

25 September 2026

Our Ref: 5316865
File Ref: MCU2026/0006
Enquiries: Luke Acreman

JVS Planning
Attn: Jeff Smith
8 Nugent Court
KIRWAN QLD 4817

Sent via email: jvsplanning@gmail.com

Dear Jeff,

Negotiated Decision Notice
(Given under Section 76 of the *Planning Act 2016*)

The assessment manager wishes to advise your representations were assessed and decided under delegated authority on 25 September 2026 with a recommendation of approval. The nature of the changes agreed to are detailed below including the conditions of the approval and notice of reasons. This negotiated decision notice replaces the original decision notice dated 4 August 2026.

Applicant details

Applicant name: JVS Planning (Jeff Smith)

Location details

Street address: 16420 Gregory Development Road, Llanarth
Real property description: Lot 3 on AY29
Current lawful use: Service Station; Food and Drink Outlet; Short-term accommodation

Application details

Application number: MCU2026/0006
Approval type: Development Permit
Development type: Material Change of Use
Category of assessment: Impact Assessment
Description of development: Air Services (Helipads and associated Avgas fuel storage)
Definition of use: Air Services
Categorising instrument: Charters Towers Regional Town Plan Version 2



1. Nature of the change(s) agreed to

The changes agreed to as part of this negotiated decision notice are:

1. Amend Condition 1 to reference the SARA-approved site plan dated 19 June 2026 as the approved plan.
2. Amend Condition 3 to add to the note that flight limits do not apply to ad hoc infrequent flight movements required in response to emergency situations.
3. Amend Condition 4 limit the development to one (1) helipad.
4. Amend Condition 7 to increase permissible aviation fuel storage from 200L to 600L, with fuel stored in drums not exceeding 200L capacity
5. Amend Condition 13 to reduce the required number of car parking spaces from seven (7) to four (4) and require the spaces to be clearly marked and maintained.

1. Details of the approval

Details of the approval are listed below in accordance with the *Planning Regulation 2017*.

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Development assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval		☒	☐

2. Conditions of approval

Condition Number	Condition	Timing															
Approved Plans/Documents																	
1)	Development is to be carried out generally in accordance with the submitted application including the following plans and plan approved by SARA on 19 June 2026 supporting documentation except where amendments are required to satisfy the conditions of this approval: <table><tr><th>Drawing Title:</th><th>Prepared by:</th><th>Date:</th><th>Ref.:</th><th>Rev.:</th></tr><tr><td>Unnamed (Site Plan)</td><td>JVS Planning</td><td>-</td><td>-</td><td>-</td></tr><tr><td>Unnamed (Site Plan)</td><td>JVS Planning</td><td>16/06/26</td><td>SARA Ref 2603-51549 SRA</td><td>-</td></tr></table>	Drawing Title:	Prepared by:	Date:	Ref.:	Rev.:	Unnamed (Site Plan)	JVS Planning	-	-	-	Unnamed (Site Plan)	JVS Planning	16/06/26	SARA Ref 2603-51549 SRA	-	At all times
Drawing Title:	Prepared by:	Date:	Ref.:	Rev.:													
Unnamed (Site Plan)	JVS Planning	-	-	-													
Unnamed (Site Plan)	JVS Planning	16/06/26	SARA Ref 2603-51549 SRA	-													
General																	
2)	a) Comply with all conditions within this Development Permit, with conditions prevailing over the approved plan(s) and document(s) in all instances	At all times															



Condition Number	Condition	Timing
	b) Meet the cost of all works associated with the development including any alterations, relocations or repairs to damaged Council infrastructure, and c) All repairs, alterations and relocations of Council infrastructure are to be in accordance with the relevant Council policy and/or Australian Standard.	
Special – Flight Movements		
3)	No more than 15 flight movements are permitted from the helipads in any seven-day period. <i>Note: This approval has been assessed on the basis of a maximum of 15 flight movements within any seven (7) day period. Any proposal to increase flight movements beyond this limit may require a further development approval or a change to this development approval.</i> The prescribed limit does not apply to ad hoc or infrequent flight movements required in response to emergency situations	At all times
Special - Helipads		
4)	No more than two (2) helipads one (1) helipad is permitted on the site.	At all times
5)	Helipads must be designed and constructed in accordance with all relevant Civil Aviation Safety Authority guidelines, including AC 91-29 V1.3 <i>Guidelines for helicopters – suitable places to take off and land.</i>	Prior to commencement of use
Special – AvGas storage		
6)	The storage and handling of aviation fuel on the site must comply with the requirements of AS 1940:2017 Storage and handling of flammable and combustible liquids, including the provision of appropriate spill containment, warning signage and firefighting equipment.	At all times
7)	No more than 200 600 litres of aviation fuel may be stored on the site at any one time. The fuel is to be stored in drums of no more than 200 litre capacity.	At all times
Environmental		
8)	Ensure that erosion and sedimentation control management is undertaken and maintained to prevent soil erosion and sedimentation runoff to watercourses and Council's storm water drainage system. Erosion and sediment control is to be in accordance with <i>International Erosion Control Association – Best Practice Erosion & Sediment Control guidelines</i> and the <i>Queensland Urban Drainage Manual 2017</i> .	As part of construction and thereafter
9)	The construction of the development (not operation) must be limited to 0630—1830 Monday to Saturday and not at all on Sunday and public holidays as per Section 440R of the <i>Environmental Protection Act 1994</i> . Noise generated from construction must be within the limits set by the <i>Environmental Protection Act 1994</i> and the <i>Environmental Protection (Noise) Policy 20019</i> .	At all times
10)	Ensure that:	As part of construction



Condition Number	Condition	Timing
	a) Works occur so they do not cause unreasonable interference with the amenity of adjoining premises or road reserves because of noise, air or other chemical pollutants b) All construction materials are contained wholly within the premises.	
Earthworks		
11)	All site and earthworks must: a) Be undertaken in accordance with AS/NZ 3798 Guidelines on Earthworks for Commercial and Residential Developments b) Be in accordance with Australian Standard 1289 Methods of Testing Soils for Engineering Purposes, c) Comprise of clean fill and be compacted to building pad standard. A Supervision certificate by a Registered Professional Engineer of Queensland must be submitted to Council upon completion of works, and d) Ensure compliance with Part 3B of the Environmental Protection Act 1994, which prohibits unlawful environmental nuisance caused by dust, beyond the boundaries of the property.	As part of construction
Runoff Generally		
12)	All reasonable and practicable measures must be taken to prevent pollution entering existing creeks, waterways or drainage lines, as a result of silt runoff, oil and grease spills from any machinery. Wastewater as a result of cleaning equipment must not be discharged directly or in-directly to any watercourses, stormwater systems or private properties (in accordance with the requirements of the <i>Environmental Protection Act (1994)</i> and Best Practice Erosion & Sediment Control – IECA Australasia).	At all times.
Transport and Parking		
13)	A total of 7 four (4) car parking spaces (one per staff member, plus two for visitors) are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, and maintained in accordance with AS2890.1 Off Street Car Parking and the Manual of Design Vehicles and Turning Path Templates SAA HB 72 (AUSTROADS 1995). are to be clearly marked and maintained at all times.	Prior to commencement of use
Lawful commencement		
14)	Written notice must be given to Council that the development fully complies with this Development Permit.	Prior to the commencement of the use
15)	Notify Council within 20 business days that this approved use has lawfully commenced.	As indicated



Advisory Notes	
Scale or Intensity of Use	
A.	Any proposal to increase the scale or intensity of the use/new use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the <i>Planning Act 2016</i> and would have to comply with the requirements of the relevant provisions.
Aboriginal and Cultural Heritage	
	The <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. Prior to carrying out works, it is advised that you contact the Department of Aboriginal and Torres Strait Islander Partnerships on (07) 4799 7470 or by post at PO Box 5620 TOWNSVILLE QLD 4810. For further information on cultural heritage duty of care please visit: https://www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage/cultural-heritage-duty-care
Archaeology	
B.	The site may contain archaeological or cultural heritage values. The applicant is advised that all works must comply with the <i>Queensland Heritage Act 1992</i> and, where relevant, the <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i> . If any archaeological artefacts, remains or items of cultural heritage significance are discovered during works, all activities in the immediate area must cease and the relevant State authority must be notified.
Workplace Health and Safety	
	Ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work. It is the principal contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work. It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i> . It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.
Environmental nuisance	
C.	Ensure compliance with the <i>Environmental Protection Act 1994</i> . It states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.



3. Currency period for the development application approval

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of six years.

4. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Building Works

5. Referral agencies

The referral agencies for this application are:

Agency:	Trigger:	Address:	Date and Ref:
Department State Development, Infrastructure and Planning (DSDMIO) State Assessment and Referral Agency (SARA) North Queensland	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of a premises near a State transport corridor or that is a future State transport corridor	DSDIP SARA North and Central West Office PO Box 5666 TOWNSVILLE QLD 481	19 June 2026 (SARA reference: 2603-51549 SRA)

The conditions imposed by the referral agencies are included as an attachment.

6. Submission(s)

Properly made submissions were not made in relation this development.

7. Notice of reasons

This notice is prepared in accordance with Section 63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

Description of the development:	Development Permit for a Material Change of Use for Air Services (Helipads and associated Avgas fuel storage)
Reasons for the decision:	The proposed development was assessed against the Charters Towers Regional Town Plan Version 2 and was found to generally comply with the relevant Acceptable Outcomes and Performance Outcomes. Where compliance was not achieved, appropriate conditions have been applied to ensure compliance.
Assessment benchmarks:	The proposed development was assessed against the relevant assessment benchmarks of the Charters Towers Regional Town Plan Version 2 including the: 1) Strategic Framework



	2) Minor Tourism Code 3) Flood Hazard Overlay code 4) Bushfire hazard overlay code 5) Development works code	
	The proposed development was assessed against all the assessment benchmarks listed about and complies with all with the exceptions listed and responded to below.	
	Assessment benchmark:	Reasons for the approval despite non-compliance with benchmark:
	N/A	N/A
Relevant matters:	N/A	
Matters raised in submissions:	Submission Point:	Council Response:
	None received	N/A

8. Other requirements under section 43 of the *Planning Regulation 2017*

There are no other requirements.

9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision are set out in Chapter 6, Part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see Chapter 6, Part 2 of the *Planning Act 2016*). Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*. The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 and Schedule 1 of the *Planning Act 2016*.

Should you wish to discuss this matter, please contact Council on (07) 4761 5300.

Yours faithfully



Timna Green
Manager Planning & Development



Our ref TMR26-049583
Your ref MCU - Belyando
Enquiries Aidan Colahan



15 June 2026

Department of
Transport and Main Roads

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

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

Development application reference number MCU2026/0006, lodged with Charters Towers Regional Council involves constructing or changing a vehicular access between Lot 3 on AY29, the land the subject of the application, and Gregory Developmental 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 JVS Planning
8 Nugent Court
Kirwan QLD 4817

Application Details

Address of Property 16420 Gregory Developmental Road, Llanarth QLD 4820
Real Property Description Lot 3 on AY29
Aspect/s of Development Development Permit for Material Change of Use for Air Services

Decision (given under section 67 of TIA)

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

No.	Conditions of Approval	Condition Timing
Road Access Location		
A. General		
1	The Permitted Road Access Location is in accordance with Attachment D .	At all times.
2	Direct access is prohibited between Gregory Developmental Road and Lot 3 on AY29 at any other location other than the Permitted Road Access Location described in Condition 1 .	At all times.

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

No.	Conditions of Approval	Condition Timing
3	All car parking associated with uses on Lot 3 on AY29 must be located within the boundaries of the subject site.	At all times.
4	The landowner will undertake responsibility of maintaining the crossover between the property boundary and the edge of the road pavement as required to continue safe and efficient access between the permitted road access point and the State-controlled Road.	At all times.

Reasons for the decision

The reasons for this decision are as follows:

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

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

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

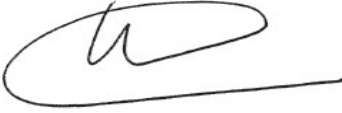
1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment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

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

If further information about this approval or any other related query is required, Mr. Aidan Colahan, Town Planner should be contacted by email at corridor.northern@tmr.qld.gov.au or on (07) 4421 8708.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line extending to the right.

Katherine Wilson
Senior Town Planner

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

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- The proposed development relates to land at 16420 Gregory Developmental Road, Llanarth QLD 4820 which is more particularly described as Lot 3 on AY29 (**subject site**).
- The subject site has a total area of 20,230 m² and is currently occupied by a service station and what appears to be workers accommodation.
- The subject site has frontage and direct access to Gregory Developmental Road (Road ID: 98B), a State-controlled Road (**SCR**) currently under the jurisdiction of the Department of Transport and Main Roads (**TMR**).
- Gregory Developmental Road has an AADT of 441, 30% of which are heavy vehicles.
- Gregory Developmental Road is not a Limited Access Road (**LAR**).
- The subject site is located within the jurisdiction of the Charters Towers Regional Council (**Council**).
- The proposed development involves the construction an Air Service use involving the construction of two (2) helipads.
- The proposed use is intended to service passenger pickup and set down for scenic flights across the Charters Towers, Whitsunday and Isacc Regions and also passenger transport to/from various work sites within the region.
- Aviation gasoline (Avgas) will be stored in a 200 litre drum within existing 2.4m x 6m (14.4m²) shipping container located on the site.
- It is proposed that scenic flights will be advertised in both Charters Towers and Clermont to attract the travelling public moving along the Gregory Development Road.
- The use will involve a maximum of 3 staff which include 1 pilot and 2 ground crew to manager passengers and to undertake refuelling duties.
- It is the goal to undertake 10 flight movements per week in the first instance with additional flights being offered subject to the success of the venture and transport contracts.
- The subject site has direct access to the State-controlled road at multiple locations along its frontage. However, these accesses are not clearly defined.
- The access to the services station has unformalised car parking across the frontage and a there is a dirt driveway leading into the existing development at the rear of the service station.
- This access would likely provide access to the helipad however it is unclear how the access will operate in conjunction with the variety of uses across the subject site.
- The applicant provided the following explanation of vehicle activities across the site.
 - *It is noted the application did not articulate the worker transport activities in complete detail. The worker transport flights are to provide the ability of workers, within the accommodation units provided by the Roadhouse operations on the subject and adjoining land to access job sites during the wet season when roads are cut by flood waters. Therefore, in the event that the Gregory Development Road is closed due to flood waters, vehicle movement will be non-existent and therefore worker transport related flights will have no impact on the state road network.*

- While the above response does not provide much clarity on how the dirt road access to the helipad will operate in conjunction with the variety of uses across the subject site, TMR acknowledge that the impacts are likely to be low.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date received	Reference no.	Version/Issue
Planning Report	JVS Planning	8 April 2026	MCU: Belyando	-
Site Plan	JVS Planning	8 April 2026	-	-
Response to information request	JVS Planning	29 May 2026	MCU: Belyando	-

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

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

(5) The court may order—

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

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

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

(7) In this section—

original decision means a decision described in schedule 3.

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

31 Applying for review

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

32 Stay of operation of original decision

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

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

(9) In this section—

relevant entity means—

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

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

35 Time for making appeals

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

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

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

(2) However, if—

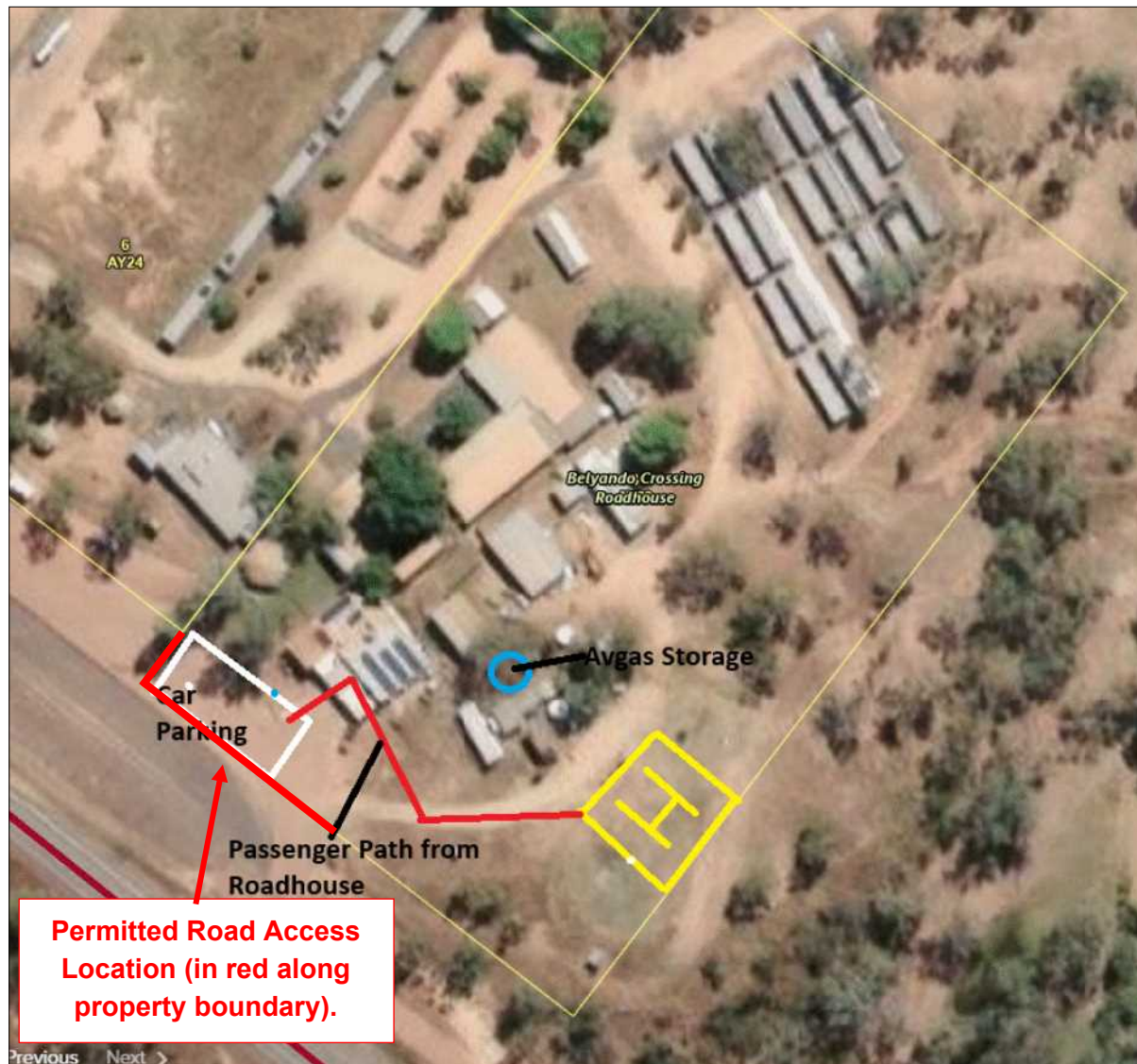
(a) the decision notice did not state the reasons for the decision; and

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

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

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

Attachment D
Permitted Road Access Location Plan



Program Delivery and Operations
North Queensland Region
445 Flinders Street Townsville QLD 4810
PO Box 1089 Townsville QLD 4810

Telephone +61 (07) 4421 8708
Website www.tmr.qld.gov.au
Email corridor.northern@tmr.qld.gov.au
ABN: 39 407 690 291

SARA reference: 2603-51549 SRA
Council reference: MCU2026/0006
Applicant reference: MCU - Belyando

19 June 2026

Manager Planning & Development
Charters Towers Regional Council
PO Box 189
Charters Towers QLD 4820
development@charterstowers.qld.gov.au

Attention: Timna Green

Dear Sir/Madam

SARA referral agency response—16420 Gregory Developmental Road, Llanarth

(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 30 March 2026.

Response

Outcome:	Referral agency response – with conditions
Date of response:	19 June 2026
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 Air Services - Helipads and associated Avgas fuel storage
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 -	

Material change of use of premises near a state transport corridor or that is a future state transport corridor (Planning Regulation 2017)

SARA reference: 2603-51549 SRA

Assessment manager: Charters Towers Regional Council

Street address: 16420 Gregory Developmental Road, Llanarth

Real property description: Lot 3 on AY29

Applicant name: Mr Jeff Smith

Applicant contact details: 8 Nugent Court, Kirwan
Townsville QLD 4817
jvsplanning@gmail.com

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: TMR26-049583
- Date: 15 June 2026

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

Human Rights Act 2019 considerations: A consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this response. It has been determined that this response does not limit human rights.

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 Suzette Bell, Senior Planning Officer, on 0743315619 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Nastassja Lazarus
Manager (Planning)

cc Mr Jeff Smith, jvsplanning@gmail.com

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 provisions
 Attachment 5 - Documents referenced in conditions

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 documents referenced below are found at Attachment 4)

No.	Conditions	Condition timing
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - Material change of use of premises near a state transport corridor or that is a future state transport corridor—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 condition(s):	
1.	The development must be carried out generally in accordance with the following plans: (a) Site Plan, prepared by JVS Planning, dated 12 May 2026, as amended in red by SARA.	Prior to the commencement of use and to be maintained at all times
2.	All car parking associated with uses on Lot 3 on AY29 must be located within the boundaries of the subject site.	At all times

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) (version 3.5). If a word remains undefined it has its ordinary meaning.
2.	The Office of Industrial Relations strongly advises against storing and decanting avgas inside a shipping container. There is a significant risk of fire or explosion and would contravene several Work health Safety Regulations. It is recommended to store the avgas drums in a locked cage or purpose-built flammable liquid cabinet and carry out the decanting in a well-ventilated area away from potential ignition sources such as electrical equipment. For further information on avgas storage and workplace safety requirements contact the Office of Industrial Relations at hcfplanning@oir.qld.gov.au .

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
 - does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of Gregory Developmental Road.
 - does not adversely impact the structural integrity, physical conditions, function or efficiency of Gregory Developmental Road.
 - does not significantly increase the cost or impact the state's ability to plan, construct, maintain, upgrade or operate Gregory Developmental Road.

Material used in the assessment of the application:

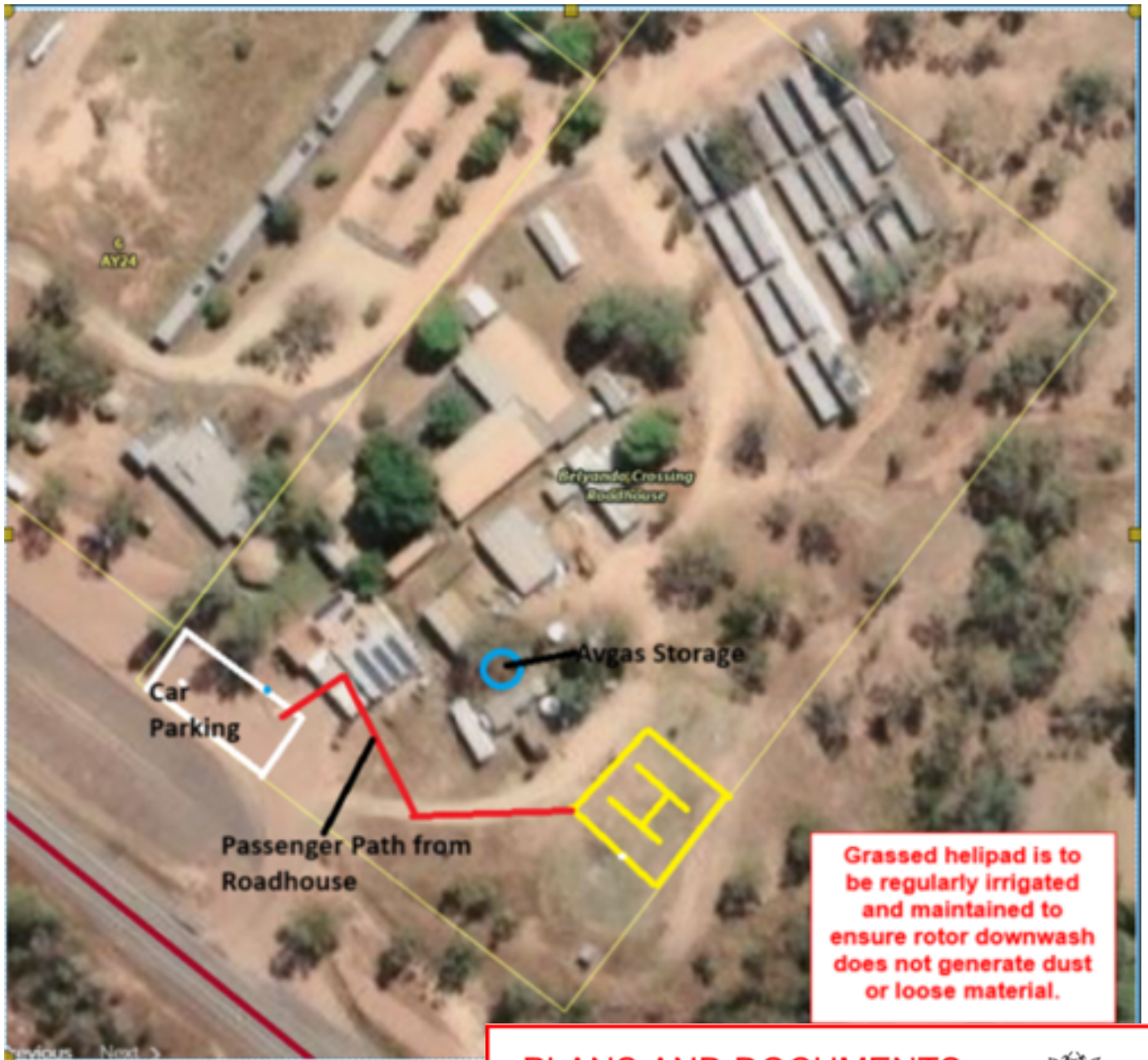
- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.6), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank)

Attachment 5—Documents referenced in conditions

(page left intentionally blank)



PLANS AND DOCUMENTS
referred to in the
DEVELOPMENT APPROVAL



SARA ref:

2603-51549 SRA

Date:

19 June 2026

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Minister: Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Agency: Department of State Development, Infrastructure and Planning

Minister: Minister for Housing and Public Works and Minister for Youth

Agency: Department of Housing and Public Works

Planning Act 2016

Reprint current from 18 July 2025 to date (accessed 4 August 2025 at 10:33)

[Chapter 6](#) > Part 1

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see [section 106ZJ](#).

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to register premises or to renew the registration of premises—20 business days after a notice is published under [section 269\(3\)\(a\)](#) or (4); or
 - (d) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to amend the registration of premises to include additional land in the affected area for the

premises—20 business days after the day a notice is published under section 269A(2)(a); or

- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court’s power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution.

s 229 amd 2018 No. 17 s 178; 2022 No. 11 s 38; 2024 No. 13 s 77; 2025 No. 14 s 86 sch 1

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and

- (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

s 230 and 2017 No. 12 s 50; 2019 No. 11 s 172

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

s 231 and 2017 No. 12 s 51; 2019 No. 11 s 173; 2020 No. 28 s 74A

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.