

Our ref TMR24-043542  
Your ref  
Enquiries Linda Henning



Department of  
**Transport and Main Roads**

12 September 2025

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

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number MCU21/0089.03, lodged with Townsville City Council involves constructing or changing a vehicular access between Lot 19SP107219, the land the subject of the application, and Shaw Road (a state-controlled road).

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

### **Applicant Details**

Name and address Robert Henwood  
5 Kanbara Street  
Flinders Park SA 5025

### **Application Details**

Address of Property 325 Shaw Road, Shaw QLD 4818  
Real Property Description 19SP107219  
Aspect/s of Development Development Permit for Material Change of Use for Service Station including Fast Food Outlet and Carwash

### **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 |
|-----------------------------|--|------------------|
| <b>Road Access Location</b> |  |                  |
| <b>A. General</b>           |  |                  |
| 1                           | (a) The Permitted Road Access Location is located generally in accordance with Site Plan, prepared by Brett Hodgkinson Building Design, dated April 2024 Project No 24-06KIN, as amended in red. | At all times.    |

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval   | Condition Timing  |
|-----|--|---|
|     | <p>(b) Provide road access works generally in accordance (but subject to detail design) with the Concept External Functional Layout, prepared by Cambray Consulting Traffic Engineering and Transport Planning, dated 10/01/2024, Drawings:</p> <ul style="list-style-type: none"> <li>- KIN0323-01/SK01 – Functional Layout, Rev A</li> <li>- KIN0323-01/SK02 – Functional Layout – Dimensions, Rev A</li> <li>- KIN0323-01/SK03 – Swept Path Assessment 19m AV, Rev A</li> <li>- KIN0323-01/SK02 – Safe Intersection sight distances, Rev A, at the road access location referred to in part (a) of this condition.</li> </ul> <p>(c) Road works must be designed and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>i. the Department of Transport and Main Roads' <i>Road Planning and Design Manual, 2<sup>nd</sup> Edition</i>;</li> <li>ii. the Department of Transport and Main Roads' <i>Policies and Technical Specifications</i>;</li> <li>iii. Relevant Traffic and Road Use Manuals.</li> </ul> | <p>Prior to the commencement of the use of the Road Access Works and to be maintained at all times.</p> |

### Reasons for the decision

The reasons for this decision are as follows:

- a) To ensure access to the State-controlled Road from the property does not compromise the safety and efficiency of the State-controlled Road network.
- b) To provide safe access for all vehicles associated with the use.

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

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

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

### Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.

2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

### Further approvals

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

1. General advice:
  - a) This approval does not permit works to occur within the State-controlled Road reserve. Further approval is required from the Department of Transport and Main Roads prior to any works occurring.
  - b) Road Works Approval Required – In addition to the Road Access Works Approval, a Road Works approval is required pursuant to section 33 of the TIA. Written approval is required from the Department to carry out road works, including the conditioned line marking, on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mrs Linda Henning, A/Senior Town Planner should be contacted by email at [corridor.northern@tmr.qld.gov.au](mailto:corridor.northern@tmr.qld.gov.au) or on (07) 4421 8763.

Yours sincerely



Denise Hinneberg  
Principal Advisor

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



## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- The application for a MCU - other change in relation to land located at 325 Shaw Road, Townsville, more formally described as Lot 19 on SP107219 (**subject site**).
- The subject site comprises a freehold lot, encompassing an area of approximately 2.582 ha.
- Being a corner lot, the subject site benefits from frontage to both Shaw Road and Dalrymple Road.
- Shaw Road (Road ID: J41), a State-controlled Road (SCR) under the jurisdiction of Department of Transport and Main Roads has a posted speed limit of 80 km and in proximity to the site an annual average daily traffic (AADT) counts of approximately 10,482 vehicles.
- In the vicinity of the subject site and the Shaw Road/Dalrymple Road intersection, Shaw Road comprises of double carriageway, physically separated by a concrete median.
- The subject site is located within the Townsville City Council local government area and is assessable under the Townsville City Plan (Planning Scheme).
- The Applicant is seeking a development approval for an other change to facilitate:
  - an additional access to Dalrymple Road approved as part of the approval for a service station, fast food outlet and carwash; and
  - formalisation of the car wash area, with dimensions of wash bays and vacuum bays more in alignment with the general tenant specifications. (Proposed Development).
- The subject site currently has approval for a service station, fast food outlet and carwash, with an access arrangement to Dalrymple Road only, while the proposed development is seeking approval for an access to and from Shaw Road, though only left in, left out and right in.
- No changes are proposed to the existing approved access from Dalrymple Road.
- The new access is taken to be approximately 250m from the Shaw Road/Dalrymple Road intersection, and it is not anticipated that the location and design of the proposed development will adversely impact the structural integrity or physical condition of the SCR.
- Shaw Road is not identified as a Limited Access Road and has a posted speed limit of 80km/h.
- Cambray Consulting Traffic Engineers provided a Traffic Impact Assessment, dated 1 July 2025, as well as an response letter dated 27 August 2025 containing a road safety risk assessment and concept external functional layout that informs the application and demonstrated compliance with the Performance Outcomes under Table 1.2 and Table 1.3 of the State Development Assessment Provisions Version 3.2.

Evidence or other material on which findings were based:

| <b>Title of Evidence / Material</b>   | <b>Prepared by</b>  | <b>Date</b>    | <b>Reference no.</b>    | <b>Version/Issue</b> |
|---|---|----------------|-------------------------|----------------------|
| Traffic Impact Assessment Report  | Cambray Consulting<br>Traffic Engineering and<br>Transport Planning | 19 June 2024   | 01_TIA_Shaw             | -                    |
| Swept Path Assessment   | Cambray Consulting<br>Traffic Engineering and<br>Transport Planning | 21/05/2024     | KIN0323-01//SK08        | Rev A                |
| Proposed Commercial Development   | Brett Hodgkinson  | April 2024     | Project No 24-06<br>KIN | -                    |
| <b>Response to Further Advice Notice dated 13 September 2024, and Information Request dated 13 September 2024</b> |   |                |                         |                      |
| Response Letter   | LCJ Engineers   | 14 May 2025    | KINA006/AC/DN           | -                    |
| Traffic Impact Assessment   | Cambray Consulting<br>Traffic Engineers                             | 1 July 2025    | -                       | -                    |
| Letter  | Cambray Consulting<br>Traffic Engineers                             | 1 July 2025    | KIN0323-01              |                      |
| Flood Impact Assessment   | Imbris  | 14 May 2025    | LCJ005-325SR-002        | -                    |
| <b>Response to Further Advice Issued on 18 July 2025</b>  |   |                |                         |                      |
| Addendum to Flood Impact Assessment Report  | Imbris  | 15 August 2025 | LCJ005 – 325SR-0020ADD1 |                      |
| Letter  | Cambray Consulting<br>Traffic Engineers                             | 27 August 2025 | KIN0323-01              |                      |

## Attachment B

### Section 70 of TIA

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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#### **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

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**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

**original decision** means a decision described in schedule 3.

**reviewed decision** means the chief executive's decision on a review under section 485.

### **31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

### **32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

**relevant entity** means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

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

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

