

TOOWOOMBA MAIL ROOM

16 JUN 2025



Queensland
Government

Department of
Transport and Main Roads

File Ref: TMR21-032631

c/c:

Toowoomba Regional Council,
PO Box 3021,
Toowoomba, QLD 4350

Yours sincerely

Jason McGuire
Senior Town Planner
10 June 2026

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Queensland
Government

Our ref TMR21-032631
Your ref MCUI/2021/1282 & OWS/2021/1287
Enquiries Jason McGuire

Department of
Transport and Main Roads

10 June 2026

The Director
SJS Fuels Pty Ltd
C/- Project Urban
PO Box 6380
Maroochydore BC QLD 4558

Re: Non-compliance with SARA Condition 2

Development Approval: MCUI/2021/1282 & OWS/2021/1287
SARA Ref: 2104-21908
Site: 25 Toomey Street, Yarraman

Dear Sir/Madam,

The Department of Transport and Main Roads (TMR) have identified that the abovementioned development is not compliant with Condition 2 of the SARA Referral Agency Response dated 20 January 2022 issued under the *Planning Act 2016*.

Condition 2 requires that road access locations and associated works be undertaken strictly in accordance with the approved plans and specified requirements, including (but not limited to):

- location of access points to the New England Highway and D'Aguilar Highway.
- provision of restricted turning movements.
- installation of specific traffic control measures including signage, line marking and a painted centre blister island. Road access 1 (Margaret Street) is restricted to a 'left out' movement only, and Road access 2 (Toomey Street) is restricted to 'left in/left out'.
- design and construction in accordance with TMR and Council standards.

TMR notes that the current works and/or operational arrangements at the site do not comply with these requirements. Specifically, the required 'left out only' signage facing toward the site on each exit has not been provided. This has resulted in observed vehicle 'right out' movements causing significant safety issues. TMR also requires that the existing angled carparking bay line-marking (within the vicinity of the D'Aguilar highway/Toomey Street

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crossover) be removed as per the approved plans, as they currently obstruct traffic movements.

Enforcement role

Under the SARA referral agency response:

The Director-General of the Department of Transport and Main Roads is nominated as the enforcement authority for the administration and enforcement of these conditions. Accordingly, TMR is authorised to take action to ensure compliance with the above condition.

Required action

You are required to:

1. Undertake all necessary works to bring the development into full compliance with Condition 2; and
2. Provide written confirmation to TMR detailing the actions taken, including supporting evidence (e.g. as-constructed drawings, photographs, certification), within 10 business days.

If the non-compliance relates to constructed infrastructure, you must also provide:

- certified engineering drawings; and
- confirmation that works comply with the Road Planning and Design Manual and MUTCD requirements.

Failure to comply

If compliance is not achieved within the nominated timeframe, TMR may consider further action, which may include:

- issuing a formal compliance notice.
- pursuing enforcement action under applicable legislation; and/or
- coordination with the Assessment Manager regarding broader compliance measures.

Contact

Should you wish to discuss this matter, please contact Senior Town Planner, Mr Jason McGuire on (07) 46390698 or Jason.b.mcguire@tmr.qld.gov.au

Yours sincerely



Jason McGuire
Senior Town Planner



SARA reference: 2104-21908 SRA
 Council reference: MCUI/2021/1282 & OWS/2021/1287
 Applicant reference: 20220

25 November 2021

Chief Executive Officer
 Toowoomba Regional Council
 PO Box 3021
 TOOWOOMBA QLD 4350
 development@tr.qld.gov.au

Attention: Mr Geoff Broadbent

Dear Geoff

SARA response—25 Toomey Street, Yarraman

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 8 April 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	25 November 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Service Station Operational work for Advertising Device (2 x Pylon Signs)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1)—Material change of use of premises near a State transport corridor (Planning Regulation 2017)	
SARA reference:	2104-21908 SRA	

Assessment Manager: Toowoomba Regional Council
 Street address: 25 Toomey Street, Yarraman
 Real property description: Lots 1 & 2 on RP68011 and Lot 2 on RP40472
 Applicant name: SJS Fuels Pty Ltd
 Applicant contact details: C/- Project Urban
 PO Box 6380
 Maroochydore BC QLD 4558
 mick.sheppard@projecturban.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR21-032631
- Date: 22 November 2021

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

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Danica Clark, Senior Planner, on (07) 4616 7305 or via email ToowoombaSARA@dildgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Darren Cooper
 Manager - DDSW (Planning)

cc SJS Fuels Pty Ltd, mick.sheppard@projecturban.com.au

enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response
 Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
(10.9.4.2.4.1)—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 conditions:		
1.	Advertising signage is not permitted within the state-controlled road corridor.	At all times.
2.	The development must be carried out generally in accordance with Section 6 (Stormwater Management) of the Engineering Report prepared by Contour Consulting Engineers dated 03/03/2021, reference 2593-ENG01, Revision A, as amended in red.	At all times.
3.	<p>(a) The permitted road access location is to be between Lot 1 on RP68011 and New England Highway (Road Access 1), Lot 2 on RP40472 and D'Aguilar Highway (Road Access 2), in accordance with:</p> <ul style="list-style-type: none"> • Prop. Site Plan, prepared by Verve Building Design Co. dated 20/10/2021, reference Drawing Number 21125 DA02, Revision D, as amended red. <p>(b) Road access works must be provided at the permitted access location as follows:</p> <p>(i) Road Access 1:</p> <ul style="list-style-type: none"> - Restricted to Left out egress only; - Angled to restrict vehicles from entering; and - Advisory signage and line marking indicating left out turn movements <p>(ii) Road Access 2:</p> <ul style="list-style-type: none"> - Restricted to left in/left out turn movements; - Centre blister island (painted) - Restricted to service vehicles (HRV) being the largest heavy vehicle to enter the site. - Advisory signage and line marking directing left in left out movements <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> • The Department of Transport and Main Roads' Road Planning and Design Manual; • The Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices; and • Toowoomba Regional Council's standards for commercial road access. 	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>Road corridor permit: An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. Please contact the Department of Transport and Main Roads (Darling Downs Office) to make an application for a Road Corridor Permit.</p> <p>Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.</p>
3.	<p>Road access works approval: Under sections 62 and 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads (Darling Downs Office) to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> <p>The applicant should note that reference to the approved plans imply conceptual approval only. Further modifications and inclusions are likely to be required in order for submitted detailed designs to comply with the Department of Transport and Main Roads standards at the roadworks application (s33 TIA) stage. In particular, detailed designs may require, but should not limited to, necessary lane widening for provision of cycle lanes, lengthening of turn lanes, installation of lighting, signage and line marking, pavements, utilities and services, and roadsides and roadside furniture.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

The development complies with *State code 1: Development in a state-controlled road environment* of the SDAP. Specifically, the development (with relevant conditions):

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response

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Attachment 5—Approved plans and specifications

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SCANNED

16 JUN 2023