

Our ref TMR26-050556
Applicant ref URB25-181
Enquiries Lauren Schmidt



Department of
Transport and Main Roads

17 August 2026

Decision Notice – Access Prohibited (s62(1) *Transport Infrastructure Act 1994*)

Development application reference number A007021687, lodged with Brisbane City Council involves constructing or changing a vehicular access between Lot 469 RP110511 the land the subject of the application, and Nathan Connection Arterial 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 Jawad Siddique C/- Urbicus Pty Ltd
110 Kennedy Terrace
Paddington QLD 4064

Application Details

Address of Property 685 Mains Road, Macgregor QLD 4109
Real Property Description 469 RP110511
Aspect/s of Development Reconfiguring a Lot, 1 into 3 lot residential subdivision
Material Change of Use for Multiple Dwelling (3 townhouses)

Decision (given under section 67 of TIA)

It has been decided the following conditions must be complied with:

No.	Conditions of Approval	Condition Timing
Road Access Location		
A. General		
1	(a) Close and remove the existing vehicular property access located between Lot 469 on RP110511 and Nathan Connection Arterial Road. (b) The road works to close and remove access, referred to in part (a) of this condition, must be in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition. The road works must: (i) remove the driveway crossover and any drainage structure/s beneath the driveway;	Prior to the commencement of use.

No.	Conditions of Approval	Condition Timing
	(ii) reinstate the kerb and channel; (iii) reinstate road pavement after closure and removal;	

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site has existing vehicular access to Nathan Connection Arterial Road.
- b) The proposal seeks a Material Change of Use for Multiple Dwelling (3 townhouses) and Reconfiguring a Lot for 1 into 3 lots
- c) The proposal seeks to remove the existing vehicular access to Nathan Connection Arterial Road
- d) TMR require the crossover to be removed and kerb and channel to be reinstated to avoid the redundant crossover presenting as a valid access location.

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

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 is 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. Please contact the department to make an application.

If further information about this approval or any other related query is required, Ms Lauren Schmidt, Senior Planner should be contacted by email at metropolitan.idas@tmr.qld.gov.au or on (07) 3066 5659.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jake Morrison', with a stylized, cursive script.

Jake Morrison
A/Principal Project Advisor

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- a) The subject site has existing vehicular access to Nathan Connection Arterial Road.
- b) The proposal seeks a Material Change of Use for Multiple Dwelling (3 townhouses) and Reconfiguring a Lot for 1 into 3 lots
- c) The proposal seeks to remove the existing vehicular access to Nathan Connection Arterial Road
- d) TMR require the crossover to be removed and kerb and channel to be reinstated to avoid the redundant crossover presenting as a valid access location.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/ Issue
Confirmation Notice	Brisbane City Council	18 June 2026	A007021687	
Urban Planning Report	Urbicus	13/05/2026	URB25-181	Final
Proposed Site Plan	Local Focus Design	17.2.26	DA00	B
Proposed Lot Plan	Local Focus Design	17.6.25	DA00-1	A
Concept Ground Floor Plan	Local Focus Design	10.2.26	DA01	C
Concept Ground Floor Plan	Local Focus Design	10.2.26	DA02	C
Concept Elevations	Local Focus Design	25.2.26	DA05	D
Concept Sections	Local Focus Design	25.2.26	DA06	D
BMC Traffic	Traffic Engineering Assessment Report	19/02/2026	TOC1	

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.