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**[No. 26**

*Transport Infrastructure Act 1994*

## **NOTIFICATION OF DECLARATION OF A STATE-CONTROLLED ROAD AS A LIMITED ACCESS ROAD**

Notice is hereby given under section 54(1) of the *Transport Infrastructure Act 1994* that the State-controlled road described in the Schedule is hereby declared or revoked as a Limited Access road. As required under section 55 of the *Transport Infrastructure Act 1994*, Cairns Regional Council has been notified.

Ross Hodgman  
District Director (Far North)

Delegate of the Director-General, Department of Transport and Main Roads

### **THE SCHEDULE**

On and from 18 February 2022, the declarations of the State-controlled road as a Limited Access road specified in Appendix I hereto, is revoked, and in lieu thereof, the State-controlled road described in Appendix II hereto, is declared a Limited Access road, respectively, under and for the purposes of the *Transport Infrastructure Act 1994*.

### **APPENDIX I**

<b>Name of State-controlled Road</b>	<b>Date of Declaration Relevant to Road</b>
Brinsmead-Kamerunga Road	04 April 1981
Brinsmead-Kamerunga Road Mulgrave Shire	27 October 1984
Brinsmead-Kamerunga Road Cairns City	28 June 1996
Brinsmead-Kamerunga Road Cairns City	20 December 1996

## APPENDIX II

CAIRNS WESTERN ARTERIAL ROAD (647)  
CAIRNS REGIONAL COUNCIL

Commencing from the south western corner of Lot 1 on RP892245 and the most southern point of Lot 0 on BUP71400 in Whitfield, travelling in a general north westerly direction, to approximately 0.16 kilometres south of the roundabout at the intersections of the Captain Cook Highway and the Smithfield Bypass in Smithfield.

Length: 10.41 kilometres (approximately)

The parts of the road to which access is to be limited are shown on plans LA12392, LA12393, LA12394, LA12395, LA12396, LA12397, LA12398, LA12399, LA12400, LA12401, LA12402 and LA12403. Copies of the LA plans are held in the office of Department of Transport and Main Roads at Floor 4, Cairns Corporate Tower, 15 Lake Street, Cairns Qld 4870.

The reason for the declaration is to achieve a high level of access control for the Cairns Western Arterial Road as described in the Schedule, to:

- (1) ensure that its arterial function is preserved, and its efficiency sustained by limiting access points and thereby promoting use of the Cairns Western Arterial Road for longer distance trips and efficient road links to tourist facilities, recreational areas and residential areas;
- (2) maximise its traffic carrying capacity and safety characteristics;
- (3) reduce the risk of crashes through limiting conflict points;
- (4) support economic growth by providing for priority freight, tourist and business routes.

Any person whose interests are affected by the declaration may:

- (1) under section 485 of the *Transport Infrastructure Act 1994* – ask for the decision to make the declaration to be reviewed by the Chief Executive;
- (2) under the *Transport Planning and Coordination Act 1994*, part 5, division 2 – apply for the original decision to be stayed; and
- (3) under the *Transport Planning and Coordination Act 1994*, part 5, division 3 –
  - (a) appeal against the Chief Executive's decision on the review to the court stated in Schedule 3 of the *Transport Infrastructure Act 1994* for the decision; and
  - (b) apply for the reviewed decision to be stayed.

Notice is hereby given that there is a policy in place, in relation to the application of section 62 of the *Transport Infrastructure Act 1994* to access between the Captain Cook Highway (44) and adjacent land.

The policy is set out below.

## POLICY FOR CAIRNS WESTERN ARTERIAL ROAD (647)

## 1 PURPOSE

The purpose of this policy is to protect the function, safety and efficiency of the Cairns Western Arterial Road (the "Road") by prohibiting any new access between the Road and adjoining properties. This policy identifies the principles that will be applied when making decisions under section 62 of the *Transport Infrastructure Act 1994*.

The prohibition of new access between the Road and adjoining properties is essential in ensuring that the vision for the Road can be achieved by:

- Preserving its arterial function and sustaining its efficiency by limiting access points and thereby promoting use of the Road for longer distance trips and efficient road links to tourist facilities, recreational areas and residential areas;
- maximising its traffic carrying capacity and safety characteristics;
- reducing the risk of crashes through limiting conflict points;
- supporting economic growth by providing for priority freight, tourist and business routes.

## 2 HEAD OF POWER

This policy has been made pursuant to s 54 of the *Transport Infrastructure Act 1994*.

## 3 ROAD VISION

The following vision for the Road sets the context within which the Policy Principles (section 5) and the Policy Strategies (section 6) will be applied:

The Road's is a high-speed, high-order arterial road comprised of 2 and 4 lanes with the 4 lane sections with a divided carriageway. Access to and from the Road is via intersections that have been constructed to accommodate the posted speed limit of the Road. Its primary function is to carry through traffic between Cairns and the regions to its north and efficient road links to tourist facilities, recreational areas and residential areas which access this route. The Road serves commuter traffic, the tourism industry, rural industries, two quarries and long-distance freight carriers.

The Road is a vital link between Cairns and the regional centres to its north and south and supports the existing and emerging development adjacent the Road.

Any reduction in the Road's efficiency will reduce its capacity and limit the function of the Road.

Vehicular access between the Road and the local road network is to be managed via the existing intersections along the length of the Road.

## 4 APPLICATION

This policy will be applied in assessing applications made under s 62 of the *Transport Infrastructure Act 1994*.

This policy will also be applied in:

- the preparation, amendment or review of local, state and federal government planning schemes and other planning instruments to ensure that:
  - land uses reflect the Policy Principles and Policy Strategies and preserve the function of the Road;
  - the local road network is developed to provide access to land where access from the Road is not supported; and
  - the vision for the Road identified in section 3 is accommodated.
- general transport planning relevant to managing access to limited access roads.
- The assessment of development applications under the planning act.

## 5 POLICY PRINCIPLES

When making a decision relating to the management of access between land and the Road, the following principles will be applied:

- vehicular access must not compromise safety of the users of the Road or any other transport infrastructure;
- vehicular access must be consistent with the functional requirements of the Road;
- vehicular access must be consistent with the current or planned intent for the Road corridor and the wider State-controlled road network.

In applying the principles, regard will be had to the following strategies:

- (1) the strategies applying to vehicular access to State-controlled roads set out in the *Vehicular access to state-controlled roads policy*<sup>1</sup>; and
- (2) the Policy Strategies set out in section 6.

Where there is inconsistency between the strategies set out in the *Vehicular access to state-controlled roads policy* and the Policy Strategies set out in this policy, the Policy Strategies set out in this policy prevail.

A proposal will be consistent with this policy if it meets the Policy Principles and all relevant Policy Strategies.

## 6 POLICY STRATEGIES

### SAFETY

**Principle 1: vehicular access must not compromise safety of the users of the Road or any other transport infrastructure**

No policy strategies.

### FUNCTION

**Principle 2: Vehicular access must be consistent with the functional requirements of the Road**

The primary function of the Road is to carry through traffic and form a principal avenue for travel between regions Plus efficient road links to adjacent tourist, residential and commercial areas.

#### Strategy 1

**New vehicular access will not be permitted.**

Vehicular access to a property/ies should be via lower order roads consistent with road hierarchy principles.

### FUTURE INTENT

**Principle 3: Vehicular access must be consistent with the current or planned intent for the Road corridor and the wider network**

No policy strategies.

<sup>1</sup> July 2019

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**7 APPROVAL**

This policy applies to the Road and will be applied when making decisions under s 62 of the *Transport Infrastructure Act 1994*.

Dated: 17 February 2022

Signed: Louise Dutton – Manager PPCM, on behalf of,

Ross Hodgman

District Director (Far North)

Delegate of the Director-General, Department of Transport and Main Roads

**8 ADDITIONAL INFORMATION**

This policy may be amended at any time without a gazette notice if:

- the amendment merely changes or repeals a specific provision for 1 or more particular properties; and
- the owner or occupier of each property has been given written notice of the amendment.

Any person whose interests are affected by this policy may:

- under s 485 of the *Transport Infrastructure Act 1994* – ask for the decision about the policy to be applied to be reviewed;
- under Part 5, Division 2 of the *Transport Planning and Coordination Act 1994* – apply for the original decision to be stayed;
- under Part 5, Division 3 of the *Transport Planning and Coordination Act 1994*:
  - appeal against a decision on a review;
  - apply for the reviewed decision to be stayed.

Under s 61 of the *Transport Infrastructure Act 1994*, a person must not construct or change a physical means of entry or exit for traffic between land and a limited access road without first obtaining a decision under s 62(1) that authorises the construction or change. Maximum penalty – 200 penalty units.

**ENDNOTES**

- 1 Published in the Gazette on 18 February 2022.
  - 2 Not required to be laid before the Legislative Assembly.
  - 3 The administering agency is the Department of Transport and Main Roads.
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*Transport Infrastructure Act 1994***NOTIFICATION OF DECLARATION OF A  
STATE-CONTROLLED ROAD AS A LIMITED ACCESS ROAD**

Notice is hereby given under section 54(1) of the *Transport Infrastructure Act 1994* that the State-controlled road described in the Schedule is hereby declared or revoked as a Limited Access road. As required under section 55 of the *Transport Infrastructure Act 1994*, Cairns Regional Council has been notified.

Ross Hodgman  
District Director (Far North)

Delegate of the Director-General, Department of Transport and Main Roads

**THE SCHEDULE**

On and from 18 February 2022, the declarations of the State-controlled road as a Limited Access road specified in Appendix I hereto, are revoked, and in lieu thereof, the State-controlled road described in Appendix II hereto, is declared a Limited Access road, respectively, under and for the purposes of the *Transport Infrastructure Act 1994*.

**APPENDIX I**

<b>Name of State-controlled Road</b>	<b>Date of Declaration Relevant to Road</b>		
		Captain Cook Highway Cairns-Mossman Cairns City	31 January 1997
Captain Cook Highway (Cairns-Mossman) Mulgrave Shire	25 August 1979		
		Captain Cook Highway Cairns-Mossman Cairns City	14 February 1997
Captain Cook Highway (Cairns-Mossman) Mulgrave Shire	05 February 1983		
		Captain Cook Highway Cairns-Mossman Cairns City	14 March 1997
Captain Cook Highway (Cairns to Mossman) Mulgrave and Douglas Shires	05 July 1986		
		Captain Cook Highway Cairns-Mossman Cairns City	23 May 1997
Captain Cook Highway (Cairns-Mossman) Mulgrave Shire	06 November 1992		
		Captain Cook Highway Cairns-Mossman Cairns City	19 December 1997
Captain Cook Highway (Cairns-Mossman) Cairns City	20 December 1996		

**APPENDIX II  
CAPTAIN COOK HIGHWAY  
(Cairns - Mossman)  
CAIRNS REGIONAL COUNCIL**

Commencing from the intersection of Moffat Street near the southern point of Lot 5 on NR4460 in Cairns North, travelling in a general north westerly direction, to approximately 0.24 kilometres north of the Buchan Street intersection in Palm Cove.

Length: 22.89 km (approximately)

The parts of the road to which access is to be limited are shown on plans LA12369, LA12370, LA12371, LA12372, LA12373, LA12374, LA12375, LA12376, LA12377, LA12378, LA12379, LA12380, LA12381, LA12382, LA12383, LA12384, LA12385, LA12386, LA12387, LA12388, LA12389, LA12390 and LA12391. Copies of the LA plans are held in the office of Department of Transport and Main Roads at Floor 4, Cairns Corporate Tower, 15 Lake Street, Cairns Qld 4870.

The reason for the declaration is to achieve a high level of access control for the Captain Cook Highway as described in the Schedule, to:

- (1) ensure that its arterial function is preserved, and its efficiency sustained by limiting access points and thereby promoting use of the Captain Cook Highway for longer distance trips;
- (2) maximise its traffic carrying capacity and safety characteristics;
- (3) reduce the risk of crashes through limiting conflict points;
- (4) support economic growth by providing for priority freight, tourist and business routes.

Any person whose interests are affected by the declaration may:

- (1) under section 485 of the *Transport Infrastructure Act 1994* – ask for the decision to make the declaration to be reviewed by the Chief Executive;
- (2) under the *Transport Planning and Coordination Act 1994*, part 5, division 2 – apply for the original decision to be stayed; and
- (3) under the *Transport Planning and Coordination Act 1994*, part 5, division 3 –
  - (a) appeal against the Chief Executive's decision on the review to the court stated in Schedule 3 of the *Transport Infrastructure Act 1994* for the decision; and
  - (b) apply for the reviewed decision to be stayed.

Notice is hereby given that there is a policy in place, in relation to the application of section 62 of the *Transport Infrastructure Act 1994* to access between the Captain Cook Highway (44) and adjacent land.

The policy is set out below.

**POLICY FOR CAPTAIN COOK HIGHWAY (20A)**

**1 PURPOSE**

The purpose of this policy is to protect the function, safety and efficiency of the Captain Cook Highway (the "**Road**") by prohibiting any new access between the Road and adjoining properties. This policy identifies the principles that will be applied when making decisions under section 62 of the *Transport Infrastructure Act 1994*.

The prohibition of new access between the Road and adjoining properties is essential in ensuring that the vision for the Road can be achieved by:

- Preserving its arterial function and sustaining its efficiency by limiting access points and thereby promoting use of the Captain Cook Highway for longer distance trips;
- maximising its traffic carrying capacity and safety characteristics;
- reducing the risk of crashes through limiting conflict points;
- supporting economic growth by providing for priority freight, tourist and business routes.

## 2 HEAD OF POWER

This policy has been made pursuant to s 54 of the *Transport Infrastructure Act 1994*.

## 3 ROAD VISION

The following vision for the Road sets the context within which the Policy Principles (section 5) and the Policy Strategies (section 6) will be applied:

The Road is a high-speed, high-order arterial road comprised of 4 lanes with a divided carriageway from Moffatt Street to Poolwood Road and Two Lanes from Poolwood Road to Buchan Street. Access to and from the Road is via existing intersections that have been constructed to accommodate the posted speed limit of the Road. It forms a principal avenue for travel between Cairns and the regions to its north and its primary function is to carry through traffic. The Road serves commuter traffic, the export industry, the tourism industry, rural industries and long-distance freight carriers.

The Road is a vital link between Cairns and the regional centres to its north and supports the existing and emerging development of these areas.

Any reduction in the Road's efficiency will reduce its capacity and limit the function of the Road.

Vehicular access between the Road and the local road network is to be managed via the existing intersections along the length of the Road.

## 4 APPLICATION

This policy will be applied in assessing applications made under s 62 of the *Transport Infrastructure Act 1994*.

This policy will also be applied in:

- the preparation, amendment or review of local, state and federal government planning schemes and other planning instruments to ensure that:
  - land uses reflect the Policy Principles and Policy Strategies and preserve the function of the Road;
  - the local road network is developed to provide access to land where access from the Road is not supported; and
  - the vision for the Road identified in section 3 is accommodated.
- general transport planning relevant to managing access to limited access roads.
- The assessment of development applications under the planning act.



## 5 POLICY PRINCIPLES

When making a decision relating to the management of access between land and the Road, the following principles will be applied:

- vehicular access must not compromise safety of the users of the Road or any other transport infrastructure;
- vehicular access must be consistent with the functional requirements of the Road;
- vehicular access must be consistent with the current or planned intent for the Road corridor and the wider State-controlled road network.

In applying the principles, regard will be had to the following strategies:

- (1) the strategies applying to vehicular access to State-controlled roads set out in the *Vehicular access to state-controlled roads policy*<sup>1</sup>; and
- (2) the Policy Strategies set out in section 6.

Where there is inconsistency between the strategies set out in the *Vehicular access to state-controlled roads policy* and the Policy Strategies set out in this policy, the Policy Strategies set out in this policy prevail.

A proposal will be consistent with this policy if it meets the Policy Principles and all relevant Policy Strategies.

## 6 POLICY STRATEGIES

### SAFETY

**Principle 1: vehicular access must not compromise safety of the users of the Road or any other transport infrastructure**

No policy strategies.

### FUNCTION

**Principle 2: Vehicular access must be consistent with the functional requirements of the Road**

The primary function of the Road is to exclusively carry through traffic, form a principal avenue for travel between regions and access to the Cairns International airport.

#### Strategy 1

**New vehicular access will not be permitted.**

Vehicular access to a property/ies should be via lower order roads consistent with road hierarchy principles.

### FUTURE INTENT

**Principle 3: Vehicular access must be consistent with the current or planned intent for the Road corridor and the wider network**

No policy strategies.

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<sup>1</sup> July 2019

## 7 APPROVAL

This policy applies to the Road and will be applied when making decisions under s 62 of the *Transport Infrastructure Act 1994*.

Dated: 17 February 2022

Signed: Louise Dutton – Manager PPCM, on behalf of,

Ross Hodgman

District Director (Far North)

Delegate of the Director-General, Department of Transport and Main Roads

## 8 ADDITIONAL INFORMATION

This policy may be amended at any time without a gazette notice if:

- the amendment merely changes or repeals a specific provision for 1 or more particular properties; and
- the owner or occupier of each property has been given written notice of the amendment.

Any person whose interests are affected by this policy may:

- under s 485 of the *Transport Infrastructure Act 1994* – ask for the decision about the policy to be applied to be reviewed;
- under Part 5, Division 2 of the *Transport Planning and Coordination Act 1994* – apply for the original decision to be stayed;
- under Part 5, Division 3 of the *Transport Planning and Coordination Act 1994*:
  - appeal against a decision on a review;
  - apply for the reviewed decision to be stayed.

Under s 61 of the *Transport Infrastructure Act 1994*, a person must not construct or change a physical means of entry or exit for traffic between land and a limited access road without first obtaining a decision under s 62(1) that authorises the construction or change. Maximum penalty – 200 penalty units.

## ENDNOTES

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  - 2 Not required to be laid before the Legislative Assembly.
  - 3 The administering agency is the Department of Transport and Main Roads.
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*Transport Infrastructure Act 1994***NOTIFICATION OF DECLARATION OF A  
STATE-CONTROLLED ROAD AS A LIMITED ACCESS ROAD**

Notice is hereby given under section 54(1) of the *Transport Infrastructure Act 1994* that the State-controlled road described in the Schedule is hereby declared a Limited Access road. As required under section 55 of the *Transport Infrastructure Act 1994*, Brisbane City Council has been notified.

Ross Hodgman  
District Director (Far North)  
Delegate of the Director-General, Department of Transport and Main Roads

**THE SCHEDULE**

On and from 18 February 2022, the State-controlled road described below hereto, is declared a Limited Access road, respectively, under and for the purposes of the *Transport Infrastructure Act 1994*.

**SMITHFIELD BYPASS (651)  
CAIRNS REGIONAL COUNCIL**

Commencing from the roundabout at the intersections of The Captain Cook Highway and Yorkeys Knob Road and the roundabout at the intersections of the Captain Cook Highway and the Cairns Western Arterial Road in Yorkeys Knob/Smithfield, travelling in northern direction to the roundabout at the intersections of The Captain Cook Highway and McGregor Road in Smithfield.

Length: 3.80 kilometres (approximately)

The parts of the road to which access is to be limited are shown on plan LA12404. A copy of the plan is held in the office of Department of Transport and Main Roads at Floor 4, Cairns Corporate Tower, 15 Lake Street, Cairns Qld 4870.

The reason for the declaration is to achieve a high level of access control for the Smithfield Bypass as described in the Schedule, to:

- (1) ensure that its arterial function is preserved, and its efficiency sustained by limiting access points and thereby promoting use of the Smithfield Bypass for longer distance trips;
- (2) maximise its traffic carrying capacity and safety characteristics;
- (3) reduce the risk of crashes through limiting conflict points;
- (4) support economic growth by providing for priority freight tourist and business routes.

Any person whose interests are affected by the declaration may:

- (1) under section 485 of the *Transport Infrastructure Act 1994* – ask for the decision to make the declaration to be reviewed by the Chief Executive;
- (2) under the *Transport Planning and Coordination Act 1994*, part 5, division 2 – apply for the original decision to be stayed; and
- (3) under the *Transport Planning and Coordination Act 1994*, part 5, division 3 –
  - (a) appeal against the Chief Executive's decision on the review to the court stated in Schedule 3 of the *Transport Infrastructure Act 1994* for the decision; and
  - (b) apply for the reviewed decision to be stayed.

Notice is hereby given that there is a policy in place, in relation to the application of section 62 of the *Transport Infrastructure Act 1994* to access between the Captain Cook Highway (44) and adjacent land.

The policy is set out below.

## **POLICY FOR SMITHFIELD BYPASS (651)**

### **1 PURPOSE**

The purpose of this policy is to protect the function, safety and efficiency of the Smithfield Bypass (the “**Road**”) by prohibiting any new access between the Road and adjoining properties. This policy identifies the principles that will be applied when making decisions under section 62 of the *Transport Infrastructure Act 1994*.

The prohibition of new access between the Road and adjoining properties is essential in ensuring that the vision for the Road can be achieved by:

- Preserving its arterial function and sustaining its efficiency by limiting access points and thereby promoting use of the Smithfield Bypass for longer distance trips;
- maximising its traffic carrying capacity and safety characteristics;
- reducing the risk of crashes through limiting conflict points;
- supporting economic growth by providing for priority freight, tourist and business routes.

### **2 HEAD OF POWER**

This policy has been made pursuant to s 54 of the *Transport Infrastructure Act 1994*.

### **3 ROAD VISION**

The following vision for the Road sets the context within which the Policy Principles (section 5) and the Policy Strategies (section 6) will be applied:

The Road's is a high-speed, high-order arterial road comprised of 2 lanes. Access to and from the Road is via existing signalised intersection and interchange ramps that have been constructed to accommodate the posted speed limit of the Road. It forms a principal avenue for travel between Cairns and the regions to its north and its primary function is to carry through traffic. The Road serves commuter traffic, the export industry, the tourism industry, rural industries and long-distance freight carriers.

The Road is a vital link between Cairns and the regional centres to its north and supports the existing and emerging development of these areas.

Any reduction in the Road's efficiency will reduce its capacity and limit the function of the Road.

Vehicular access between the Road and the local road network is to be managed via the existing intersections along the length of the Road.

### **4 APPLICATION**

This policy will be applied in assessing applications made under s 62 of the *Transport Infrastructure Act 1994*.

This policy will also be applied in:

- the preparation, amendment or review of local, state and federal government planning schemes and other planning instruments to ensure that:
  - land uses reflect the Policy Principles and Policy Strategies and preserve the function of the Road;
  - the local road network is developed to provide access to land where access from the Road is not supported; and
  - the vision for the Road identified in section 3 is accommodated.
- general transport planning relevant to managing access to limited access roads.
- The assessment of development applications under the planning act.

## 5 POLICY PRINCIPLES

When making a decision relating to the management of access between land and the Road, the following principles will be applied:

- vehicular access must not compromise safety of the users of the Road or any other transport infrastructure;
- vehicular access must be consistent with the functional requirements of the Road;
- vehicular access must be consistent with the current or planned intent for the Road corridor and the wider State-controlled road network.

In applying the principles, regard will be had to the following strategies:

- (1) the strategies applying to vehicular access to State-controlled roads set out in the *Vehicular access to state-controlled roads policy*<sup>1</sup>; and
- (2) the Policy Strategies set out in section 6.

Where there is inconsistency between the strategies set out in the *Vehicular access to state-controlled roads policy* and the Policy Strategies set out in this policy, the Policy Strategies set out in this policy prevail.

A proposal will be consistent with this policy if it meets the Policy Principles and all relevant Policy Strategies.

## 6 POLICY STRATEGIES

### SAFETY

**Principle 1: vehicular access must not compromise safety of the users of the Road or any other transport infrastructure**

No policy strategies.

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<sup>1</sup> July 2019

**FUNCTION****Principle 2: Vehicular access must be consistent with the functional requirements of the Road**

The primary function of the Road is to exclusively carry through traffic and form a principal avenue for travel between regions.

**Strategy 1****New vehicular access will not be permitted.**

Vehicular access to a property/ies should be via lower order roads consistent with road hierarchy principles.

**FUTURE INTENT****Principle 3: Vehicular access must be consistent with the current or planned intent for the Road corridor and the wider network**

No policy strategies.

**7 APPROVAL**

This policy applies to the Road and will be applied when making decisions under s 62 of the *Transport Infrastructure Act 1994*.

Dated: 17 February 2022

Signed: Louise Dutton – Manager PPCM, on behalf of,

Ross Hodgman

District Director (Far North)

Delegate of the Director-General, Department of Transport and Main Roads

**8 ADDITIONAL INFORMATION**

This policy may be amended at any time without a gazette notice if:

- the amendment merely changes or repeals a specific provision for 1 or more particular properties; and
- the owner or occupier of each property has been given written notice of the amendment.

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### ENDNOTES

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