

Our ref TMR26-050497
Enquiries Linda Henning



30 July 2026

Department of
Transport and Main Roads

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

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

Development application reference number MCU26/0010, lodged with Burdekin Shire Council involves constructing or changing a vehicular access between Lot 4H61611, 5H61611, 6H61611, 7H61611, the land the subject of the application and Bruce Highway (10K), also referred to as Eight Avenue (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 ASEH Property P/L
600 Glenferrie Road
Hawthorn QLD 3122

Application Details

Address of Property 48-50 Eighth Avenue, Home Hill QLD 4806
Real Property Description 4H61611, 5H61611, 6H61611, 7H61611
Aspect/s of Development Development Permit for Material Change of Use for Service Station
Development Permit for Material Change of Use for Service Station

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
Road Access Location		
A. General		
1	The Permitted Road Access Location is in accordance with the Site Layout plan, prepared by Eight Architecture and Design, dated 20/04/2025, reference TP01, revision D and amended in red.	At all times.

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

No.	Conditions of Approval	Condition Timing
2	(a) Road access works comprising a left-out only heavy-duty vehicle crossing at the northern site boundary, an ingress only, heavy duty vehicle crossing at the southern site boundary, and light vehicle full movement crossing central to the site boundary, must be provided generally in accordance with: - the Road Access Location Plan referred to in part (a) of this condition, named Site Layout plan, prepared by Eight Architecture and Design, dated 20/04/2025, reference TP01, revision D and amended in red; and - Urban - local government crossover standards (b) Install relevant Regulatory and directional signage at the access points to advise and enforce: - “left-out only egress, including a “No right turn” sign, at the northern access, and - a “left-in, right in signs at the southern access, and - all movement access for light vehicles at the central access crossover. (c) The road access works and signage must be designed and constructed in accordance with: i. the Department of Transport and Main Roads’ Road Planning and Design Manual, 2nd Edition; ii. the Department of Transport and Main Roads’ Policies and Technical Specifications; iii. the Department of Transport and Main Roads’ Standard Drawings Roads; and iv. Burdekin Shire Council requirements.	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.
3	The use of the Permitted Road Access Locations are to be restricted to “heavy vehicles” and light vehicles in accordance with the Permitted Road Access Location Plan referred to in condition 1 of this approval.	At all times.
4	Direct access is prohibited between Bruce Highway (10K), also referred to as Eight Avenue, (a state-controlled road), and Lots 4H61611, 5H61611, 6H61611, 7H61611 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.
5	To ensure the safety of pedestrians, bicycle riders and other path users, sight lines at the permitted road access location, must be provided and maintained so that drivers on the driveway are able to see approaching path users before their vehicle encroaches onto the path. The Developer can obtain further guidance on what is required from the Department of Transport and Main Roads' Treatment options to improve safety of pedestrians, bicycle riders and other path users at driveways, available at: Cyclists and pedestrians (Department of Transport and Main	At all times.

No.	Conditions of Approval	Condition Timing
	Roads)	
6	The landowner shall be responsible for maintenance of the driveway between the property boundary and the edge of the bitumen as required to continue safe and efficient access between the permitted road access points and Bruce Highway (10K), also referred to as Eight Avenue, (the state-controlled road).	At all times.

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. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.
2. General advice:
 - a) 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, Linda Henning, Town Planner should be contacted by email at corridor.northern@tmr.qld.gov.au or on (07) 4421 8763.

Yours sincerely



Aidan Colahan
A/Senior Planner

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:

- This development application relates to land located at 42-50 Eighth Avenue, Home Hill, and more particularly described as Lots 4-7 on H61611.
- The subject site comprises four (4) freehold properties with a combined site area of 1,335.47m².
- The subject site benefits from a road frontage to Eighth Avenue (state-controlled road) of approximately 87m.
- Eighth Avenue is a State-controlled under the jurisdiction of the Department of Transport and Main Roads (TMR), Road ID 10K.
- The application seeks a development permit to facilitate a Material Change of Use for a Service Station (Extension).
- The proposal involves the construction of a truck refuelling area and associated canopy as an extension to the existing service station.
- The proposed works are to primarily be located on Lot 4 on H61611.
- The proposed extension will introduce two (2) additional Hi-Flow Diesel bowzers, with 4 refuelling points that can accommodate vehicles up to 25m long B-Double.
- A 6.5-metre-high canopy with 5.5 metres of clearance will provide well-lit, all-weather protection for motorists.
- Truck access will utilise the existing service station crossover on Eighth Avenue, with a new exit also proposed onto Eighth Avenue.
- The existing crossover at the south-eastern corner of the site will be utilised for truck entry, with vehicles circulating around the rear of the service station, before entering the refuelling area on the northern portion of land.
- An additional crossover will be provided to Eighth Avenue at the north-eastern corner of the site which vehicles will then exit the site from after refuelling.
- The existing service station (which only accommodates standard passenger vehicles), including bowzers, canopy, service kiosk and vehicle access points will be unaltered.
- The permitted road access location at the northeastern side is restricted to “left-out” only, due to right turn movement safety concerns close to the intersection with Fifth Street and the southeastern access is restricted to left-in and right in- only to ensure this access is does not create a safety concern for users of the SCR.
- The centrally located permitted road access is restricted to light vehicle use only due to the service station design.
- Linemarking and signage is required to ensure compliance with the access restrictions.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
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Traffic Engineering Assessment	Traffix Group	24/06/2026	G37239R-01E	E
Site Layout and Elevation Drawings	Eight Architecture & Design	20/04/2025	TPO 1- Site Layout TPO 2 – External Elevations	D

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

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

(5) The court may order—

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

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

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

(7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

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

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

35 Time for making appeals

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

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

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

(2) However, if—

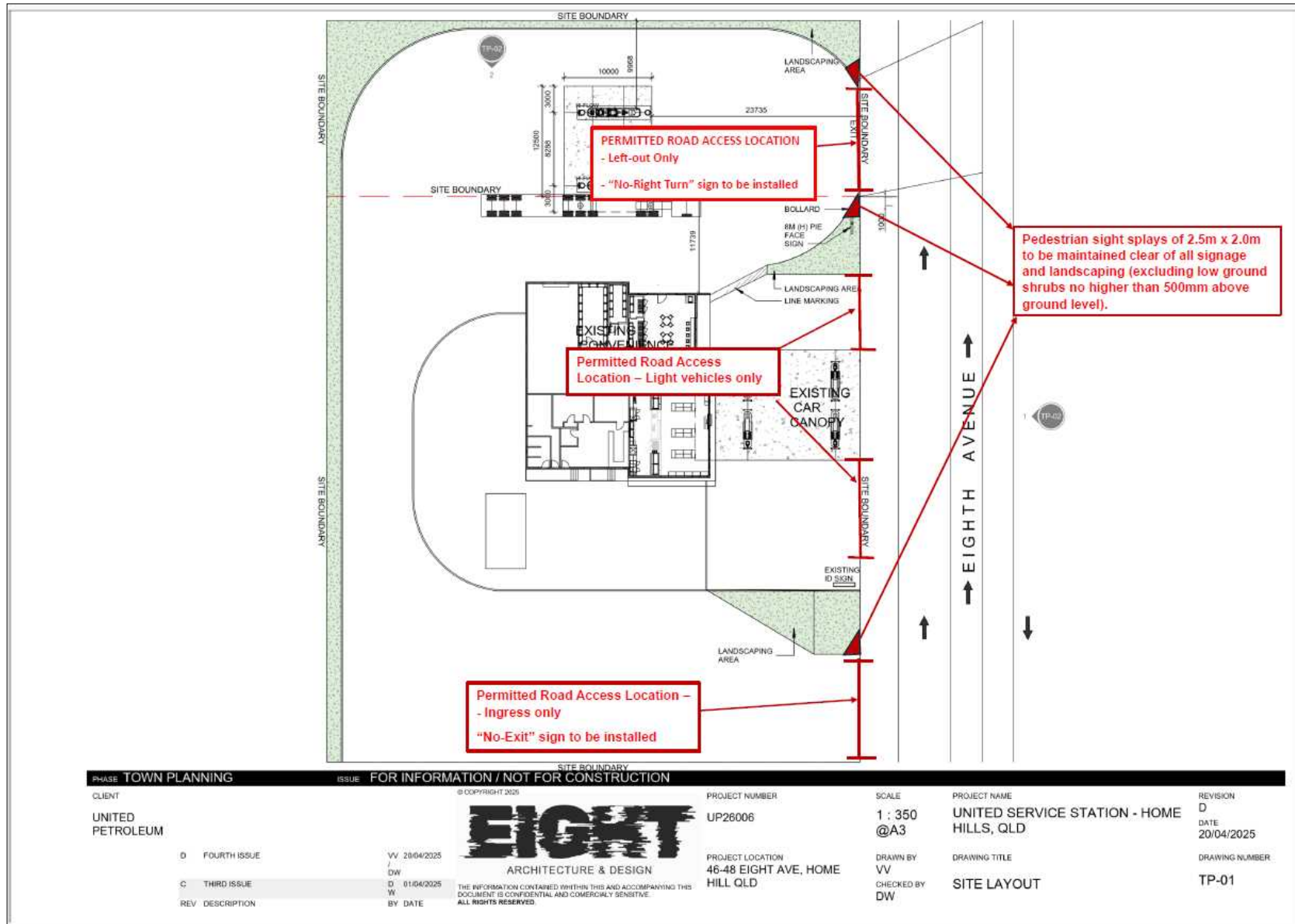
(a) the decision notice did not state the reasons for the decision; and

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

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

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

Attachment D - Permitted Road Access Location Plan



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