

From: [personal information]@tasmanpartners.com.au
To: SCR CMA allocations
Cc: [personal information]
Subject: Road Access Submission 628 Tomewin Mountain Road, Currumbin Valley Lot 9 RP 899604 Owner : [personal information]
Date: Monday, 1 November 2021 6:02:24 PM
Attachments: image001.png
Road Access Submission 628 Tomewin Mountain Road, Currumbin Valley Lot 9 RP 899604 Owner : [personal information]
[personal information].pdf
Drive Access Submission 011121.pdf
image003.png

Please find herewith our application for road access (extension of an existing driveway) to 628 Tomewin Mountain Road, Currumbin Valley along with associated back up documentation.

This application is made to provide a safe and practical road access to our property by extending the existing accessway currently traversing the road corridor. We undertake to safely remove the derelict lean to carport existing on the driveway.

Our property has direct access to Tomewin Mountain Road, but the contour directly from asphalt to the subject lot boundary is prohibitively steep and includes both a large SEQEB pole and a Telstra Pole and Double Telstra Pit along the road verge, further restricting access.

Thank you for your kind consideration. We would appreciate acknowledgement of this lodgement if possible.

REGARDS

[personal information]

MOBILE [personal information] NR @TASMANPARTNERS.COM.AU

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 Be green, read from the screen.

personal information



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Road Access Location/Road Access Works (driveway) on a State-controlled road Application

(for applications not associated with conditions of development approval)

A **permitted road access location** and **road works** approval is required to establish, repair or modify access between an individual property and a State-controlled road under s33 of the *Transport Infrastructure Act 1994* (the Act).

- **Road access location** (s53 of the Act) means a location on a property boundary between land and a road for the entry and exit of traffic.
- **Permitted road access location** means the location or locations at which access between the land and the road is permitted under a decision in force under s62(1) of the Act.
- **Road access works** are defined by the Act as:
 - (a) a physical means of entry or exit for traffic between the land and a road.
 - (b) **road works** providing entry or exit for traffic between works mentioned in paragraph (a) and the part of the road formed or prepared for use by general traffic.
- **Road works** as defined by the Act include works done for establishing or constructing roads or things associated with roads.

Note:

- The Department of Transport and Main Roads does not construct or undertake maintenance on **road access works** (including driveways).
- The owner of the land is responsible for all costs associated with construction and maintenance of the **road access works** (including driveways).
- The Department of Transport and Main Roads is not responsible for relocating any services (electricity, telecommunication, drainage pits and so on).
- The Department of Transport and Main Roads may refuse to grant an approval or revoke an approval where the applicant has not provided true or correct information in their application.

1. Applicant's details

(where the applicant is not the owner, a letter of consent from the registered lot owner **must** be attached)

Name/company

personal information

Address

628 Tomewin Mountain Road, Currumbin Valley, QLD

Postcode 4223

Telephone number

personal information

Mobile number

NR

Email address

personal information

@tasmanpartners.com.au

What is your interest in the land? (the applicant must have an interest in the land)

Owner

Leaseholder

Holder of easement rights

Other

2. Other owners/occupiers of the subject land

Please attach details (name, postal address, email address and their interest in the land) of **all** other owners and occupiers or users of the subject land (including neighbouring properties under an easement arrangement).

3. Proposed road access location

Please provide details of the land where the access is proposed.

Address

628 Tomewin Mountain Road, Currumbin Valley, QLD

Postcode 4223

Real property description (lot on plan)

Lot 9 RP 899604

4. Details of the use of the proposed road access location

Is the application for a new **road access location** or to change existing arrangements?

Now Replace/modify existing

Is the **road access location** for:

Private residential purpose Commercial purpose Agriculture Industrial Community use

Other

What is the posted speed (speed limit) of the State-controlled road at the location you are seeking access to? km/h

Does the boundary of the property of the proposed **road access works** have kerb and channelling along its frontage?

Yes No

Is there an alternative means of access to the property (for example, approved easement on a neighbouring lot or access to a side road)?

Yes No

What type of vehicle and how many vehicles per day are expected to use the **road access works**?

Light vehicles /day Semi trailers /day Double road trains /day
 Single unit trucks (including buses) /day B-Double trucks /day Triple road trains /day
 Other: /day

Attach a scaled drawing or site plan for a distance of approximately 100m each side of where you propose the **road access location** to be. The site plan is to show the location of the proposed **road access location**, property boundaries, intersection and **road access works** on neighbouring properties on both sides of the road, the layout for existing and proposed **road access works** and any associated **road works**.

Attach any other relevant details about the proposed **road access location**.

5. Declaration

I/We the applicant(s):

- a. request approval of the proposed **road access location** under s62 of the Act
- b. warrant that the information provided in/or attached to this application is true and accurate to the best of my/our knowledge.

For individual applicants

Signature Date

For corporate applicants

executed in accordance with s127 of the *Corporations Act 2001* (Cth)

Company name

Australian Company Number (ACN)

Name and position

Signature Date

Name and position

Signature Date

Note:

Where the applicant is a company, the applicant must:

- insert the company name and the ACN
- sign the application in accordance with s127 of the *Corporations Act 2001* (Cth) – that is either:
 1. two directors
 2. one director and the company secretary
 3. if the company has a sole director and sole secretary, that person.

Where the applicant is not an individual or a company, such as an incorporated association, please modify the execution block to suit.

Privacy statement - The Department of Transport and Main Roads is collecting the information on this form for the purposes of assessing a **road access location** in accordance with the Act. Your personal details will not be disclosed to any other third party without your consent unless required by law.

Information for applicants:

- An applicant for a **permitted road access location** must be a person with an interest in the subject land.
- A **permitted road access location** approval can be issued where an applicant completes and signs this application form and satisfies the Department of Transport and Main Roads that:
 1. The proposed **road access location** will be located at an appropriate place, having regard to the safety and efficiency of the State-controlled road network.
 2. Any adverse impacts associated with the proposed **road access location** can be adequately mitigated.

The approval process takes time

The applicant should ensure sufficient time is allowed for the Department of Transport and Main Roads to assess the application

The Department of Transport and Main Roads will use its best endeavours to respond within 10 business days by either:

- i. an acknowledgement of your application
- ii. a request for further information
- iii. a notice of decision of your application.

The type of initial response the applicant will receive will depend on the complexity of the application and the information provided.

An approval may be conditional

The Department of Transport and Main Roads will advise you in writing of the decision. Where successful, the applicant will receive a 'Letter of Conditional Approval'. **This does not authorise works to commence.** The 'Letter of Conditional Approval' contains the **permitted road access location** and conditions which must be met before the **road access works** (including driveways) can be constructed.

Once the Department of Transport and Main Roads is satisfied the conditions have been complied with, the applicant will receive an 'Authority to Commence Works'.

Conditions that may be imposed

Before the Department of Transport and Main Roads will approve an application for works to be undertaken, it will generally require:

- that the construction work is to proceed without unreasonable interruption to traffic. This may include the requirement for a Construction Workplace Plan, including a Traffic Management Plan. Any traffic control will need to be undertaken by a company which is registered under the Traffic Management Registration Scheme. Refer to www.tmr.qld.gov.au/business-industry/Accreditations/Traffic-Management-Registration-Scheme.aspx.
- details of your contractor. You must be able to demonstrate your nominated contractor has sufficient expertise to carry out the proposed work.
- that the nominated contractor indemnify the Department of Transport and Main Roads from any liability connected with the works.
- that the nominated contractor has an appropriate level of public liability insurance cover. The nominated contractor may also be required to provide a copy of the policy and/or certificates of insurance.
- that the applicant be responsible for rectifying any negative impacts on the road corridor caused by or connected with carrying out the works, such as environmental damage and/or matters affecting public safety.
- that the applicant is responsible for identifying and complying with all other laws and requirements which may relate to carrying out works or activities.
- that the applicant pay a bond to the Department of Transport and Main Roads.

It is the applicant's responsibility to ensure that all conditions of approval given by the Department of Transport and Main Roads are complied with before any works commence.

Applicants should contact the Department of Transport and Main Roads if they require any assistance with understanding what they are required to do before they undertake approved works.

Assistance with or lodgement of application

To lodge your application or if you require any assistance with finalising your application, contact the Corridor Management team in your local Department of Transport and Main Roads office. To find out which is your local office, call 13 23 80 or go to www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices.aspx.

Office	Email	Phone
Barcaldine	barcaldine.office@tmr.qld.gov.au	4651 2777
Rockhampton	corridormanagement@tmr.qld.gov.au	4931 1559
Roma	southwest.office@tmr.qld.gov.au	4622 9511
Toowoomba	downsswr.office@tmr.qld.gov.au	4639 0777
Cairns	cairns.office@tmr.qld.gov.au	4045 7144
Mackay	mackay.whitsunday.idas@tmr.qld.gov.au	4951 8555
Brisbane	metropolitan.idas@tmr.qld.gov.au	3066 6762
Maroochydore	northcoast@tmr.qld.gov.au	5451 7055
Cloncurry	cloncurry.corridor@tmr.qld.gov.au	4769 3200
Townsville	north.queensland.idas@tmr.qld.gov.au	4421 8700
Gold Coast	scrcmallocations@tmr.qld.gov.au	5563 6600
Bundaberg	WBB.idas@tmr.qld.gov.au	4154 0200

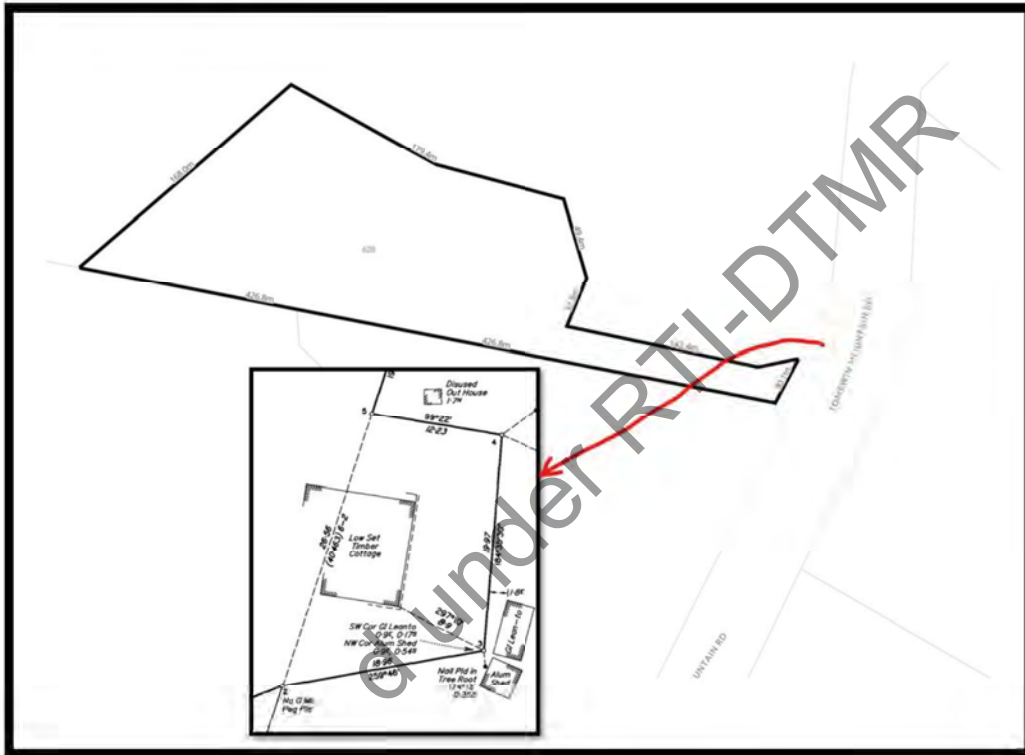
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628 Tomewin Mountain Road, Currumbin Valley Lot 9 RP 899604

Owner :

This application is made to provide a safe and practical road access to 628 Tomewin Mountain Road, Currumbin Valley.

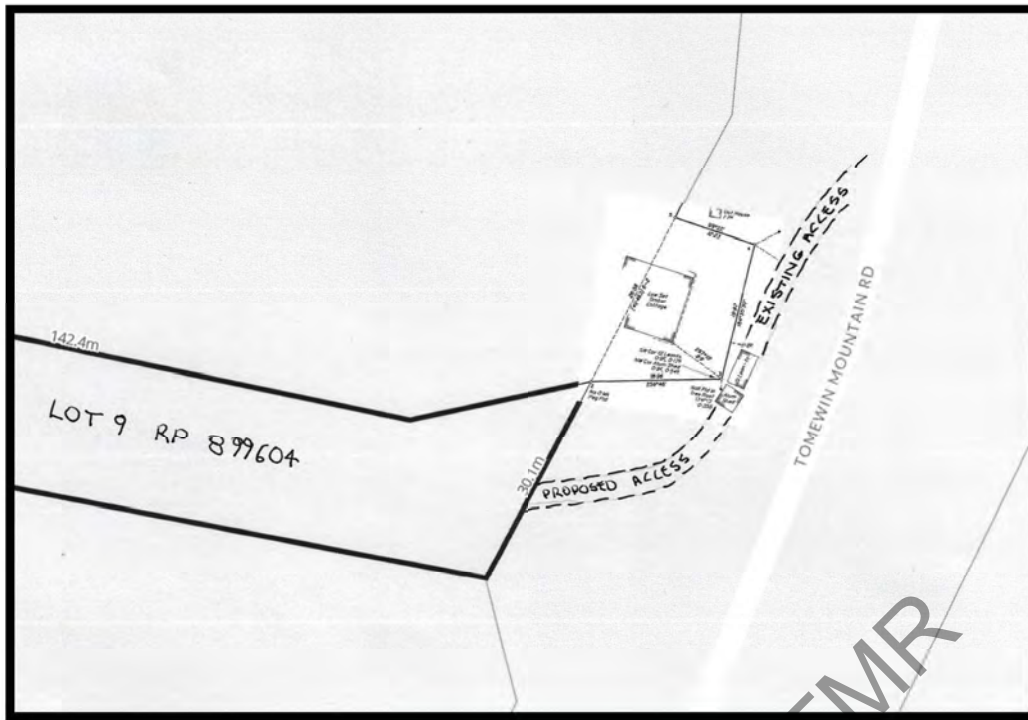
The land has direct access to Tomewin Mountain Road, but the contour directly from asphalt to the subject lot boundary is prohibitively steep and includes both a large SEQEB pole and a Telstra Pole and Double Telstra Pit along the road verge, further restricting access.



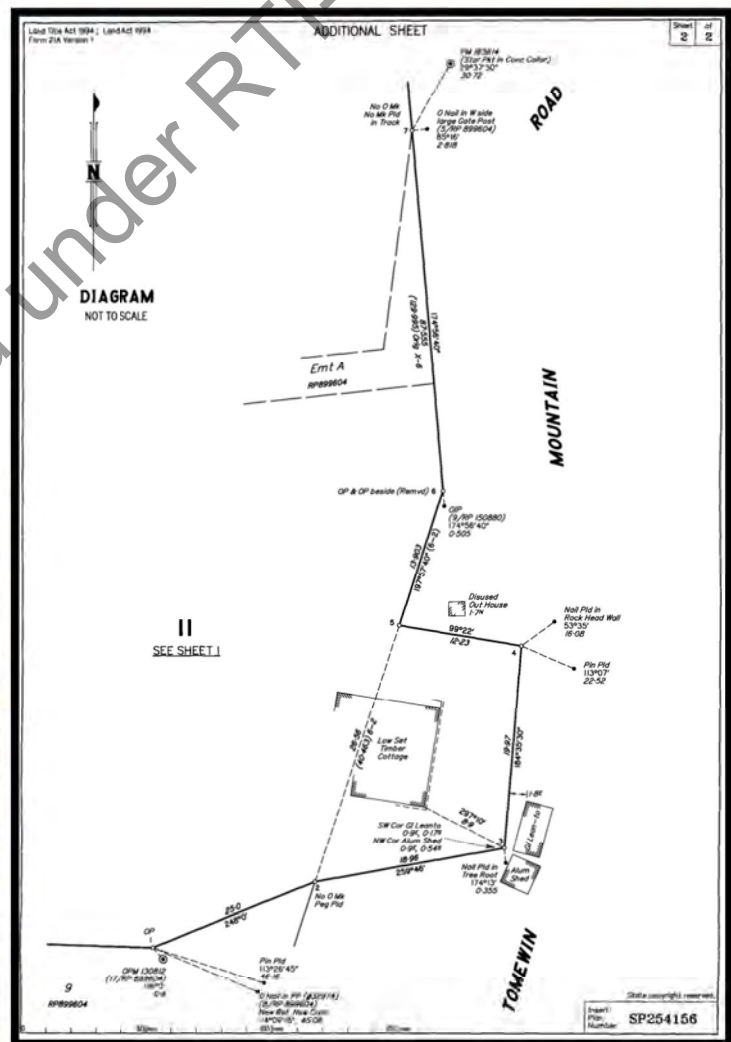
Location of neighbouring properties



The closest neighbouring access is approximately 160m away to the south



Existing drive access and proposed access. **Note: Carport to be removed. Galy Shed has long been removed.**



Extract from Land Titles



Existing drive on Tomewin Mountain Road on road verge that we wish to share access.



Red Line indicates approximate road height. Blue Line indicates commencement level of Lot 9 RP 899604 15m below



Contour survey confirming approximately 15 metre drop from road level (290M) to lot Boundary (275m)



Red arrow indicates commencement location of existing access drive we wish to use.

Green shade cloth runs across the width of our access and placed due to sharp drop off from road verge.



View from proposed access drive looking north to coast. Very clear visibility.



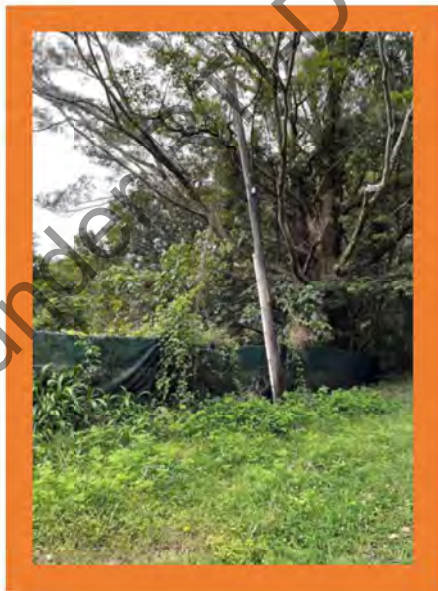
View from proposed shared drive looking south to Border Gate with NSW. Very clear visibility.



Large Power Pole Location and screen safety barrier



Telstra Double Pit Location



Telstra Pole

From: "eDAMdonotreply" <donotreply@edammail.tmr.qld.gov.au>

Sent: 25/03/2022 02:34:35 PM

To: personal information@tasmanpartners.com.au

CC: Ken Jensen <ken.w.jensen@tmr.qld.gov.au> ; Michael Limpin <Michael.J.Limpin@tmr.qld.gov.au> ; Gold Coast <scr.calm@tmr.qld.gov.au>

Subject: TMR21-034591 - TMR correspondence for 628 Tomewin Mountain Road, Currumbin Valley QLD 4223 (Reference Number TMR21-034591)

Attachments:

- [TIA - Conditional approval - s62 and s33_1.pdf](#)
- [IPWEAQ Std Dwg RS-056 Rural Driveway.pdf](#)
- [F5109 - Deed of Indemnity.pdf](#)
- [Drive Access Submission 011121.pdf](#)
- [F5084 - Principal Contractor Details and Bond Estimate.pdf](#)

Our Reference: TMR21-034591

Application Street Address: 628 Tomewin Mountain Road, Currumbin Valley QLD 4223

Please see the attached [TIA - Conditional approval - s62 and s33_1.pdf] 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 scr.calm@tmr.qld.gov.au who will be able to assist.

Regards,
eDAM System | Department of Transport and Main Roads

Released under RTI-DIMR

Our ref TMR21-034591
Your ref
Enquiries Michael Limpin



Department of
Transport and Main Roads

25 March 2022

personal information

Dear personal information

Decision Notice for a Permitted Road Access Location and Amended Conditional Approval of road access works (driveway) at Lot 9RP899604 / 628 Tomewin Mountain Road, Currumbin Valley.

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

I refer to your application for:

- a decision under section 62(1) of the Transport Infrastructure Act 1994 (TIA) for an access location and
- approval under section 33(1) of the TIA for road access works

at 628 Tomewin Mountain Road (Lot 9RP899604), Currumbin Valley.

Permitted Road Access Location 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	Road access works comprising a rural residential property access must be provided at the permitted access location, generally in accordance with: a) Road Access Submission (1/11/2021) (attached), and b) IPWEA Standard Drawing RS-056 – Vehicle Crossings Rural Driveway.	Construction of road works must not commence until the prestart meeting has concluded and an 'Authority to Commence Works' has been issued.
2	The Property Owner/s will retain responsibility for the ongoing maintenance of the road access works (including any vegetated batters and overhanging trees within sight lines) constructed within the State-controlled road corridor in accordance with this approval.	At all times.

No.	Conditions of Approval	Condition Timing
3	Direct access is prohibited between Tomewin Mountain Road and Lot 9RP899604 at any other location other than the permitted road access location described in Condition One (1).	At all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The applicant has applied for the permitted road access location between the subject lot and Tomewin Mountain Road.
- b) The Department has reviewed the proposal and confirmed that satisfactory sight distance is achievable with minor vegetation clearing works at the proposed location.
- c) The topography of the road reserve at the property frontage is prohibitively steep to provide vehicular access. Therefore, the applicant's proposal to share the existing access of 618 Tomewin Mountain Road is satisfactory.
- d) The applicant's proposal to construct a shared access with the neighbouring property is in line with strategies outlined in TMR's Vehicular access to state-controlled roads policy.

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, you are bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for your information.

Approval of road access works (given under (section 33(1) of TIA)

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

No.	Conditions of Approval	Condition Timing
Road Works		
A. General		
4	Road access works comprising a rural residential property access must be provided at the permitted access location, generally in accordance with: <ol style="list-style-type: none"> a) Road Access Submission (1/11/2021) (attached), and b) IPWEA Standard Drawing RS-056 – Vehicle Crossings Rural Driveway. 	Construction of road works must not commence until the prestart meeting has concluded and an 'Authority to Commence Works' has been issued.

No.	Conditions of Approval	Condition Timing
5	<p>Due to limited viable option for a separate access to the state-controlled road, the applicant is required to notify the neighbouring property of the requirement of this approval to share the use and maintenance of the existing section of the access within the boundary of the state-controlled road corridor.</p> <p>[Note: Should the neighbouring property who have built the existing access across the state-controlled road verge seek any compensation or similar claims, TMR is not expected to be party to or be involved in any private agreement whether formal or informal between the applicant and the owner of the adjacent property.]</p>	Prior to commencement of use of the access.
6	<p>The existing access described in Condition One (1) which is proposed to be shared by the applicant for access into 628 Tomewin Mountain Road is required to be maintained generally in accordance with IPWEA Standard Drawing RS-056.</p> <p>The Department requires that the access is to be sealed a minimum for 2m back from the edge of the existing pavement on Tomewin Mountain Road to minimise the risk of pavement edge drop-off and gravel being carried onto the road.</p>	Prior to TMR issuing 'Certificate of Completion'.
7	<p>Based on a desktop site assessment of the proposed access location conducted with digital video recording information from 24/02/2021, it appears that minor vegetation clearing is required to achieve adequate sight distance from the access to vehicles travelling northbound on Tomewin Mountain Road.</p> <p>The applicant is required to carry out minor vegetation clearing (that is, grass/shrub clearing and tree trimming) as part of the works to ensure that adequate safe sight distance is achieved (in accordance with <i>Austrroads Guide to Road Design Part 4A – Table A 10</i>, that is, 97m minimum).</p>	Prior to TMR issuing 'Certificate of Completion'.
8	All road works are to be carried out in accordance with TMR's specifications and standards.	Prior to commencement of use.
9	This conditional approval is valid for two (2) years from the date of this letter.	At all times.
10	The Road Works are to be constructed at no cost to TMR.	At all times.
11	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.
12	Any damage to the existing road infrastructure caused by carrying out the Road Works is to be rectified/repaired at no cost to TMR.	Prior to TMR issuing 'Certificate of Completion'.

No.	Conditions of Approval	Condition Timing
B. Documents for Approval		
13	All TMR Technical Specifications are to be read in conjunction with 'MRTS01 Introduction to Technical Specifications' (including annexure).	At all times.
14	<p>Construction of the Road Works is to proceed without unreasonable interruption to traffic and in accordance with TMR's Manual of Uniform Control Devices – Part 3, Works on Roads. This includes but is not limited to:</p> <ul style="list-style-type: none"> a) taking all steps necessary to protect the public during construction; and b) provision of adequate signage and barriers. 	At all time during construction.
15	<p>As traffic control measures will need to be implemented on Tomewin Mountain Road during the construction of the approved road access works, a Traffic Control Permit (TCP) will be required.</p> <p>Please be advised that in accordance with the Traffic Registration Scheme, regulatory signage / traffic control may 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.</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 'Authority to Commence Works'.
C. Principal Contractor		
16	<p>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.</p> <p><i>Please note – the estimate of works value / bond amount is not required for this approval.</i></p>	Prior to TMR issuing an 'Authority for Prestart Meeting'.
17	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'.

No.	Conditions of Approval	Condition Timing
D. Prestart Meeting		
18	<p>All documents/details nominated below are to be submitted to TMR for review:</p> <ul style="list-style-type: none"> • Principal Contractors Details and Bond Estimate form F5084 • Deed of Indemnity for the Road Access Works form F5109 • Approved Traffic Control Permit (TCP) • Evidence that the neighbouring property owner has been advised of this approval to share the existing access. <p>Once all forms have been received and accepted, an 'Authority to Commence Works' will be issued.</p> <p>A prestart meeting can be arranged only after the 'Authority to Commence Works' has been provided.</p>	<p>Prior to TMR issuing an 'Authority to Commence Works'.</p>
19	<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> <ol 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. e) Review of the TCP <p>To arrange a Prestart meeting, please contact Michael Limpin on (07) 5563 6600 or via email at scr.calm@tmr.qld.gov.au quoting the reference number TMR21-034591.</p>	<p>A minimum of five (5) business days prior to the commencement of the road works.</p>
E. Practical Completion		
20	<p>The department must be notified of the completed Road Access Works to ensure compliance with the conditions.</p>	<p>Within five (5) days of the completion of the work.</p>
F. Maintenance Period		
21	<p>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.</p>	<p>Until TMR has formally accepted off-maintenance the portion of the works, if any, for which it will accept responsibility for future maintenance.</p>

No.	Conditions of Approval	Condition Timing
22	Please note – The property owner and the owner of the adjacent property (as advised by the applicant) will retain responsibility for the ongoing maintenance of any remaining portion of Road Access Works (for example, crossover/driveway) constructed within the State-Controlled Road corridor in accordance with this approval.	At all times.

Important information for applicants

This approval does not authorise you to commence road works. Prior to any road works 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 all the requirements of the above conditions have been fulfilled.

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

You should also be aware that you may have other statutory obligations. This conditional approval is for the TIA only.

Further information

This decision about access replaces any earlier decision made under section 62(1) of the TIA in relation to the land.

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 your information.

In accordance with sections 485A and 485B of the TIA and section 35 of TPCA you may appeal against a reviewed decision. You must have applied to have the decision reviewed before an appeal about the decision can be lodged in the relevant court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for your information.

This document must be retained as evidence of the road works approval.

If you would like to discuss this application, please contact Michael Limpin, Senior Engineer (Civil) by email at scr.calm@tmr.qld.gov.au or on (07) 5563 6600.

Yours sincerely

NR

Ken Jensen
Principal Engineer

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D – Road Access Submission
Attachment E – IPWEA Standard Drawing RS-056
Attachment G – Principal Contractors Details and Bond Estimate form F5084
Attachment H – Deed of Indemnity form F5109

Released under RTI-DTMR

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The objectives of the Transport Infrastructure Act 1994 require the establishment of a road regime that is safe and efficient.
- Therefore, as there is no current decision in force under section 62 of the Transport Infrastructure Act 1994 for the subject site, the proposed location will act as a primary access for Lot 9RP899604 / 628 Tomewin Mountain Road, Currumbin Valley.
- The Department has reviewed the proposal and determined that there is satisfactory sight distance at the proposed location (with minor sight line vegetation clearing work to northbound traffic along Tomewin Mountain Road).
- The topography of the road reserve at the property frontage is prohibitively steep to provide vehicular access. Therefore, the applicant's proposal to share the existing access of 618 Tomewin Mountain Road is reasonable.
- The applicant's proposal to construct a shared access with the neighbouring property is in line with strategies outlined in TMR's *Vehicular access to state-controlled roads policy*.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Sight Distance Assessment (Desktop)	Sam Carrall	22/11/2021	TMR21-034591	-
Standard Drawing – Vehicle Crossings Rural Driveway	IPWEA	06/2016	RS-056	G
Vehicular access to state-controlled roads policy	TMR	2019	-	-

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.

485A External review of decisions

- (1) This section applies in relation to an original decision if QCAT 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 chief executive must give the applicant a QCAT information notice for the reviewed decision.
- (3) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

Note—

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- (4) 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.

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.

....

- (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.

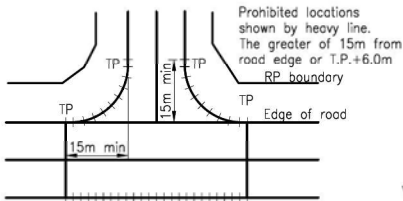
(2) However, if—

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

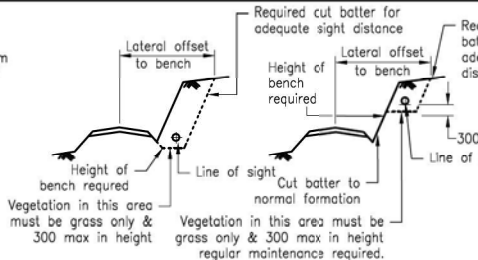
(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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.



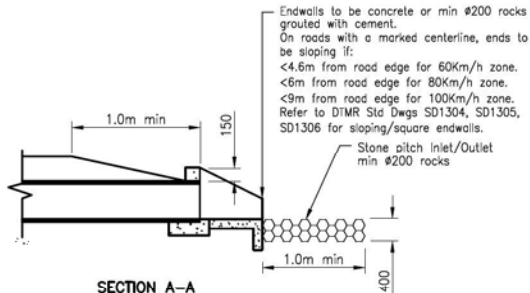
PROHIBITED LOCATIONS AT INTERSECTIONS FOR RURAL VEHICLE CROSSINGS



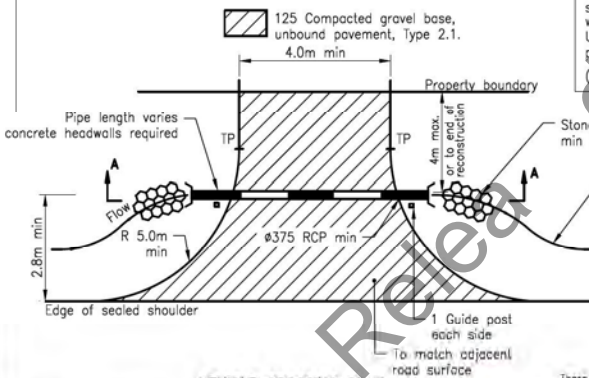
BENCHING DETAIL SECTION B-B

Catchment Area	PIPE SIZE	
	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	2/600 (2)

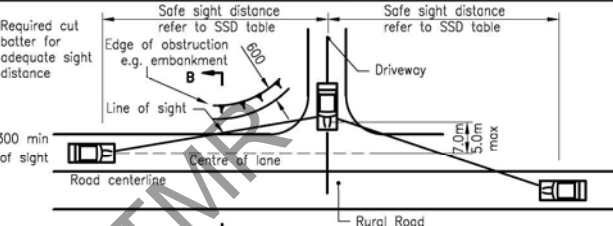
For average daily traffic \leq 2000, ARI 2
 For average daily traffic $>$ 2000, ARI 10
 (1) Alternatives may be approved if supported with calculations in accordance with the provisions of the Queensland Urban Drainage Manual or under the provisions of Council's Planning Scheme.
 (2) Seek consulting engineer advice.



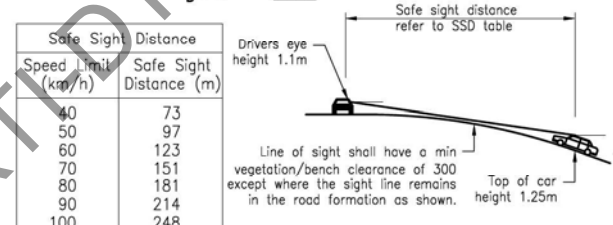
SECTION A-A



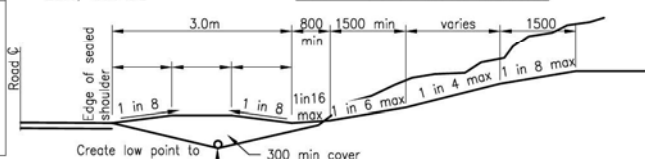
VEHICLE CROSSING PLAN



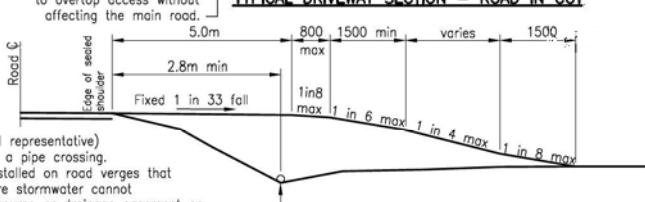
PLAN



LONGITUDINAL SECTION SSD - EXITING FROM DRIVEWAY



TYPICAL DRIVEWAY SECTION - ROAD IN CUT



TYPICAL DRIVEWAY SECTION - ROAD IN FILL

06/14	Review
03/14	Approved Drawing Number
12/13	Drawing number changed from S2Q R-056 to RS-056
06/10	Issue
06/09	Review
06/08	Review



INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALASIA
 STANDARD DRAWINGS

VEHICLE CROSSINGS	RS-056
RURAL DRIVEWAY	



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:

- a. 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**
- b. 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:

- a. loss of profits, loss of revenue, loss of anticipated savings, loss of opportunity, pure economic loss and loss of data
- b. 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

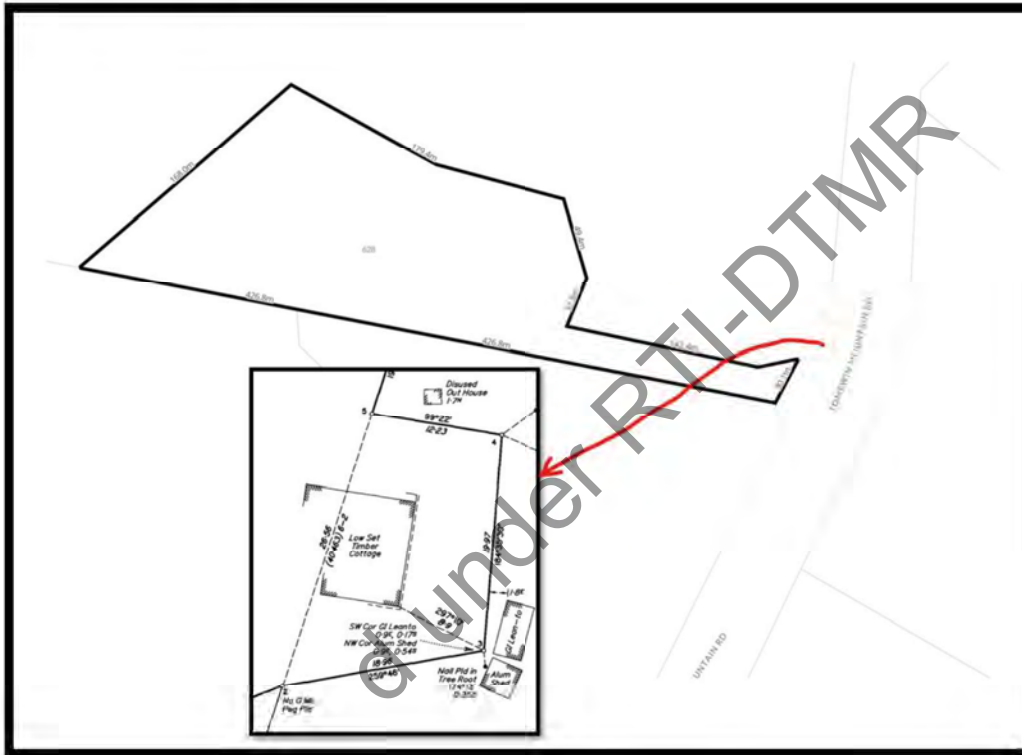
Signature

628 Tomewin Mountain Road, Currumbin Valley Lot 9 RP 899604

Owner :

This application is made to provide a safe and practical road access to 628 Tomewin Mountain Road, Currumbin Valley.

The land has direct access to Tomewin Mountain Road, but the contour directly from asphalt to the subject lot boundary is prohibitively steep and includes both a large SEQEB pole and a Telstra Pole and Double Telstra Pit along the road verge, further restricting access.



Location of neighbouring properties



The closest neighbouring access is approximately 160m away to the south



Existing drive on Tomewin Mountain Road on road verge that we wish to share access.



Red Line indicates approximate road height. Blue Line indicates commencement level of Lot 9 RP 899604 15m below



Contour survey confirming approximately 15 metre drop from road level (290M) to lot Boundary (275m)



Red arrow indicates commencement location of existing access drive we wish to use.

Green shade cloth runs across the width of our access and placed due to sharp drop off from road verge.



View from proposed access drive looking north to coast. Very clear visibility.



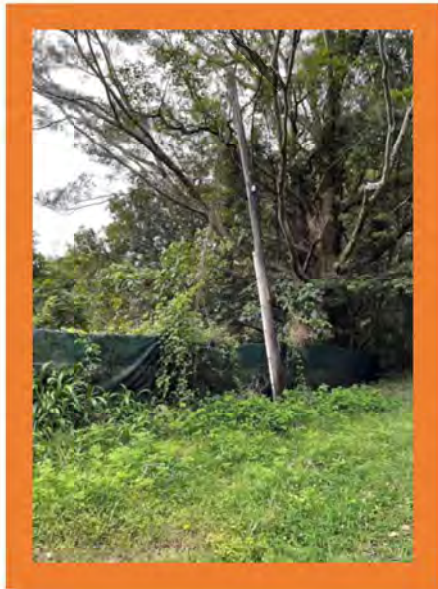
View from proposed shared drive looking south to Border Gate with NSW. Very clear visibility.



Large Power Pole Location and screen safety barrier



Telstra Double Pit Location



Telstra Pole



Application details

Department of Transport and Main Roads reference number

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

Postcode

Physical address

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:

- i. previous construction works (preferably on a State-controlled road)
- ii. ability to carry out the works in accordance with the approved plans, standards and specifications
- iii. 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.

personal information

as a

MR

as a

|

MR

From: [Casandra N Smith](#)
To: [SCR Corridor and Land Management Inbox](#)
Cc: [Melissa R Rogers](#); [Michael J Limpin](#)
Subject: RE: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley
Date: Thursday, 7 July 2022 2:24:21 PM
Attachments: [image001.png](#)

Good afternoon Jim,

I have just spoken with Melissa Rogers (from the RTI and Privacy team) regarding your RTI request.

I wanted to provide you with an update. That due to your clients impending complaint to review our decision, at this time, the department has decided it will not issue an authority to commence letter to the applicants of TMR21-034591.

We will be holding off issuing this until such time as we have fully assessed each parties position. The department in this case is also considering seeking legal advice regarding this matter to ensure that any further actions on our end will be fair, logical, equitable and consistent with the *Transport Infrastructure Act 1994* [QLD].

Kind regards

Casandra Smith

A/Principal Advisor (Corridor and Land Management) |
[Corridor and Land Management Team](#) | South Coast Region | Gold Coast Office
Program Delivery & Operations | Department of Transport and Main Roads

Ground Floor | Nerang – Gold Coast Office | 36 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

P: (07) 5563 6663 | F: (07) 5563 6611

M: personal information

E: casandra.n.smith@tmr.qld.gov.au

scr.calm@tmr.qld.gov.au

W: www.tmr.qld.gov.au

From: Casandra N Smith

Sent: Tuesday, 5 July 2022 4:22 PM

To: SCR Corridor and Land Management Inbox <scr.calm@tmr.qld.gov.au>

Cc: Carl N Watson <Carl.N.Watson@tmr.qld.gov.au>

Subject: RE: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Good afternoon Jim,

Apologies for the delay in replying and thank you for the taking my phone call this afternoon.

As discussed, the official complaint process is detailed in the attached webpage - <https://www.tmr.qld.gov.au/About-us/Contact-us/Compliments-and-complaints.aspx>. Once this request (complaint) is received it will be actioned.

Unfortunately we cannot release the supporting documents or application you have identified in your email. This information is considered an agreement between TMR (South Coast region and the party under the Transport infrastructure Act 1994 [QLD] (Section 62 and 33)). This information can be obtained by using the Right to Information process where personal information will be redacted. For more information regarding the <https://www.tmr.qld.gov.au/About-us/Right-to-Information> or please contact Carl Watson (from the RTI and Privacy team details above) for more information on the RTI process.

Kind regards

Casandra Smith

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

Ground Floor | Nerang – Gold Coast Office | 36 Cotton Street | Nerang Qld 4211
PO Box 442 | Nerang Qld 4211

P: (07) 5563 6663 | F: (07) 5563 6611

M: personal information

E: casandra.n.smith@tmr.qld.gov.au |

scr.calm@tmr.qld.gov.au

W: www.tmr.qld.gov.au

Crossing at traffic lights? Don't touch the button, elbow bump it instead!

From personal information <personal information@stacklaw.com.au>

Sent: Thursday, 30 June 2022 12:13 PM

To: SCR Corridor and Land Management Inbox <scr.calm@tmr.qld.gov.au>

Subject: FW: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Importance: High

Dear Cassandra

Could you please provide us with a copy of the application and supporting documents in this matter, made by personal information the owner of Lot 9 ("the applicant".) This will enable our clients to rebut any assertions or allegations of fact, where necessary, in our formal application to you to review TMR's decision in the matter.

If you are not able to provide the requested material, could you please advise us by what authority you decline to do so and what channels for Freedom of Information are typically accessed by parties requesting reviews of TMR decisions?

Our clients have requested this information from the applicant only to be met, at this stage, with no acknowledgement of the request, not to mention provision of the information requested.

Finally, our client has put to the applicant an outline of an alternative access arrangement utilising part of the existing benefit easement to create a totally new benefit easement for Lot 9 over our clients' property at Lot 11. We are instructed that this would be a "win/win" for both lot owners. We will be putting further surveyed detail to the applicant in the next few days and, depending on the response from the applicant, our clients may or may not need to proceed with

their formal request of you to review TMR decision.

In the meantime, we await receipt of the requested material or your response as to how to obtain such, as referred to above.

Yours faithfully

personal information

Solicitor

T 07 5536 1311

My days of work are Monday; Tuesday; Thursday

stacklaw.com.au/tweedheads



Liability limited by a scheme approved under Professional Standards Legislation
Please read email disclaimer available [here](#)

MR

From: personal information <[redacted]@stacklaw.com.au>

Sent: Wednesday, 22 June 2022 10:30 AM

To: scr.calm@tmr.qld.gov.au

Cc: personal information <[redacted]@stacklaw.com.au>; personal information <[redacted]>

personal information <[redacted]@bigpond.com>

Subject: Fwd: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Dear Cassandra

Please refer to the email below, now sent to the correct email address.

Thank you

personal information

Solicitor

Stack Law

07 55361311

Sent from my iPhone

Begin forwarded message:

From: personal information <[redacted]@stacklaw.com.au>

Date: 22 June 2022 at 10:24:29 am AEST

To: scr.calm@tmr.qld.gov.au

Cc: personal information <[redacted]@bigpond.com>; personal information <[redacted]>

personal information <[redacted]@stacklaw.com.au>

Subject: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Attention:

Cassandra Smith

Team Leader

Corridor and Land Management

I refer to my telephone conversation with you today.

We have been instructed by personal information the owners of Lot 11, the adjacent lot to Lot 9, to write to you formally requesting TMR to review its decision in this matter.

In the next few days our clients will be providing your office with the grounds upon which the decision should be reviewed and be reversed. Examples of the grounds are:

1. There is an existing easement in favour of Lot 9 across our client's Lot 11, to enable adequate access to Lot 9.
2. To protect their interests, our clients intend to apply to purchase from TMR a portion of 121 sq metres in the TMR corridor the subject of your approving decision in favour of Lot 9.
3. The TMR decision allows access to a point on Lot 9's land from which the owners of Lot 9 intend to construct a road which will be unacceptably close to a cottage on our clients' Lot 11.
4. The significance of 3 is that the rental from the cottage is our clients' primary source of income and the current ability to rent the cottage and/or receive a market rent will be put at significant risk, thereby causing economic harm to our aged clients.
5. TMR did not consult our clients in this matter and our clients received no formal notification of the intended application by Lot 9 to TMR.

Finally, we understand that the owners of Lot 9 are ready to commence work on constructing an access and, in the circumstances, we request that you notify them not to do so, pending the outcome of your reviewing your decision and any appeal of it by our clients, should it be unfavourable to them.

Yours faithfully

personal information

Solicitor
Stacks Law
07- 55361311

Sent from my iPhone

[Evolve:dfedb323-ecf6-4c5e-84c2-411ce7317e12]

APPLICATION TIMELINE – TMR21-034591 (eDAM)

Date Time	Originator	Category	Event Code	Description
06 Jul 2022 07:01:20	Michael.J.Limpin	Outgoing Documents Library	Document Added	TIA Correspondence TMR2-1034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley - Response to Request for Application Documents.pdf
05 Jul 2022 22:20:26	Michael.J.Limpin	Outgoing Documents Library	Document Added	RE TMR21-034591 Permitted Driveway Approval 628 Tomewin Mountain Road, Currumbin Valley - Response to Request For Commencement of Access Works.pdf
05 Jul 2022 22:20:08	Michael.J.Limpin	Correspondence	Correspondence Received	Correspondence Added: Received Date: 5 Jul 2022 Notes: Original email received 30/06/2022 note that the letter attached is dated 27July 2022 which is likely a typo TMR21-034591 Permitted Driveway Approval 628 Tomewin Mountain Road Currumbin Valley - Request to Progress Commencement of Works.pdf
20 Jun 2022 14:55:06	Lisa.M.Brough	File Note	File Note Added	File note added Title: Correspondence from Neighbours Surveyor Date: 20/06/2022 Note Type: Other Comment: personal information - Surveyor for Neighbours phoned requesting access to the TIA Approval. This was denied and he was advised to seek a copy of the Approval from the Applicant.
25 Mar 2022 15:01:22	mary.l.sutton	Road Access Approvals	Letter Dispatched	Dispatch Letter - Completed By: mary.l.sutton - At : 25 Mar 2022 15:01:21 Attachments: <ul style="list-style-type: none">• IPWEO Std Dwg RS-056 Rural Driveway.pdf• F5109 - Deed of Indemnity.pdf• Drive Access Submission 011121.pdf• F5084 - Principal Contractor Details and Bond Estimate.pdf Record - TIA - Conditional approval - s62 and s33_1
25 Mar 2022 14:33:58	ken.w.jensen	Road Access Approvals	Letter Approved	Letter "TIA - Conditional approval - s62 and s33_1.docx" - Reviewed By: ken.w.jensen - Status: Approved - Emailed to: Applicant - At: 25 Mar 2022 14:33:52 Attachments: <ul style="list-style-type: none">• IPWEO Std Dwg RS-056 Rural Driveway.pdf• F5109 - Deed of Indemnity.pdf• Drive Access Submission 011121.pdf• F5084 - Principal Contractor Details and Bond Estimate.pdf

Date Time	Originator	Category	Event Code	Description
				Record - TIA - Conditional approval - s62 and s33_1
25 Mar 2022 13:32:27	michael.j.limpin	Road Access Approvals	Letter Reviewed	<p>Letter "TIA - Conditional approval - s62 and s33_1.docx" - Reviewed By: michael.j.limpin - Status: Reallocate for approval to Senior Signatory Ken Jensen - At: 25 Mar 2022 13:32:27</p> <p>Notes: Hi Ken I have discussed this before with you re the applicants' issue with the adjacent property owner personal information not wanting to share the part of the access within the verge. We have acknowledge that sharing existing access will be the most viable option. I have also amended condition 22 as a result of the changes. Note that I have not mentioned the unapproved car port structure for we will be drafting a separate letter to ask the owner of the property to remove the unapproved structure.</p> <p>Thanks Michael Record - TIA - Conditional approval - s62 and s33_1</p>
25 Mar 2022 13:31:58	michael.j.limpin	Road Access Approvals	Letter Generated	<p>'TIA - Conditional approval - s62 and s33_1' Letter has been generated and sent to Senior Signatory Michael.J.Limpin for approval.</p> <p>Notes: Hi Ken I have discussed this before with you re the applicants' issue with the adjacent property owner personal information not wanting to share the part of the access within the verge. We have acknowledge that sharing existing access will be the most viable option. I have also amended condition 22 as a result of the changes. personal information personal information</p> <p>personal information Thanks Michael Record - TIA - Conditional approval - s62 and s33_1</p>
25 Mar 2022 13:04:01	michael.j.limpin	Application	Reallocate	<p>Reallocated Application: By:michael.j.limpin From User:Sam.M.Carrall To User:Michael.J.Limpin At: 25 Mar 2022 13:04:01 Comments:Amendment to the permit is required</p>
29 Nov 2021 15:28:22	mary.l.sutton	Dummy Letter	Letter Dispatched	<p>Dispatch Letter - Completed By: mary.l.sutton - At : 29 Nov 2021 15:28:21 Record - Dummy letter to progress eDAM workflow_1</p>
29 Nov 2021 06:49:01	Workflow	Timeframes	Timeframe Closed	<p>Stopped Timeframe(Third Party Advice Period) Status: Completed</p>

Date Time	Originator	Category	Event Code	Description
				Start Date: 03 Nov 2021 Calculated Due Date: 10 Nov 2021 Completed Date: 29 Nov 2021
29 Nov 2021 06:49:01	Workflow	Application Status	Responded - Complete	Application Status Changed: Responded - Complete
29 Nov 2021 06:48:32	michael.j.limpin	Dummy Letter	Letter Approved	Letter "Dummy letter to progress eDAM workflow_1.docx" - Reviewed By: michael.j.limpin - Status: Approved - At: 29 Nov 2021 06:47:58 Record - Dummy letter to progress eDAM workflow 1
26 Nov 2021 10:32:37	Workflow	Dummy Letter	Letter Generated	'Dummy letter to progress eDAM workflow_1' Letter has been generated and sent to Senior Signatory Michael.J.Limpin for approval. Record - Dummy letter to progress eDAM workflow 1
26 Nov 2021 10:32:25	sam.m.carrall	Agency Response	Agency Response Advice	Agency Response Submitted - Advice Only. By sam.m.carrall At 26 Nov 2021 10:32:25.
26 Nov 2021 10:30:05	sam.m.carrall	Application	Reviewed	Technical Agency Response - Application Reviewed By: sam.m.carrall - At: 26 Nov 2021 10:30:04 Assessment:
26 Nov 2021 08:41:49	mary.l.sutton	Road Access Approvals	Letter Dispatched	Dispatch Letter - Completed By: mary.l.sutton - At : 26 Nov 2021 08:41:49 Attachments: <ul style="list-style-type: none"> IPWEO Std Dwg RS-056 Rural Driveway.pdf F5109 - Deed of Indemnity.pdf Drive Access Submission 011121.pdf F5084 - Principal Contractor Details and Bond Estimate.pdf Record - TIA - Conditional approval - s62 and s33_1
25 Nov 2021 11:47:48	ken.w.jensen	Road Access Approvals	Letter Approved	Letter "TIA - Conditional approval - s62 and s33_1.docx" - Reviewed By: ken.w.jensen - Status: Approved - Emailed to: Applicant - At: 25 Nov 2021 11:47:33 Attachments: <ul style="list-style-type: none"> IPWEO Std Dwg RS-056 Rural Driveway.pdf F5109 - Deed of Indemnity.pdf Drive Access Submission 011121.pdf F5084 - Principal Contractor Details and Bond Estimate.pdf

Date Time	Originator	Category	Event Code	Description
				Record - TIA - Conditional approval - s62 and s33_1
25 Nov 2021 08:57:53	sam.m.carrall	Road Access Approvals	Letter Generated	'TIA - Conditional approval - s62 and s33_1' Letter has been generated and sent to Senior Signatory ken.w.jensen for approval. Record - TIA - Conditional approval - s62 and s33_1
25 Nov 2021 08:52:46	sam.m.carrall	Internal Documents Library	Document Added	Drive Access Submission 011121.pdf
25 Nov 2021 08:52:17	sam.m.carrall	Internal Documents Library	Document Added	IPWEAQ Std Dwg RS-056 Rural Driveway.pdf
23 Nov 2021 07:32:03	sam.m.carrall	Timeframes	Extended Timeframe	Timeframe Extended - Third Party Advice Period Revised Due Date: 30 Nov 2021
16 Nov 2021 07:34:08	sam.m.carrall	Timeframes	Extended Timeframe	Timeframe Extended - Third Party Advice Period Revised Due Date: 23 Nov 2021
08 Nov 2021 07:32:06	sam.m.carrall	Timeframes	Extended Timeframe	Timeframe Extended - Third Party Advice Period Revised Due Date: 17 Nov 2021
03 Nov 2021 09:03:10	Workflow	Application Status	Assessment - Active	Application Status Changed: Assessment - Active
03 Nov 2021 09:03:10	Workflow	Application Status	Active - Allocate	Application Status Changed: Active - Allocate
03 Nov 2021 09:03:09	lisa.m.brough	Application	Allocated	Application Allocated To: Sam.M.Carrall By: lisa.m.brough At: 03 Nov 2021 09:03:09 Complexity Rating:3 Notes:KZJ 2/11/2021 - Please upload into edam (No existing - TIA section 33 and 62 application documents) and allocate to Sam Carrall for processing.
03 Nov 2021 09:02:25	lisa.m.brough	Timeframes	Timeframe Started	Start Timeframe(Third Party Advice Period) Status: Active Start Date: 03 Nov 2021 Calculated Due Date: 10 Nov 2021
03 Nov 2021 09:02:25	Workflow	Application Status	New - Assessment	Application Status Changed: New - Assessment
03 Nov 2021 09:02:20	Workflow	Key Date	Key Date Received	Original Received Date
03 Nov 2021 09:02:20	lisa.m.brough	Application	Submitted	Application Submitted
03 Nov 2021 08:19:40	Workflow	Application Status	Temporary - Incomplete	Application Status Changed: Temporary - Incomplete
03 Nov 2021 08:19:33	lisa.m.brough	Application	Created	Application Created

Date Time	Originator	Category	Event Code	Description
	Workflow	Agency Response	Agency Response Issued	Third Party Advice Completed

as d

MR

From: [Jim Wilson](#)
To: [SCR Corridor and Land Management Inbox](#)
Subject: FW: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley
Date: Thursday, 30 June 2022 12:13:02 PM
Attachments: [image001.png](#)
Importance: High

Dear Cassandra

Could you please provide us with a copy of the application and supporting documents in this matter, made by personal information the owner of Lot 9 ("the applicant"). This will enable our clients to rebut any assertions or allegations of fact, where necessary, in our formal application to you to review TMR's decision in the matter.

If you are not able to provide the requested material, could you please advise us by what authority you decline to do so and what channels for Freedom of Information are typically accessed by parties requesting reviews of TMR decisions?

Our clients have requested this information from the applicant only to be met, at this stage, with no acknowledgement of the request, not to mention provision of the information requested.

Finally, our client has put to the applicant an outline of an alternative access arrangement utilising part of the existing benefit easement to create a totally new benefit easement for Lot 9 over our clients' property at Lot 11. We are instructed that this would be a "win/win" for both lot owners. We will be putting further surveyed detail to the applicant in the next few days and, depending on the response from the applicant, our clients may or may not need to proceed with their formal request of you to review TMR decision.

In the meantime, we await receipt of the requested material or your response as to how to obtain such, as referred to above.

Yours faithfully

personal information

Solicitor

T 07 5536 1311

My days of work are Monday; Tuesday; Thursday

stacklaw.com.au/tweedheads



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Please read email disclaimer available [here](#)

From: personal information @stacklaw.com.au>

Sent: Wednesday, 22 June 2022 10:30 AM

To: scr.calm@tmr.qld.gov.au

Cc: personal information @stacklaw.com.au; personal information

personal information @bigpond.com>

Subject: Fwd: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Dear Cassandra

Please refer to the email below, now sent to the correct email address.

Thank you

personal information

Solicitor

Stack Law

07 55361311

Sent from my iPhone

Begin forwarded message:

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

Date: 22 June 2022 at 10:24:29 am AEST

To: scr_calm@tmr.qld.gov.au

Cc: personal information <personal information@bigpond.com>, personal information

personal information <personal information@stacklaw.com.au>

Subject: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Attention:

Cassandra Smith

Team Leader

Corridor and Land Management

I refer to my telephone conversation with you today.

We have been instructed by personal information the owners of Lot 11, the adjacent lot to Lot 9, to write to you formally requesting TMR to review its decision in this matter.

In the next few days our clients will be providing your office with the grounds upon which the decision should be reviewed and be reversed. Examples of the grounds are:

1. There is an existing easement in favour of Lot 9 across our client's Lot 11, to enable adequate access to Lot 9.

2. To protect their interests, our clients intend to apply to personal information

personal information

3. The TMR decision allows access to a point on Lot 9's land from which the owners of Lot 9 intend to construct a road which will be unacceptably close to a cottage on our clients' Lot 11.

4. The significance of 3 is that [personal information]
[personal information]

5. TMR did not consult our clients in this matter and our clients received no formal notification of the intended application by Lot 9 to TMR.

Finally, we understand that the owners of Lot 9 are ready to commence work on constructing an access and, in the circumstances, we request that you notify them not to do so, pending the outcome of your reviewing your decision and any appeal of it by our clients, should it be unfavourable to them.

Yours faithfully

[personal information]

Solicitor
Stacks Law
07- 55361311

Sent from my iPhone

[Evolve:dfedb323-ecf6-4c5e-84c2-411ce7317e12]

MR

as d

From: [personal information]
To: [SCR Corridor and Land Management Inbox](#)
Cc: [personal information]
Subject: Fwd: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley
Date: Wednesday, 22 June 2022 10:30:26 AM

Dear Cassandra

Please refer to the email below, now sent to the correct email address.

Thank you

[personal information]

Solicitor
Stack Law
07 55361311

Sent from my iPhone

Begin forwarded message:

From: [personal information]@stacklaw.com.au>
Date: 22 June 2022 at 10:24:29 am AEST
To: scr_calm@tmr.qld.gov.au
Cc: [personal information]@bigpond.com>, [personal information]
[personal information]@stacklaw.com.au>
Subject: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Attention:
Cassandra Smith
Team Leader
Corridor and Land Management

I refer to my telephone conversation with you today.

We have been instructed by [personal information] the owners of Lot 11, the adjacent lot to Lot 9, to write to you formally requesting TMR to review its decision in this matter.

In the next few days our clients will be providing your office with the grounds upon which the decision should be reviewed and be reversed. Examples of the grounds are:

1. There is an existing easement in favour of Lot 9 across our client's Lot 11, to enable adequate access to Lot 9.
2. To protect their interests, our clients intend to apply to purchase from TMR a portion of 121 sq metres in the TMR corridor the subject of your approving decision in favour of Lot 9.
3. The TMR decision allows access to a point on Lot 9's land from which the owners of Lot 9 intend to construct a road which will be unacceptably close to a cottage on our clients' Lot 11.
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personal information

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Yours faithfully

personal information

Solicitor
Stacks Law
07- 55361311

Sent from my iPhone

MR

as d

From: [Casandra N Smith](#)
To: [SCR Corridor and Land Management Inbox](#)
Cc: [Carl N Watson](#)
Subject: RE: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley
Date: Tuesday, 5 July 2022 4:22:01 PM
Attachments: [image001.png](#)

Good afternoon Jim,

Apologies for the delay in replying and thank you for the taking my phone call this afternoon.

As discussed, the official complaint process is detailed in the attached webpage - <https://www.tmr.qld.gov.au/About-us/Contact-us/Compliments-and-complaints.aspx>. Once this request (complaint) is received it will be actioned.

Unfortunately we cannot release the supporting documents or application you have identified in your email. This information is considered an agreement between TMR (South Coast region and the party under the Transport infrastructure Act 1994 [QLD] (Section 62 and 33)). This information can be obtained by using the Right to Information process where personal information will be redacted. For more information regarding the <https://www.tmr.qld.gov.au/About-us/Right-to-Information> or please contact Carl Watson (from the RTI and Privacy team details above) for more information on the RTI process.

Kind regards

Casandra Smith

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

Ground Floor | Nerang – Gold Coast Office | 36 Cotton Street | Nerang Qld 4211

PO Box 442 | Nerang Qld 4211

P: (07) 5563 6663 | F: (07) 5563 6641

M: personal information

E: casandra.n.smith@tmr.qld.gov.au |

scr.calm@tmr.qld.gov.au

W: www.tmr.qld.gov.au

Crossing at traffic lights? Don't touch the button, elbow bump it instead!

From: personal information [@stacklaw.com.au](mailto:personal information@stacklaw.com.au)>

Sent: Thursday, 30 June 2022 12:13 PM

To: SCR Corridor and Land Management Inbox <scr.calm@tmr.qld.gov.au>

Subject: FW: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Importance: High

Dear Cassandra

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Solicitor

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stacklaw.com.au/tweedheads



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

Sent: Wednesday, 22 June 2022 10:30 AM

To: scr.calm@tmr.qld.gov.au

Cc: personal information <personal information@stacklaw.com.au>, personal information

personal information <personal information@bigpond.com>

Subject: Fwd: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Dear Cassandra

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Thank you

personal information

Solicitor

Stack Law

07 55361311

Sent from my iPhone

Begin forwarded message:

From: [personal information] <[redacted]@stacklaw.com.au>
Date: 22 June 2022 at 10:24:29 am AEST
To: scr_calm@tmr.qld.gov.au
Cc: [personal information] <[redacted]@bigpond.com> [personal information]
[personal information] <[redacted]@stacklaw.com.au>
Subject: TMR 21034591- Shared Access Drive - 628 Tomewin Mountain Road, Currumbin Valley

Attention:
Cassandra Smith
Team Leader
Corridor and Land Management

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Yours faithfully

personal information

Solicitor

Stacks Law

07- 55361311

Sent from my iPhone

[Evolved:fedb323-ecf6-4c5e-84c2-411ce7317e12]

as d

| MR

as a

|

MR