.
- The application materials further includes a Plan of Proposed Subdivision of Lots 20 &

21 on SP301296, prepared by Bennett and Bennett, Drawing No. 171163_100_001_PRO_D, Issue D, and dated 9 October 2017.

- The Plan of Proposed Subdivision illustrates an existing access location for proposed Lot 20 at approximate road chainage 4.235km and a proposed new access location for proposed Lot 21 at approximate road chainage 4.302km.
- The proposal includes a shared access arrangement with a 'private service road' arrangement within the road corridor for proposed Lot 21.
- The department does not support the proposed access arrangements, in particular for proposed Lot 21.
- Motorists over the road traffic stream can be impacted by headlight glare from within the verge. There is no light control barrier proposed between the proposed 'private service road' arrangement and Binna Burra Road.
- Furthermore, the proposed arrangement will result in a difficult turn movement at the access into proposed Lot 21, in very close proximity to the through carriageway (and within a table drain).
- The department does not support 'private service road' arrangements unless absolutely necessary.
- The proposed development is not considered to comply with PO16 and PO22 and further information is required.
- The matter cannot be deferred to decision under section 62 of the *Transport Infrastructure Act 1994*, as a resolution may require a change to the boundary alignment and/or placement of easements.

Other performance outcomes of State code 1 of the SDAP are not considered applicable to the proposed development.

5.0 Recommendations

5.1 Information request

Our agency recommends the following information be requested from the applicant to enable the assessment to be finalised:

Item	Information requested
State-controlled road	
1.	<p>Amended Plans and Details</p> <p>The applicant is requested to provide further information demonstrating how the proposed development will comply with PO16 and PO22 of State code 1 – Development in a state-controlled road environment of the State Development Assessment Provisions (available at: http://dilgp.qld.gov.au/planning/development-assessment/state-development-assessment-provisions.html).</p> <p>The application materials propose a private service road arrangement in the State-controlled road reserve. It is the Department of Transport and Main Roads' preference to limit and restrict accesses to the State-controlled road where access to the local road network is available, or where shared arrangements can be safely achieved. The department does not support a private service road arrangement unless absolutely necessary.</p>

Item	Information requested
	Please provide a revised access arrangement such that a single access is proposed from the property boundary to Binna Burra Road. Alternatively, reinstate access to the local road network for the proposed lots.

6.0 Endorsement

Officer

Mark Taylor
Town Planner (Land Management)
(07) 5561 3823
South.Coast.IDAS@tmr.qld.gov.au

Approver



Heleana Crombie
Senior Town Planner
(07) 5563 6648
South.Coast.IDAS@tmr.qld.gov.au
17 November 2017

Mark L Taylor

From: Nathan A Bright
Sent: Tuesday, 12 December 2017 10:21 AM
To: Mark L Taylor
Cc: South Coast IDAS
Subject: Enquiry related to TMR17-023014: 424 Binna Burra Road, Beechmont | Revised Access
Attachments: 1711-2404 SRA - GE33-N Information request.pdf; AUS0517-02_424 Binna Burra Rd_ROL.pdf

Hi Mark

Would you please follow up this enquiry about access requirements from Cambray related to TMR17-023014 at 424 Binna Burra Rd Beechmont or Lot 3 SP118338

Thanks very much

Kind regards,

Nathan Bright
Principal Advisor (Land Management) | South Coast Region / Gold Coast Office
Program Delivery & Operations | Department of Transport and Main Roads

Ground Floor | Nerang - Gold Coast Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
P: (07) 5563 6652 | F: (07) 55969511
M: [REDACTED] NR
E: south.coast.IDAS@tmr.qld.gov.au / nathan.a.bright@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: [REDACTED] NR [REDACTED]@cambray.com.au]
Sent: Friday, 8 December 2017 4:29 PM
To: Carly J Stebbing <Carly.J.Stebbing@tmr.qld.gov.au>; Nathan A Bright <Nathan.A.Bright@tmr.qld.gov.au>
Cc: [REDACTED] NR [REDACTED]@cambray.com.au>
Subject: 424 Binna Burra Road, Beechmont | Revised Access

Hi Carly and Nathan

Please refer to the attached RFI relating to an RFI on Binna Burra Road. I presume you were involved in preparing this RFI and rather than go back through SARA immediately thought it might be better to discuss with you first to make sure we are across all the issues.

Attached also is our suggested means of providing for two separate accesses without changing the access to Binna Burra Road, which is intended to address how the shared access can be safely achieved.

Would you please review and call me to discuss, or if preferred I can come and meet with you (I will be at your office on Tuesday at 9am for another meeting with Heleana Crombie, Warren McReight and Paul Noonan and could see you afterwards).

Regards



NR

Director
Cambray Consulting Pty Ltd
Suite 2601 | 21 Mary Street | Brisbane Q 4000
t 07 3221 3503 m [REDACTED] NR

CAMBRAYconsulting
Traffic Engineering and Transport Planning



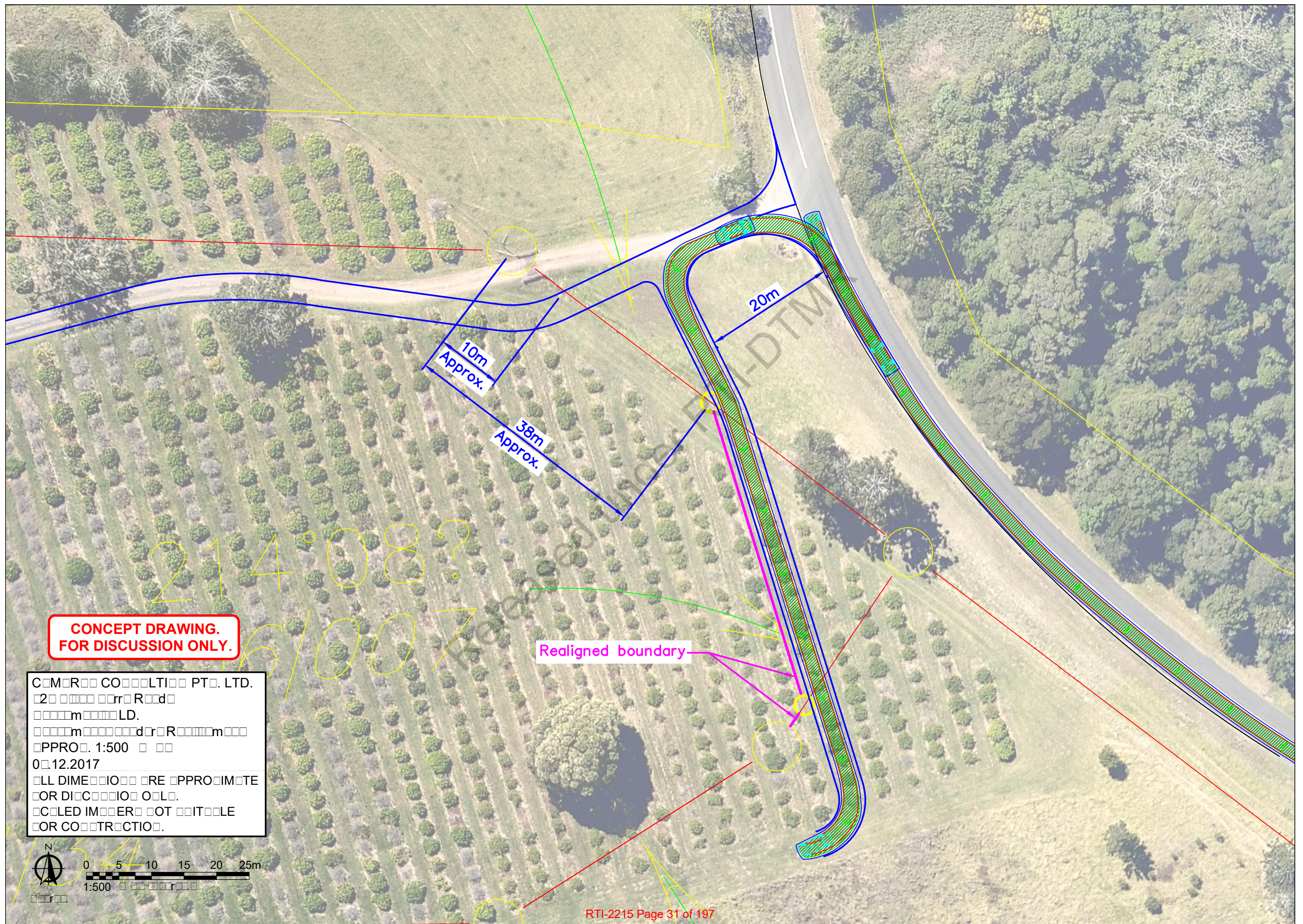
PLEASE NOTE THAT THE OFFICE WILL BE CLOSED FROM 22 DEC. 2017 & REOPENING 5 JAN. 2018

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Mark L Taylor

From: South Coast IDAS
Sent: Wednesday, 20 December 2017 2:06 PM
To: Mark L Taylor
Subject: FW: 1711-2404 SRA (TMR17-023014) 15 Bibaringa Close, Beechmont
Attachments: DILGP Letter 19.12.17.pdf; 0003_RFI_Hazelwood Lodge, Beechmont.pdf

Importance: High

Mark

Please note that due date for your tech Advice is 12 January 2018 no what is shown on email accompanying the IR response

From: IpswichSARA [mailto:ipswichSARA@dilgp.qld.gov.au]
Sent: Wednesday, 20 December 2017 10:35 AM
To: South Coast IDAS <south.coast.idas@tmr.qld.gov.au>
Subject: 1711-2404 SRA (TMR17-023014) 15 Bibaringa Close, Beechmont

Good morning,

Please find attached the applicant's response to the information request received on 20 December 2017.

The due date for TMR TA advice is 12 January 2018.

Thanks,

NR

NR

Senior Planner
Planning & Development Services – SEQ West (Ipswich)
Department of State Development, Manufacturing, Infrastructure and Planning

tel +61 7 3432 2420
post PO Box 129 Ipswich Qld 4305
visit Level 4 Icon Building, 117 Brisbane St Ipswich
NR [@dilgp.qld.gov.au](mailto:ipswichSARA@dilgp.qld.gov.au)

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20 December 2017

Our Reference: 17-6245

Department of Infrastructure, Local Government and Planning
South East Queensland (West) Regional Office
PO Box 129
IPSWICH QLD 4305

Attention: [REDACTED] (Senior Planner)

Dear [REDACTED]

**RE: RESPONSE TO INFORMATION REQUEST
PROPOSED RAL (BOUNDARY REALIGNMENT)
15 BIBARINGA CLOSE AND 424 BINNA BURRA ROAD, BEECHMONT
YOUR REFERENCE: 1711-2404 SRA**

We refer to your Department's correspondence of 21 November 2017 forwarded in connection with the abovementioned application and, more particularly, to the details of its Information Request issued in respect of the subject boundary realignment proposed at 15 Bibaringa Close and 424 Binna Burra Road, Beechmont.

In accordance with Section 13.2(1) of the Development Assessment Rules, we attach for your consideration the applicant's response to the Department's Information Request. As you will see, this response is in the form of a report prepared by Cambray Consulting (Traffic Engineering and Transport Planning) addressing the specific issues raised in the Information Request. This report represents a response to all the information requested.

On behalf of the applicant, we wish to thank the Department for its consideration in this matter and please do not hesitate to contact this office if you require any further details.

Yours faithfully

[REDACTED]
NR

[REDACTED]
NR

Director

[REDACTED] @ethosurban.com

19th December 2017

Ms [REDACTED] NR
Department of Infrastructure, Local Government and Planning
South East Queensland (West) Regional Office
PO Box 129
IPSWICH QLD 4305

Via email: ipswichSARA@dilgp.qld.gov.au

For the Attention of Ms [REDACTED] NR

Dear [REDACTED] NR

Application Ref.: 1711-2404 SRA
Street Address: 15 Bibaringa & 424 Binna Burra Road, Beechmont (Lot 1 & 3 on SP118338)

Introduction

This letter has been prepared in response to the Request for Additional Information (IR) issued by the Department of Infrastructure, Local Government and Planning (DILGP) dated 21st November 2017 in relation to the above reconfiguration of lot (ROL) application. It addresses the traffic-related issues contained therein. A copy of the IR is included in **Appendix A**.

Information Request – State-Controlled Road

1. *The proposed development is for reconfiguring a lot (2 into 2 Lot - boundary realignment), the application material outlines that the primary purpose of the boundary realignment is to achieve a more direct and safer access arrangement from Lot 1 on SP118338 to Binna Burra Road, being a state-controlled road.*
2. *The application material, in particular the Plan of Proposed Subdivision, prepared by Bennett & Bennett, dated 27th September 2017, reference no. 171163_100_001PRO_D, revision D, shows one access crossover to each proposed lot (proposed Lot 20 and Lot 21), with both relying on the existing access to the state-controlled road (currently used for Lot 3 on SP118338).*
3. *It is noted that the access crossover for proposed Lot 21 relies on the state-controlled road reserve to access the driveway crossover at the site boundary. It is the department's preference that access to the state-controlled road network are limited where shared access arrangements can be safely achieved where works can be contained within the property boundary. It is noted that the department does not support private service road arrangements within the state-controlled road reserve unless absolutely necessary.*
4. *In order to demonstrate compliance with the State Development Assessment Provisions (SDAP) version 2.1, State Code 1: Development in a state-controlled road environment, in particular performance outcome (PO)16 & PO22, the applicant is requested to provide a revised plan that demonstrates how shared access arrangements can be safely achieved. For example, the department advises to consider containing access to proposed Lot 21 within the property boundaries so that there is only one crossover to the state-controlled road.*

The previously proposed access arrangements have been modified to provide Lot 21 with a more direct driveway access. We have prepared a concept plan illustrating the modified driveway access arrangements for Lot 20 and Lot 21. A copy of this plan is included in **Appendix B**.

- A single driveway crossover on Binna Burra Road, providing vehicular access to/from Lot 20 and Lot 21;
- A reduction in the length of the Lot 21 access driveway. The driveway is now approximately 25m long from the point where it separates from the shared Lot 20/21 driveway crossover. An approximately 50m long driveway was previously proposed;
- To locate the Lot 21 access driveway approximately 20m west of Binna Burra Road. The proposed separation is considered sufficient from a traffic engineering perspective.

- The driveway crossover for Lot 1 on SP118338 (proposed Lot 21) is currently located where the shared Lot 20/21 driveway crossover is proposed. This application only proposes that the Binna Burra Road driveway crossover be used to access one (1) additional lot i.e. Lot 20; and
- Binna Burra Road carries relatively low traffic volumes. Department of Transport and Main Roads (DTMR) traffic data indicates that the 2016 Annual Average Daily Traffic (AADT) volume was approximately 650 vehicles per day.

A response to PO16 and PO22 of State Code 1 has been prepared and is provided in **Table 1**.

Performance Outcome	Acceptable Outcomes	Response
Vehicular access to a state-controlled road		
PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road. <i>Note: Where a new or changed access between the premises and a state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and</i>	AO16.1 Vehicular access is provided from a local road.	N/A Lot 20 does not have frontage to an established local road. Lot 21 does not have frontage to a local road.
	OR all of the following acceptable outcomes apply: AO16.2 Vehicular access for the development is consistent with the function and design of the state-controlled road. AND	Complies with AO16.2. Vehicular access arrangements are considered to be consistent with the function and design of the state-controlled road. In this instance, the state-controlled road plays both a local and strategic role in the road hierarchy.
	AO16.3 Development does not require new or changed access between the premises and the	Complies with AO16.3. A single driveway crossover on

Performance Outcome	Acceptable Outcomes	Response
Main Roads as part of the development assessment process and a decision under section 62 of Transport Infrastructure Act 1994 issued.	state-controlled road. <i>Note: A decision under section 62 of the Transport Infrastructure Act 1994 outlines the approved conditions for use of an existing vehicular access to a state-controlled road. Current section 62 decisions can be obtained from the relevant Department of Transport and Main Roads regional office.</i> AND	Binna Burra Road is proposed to provide vehicular access to/from Lot 20 and Lot 21. The proposed all movements driveway crossover is to be configured generally in accordance with the Road Planning and Design Manual (2nd edition, Department of Transport and Main Roads, 2016) and other relevant standards. The proposed access arrangements are considered acceptable from a traffic engineering perspective.
	AO16.4 Use of any existing vehicular access to the development is consistent with a decision under section 62 of the Transport Infrastructure Act 1994. <i>Note: The development which is the subject of the application must be of an equivalent use and intensity for which the section 62 approval was issued and the section 62 approval must have been granted no more than 5 years prior to the lodgement of the application.</i> AND	Considered to be acceptable and compliant with PO16 The ROL application is not proposed to change the use or operational intensity of either lot.
	AO16.5 Onsite vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in a road intersection or on the state-controlled road.	Complies with AO16.5 The driveway arrangement gives priority to entering vehicles. The proposed driveway arrangement is considered to provide adequate queue storage.
Network Impacts		
PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.	AO22.1 Upgrade works required as a result of the development are designed and constructed in accordance with the Road planning and design manual , 2 nd	Complies with PO22 It is considered unlikely that the development will have any significant impact on the

Performance Outcome	Acceptable Outcomes	Response
	<p>edition, Department of Transport and Main Roads, 2016.</p> <p><i>Note: Road works in a state-controlled road require approval under section 33 of the Transport Infrastructure Act 1994 before the works commence.</i></p>	<p>operation of the existing state-controlled roads in proximity to the development.</p> <p>The proposed all movements driveway crossover is to be configured generally in accordance with the Road Planning and Design Manual (2nd edition, Department of Transport and Main Roads, 2016) and other relevant standards.</p> <p>The proposed access arrangements are considered to be acceptable from a traffic engineering perspective.</p>

It is important to note that if DILGP and DTMR consider the proposed access arrangement to be acceptable, an updated ROL plan reflecting the proposed boundary realignments will be prepared.

Summary / Recommendation

Based on the above, we are of the opinion that there are no traffic engineering related matters to preclude approval of the proposed development application.

If you have any queries regarding the above information, please do not hesitate to contact the undersigned on 07 3221 3503.

Yours faithfully,

NR

NR

Director | Cambray Consulting Pty Ltd
 BECivil (Hons) | MSc Env Man
 FIEAust | CPEng | RPEQ 6691

Cambray Consulting has taken into account the particular instructions and requirements of Hazelwood Lodge Pty Ltd and has taken care in the preparation of this report, however it neither accepts liability nor responsibility whatsoever in respect of any use of this report by any third party, any third party whose interests may be affected by any decision made regarding the contents of this report and / or any conclusion drawn resulting from omission or lack of full disclosure by Hazelwood Lodge Pty Ltd, or their consultants.

APPENDIX A

Request for Information –
Department of Infrastructure, Local Government & Planning



Department of Infrastructure,
Local Government and Planning

Our reference: 1711-2404 SRA
Your reference: 17-6245

21 November 2017

Hazelwood Ldge Pty Ltd
c/- Ethos Urban
PO Box 205
FORTITUDE VALLEY QLD 4006
ppriddle@ethosurban.com

Attention: NR

Dear Mr NR

Information request

(Given under section 12 of the Development Assessment Rules)

The Department of Infrastructure, Local Government and Planning (the department) has carried out a further review of your development application for the following premises.

Location details

Street address:	15 Bibaringa & 424 Binna Burra Road, Beechmont
Real property description:	Lot 1 & 3 on SP118338
Local government area:	Scenic Rim Regional Council

The department has determined that the following additional information is needed to assess the application:

State-controlled road

1. The proposed development is for reconfiguring a lot (2 into 2 Lot - boundary realignment), the application material outlines that the primary purpose of the boundary realignment is to achieve a more direct and safer access arrangement from Lot 1 on SP118338 to Binna Burra Road, being a state-controlled road.
2. The application material, in particular the Plan of Proposed Subdivision, prepared by Bennett & Bennett, dated 27 September 2017, reference no. 171163_100_001PRO_D, revision D, shows one access crossover to each proposed lot (proposed Lot 20 and Lot 21), with both relying on the existing access to the state-controlled road (currently used for Lot 3 on SP118338).
3. It is noted that the access crossover for proposed Lot 21 relies on the state-controlled road reserve to access the driveway crossover at the site boundary. It is the department's preference that access to the state-controlled road network are limited where shared access arrangements can be safely achieved where works can be contained within the property boundary. It is noted that the department does not support private service road arrangements within the state-controlled road reserve unless absolutely necessary.

South East Queensland (West) regional
office
Level 4, 117 Brisbane Street, Ipswich
PO Box 129, Ipswich QLD 4305

4. In order to demonstrate compliance with the State Development Assessment Provisions (SDAP) version 2.1, State Code 1: Development in a state-controlled road environment, in particular performance outcome (PO)16 & PO22, the applicant is requested to provide a revised plan that demonstrates how shared access arrangements can be safely achieved. For example, the department advises to consider containing access to proposed Lot 21 within the property boundaries so that there is only one crossover to the state-controlled road.

The due date for providing the requested information is 22 February 2018. Please complete the relevant task in MyDAS2 to advise the department of your response to this information request.

As the department's assessment of your application will be based on the information provided, it is recommended that you provide all of the information requested. If you do not provide a response before the above due date (or a further agreed period), it will be taken as if you have decided not to respond to the information request and the department will continue with its assessment of your application without the information requested.

As the department is a referral agency, a copy of this information request will be provided to the assessment manager in accordance with section 12.3 of the DA Rules.

For further information please contact [REDACTED] NR Senior Planner, on 3432 2420 or via email IpswichSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

[REDACTED]
NR

[REDACTED]
NR

Planning Manager

cc Scenic Rim Regional Council, mail@scenicrim.qld.gov.au

APPENDIX B

Modified Access Concept Plan – Cambray Consulting

Mark L Taylor

From: admin@tmr.edam.qld.gov.au
Sent: Tuesday, 2 January 2018 1:08 PM
To: Mark L Taylor
Subject: eDAM Alert: Technical Advice - Review Required

eDAM - Technical Advice Alert!

Dear: edam\mltaylo

A Technical Advice requires your attention:

Application Web Site: [View Technical Advice](#)
Application Number: TMR17-023014
Applicant: Hazelwood Lodge Pty Ltd C/- Ethos Urban
Subject Land: 15 Bibaringa Close, Beechmont QLD 4211
Assessment Status: Assessment, In Progress

Technical Advice:

Requested By: edam\mltaylo
Assigned To: edam\kwjense
Created: Wed Dec 20 2017
Assessment Area: Access
Status: Responded
Date Required: Thu Jan 4 2018
*** Technical Advice Created - 20 Dec 2017 14:56:55 ***
Hello,

Request: The applicant has provided a response to the RFI.
Could you please review the materials attached and advise if satisfactory.
Regards Mark

Technical Advice Responses:

Responded	Responded By	Advice
Tue Jan 2 2018	edam\kwjense	<p>Mark</p> <p>The revised layout has not fully complied with our request to have all private 'service road' within the property, however the amended access layout is considered acceptable.</p> <p>The layout as amended results in a shorter (25m) section of private property access running roughly parallel to Binna Burra Rd after it splits from the existing access. The 20m separation from Binna Burra Rd indicated should ensure there are no concerns with headlight glare, or restrictions to future TMR construction / maintenance activities on Binna Burra Rd. This separation also provides adequate space for vehicle manoeuvring without adversely impacting the operation of Binna Burra Road.</p> <p>The shared access is to be constructed and maintained generally in accordance with the submitted Concept Drawings titled 424 Binna Burra Road, Beechmont, QLD. / Beechmont Boundary Realignment (un-numbered, dated 06.12.17) prepared by</p>

		<p>Cambray Consulting, and IPWEAQ Standard Drawing RS-056 'Driveways - Rural Driveway'. The access is to be sealed for a minimum length of 10 metres from the existing edge of Binna Burra Road.</p> <p>A new section 62 decision notice will need to be issued indicating the current access location as the approved location for both proposed parcels. The applicant(s) should be advised that as a shared driveway access, the owners of both proposed Lots 20 & 21 will be jointly responsible for the ongoing maintenance of the shared area of driveway access, with each individually responsible for their driveways beyond the shared area. Neither TMR or Council will take responsibility for future maintenance of the proposed shared access arrangement constructed within Binna Burra Road.</p> <p>The standard advice note that they need to obtain Section 33 (construction) approval prior to commencing any access works within the road corridor should be included in the response.</p> <p>Happy to discuss as required.</p> <p>Ken Jensen Senior Engineer (Corridor Management)</p>
--	--	---

Active Application Timeframes:

Status	Due Date	Title
Active	Original Due Date: 1 day(s) Thu Jan 4 2018	Third Party Advice Period

eDAM System | Department of Transport and Main Roads

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www.towardQ2.qld.gov.au

*Please consider the environment before printing this email

From: [redacted] NR [redacted]@dilgp.qld.gov.au>
Sent: Thursday, 11 January 2018 10:45 AM
To: Mark L Taylor
Cc: South Coast IDAS
Subject: RE: 1711-2404 SRA - TMR17-023014

Awesome, thank you.



Queensland
Government

[redacted] NR
Senior Planner
Planning & Development Services
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 3432 2420
117 Brisbane Street, Ipswich QLD 4305
www.dsdmip.qld.gov.au

From: Mark L Taylor [mailto:Mark.L.Taylor@tmr.qld.gov.au]
Sent: Thursday, 11 January 2018 10:38 AM
To: [redacted] NR [redacted]@dilgp.qld.gov.au>
Cc: Nathan Bright <south.coast.idas@tmr.qld.gov.au>
Subject: RE: 1711-2404 SRA - TMR17-023014

Thanks [redacted] NR

Will be providing a response pretty much as soon as the amended plan comes in.

Kind regards,

Mark Taylor
Town Planner (Land Management) | South Coast Region / Gold Coast Office
Program Delivery & Operations | Department of Transport and Main Roads

Ground Floor | Nerang - Gold Coast Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
P: (07) 5561 3823 | F: (07) 5596 9511
E: Mark.L.Taylor@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: [redacted] NR [redacted]@dilgp.qld.gov.au]
Sent: Thursday, 11 January 2018 10:35 AM
To: Mark L Taylor <Mark.L.Taylor@tmr.qld.gov.au>
Subject: FW: 1711-2404 SRA - TMR17-023014

Hi Mark,

Further to my email on Tuesday, I can confirm that the applicant is going to provide an amended ROL plan as per the traffic report.

It's anticipated that this will be received in the next couple of days. TMRs TA advice is due tomorrow, however I understand that you're waiting to receive the amended plan prior to processing further.

I will send the plan through when the applicant provides a copy.

Thanks,

NR



Queensland
Government

NR

Senior Planner
Planning & Development Services
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 3432 2420
117 Brisbane Street, Ipswich QLD 4305
www.dsdmip.qld.gov.au

From: NR

Sent: Tuesday, 9 January 2018 12:50 PM

To: 'Mark L Taylor' <Mark.L.Taylor@tmr.qld.gov.au>

Subject: 1711-2404 SRA - TMR17-023014

Hi Mark,

Just wanted to give you an update on this application.

I've requested the amended ROL plans from the applicant. I'm waiting for a call to confirm when we will receive something.

The CAR is due on 19.01.18. We still have a little bit of time.

I'll keep you updated and send through any documents once received.

Thanks,

NR



Queensland
Government

NR

Senior Planner
Planning & Development Services
Department of State Development,
Manufacturing, Infrastructure and Planning
P 07 3432 2420
117 Brisbane Street, Ipswich QLD 4305
www.dsdmip.qld.gov.au

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Released under RTI-DTMR

From: South Coast IDAS
Sent: Wednesday, 17 January 2018 10:41 AM
To: Mark L Taylor
Subject: FW: 1711-2404-SRA - 15 Bibaringa Close Beechmont - Amended Plan of Reconfiguration
Attachments: 171163_100_001_PRO_E.PDF

Hello Mark,

I hope you're having a good week so far.

The attached has just been received marked for your attention.

Talk soon.

Kind regards

Annette Beecher

Program Support Officer (Land Management) | South Coast Region
Program Delivery and Operations | Department of Transport and Main Roads

Ground Floor | Nerang - Gold Coast Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
P: (07) 5561 3812 | F: (07) 5563 6611 |
E: annette.z.beecher@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From: [REDACTED] NR [REDACTED]@dilgp.qld.gov.au]
Sent: Wednesday, 17 January 2018 10:38 AM
To: South Coast IDAS <south.coast.idas@tmr.qld.gov.au>
Subject: 1711-2404-SRA - 15 Bibaringa Close Beechmont - Amended Plan of Reconfiguration

Hi Mark,

I have now taken over this application from [REDACTED] NR [REDACTED] from our office.

We have now received a copy of the amended Plan of Reconfiguration prepared by the applicant (copy attached).

I understand that you will now finalise your response so that we can issue our decision.

Please don't hesitate to contact me if you have any queries.

Kind Regards



Queensland
Government

NR

Senior Planner

**Planning and Development Services – SEQ West
(Ipswich)**

Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3432 2405 M

NR

Level 4 Icon Building, 117 Brisbane Street, Ipswich
PO Box 129, Ipswich Qld 4305
www.dsdmip.qld.gov.au

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Released under RTI-DTMR

Development Application Recommendation: Approved with Conditions

DILGP reference: 1711-2404 SRA
DILGP role Referral Agency
DILGP regional office: SARA Ipswich
DILGP email: IpswichSARA@dilgp.qld.gov.au
TA reference: TMR17-023014
TA contact name: Mark Taylor
TA contact details: (07) 5561 3823
TA approver: Heleana Crombie

1.0 Application details

Street address: 15 Bibaringa Close, Beechmont QLD 4211
Real property description: Lots 1 & 3 on SP118338
Local government area: Scenic Rim Regional Council
Applicant name: Hazelwood Lodge Pty Ltd C/- Ethos Urban
Applicant contact details: PO Box 205
Fortitude Valley QLD 4006
NR @ethosurban.com

2.0 Aspects of development and type of approval being sought

Aspect 1: Development Permit for Reconfiguring of a Lot (2 into 2 Lots)

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the *Planning Regulation 2017*:

The subject application is triggered for **State-controlled road** assessment as per Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, item 1 of the *Planning Regulation 2017* for:

Development application for reconfiguring a lot that is assessable development under section 21, if—

- (a) all or part of the premises are within 25m of a State transport corridor; and
- (b) 1 or more of the following apply—
 - (i) the total number of lots is increased;
 - (ii) the total number of lots adjacent to the State transport corridor is increased;
 - (iii) there is a new or changed access between the premises and the State transport corridor;
 - (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and
- (c) the reconfiguration does not relate to government supported transport infrastructure

4.0 Assessment of Application

4.1 Considerations and assessment

Background

An application was submitted to the department on 7 January 1998 for a Reconfiguring of a Lot (Council ref. 18/0830900000). The department advised in written letter dated 14 January 1998 that *"A separate approval for access onto a State-controlled road from proposed lots 5 and 6, must be obtained from the Queensland Department of Main Roads. Approval by Council does not constitute approval under section 52 of the Transport Infrastructure Act 1994. Direct allotment access to the adjacent State-controlled road from the remaining lots will not be permitted."* The Council issued a decision notice on 19 June 1998.

An applicant submitted written correspondence to the department on 1 July 1998. The department advised in written letter dated 20 August 1998 that *"(...) under condition (g) in Councils conditions of approval, the existing/proposed accesses to Lots 3 and 4 are not permitted to the State-controlled road."*

Subject Land

The development application relates to a development application for the reconfiguring of a lot for a boundary realignment (2 into 2 lots). The subject land described as Lots 1 & 3 on SP118338, abuts Binna Burra Road, being a State-controlled road.

The current application was acknowledged by the Scenic Rim Regional Council and considered properly made on 24 October 2017. Therefore, the development application is triggered for assessment under the state codes of the State Development Assessment Provisions (SDAP) Version 2.1, effective from 11 August 2017 in relation to State-controlled roads.

PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.

AND

PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.

- The application materials includes a Town Planning Report, prepared by Ethos Urban, and dated October 2017.
- Section 3.0 of the Town Planning Report (p.11) states:
The changed boundaries will necessitate the construction of a new access point onto the Binna Burra Road Reserve for Lot 3 and the establishment of a new internal driveway connection to the current dwelling (see attached Proposal Plan at Appendix A). In order however to minimise any impacts of this new access arrangements on Binna Burra Road, it is proposed to construct a lower order gravel driveway from the property frontage, running parallel with Binna Burra Road in the northerly direction, to join up with the existing gravel driveway leading into (existing) Lot 3 from the main constructed part of Binna Burra Road. In this arrangement, a single only driveway intersection with Binna Burra Road will result for the 2 lots.
- The application materials further includes a Plan of Proposed Subdivision of Lots 20 &

21 on SP301296, prepared by Bennett and Bennett, Drawing No. 171163_100_001_PRO_D, Issue D, and dated 9 October 2017.

- The Plan of Proposed Subdivision illustrates an existing access location for proposed Lot 20 at approximate road chainage 4.235km and a proposed new access location for proposed Lot 21 at approximate road chainage 4.302km.
- The proposal includes a shared access arrangement with a 'private service road' arrangement within the road corridor for proposed Lot 21.
- The department does not support the proposed access arrangements, in particular for proposed Lot 21.
- Motorists over the road traffic stream can be impacted by headlight glare from within the verge. There is no light control barrier proposed between the proposed 'private service road' arrangement and Binna Burra Road.
- Furthermore, the proposed arrangement will result in a difficult turn movement at the access into proposed Lot 21, in very close proximity to the through carriageway (and within a table drain).
- The department does not support 'private service road' arrangements unless absolutely necessary.
- The proposed development is not considered to comply with PO16 and PO22 and further information is required.
- The matter cannot be deferred to decision under section 62 of the *Transport Infrastructure Act 1994*, as a resolution may require a change to the boundary alignment and/or placement of easements.
- The DILGP issued an Information Request on 21 November 2017.
- The applicant's response to the DILGP Information Request included a letter titled 'For the Attention of Ms [REDACTED] NR', prepared by Cambray Consulting Pty Ltd, and dated 19 December 2017 (the traffic engineering statement).
- The traffic engineering statement (p.2) states:
The modified access plan proposes:
 - A single driveway crossover on Binna Burra Road, providing vehicular access to/from Lot 20 and Lot 21;
 - A reduction in the length of the Lot 21 access driveway. The driveway is now approximately 25m long from the point where it separates from the shared Lot 20/21 driveway crossover. An approximately 50m long driveway was previously proposed;
 - To locate the Lot 21 access driveway approximately 20m west of Binna Burra Road. The proposed separation is considered sufficient from a traffic engineering perspective.
- Appendix B of the traffic engineering statement includes a concept plan titled '424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment', prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017, which illustrates the above points discussed in the traffic engineering statement.
- The department considers that the revised layout has not fully complied with the request to have all private service road within the property.
- However the concept plan results in a shorter section of private property access (of approximately 25 metres) running parallel to Binna Burra Road after it splits from the existing access. The 20 metre separation from Binna Burra Road ensures there are no concerns with headlight glare, or restrictions to the department's future construction / maintenance activities on Binna Burra Road.

- In consideration of the above the concept plan is considered acceptable.
- The response to the DILGP Information Request further includes a Plan of Proposed Subdivision of Lots 20 & 21 on SP301296, prepared by Bennett and Bennett, Drawing No. 171163_100_001_PRO_E, Issue E, and dated 15 January 2017 (the amended Plan of Proposed Subdivision).
- The amended Plan of Proposed Subdivision illustrates a boundary alignment to facilitate the accepted road access arrangements.
- The proposed development is deemed to comply with PO16 and PO22 where conditioned in accordance with the amended Plan of Proposed Subdivision, and the decision notice under section 62 of the *Transport Infrastructure Act 1994*.

Other performance outcomes of State code 1 of the SDAP are not considered applicable to the proposed development.

5.0 Recommendations

5.1 Technical agency advice for SARA as referral agency

Our agency recommends the following issues be addressed by applying conditions that should attach to any development approval (*Planning Act 2016* section 56(1)(b)(i)):

SARA model conditions version 3.2

No.	Conditions of Development Approval	Condition Timing
Development Permit for Reconfiguring of a Lot (2 into 2 Lots)		
1.	<p>AD01 – Model Condition</p> <p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> • Plan of Proposed Subdivision of Lots 20 & 21 on SP301296, prepared by Bennett and Bennett, Drawing No. 171163_100_001_PRO_E, Issue E, and dated 15 January 2017. 	Prior to submitting the Plan of Survey to the local government for approval.
2.	<p>Non-Standard Condition</p> <p>The road access location(s) between proposed Lots 20 & 21 and the State-controlled road, is to be in accordance with the Decision Notice – Permitted Road Access Location made by the Department of Transport and Main Roads, reference TMR 7-023014, dated 4 January 2018, under section 62(1) of the <i>Transport Infrastructure Act 1994</i>.</p>	At all times.

6.0 Endorsement

Officer

Mark Taylor

Town Planner (Land Management)

(07) 5561 3823

South.Coast.IDAS@tmr.qld.gov.au

Approver

NR

NR

Senior Town Planner

(07) 5563 6648

South.Coast.IDAS@tmr.qld.gov.au

18 January 2018

Our ref TMR17-023014
Your ref 17-6245
Enquiries Mark Taylor



Department of
Transport and Main Roads

4 January 2018

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 RAL 17/515, lodged with the Scenic Rim Regional Council involves constructing or changing a vehicular access between Lot 3 on SP118338, the land the subject of the application, and Binna Burra Road, being 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 Hazelwood Lodge Pty Ltd C/- Ethos Urban
PO Box 205
Fortitude Valley QLD 4006

Application Details

Address of Property 15 Bibaringa Close, Beechmont QLD 4211
Real Property Description Lots 1 & 3 on SP118338
Aspect/s of Development Development Permit for Reconfiguring of a Lot – Boundary
Realignment (2 into 2 Lots)

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

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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- a) The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- b) The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

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

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

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

Further approvals

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

1. Road Access 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:

<http://www.tmr.qld.gov.au/Community-and-environment/Planning-and-development/Othermatters-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).

If you require further information about this approval or any other related query, please contact the department's Corridor Management team at the South Coast Region at SouthCoast@tmr.qld.gov.au or on (07) 5563 6600.

Yours sincerely

NR

NR

Senior Town Planner

Attachments

Attachment A - Decision Evidence and Findings

Attachment B - Section 70 of TIA

Attachment C - Appeal Provisions

Attachment D - Concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017

Attachment E - Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014

Released under RTI-DTMR

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The objectives of the *Transport Infrastructure Act 1994* (TIA) require the establishment of a road regime that is safe and efficient.
- There are no decisions in force under section 62 of the TIA in force for the subject site.
- The access locations have been determined in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.
- Access to the proposed development is to be provided to the properties under a shared access arrangement.
- The available sight distance at the property achieve minimum requirements and is therefore an acceptable location where constructed in accordance with the minimum accepted standard.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Reference no.	Version/Issue	Date
Letter titled For the Attention of Ms NR	Cambray Consulting Pty Ltd			19 December 2017
Concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment	Cambray Consulting Pty Ltd			6 December 2017

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.

Released under RTI-DTMR

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

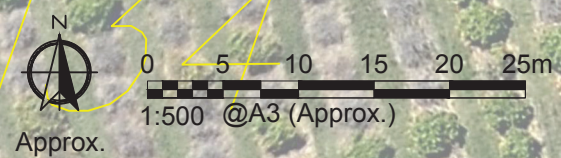
- (1) A person may appeal against a reviewed decision only within—
 - (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
 - (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.
- (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.

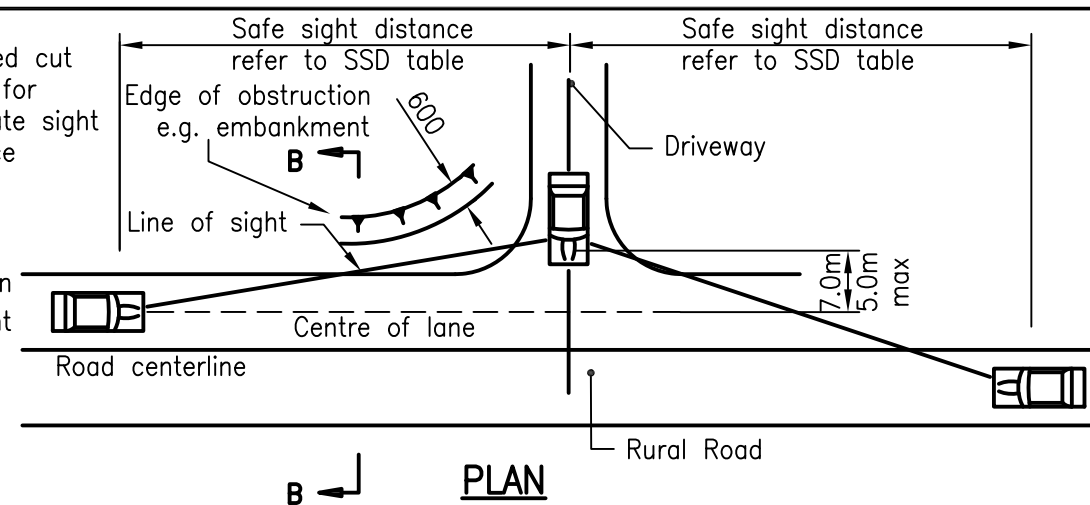


**CONCEPT DRAWING.
FOR DISCUSSION ONLY.**

Realigned boundary

CAMBRAY CONSULTING PTY. LTD.
424 Binna Burra Road,
Beechmont, QLD.
Beechmont Boundary Realignment
APPROX. 1:500 @ A3
06.12.2017
ALL DIMENSIONS ARE APPROXIMATE
FOR DISCUSSION ONLY.
SCALED IMAGERY NOT SUITABLE
FOR CONSTRUCTION.





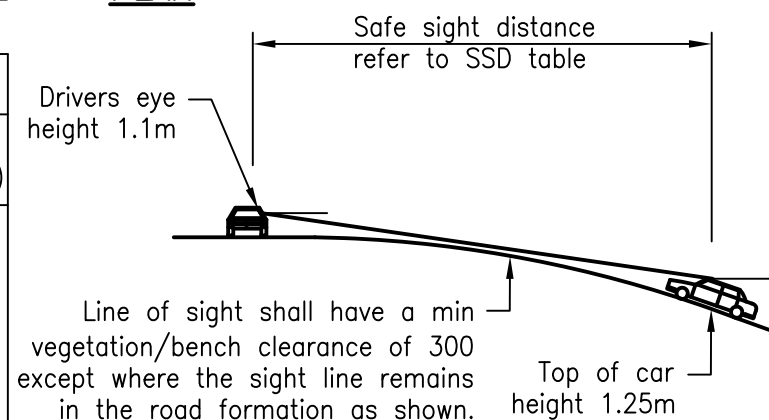
BENCHING DETAIL
SECTION B-B

For average daily traffic ≤ 2000 , ARI 2
For average daily traffic > 2000 , ARI 10

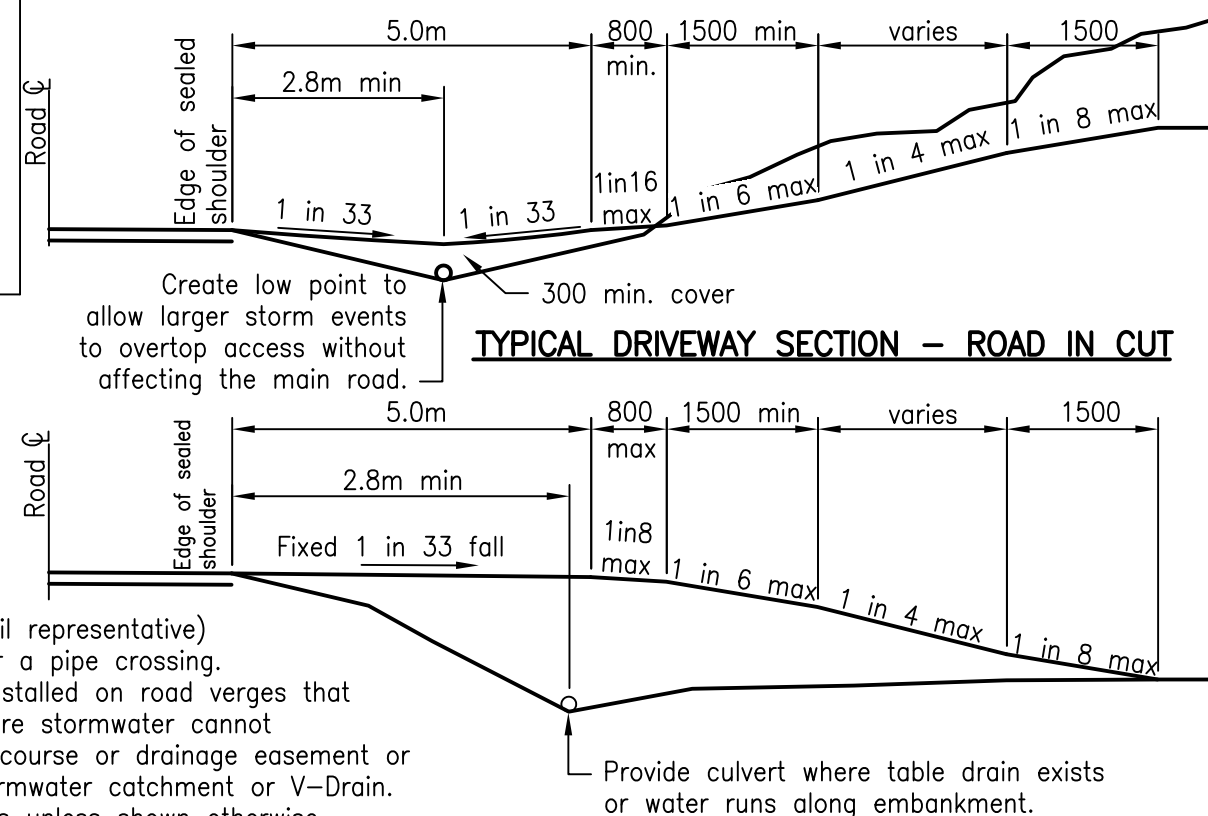
(1) Alternatives may be approved if supported with calculations in accordance with the provisions of the Queensland Urban Drainage Manual or under the provisions of Council's Planning Scheme.

(2) Seek consulting engineer advice.

Based on Austroads Part 4A –
2009, Table 3.2



LONGITUDINAL SECTION
SSD - EXITING FROM DRIVEWAY



TYPICAL DRIVEWAY SECTION – ROAD IN FILL

These drawings have been developed in consultation between the participating Councils.
BEFORE USE, the user shall confirm that the drawing has been adopted by the appropriate Council.

F	06/14	Review
E	03/14	Amended Drawing Number
D	12/11	Drawing number changed from SEQ R-056 to RS-056
C	06/10	Review
B	06/09	Review
A	03/08	ORIGINAL ISSUE
Rv.	DATE	REVISIONS



INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA
STANDARD DRAWINGS

RTI-2215 Page 68 of 197

DRIVEWAYS

RURAL DRIVEWAY

RS-056

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Our ref TMR17-023014
Your ref
Enquiries Mark Taylor



Department of
Transport and Main Roads

15 March 2018

Hazelwood Lodge Pty Ltd
15 Bibaringa Close
Beechmont QLD 4211

Attention personal information

Dear Madam

**RE: ACCEPTANCE OF INCOMPLETE WORKS BOND FOR COMPLIANCE WITH
CONDITIONS WITHIN THE DEPARTMENT OF TRANSPORT AND MAIN ROADS AREA
OF INTEREST**

Development Approval:	Development Permit for Reconfiguring of a Lot – Boundary Realignment (2 into 2 Lots)
Decision Notice Date:	1 February 2018
Real Property Description:	Lots 1 & 3 on SP118338
Street Address:	15 Bibaringa Close, Beechmont QLD 4211
Assessment Manager reference:	RAL 17/515
Local Government Area:	Scenic Rim Regional Council
DILGP reference:	1711-2404 SRA

I refer to your correspondence dated 16 February 2018 requesting to provide incomplete works bond for condition 1 imposed by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in its referral agency response dated 19 January 2018, and for conditions 2 & 6 of the Department of Transport and Main Roads decision issued under section 62 of the *Transport Infrastructure Act 1994* (TIA), dated 4 January 2018, for the above development application.

The Department of Transport and Main Roads (TMR) has been nominated by the Chief Executive of DSDMIP as the Enforcement Authority for the administration and enforcement of conditions within its area of interest.

The following documents have been provided in support of the request:

- Letter titled Re: 424 Binna Burra Road, Beechmont Civil Construction Cost Estimate – Driveway, prepared by Motus Consulting, reference MCQ444_L001, and dated 15 February 2018 (the civil cost estimate); and

Program Delivery and Operations
South Coast Region
36-38 Cotton Street Nerang Queensland 4211
PO Box 442 Nerang Queensland 4211

Telephone +61 7 5563 6600
Facsimile +61 7 5596 9511
Website www.tmr.qld.gov.au
Email SouthCoast@tmr.qld.gov.au
ABN 39 407 690 291

- National Australia Bank Limited Bank Guarantee for the sum of eighteen thousand dollars (\$18,000.00), reference 415399305-755328469, as executed on 27 February 2018 (the incomplete works bond).

The department understands that you are seeking to defer the timing of the condition for the road access works, as stipulated under DSDMIP conditions of approval and the department's decision under section 62 of the TIA, in order to proceed with the sealing of the survey plan prior to promptly undertaking the conditioned road access works.

The department has considered the documentation and confirms general acceptance of the civil cost estimate, and confirms receipt of and acceptance of the incomplete works bond. Therefore, the department will be in a position to not object to the Council's endorsement of the survey plan.

Please note that the development approval does not constitute a decision under section 33 of the TIA. Under section 33 of the TIA, a 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. Upon the works being completed in accordance with development conditions under a decision under section 33 of the TIA, the department will release the incomplete works bond.

Please be further advised that the department will withhold the incomplete works bond until such time the outstanding works are completed and accepted under approval issued by the department under section 33 of the TIA.

If you would like to discuss this matter further, please do not hesitate to contact Mark Taylor, Town Planner on (07) 5561 3823.

Yours sincerely

NR

NR

Principal Advisor (Land Management)

C/c The Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
Beaudesert QLD 4285
mail@scenicrim.qld.gov.au

Our ref TMR18-024864
Your ref 35501-ALL-0118
Enquiries Ajith Senaratne

Department of
Transport and Main Roads

05/07/18

Hazelwood Lodge P/L ATF Hazelwood Farming Trust C/- Mortons Urban Solutions
PO Box 2484
Southport QLD 4215

Dea NR

Conditional Approval of Road Works on Binna Burra Road

THIS IS NOT AN AUTHORITY TO COMMENCE ANY WORKS – CONDITIONS OF APPROVAL MUST FIRST BE MET

I refer to your application for approval of Road Works at Lot 20SP301296 on Binna Burra Road received by the Department of Transport and Main Roads (the department) on 12 June 2018.

Pursuant to section 33 of the *Transport Infrastructure Act 1994* (TIA), the department has assessed your application, including the following plans:

35501-XD-000 (A)	35501-XD-200 (A) dated 05-06-18
35501-XD-100 (A) dated 21-05-18	35501-XD-300 (A) dated 05-06-18
35501-XD-120 (A) dated 01/06/18	35501-XD-400 (A) dated 21-05-18

The department advises that it has decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	All Road Works are to be carried out in accordance with the drawing numbers 35501-XD-000 (A) to 35501-XD-400 (A) and TMR's Technical Specifications, standards, and the attached document DC03W01 'General Conditions of Approval – Carrying Out Works Within the Boundaries of State-controlled Roads'. However, two Concealed Driveways signs (TC1201) indicated on the drawing No. 35501-XD-400 (A) are not required to install as per the Note 1 on the drawing No. TC1201 (C).	At all times.
2	All TMR Technical Specifications are to be read in conjunction with 'MRTS01 Introduction to Technical Specifications' (including annexure).	At all times.

No.	Conditions of Approval	Condition Timing
3	The Road Works are to be constructed at no cost to TMR.	At all times.
4	TMR officers are to be allowed access to the project site for the purpose of ensuring compliance with TMR's conditions.	At all times during construction.
6	Any damage to the existing road infrastructure caused by carrying out the Road Works is to be rectified/repared at no cost to TMR.	Prior to TMR issuing 'Certificate of Completion'.
Documents for Approval		
7	The name, contact details, and the Registered Professional Engineer of Queensland (RPEQ) No. of the supervising professional engineer is to be submitted to the department.	Prior to TMR issuing an 'Authority for Prestart Meeting'.
8	<p>A Traffic Management Plan (TMP) in accordance with TMR specification 'MRTS02 Provisions for Traffic' (including annexures), TMR's 'Road Planning and Design Manual' and 'Manual of Uniform Traffic Control Devices – Part 3, Works on Roads' is to be submitted to TMR for approval. The TMP must include, but is not limited to the following details:</p> <ul style="list-style-type: none"> a) Work site access / Site Plan b) Traffic Guidance Scheme c) Storing or plant and materials 	Prior to TMR issuing an 'Authority for Prestart Meeting'.
9	<p>Management of Traffic during construction:</p> <p>As traffic control measures need to be implemented on the state-controlled road during construction of the access, a Traffic Control Permit (TCP) will be required. Please be advised that in accordance with the Traffic Management Registration Scheme, regulatory signage / traffic control shall only be implemented by a traffic management company registered with the department. Details of the scheme including a list of registered companies can be found on the department's website http://www.tmr.qld.gov.au/Business-and-Industry/Accreditations/Traffic-Management-Registration-Scheme.aspx.</p> <p>The traffic control permit application must be completed by the registered traffic management company and include a copy of this approval. You must allow at least 7 working days for processing of the application, prior to the planned commencement of work.</p>	Prior to TMR issuing an 'Authority for Prestart Meeting'.
10	A works program / timeline of scheduled works activities for the project is to be submitted to the department.	Prior to TMR issuing an 'Authority for Prestart Meeting'.

No.	Conditions of Approval	Condition Timing
Principal Contractor		
12	A completed 'Principal Contractors Details and Bond Estimate' form F5084 (attached) is to be completed and returned to TMR. The nominated principal contractor must have sufficient expertise to carry out the proposed road works and hold a current public liability insurance policy that notes TMR's interest in the amount of not less than \$20 million. A copy of the schedule items and rates must be included to confirm the value of the works within the road.	Prior to TMR issuing an 'Authority for Prestart Meeting'.
13	A completed 'Deed of Indemnity' for the Road Works (completed by the Principal Contractor) using TMR form F5109 (attached) is to be submitted to TMR.	Prior to TMR issuing an 'Authority for Prestart Meeting'.
Prestart Meeting		
14	<p>A Prestart meeting attended by the applicant's representative and/or the principal contractor and TMR's representative is to be held. The prestart meeting will include, but is not limited to the following:</p> <ul style="list-style-type: none"> a) Introduction of stakeholders. b) Review of road works approved drawings and management plans. c) Construction activities and program. d) Issues pertaining to a Zero Harm working environment. <p>It is intended an 'Authority to Commence Works' will be issued at the Prestart meeting. To arrange a Prestart meeting, please contact Ajith Senaratne on 5563 6558 or via email to srcmallocations@tmr.qld.gov.au.</p>	A minimum of 5 business days prior to the commencement of the road works.
Practical Completion		
15	<p>A 'Certificate of Practical Completion' of the Road Works by a Registered Professional Engineer of Queensland (RPEQ) is to be submitted. The 'Certificate of Practical Completion' must include, but is not limited to the following details:</p> <ul style="list-style-type: none"> a) Testing and inspection plans b) Documentation of dimensional check c) 'As constructed' plans. 	Within five (5) days of the completion of the work.
Maintenance Period		
16	Any defect which develops in work within the limits of TMR's maintenance responsibility during the on-maintenance period must be rectified by the applicant at no cost to TMR.	Until TMR has formally accepted off-maintenance the portion of the works, if any, for which it will accept responsibility for future maintenance.

Important Information for Applicants

This approval does not authorise you to commence work. Prior to any work being undertaken within the boundary of the state-controlled road, the department must have issued you with an Authority to Commence Works. The Authority to Commence Works will not be issued until the requirements of the above conditions have been fulfilled.

If any variations from the approved works are required, further written approval from the department must first be obtained.

The department may audit any part of the work and will recover the reasonable cost of any audits that confirm sub-standard workmanship or a divergence from these conditions.

You should also be aware that you have other statutory obligations. This conditional approval is for the *Transport Infrastructure Act 1994* only.

This document must be retained as evidence of the Road Works approval.

If you require further information about this approval or any other related query, I encourage you to contact Ajith Senaratne, Senior Engineer (Civil) by email at scrcmallocations@tmr.qld.gov.au or on 07 (07) 5563 6558.

Yours sincerely

NR

Ajith Senaratne
Senior Engineer (Civil)



Deed of Indemnity for construction of road works on a State-controlled road

(section 33 of the *Transport Infrastructure Act 1994*)

Department of Transport and Main Roads reference number

TMR

Contractor (insert name of contractor carrying out works, as shown on public liability insurance)

Road works (insert description of works and location)

I/We the contractor named above:

- indemnify the State of Queensland (represented by the department), its officers, employees and agents (the **Indemnified**) against any or all Losses suffered or incurred (except to the extent that any Losses are caused through the negligent act or omission of the Indemnified) in connection with the construction of the **road works**
- acknowledge that provision of this indemnity is a condition of approval of the **road works** under section 33 of the *Transport Infrastructure Act*.

In this deed, '**Losses**' include liabilities, losses, damages, expenses and costs (including, legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature whether arising in contract or tort (including, but not limited to negligence) or under a statute, and also includes:

- loss of profits, loss of revenue, loss of anticipated savings, loss of opportunity, pure economic loss and loss of data
- any other consequential, special or indirect loss or damage.

Executed as a deed

For company:

Signed, sealed and delivered

on the _____ day of _____ 20 ____ in
accordance with section 127 of the *Corporations Act 2001* (Cth).

Signature of director

Full name of director

Signature of company secretary/director

Full name of company secretary/director

For individual:

Signed, sealed and delivered by

on the _____ day of _____ 20 ____ in
the presence of:

Signature of witness

Full name of witness

Signature



Principal Contractor's Details and Bond Estimate

Application details

Department of Transport and Main Roads reference number

TMR

Pursuant to the conditional approval of the subject application, I nominate the following as the principal contractor for the works. I request that you deal with the principal contractor for all matters relating to the construction works.

Applicant's name

Applicant's signature

Date

Principal contractor's details

Legal name

Australian Business Number (ABN)

Registered address

<input type="text"/>	
<input type="text"/>	Postcode

Physical address

<input type="text"/>	
<input type="text"/>	Postcode

Telephone number (work hours)

Telephone number (after hours)

Mobile number

Email address

Primary contact person (overseer)

Position

Telephone number (work hours)

Telephone number (after hours)

Mobile number

Prequalification status (please check one)

Department of Transport and Main Roads prequalified ☐ Prequalified number

Not Department of Transport and Main Roads prequalified

☐ Attach evidence of:

- previous construction works (preferably on a State-controlled road)
- ability to carry out the works in accordance with the approved plans, standards and specifications
- qualifications and experience of the primary contact person (overseer), including the Registered Professional Engineer of Queensland number.

Principal contractor's insurance and indemnity (please check if attached)

☐ Attached is the *Deed of Indemnity for road works on a State-controlled road* (form F5109) signed by the principal contractor.

☐ Attached is evidence of the principal contractor's public liability insurance policy of no less than \$20 million that notes the Department of Transport and Main Roads interest on the policy.

Construction works costs

Estimated cost of the works Bond amount

\$

\$

☐ Attached are details supporting the estimation of costs of works (for example, bill of quantities).

Privacy statement: The Department of Transport and Main Roads is collecting the information on this form for the purpose of managing the **road works** (under s33 of the *Transport Infrastructure Act 1994*) that are being undertaken by a third party with respect to an application for such works. The details will not be disclosed to any other third party without your consent unless required by law.

Our ref TMR17-023014
Your ref
Enquiries Mark Taylor



Department of
Transport and Main Roads

15 March 2018

Hazelwood Lodge Pty Ltd
15 Bibaringa Close
Beechmont QLD 4211

Attention: NR

Dear Madam

**RE: ACCEPTANCE OF INCOMPLETE WORKS BOND FOR COMPLIANCE WITH
CONDITIONS WITHIN THE DEPARTMENT OF TRANSPORT AND MAIN ROADS AREA
OF INTEREST**

Development Approval:	Development Permit for Reconfiguring of a Lot – Boundary Realignment (2 into 2 Lots)
Decision Notice Date:	1 February 2018
Real Property Description:	Lots 1 & 3 on SP118338
Street Address:	15 Bibaringa Close, Beechmont QLD 4211
Assessment Manager reference:	RAL 17/515
Local Government Area:	Scenic Rim Regional Council
DILGP reference:	1711-2404 SRA

I refer to your correspondence dated 16 February 2018 requesting to provide incomplete works bond for condition 1 imposed by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in its referral agency response dated 19 January 2018, and for conditions 2 & 6 of the Department of Transport and Main Roads decision issued under section 62 of the *Transport Infrastructure Act 1994* (TIA), dated 4 January 2018, for the above development application.

The Department of Transport and Main Roads (TMR) has been nominated by the Chief Executive of DSDMIP as the Enforcement Authority for the administration and enforcement of conditions within its area of interest.

The following documents have been provided in support of the request:

- Letter titled Re: 424 Binna Burra Road, Beechmont Civil Construction Cost Estimate – Driveway, prepared by Motus Consulting, reference MCQ444_L001, and dated 15 February 2018 (the civil cost estimate); and

Program Delivery and Operations
South Coast Region
36-38 Cotton Street Nerang Queensland 4211
PO Box 442 Nerang Queensland 4211

Telephone +61 7 5563 6600
Facsimile +61 7 5596 9511
Website www.tmr.qld.gov.au
Email SouthCoast@tmr.qld.gov.au
ABN 39 407 690 291

- National Australia Bank Limited Bank Guarantee for the sum of eighteen thousand dollars (\$18,000.00), reference 415399305-755328469, as executed on 27 February 2018 (the incomplete works bond).

The department understands that you are seeking to defer the timing of the condition for the road access works, as stipulated under DSDMIP conditions of approval and the department's decision under section 62 of the TIA, in order to proceed with the sealing of the survey plan prior to promptly undertaking the conditioned road access works.

The department has considered the documentation and confirms general acceptance of the civil cost estimate, and confirms receipt of and acceptance of the incomplete works bond. Therefore, the department will be in a position to not object to the Council's endorsement of the survey plan.

Please note that the development approval does not constitute a decision under section 33 of the TIA. Under section 33 of the TIA, a 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. Upon the works being completed in accordance with development conditions under a decision under section 33 of the TIA, the department will release the incomplete works bond.

Please be further advised that the department will withhold the incomplete works bond until such time the outstanding works are completed and accepted under approval issued by the department under section 33 of the TIA.

If you would like to discuss this matter further, please do not hesitate to contact Mark Taylor, Town Planner on (07) 5561 3823.

Yours sincerely

NR

Nathan Bright
Principal Advisor (Land Management)

C/c The Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
Beaudesert QLD 4285
mail@scenicrim.qld.gov.au

Released under RTI-DTMR

Item

ITEM DETAILS

Item ID:	345166 - PDO	Item Type:	Email
Date Created:	23/04/2019	Project ID:	
Date Captured:	23/04/2019	Sub Project ID:	
Item Format:	Electronic	Other Reference:	
Circulation:		Copies Sent To:	
Subject:	CM - Road Corridor works - Binna Burra Road BEECHMONT		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Public Enquiry 2019
Author Title / Position:	personal information <@hazelwoodgroup.com.au>	Complaint Classification:	
Business Unit:			
Action Officer:	SCR CMAllocations	Action Required:	For Action - CM
		Action Due Date:	09/05/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	23/04/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
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DOCUMENT CONTENTS

Road Corridor Works - Binna Burra Rd, Beechmont

Subject Road Corridor Works - Binna Burra Rd, Beechmont
From personal information <@hazelwoodgroup.com.au>
To scrcmallocations@tmr.qld.gov.au, SouthCoast@tmr.qld.gov.au
Cc
Bcc
Sent 23/04/2019 11:35:24 AM
Attached



image002.jpg Maintenance of Road Corridor.pdf

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

Background:

- We (Hazelwood) completed road access works at 422 & 424 Binna Burra Road, Beechmont – signed off by this department in January (Certificate of Completion and Acceptance of Works "On-Maintenance" issued)
- We are the owner of 422 Binna Burra Road (Lot 20, SP 301296).
- We have been informed by the landowner of 424 Binna Burra Road (Lot 21, SP 301296) that he is about to commence works on a gate and fencing within the state-controlled road corridor and that he is doing so with this department's approval through a "lease" (we believe he meant "Road Corridor Permit").

Can you please advise the status of any agreement/approval this department has provided to the landowner of Lot 21 for works in the Binna Burra Road corridor?

We have a several concerns about the proposed works:

- The proposed new location of Lot 21's gate and fencing within the state-controlled road corridor would impact the safety and efficiency of Binna Burra Road as well as access to Lot 20:
 - Vehicles accessing Lot 21 would block the access to Lot 20 while getting out of the vehicle to open the gate to Lot 21 (and also when stopping the vehicle to close the gate when exiting). There is not enough room to pass a vehicle stopped in the access lane and this could cause vehicles to block Binna Burra Road while awaiting clear passage, impacting the efficiency of the state-controlled road.
 - Condition 5 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **"All vehicles must enter and exit at the permitted road access locations in a forward motion"**. From time to time, vehicles pull into the new road access area by mistake. The proposed new location of gates within the road corridor would restrict those vehicles from turning before exiting the area, forcing them to back onto Binna Burra Road rather than exiting the area in a forward motion, causing a safety hazard on Binna Burra Road.
 - Line of sight for vehicles exiting Lot 20 onto Binna Burra Road would be impacted by the location of proposed new gates/fences within the road corridor.
 - The landowner of Lot 21 failed to maintain the vegetation in the road corridor when he owned the land with direct frontage to it (see comparison of road corridor maintenance before and after we started maintaining it – attached). We would be unable to continue maintaining this road corridor directly in front of our property if it is restricted by the

gates/fencing of a third party. Overgrown vegetation was a visibility hazard prior to us properly maintaining vegetation in the road corridor.

- Condition 4 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **“The location of any property access gates and grids must be situated wholly within the properties”**. The timing for this condition is “At all times”.
 - The property access locations were agreed by the landowner of Lot 20 and Lot 21 and approved through a Boundary Realignment Development Application RAL 17/515 (approved by this department, the Scenic Rim Regional Council as well as the Department of State Development, Manufacturing, Infrastructure & Planning)
 - Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
 - We request that a new traffic impact assessment be a requirement of any changes to the approved property access locations.
 - We also request consultation with both landowners that would be impacted by any change before any change occurs.
- The landowner of Lot 20 (Hazelwood) has responsibility for the maintenance of the newly completely road access works, which are currently “on maintenance”. We cannot fulfil our legal responsibility to maintain these works if they are restricted from access by gate/fencing of a third party (landowner of Lot 21).

We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice – Permitted Road Access Location, under Section 67 of the Transport Infrastructure Act 1994

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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

Before (under maintenance of Lot 21 owner):
Vegetation blocking visibility



After (under maintenance of Lot 20 owner):
Debris cleared, tree maintained, improved visibility



Before (under maintenance of Lot 21 owner):
Unmaintained vegetation, gate hanging off hinges



After (under maintenance of Lot 20 owner):
Vegetation maintained, gates kept in good working order



Current gates of Lot 21, post boundary realignment and road access works



Before (under maintenance of Lot 21 owner):
Barbed wire fencing falling down, vegetation overgrown



After (under maintenance of Lot 22 owner):
Permanent wooden fencing put in, vegetation maintained



Item

ITEM DETAILS

Item ID:	345315 - PDO	Item Type:	Email
Date Created:	26/04/2019	Project ID:	
Date Captured:	26/04/2019	Sub Project ID:	
Item Format:	Electronic	Other Reference:	
Circulation:		Copies Sent To:	
Subject:	RCP - Road Corridor Works - Binna Burra Rd, Beechmont		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Public Enquiry 2019
Author Title / Position:	hazelwoodgroup.com.au	Complaint Classification:	
Business Unit:	NR		
Action Officer:	SCR CMAAllocations	Action Required:	For Action - CM
		Action Due Date:	13/05/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	26/04/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
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DOCUMENT CONTENTS

RE: Road Corridor Works - Binna Burra Rd, Beechmont

Subject RE: Road Corridor Works - Binna Burra Rd, Beechmont
From personal information hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au
Cc
Bcc
Sent 26/04/2019 3:54:09 PM
Attached



image001.jpg

Hi Ken

Thanks again for your time on the phone this afternoon. I very much appreciate you walking through the issues with me.

I confirm that we (Hazelwood Lodge Pty Ltd) will assume responsibility for the maintenance of 424 Binna Burra Road's access road within the state-controlled road corridor in order to resolve the landholder's concern and reason for the application for and the issuance of the permit to undertake works within the road corridor.

We accept this responsibility for the length of time the permit was issued for, which I believe to be 10 years? Please advise if otherwise.

We assume this responsibility on the basis that the permit for works within the road corridor is cancelled.

I look forward to hearing from you once you've had a chance to discuss this with your manager.

Thanks again,

personal information

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Tuesday, 23 April 2019 12:14 PM

To: personal information hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345166

Yours sincerely,
Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: [personal information] hazelwoodgroup.com.au>

Sent: Tuesday, 23 April 2019 11:35 AM

To: SCR CMA allocations <scrcmallocations@tmr.qld.gov.au>; SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: Road Corridor Works - Binna Burra Rd, Beechmont

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

Background:

- We (Hazelwood) completed road access works at 422 & 424 Binna Burra Road, Beechmont ? signed off by this department in January (Certificate of Completion and Acceptance of Works ?On-Maintenance? issued)
- We are the owner of 422 Binna Burra Road (Lot 20, SP 301296).
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Can you please advise the status of any agreement/approval this department has provided to the landowner of Lot 21 for works in the Binna Burra Road corridor?

We have a several concerns about the proposed works:

- The proposed new location of Lot 21's gate and fencing within the state-controlled road corridor would impact the safety and efficiency of Binna Burra Road as well as access to Lot 20:
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 - Condition 5 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **?All vehicles must enter and exit at the permitted road access locations in a forward motion?**. From time to time, vehicles pull into the new road access area by mistake. The proposed new location of gates within the road corridor would restrict those vehicles from turning before exiting the area, forcing them to back onto Binna Burra Road rather than exiting the area in a forward motion, causing a safety hazard on Binna Burra Road.
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 - The landowner of Lot 21 failed to maintain the vegetation in the road corridor when he owned the land with direct frontage to it (see comparison of road corridor maintenance

before and after we started maintaining it ? attached). We would be unable to continue maintaining this road corridor directly in front of our property if it is restricted by the gates/fencing of a third party. Overgrown vegetation was a visibility hazard prior to us properly maintaining vegetation in the road corridor.

- Condition 4 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **?The location of any property access gates and grids must be situated wholly within the properties?**. The timing for this condition is ?At all times?.
- The property access locations were agreed by the landowner of Lot 20 and Lot 21 and approved through a Boundary Realignment Development Application RAL 17/515 (approved by this department, the Scenic Rim Regional Council as well as the Department of State Development, Manufacturing, Infrastructure & Planning)
- Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
- We request that a new traffic impact assessment be a requirement of any changes to the approved property access locations.
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We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice ? Permitted Road Access Location, under Section 67 of the Transport Infrastructure Act 1994

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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

Released under RTI-DTMR

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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

Item

ITEM DETAILS

Item ID:	345759 - PDO	Item Type:	Email
Date Created:	03/05/2019	Project ID:	
Date Captured:	03/05/2019	Sub Project ID:	
Item Format:	Electronic	Other Reference:	
Circulation:		Copies Sent To:	
Subject:	CM - Road Corridor Works - Binna Burra Road BEECHMONT		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	LIMITED ACCESS POLICY REQUESTS
Container Title:	Scenic Rim Region - Property Access 2019	Container ID:	500/03447 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Hazelwood Group
Author Title Position:	personal information	Complaint Classification:	
Business Unit:	NR		
Action Officer:	SCR CMAallocations	Action Required:	For Action - CM
		Action Due Date:	20/05/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	03/05/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
---------------------------------------	--	--

DOCUMENT CONTENTS

RE: Road Corridor Works - Binna Burra Rd, Beechmont

Subject RE: Road Corridor Works - Binna Burra Rd, Beechmont
From personal information@hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au
Cc
Bcc
Sent 3/05/2019 8:47:49 AM
Attached



image001.jpg

Hi Ken

Have you had a chance to arrange a time to discuss the cancellation of the Road Corridor Permit for 424 Binna Burra Road?

Can we please arrange a time to discuss next steps whether that be the cancellation of the permit or a more formal request for a review of the decision?

Many thanks,

personal information

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Friday, 26 April 2019 4:15 PM

To: personal information @hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345315

Yours sincerely,
Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: personal information @hazelwoodgroup.com.au>

Sent: Friday, 26 April 2019 3:54 PM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Thanks again for your time on the phone this afternoon. I very much appreciate you walking through the issues with me.

I confirm that we (Hazelwood Lodge Pty Ltd) will assume responsibility for the maintenance of 424 Binna Burra Road's access road within the state-controlled road corridor in order to resolve the landholder's concern and reason for the application for and the issuance of the permit to undertake works within the road corridor.

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We assume this responsibility on the basis that the permit for works within the road corridor is cancelled.

I look forward to hearing from you once you've had a chance to discuss this with your manager.

Thanks again,

personal information

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Tuesday, 23 April 2019 12:14 PM

To: personal information <@hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345166

Yours sincerely,
Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: personal information <hazelwoodgroup.com.au>

Sent: Tuesday, 23 April 2019 11:35 AM

To: SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>; SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: Road Corridor Works - Binna Burra Rd, Beechmont

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

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We have a several concerns about the proposed works:

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- Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
- We request that a new traffic impact assessment be a requirement of any changes to the approved property access locations.
- We also request consultation with both landowners that would be impacted by any change before any change occurs.
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We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice ? Permitted Road Access Location, under Section 67 of the Transport Infrastructure Act 1994

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If this email was not intended for you and was sent to you by mistake, please telephone or email me immediately, destroy any hardcopies of this email and delete it and any copies of it from your computer system. Any right which the sender may have under copyright law, and any legal privilege and confidentiality attached to this email is not waived or destroyed by that mistake.

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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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

Item

ITEM DETAILS

Item ID:	346126 - PDO	Item Type:	Email
Date Created:	09/05/2019	Project ID:	
Date Captured:	09/05/2019	Sub Project ID:	
Item Format:	Electronic	Other Reference:	DMS 345315
Circulation:		Copies Sent To:	Ken W Jensen, Kevin J Lotz
Subject:	RCP personal information Road Corridor Works - Binna Burra Road BEECHMONT		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Member of the Public
Author Title / Position:	personal information hazelwoodgroup.com.au	Complaint Classification:	
Business Unit:	NR		
Action Officer:	SCR CMAAllocations	Action Required:	For Action - CM
		Action Due Date:	23/05/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	09/05/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
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DOCUMENT CONTENTS

RE: Road Corridor Works - Binna Burra Rd, Beechmont

Subject RE: Road Corridor Works - Binna Burra Rd, Beechmont
From personal information hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au, scrcmallocations@tmr.qld.gov.au
Cc
Bcc
Sent 9/05/2019 10:06:31 AM
Attached



image001.jpg Permit Drawing.pdf

Hi Ken Jensen and Kevin Lotz,

Can one of you please phone or email me back?

The owners of 424 Binna Burra Road have shared the Road Corridor Permit with me. Please look at the drawing attached clearly detailing the boundaries of 422 and 424 Binna Burra Road as this was not very clear on the drawing submitting to your department for assessment. I've also highlighted our main concerns about the permit and what it (inadvertently) approves.

As discussed with Ken ? we are in discussions with our neighbour and meeting them soon to try to better understand their concerns about the public use of the public area in front of our property. I confirm our offer to take responsibility for maintenance costs associated with their section of the shared access road ? we demonstrated our capacity and willingness to do this by building the road at our expense in the first place so I trust this is an agreeable outcome for all parties and eliminates the purpose for which this department issued the permit (per our discussion on Friday afternoon 26 April where you agreed to discuss the cancellation of the permit with your manager).

I look forward to resolving this soon.

Thanks

personal information

NR

From personal information

Sent: Friday, 3 May 2019 8:48 AM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Have you had a chance to arrange a time to discuss the cancellation of the Road Corridor Permit for 424 Binna Burra Road?

Can we please arrange a time to discuss next steps whether that be the cancellation of the permit or a more formal request for a review of the decision?

Many thanks,

personal information

From: SouthCoast <SouthCoast@tmr.qld.gov.au>
Sent: Friday, 26 April 2019 4:15 PM
To: [personal information] <@hazelwoodgroup.com.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345315

Yours sincerely,
Information Management

for **Andrew Wheeler**
Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
(07) 5563 6600
southcoast@tmr.qld.gov.au
www.tmr.qld.gov.au

From: [personal information] <hazelwoodgroup.com.au>
Sent: Friday, 26 April 2019 3:54 PM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Thanks again for your time on the phone this afternoon. I very much appreciate you walking through the issues with me.

I confirm that we (Hazelwood Lodge Pty Ltd) will assume responsibility for the maintenance of 424 Binna Burra Road's access road within the state-controlled road corridor in order to resolve the landholder's concern and reason for the application for and the issuance of the permit to undertake works within the road corridor.

We accept this responsibility for the length of time the permit was issued for, which I believe to be 10 years? Please advise if otherwise.

We assume this responsibility on the basis that the permit for works within the road corridor is cancelled.

I look forward to hearing from you once you've had a chance to discuss this with your manager.

Thanks again,

personal information

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Tuesday, 23 April 2019 12:14 PM

To: personal information <hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345166

Yours sincerely,
Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: personal information <personal@hazelwoodgroup.com.au>

Sent: Tuesday, 23 April 2019 11:35 AM

To: SCR CMAallocations <scrcmallocations@tmr.qld.gov.au>; SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: Road Corridor Works - Binna Burra Rd, Beechmont

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

Background:

- We (Hazelwood) completed road access works at 422 & 424 Binna Burra Road, Beechmont ? signed off by this department in January (Certificate of Completion and Acceptance of Works ?On-Maintenance? issued)
- We are the owner of 422 Binna Burra Road (Lot 20, SP 301296).
- We have been informed by the landowner of 424 Binna Burra Road (Lot 21, SP 301296) that he is about to commence works on a gate and fencing within the state-controlled road corridor and that he is doing so with this department?s approval through a ?lease? (we believe he meant ?Road Corridor Permit?).

Can you please advise the status of any agreement/approval this department has provided to the landowner of Lot 21 for works in the Binna Burra Road corridor?

We have a several concerns about the proposed works:

- The proposed new location of Lot 21?s gate and fencing within the state-controlled road corridor would impact the safety and efficiency of Binna Burra Road as well as access to Lot 20:
 - Vehicles accessing Lot 21 would block the access to Lot 20 while getting out of the vehicle to open the gate to Lot 21 (and also when stopping the vehicle to close the gate when exiting). There is not enough room to pass a vehicle stopped in the access lane and this could cause vehicles to block Binna Burra Road while awaiting clear passage, impacting the efficiency of the state-controlled road.
 - Condition 5 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **?All vehicles must enter and exit at the permitted road access locations in a forward motion?**. From time to time, vehicles pull into the new road access area by mistake. The proposed new location of gates within the road corridor would restrict those vehicles from turning before exiting the area, forcing them to back onto Binna Burra Road rather than exiting the area in a forward motion, causing a safety hazard on Binna Burra Road.
 - Line of sight for vehicles exiting Lot 20 onto Binna Burra Road would be impacted by the location of proposed new gates/fences within the road corridor.
 - The landowner of Lot 21 failed to maintain the vegetation in the road corridor when he owned the land with direct frontage to it (see comparison of road corridor maintenance before and after we started maintaining it ? attached). We would be unable to continue maintaining this road corridor directly in front of our property if it is restricted by the gates/fencing of a third party. Overgrown vegetation was a visibility hazard prior to us properly maintaining vegetation in the road corridor.
- Condition 4 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **?The location of any property access gates and grids must be situated wholly within the properties?**. The timing for this condition is ?At all times?.
 - The property access locations were agreed by the landowner of Lot 20 and Lot 21 and approved through a Boundary Realignment Development Application RAL 17/515 (approved by this department, the Scenic Rim Regional Council as well as the Department of State Development, Manufacturing, Infrastructure & Planning)
 - Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
 - We request that a new traffic impact assessment be a requirement of any changes to the

- approved property access locations.
- o We also request consultation with both landowners that would be impacted by any change before any change occurs.
 - The landowner of Lot 20 (Hazelwood) has responsibility for the maintenance of the newly completely road access works, which are currently ?on maintenance?. We cannot fulfil our legal responsibility to maintain these works if they are restricted from access by gate/fencing of a third party (landowner of Lot 21).

We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice ? Permitted Road Access Location, under Section 67 of the Transport Infrastructure Act 1994

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Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

Released under RTI-DTMR

Decision (given under section 67 of TIA)

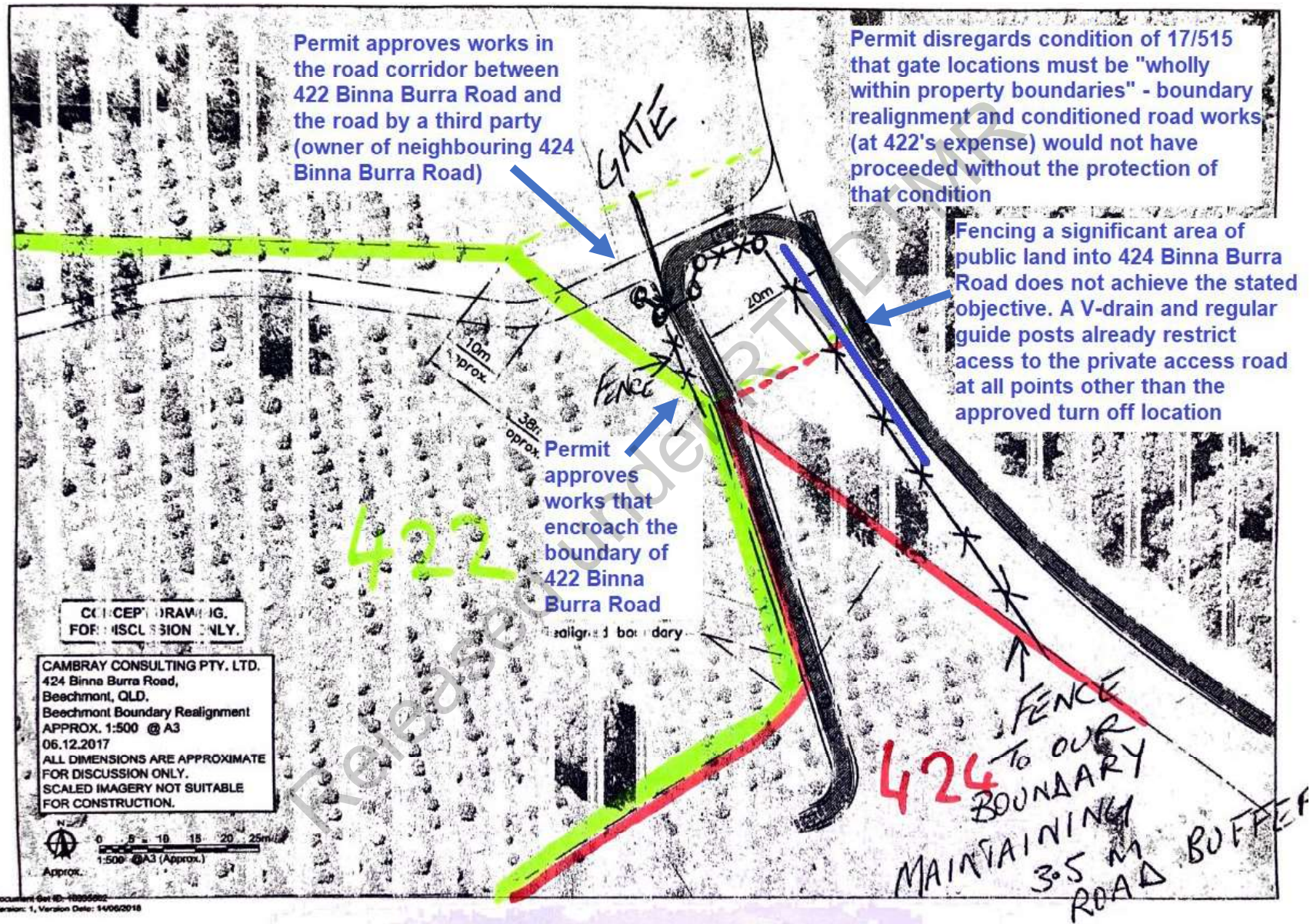
It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1.	The permitted road access locations are in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.



Jessica A Lyne

From: SouthCoast
Sent: Tuesday, 14 May 2019 12:48 PM
To: SCR CMAAllocations
Cc: Kevin J Lotz
Subject: FW: Road Corridor Works - Binna Burra Rd, Beechmont
Attachments: Permit Drawing.pdf

Email forwarded from SouthCoast Inbox – for your action or response

Kind regards

Information Management

South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
(07) 5563 6600
southcoast@tmr.qld.gov.au
www.tmr.qld.gov.au

From: [personal information]@hazelwoodgroup.com.au>
Sent: Tuesday, 14 May 2019 11:03 AM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>; SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken and Kevin

I just left another voice mail for each of you. Can you please contact me to discuss CM13004?

If you are unable to contact me to resolve this informally, can you please have someone in your team send me TMR's formal process for dispute resolution? I've been trying to address the issues with this permit (which directly impacts our property – see attached) with TMR unsuccessfully for a few weeks now through multiple emails and phone calls.

Thanks

[personal information]

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>
Sent: Thursday, 9 May 2019 12:15 PM
To: [personal information]@hazelwoodgroup.com.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 346126

Yours sincerely,
Information Management

for **Andrew Wheeler**
Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
(07) 5563 6600
southcoast@tmr.qld.gov.au
www.tmr.qld.gov.au

From: [personal information]@hazelwoodgroup.com.au>
Sent: Thursday, 9 May 2019 10:07 AM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>; SCR CMAallocations <scrcmallocations@tmr.qld.gov.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken Jensen and Kevin Lotz,

Can one of you please phone or email me back?

The owners of 424 Binna Burra Road have shared the Road Corridor Permit with me. Please look at the drawing attached clearly detailing the boundaries of 422 and 424 Binna Burra Road as this was not very clear on the drawing submitting to your department for assessment. I've also highlighted our main concerns about the permit and what it (inadvertently) approves.

As discussed with Ken – we are in discussions with our neighbour and meeting them soon to try to better understand their concerns about the public use of the public area in front of our property. I confirm our offer to take responsibility for maintenance costs associated with their section of the shared access road – we demonstrated our capacity and willingness to do this by building the road at our expense in the first place so I trust this is an agreeable outcome for all parties and eliminates the purpose for which this department issued the permit (per our discussion on Friday afternoon 26 April where you agreed to discuss the cancellation of the permit with your manager).

I look forward to resolving this soon.

Thanks

[personal information]

NR

From: [personal information]
Sent: Friday, 3 May 2019 8:48 AM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Have you had a chance to arrange a time to discuss the cancellation of the Road Corridor Permit for 424 Binna Burra Road?

Can we please arrange a time to discuss next steps whether that be the cancellation of the permit or a more formal request for a review of the decision?

Many thanks,

personal information

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Friday, 26 April 2019 4:15 PM

To: personal information <@hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345315

Yours sincerely,
Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: [personal information] <[redacted]@hazelwoodgroup.com.au>
Sent: Friday, 26 April 2019 3:54 PM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Thanks again for your time on the phone this afternoon. I very much appreciate you walking through the issues with me.

I confirm that we (Hazelwood Lodge Pty Ltd) will assume responsibility for the maintenance of 424 Binna Burra Road's access road within the state-controlled road corridor in order to resolve the landholder's concern and reason for the application for and the issuance of the permit to undertake works within the road corridor.

We accept this responsibility for the length of time the permit was issued for, which I believe to be 10 years? Please advise if otherwise.

We assume this responsibility on the basis that the permit for works within the road corridor is cancelled.

I look forward to hearing from you once you've had a chance to discuss this with your manager.

Thanks again,

[personal information]

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>
Sent: Tuesday, 23 April 2019 12:14 PM
To: [personal information] <[redacted]@hazelwoodgroup.com.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345166

Yours sincerely,
Information Management

for **Andrew Wheeler**
Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
(07) 5563 6600
southcoast@tmr.qld.gov.au
www.tmr.qld.gov.au

From: [personal information] <[redacted]@hazelwoodgroup.com.au>
Sent: Tuesday, 23 April 2019 11:35 AM
To: SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>; SouthCoast <SouthCoast@tmr.qld.gov.au>
Subject: Road Corridor Works - Binna Burra Rd, Beechmont

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

Background:

- We (Hazelwood) completed road access works at 422 & 424 Binna Burra Road, Beechmont – signed off by this department in January (Certificate of Completion and Acceptance of Works "On-Maintenance" issued)
- We are the owner of 422 Binna Burra Road (Lot 20, SP 301296).
- We have been informed by the landowner of 424 Binna Burra Road (Lot 21, SP 301296) that he is about to commence works on a gate and fencing within the state-controlled road corridor and that he is doing so with this department's approval through a "lease" (we believe he meant "Road Corridor Permit").

Can you please advise the status of any agreement/approval this department has provided to the landowner of Lot 21 for works in the Binna Burra Road corridor?

We have a several concerns about the proposed works:

- The proposed new location of Lot 21's gate and fencing within the state-controlled road corridor would impact the safety and efficiency of Binna Burra Road as well as access to Lot 20:
 - o Vehicles accessing Lot 21 would block the access to Lot 20 while getting out of the vehicle to open the gate to Lot 21 (and also when stopping the vehicle to close the gate when exiting). There is not enough room to pass a vehicle stopped in the access lane and this could cause vehicles to block Binna Burra Road while awaiting clear passage, impacting the efficiency of the state-controlled road.
 - o Condition 5 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **"All vehicles must enter and exit at the permitted road access locations in a forward motion"**. From time to time, vehicles pull into the new road access area by mistake. The proposed new location of gates within the road corridor would restrict those vehicles from turning before exiting the area, forcing them to back onto Binna Burra Road rather than exiting the area in a forward motion, causing a safety hazard on Binna Burra Road.
 - o Line of sight for vehicles exiting Lot 20 onto Binna Burra Road would be impacted by the location of proposed new gates/fences within the road corridor.
 - o The landowner of Lot 21 failed to maintain the vegetation in the road corridor when he owned the land with direct frontage to it (see comparison of road corridor maintenance before and after we started maintaining it – attached). We would be unable to continue maintaining this road corridor directly in front of our property if it is restricted by the gates/fencing of a third party. Overgrown vegetation was a visibility hazard prior to us properly maintaining vegetation in the road corridor.
- Condition 4 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **"The location of any property access gates and grids must be situated wholly within the properties"**. The timing for this condition is "At all times".
 - o The property access locations were agreed by the landowner of Lot 20 and Lot 21 and approved through a Boundary Realignment Development Application RAL 17/515 (approved by this department, the Scenic Rim Regional Council as well as the Department of State Development, Manufacturing, Infrastructure & Planning)

- Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
 - We request that a new traffic impact assessment be a requirement of any changes to the approved property access locations.
 - We also request consultation with both landowners that would be impacted by any change before any change occurs.
- The landowner of Lot 20 (Hazelwood) has responsibility for the maintenance of the newly completely road access works, which are currently “on maintenance”. We cannot fulfil our legal responsibility to maintain these works if they are restricted from access by gate/fencing of a third party (landowner of Lot 21).

We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice – Permitted Road Access Location, under Section 67 of the Transport Infrastructure Act 1994

Released under RTI-DTMR

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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

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or endorsed organisations utilising the same infrastructure.

Released under RTI-DTMR

Item

ITEM DETAILS

Item ID:	347207 - PDO	Item Type:	Email
Date Created:	22/05/2019	Project ID:	
Date Captured:	22/05/2019	Sub Project ID:	
Item Format:	Electronic	Other Reference:	
Circulation:		Copies Sent To:	
Subject:	RCP - Hazelwood Group - compromise relating to CM13004 - Binna Burra Road BEECHMONT		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Hazelwood Group
Author Title / Position:	personal information personal information@hazelwoodgroup.com.au	Complaint Classification:	
Business Unit:	NR		
Action Officer:	Kevin J Lotz	Action Required:	For Action - CM
		Action Due Date:	05/06/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	22/05/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		

DOCUMENT CONTENTS

RE: Road Corridor Works - Binna Burra Rd, Beechmont

Subject RE: Road Corridor Works - Binna Burra Rd, Beechmont
From personal information@hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au, srcmallocations@tmr.qld.gov.au
Cc
Bcc
Sent 22/05/2019 10:04:25 AM
Attached



image001.jpg Binna Burra Road Corridor Works - Proposed Compromise - TMR.pdf

Hi Kevin Lotz, Ken Jensen and Helana,

As discussed with Kevin on Friday 17th May, here is an update following my conversation on Sunday 19th May [redacted] personal information regarding a compromise relating to Road Corridor Permit CM13004:

- See proposed compromise attached (page 2), which clearly addresses the purpose of the permit ? *to prevent public access of a private access track*
- [redacted] personal information advised that he would consider a compromise, but that as his approved fencing is also designed to allow him to graze cattle within the road corridor, he would not agree to a compromise that would not enable him to use the public land within the road corridor for his private cattle grazing activities

[redacted]
personal information

- I do not believe that fencing in public land for private benefit is a legitimate reason for a road corridor permit to be issued, especially given the impact on our neighbouring property (outlined to TMR at length through multiple emails and phone calls), and cattle grazing was certainly not the official/stated purpose of the fencing approved in the road corridor permit
- I (Hazelwood) already maintains the vegetation in the road corridor with fortnightly mowing, so cattle grazing for vegetation management is not required

I'm committed to helping our neighbours to address the legitimate reason for which the permit was issued ? preventing public access of their section of the shared access road in the road corridor (which I (Hazelwood) built and paid for as a TMR condition of RAL17/515 Boundary Realignment) and [redacted]

[redacted] personal information they are responsible for or the construction of a compromised barrier solution as a gesture of good will to have some involvement in the road corridor works which, if they were to proceed as approved, would block our street frontage (conveying different ownership of our land) and encroach our property boundary (per approved drawing in the permit).

[redacted]
personal information

[redacted] his is primarily a question of the legitimacy of a road corridor permit approved by TMR. There is a permit outstanding that I believe to be unlawful (most seriously, approving works that encroach our property boundary ? see page 1 of attachment which clearly shows that the drawing in the permit approves fencing that comes over our boundary) and I request, again, that it be cancelled. I have tried to resolve this issue with this department for a month with no progress. I understand Helana, who I believe has authority in this matter, has had discussions with [redacted] over that period but she has not reached out to me, nor have I been permitted a conversation with her. I have been trusting that a fair outcome can be possible through engaging with TMR, however, it is greatly concerning that Helana has been engaging with [redacted] but not with me (a landholder impacted by the permit who has raised serious concerns) and no one within TMR has yet addressed the issues I've raised

regarding the permit. I will, of course, be forced to take legal action to protect our interests if we cannot resolve this directly with TMR ? I sincerely hope TMR will work with me to avoid that wholly unnecessary outcome.

I, again, request that you please send me your formal dispute resolution or decision review process. In lieu of any formal process set out by TMR, I propose we work towards the following milestones:

1. Cancel Road Corridor permit RCP CM13004 as soon as possible or **before 31st May** ? TMR is aware of what I believe are unlawful aspects of the permit, the permit cannot remain outstanding (allowing works to proceed) in its current form. To summarize the issues again:
 - a. Drawing in permit approves fencing by a 3rd party that comes within our property boundary
 - b. Permit approves fencing between our property and the road by a neighbour, conveying different ownership of our property and blocking our street frontage
 - c. Permit disregards condition of RAL 17/515 Boundary Realignment which requires gates to be located wholly within property boundaries. Significant road works within the road corridor and a private land transfer relied upon that condition (compensation would be sought for cost) and no new Traffic Impact Assessment was undertaken to approve the change in already approved gate location (a traffic impact assessment was required for the original gate locations / access locations to be approved under s62 TIA)
2. Owners of 422 & 424 Binna Burra Road meet together with TMR **before 30th June** to discuss a solution that satisfies the purpose of the permit, without impacting neighbouring properties. I kindly request a meeting time/date convenient to TMR between 17th June and 30th June (I am overseas 25th May ? 16th June but contactable over email during that time).
3. A new Road Corridor Permit is issued by TMR which considers both impacted landowners and follows due process

I hope that this can be resolved promptly and fairly with TMR, without the need for external counsel. Please let me know how you wish to proceed.

Regards,

personal information

NR

From: personal information

Sent: Tuesday, 14 May 2019 11:03 AM

To: 'SouthCoast' <SouthCoast@tmr.qld.gov.au>; 'scrcmallocations@tmr.qld.gov.au' <scrcmallocations@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken and Kevin

I just left another voice mail for each of you. Can you please contact me to discuss CM13004?

If you are unable to contact me to resolve this informally, can you please have someone in your team send me TMR's formal process for dispute resolution? I've been trying to address the issues with this permit (which directly impacts our property ? see attached) with TMR unsuccessfully for a few weeks now through multiple emails and phone calls.

Thanks

personal information

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>
Sent: Thursday, 9 May 2019 12:15 PM
To: personal information <@hazelwoodgroup.com.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 346126

Yours sincerely,
Information Management

for **Andrew Wheeler**
Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
(07) 5563 6600
southcoast@tmr.qld.gov.au
www.tmr.qld.gov.au

From: personal information <hazelwoodgroup.com.au>
Sent: Thursday, 9 May 2019 10:07 AM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>; SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken Jensen and Kevin Lotz,

Can one of you please phone or email me back?

The owners of 424 Binna Burra Road have shared the Road Corridor Permit with me. Please look at the drawing attached clearly detailing the boundaries of 422 and 424 Binna Burra Road as this was not very clear on the drawing submitting to your department for assessment. I've also highlighted our main concerns about the permit and what it (inadvertently) approves.

As discussed with Ken ? we are in discussions with our neighbour and meeting them soon to try to better understand their concerns about the public use of the public area in front of our

property. I confirm our offer to take responsibility for maintenance costs associated with their section of the shared access road ? we demonstrated our capacity and willingness to do this by building the road at our expense in the first place so I trust this is an agreeable outcome for all parties and eliminates the purpose for which this department issued the permit (per our discussion on Friday afternoon 26 April where you agreed to discuss the cancellation of the permit with your manager).

I look forward to resolving this soon.

Thanks

personal information

NR

From: personal information

Sent: Friday, 3 May 2019 8:48 AM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Have you had a chance to arrange a time to discuss the cancellation of the Road Corridor Permit for 424 Binna Burra Road?

Can we please arrange a time to discuss next steps whether that be the cancellation of the permit or a more formal request for a review of the decision?

Many thanks,

personal information

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Friday, 26 April 2019 4:15 PM

To: personal information <@hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345315

Yours sincerely,
Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: [personal information] hazelwoodgroup.com.au>

Sent: Friday, 26 April 2019 3:54 PM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Thanks again for your time on the phone this afternoon. I very much appreciate you walking through the issues with me.

I confirm that we (Hazelwood Lodge Pty Ltd) will assume responsibility for the maintenance of 424 Binna Burra Road's access road within the state-controlled road corridor in order to resolve the landholder's concern and reason for the application for and the issuance of the permit to undertake works within the road corridor.

We accept this responsibility for the length of time the permit was issued for, which I believe to be 10 years? Please advise if otherwise.

We assume this responsibility on the basis that the permit for works within the road corridor is cancelled.

I look forward to hearing from you once you've had a chance to discuss this with your manager.

Thanks again,

[personal information]

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Tuesday, 23 April 2019 12:14 PM

To: [personal information] hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.
We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345166

Yours sincerely,
Information Management

for **Andrew Wheeler**
Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
(07) 5563 6600
southcoast@tmr.qld.gov.au
www.tmr.qld.gov.au

From: personal information hazelwoodgroup.com.au>
Sent: Tuesday, 23 April 2019 11:35 AM
To: SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>; SouthCoast <SouthCoast@tmr.qld.gov.au>
Subject: Road Corridor Works - Binna Burra Rd, Beechmont

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

Background:

- We (Hazelwood) completed road access works at 422 & 424 Binna Burra Road, Beechmont ? signed off by this department in January (Certificate of Completion and Acceptance of Works ?On-Maintenance? issued)
- We are the owner of 422 Binna Burra Road (Lot 20, SP 301296).
- We have been informed by the landowner of 424 Binna Burra Road (Lot 21, SP 301296) that he is about to commence works on a gate and fencing within the state-controlled road corridor and that he is doing so with this department's approval through a ?lease? (we believe he meant ?Road Corridor Permit?).

Can you please advise the status of any agreement/approval this department has provided to the landowner of Lot 21 for works in the Binna Burra Road corridor?

We have a several concerns about the proposed works:

- The proposed new location of Lot 21's gate and fencing within the state-controlled road corridor would impact the safety and efficiency of Binna Burra Road as well as access to Lot 20:

- o Vehicles accessing Lot 21 would block the access to Lot 20 while getting out of the vehicle to open the gate to Lot 21 (and also when stopping the vehicle to close the gate when exiting). There is not enough room to pass a vehicle stopped in the access lane and this could cause vehicles to block Binna Burra Road while awaiting clear passage, impacting the efficiency of the state-controlled road.
- o Condition 5 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **?All vehicles must enter and exit at the permitted road access locations in a forward motion?**. From time to time, vehicles pull into the new road access area by mistake. The proposed new location of gates within the road corridor would restrict those vehicles from turning before exiting the area, forcing them to back onto Binna Burra Road rather than exiting the area in a forward motion, causing a safety hazard on Binna Burra Road.
- o Line of sight for vehicles exiting Lot 20 onto Binna Burra Road would be impacted by the location of proposed new gates/fences within the road corridor.
- o The landowner of Lot 21 failed to maintain the vegetation in the road corridor when he owned the land with direct frontage to it (see comparison of road corridor maintenance before and after we started maintaining it ? attached). We would be unable to continue maintaining this road corridor directly in front of our property if it is restricted by the gates/fencing of a third party. Overgrown vegetation was a visibility hazard prior to us properly maintaining vegetation in the road corridor.
- Condition 4 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **?The location of any property access gates and grids must be situated wholly within the properties?**. The timing for this condition is ?At all times?.
- o The property access locations were agreed by the landowner of Lot 20 and Lot 21 and approved through a Boundary Realignment Development Application RAL 17/515 (approved by this department, the Scenic Rim Regional Council as well as the Department of State Development, Manufacturing, Infrastructure & Planning)
- o Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
- o We request that a new traffic impact assessment be a requirement of any changes to the approved property access locations.
- o We also request consultation with both landowners that would be impacted by any change before any change occurs.
- The landowner of Lot 20 (Hazelwood) has responsibility for the maintenance of the newly completely road access works, which are currently ?on maintenance?. We cannot fulfil our legal responsibility to maintain these works if they are restricted from access by gate/fencing of a third party (landowner of Lot 21).

We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice ? Permitted Road Access Location, under Section 67

of the Transport Infrastructure Act 1994

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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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

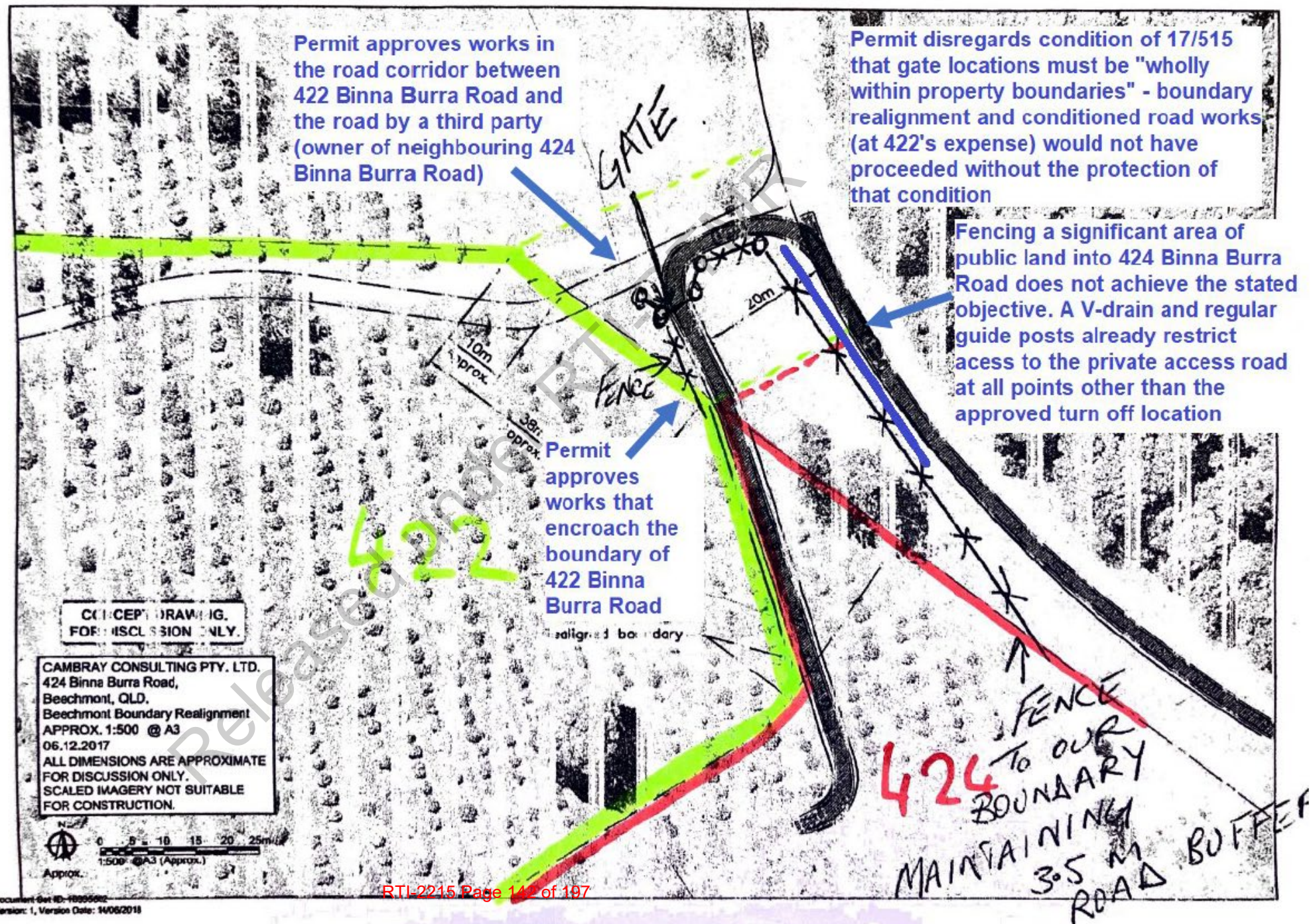
TMR approved Road Corridor Permit CM13004

Permit approves:

- Fencing WITHIN our property boundary by our neighbour (unlawful)
- Fencing between our property and the road by a third party (conveying different ownership of the land than intended – taking our street frontage and giving it to our neighbour)
- Fails to comply with RAL17/515 condition which requires gates to be location within property boundaries, upon which conditioned road works were completed in the road corridor at our considerable expense

We again request the road corridor permit be **cancelled**, with a new permit to be applied for which considers BOTH impacted landowners.

See proposed compromise on next page.



ROADWORKS

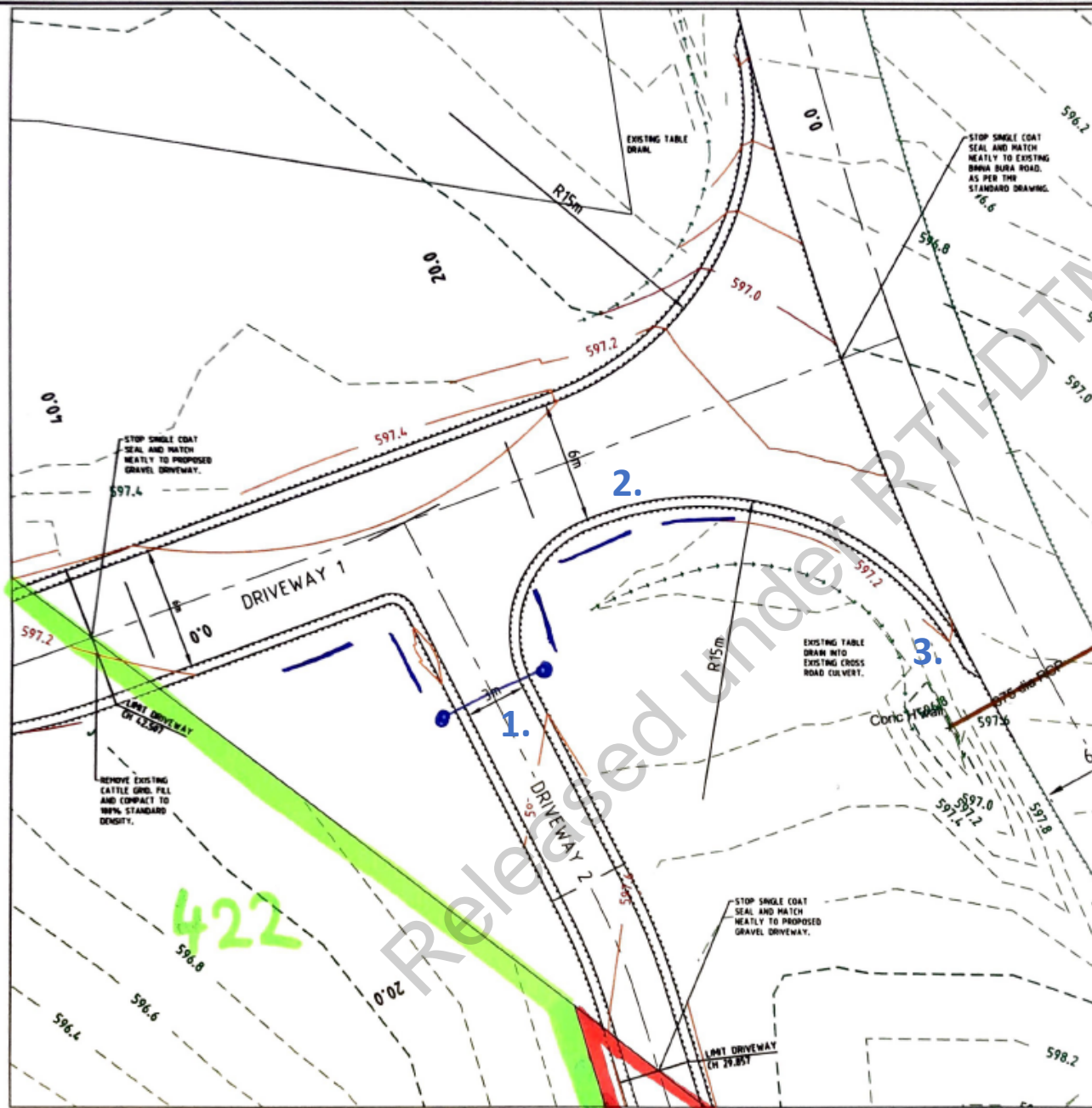
- THE DESIGN PAVEMENT DEPTHS ALLOWED IN EARTHWORKS CALCULATIONS ARE BASED ON THE DEPTHS SHOWN IN THE SCHEDULE OF PAVEMENT DEPTHS ON DRAWING 120.
- IN THE PAVEMENT DEPTHS GIVEN ARE DESIGN DEPTHS ONLY AND MAY BE VARIED AFTER SUB-GRADE TESTS ARE TAKEN. THE CONTRACTOR IS TO PROVIDE THE SUPERINTENDENT A SUBGRADE (S.G.) REPORT PREPARED BY A SUITABLY QUALIFIED GEOTECHNICAL ENGINEER.
- THE SUPERINTENDENT WILL COORDINATE THE AUTHORITIES' APPROVAL OF THE PAVEMENT DESIGN. REFER TO DWG. 120 FOR TYPICAL ROAD SECTIONS.
- TESTING: ALL COMPACTION TESTING SHALL BE CARRIED OUT BY AN APPROVED N.A.T.A. TESTING AUTHORITY. ALL SITE FILLING SHALL BE TESTED AT LEVEL 1 REQUIREMENTS.
- SUBSIDION: SUBSIDION DRAWS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL AUTHORITY'S SPECIFICATIONS. SUBSIDION DRAWS SHALL BE PLACED UNDER ALL KERB STRUCTURES AND ARE TO BE CONSTRUCTED TO A DEPTH GREATER THAN THAT OF THE INVERT OF THE DEEPEST SERVICE CROSSING.
- WETRE DRAWS: WETRE DRAWS ARE TO BE CONSTRUCTED ALONG THE CUT/FILL INTERFACE AND SAG/LOW POINTS OF ALL ROADS. CONTRACTOR TO REQUEST DIRECTION FROM SUPERINTENDENT WHETHER TO INSTALL WETRE DRAIN AT ROCK ENCOUNTERED IN SUBGRADE. ALL WETRE DRAWS MUST BE FREE DRAINING AND FEED INTO THE ADJACENT SUBSIDION DRAWS.
- ROCK: THE CONTRACTOR IS TO INCLUDE ROCK EXCAVATION AS PART OF THEIR BATES.
- TURF: LOW TURF STOP TO BE INSTALLED BEHIND THE BACK OF ALL KERBS. A PERPENDICULAR TURF STOP AT MAXIMUM 10m INCREMENTS MUST BE INSTALLED TO FULL VERGE WIDTH FOR SEDIMENT AND EROSION CONTROL PURPOSES.
- VERGES: ALL KERBS TO BE CONSTRUCTED IN ACCORDANCE WITH AUTHORITY STANDARDS.
- PAVEMENT TE-IN: PAVEMENT TE-IN TO BE IN ACCORDANCE WITH DWG. 120.

LEGEND

- EXISTING KERB INVERT
- EXISTING KERB SLP & BACK
- EXISTING FOOTPATH
- EXISTING PROPERTY LINE
- EXISTING CONTOURS
- FUTURE KERB
- FUTURE FOOTPATH
- FUTURE PROPERTY LINE
- FUTURE CONTOURS
- CONTROL LINE / CENTER OF ROAD
- PROPOSED KERB INVERT
- PROPOSED KERB SLP & BACK
- PROPOSED FOOTPATH
- PROPOSED PROPERTY LINE
- SITE BOUNDARY
- DESIGN CONTOURS
- PROPOSED CONCRETE
- 4.065 CENTRELINE CHARGE

KERB TYPE NOTE

- FOR KERB TYPES REFER TO DWG. 120



Example of proposed barriers

1. Low chain barrier across Driveway 2 (drops down, solar powered).

To be painted in a colour that fit the rural aesthetic of the Beechmont area rather than the bright navigation-friendly colours in the example.



Example of proposed barriers

2. Low wooden barriers to prevent driving onto grass area.

Separated sections to prevent vehicular access and demonstrate privacy of area, without closing in the beautiful open area.



Purpose of the Permit & Maintenance

Permit CM13004 was approved with the objective to “prevent public use of a private access track”.

Owner of 424 Binna Burra Road advised on Sunday 19/5 that the proposed compromise would probably not be agreeable to him because he **intends to have cattle grazing within the fenced area of public land** and the proposed compromise won't enable that – this is despite the proposed compromise addressing the official reason for the permit.

Enabling a private landowner to graze cattle in public land is not a legitimate reason for a road corridor permit to be issued, at the expense of a neighbour's street frontage.

The road corridor is currently maintained by the owner of 422 Binna Burra Road, so cattle is not required to maintain the vegetation in this area. See photos below of the high maintenance standard of the road corridor by 422 Binna Burra Road as compared to how it was maintained prior to the boundary realignment when 424 Binna Burra Road owned the full street frontage and failed to maintain the road corridor in front of its former land that is the subject of the permit in dispute.

Owner of 422 Binna Burra Road's road corridor maintenance standard



Owner of 424 Binna Burra Road's road corridor maintenance standard



From: [personal information]
To: [SouthCoast](#); [SCR CMAllocations](#)
Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont
Date: Wednesday, 22 May 2019 10:05:15 AM
Attachments: [image001.jpg](#)
[Binna Burra Road Corridor Works - Proposed Compromise - TMR.pdf](#)

Hi Kevin Lotz, Ken Jensen and Helana,
As discussed with Kevin on Friday 17th May, here is an update following my conversation on Sunday 19th May [personal information] regarding a compromise relating to Road Corridor Permit CM13004:

- See proposed compromise attached (page 2), which clearly addresses the purpose of the permit – *to prevent public access of a private access track*

[personal information]

- I do not believe that fencing in public land for private benefit is a legitimate reason for a road corridor permit to be issued, especially given the impact on our neighbouring property (outlined to TMR at length through multiple emails and phone calls), and cattle grazing was certainly not the official/stated purpose of the fencing approved in the road corridor permit
- I (Hazelwood) already maintains the vegetation in the road corridor with fortnightly mowing, so cattle grazing for vegetation management is not required

I'm committed to helping our neighbours to address the legitimate reason for which the permit was issued – preventing public access of their section of the shared access road in the road corridor (which I (Hazelwood) built and paid for as a TMR condition of RAL17/515 Boundary Realignment) and I have even offered to pay for the future maintenance costs of the section of road they are responsible for or the construction of a compromised barrier solution as a gesture of good will to have some involvement in the road corridor works which, if they were to proceed as approved, would block our street frontage (conveying different ownership of our land) and encroach our property boundary (per approved drawing in the permit).

[personal information] this is primarily a question of the legitimacy of a road corridor permit approved by TMR. There is a permit outstanding that I believe to be unlawful (most seriously, approving works that encroach our property boundary – see page 1 of attachment which clearly shows that the drawing in the permit approves fencing that comes over our boundary) and I request, again, that it be cancelled. I have tried to resolve this issue with this department for a month with no progress. I understand Helana, who I believe has authority in this matter, has had discussions with [personal information] over that period but she has not reached out to me, nor have I been permitted a conversation with her. I have been trusting that a fair outcome can be possible through engaging with TMR, however, it is greatly concerning that Helana has

been engaging with [personal information] but not with me (a landholder impacted by the permit who has raised serious concerns) and no one within TMR has yet addressed the issues I've raised regarding the permit. I will, of course, be forced to take legal action to protect our interests if we cannot resolve this directly with TMR – I sincerely hope TMR will work with me to avoid that wholly unnecessary outcome.

I, again, request that you please send me your formal dispute resolution or decision review process. In lieu of any formal process set out by TMR, I propose we work towards the following milestones:

1. Cancel Road Corridor permit RCP CM13004 as soon as possible or **before 31st May** – TMR is aware of what I believe are unlawful aspects of the permit, the permit cannot remain outstanding (allowing works to proceed) in its current form. To summarize the issues again:
 - a. Drawing in permit approves fencing by a 3rd party that comes within our property boundary
 - b. Permit approves fencing between our property and the road by a neighbour, conveying different ownership of our property and blocking our street frontage
 - c. Permit disregards condition of RAL 17/515 Boundary Realignment which requires gates to be located wholly within property boundaries. Significant road works within the road corridor and a private land transfer relied upon that condition (compensation would be sought for cost) and no new Traffic Impact Assessment was undertaken to approve the change in already approved gate location (a traffic impact assessment was required for the original gate locations / access locations to be approved under s62 TIA)
2. Owners of 422 & 424 Binna Burra Road meet together with TMR **before 30th June** to discuss a solution that satisfies the purpose of the permit, without impacting neighbouring properties. I kindly request a meeting time/date convenient to TMR between 17th June and 30th June (I am overseas 25th May – 16th June but contactable over email during that time).
3. A new Road Corridor Permit is issued by TMR which considers both impacted landowners and follows due process

I hope that this can be resolved promptly and fairly with TMR, without the need for external counsel. Please let me know how you wish to proceed.

Regards,

[personal information]

NR

From

[personal information]

Sent: Tuesday, 14 May 2019 11:03 AM

To: 'SouthCoast' <SouthCoast@tmr.qld.gov.au>; 'scrcmallocations@tmr.qld.gov.au' <scrcmallocations@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken and Kevin

I just left another voice mail for each of you. Can you please contact me to discuss CM13004?

If you are unable to contact me to resolve this informally, can you please have someone in your team send me TMR's formal process for dispute resolution? I've been trying to address the issues with this permit (which directly impacts our property – see attached) with TMR

unsuccessfully for a few weeks now through multiple emails and phone calls.

Thanks

NR

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Thursday, 9 May 2019 12:15 PM

To: [personal information] <[\[personal information\]@hazelwoodgroup.com.au](mailto:[personal information]@hazelwoodgroup.com.au)>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.

We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 346126

Yours sincerely,

Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From [personal information] <[\[personal information\]@hazelwoodgroup.com.au](mailto:[personal information]@hazelwoodgroup.com.au)>

Sent: Thursday, 9 May 2019 10:07 AM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>; SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken Jensen and Kevin Lotz,

Can one of you please phone or email me back?

The owners of 424 Binna Burra Road have shared the Road Corridor Permit with me. Please look at the drawing attached clearly detailing the boundaries of 422 and 424 Binna Burra Road as this was not very clear on the drawing submitting to your department for assessment. I've also highlighted our main concerns about the permit and what it (inadvertently) approves.

As discussed with Ken – [personal information] and meeting them soon to try to better understand their concerns about the public use of the public area in front of our property. I confirm our offer to take responsibility for maintenance costs associated with their section of the shared access road – we demonstrated our capacity and willingness to do this by building the road at our expense in the first place so I trust this is an agreeable outcome for all parties and eliminates the purpose for which this department issued the permit (per our discussion on Friday afternoon 26 April where you agreed to discuss the cancellation of the permit with your manager).

I look forward to resolving this soon.

Thanks

[personal information]

Sent: Friday, 3 May 2019 8:48 AM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Have you had a chance to arrange a time to discuss the cancellation of the Road Corridor Permit for 424 Binna Burra Road?

Can we please arrange a time to discuss next steps whether that be the cancellation of the permit or a more formal request for a review of the decision?

Many thanks,

personal information

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Friday, 26 April 2019 4:15 PM

To: personal information <@hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.

We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345315

Yours sincerely,

Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: personal information <@hazelwoodgroup.com.au>

Sent: Friday, 26 April 2019 3:54 PM

To: SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

Hi Ken

Thanks again for your time on the phone this afternoon. I very much appreciate you walking through the issues with me.

I confirm that we (Hazelwood Lodge Pty Ltd) will assume responsibility for the maintenance of 424 Binna Burra Road's access road within the state-controlled road corridor in order to resolve the landholder's concern and reason for the application for and the issuance of the permit to undertake works within the road corridor.

We accept this responsibility for the length of time the permit was issued for, which I believe to be 10 years? Please advise if otherwise.

We assume this responsibility on the basis that the permit for works within the road corridor is cancelled.

I look forward to hearing from you once you've had a chance to discuss this with your manager.

Thanks again,

personal information

From: SouthCoast <SouthCoast@tmr.qld.gov.au>

Sent: Tuesday, 23 April 2019 12:14 PM

To: [personal information] hazelwoodgroup.com.au>

Subject: RE: Road Corridor Works - Binna Burra Rd, Beechmont

ACKNOWLEDGEMENT

Thank you for your email to the Department of Transport and Main Roads.

We confirm receipt of your message and advise your email has been referred to an appropriate officer for relevant action.

Reference: DMS 345166

Yours sincerely,

Information Management

for **Andrew Wheeler**

Deputy Regional Director | South Coast Region | Department of Transport and Main Roads

36-38 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

(07) 5563 6600

southcoast@tmr.qld.gov.au

www.tmr.qld.gov.au

From: [personal information] hazelwoodgroup.com.au>

Sent: Tuesday, 23 April 2019 11:35 AM

To: SCR CMAAllocations <scrcmallocations@tmr.qld.gov.au>; SouthCoast <SouthCoast@tmr.qld.gov.au>

Subject: Road Corridor Works - Binna Burra Rd, Beechmont

Hello,

I spoke with Corey at the Department of Transport & Main Roads (South Coast) this morning regarding the imminent commencement of works within the Binna Burra Road corridor which we believe will impact upon the safety and efficiency of the state-controlled road and previously approved private property access arrangements. He recommended I send an email for the attention of **Ken Jensen's team** with further information.

Background:

- We (Hazelwood) completed road access works at 422 & 424 Binna Burra Road, Beechmont – signed off by this department in January (Certificate of Completion and Acceptance of Works "On-Maintenance" issued)
- We are the owner of 422 Binna Burra Road (Lot 20, SP 301296).
- We have been informed by the landowner of 424 Binna Burra Road (Lot 21, SP 301296) that he is about to commence works on a gate and fencing within the state-controlled road corridor and that he is doing so with this department's approval through a "lease" (we believe he meant "Road Corridor Permit").

Can you please advise the status of any agreement/approval this department has provided to the landowner of Lot 21 for works in the Binna Burra Road corridor?

We have a several concerns about the proposed works:

- The proposed new location of Lot 21's gate and fencing within the state-controlled road corridor would impact the safety and efficiency of Binna Burra Road as well as access to Lot 20:
 - Vehicles accessing Lot 21 would block the access to Lot 20 while getting out of the vehicle to open the gate to Lot 21 (and also when stopping the vehicle to close the gate when exiting). There is not enough room to pass a vehicle stopped in the access lane and this could cause vehicles to block Binna Burra Road while awaiting clear passage, impacting the efficiency of the state-controlled road.
 - Condition 5 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **"All vehicles must enter and exit at the permitted**

road access locations in a forward motion". From time to time, vehicles pull into the new road access area by mistake. The proposed new location of gates within the road corridor would restrict those vehicles from turning before exiting the area, forcing them to back onto Binna Burra Road rather than exiting the area in a forward motion, causing a safety hazard on Binna Burra Road.

- Line of sight for vehicles exiting Lot 20 onto Binna Burra Road would be impacted by the location of proposed new gates/fences within the road corridor.
- The landowner of Lot 21 failed to maintain the vegetation in the road corridor when he owned the land with direct frontage to it (see comparison of road corridor maintenance before and after we started maintaining it – attached). We would be unable to continue maintaining this road corridor directly in front of our property if it is restricted by the gates/fencing of a third party. Overgrown vegetation was a visibility hazard prior to us properly maintaining vegetation in the road corridor.
- Condition 4 of the Permitted Road Access Location approval (Section 67 TIA) for the road access works requires **"The location of any property access gates and grids must be situated wholly within the properties"**. The timing for this condition is "At all times".
 - The property access locations were agreed by the landowner of Lot 20 and Lot 21 and approved through a Boundary Realignment Development Application RAL 17/515 (approved by this department, the Scenic Rim Regional Council as well as the Department of State Development, Manufacturing, Infrastructure & Planning)
 - Prior to approval, a traffic engineer undertook a traffic impact assessment and there was correspondence between the traffic engineer, applicant and this department to adjust plans to ensure the safety and efficiency of the locations with regards to the subject properties and state-controlled road system
 - We request that a new traffic impact assessment be a requirement of any changes to the approved property access locations.
 - We also request consultation with both landowners that would be impacted by any change before any change occurs.
- The landowner of Lot 20 (Hazelwood) has responsibility for the maintenance of the newly completely road access works, which are currently "on maintenance". We cannot fulfil our legal responsibility to maintain these works if they are restricted from access by gate/fencing of a third party (landowner of Lot 21).

We understand these works are imminent and we greatly appreciate your assistance in helping us to understand any proposed changes to the road access arrangements prior to allowing these works to go ahead.

Many thanks

personal information

Conditions set out in the Decision Notice – Permitted Road Access Location, under Section 67 of the Transport Infrastructure Act 1994

cid:image001.jpg@01D50641.74C81C10



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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.

Released under RTI-DTMR

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 in accordance with the concept plan titled 424 Binna Burra Road, Beechmont, QLD. Beechmont Boundary Realignment, prepared by Cambray Consulting Pty Ltd, and dated 6 December 2017.	At all times.
2.	Road access works comprising rural property accesses must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to submitting the Plan of Survey to the local government for approval.
3.	Direct access is prohibited between Binna Burra Road and proposed Lots 20 & 21 at any other location other than the permitted road access locations described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access locations in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 3 on SP118338 and Binna Burra Road must be removed.	Prior to submitting the Plan of Survey to the local government for approval.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The accesses are permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

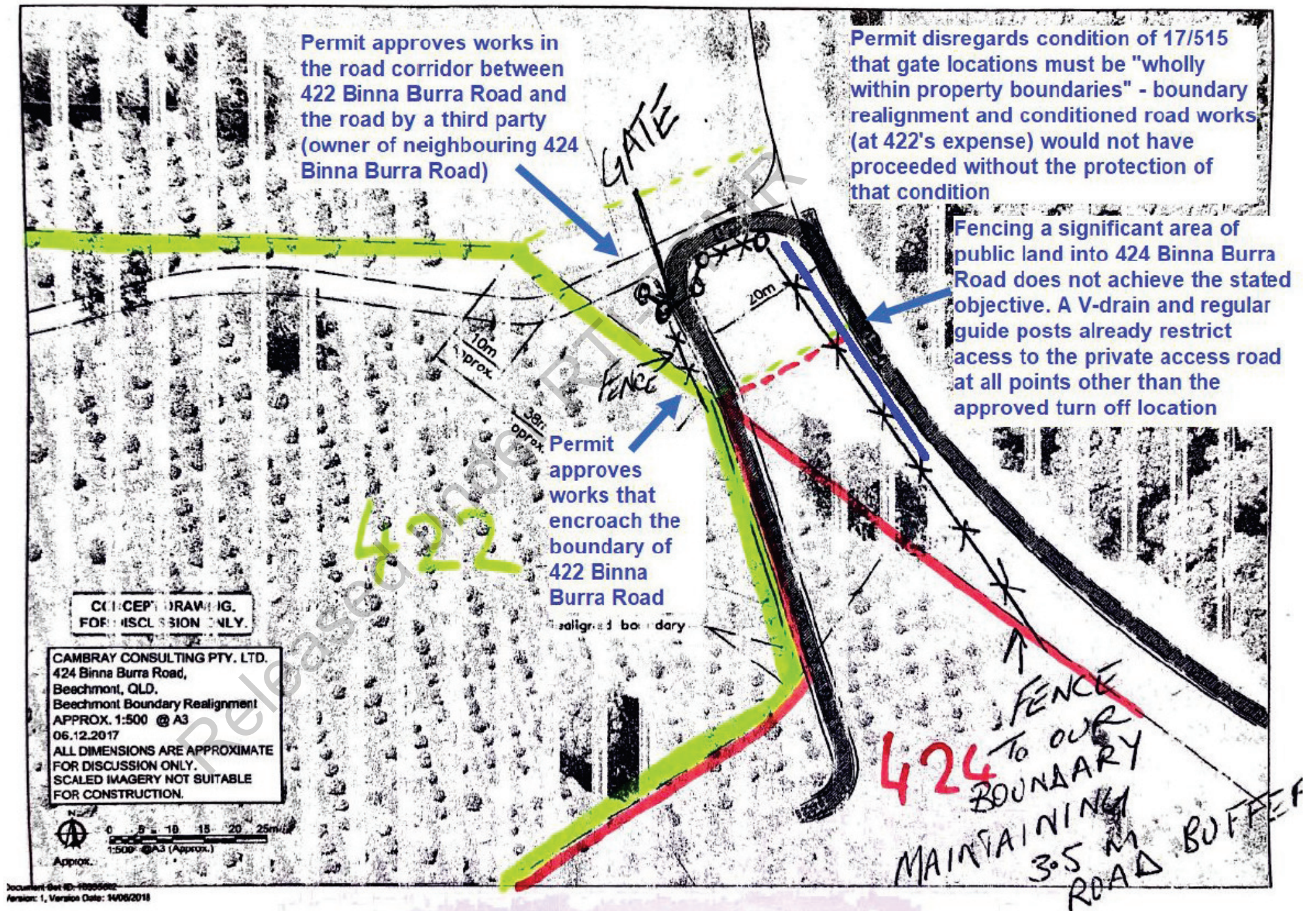
TMR approved Road Corridor Permit CM13004

Permit approves:

- Fencing WITHIN our property boundary by our neighbour (unlawful)
- Fencing between our property and the road by a third party (conveying different ownership of the land than intended – taking our street frontage and giving it to our neighbour)
- Fails to comply with RAL17/515 condition which requires gates to be location within property boundaries, upon which conditioned road works were completed in the road corridor at our considerable expense

We again request the road corridor permit be **cancelled**, with a new permit to be applied for which considers BOTH impacted landowners.

See proposed compromise on next page.



From: [SCR CMAllocations](#)
To: [Kevin J Lotz](#)
Subject: FW: Road Permit CM13004 (ATTN: Kevin Lotz)
Date: Wednesday, 21 August 2019 10:14:11 AM
Attachments: [image002.png](#)

Kevin – FYA/I
Kind regards,

Ken Jensen
On behalf of

Corridor Management Team | South Coast District / Gold Coast Office
Program Delivery & Operations | Department of Transport and Main Roads

Floor 1 | Nerang - Gold Coast Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
P: (07) 5563 6600 | F: (07) 5563 6611
E: scrcmallocations@tmr.qld.gov.au
W: www.tmr.qld.gov.au

From [personal information]@hazelwoodgroup.com.au>
Sent: Wednesday, 21 August 2019 9:54 AM
To: SCR CMAllocations <scrcmallocations@tmr.qld.gov.au>
Subject: Road Permit CM13004 (ATTN: Kevin Lotz)

Hi Kevin

Thanks for speaking with me on Monday regarding the road permit CM13004 and for agreeing to meet with me to further discuss the concerns first raised in April 2019 and how this road permit impacts our property (422 Binna Burra Rd, Beechmont).

As discussed, please let me know your availability to meet on site, or I can come to your Nerang offices if more convenient and if it allows us to meet sooner – I can bring photos or footage to provide context for the discussion.

I look forward to hearing from you at your earliest convenience so that we can resolve this issue.

Thanks

[personal information]
HE_RGB



[personal information]@hazelwoodgroup.com.au | www.hazelwoodestate.com.au
422 Binna Burra Road, Beechmont, Queensland, Australia 4211

Item

ITEM DETAILS

Item ID:	362874 - PDO	Item Type:	Email
Date Created:	02/09/2019	Project ID:	
Date Captured:	03/09/2019	Sub Project ID:	
Item Format:	Electronic	Other Reference:	
Circulation:		Copies Sent To:	
Subject:	Road Permit CM13004 (ATTN Ken Jensen and Kevin Lotz)		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Hazelwood Group
Author Title / Position:	azelwoodgroup.com.au	Complaint Classification:	
Business Unit:	NR		
Action Officer:	Kevin J Lotz	Action Required:	For Action - CM
		Action Due Date:	17/09/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	03/09/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
---------------------------------------	--	--

DOCUMENT CONTENTS

Road Permit CM13004 (ATTN Ken Jensen and Kevin Lotz)

Subject Road Permit CM13004 (ATTN Ken Jensen and Kevin Lotz)
From personal information@hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au
Cc
Bcc
Sent 2/09/2019 4:06:52 PM
Attached

HAZELWOOD
 image003.png

Hi Ken and Kevin

Thank you for meeting with me on site at 422 Binna Burra Road Beechmont last Thursday

afternoon.

It was great to have the opportunity to show you the lay of the land and our concern regarding the neighbour's road permit giving approval to construct fencing in the road corridor directly in front of our property.

Please let me know if you require any further information from me.

If you could please let me know the outcome relating to the road permit, once determined, I would very much appreciate it.

Kind regards,

personal information

NR personal information www.hazelwoodgroup.com.au | www.hazelwoodestate.com.au
422 Binna Burra Road, Beechmont, Queensland, Australia 4211

Released under RTI-DTMR

Item

ITEM DETAILS

Item ID:	364738 - PDO	Item Type:	Email
Date Created:	16/09/2019	Project ID:	
Date Captured:	16/09/2019	Sub Project ID:	CM13004
Item Format:	Electronic	Other Reference:	
Circulation:	Incoming	Copies Sent To:	
Subject:	RCP - Review CM13004-personal information Hazelwood Estate - Binna Burra Road BEECHMONT		
Function Term:	ROAD NETWORK MANAGEMENT	Activity Term:	ROAD CORRIDOR MINOR WORKS
Container Title:	Scenic Rim Region - Road Corridor Permits - Banners and Tourist Signage 2019	Container ID:	500/03444 [1]

ACTIONS & OWNERSHIP

Author:	personal information	Corporate Author:	Hazelwood Group
Author Title Position:	personal information	Complaint Classification:	
Business Unit:	NR		
Action Officer:	Kevin J Lotz	Action Required:	For Action - CM
Action Instructions:	attn: Kevin Lotz	Action Due Date:	30/09/2019
Home Location :	Information Management Compactus - Ground Floor, 36-38 Cotton Street, Nerang	Last Movement Date:	16/09/2019

SECURITY & ACCESS

Security Classification:	UNCLASSIFIED INFORMATION		
Security Access:	Unrestricted		

ADDITIONAL INFORMATION

Description / Additional Info:		
KZJ 17/09/19 - Kevin for your information.		

DOCUMENT CONTENTS

RE: Road Permit CM13004 (ATTN Ken Jensen and Kevin Lotz)

Subject RE: Road Permit CM13004 (ATTN Ken Jensen and Kevin Lotz)
From [redacted] hazelwoodgroup.com.au
To SouthCoast@tmr.qld.gov.au
Cc
Bcc
Sent 16/09/2019 11:42:21 AM
Attached



image002.png



image004.png



IMG_3917.JPG



IMG_3935.JPG



IMG_3936.JPG



IMG_3937.JPG



IMG_3938.JPG

Hi Ken and Kevin

As you are likely aware, we were affected by fires in Binna Burra/Beechmont the weekend before last. It was a terrifying experience having the fires burn through the national park a few metres behind our home, but what gave us great comfort, and saved our home, and those of our neighbours, was the access the fire crews (QFES) had to our property off Binna Burra Road.

We had several crews on the property 24 hours a day for about 4 days. They established the ?Hazelwood Sector?, a substation of sorts which used the state-controlled road corridor outside our property to park fire trucks and water tankers, to service the surrounding area. The state-controlled road corridor in front of our property was the only area the crews could safely pull over between the Beechmont township and Binna Burra Lodge (a length of road that spans over 10kms). It became apparent to us (as well as the fire crews and the community) that having that state-controlled land area available for use in emergency situations, was invaluable and very likely saved property and lives in this instance. The crews were minutes away every time we had to phone 000 in the middle of the night ? they could not have had those response times if there didn't have close access, being able to park so close to hundreds of homes. I ask that you please take this into account when you make your determination on the road permit, which would have seen that whole public land area fenced in for the benefit of a private landowner ? I am so grateful that it was available for use by the emergency services personnel.

I've attached some photos that I took of the trucks/tankers using that area, but as I'm sure you can appreciate, documenting this was the last thing on our minds and the photos I have show only one tanker in the area close up, and several at a distance. You can see the grass track marks where the fire trucks used the area to turn and also the police flag identifying the turn-in area. Each night there were at least three trucks manning that area with lights flashing all night. Please let me know if you require me to have the local Fire Brigade and community members sign a letter confirming all of the above.

Please keep me updated on the progress for amending/revoking the road permit CM13004. As I'm sure you can appreciate, we're keen to have this resolved ASAP, especially given the public safety concerns that have now arisen of having a permit still in place that could see that area blocked off for private use at any time. I would greatly appreciate a reply to this email at your earliest convenience.

Thanks

personal information

Ps ? here?s also a photo of the crews that were working on our boundary last Sunday (this was

taken within our property, not in the road corridor) ? absolute legends! It should give you an idea of the quantity of crews/trucks required in the area (this was on a quiet day, after the main risk had passed).

From: [personal information]
Sent: Monday, 2 September 2019 4:07 PM
To: SouthCoast <SouthCoast@tmr.qld.gov.au>
Subject: Road Permit CM13004 (ATTN Ken Jensen and Kevin Lotz)

Hi Ken and Kevin

Thank you for meeting with me on site at 422 Binna Burra Road Beechmont last Thursday afternoon.

It was great to have the opportunity to show you the lay of the land and our concern regarding the neighbour's road permit giving approval to construct fencing in the road corridor directly in front of our property.

Please let me know if you require any further information from me.

If you could please let me know the outcome relating to the road permit, once determined, I would very much appreciate it.

Kind regards,

[personal information]

NR [personal information] [hazelwoodgroup.com.au](mailto:info@hazelwoodgroup.com.au) | www.hazelwoodestate.com.au
422 Binna Burra Road, Beechmont, Queensland, Australia 4211

Released under RTI-DTMR

From: [Chelsea I Winn](#)
To: [Kevin J Lotz](#)
Subject: 15 Bibaringa Close, Beechmont - Complaint and Associated DA
Date: Tuesday, 14 September 2021 12:12:50 PM
Attachments: [15 Bibaringa Close, Beechmont - s62 Decision Notice.pdf](#)
[image001.png](#)
[15 Bibaringa Close, Beechmont - SARA approved plan.pdf](#)
[15 Bibaringa Close, Beechmont - SARA response and conditions.pdf](#)
[15 Bibaringa Close, Beechmont - TMR Assessment and Recommendations.pdf](#)

Good Afternoon Kev,

Please see attached the following in relation to the site and the related development application and complaint over 15 Bibaringa Close, Beechmont:

- TMR Assessment and Recommendations
- SARA Response and Conditions
- SARA Approved Plan
- S62 Decision Notice

As recognised the application is an approval for Tourist Cabins, Camping Ground, Food Establishment/Reception Centre, Tourist Facility, Managers/Workers Residence and Dual Occupancy. The submitted and assessed Traffic Impact Assessment relates to these uses.

Should the land owner believe that the site is operating outside of the approved uses, this is an issue for council. Land use planning is outside of the jurisdiction of TMR.

Let me know if you require anything further!!

Kind Regards,

Chelsea Winn

Town Planner (Corridor and Land Management) | South Coast Region
Program Delivery and Operations | Department of Transport and Main Roads

Ground Floor | Nerang - Gold Coast Office | 36-38 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211
P: (07) 5561 3835 | F: (07) 5596 9511
E: chelsea.i.winn@tmr.qld.gov.au / scr.calm@tmr.qld.gov.au
W: www.tmr.qld.gov.au



Our ref TMR18-025104
Your ref 17-6273
Enquiries Mark Taylor



Department of
Transport and Main Roads

14 August 2018

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 MCU18/099, lodged with the Scenic Rim Regional Council involves constructing or changing a vehicular access between Lot 20 on SP301296, the land the subject of the application, and Binna Burra Road, being 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 Hazelwood Lodge Pty Ltd
C/- Ethos Urban
PO Box 205
Fortitude Valley QLD 4006

Application Details

Address of Property 15 Bibaringa Close, Beechmont QLD 4211
Real Property Description Lot 20 on SP301296
Aspect/s of Development Development Permit for Material Change of Use for Tourist Cabins, Camping Ground, Food Establishment/Reception Centre, Tourist Facility, Managers/Workers Residence and Dual Occupancy

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

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 location is to be in accordance with the plan titled Roadworks Plan Sheet 1, prepared by Mortons Urban Solutions, Drawing No. 35501-XD-100, Revision A, and dated 12 June 2018.	At all times.
2.	<p>Road access works comprising rural property access must be provided at the permitted access locations, generally in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014.</p> <p>In particular, the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.</p>	Prior to the commencement of the use and to be maintained at all times.
3.	Direct access is prohibited between Binna Burra Road and Lot 20 on SP301296 at any other location other than the permitted road access location described in Condition 1.	At all times.
4.	The location of any property access gates and grids must be situated wholly within the properties.	At all times.
5.	All vehicles must enter and exit the subject site at the permitted road access location in a forward motion.	At all times.
6.	The existing road access works situated at the property boundary between Lot 20 on SP301296 and Binna Burra Road must be removed.	Prior to the commencement of the use.

Reasons for the decision

The reasons for this decision are as follows:

- The access must be designed to the described standard to facilitate and manage the uses in accordance with the proposed development.
- The access is permitted subject to ensuring that it is of a standard sufficient for the proposed use to ensure the safety and operational integrity of the State-controlled road.

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

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

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

Further approvals

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

1. Road Access 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.

The department issued a conditional approval on 5 July 2018, reference TMR18-024864, in relation to the currently proposed works. The decision under section 33 of the TIA authorises those works conditioned under this decision notice. The approval does not authorise you to commence work. Prior to any work being undertaken within the boundary of the State-controlled road, the department must have issued you with an Authority to Commence Works.

If any variations from the approved works are required, further written approval from the department must first be obtained.

If you require further information about this approval or any other related query, please contact the department's Corridor Management team at the South Coast Region at SouthCoast@tmr.qld.gov.au or on (07) 5563 6600.

Yours sincerely

NR

Heleana Crombie
Senior Town Planner

Attachments

Attachment A - Decision Evidence and Findings

Attachment B - Section 70 of TIA

Attachment C - Appeal Provisions

Attachment D - Roadworks Plan Sheet 1, prepared by Mortons Urban Solutions, Drawing No. 35501-XD-100, Revision A, and dated 12 June 2018

Attachment E - Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways - Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The objectives of the *Transport Infrastructure Act 1994* (TIA) require the establishment of a road regime that is safe and efficient.
- There is a decision in force under section 62 of the TIA in force for the subject site (former Lots 1 & 3 on SP118338) in association with previous development permit for the reconfiguring of a lot.
- The access locations have been determined in accordance with that previously approved, and as shown in the plan titled Roadworks Plan Sheet 1, prepared by Mortons Urban Solutions, Drawing No. 35501-XD-100, Revision A, and dated 12 June 2018.
- Access to the proposed development is to be provided to the properties under a shared access arrangement.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Reference no.	Version/Issue	Date
Traffic Impact Statement	Cambray Consulting			22 June 2018
Site Plan	DAH Architecture	SD201	Issue A	20 June 2018
Roadworks Plan Sheet 1	Mortons Urban Solutions	Drawing No. 35501-XD-100	Revision A	12 June 2018
Roadworks Details Sheet 1	Mortons Urban Solutions	Drawing No. 35501-XD-120	Revision A	12 June 2018
Longitudinal Sections External Driveway Sheet 1	Mortons Urban Solutions	Drawing No. 35501-XD-200	Revision A	12 June 2018
Cross Sections External Driveway 1 & 2 Sheet 1	Mortons Urban Solutions	Drawing No. 35501-XD-300	Revision A	12 June 2018
Intersection Sight Distance Details Sheet 1	Mortons Urban Solutions	Drawing No. 35501-XD-400	Revision A	12 June 2018

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.

Released under RTI-DTMR

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.

1. **PAVEMENT DEPTHS**
 - a) THE DESIGN PAVEMENT DEPTHS ALLOWED IN EARTHWORKS CALCULATIONS ARE BASED ON THE DEPTHS SHOWN IN THE SCHEDULE OF PAVEMENT DEPTHS ON DRAWING 120.
 - b) THE PAVEMENT DEPTHS GIVEN ARE DESIGN DEPTHS ONLY AND MAY BE VARIED AFTER SUB-GRADE TESTS ARE TAKEN. THE CONTRACTOR IS TO PROVIDE THE SUPERINTENDENT A SUBGRADE C.B.R. REPORT PREPARED BY A SUITABLY QUALIFIED GEOTECHNICAL ENGINEER.
THE SUPERINTENDENT WILL COORDINATE THE AUTHORITIES APPROVAL OF THE PAVEMENT DESIGN.
 - c) REFER TO DWG. 120 FOR TYPICAL ROAD SECTIONS.
2. **TESTING**

ALL COMPACTION TESTING SHALL BE CARRIED OUT BY AN APPROVED N.A.T.A. TESTING AUTHORITY. ALL SITE FILLING SHALL BE TESTED AT LEVEL 1 REQUIREMENTS.
3. **SUBSOIL DRAINS**

SUBSOIL DRAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL AUTHORITY'S SPECIFICATIONS. SUBSOIL DRAINS SHALL BE PLACED UNDER ALL KERB STRUCTURES AND ARE TO BE CONSTRUCTED TO A DEPTH GREATER THAN THAT OF THE INVERT OF THE DEEPEST SERVICE CROSSING.
4. **MITRE DRAINS**

MITRE DRAINS ARE TO BE CONSTRUCTED ALONG THE CUT/FILL INTERFACE AND SAG/LOW POINTS OF ALL ROADS. CONTRACTOR TO REQUEST DIRECTION FROM SUPERINTENDENT WHETHER TO INSTALL MITRE DRAIN AT ROCK ENCOUNTERED IN SUBGRADE. ALL MITRE DRAINS MUST BE FREE DRAINING AND TIE INTO THE ADJACENT SUBSOIL DRAINS.
5. **ROCK**

THE CONTRACTOR IS TO INCLUDE ROCK EXCAVATION AS PART OF THEIR RATES.
6. **TURF**

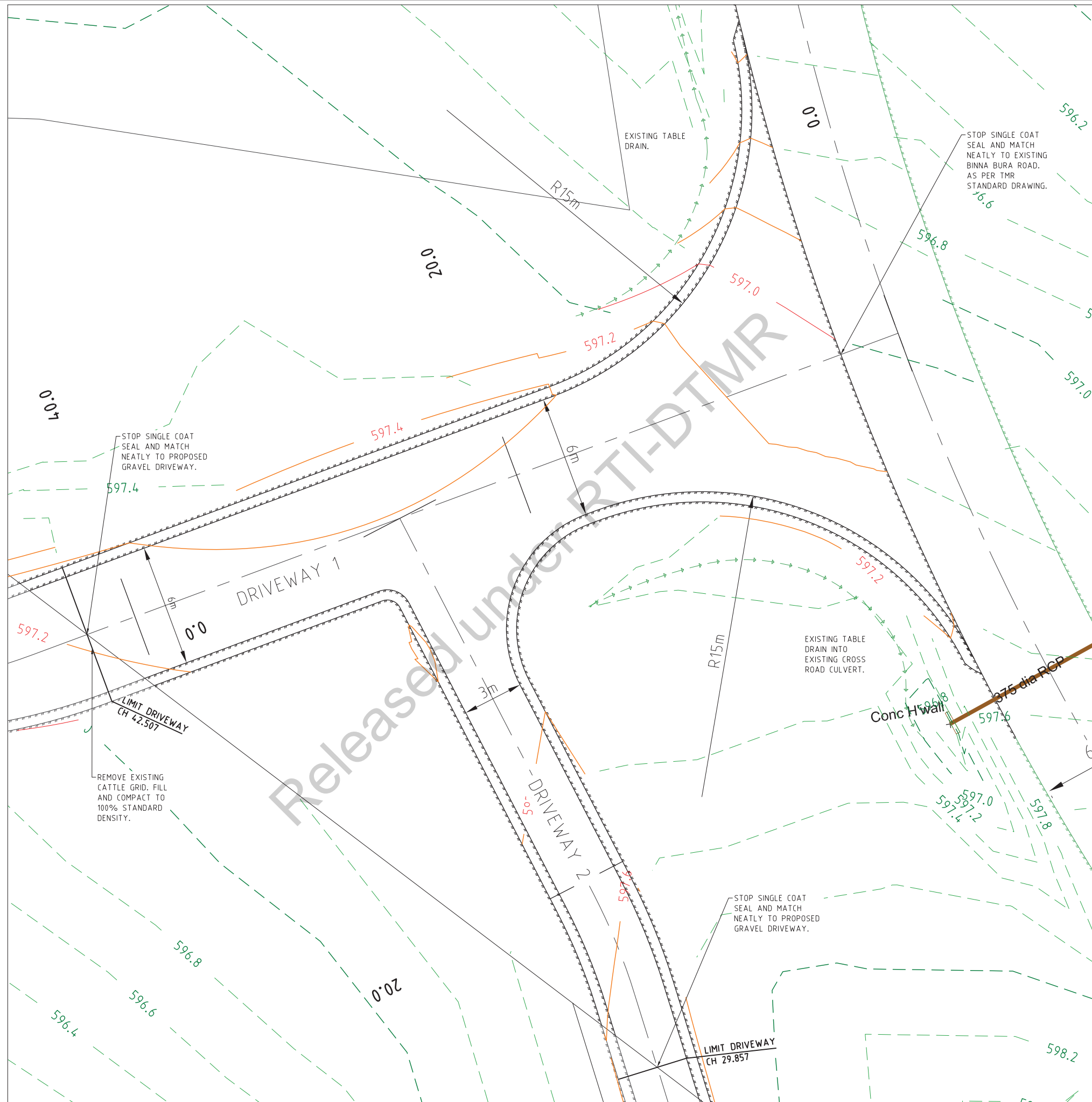
1.0m TURF STRIP TO BE INSTALLED BEHIND THE BACK OF ALL KERBS. A PERPENDICULAR TURF STRIP AT MAXIMUM 10m INCREMENTS MUST BE INSTALLED TO FULL VERGE WIDTH FOR SEDIMENT AND EROSION CONTROL PURPOSES.
7. **KERBS**

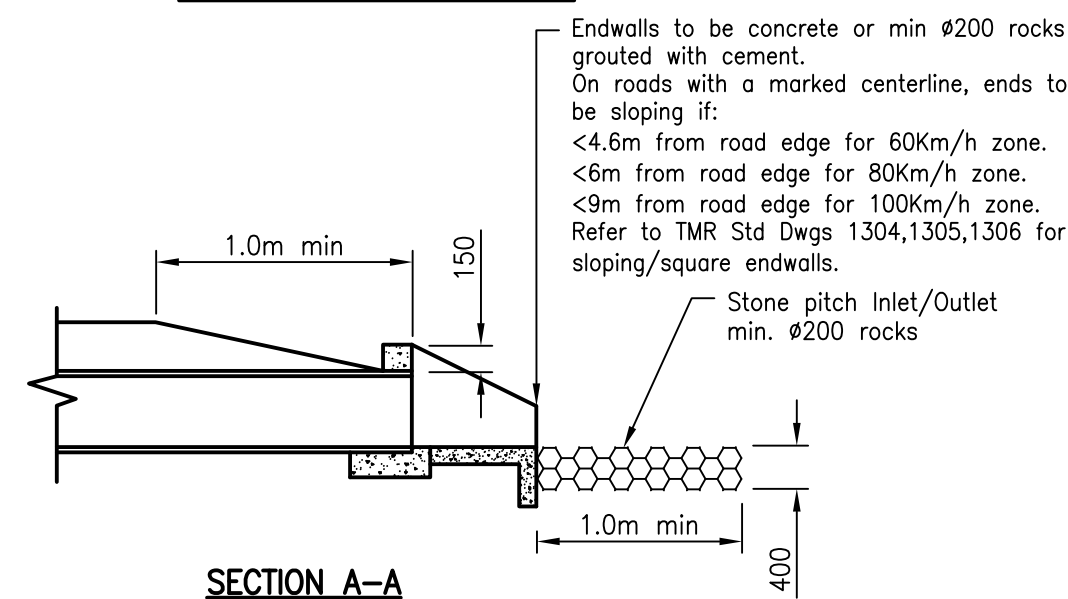
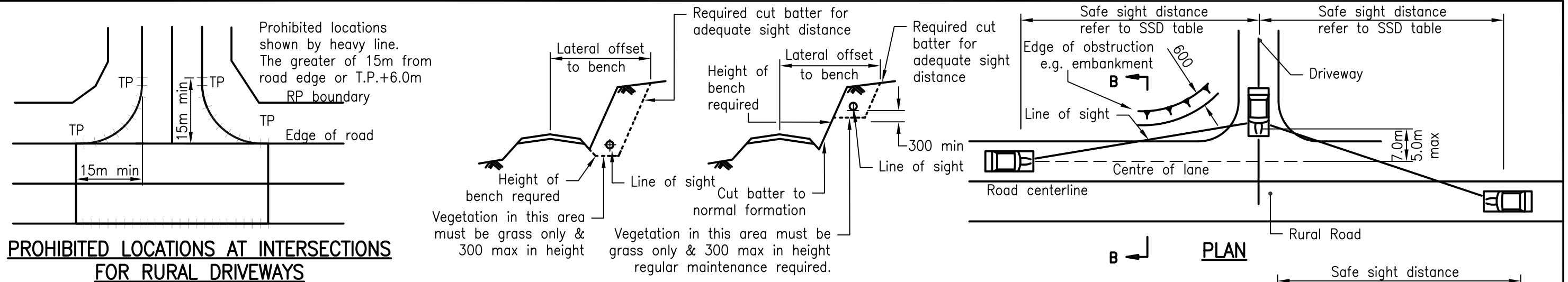
ALL KERBS TO BE CONSTRUCTED IN ACCORDANCE WITH AUTHORITY STANDARDS
8. **PAVEMENT TIE-IN**

PAVEMENT TIE-IN TO BE IN ACCORDANCE WITH DWG. 120

————— EXISTING KERB (INVERT)
 ————— EXISTING KERB (LIP & BACK)
 ————— EXISTING FOOTPATH
 ————— EXISTING PROPERTY LINE
 — 1.0 ————— EXISTING CONTOURS
 — — — — — FUTURE KERB
 — — — — — FUTURE FOOTPATH
 — — — — — FUTURE PROPERTY LINE
 — 1.0 ————— FUTURE CONTOURS
 ————— CONTROL LINE / CENTER OF ROAD
 ————— PROPOSED KERB (INVERT)
 ————— PROPOSED KERB (LIP & BACK)
 ————— PROPOSED FOOTPATH
 ————— PROPOSED PROPERTY LINE
 ■■■■■ SITE BOUNDARY
 — 1.0 ————— DESIGN CONTOURS
 [Pattern Box] PROPOSED CONCRETE
 — 41.065 CENTRELINE CHAINAGE

1. FOR KERB TYPES REFER TO DWG. 120





BENCHING DETAIL SECTION B-B

PIPE SIZE		
Catchment Area	ARI 2	ARI 10
<0.5Ha	375	450
<1.0Ha	450	525
<1.5Ha	525	600
<2.5Ha	600	2/450
<3.0Ha	2/450	2/525
<4.0Ha	2/525	2/600
<5.0Ha	2/600	(2)

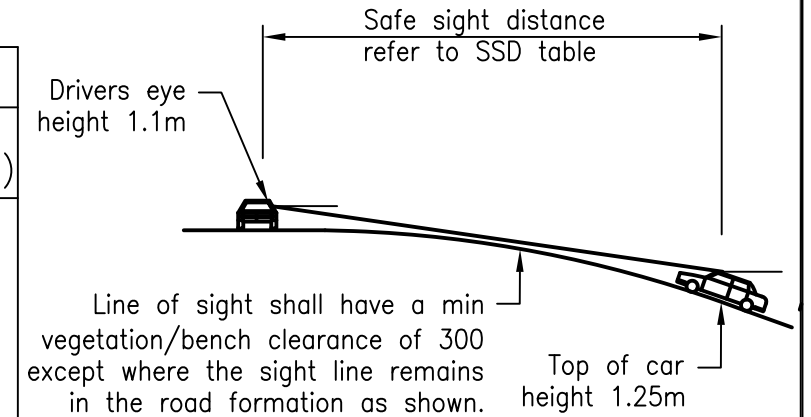
For average daily traffic ≤ 2000, ARI 2
 For average daily traffic > 2000, ARI 10

(1) Alternatives may be approved if supported with calculations in accordance with the provisions of the Queensland Urban Drainage Manual or under the provisions of Council's Planning Scheme.

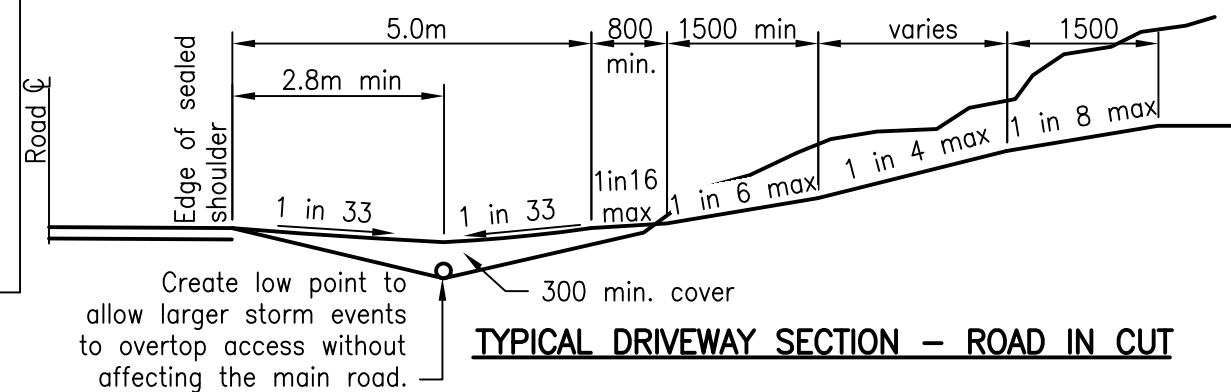
(2) Seek consulting engineer advice.

Safe Sight Distance	
Speed Limit (km/h)	Safe Sight Distance (m)
40	73
50	97
60	123
70	151
80	181
90	214
100	248

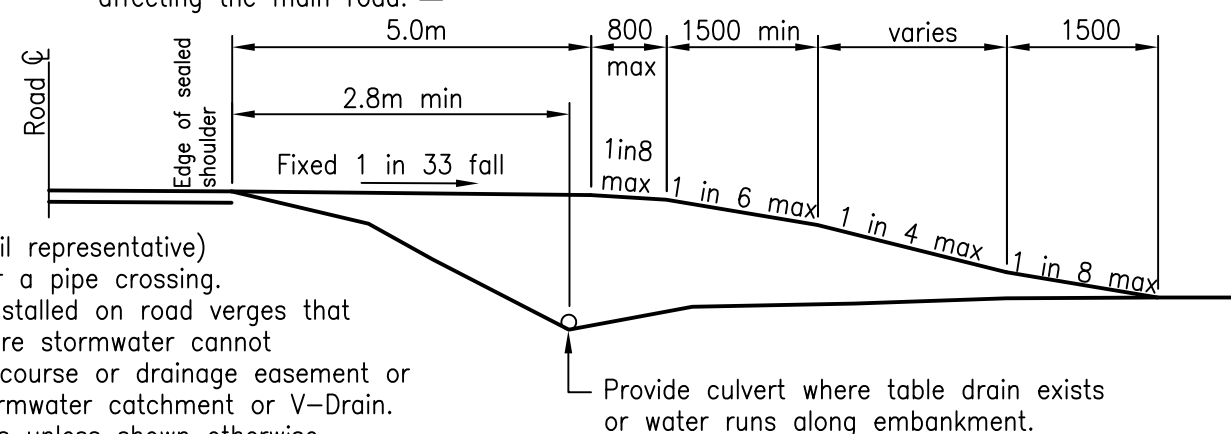
Based on Austroads Part 4A – 2009, Table 3.2



LONGITUDINAL SECTION SSD – EXITING FROM DRIVEWAY



TYPICAL DRIVEWAY SECTION – ROAD IN CUT



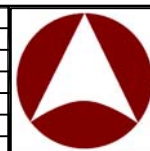
TYPICAL DRIVEWAY SECTION – ROAD IN FILL

NOTES:

- A site assessment (By a Council representative) is to occur upon application for a pipe crossing. Pipe crossings are not to be installed on road verges that fall to the subject property where stormwater cannot be directed to a natural water course or drainage easement or when there is no upstream stormwater catchment or V-Drain.
- All dimensions are in millimetres unless shown otherwise.

These drawings have been developed in consultation between the participating Councils.
 BEFORE USE, the user shall confirm that the drawing has been adopted by the appropriate Council.

F	06/14	Review
E	03/14	Amended Drawing Number
D	12/11	Drawing number changed from SEQ R-056 to RS-056
C	06/10	Review
B	06/09	Review
A	03/08	ORIGINAL ISSUE
Rv.	DATE	REVISIONS



INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA
 STANDARD DRAWINGS

RTI-2215 Page 185 of 197

DRIVEWAYS
 RURAL DRIVEWAY

RS-056

F
E
D
C
B
A
Rv.

Our reference: 1807-6249 SRA
Your reference: MCU18/099

23 August 2018

The Chief Executive Officer
Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285
mail@scenicrim.qld.gov.au

Attention: [REDACTED] NR

Dear [REDACTED] NR

Referral agency response—with conditions

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

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 16 July 2018.

Applicant details

Applicant name: Hazelwood Lodge Pty Ltd
Applicant contact details: C/- Ethos Urban,
PO Box 205
FORTITUDE VALLEY QLD 4006
[REDACTED] NR @ethosurban.com

Location details

Street address: 15 Bibaringa Close, Beechmont
Real property description: Lot 20 on SP301296
Local government area: Scenic Rim Regional Council

Application details

Development permit Material Chance of Use – Tourist Facility (Tourist Cabins, Camping Ground, Food Establishment / Reception Centre, Tourist Facility, Manager's / Worker's Residence and Dual Occupancy)

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1
- State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for imposing conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use – Tourist Facility (Tourist Cabins, Camping Ground, Food Establishment / Reception Centre, Tourist Facility, Manager's / Worker's Residence and Dual Occupancy)				
Roadworks Plan Sheet 1	Mortons Urban Solutions	12 June 2018	35501-XD-100	A

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

For further information please contact [redacted] NR Planning Officer, on 3432 2408 or via email lpwchSARA@dsmip.qld.gov.au who will be able to assist.

Yours sincerely

[redacted]
NR

personal information

Manager Planning

cc Hazelwood Lodge Pty Ltd [redacted] NR @ethosurban.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

No.	Conditions of Development Approval	Condition Timing
Development Permit for a Material Change of Use – Tourist Facility (Tourist Cabins, Camping Ground, Food Establishment / Reception Centre, Tourist Facility, Manager's / Worker's Residence and Dual Occupancy)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>a) The road access location, is to be located generally in accordance with the Roadworks Plan Sheet 1, prepared by Mortons Urban Solutions, dated 12 June 2018, reference 35501-XD-100 and revision A as amended in red by SARA.</p> <p>b) The road access works must be designed and constructed in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways – Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular:</p> <ul style="list-style-type: none"> the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road. 	<p>a) At all times</p> <p>b) Prior to the commencement</p>

Attachment 2—Reasons for imposing conditions

The reasons for this decision are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

Released under RTI-DTMR

Development Application Recommendation: Approved with Conditions

DSDMIP reference: 1807-6249 SRA
DSDMIP role: Referral Agency
DSDMIP regional office: SARA Ipswich
DSDMIP email: IpswichSARA@dsdmip.qld.gov.au
TA reference: TMR18-025104
TA contact name: Mark Taylor
TA contact details: (07) 5561 3823
TA approver: Heleana Crombie

1.0 Application details

Street address: 15 Bibaringa Close, Beechmont QLD 4211
Real property description: Lot 20 on SP301296
Local government area: Scenic Rim Regional Council
Applicant name: Hazelwood Lodge Pty Ltd C/- Ethos Urban
Applicant contact details: PO Box 205
Fortitude Valley QLD 4006
NR @ethosurban.com

2.0 Aspects of development and type of approval being sought

Aspect 1: Development Permit for Material Change of Use for Tourist Cabins, Camping Ground, Food Establishment/Reception Centre, Tourist Facility, Managers/Workers Residence and Dual Occupancy

3.0 Matters of interest to the state

The development application has the following matters of interest to the state under the provisions of the *Planning Regulation 2017*:

The subject application is triggered for **State-controlled road** assessment as per Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, item 1 of the *Planning Regulation 2017* for:

Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorising instrument, if all or part of the premises—

- (a) are within 25m of a State transport corridor; or
- (b) are a future State transport corridor; or
- (c) are—
 - (i) adjacent to a road that intersects with a State-controlled road; and

(ii) within 100m of the intersection

Released under RTI-DTMR

4.0 Assessment of Application

4.1 Considerations and assessment

Background

An application was submitted to the department on 7 January 1998 for a Reconfiguring of a Lot (Council ref. 18/0830900000). The department advised in written letter dated 14 January 1998 that *"A separate approval for access onto a State-controlled road from proposed lots 5 and 6, must be obtained from the Queensland Department of Main Roads. Approval by Council does not constitute approval under section 52 of the Transport Infrastructure Act 1994. Direct allotment access to the adjacent State-controlled road from the remaining lots will not be permitted."* The Council issued a decision notice on 19 June 1998.

An application was submitted and received by the former Department of Infrastructure, Local Government and Planning (DILGP) on 8 November 2017 for a Reconfiguring of a Lot for a Boundary Realignment (2 into 2 Lots) over former Lots 1 & 3 on SP118338 (Council ref. RAL17/515). The DSDMIP issued a concurrence agency response with conditions on 19 January 2018. The Council issued a decision notice on 1 February 2018.

Subject Land

The development application relates to a material change of use for numerous uses stated as Tourist Cabins, Camping Ground, Food Establishment/Reception Centre, Tourist Facility, Managers/Workers Residence and Dual Occupancy. The subject land described as Lot 20 on SP301296, abuts Binna Burra Road, being a State-controlled road.

The current application was acknowledged by the Scenic Rim Regional Council and considered properly made on 29 June 2018. Therefore, the development application is triggered for assessment under the state codes of the State Development Assessment Provisions (SDAP) Version 2.2, effective from 9 March 2018 in relation to State-controlled roads.

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

PO12 Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road.

PO13 Run-off from the development site is not unlawfully discharged to a state-controlled road.

- The application materials includes a Conceptual Stormwater Management Plan, prepared by Biome Consulting, Report No. BC-18061, Version 1, and dated June 2018.
- Appendix A of the Conceptual Stormwater Management Plan includes plans titled:
 - Existing Internal Catchment Plan, prepared by Biome Consulting, Drawing No. DWG-201, Revision A, and dated 25 June 2018; and
 - Developed Catchment Plan, prepared by Biome Consulting, Drawing No. DWG-202, Revision A, and dated 25 June 2018.
- The pre and post development flows illustrate the development is unlikely to alter flows to or from Binna Burra Road.
- The subject land generally discharges into a gully within site which forms part of the upper catchment of Back Creek and ultimately flows into the Coomera River.
- Chapter 7 of the Conceptual Stormwater Management Plan (p.18) states:

Given the low impact nature of the development proposal and minimal additional impervious area created (car park construction), only minor increases of up to 0.22% are expected to peak discharges. In order to mitigate these minor increases it has been demonstrated via xpcstorm modelling that by providing a total of 5 m³ of detention storage behind level spreaders within the bottom end of the grassed swales, peak flows can be managed for all storm events.

- In consideration of above matters the proposed development is unlikely to compromise PO12 and PO13 and no conditions are required.

PO16 The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.

AND

PO22 Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.

- The application materials includes a report titled Hazelwood Estate Accommodation, Conference, Event and Tourist Facility, prepared by Ethos Urban, Report No. 17-6273, and dated 29 June 2018 (the Town Planning Report).
- Section 1.3 of the Town Planning Report (p.4) states:
This access point is currently being upgraded in accordance with Department of Transport and Main Roads standards to provide a sealed crossover wide enough to accommodate two passing vehicles. This was conditioned as part of a recent development approval for a boundary realignment between the subject site and adjoining Lot 21 on SP301296.
- The department issued a decision under section 62A(2) of the *Transport Infrastructure Act 1994*, reference TMR17-023014, in relation to a development permit for the reconfiguring of a lot (boundary realignment). This decision took effect for the boundary realignment to create current Lots 20 & 21 on SP301296.
- There is a further decision issued under section 33 of the *Transport Infrastructure Act 1994*, reference TMR18-024864, for those access works stated to occur within Binna Burra Road.
- No authority to commence works has been issued and no actual works have commenced within the State-controlled road reserve. It is understood that the department is undertaking pre-start meeting on-site in the near future.
- The current application materials therefore propose to use same recently approved accesses.
- The application materials includes a Traffic Impact Statement, prepared by Cambray Consulting, and dated 22 June 2018.
- Section 3.7 of the Traffic Impact Statement reports that the development generated traffic totals 64 trips per day.
- Section 4.0 of the Traffic Impact Statement (p.10) states:
A qualitative assessment of impact on road network has been undertaken base on an Average Annual Daily Traffic (AADT) count of 641 vehicles on Binna Burra Road recorded by DTMR in 2016. This equates to one (1) vehicle per minute travelling on Binna Burra Road during a peak hour based on the peak hour being approximately 10% of the AADT.
Therefore it is estimated that one (1) development generated vehicle will access the site every 4.6 minutes, interacting with one (1) vehicle per minute on Binna Burra Road. Based on this assessment it is concluded that there will be minimal impact on the road network.
- The department considers the proposed development is unlikely to compromise PO16 and PO22 where conditioned in accordance with the requirements of the decision notice

under section 62 of the *Transport Infrastructure Act 1994*.

PO19 Development does not impede delivery of planned upgrades of state-controlled roads.

- There are no land requirements associated with planning for Binna Burra Road.

PO20 Development does not result in a worsening of operating conditions on the state-controlled road network.

- Section 4.0 of the Traffic Impact Statement (p.10) states:

A qualitative assessment of impact on road network has been undertaken based on an Average Annual Daily Traffic (AADT) count of 641 vehicles on Binna Burra Road recorded by DTMR in 2016. This equates to one (1) vehicle per minute travelling on Binna Burra Road during a peak hour based on the peak hour being approximately 10% of the AADT.

Therefore it is estimated that one (1) development generated vehicle will access the site every 4.6 minutes, interacting with one (1) vehicle per minute on Binna Burra Road. Based on this assessment it is concluded that there will be minimal impact on the road network.

- The development generated traffic exceeds 5% of the base traffic in either direction on the link's annual average daily traffic (AADT), and could therefore be considered significant. However the AADT for Binna Burra Road is relatively low.
- The proposed development is not of a scale that warrants a road link capacity assessment.
- The department considers any worsening of operating conditions of Binna Burra Road will be negligible. The proposed development is deemed to comply with PO20.

PO23 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in habitable rooms.

PO24 Development involving an accommodation activity or land for a future accommodation activity minimises noise intrusion from a state-controlled road or type 1 multi-modal corridor in outdoor spaces for passive recreation.

- Section 49A of the *Transport Infrastructure Act 1994* further explains that the department must consider the extent to which the development addresses impacts on the development from environmental emissions generated by State-controlled roads.
- Transport noise corridor means land designated under Chapter 8B of the *Building Act 1975* as a transport noise corridor.
- The subject land falls partly within a voluntary transport noise corridor mapping.
- Under the voluntary noise corridor mapping a building owner can choose to include the relevant noise category measures under the Queensland Development Code (QDC) Mandatory Part (MP) 4.4.
- Figure 2 of the Town Planning Report illustrates that no new structures are proposed within the voluntary transport noise corridor. However, the 'Camping Ground', and other passive recreation areas, may be exposed to noise levels up to 57.5dB (A).
- AO24.1 states that the external noise criterion for outdoor spaces for passive recreation is ≤ 57 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6am and 12 midnight ≤ 45 dB(A)).
- Therefore, for all intents and purposes, the proposed development would be considered to comply with PO23 and PO24.

Other performance outcomes of State code 1 of the SDAP are generally not applicable to the proposed development.

5.0 Recommendations

5.1 Technical agency advice for SARA as referral agency

Our agency recommends the following issues be addressed by applying conditions that should attach to any development approval (*Planning Act 2016* section 56(1)(b)(i)):

SARA model conditions version 3.2b

No.	Conditions of Development Approval	Condition Timing
Development Permit for Material Change of Use for Tourist Cabins, Camping Ground, Food Establishment/Reception Centre, Tourist Facility, Managers/Workers Residence and Dual Occupancy		
1.	<p>(a) The road access location, is to be located generally in accordance with the plan titled Roadworks Plan Sheet 1, prepared by Mortons Urban Solutions, Drawing No. 35501-XD-100, Revision A, and dated 12 June 2018.</p> <p>(b) The road access works must be designed and constructed in accordance with the Institute of Public Works Engineering Australasia Standard Drawings plan titled Driveways – Rural Driveway, Drawing No. RS-056, Revision F, and dated June 2014. In particular:</p> <ul style="list-style-type: none">the permitted road access is to be sealed for a minimum length of 10 metres from the existing edge of sealed shoulder of Binna Burra Road.	Prior to the commencement of use and to be maintained at all times.

6.0 Endorsement

Officer

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Approver

NR

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