Mareeba SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
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W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

23 March 2026

Planning Officer: Carl Ewin
Direct Telephone: 07 4086 4656
Our Reference: MCU/12/0017
Your Reference: 21-651

Conmat Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Dear Applicants,

Negotiated Decision Notice

Planning Act 2016

I refer to your application and the representations you made in respect to the Other Change to an Existing Approval Decision Notice dated 17 October 2025. On 18 March 2026, Council decided your representations.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/12/0017
Street Address:	936 Tinaroo Creek Road, Mareeba
Real Property Description:	Lot 358 on OL451
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

NEGOTIATED DECISION DETAILS

Type of Approval:	Development Permit for Material Change of Use – High Impact Industry (Concrete Batching Plant) (Formerly Defined as Industry)

In relation to representations, Council decided to resolve the following:

Condition 5.1 of Council's Decision Notice issued on 17 October 2025 be amended as follows:

5.1 Road Safety ~~Assessment~~ **Audit**

A Road Safety ~~Assessment~~ **Audit** must be undertaken by a suitably qualified RPEQ **in accordance with *Austroads Guide to Road Safety Part 6: Road Safety Audit***. ~~that identifies safety risks for vehicles using Tinaroo Creek Road.~~

The road safety ~~assessment~~ **audit** must consider (but not be limited to) the following:

~~(i) Road geometry (horizontal & vertical).~~

(ii) Swept path analysis of all road corners ~~must be done~~ **using the largest vehicle proposed to service the development, including but not limited to sand and cement powder delivery**. ~~swept paths of the biggest trucks proposed to service the batching plant, including sand and cement powder delivery.~~

Swept path analysis must demonstrate the ability for two (2) of the largest vehicles, as opposing traffic, to safely pass each other with appropriate clearances, while remaining on the sealed surface of the road.

(iii) Speed environments/current speed limits (particularly around existing corners with poor visibility). Ball bank indicator tests must be undertaken on all road corners to determine the advisory speed and need for curve warning signs.

~~(iv) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.~~

~~(v) Pavement testing at locations with a high risk of failure (e.g. tight bends, visibly damaged sections).~~

(iv) Vehicle sightlines.

(v) Intersection treatments.

The road safety ~~assessment/s~~ **audit** must provide recommendations on practical treatments to reduce the risk of any hazards created by traffic generated by this development permit to acceptable levels (e.g. localised pavement widening/repair, signage, linemarking, reduced speed limits, road edge delineation etc.). The road safety ~~assessment/s~~ **audit** must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council~~, within 12 months of this approval taking effect~~ **by 31 December 2027**, or a further period agreed to by Council due to any unforeseen circumstance/s that Council reasonably believe would delay the delivery of the works.

Condition 5.2 of Council's Decision Notice issued on 17 October 2025 be amended as follows:

5.2 External Works – Tinaroo Creek Road

Irrespective of the recommendations included in the road safety ~~assessment~~ **audit** required by Condition 5.1, the following works are to be completed by the applicant/developer ~~within 12 months of this approval taking effect~~ **by 31 December 2027**, or a further period agreed to by Council due to any unforeseen circumstance/s that Council reasonably believe would delay the delivery of the works:

5.2.1 Tinaroo Creek Road (from where the bitumen terminates to a point **10 metres** past the **rural address signposted** access **to Lot 1 on SP182482, situated at 906 Tinaroo Creek Road)** ~~to site access and left-hand bend where the road straightens)~~ must be upgraded in accordance with Table D1.4 (traffic volume - 100-999vmpd) of the FNQROC Development Manual, including a 6.5m sealed width and 8m formation.

5.2.2 Tinaroo Creek Road (from a point where the works required under 5.2.1 end, to a point past the site access and left-hand bend where the road straightens) must be upgraded to include a 6.5m bitumen sealed width and 8m formation. The cattle grid is not required to be removed, and roadside drainage is not required to be redesigned as part of this work.

The operators of the approved use will be responsible for the continued repair and maintenance of this section of road, ensuring that the road surfaces remain in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

~~The site access to the approved use must be incorporated into the corner design and include linemarking and signposting that identifies Tinaroo Creek Road as the through road. The site access and left-hand bend must include an asphalt overlay to accommodate heavy vehicles, including heavy vehicles turning left into the site access from Tinaroo Creek Road (south of the access). The design plans must include swept path diagrams demonstrating that the corner/access design is sufficient to cater for heavy vehicles.~~

5.2.~~2~~**3** The following sections of Tinaroo Creek Road must undergo pavement repair:

- Between Chainages 3400 and 3470 (distance of 70 metres)
- Between Chainages 3520 and 3610 (distance of 90 metres)
- Between Chainages 4915 and 5000 (northbound exit from Ada Creek Causeway – left hand side of road only)
- Between Chainages 6310 and 6440 (distance of 130 metres)
- Between Chainages 7595 and 7730 (distance of 135 metres)

Note: The sections identified above are visibly damaged and deteriorated. The chainages provided are indicative only, with the intent of the condition being that these visibly damaged and deteriorated sections be repaired, so some variation to the chainages will be excepted by Council when reviewing the design drawings as part of any subsequent application for operational works.

Works required under conditions 5.1, and 5.2 must be approved by Council as part of a subsequent application/s for operational works.

CURRENCY PERIOD OF APPROVAL

This development has commenced.

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "***necessary infrastructure condition***" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

CONSOLIDATED ASSESSMENT MANAGER CONDITIONS (COUNCIL)

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

   - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

   - to ensure compliance with the following conditions of approval.

2. Timing of Effect

2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by the condition(s) of this approval.

3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made **within 3 months of this development permit taking effect** ~~prior to the issue of a building permit (if no building permit required then prior to the commencement of the use)~~ and at the rate applicable at the time of payment.

3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Bushfire Management

A Bushfire Management Plan will be prepared in accordance with Appendix 8 of State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.5 Traffic Movements

~~Heavy and regular vehicle traffic movements associated with the proposed batching plant are not to exceed a combined total of 16 vehicle movements per day (8 trips to and from site).~~
Concrete truck movements must not exceed an average of 50 vehicle movements (25 in / 25 out) on any given day when averaged over any given week (Mon-Sat).

Cement powder delivery truck movements must not exceed a total of 2 vehicle movements per day (1 in / 1 out) and must be carried out outside peak traffic hours of 7am – 8am and 3pm – 4pm.

Note: This condition does not place a limit on staff vehicle movements.

3.6 Hours of Operation

The operating hours shall be between ~~6~~ 4am and 6pm Monday to Friday and between ~~6~~ 4am and ~~12~~ 1pm Saturday. No operations are permitted on Sunday or Public Holidays.

Note: These operating hours apply to batching operations at the batching plant and the use of concrete trucks only.

4. Environmental Conditions

4.1 General

4.1.1 Contaminants must not be released to the environment other than in accordance with the conditions contained within this document.

4.1.2 The applicant/developer must install all works and equipment required in order to ensure full compliance with all conditions of approval.

4.1.3 The applicant/developer must ensure that those persons responsible for the day-to-day operation of the concrete batching plant are familiar with the conditions of this document by making sure this document is read in full by all employees at least once per year and is read by new staff during the induction process.

4.2 Air Discharge

4.2.1 No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or is likely to cause and environmental nuisance at any commercial place or at any sensitive receptor places.

4.2.2 Dust filters must be fitted to storage silos that contain cement powder.

4.2.3 The filling of all silos is to be monitored by automatic devices that warn the plant operator with audible and visual alarms when any silo has been filled to its nominal capacity.

4.2.4 The filling of all silos is to be controlled by automatic devices that prevent any silo from being filled beyond its nominal capacity.

4.2.5 The holder of this development permit must ensure that all emission control and monitoring equipment is maintained in good working order.

4.2.6 Vehicle tracks and work areas adjacent to the concrete batching plant must be watered to minimise dust emissions from the approved place.

4.2.7 Air emissions and particulates emitted from the property must not cause material damage to buildings or vehicles located outside the boundaries of the subject site.

4.3 Water Discharge

4.3.1 The approved use must be carried out in a way that prevents the release of contaminants including cement powder, concrete slurry and other concrete materials to stormwater drainage that is naturally occurring or constructed.

4.3.2 Contaminants including plastics, concrete batching chemicals and packaging must not be directly or indirectly released to waterways or the bed or banks of any waterway or any drainage feature at the approved place.

4.3.3 Wastewater and other liquid waste generated in the course of carrying out the use shall be recycled for use in the concrete batching plant operation.

4.3.4 Settlement ponds for the concrete batching plant must be located at least 50 meters away from any natural drainage feature or water course at the approved place.

4.3.5 All wash down activities conducted on the subject site must be completed in a way that prevents concrete materials entering a natural drainage feature or waterway at the approved place.

4.4 Stormwater Management

4.4.1 The approved use must be conducted in a way that prevents contaminants or wastes contacting with rainfall and stormwater runoff in order to prevent contaminants entering stormwater drainage systems that are naturally occurring or constructed.

4.4.2 Any stormwater leaving the subject site shall contain no visible sign of floating chemical contaminants or other debris from the approved place.

4.4.3 All above and below ground chemical and fuel storage tanks shall be bunded in accordance with the Australian Standards 1940-1993 "*The storage and handling of flammable and combustible liquids*".

4.4.4 All fuel and chemical tanks or containers must be kept within the confines of sealed bunded area that can accommodate a spill of 110% of the largest tank used for storage within the bunded area.

4.4.5 The sealed bunded area must be fitted with a valve for the purpose of emptying liquids or solutions from the bunded area. The valve must remain closed when not in use.

4.4.6 The sealed bunded area must have a sign above the valve handle that contains the following words - "*Valve to remain closed when not in use*".

4.4.7 Australian standard requirements for the storage of fuel and chemicals must be adhered to at all times when storing fuel and chemicals on the subject site.

4.4.8 The concrete batching plant area and settlement ponds must be designed to ensure minimal ingress of overland flow of stormwater.

4.5 Land Application

4.5.1 The approved use must be carried out by such practical means that is necessary to prevent or minimise the release of contaminants to land.

4.5.2 Any soils contaminated at the subject site must be cleaned up immediately, lawfully removed and disposed of at a facility that accepts contaminated land fill.

4.5.3 A bay must be constructed to dry concrete slurry.

4.5.4 Concrete slurry and other wet concrete waste must be dried in the purpose-built bay at the approved place prior to disposal.

4.5.5 Where possible dried concrete waste must be recycled for use in other products.

4.6 Noise Control/Monitoring

4.6.1 The emission of noise from the subject site must not cause environmental nuisance as determined by Council's delegated officer at any commercial place or at any sensitive receptor places.

4.6.2 The noise emissions from the subject site must not be greater than 5dB(A) above the background noise level at a sensitive receptor place or 10dB(A) above the background noise level at a commercial place.

4.6.3 When requested by Council, the developer/operator must commission noise monitoring to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report must be provided to the administering authority within 14 days of the completion of the investigation.

4.6.4 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy.

4.7 Waste Management

4.7.1 Waste must not be released to the environment and must be disposed of in accordance with the conditions within this document.

4.7.2 Waste chemicals and chemical solutions are to be stored in a waste holding tank/s or drum/s that are located on a sealed and bunded surface.

4.7.3 Waste liquids are to be removed by a regulated waste transporter.

5. Infrastructure Services and Standards

At the Ordinary Council Meeting held on the 18 March 2026, Condition 5.1 of Council's Decision Notice issued on 17 October 2025 be amended as follows:

5.1 Road Safety ~~Assessment~~ **Audit**

A Road Safety ~~Assessment~~ **Audit** must be undertaken by a suitably qualified RPEQ **in accordance with *Austroads Guide to Road Safety Part 6: Road Safety Audit***. ~~that identifies safety risks for vehicles using Tinaroo Creek Road.~~

The road safety ~~assessment~~ **audit** must consider (but not be limited to) the following:

~~(i) Road geometry (horizontal & vertical).~~

(ii) Swept path analysis of all road corners ~~must be done~~ **using the largest vehicle proposed to service the development, including but not limited to sand and cement powder delivery**. ~~swept paths of the biggest trucks proposed to service the batching plant, including sand and cement powder delivery.~~

Swept path analysis must demonstrate the ability for two (2) of the largest vehicles, as opposing traffic, to safely pass each other with appropriate clearances, while remaining on the sealed surface of the road.

(iii) Speed environments/current speed limits (particularly around existing corners with poor visibility). Ball bank indicator tests must be undertaken on all road corners to determine the advisory speed and need for curve warning signs.

~~(iv) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.~~

~~(v) Pavement testing at locations with a high risk of failure (e.g. tight bends, visibly damaged sections).~~

(iv) Vehicle sightlines.

(vi) Intersection treatments.

The road safety ~~assessment/s~~ **audit** must provide recommendations on practical treatments to reduce the risk of any hazards created by traffic generated by this development permit to acceptable levels (e.g. localised pavement widening/repair, signage, linemarking, reduced speed limits, road edge delineation etc.).

The road safety ~~assessment/s~~ **audit** must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council~~, within 12 months of this approval taking effect~~ **by 31 December 2027**, or a further period agreed to by Council due to any unforeseen circumstance/s that Council reasonably believe would delay the delivery of the works.

At the Ordinary Council Meeting held on the 18 March 2026, Condition 5.2 of Council's Decision Notice issued on 17 October 2025 be amended as follows:

5.2 External Works – Tinaroo Creek Road

Irrespective of the recommendations included in the road safety ~~assessment~~ **audit** required by Condition 5.1, the following works are to be completed by the applicant/developer ~~within 12 months of this approval taking effect~~ **by 31 December 2027**, or a further period agreed to by Council due to any unforeseen circumstance/s that Council reasonably believe would delay the delivery of the works:

5.2.1 Tinaroo Creek Road (from where the bitumen terminates to a point **10 metres** past the **rural address signposted** access **to Lot 1 on SP182482, situated at 906 Tinaroo Creek Road)** ~~to site access and left-hand bend where the road straightens)~~ must be upgraded in accordance with Table D1.4 (traffic volume - 100-999vmpd) of the FNQROC Development Manual, including a 6.5m sealed width and 8m formation.

5.2.2 Tinaroo Creek Road (from a point where the works required under 5.2.1 end, to a point past the site access and left-hand bend where the road straightens) must be upgraded to include a 6.5m bitumen sealed width and 8m formation. The cattle grid is not required to be removed, and roadside drainage is not required to be redesigned as part of this work.
The operators of the approved use will be responsible for the continued repair and maintenance of this section of road, ensuring that the road surfaces remain in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

~~The site access to the approved use must be incorporated into the corner design and include linemarking and signposting that identifies Tinaroo Creek Road as the through road. The site access and left-hand bend must include an asphalt overlay to accommodate heavy vehicles, including heavy vehicles turning left into the site access from Tinaroo Creek Road (south of the access). The design plans must include swept path diagrams demonstrating that the corner/access design is sufficient to cater for heavy vehicles.~~

5.2.~~23~~ The following sections of Tinaroo Creek Road must undergo pavement repair:

- Between Chainages 3400 and 3470 (distance of 70 metres)
- Between Chainages 3520 and 3610 (distance of 90 metres)
- Between Chainages 4915 and 5000 (northbound exit from Ada Creek Causeway – left hand side of road only)
- Between Chainages 6310 and 6440 (distance of 130 metres)
- Between Chainages 7595 and 7730 (distance of 135 metres)

Note: The sections identified above are visibly damaged and deteriorated. The chainages provided are indicative only, with the intent of the condition being that these visibly damaged and deteriorated sections be repaired, so some variation to the chainages will be excepted by Council when reviewing the design drawings as part of any subsequent application for operational works.

Works required under conditions 5.1, and 5.2 must be approved by Council as part of a subsequent application/s for operational works.

REFERRAL AGENCIES

Material change of use of premises near a substation site or subject to an easement		
Development application for a material change of use that is assessable development under a local categorising instrument and does not relate to reconfiguring a lot, if — (a) all or part of the premises are within 100m of a substation site; or (b) both of the following apply — (i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act; (ii) the easement is for a transmission grid or supply network	Schedule 10, Part 9, Division 2, Table 2 **(advice agency only)**	Powerlink Queensland PO Box 1193 VIRGINIA QLD 4014 property@powerlink.com.au

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	~~Layout of Concrete Batching Plant - Wallace Quarries~~	~~Landline Consulting~~	-
-	~~Batching Plant - Proposed Location~~	~~Landline Consulting~~	-
385291-4	Site Plan – Proposed Concrete Batching Plant	RPS	7/05/2025
385291-5	Development Area – Proposed Concrete Batching Plant	RPS	7/05/2025
385291-6	Site Layout – Proposed Concrete Batching Plant	RPS	7/05/2025

CONSOLIDATED ASSESSMENT MANAGER ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(a) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au.

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(g) **Electric Ants**

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a *general biosecurity obligation*) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at Electric ants in Queensland | Business Queensland or contact Biosecurity Queensland 13 25 23.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Development Permit for Operational Works
- Compliance Permit for Plumbing and Drainage

SUBMISSIONS

There were 20 (twenty) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

No.	Name of Principal Submitter	Address	Email
1	Chesley and Greg Smith	647 Tinaroo Creek Road, Mareeba	chesleyandgreg@bigpond.com
2	Kelly and Garry Ferguson	296 Tinaroo Creek Road, Mareeba	kelly.g_22@hotmail.com
3	Dennis Anning	493 & 485 Tinaroo Creek Road, Mareeba	
4	Clint and Nicole Tilse	562 Tinaroo Creek Road, Mareeba	tbpe@bigpond.com
5	Peter and Elizabeth Williams	655 Tinaroo Creek Road, Mareeba	peterandleb@bigpond.com
6	Andrew and Karin Ebersbach	186 Tinaroo Creek Road, Mareeba	admin@trinityplains.com.au
7	Robert and Aadya Titchinger	867 Henry Hannam Drive, Mareeba	aadyatitchiner@gmail.com
8	Helen Pedgrift and David Nicholls	762 Tinaroo Creek Road, Mareeba	helenpedgrift@gmail.com
9	Allen and Ferna Walsh	852 Tinaroo Creek Road, Mareeba	allenw424@gmail.com
10	Pav Constructions Pty Ltd Dave Paavola	PO Box 95, Earlville QLD 4870	
11	Reid Building Pty Ltd Irwin Reid	PO Box 2253, Mareeba QLD 4880	irwinreid@westnet.com.au
12	J Dwyer Building Pty Ltd	PO Box 1435, Mossman QLD 4873	

13	Daniel Lowe Builders Daniel Lowe	PO Box 520, Tolga QLD 4882	daniel@lowebuilders.com.au
14	RTS Concreting	PO Box 1529, Mareeba QLD 4880	
15	Mareeba Sheds & Gas Michael Fuller	PO Box 166, Mareeba QLD 4880	
16	ATC Atherton Tableland Concreting TD & JM Curcio	4018 Gillies Range Road, Yungaburra QLD 4884	janetonycurcio@outlook.ocm
17	Ian Turner	582 Tinaroo Creek Road, Mareeba	iangturner@live.co.au
18	Reel Planning on behalf of their Clients, Wyndara Pty Ltd and Coldav Pty Ltd	Unit 101, 27-29 Wharf Street Cairns QLD 4870	keanu@reelplanning.com
19	Physick Tinaroo Pty Ltd Anthony Physick	PO Box 212, Clifton Beach QLD 4879	
20	Wallace Tinaroo Pty Ltd	PO Box 1710, Mareeba QLD 480	

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available online at www.msc.qld.gov.au, or at Council Offices.

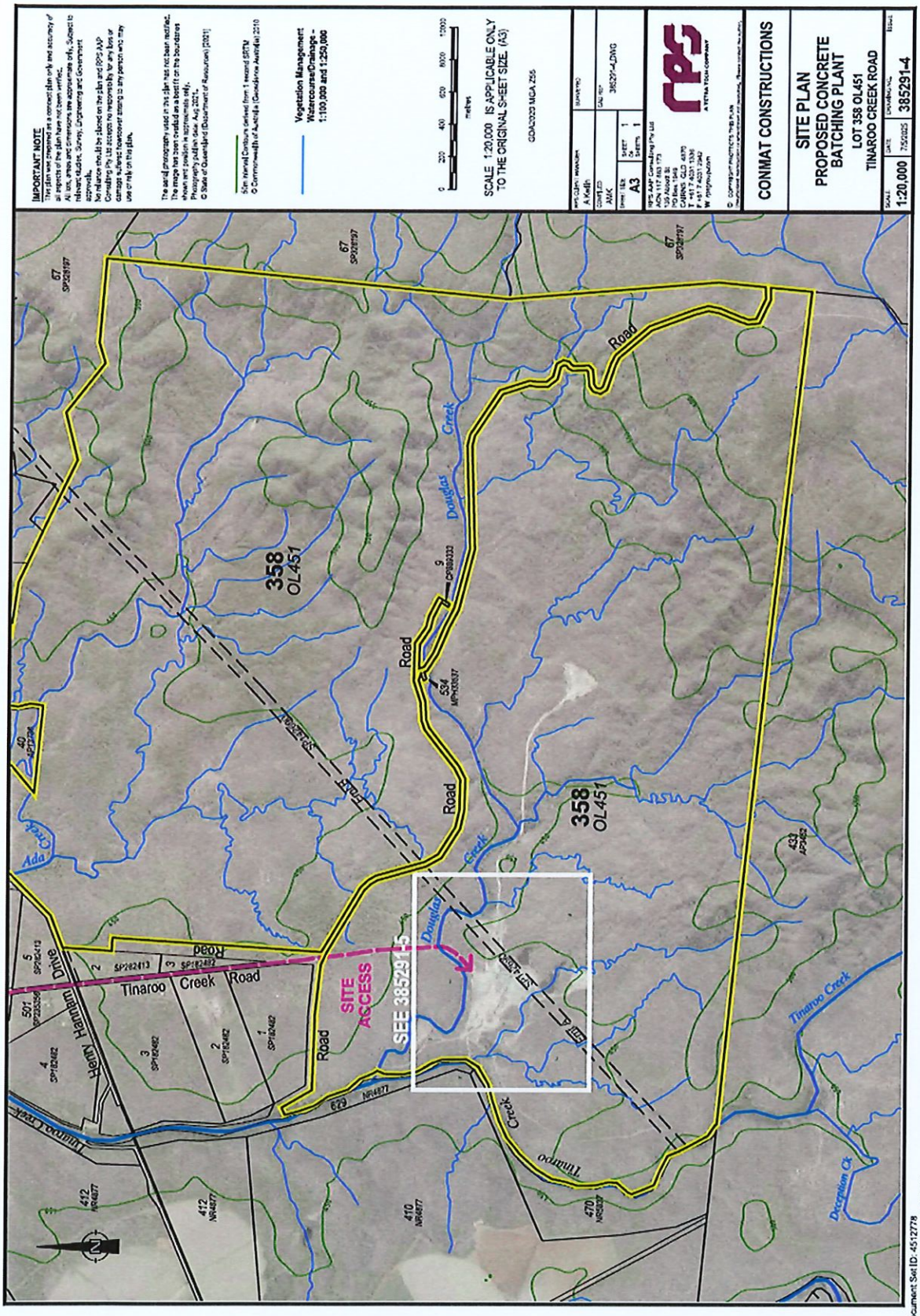
DECISION NOTICE HISTORY
REC/10/0017 - Original Decision Notice Dated: 20 May 2013
REC/10/0017 - Other Change Decision Notice Dated: 17 October 2025
REC/10/0017 - Negotiated Decision Notice Dated: 23 March 2026

Yours faithfully

BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

Enc: Approved Plans/Documents
Appeal Rights

APPROVED PLANS/DOCUMENTS



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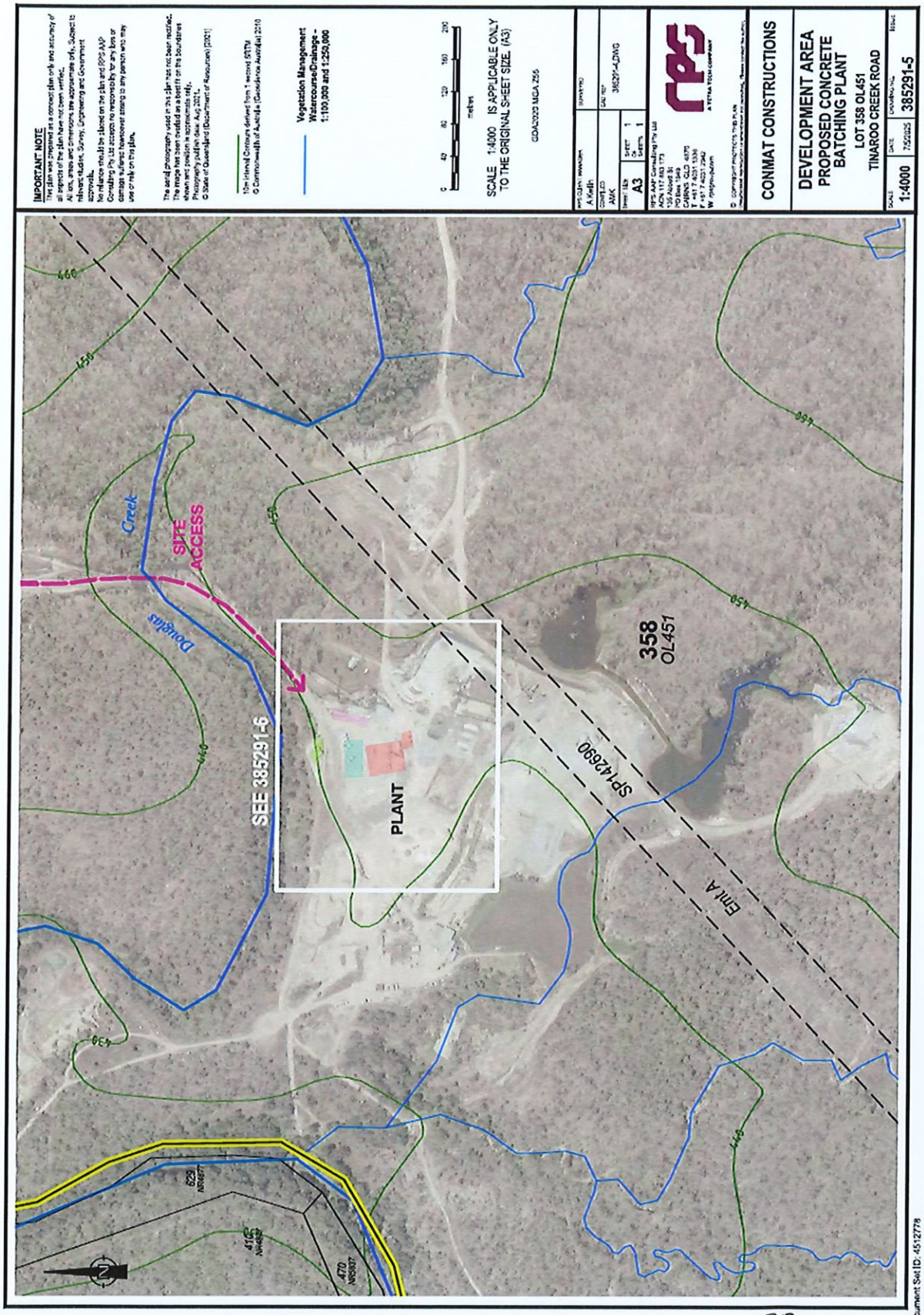

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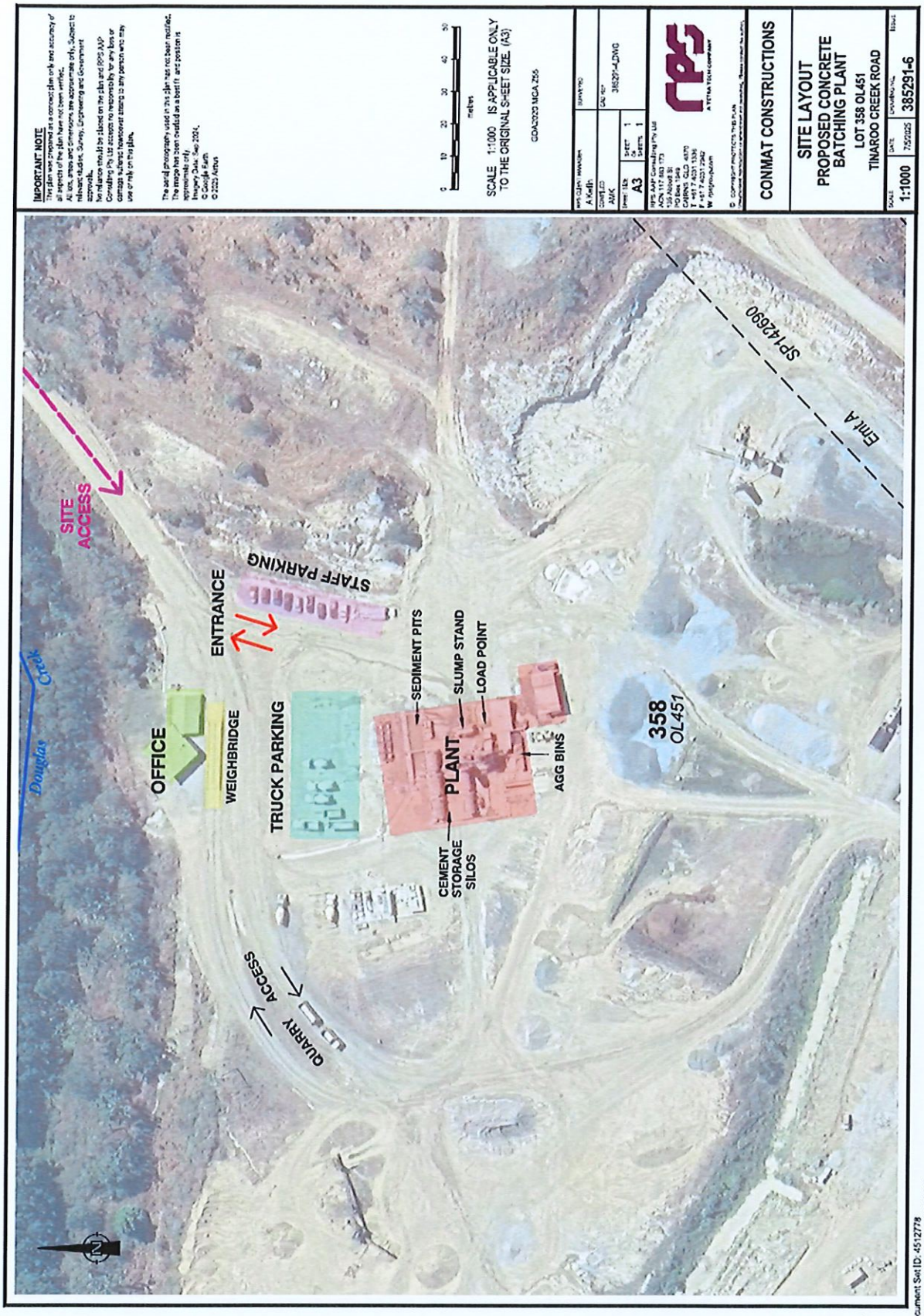

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23/3/2026

ATTACHMENT 3

TRAFFIC IMPACT REVIEW (NOBLE CONSULTING)

Technical Memorandum

To	CONMAT Construction Materials (Attn: Steve Lavis)	Pages	68
CC	Urban Sync (Stuart Ricketts)		
Subject	Concrete Batching Plant – Tinaroo Creek Road Traffic/Road Assessment		
From	Noble Consulting Engineers		
Project No/Ref No.	250159-01/TM-FN0234	Date	22/04/2025

1.0 INTRODUCTION

Noble Consulting Engineers has been commissioned by CONMAT Construction Materials to conduct a traffic assessment associated with the existing Tinaroo Creek Quarry concrete batching plant at 936 Tinaroo Creek Road, Mareeba.

In accordance with the previous Tableland Regional Council (TRC) Decision Notice Approval (*ref no. MCU/12/0017, dated 20 May 2013*), the existing concrete batching plant is conditioned (Condition 3.5) to a maximum of 16 vehicle movements per day (heavy and regular vehicles) generated to/from the facility.

It is understood that CONMAT Construction Materials is considering amending Conditions 3.5 to reflect the following:

- A maximum of fifty (50) concrete agitator truck movements per day (i.e. 25 trips IN and 25 trips OUT to/from site); and
- A maximum of two (2) cement delivery truck movements per day (i.e. 1 trip IN and 1 trip OUT to/from site).

The purpose of this traffic/road assessment is to assess the adequacy of the existing Tinaroo Creek Road with the addition of the concrete batching plant traffic, from road geometry/capacity and safety perspective.

A copy of the TRC Decision Notice Approval is included in **Attachment A**.

2.0 EXISTING CONDITIONS

2.1 Subject Site

The subject site is described as Lot 358 on OL451, and is located at 936 Tinaroo Creek Road, Mareeba as shown in **Figure 2.1**.

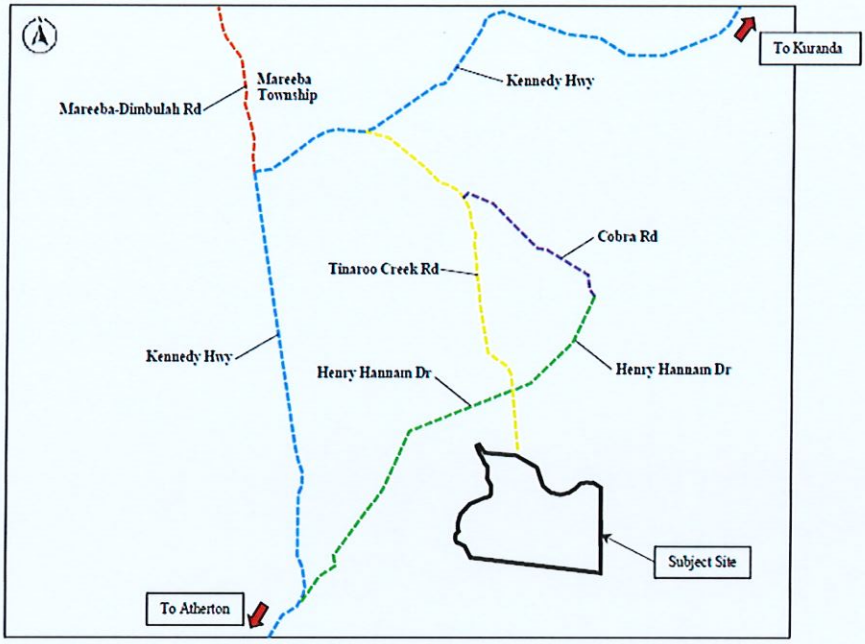


Figure 2.1: Subject Site Locality (*Source: QLD Globe*)

The subject site is currently operating as a quarry (i.e. Tinaroo Creek Quarry) and consists of a concrete batching plant.

The surrounding area to the subject site is primarily rural residential, farmland and bushland in nature.

It is understood that the quarry has been operating at the subject site since at least the year 1994 and the concrete batching plant started operating at the subject site in 2015.

2.2 Access Route

As shown in **Figure 2.1**, the subject site is accessed via Tinaroo Creek Road.

As advised by CONMAT Construction Materials, all quarry and concrete batching plant products/materials delivery (i.e. heavy vehicle traffic) is via Tinaroo Creek Road and Kennedy Highway.

2.3 Key Road (Tinaroo Creek Road)

Key attributes of Tinaroo Creek Road are summarised in **Table 2.1**.

Table 2.1: Key Road Attributes

Attribute	Tinaroo Creek Road
Road Hierarchy	Rural Road
Jurisdiction	Mareeba Shire Council (MSC)
Posted Speed (km/h)	80km/h – 100km/h
Predominant Land Use	Rural Residential/Farming
Kerb and Channel	No
On-Street Parking	No
Concrete Footpaths	No
Principal Cycle Network	Yes (between Kennedy Highway and Cobra Road)
Bus Route (Public Transport)	No

The Tinaroo Creek Road section between the subject site and Kennedy Highway is approximately 9.3km.

Tinaroo Creek Road is a two-lane two-way rural road that primarily provides access to the residents, farming and local businesses in the area.

Tinaroo Creek Road section between the Kennedy Highway and property no. 852 is bitumen sealed with an average seal width of 7m (measured off QLD Globe aerial imagery) and is approximately 8.7km long. The existing concrete floodway crossing at Ada Creek is approximately 3.4m wide (one-way traffic) with give way control to the northbound traffic.

The remaining 0.6km section of Tinaroo Creek Road, between property no. 852 and the subject site remains unsealed. The average gravel pavement/formation width for the unsealed section is approximately 8m.

The Tinaroo Creek Road sealed/gravel pavement sections and Ada Creek concrete floodway crossing are illustrated in **Figures 2.2 and 2.3**.

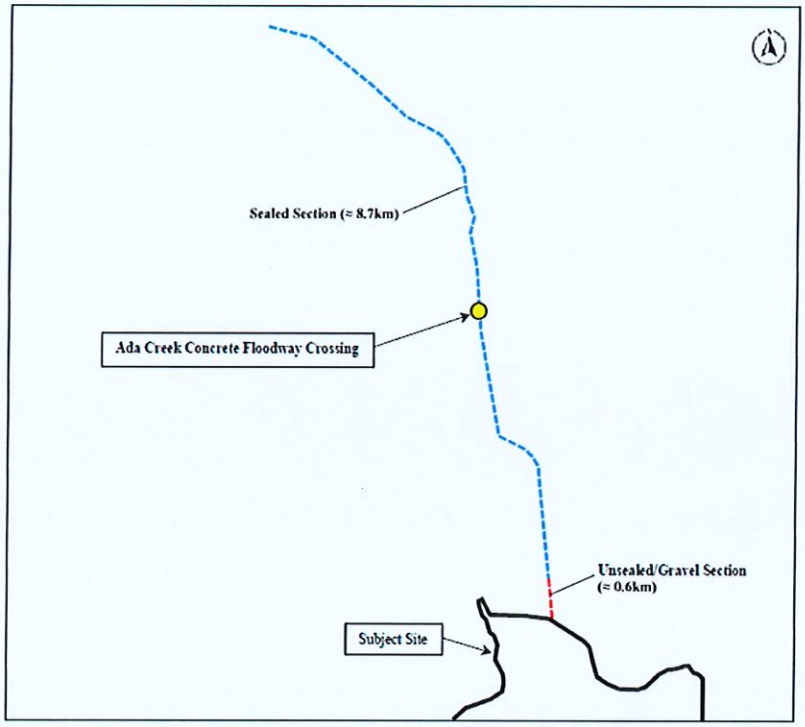


Figure 2.2: Tinaroo Creek Road Sealed/Gravel Sections (*Source: QLD Globe*)

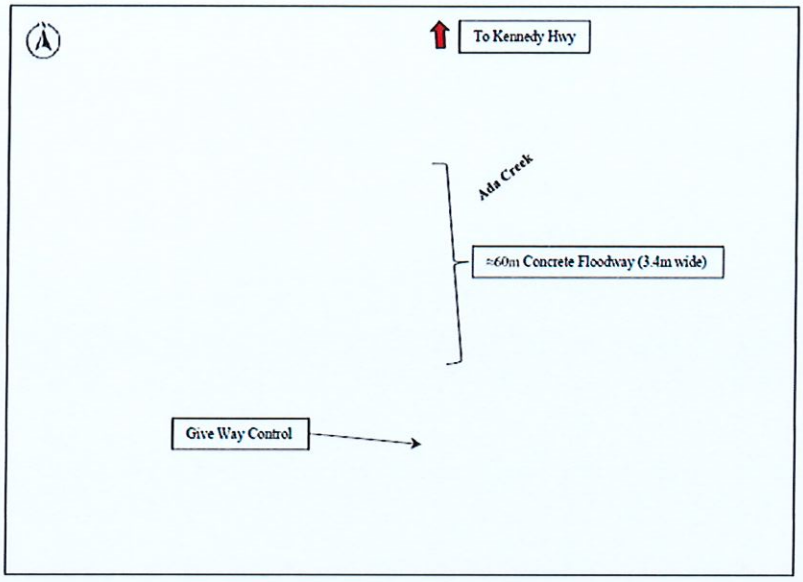


Figure 2.3: Ada Creek Concrete Floodway (*Source: QLD Globe*)

Dividing line pavement marking were provided along the majority of Tinaroo Creek Road sealed section.

The posted speed limit at Tinaroo Creek Road section between Kennedy Highway and Cobra Road is 80km/h. The remaining section of Tinaroo Creek Road between Cobra Road and the subject site is unsigned – default to rural road speed limit 100km/h.

2.4 Active and Public Transport

2.4.1 Pedestrian and Cyclist

Tinaroo Creek Road section between Kennedy Highway and Cobra Road form part of the Principal Cycle Network Plan.

There is currently no pedestrian or cycling facilities along Tinaroo Creek Road.

2.4.2 Public Transport

Tinaroo Creek Road is designated as school bus route between 7.00am – 8.30am and 3pm – 4.30pm on Monday to Friday.

There are no public transport facilities (i.e. bus stops and trains stations) along Tinaroo Creek Road.

3.0 ASSESSMENT METHODOLOGY

The overall methodology adopted for the traffic assessment is outlined below:

- Assess concrete batching plant traffic;
- Assess Tinaroo Creek Road background traffic;
- Assess existing Tinaroo Creek Road geometry including:
  - horizontal alignment
  - vertical alignment
  - road width
- Conduct roadway capacity assessment to Tinaroo Creek Road;
- Road safety assessment (historical crash and intersection sight distance);
- Determine the impact of the additional concrete batching plant traffic on Tinaroo Creek Road, from capacity and safety perspective; and
- Determine mitigation measure (if required).

The traffic assessment has been conducted based on the following scenarios:

- Year 2025 (Base year); and
- Year 2035 (10 years design horizon).

4.0 TRAFFIC ASSESSMENT

4.1 Concrete Batching Plant Traffic

As indicated in **Section 1.0**, CONMAT Construction Materials is considering amending Conditions 3.5 to reflect the following:

- A maximum of fifty (50) concrete agitator truck movements per day (i.e. 25 trips IN and 25 trips OUT to/from site); and
- A maximum of two (2) cement delivery truck movements per day (i.e. 1 trip IN and 1 trip OUT to/from site).

All cement delivery will be using either 19m semi-trailer or 25/26m B-double.

Based on the above, the overall heavy vehicles traffic generation from the concrete batching plant would be **52 vehicle movements per day** (26 trips IN and 26 trips OUT to/from site).

CONMAT Construction Materials advised that the existing concrete batching plant has been operated under the above-mentioned fleet since opening.

4.2 Tinaroo Creek Road Background Traffic

The Tinaroo Creek Road background traffic was assessed using the two (2) 2024 traffic count data sets provided by MSC, being:

- Tinaroo Creek Road, Ch. 5220, 15 October – 30 October; and
- Tinaroo Creek Road, Ch. 8350, 15 October – 30 October.

A copy of the MSC traffic count data sets is included in **Attachment B**.

The location of the two (2) Tinaroo Creek Road traffic count sites are illustrated in **Figure 4.1**.

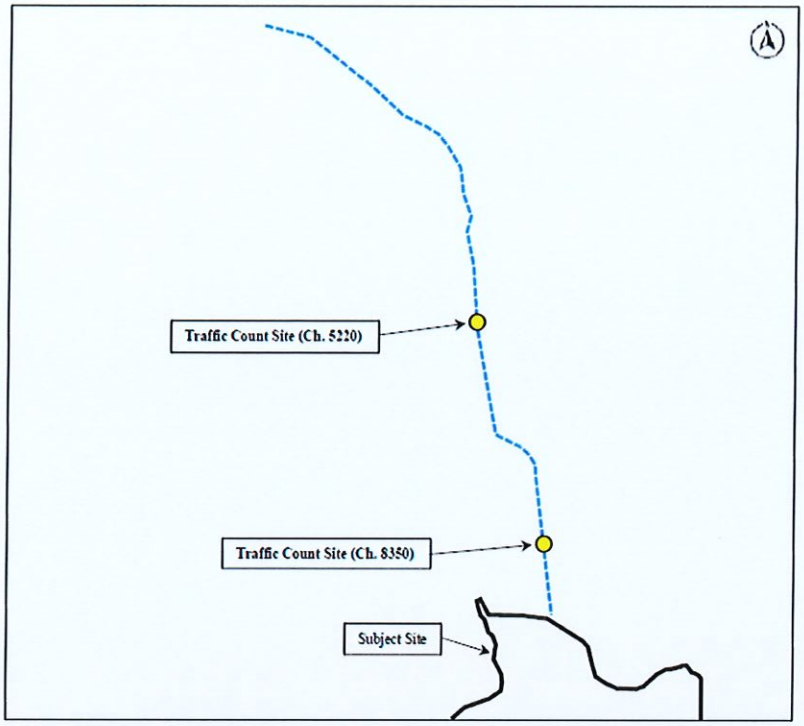


Figure 4.1: Tinaroo Creek Road Traffic Count Sites

The Tinaroo Creek Road traffic data count is summarised in **Table 4.1**.

Table 4.1: Tinaroo Creek Road 2024 Traffic Count (Weekdays)

Description	Count Site (Ch. 5220)	Count Site (Ch. 8350)	Average
Average daily traffic (weekday) (vpd)	297.4	205.8	251.6
HV%	36.8%	44.2%	40.5%
AM Peak:			
Period	7am – 8am	6am – 7am	
Peak hour traffic (vph)	28.1	19.8	24.0
PM Peak:			
Period	3pm – 4pm	12pm – 1pm	
Peak hour traffic (vph)	22.6	16.4	19.5

Based on the above, the average traffic volumes (weekday) along Tinaroo Creek Road were:

- Daily – 251.6 vpd (two-way)
- AM peak – 24.0 vph (two-way)
- PM peak – 19.5 vph (two-way)

For this assessment, a growth rate of 1% growth per annum is adopted with a compound growth pattern to project Tinaroo Creek Road 2024 traffic to the year 2025 and 2035.

The projected Tinaroo Creek Road 2025 and 2035 traffic volumes were:

- Year 2025:
  - Daily – 254.1 vpd (two-way)
  - AM peak – 24.2 vph (two-way)
  - PM peak – 19.7 vph (two-way)
- Year 2035:
  - Daily – 280.7 vpd (two-way)
  - AM peak – 26.7 vph (two-way)
  - PM peak – 21.8 vph (two-way)

4.3 Tinaroo Creek Road Overall Traffic

As indicated in **Section 4.1**, the existing concrete batching plant has been operated under the fleet of 52 vehicle movements per day, since opening.

Subsequently, the MSC 2024 traffic count data has already captured the concrete batching plant traffic volumes, i.e. 52 vehicle movements per day.

Hence, the traffic assessment is conducted based on the following Tinaroo Creek Road traffic volumes:

- Year 2025:
  - Daily – 254.1 vpd (two-way)
  - AM peak – 24.2 vph (two-way)
  - PM peak – 19.7 vph (two-way)
- Year 2035:
  - Daily – 280.7 vpd (two-way)
  - AM peak – 26.7 vph (two-way)
  - PM peak – 21.8 vph (two-way)

5.0 TRINITY CREEK ROAD GEOMETRY

5.1 Road Geometry

The existing Trinity Creek Road elevation information was sourced from ELVIS (Elevation Information System) due to absence of field topographic survey data.

Based on the Elvis LIDAR (250mm contours) information:

- The Trinity Creek Road surface elevation (between Kennedy Highway and the subject site) generally ranged from RL 408m AHD to RL 454m AHD;
- The longitudinal grade of Trinity Creek Road ranged between 4.69% (uphill) to -8.25% (downhill); and
- The existing road curved horizontal radii ranges from R125m to R750m.

As indicated in **Section 2.3**, the existing Trinity Creek Road average sealed and gravel road width were 7m and 8m, respectively.

The assessed Tinaroo Creek Road longitudinal grade is summarised in **Table 5.1**.

Table 5.1: Tinaroo Creek Road Longitudinal Grade

Chainage (Starting from Kennedy Highway)		Longitudinal Grade (%)
Start (m)	End (m)	
0	856	0.25% (uphill)
856	2370	0.38% (uphill)
2370	2874	3.72% (uphill)
2874	3619	-2.81% (downhill)
3619	3729	1.36% (uphill)
3729	3844	-2.83% (downhill)
3844	3924	4.69% (uphill)
3924	4053	0.98% (uphill)
4053	4640	-3.49% (downhill)
4640	4906	1.16% (uphill)
4906	5003	-8.25% (downhill)
5003	5051	0% (Ava Creek Concrete Floodway)
5051	5300	0.70% (uphill)
5300	5609	2.67% (uphill)
5609	6218	1.40% (uphill)
6218	6738	0.51% (uphill)
6738	6943	0.98% (uphill)
6943	7570	2.99% (uphill)
7570	8337	1.08% (uphill)
8337	9206	-0.82% (downhill)

The assessed Tinaroo Creek Road horizontal curve radii are illustrated in **Figure 5.1**.

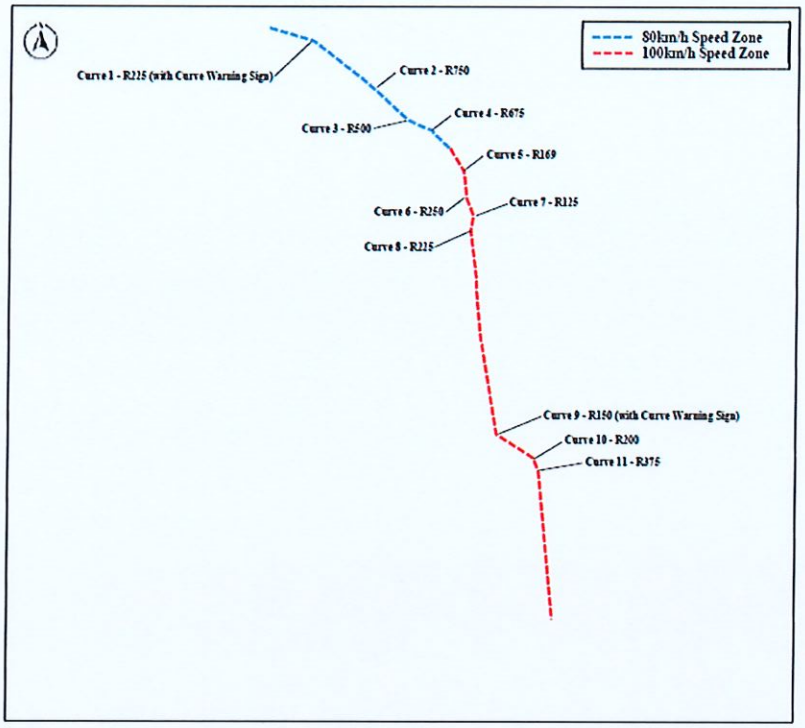


Figure 5.1: Tinaroo Creek Road Horizontal Curve Radii

Please note that the assessed Tinaroo Creek Road vertical/horizontal geometry and road width were based on desktop analysis and considered indicative only.

5.2 Vertical Alignment

Austroads Guide to Road Design Part 3 – Geometric Design (AGRD Part 3) stipulated the effect of road grade on vehicle performance, as shown in **Figure 5.2**.

Grade %	Reduction in vehicle speed as compared to flat grade %				Road type suitability
	Uphill		Downhill		
	Light vehicle	Heavy vehicle	Light vehicle	Heavy vehicle	
0–3	Minimal	Minimal	Minimal	Minimal	For use on all roads
3–6	Minimal	Some reduction on high speed roads	Minimal	Minimal	For use on low-moderate speed roads (incl. high traffic volume roads)
6–9	Largely unaffected	Significantly slower	Minimal	Minimal for straight alignment. Substantial for winding alignment	For use on roads in mountainous terrain. Usually need to provide auxiliary lanes if high traffic volumes
9–12	Slower	Much slower	Slower	Significantly slower for straight alignment. Much slower for winding alignment	Need to provide auxiliary lanes for moderate – high traffic volumes. Need to consider run-away vehicle facilities if proportion of commercial vehicles is high
12–15	10–15 km/h Slower	15% max. Negotiable	10–15 km/h Slower	Extremely slow	Satisfactory on low volume roads (very low or no commercial vehicles)
15–33	Very slow	Not negotiable	Very slow	Not negotiable	Only to be used in extreme cases and be of short lengths (no commercial vehicles)

Figure 5.2: Effect of Grade on Vehicle Type (*Source: AGRD Part 3 – Table 8.2*)

As indicated in **Table 5.1**, the existing Tinaroo Creek Road longitudinal road grade ranged from 4.69% (uphill) to -8.25% (downhill), which is within the negotiable vertical road grade for heavy vehicles.

5.3 Horizontal Alignment

Based on the LIDAR information, it seems that most of the existing road curves were provided with superelevation. For this assessment, a 3% superelevation is assumed for all the existing road curves to assess the horizontal curve of adequacy.

Based on *AGRD Part 3 – Figure 7.7*, the minimum curve radii (with 3% superelevation) for 80km/h and 100km/h operating speed were 450m and 875m, respectively as illustrated in **Figure 5.3**.

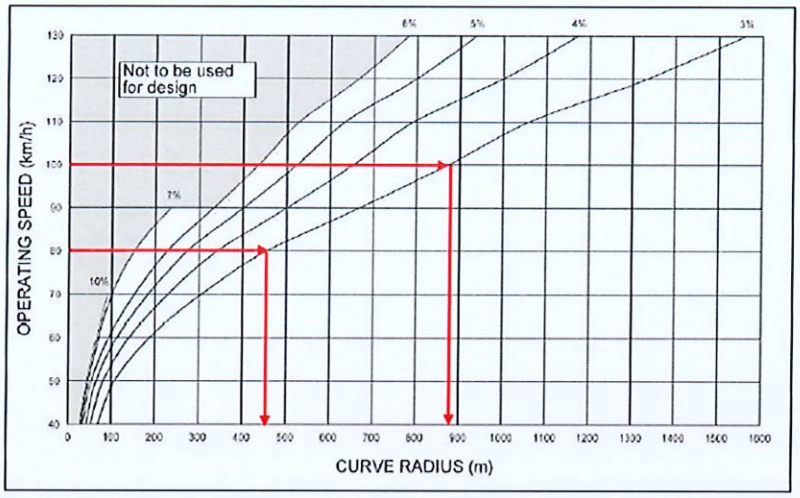


Figure 5.3: Rural Roads - Relationship between Speed, Radius and Superelevation (V ≥ 80 km/h) (*Source: AGRD Part 3 – Figure 7.7*)

As shown in **Figure 5.1**:

- The assessed horizontal curve radii within the 80km/h speed zone ranges from R225m to R750m. The existing R225 curve (i.e. Curve 1) is not consistent with the *AGRD Part 3* guideline; and
- The assessed horizontal curve radii within the 100km/h speed zone ranges from R125m to R375m. All the existing horizontal curves are not consistent with the *AGRD Part 3* guideline.

Based on Google Map Street view imagery (September 2021), amongst all the road curves, only Curves 1 and 9 were provided with curve warning signs.

It is recommended that ball bank indicator test be conducted on all the existing road curves to determine the advisory speed and warrant for curve warning signs.

5.4 Rural Road Width

The estimated overall Tinaroo Creek Road daily traffic (including concrete batching plant traffic) was:

- Year 2025 – 254 vpd
- Year 2035 – 281 vpd

The *FNQROC Development Manual D1 – Road Geometry (version No. 05/23) – Table D1.4* were adopted to assess the adequacy of the existing Tinaroo Creek Road road width.

The FNQROC rural road elements are illustrated in **Figure 5.4**.

Traffic Volume or Road Class	<50VPD	50 - 100VPD [3,6]	100 – 999 [3]	1000 - 2999 (or rural collector)	>3000 (or sub-arterial)
Road Reserve (flat terrain ≤ 5%)	As per IPWEQ Lower Order Road Design	20m	20m	25m	To be designed in accordance with AUSTROADS or DMR design guidelines.
Road Reserve [2] (Undulating/Hilly > 5%)		25m	25m	30m	
Formation		8m	8m	10m	
Pavement Width		5.5m	8m	8m	
Seal Width		4.5 [1,5,7]	6.5m	8m (incl. 0.5m sealed shoulders)	
Shoulders [3]		1.25m Approved Select material	0.75m gravel	1m gravel	
Desirable Speed Environment		100kph	100kph	100kph	
Design Speed for Individual Elements (Minimum)		80kph	80kph	80kph	

Figure 5.4: Rural Road Elements (*Source: FNQROC*)

The comparison of the rural road elements and Tinaroo Creek Road is summarised in **Table 5.2**.

Table 5.2: Road Characteristic Comparison

Description	Rural Road (FNQROC)	Tinaroo Creek Road
Traffic volume	100 vpd – 999 vpd	≈254 vpd – 281 vpd
Roar reserve width	20.0m – 25.0m	≈30.0m – 56.0m
Formation width	8.0m	≈7.0m (sealed) ≈8.0m (unsealed)
Pavement width	8.0m	≈7.0m (sealed) ≈8.0m (unsealed)
Seal width	6.5m	≈7.0m
Shoulder width	0.75	Not assessed
Desirable speed environment	100 km/h	80 km/h – 100 km/h

Based on **Table 5.2**, the existing Tinaroo Creek Road section between the Kennedy Highway and the subject generally consistent with the FNQROC "Rural Road" elements.

In addition, the existing Tinaroo Creek Road lane width is also consistent with the desirable rural road lane width of 3.5m stipulated in *AGRD Part 3 – Section 4.2.6*.

6.0 ROADWAY CAPACITY ASSESSMENT

DTMR RPDM (1st edition) Chapter 5 – Traffic Parameters and Human Factors provide guidance of road capacity and Level of Services (LOS). The overall relation between the LOS and their associated roadway capacity (expressed as vehicle per hour per lane) is summarised in **Table 8.2**.

Table 8.2: LOS and Capacity

LOS	Peak Lane Capacity (vph)	Description
A	< 700	Drivers can travel at their own free speed with little interference.
B	700 - 1000	Drivers have reasonable freedom to select their speed.
C	1000 - 1500	Drivers are restricted in their freedom to select speed or manoeuvre, but speeds are still at or above optimum speed.
D	1500 - 1800	Appropriate to flows near tolerable capacity.
E	1800 - 2000	At or near actual capacity.
F	Demand exceeds capacity	Stop-start driving in congested condition.

As indicated in **Section 4.3**, the estimated 2025 to 2035 peak hour traffic were 19.7 vph – 26.7 vph (two-way).

The Tinaroo Creek Road overall peak hour traffic is less than 700 vph peak lane capacity which indicated LOS of A.

7.0 ROAD SAFETY ASSESSMENT

7.1 Crash Data

Crash history data from QLD Globe indicates that there have been nine (9) crashes reported along Tinaroo Creek Road section between Kennedy Highway and the subject site.

The recorded crash location is illustrated in **Figure 7.1**.

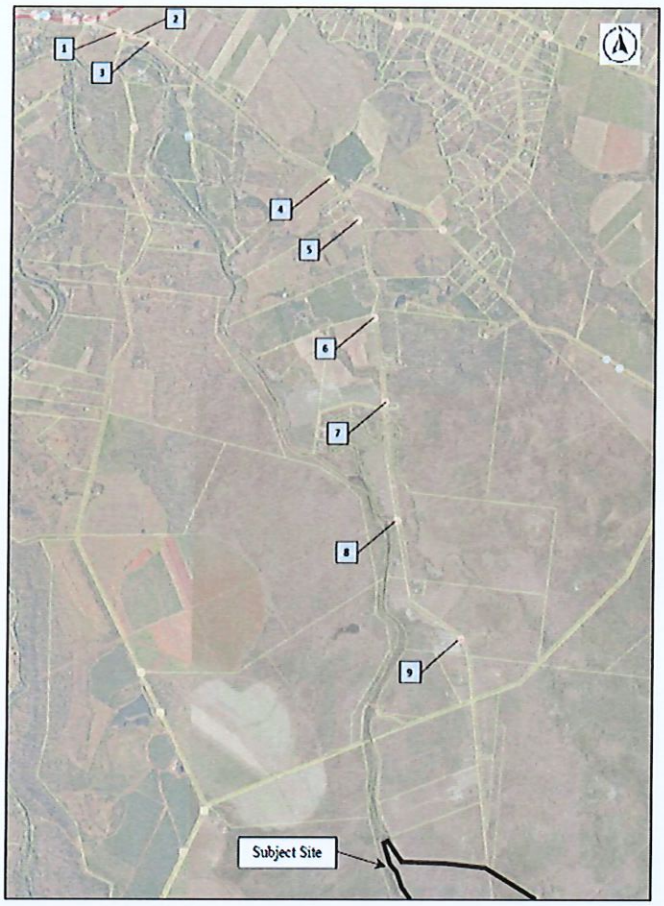


Figure 7.1: Location of Recorded Crash (*Source: QLD Globe*)

The crashes were reported between June 2001 and January 2021. Details of the crash are summarised in **Table 7.1**.

Table 7.1: Recorded Crash Details

Crash No	Date	Time	DCA	Severity	Comment
1	Apr-19	6am	703	Hospitalisation	Single vehicle; Raining; Off Path-Straight: Left Off Cway Hit Object
2	Jun-01	10pm	804	Hospitalisation	Single vehicle; Raining; Off Path-Curve: Off Cway Lt Bend Hit Object
3	May-09	9pm	804	Hospitalisation	Single vehicle; Off Path-Curve: Off Cway Lt Bend Hit Object
4	Dec-12	11am	805	Medical treatment	Single vehicle; Overturned; Off Path-Curve: Out Of Control On Cway
5	Aug-13	11pm	609	Hospitalisation	Hit animal
6	Nov-17	1am	609	Hospitalisation	Hit animal
7	Dec-17	2pm	701	Hospitalisation	Single vehicle; Overturned; Off Path-Straight: Left Off Cway
8	Apr-12	10am	704	Hospitalisation	Single vehicle; Off Path-Straight: Right Off Cway Hit Object
9	Jan-20	10am	805	Hospitalisation	Single vehicle; Overturned; Off Path-Curve: Out Of Control On Cway

No crashes have been reported along Tinaroo Creek Road section between Kennedy Highway and the subject site in the past five (5) years (i.e. from April 2020 to April 2025).

It is noted that recorded data does not include any "Property damage only" crashes since January 2021.

7.2 Sight Distance

7.2.1 Safe Intersection Sight Distance

A Safe Intersection Sight Distance (SISD) has been conducted on the existing side road intersections along Tinaroo Creek Road section between Kennedy Highway and the subject site, which included:

- Tinaroo Creek Road/Fichera Road intersection
- Tinaroo Creek Road/Leonardi Road intersection
- Tinaroo Creek Road/Cobra Road intersection
- Tinaroo Creek Road/Spurrier Road intersection
- Tinaroo Creek Road/Henry Hannam Drive intersection

The SISD was assessed in accordance with *Austroads - Guide to Road Design Part 4A: Unsignalised and Signalised Intersections (AGRD Part 4A), Section 3.2.2*, using the following formula:

$$SISD = \frac{D_T \times V}{3.6} + \frac{V^2}{254 \times (d + 0.01 \times a)}$$

where

SISD	=	safe intersection sight distance (m)
D_T	=	decision time (sec) = observation time (3 sec) + reaction time (sec) – refer to *AGRD Part 3* (Austroads 2016a) for a guide to values
V	=	operating (85th percentile) speed (km/h)
d	=	coefficient of deceleration – refer to Table 3.3 and AGRD Part 3 for a guide to values
a	=	longitudinal grade in % (in direction of travel: positive for uphill grade, negative for downhill grade)

The SISD was assessed using the "Truck" criteria with a coefficient of deceleration (d) of 0.24.

7.2.1.1 *Tinaroo Creek Road/Fichera Road Intersection*

As indicated in **Section 2.3**, the posted speed limit along Tinaroo Creek Road section in vicinity of the intersection is 80 km/h.

The SISD assessment based on 80km/h speed environment is summarised in **Table 7.2**.

Table 7.2: SISD Assessment (Tinaroo Creek Road/Fichera Road Intersection)

Parameters	Value	
	Tinaroo Creek Rd/Fichera Rd Intersection (East Bound Traffic)	Tinaroo Creek Rd/Fichera Rd Intersection (West Bound Traffic)
Reaction Time, R_T (sec)	2.0	2.0
Observation Time, O_T (sec)	3.0	3.0
Decision Time, D_T (sec)	5.0	5.0
Operating Speed, V (km/h)	80	80
Coefficient of Deceleration, d	0.24	0.24
Longitudinal Grade, a (%)	0.25	-0.25
SISD (m)	215	217

The desirable SISD and sight line at the Tinaroo Creek Road/Fichera Road intersection are illustrated in **Figures 7.2 to 7.4**.

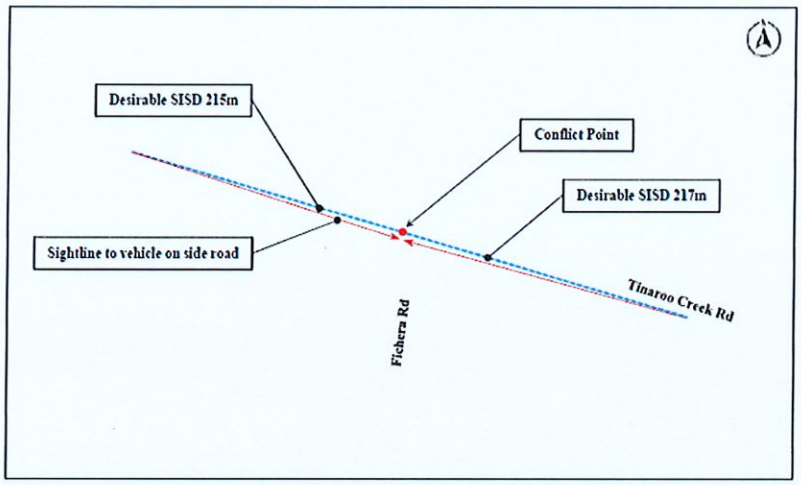


Figure 7.2: Tinaroo Creek Road/Fichera Road Intersection - SISD Assessment

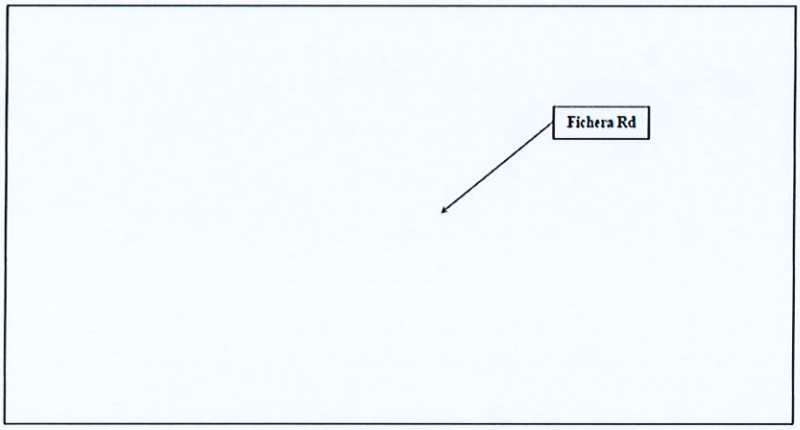


Figure 7.3: Looking East towards Fichera Road at Tinaroo Creek Road (*Source: Google Map Street View – Nov 2022*)

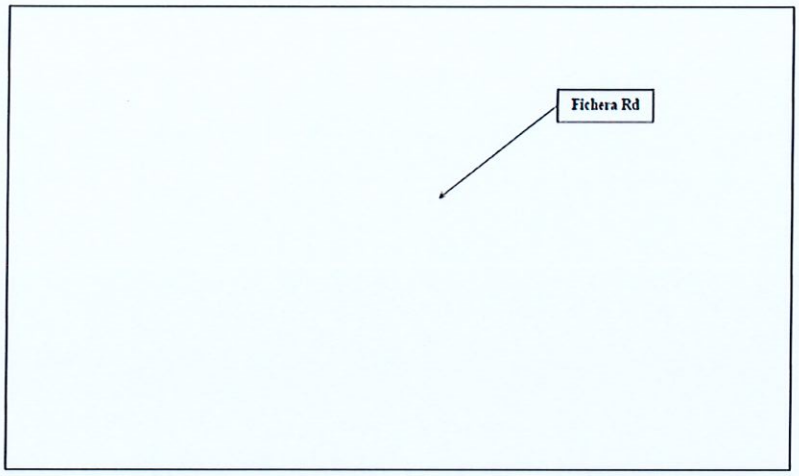


Figure 7.4: Looking West towards Fichera Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

Based on **Figures 7.2, 7.3 and 7.4**, the Tinaroo Creek Road through traffic is deemed to have sufficient sight line to observe a vehicle on Fichera Road and to decelerate to a stop before reaching the collision point, if required. The SISD at the intersection is consistent with *AGRD Part 4A* guideline and is expected to be adequate.

7.2.1.2 Tinaroo Creek Road/Leonardi Road Intersection

As indicated in **Section 2.3**, the posted speed limit along Tinaroo Creek Road section in vicinity of the intersection is 80 km/h.

The SISD assessment based on 80km/h speed environment is summarised in **Table 7.3**.

Table 7.3: SISD Assessment (Tinaroo Creek Road/Leonardi Road Intersection)

Parameters	Value	
	Tinaroo Creek Rd/Leonardi Rd Intersection (Southeast Bound Traffic)	Tinaroo Creek Rd/Leonardi Rd Intersection (Northwest Bound Traffic)
Reaction Time, R_T (sec)	2.0	2.0
Observation Time, O_T (sec)	3.0	3.0
Decision Time, D_T (sec)	5.0	5.0
Operating Speed, V (km/h)	80	80
Coefficient of Deceleration, d	0.24	0.24
Longitudinal Grade, a (%)	0.38	-0.38
SISD (m)	214	218

The desirable SISD and sight line at the Tinaroo Creek Road/Leonardi Road intersection are illustrated in **Figures 7.5 to 7.7**.

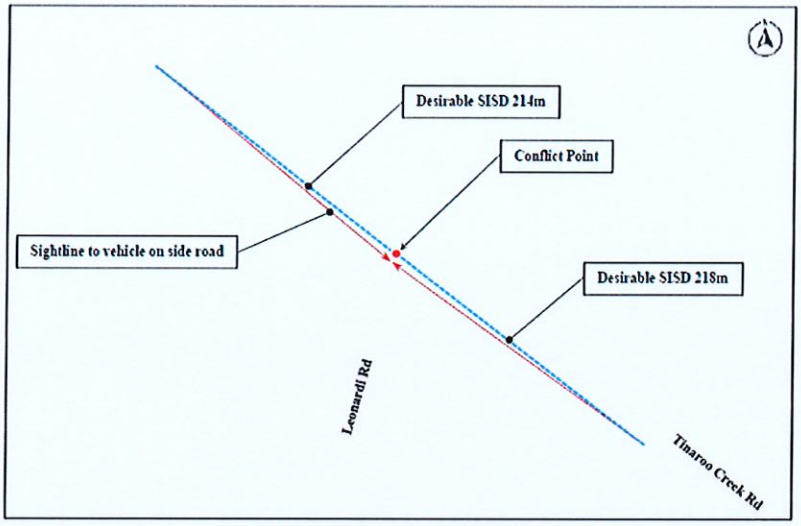


Figure 7.5: Tinaroo Creek Road/Leonardi Road Intersection - SISD Assessment

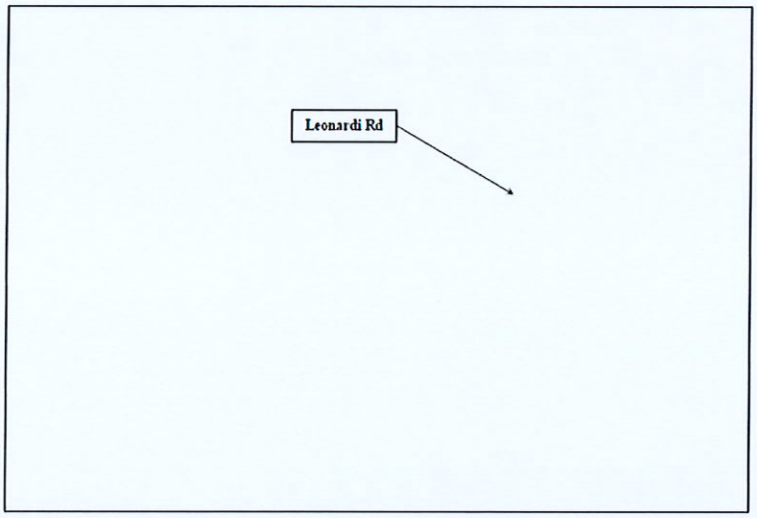


Figure 7.6: Looking Southeast towards Leonardi Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

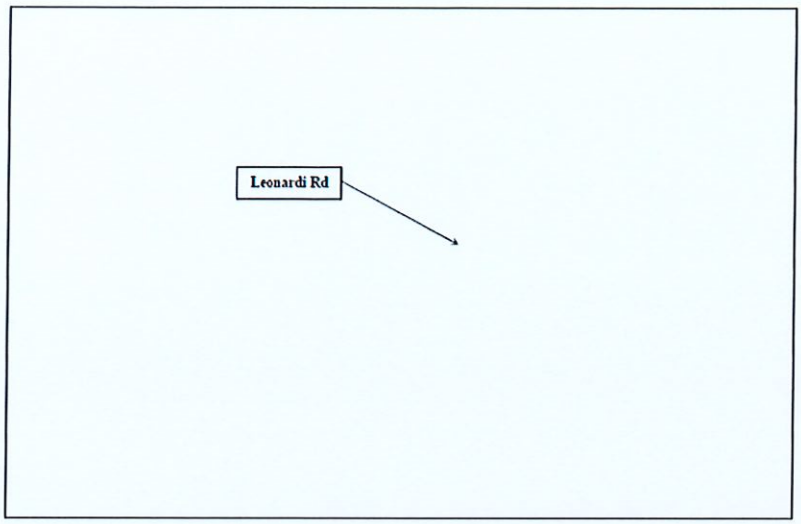


Figure 7.7: Looking Northwest towards Leonardi Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

Based on **Figures 7.5, 7.6 and 7.7**, the Tinaroo Creek Road through traffic is deemed to have sufficient sight line to observe a vehicle on Leonardi Road and to decelerate to a stop before reaching the collision point, if required. The SISD at the intersection is consistent with *AGRD Part 4A* guideline and is expected to be adequate.

7.2.1.3 Tinaroo Creek Road/Cobra Road Intersection

As indicated in **Section 2.3**, the posted speed limit along Tinaroo Creek Road section to the north of Cobra Road is 80 km/h. The southern section of Tinaroo Creek Road to Cobra Road is unsigned – default to rural road speed limit 100km/h.

The SISD assessment based on 80km/h and 100km/h speed environment is summarised in **Table 7.4**.

Table 7.4: SISD Assessment (Tinaroo Creek Road/Cobra Road Intersection)

Parameters	Value	
	Tinaroo Creek Rd/Cobra Rd Intersection (South Bound Traffic)	Tinaroo Creek Rd/Cobra Rd Intersection (North Bound Traffic)
Reaction Time, R_T (sec)	2.0	2.0
Observation Time, O_T (sec)	3.0	3.0
Decision Time, D_T (sec)	5.0	5.0
Operating Speed, V (km/h)	80	100
Coefficient of Deceleration, d	0.24	0.24
Longitudinal Grade, a (%)	3.72	2.81
SISD (m)	202	286

The desirable SISD and sight line at the Tinaroo Creek Road/Cobra Road intersection are illustrated in **Figures 7.8 to 7.10**.

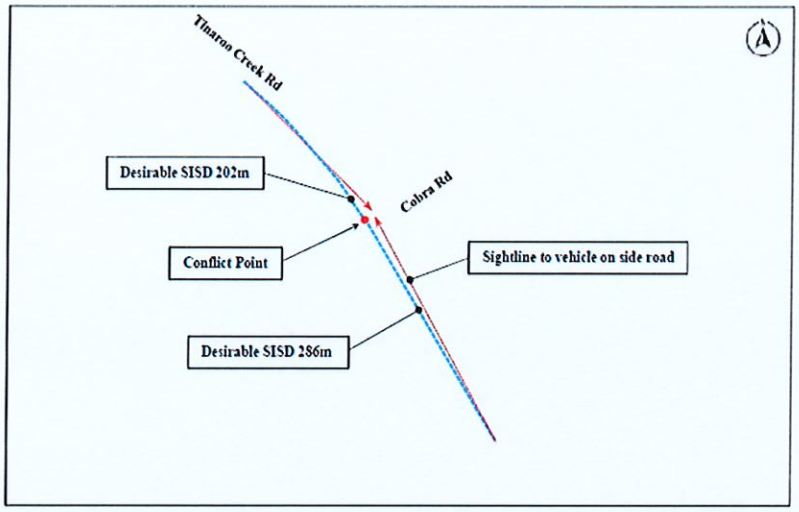


Figure 7.8: Tinaroo Creek Road/Cobra Road Intersection - SISD Assessment

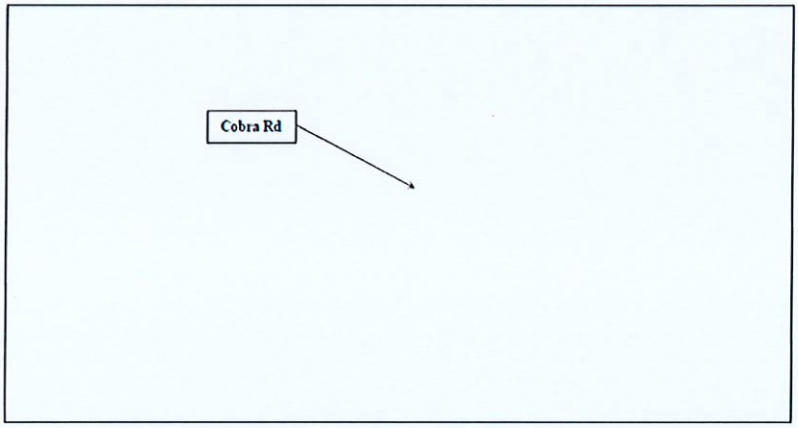


Figure 7.9: Looking South towards Cobra Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

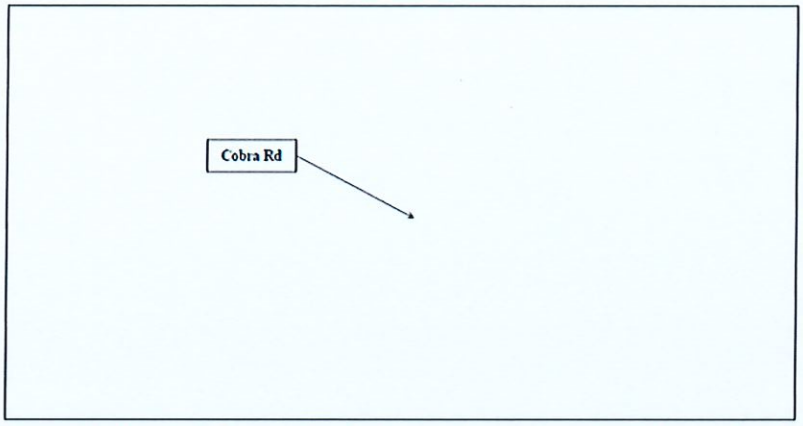


Figure 7.10: Looking North towards Cobra Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

Based on **Figures 7.8, 7.9 and 7.10**, the Tinaroo Creek Road through traffic is deemed to have sufficient sight line to observe a vehicle on Cobra Road and to decelerate to a stop before reaching the collision point, if required. The SISD at the intersection is consistent with *AGRD Part 4A* guideline and is expected to be adequate.

7.2.1.4 *Tinaroo Creek Road/Spurrier Road Intersection*

As indicated in **Section 2.3**, the posted speed limit along Tinaroo Creek Road section in vicinity of the intersection is 100 km/h.

The SISD assessment based on 100km/h speed environment is summarised in **Table 7.5**.

Table 7.5: SISD Assessment (Tinaroo Creek Road/Spurrier Road Intersection)

Parameters	Value	
	Tinaroo Creek Rd/Spurrier Rd Intersection (South Bound Traffic)	Tinaroo Creek Rd/Spurrier Rd Intersection (North Bound Traffic)
Reaction Time, R_T (sec)	2.0	2.0
Observation Time, O_T (sec)	3.0	3.0
Decision Time, D_T (sec)	5.0	5.0
Operating Speed, V (km/h)	100	100
Coefficient of Deceleration, d	0.24	0.24
Longitudinal Grade, a (%)	1.16	8.25
SISD (m)	295	261

The desirable SISD and sight line at the Tinaroo Creek Road/Spurrier Road intersection are illustrated in **Figures 7.11 to 7.13**.

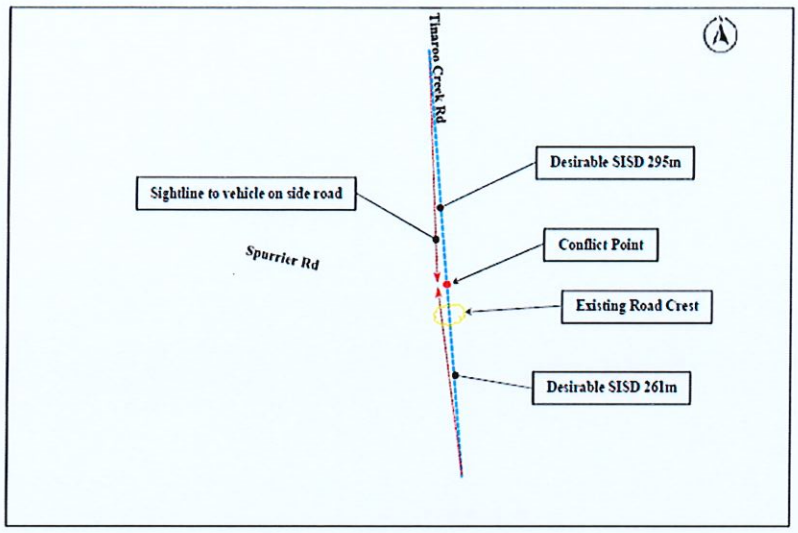


Figure 7.11: Tinaroo Creek Road/Spurrier Road Intersection - SISD Assessment

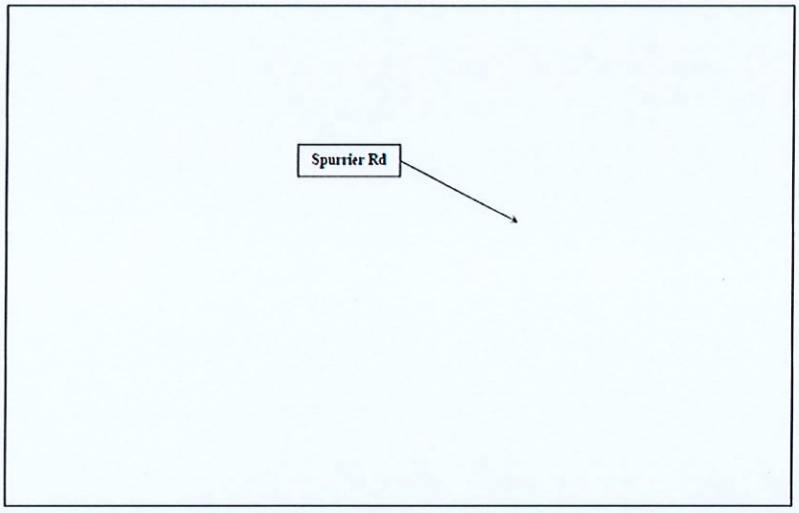


Figure 7.12: Looking South towards Spurrier Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

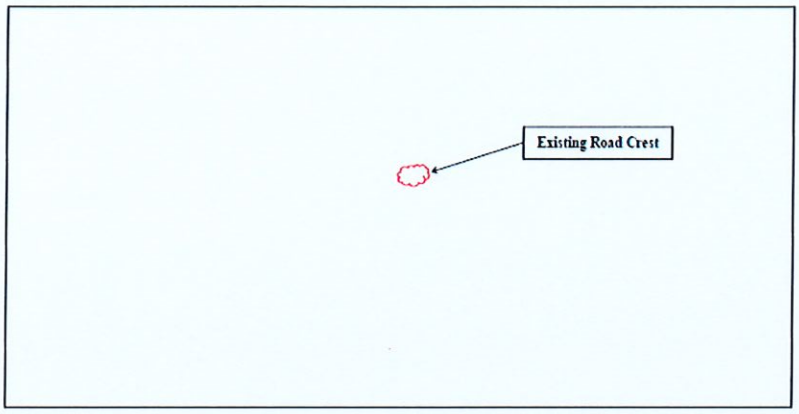


Figure 7.13: Looking North towards Spurrier Road at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

Based on **Figures 7.11 and 7.12**, the Tinaroo Creek Road southbound through traffic is deemed to have sufficient sight line to observe a vehicle on Spurrier Road and to decelerate to a stop before reaching the collision point, if required. The SISD at the intersection is consistent with *AGRD Part 4A* guideline and is expected to be adequate.

Based on **Figures 7.11 and 7.13**, the Tinaroo Creek Road northbound through traffic sightline to Spurrier Road was obstructed by the existing road crest. However, the risk of the vehicle collision between Tinaroo Creek Road northbound through traffic and Spurrier entering traffic is deemed low considering:

- Low traffic generation is expected from Spurrier Road as Spurrier Road is a no-through road with minimal residentials;
- It is anticipated that Tinaroo Creek Road northbound through traffic approaching the road crest will generally travel in low-speed order (i.e. <100 km/h) due to the road steepness (≈8.25% uphill); and
- In accordance with QLD Globe crash data, no crashes involved vehicle collisions at the intersection recorded in the past ten (10) years which indicated that road users are familiar with the road and traffic conditions in the area.

7.2.1.5 *Tinaroo Creek Road/Henry Hannam Drive Intersection*

As indicated in **Section 2.3**, the posted speed limit along Tinaroo Creek Road section in vicinity of the intersection is 100 km/h.

The SISD assessment based on 100km/h speed environment is summarised in **Table 7.6**.

Table 7.6: SISD Assessment (Tinaroo Creek Road/Henry Hannam Drive Intersection)

Parameters	Value	
	Tinaroo Creek Rd/Henry Hannam Dr Intersection (South Bound Traffic)	Tinaroo Creek Rd/Henry Hannam Dr Intersection (North Bound Traffic)
Reaction Time, R_T (sec)	2.0	2.0
Observation Time, O_T (sec)	3.0	3.0
Decision Time, D_T (sec)	5.0	5.0
Operating Speed, V (km/h)	100	100
Coefficient of Deceleration, d	0.24	0.24
Longitudinal Grade, a (%)	1.08	-1.08
SISD (m)	296	311

The desirable SISD and sight line at the Tinaroo Creek Road/ Henry Hannam Drive intersection are illustrated in **Figures 7.14 to 7.16**.

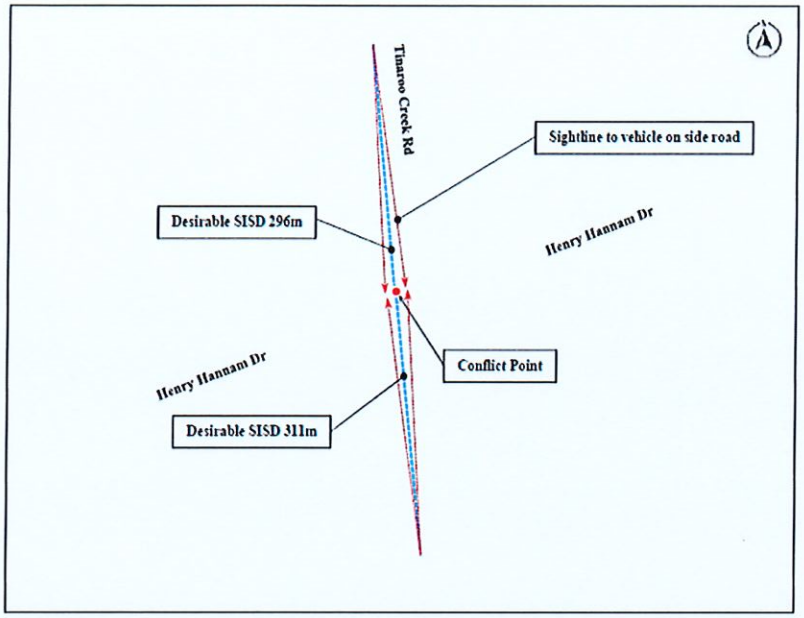


Figure 7.14: Tinaroo Creek Road/Henry Hannam Drive Intersection - SISD Assessment

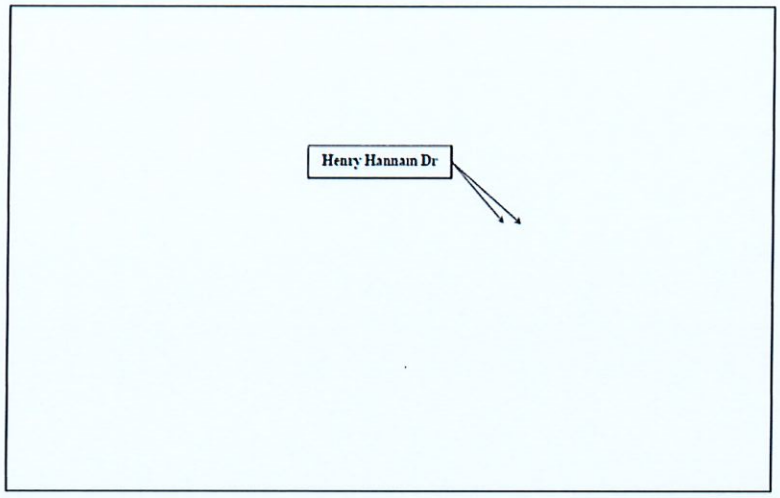


Figure 7.15: Looking South towards Henry Hannam Drive at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

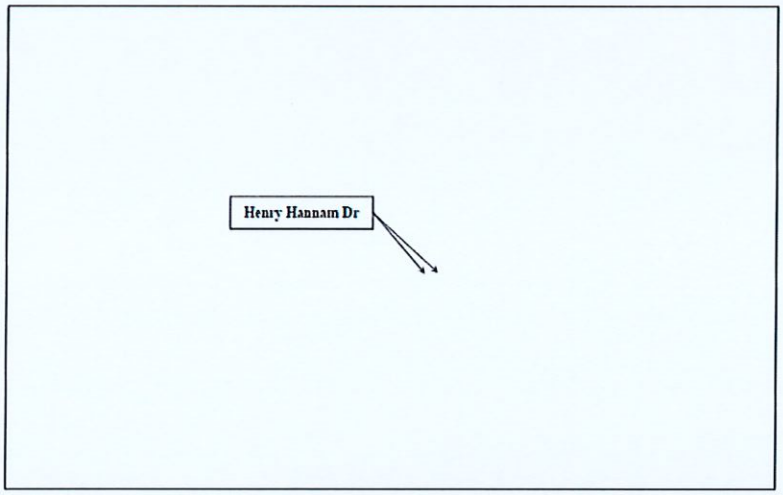


Figure 7.16: Looking North towards Henry Hannam Drive at Tinaroo Creek Road (*Source: Google Map Street View – Sept 2021*)

Based on **Figures 7.14, 7.15 and 7.16**, the Tinaroo Creek Road through traffic is deemed to have sufficient sight line to observe a vehicle on Henry Hannam Drive and to decelerate to a stop before reaching the collision point, if required. The SISD at the intersection is consistent with *AGRD Part 4A* guideline and is expected to be adequate.

8.0 ASSESSMENT FINDINGS, RECOMMENDATIONS AND SUMMARY

- The existing Tinaroo Creek Quarry concrete batching plant is conditioned (Condition 3.5) to a maximum of 16 vehicle movements per day (heavy and regular vehicles) generated to/from the facility.
- CONMAT Construction Materials is considering amending Conditions 3.5 to reflect the following:
  - A maximum of fifty (50) concrete agitator truck movements per day (i.e. 25 trips IN and 25 trips OUT to/from site); and
  - A maximum of two (2) cement delivery truck movements per day (i.e. 1 trip IN and 1 trip OUT to/from site).
- It is understood that the quarry has been operating at the subject site since at least the year 1994 and the concrete batching plant started operating at the subject site in 2015.
- All quarry and concrete batching plant products/materials delivery (i.e. heavy vehicle traffic) is via Tinaroo Creek Road and Kennedy Highway.
- The overall heavy vehicles traffic generation from the concrete batching plant would be **52 vehicle movements per day** (26 trips IN and 26 trips OUT to/from site).
- The Tinaroo Creek Road background traffic was assessed using the two (2) 2024 traffic count data sets provided by MSC.
- The average traffic volumes (weekday) along Tinaroo Creek Road were:
  - Daily – 251.6 vpd (two-way)
  - AM peak – 24.0 vph (two-way)
  - PM peak – 19.5 vph (two-way)
- A growth rate of 1% growth per annum is adopted with a compound growth pattern to project Tinaroo Creek Road 2024 traffic to the year 2025 and 2035.
- The projected Tinaroo Creek Road 2025 and 2035 traffic volumes were:
  - Year 2025:
    - Daily – 254.1 vpd (two-way)
    - AM peak – 24.2 vph (two-way)
    - PM peak – 19.7 vph (two-way)
  - Year 2035:
    - Daily – 280.7 vpd (two-way)
    - AM peak – 26.7 vph (two-way)
    - PM peak – 21.8 vph (two-way)

- The existing concrete batching plant has been operated under the fleet of 52 vehicle movements per day, since opening in 2015. Subsequently, the MSC 2024 traffic count data has already captured the concrete batching plant traffic volumes, i.e. 52 vehicle movements per day.
- The existing Trinity Creek Road elevation information was sourced from ELVIS (Elevation Information System) due to absence of field topographic survey data.
- The existing Tinaroo Creek Road longitudinal road grade ranged from 4.69% (uphill) to -8.25% (downhill), which is within the negotiable vertical road grade for heavy vehicles.
- The assessed horizontal curve radii within the 80km/h speed zone ranges from R225m to R750m. The existing R225 curve (i.e. Curve 1) is not consistent with the *AGRD Part 3* guideline.
- The assessed horizontal curve radii within the 100km/h speed zone ranges from R125m to R375m. All the existing horizontal curves are not consistent with the *AGRD Part 3* guideline.
- It is recommended that ball bank indicator test be conducted on all the existing road curves to determine the advisory speed and warrant for curve warning signs.
- The existing Tinaroo Creek Road section between the Kennedy Highway and the subject generally consistent with the FNQROC "Rural Road" elements.
- The Tinaroo Creek Road overall peak hour traffic is less than 700 vph peak lane capacity which indicated LOS of A.
- No crashes have been reported along Tinaroo Creek Road section between Kennedy Highway and the subject site in the past five (5) years (i.e. from April 2020 to April 2025).
- The following intersection SISD consistent with *AGRD Part 4A* guideline and is expected to be adequate:
  - Tinaroo Creek Road/Fichera Road intersection
  - Tinaroo Creek Road/Leonardi Road intersection
  - Tinaroo Creek Road/Cobra Road intersection
  - Tinaroo Creek Road/Henry Hannam Drive intersection

- Tinaroo Creek Road/Spurrier Road Intersection:
  - Southbound through traffic SISD consistent with *AGRD Part 4A* guideline and is expected to be adequate.
  - Northbound through traffic sightline to Spurrier Road was obstructed by the existing road crest. However, the risk of the vehicle collision between Tinaroo Creek Road northbound through traffic and Spurrier entering traffic is deemed low considering:
    - Low traffic generation is expected from Spurrier Road as Spurrier Road is a no-through road with minimal residentials.
    - It is anticipated that Tinaroo Creek Road northbound through traffic approaching the road crest will generally travel in low-speed order (i.e. <100 km/h) due to the road steepness (≈8.25% uphill).
    - In accordance with QLD Globe crash data, no crashes involved vehicle collisions at the intersection recorded in the past ten (10) years which indicated that road users are familiar with the road and traffic conditions in the area.

Overall, based on the assessment and from road capacity and geometry perspective, the existing Tinaroo Creek Road is deemed adequate and safe to cater for the additional concrete batching plant traffic i.e. 52 heavy vehicle movements per day.

Further, based on the QLD Globe crash data, there have been no crashes involving multiple vehicles collision in the past ten (10) years or since the opening of the concrete batching plant.

In saying the above, regardless of the concrete batching plant traffic, it is highly recommended that ball bank indicator test be conducted by MSC on all the existing road curves along Tinaroo Creek Road to determine the advisory speed and warrant for curve warning signs, to further improve road safety.

9.0 CERTIFICATION STATEMENT AND AUTHORISATION

This technical memorandum has been prepared by Fei Ngoo (RPEQ No 23918), a Principal Civil/Traffic Engineer with 17+ years' experience in local government, urban and rural infrastructure, traffic engineering and road safety.

.....

Fei Ngoo – Principal Civil/Traffic Engineer (RPEQ No 23918), Noble Consulting Engineers

Attachment A
TRC Decision Notice Approval

Tablelands Regional Council
Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Urban & Regional Planning Group
Carl Ewin, Planning Officer
Telephone: (07) 4043 4369
Facsimile: (07) 4030 3978
Email: info@trc.qld.gov.au

File Ref: MCU/12/0017
Our Ref: BJM:CE:nj

20 May 2013

Wallace Quarrying and Mining Pty Ltd
C/- Landline Consulting
1 Jack Street
ATHERTON QLD 4883

Decision Notice
Approval

Sustainable Planning Act 2009 s334 and s335

Dear Sir/Madam

APPLICATION FOR MATERIAL CHANGE OF USE - INDUSTRY (CONCRETE BATCHING PLANT)
LOT 358 ON OL451
SITUATED AT 936 TINAROO CREEK ROAD, MAREEBA

I wish to advise that, under Council's delegated authority on *17 May 2013*, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section** *5* of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. **Details of the approval –**

   Development Permit - Material Change of Use - Industry (Concrete Batching Plant)

2. **Other necessary development permits and/or compliance permits–**

   Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

   - Development Permit for Building Work

3. **Other approvals required from Council**

   - Nil

4. **Submissions -**

There **were no** properly made submissions about the application.

5. **Conditions –**

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

   - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
   - to ensure compliance with the following conditions of approval.

2. Timing of Effect

   2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

   2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

   3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by the condition(s) of this approval.

   3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the issue of a building permit (if no building permit required then prior to the commencement of the use) and at the rate applicable at the time of payment.

   3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

   3.4 Bushfire Management

   A Bushfire Management Plan will be prepared in accordance with Appendix 8 of State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

   3.5 Traffic Movements

   Heavy and regular vehicle traffic movements associated with the proposed batching plant are not to exceed a combined total of 16 vehicle movements per day (8 trips to and from site).

3.6 Hours of Operation

The operating hours shall be between 6am and 6pm Monday to Friday and between 6am and 12pm Saturday. No operations are permitted on Sunday or Public Holidays.

4. Environmental Conditions

4.1 General

4.1.1 Contaminants must not be released to the environment other than in accordance with the conditions contained within this document.

4.1.2 The applicant/developer must install all works and equipment required in order to ensure full compliance with all conditions of approval.

4.1.3 The applicant/developer must ensure that those persons responsible for the day to day operation of the concrete batching plant are familiar with the conditions of this document by making sure this document is read in full by all employees at least once per year and is read by new staff during the induction process.

4.2 Air Discharge

4.2.1 No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols is to cause or is likely to cause and environmental nuisance at any commercial place or at any sensitive receptor places.

4.2.2 Dust filters must be fitted to storage silos that contain cement powder.

4.2.3 The filling of all silos is to be monitored by automatic devices that warn the plant operator with audible and visual alarms when any silo has been filled to its nominal capacity.

4.2.4 The filling of all silos is to be controlled by automatic devices that prevent any silo from being filled beyond its nominal capacity.

4.2.5 The holder of this development permit must ensure that all emission control and monitoring equipment is maintained in good working order.

4.2.6 Vehicle tracks and work areas adjacent to the concrete batching plant must be watered to minimise dust emissions from the approved place.

4.2.7 Air emissions and particulates emitted from the property must not cause material damage to buildings or vehicles located outside the boundaries of the subject site.

4.3 Water Discharge

4.3.1 The approved use must be carried out in a way that prevents the release of contaminants including cement powder, concrete slurry and other concrete materials to stormwater drainage that is naturally occurring or constructed.

4.3.2 Contaminants including plastics, concrete batching chemicals and packaging must not be directly or indirectly released to waterways or the bed or banks of any waterway or any drainage feature at the approved place.

4.3.3 Wastewater and other liquid waste generated in the course of carrying out the use shall be recycled for use in the concrete batching plant operation.

4.3.4 Settlement ponds for the concrete batching plant must be located at least 50 meters away from any natural drainage feature or water course at the approved place.

4.3.5 All wash down activities conducted on the subject site must be completed in a way that prevents concrete materials entering a natural drainage feature or waterway at the approved place.

4.4 Stormwater Management

4.4.1 The approved use must be conducted in a way that prevents contaminants or wastes contacting with rainfall and stormwater runoff in order to prevent contaminants entering stormwater drainage systems that are naturally occurring or constructed.

4.4.2 Any stormwater leaving the subject site shall contain no visible sign of floating chemical contaminants or other debris from the approved place.

4.4.3 All above and below ground chemical and fuel storage tanks shall be bunded in accordance with the Australian Standards 1940-1993 "*The storage and handling of flammable and combustible liquids*".

4.4.4 All fuel and chemical tanks or containers must be kept within the confines of sealed bunded area that can accommodate a spill of 110% of the largest tank used for storage within the bunded area.

4.4.5 The sealed bunded area must be fitted with a valve for the purpose of emptying liquids or solutions from the bunded area. The valve must remain closed when not in use.

4.4.6 The sealed bunded area must have a sign above the valve handle that contains the following words - "*Valve to remain closed when not in use*".

4.4.7 Australian standard requirements for the storage of fuel and chemicals must be adhered to at all times when storing fuel and chemicals on the subject site.

4.4.8 The concrete batching plant area and settlement ponds must be designed to ensure minimal ingress of overland flow of stormwater.

4.5 Land Application

4.5.1 The approved use must be carried out by such practical means that is necessary to prevent or minimise the release of contaminants to land.

4.5.2 Any soils contaminated at the subject site must be cleaned up immediately, lawfully removed and disposed of at a facility that accepts contaminated land fill.

4.5.3 A bay must be constructed to dry concrete slurry.

4.5.4 Concrete slurry and other wet concrete waste must be dried in the purpose built bay at the approved place prior to disposal.

4.5.5 Where possible dried concrete waste must be recycled for use in other products.

4.6 Noise Control/Monitoring

4.6.1 The emission of noise from the subject site must not cause environmental nuisance as determined by Council's delegated officer at any commercial place or at any sensitive receptor places.

4.6.2 The noise emissions from the subject site must not be greater than 5dB(A) above the background noise level at a sensitive receptor place or 10dB(A) above the background noise level at a commercial place.

4.6.3 When requested by Council, the developer/operator must commission noise monitoring to investigate any complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report must be provided to the administering authority within 14 days of the completion of the investigation.

4.6.4 Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the Environmental Protection (Noise) Policy.

4.7 Waste Management

4.7.1 Waste must not be released to the environment and must be disposed of in accordance with the conditions within this document.

4.7.2 Waste chemicals and chemical solutions are to be stored in a waste holding tank/s or drum/s that are located on a sealed and bunded surface.

4.7.3 Waste liquids are to be removed by a regulated waste transporter.

(B) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dnrm.qld.gov.au

6. **IDAS referral agencies –**

The application did not require referral to any Referral Agency.

7. **Approved Plans**

The approved plans and/or documents for this development approval area listed in the following table.

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Layout of Concrete Batching Plant - Wallace Quarries	Landline Consulting	-
-	Batching Plant - Proposed Location	Landline Consulting	-

8. **When approval lapses if development not started (s341)**

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

- Material Change of Use – four (4) years (starting the day the approval takes effect);

If there is one (1) or more subsequent related approvals' for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

9. **Appeal rights –**

Applicant may make representations about decision
The applicant may make written representations to the assessment manager about: -

(a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or

(b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 2 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 3 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

10. When the development approval takes effect –

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

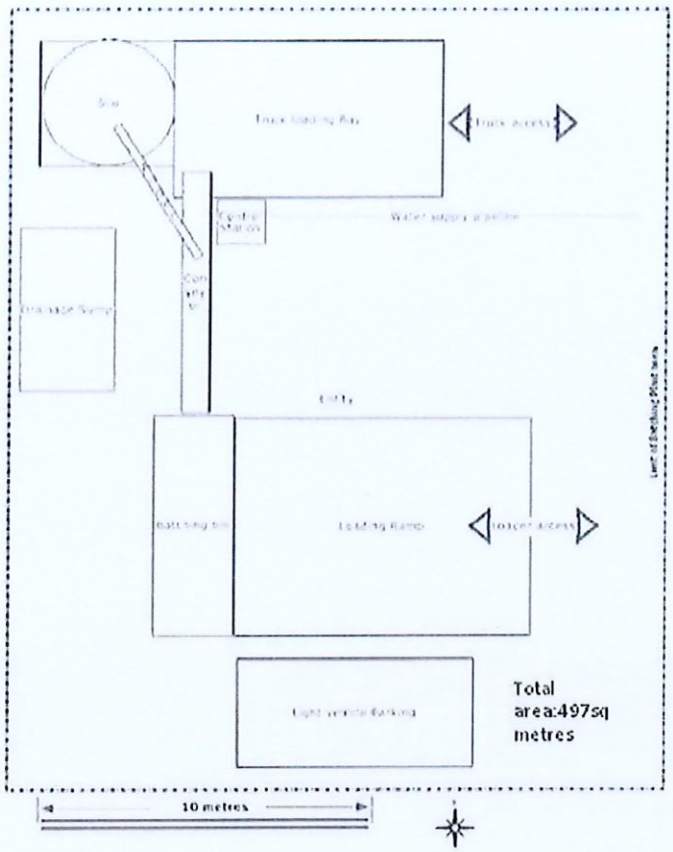
Should you require any further information please contact Council's **Planning Officer, Carl Ewin** on the above telephone number.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enclosures: **Attachment 1 - Approved Plans of Development**
Attachment 2 - SPA Extract - Making Representations about Decision
Attachment 3 - SPA Extract on Appeal Rights

ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (DWS VS 3067870 & 3067869)

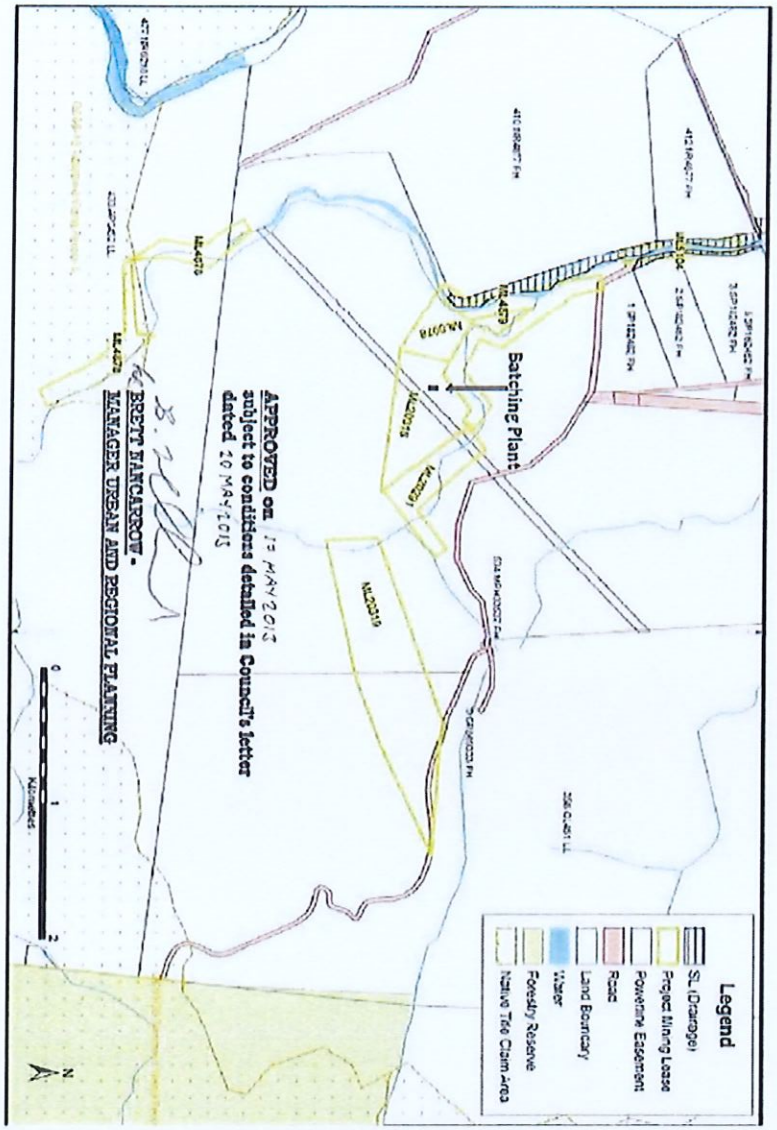


Layout of Concrete Batching Plan – Wallace Quarries

APPROVED on 17 MAY 2013 subject to conditions detailed in Council's letter dated 20 MAY 2013

B. McCann

for **BRETT NANCARROW** -
MANAGER URBAN AND REGIONAL PLANNING



ATTACHMENT 2 - MAKING REPRESENTATIONS ABOUT DECISION

PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS

DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD

360 APPLICATION OF DIV 1

This division applies only during the applicant's appeal period.

361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION

(1) The applicant may make written representations to the assessment manager about—

(a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or

(b) the standard conditions applying to a deemed approval.

(2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS

The assessment manager must consider any representations made to the assessment manager under section 361.

363 DECISION ABOUT REPRESENTATIONS

(1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice ***(the negotiated decision notice)*** to—

(a) the applicant; and

(b) each principal submitter; and

(c) each referral agency; and

(d) if the assessment manager is not the local government and the development is in a local government area—the local government.

(2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.

(3) Only 1 negotiated decision notice may be given.

(4) The negotiated decision notice—

(a) must be given within 5 business days after the day the assessment manager agrees with the representations; and

(b) must comply with section 335; and

(c) must state the nature of the changes; and

(d) replaces—

(i) the decision notice previously given; or

(ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

(5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE

(1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.

(2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE

(1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.

(2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD

(1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.

(2) The applicant may act under subsection (1) only once.

(3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.

(4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—

(a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or

(b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or

(c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

ATTACHMENT 3 - APPEAL RIGHTS

DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS

461 APPEALS BY APPLICANTS

(1) An applicant for a development application may appeal to the court against any of the following—

(a) the refusal, or the refusal in part, of the development application;

(b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;

(c) the decision to give a preliminary approval when a development permit was applied for;

(d) the length of a period mentioned in section 341;

(e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the ***applicant's appeal period***) after—

(a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or

(b) otherwise—the day a decision notice was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 APPEALS BY SUBMITTERS—GENERAL

(1) A submitter for a development application may appeal to the court only against—

(a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

(a) the giving of a development approval;

(b) any provision of the approval including—

(i) a condition of, or lack of condition for, the approval; or

(ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

(a) withdraws the submission before the application is decided; or

(b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the ***submitter's appeal period***) after the decision notice or negotiated decision notice is given to the submitter.

463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS

(1) This section applies to a development application to which chapter 9, part 7 applies.

(2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.

(3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—

(a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or

(b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—

(i) a material change of use of premises for aquaculture; or

(ii) operational work that is the removal, damage or destruction of a marine plant.

(4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—

(a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);

(b) a referral agency's response mentioned in subsection (2).

464 APPEALS BY ADVICE AGENCY SUBMITTERS

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

(a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

(b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

Attachment B
MSC Traffic Count Data

Tinaroo Ck Rd - TC Location Ch 5220

Mareeba SHIRE COUNCIL

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Map Grid of Australia Zone 55 (GDA94)

ClassMatrix-743 Page 1

MetroCount Traffic Executive
Class Speed Matrix

ClassMatrix-743 -- English (ENA)

Datasets:

Site:	**[Tinaroo Creek Road] Intersection Kennedy Highway @ Ch 5220 <100>**
Attribute:	Mareeba
Direction:	7 - North bound A>B, South bound B>A, **Lane: 0**
Survey Duration:	12:47 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024,
Zone:	
File:	Tinaroo Creek Road 0 2024-10-30 1219.EC0 (Plus)
Identifier:	VW61R1VD MC5900-X13 (c)MetroCount 09Nov16
Algorithm:	Factory default axle (v5.07)
Data type:	Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time:	**12:48 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024 (14,9803)**
Included classes:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range:	10 - 160 km/h,
Direction:	North, East, South, West (bound), P = North, Lane = 0-16
Separation:	Headway > 0 sec, Span 0 - 100 metre
Name:	Default Profile
Scheme:	Vehicle classification (AustRoads94)
Units:	Metric (metre, kilometre, m/s, km/h, kg, tonne)
In profile:	Vehicles = 3777 / 3780 (99.92%)

Class Speed Matrix

ClassMatrix-743
Site: Tinaroo Creek Road.0.1NS
Description: Intersection Kennedy Highway @ Ch 5220 <100>
Filter time: 12:48 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024
Scheme: Vehicle classification (AustRoads94)
Filter: Cls(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

	Class													
km/h	SV 1	SVT 2	TA2 3	TA3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12	Total	
10- 20	4	.	.	1	.	.	.	.	.	.	.	.	5	0.1%
20- 30	3	.	.	.	.	.	.	.	.	.	.	.	3	0.1%
30- 40	16	1	1	.	1	.	.	.	3	1	.	.	23	0.6%
40- 50	26	.	2	3	7	.	.	1	2	2	.	.	43	1.1%
50- 60	65	7	10	17	18	2	1	3	4	6	.	.	133	3.5%
60- 70	224	15	60	24	67	.	3	5	58	32	.	.	488	12.9%
70- 80	660	26	71	93	172	.	2	5	80	81	1	.	1191	31.5%
80- 90	884	28	65	133	144	.	.	2	53	54	.	.	1363	36.1%
90-100	347	2	15	26	31	.	1	.	8	13	.	.	443	11.7%
100-110	61	1	4	1	.	1	.	.	.	.	.	.	68	1.8%
110-120	12	.	.	.	.	.	.	.	.	.	.	.	12	0.3%
120-130	5	.	.	.	.	.	.	.	.	.	.	.	5	0.1%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	2307	80	228	298	440	3	7	16	208	189	1	0	3777	
	61.1%	2.1%	6.0%	7.9%	11.6%	0.1%	0.2%	0.4%	5.5%	5.0%	0.0%	0.0%		
ESA	0.0	0.0	456.0	596.0	880.0	9.0	21.0	48.0	624.0	756.0	5.0	0.0	3395.0	
Raw axle	4614	297	456	894	1760	9	28	80	1249	1367	9	0	10763	
Single	4572	185	456	298	2	9	14	18	270	189	3	0	6016	
T steer	1	0	0	0	438	0	0	0	0	0	0	0	439	
Double	23	53	0	298	438	0	7	31	269	523	3	0	1644	
Triple	1	2	0	0	2	0	0	0	146	44	0	0	195	
Quad+	0	0	0	0	0	0	0	0	1	0	0	0	1	

Total vehicles = 3777, Total heavies = 1393 (36.80%), Average ESA per heavy = 2.44
Twinsteers = 31.58% of heavies, 11.62% of total.

MetroCount Traffic Executive
Weekly Vehicle Counts (Virtual Week)

VirtWeeklyVehicle-740 -- English (ENA)

Datasets:

Site:	**[Tinaroo Creek Road] Intersection Kennedy Highway @ Ch 5220 <100>**
Attribute:	Mareeba
Direction:	7 - North bound A>B, South bound B>A, Lane: 0
Survey Duration:	12:47 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024,
Zone:	
File:	Tinaroo Creek Road 0 2024-10-30 1219.EC0 (Plus)
Identifier:	VW61R1VD MC5900-X13 (c)MetroCount 09Nov16
Algorithm:	Factory default axle (v5.07)
Data type:	Axle sensors - Paired (Class/Speed/Count)

Profile:

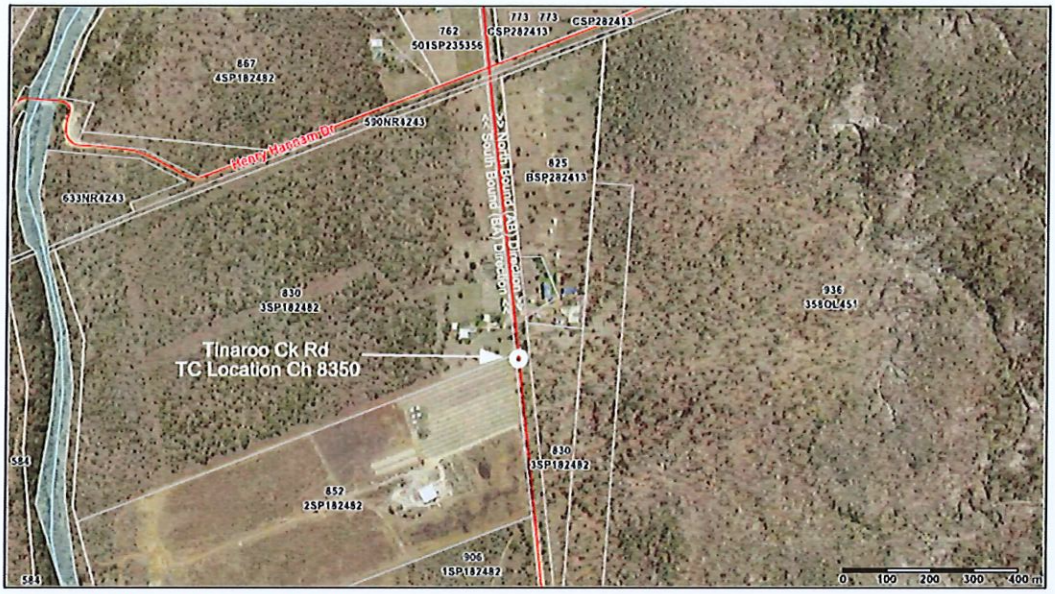
Filter time:	**12:48 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024 (14.9803)**
Included classes:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range:	10 - 160 km/h,
Direction:	North, East, South, West (bound), P = North, Lane = 0-16
Separation:	Headway > 0 sec, Span 0 - 100 metre
Name:	Default Profile
Scheme:	Vehicle classification (AustRoads94)
Units:	Metric (metre, kilometre, m/s, km/h, kg, tonne)
In profile:	Vehicles = 3777 / 3780 (99.92%)

Weekly Vehicle Counts (Virtual Week)

VirtWeeklyVehicle-740
Site: Tinaroo Creek Road,0,1NS
Description: Intersection Kennedy Highway @ Ch 5220 <100>
Filter time: 12:48 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024
Scheme: Vehicle classification (AustRoads94)
Filter: Cls(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages 1 - 5	Averages 1 - 7
Hour									
0000-0100	0.5	3.5	0.3	1.5	0.0	0.5	0.0	1.1	0.9
0100-0200	1.5	1.5	0.0	2.5	1.5	1.0	0.0	1.3	1.1
0200-0300	0.5	1.5	0.0	2.0	0.0	0.0	1.0	0.7	0.7
0300-0400	4.0	3.0	2.7	5.5	3.0	0.0	1.5	3.5	2.8
0400-0500	9.0	8.5	7.3	9.5	6.0	3.0	1.0	8.0	6.4
0500-0600	13.5	13.5	14.0	14.0	14.0	2.5	0.0	13.8	10.5
0600-0700	**30.0**	23.5	24.7	25.0	19.5	6.0	1.0	24.5	18.9
0700-0800	24.5	**30.0**	**32.3**	**29.5**	22.0	7.5	3.0	**28.1**	**22.0**
0800-0900	22.0	23.5	23.7	21.0	20.0	12.0	5.5	22.2	18.6
0900-1000	19.5	15.5	21.3	22.5	**22.0**	13.0	12.5	20.3	18.3
1000-1100	21.5	15.0	26.7	20.5	18.0	**21.0**	**13.0**	20.9	19.9
1100-1200	19.5	25.5	23.0	25.5	17.0	14.0	10.0	22.2	19.5
1200-1300	19.0	18.3	14.7	23.0	**20.0**	9.0	6.5	18.6	15.9
1300-1400	20.0	17.7	19.5	19.0	19.5	13.0	**8.5**	19.0	16.8
1400-1500	**24.5**	18.7	21.0	15.5	13.5	11.5	8.0	18.6	16.3
1500-1600	22.5	**24.0**	21.0	**27.5**	17.5	**13.0**	7.5	**22.6**	**19.3**
1600-1700	24.0	22.3	**23.0**	22.5	12.5	7.0	5.0	21.0	17.0
1700-1800	11.5	15.7	15.5	18.5	9.0	7.0	4.5	14.2	11.9
1800-1900	5.0	6.3	11.5	6.5	9.5	3.0	4.5	7.6	6.6
1900-2000	3.0	2.3	7.0	3.5	3.5	1.5	0.5	3.7	3.0
2000-2100	1.5	1.3	2.5	2.5	0.0	0.5	1.5	1.5	1.4
2100-2200	3.5	1.7	1.5	1.0	0.5	1.0	0.5	1.6	1.4
2200-2300	1.0	1.3	0.0	0.5	3.0	1.0	0.0	1.2	1.0
2300-2400	1.5	0.3	0.0	1.0	2.5	0.0	0.0	1.0	0.7
Totals									
0700-1900	233.5	232.5	253.2	251.5	200.5	131.0	88.5	235.3	202.0
0600-2200	271.5	261.3	288.8	283.5	224.0	140.0	92.0	266.8	226.7
0600-0000	274.0	263.0	288.8	285.0	229.5	141.0	92.0	268.9	228.5
0000-0000	303.0	294.5	313.2	320.0	254.0	148.0	95.5	297.4	250.7
AM Peak	0600	0700	0700	0700	0900	1000	1000		
	30.0	30.0	32.3	29.5	22.0	21.0	13.0		
PM Peak	1400	1500	1600	1500	1200	1500	1300		
	24.5	24.0	23.0	27.5	20.0	13.0	8.5		

* - No data.



Tinaroo Ck Rd - TC Location Ch 8350

Mareeba SHIRE COUNCIL

N

Map Grid of Australia Zone 55 (GDA94)

MetroCount Traffic Executive
Class Speed Matrix

ClassMatrix-748 -- English (ENA)

Datasets:

Site:	**[Tinaroo Creek Road] Intersection Kennedy Highway @ Ch 8350 <100>**
Attribute:	Mareeba
Direction:	7 - North bound A>B, South bound B>A, **Lane:** 0
Survey Duration:	13:12 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024,
Zone:	
File:	Tinaroo Creek Road 0 2024-10-30 1220.EC0 (Plus)
Identifier:	A17CFQZQ MC5900-X13 (c)MetroCount 09Nov16
Algorithm:	Factory default axle (v5.07)
Data type:	Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time:	**13:13 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024 (14,9631)**
Included classes:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range:	10 - 160 km/h,
Direction:	North, East, South, West (bound), P = North, Lane = 0-16
Separation:	Headway > 0 sec, Span 0 - 100 metre
Name:	Default Profile
Scheme:	Vehicle classification (AustRoads94)
Units:	Metric (metre, kilometre, m/s, km/h, kg, tonne)
In profile:	Vehicles = 2529 / 2531 (99.92%)

Class Speed Matrix

ClassMatrix-748
Site: Tinaroo Creek Road.0.1NS
Description: Intersection Kennedy Highway @ Ch 8350 <100>
Filter time: 13:13 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024
Scheme: Vehicle classification (AustRoads94)
Filter: Cls(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

	Class													
km/h	SV 1	SVT 2	TR2 3	TR3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12	Total	
10– 20	3	.	.	.	.	.	.	.	.	.	.	.	3	0.1%
20– 30	15	.	.	.	.	.	.	.	.	.	.	.	15	0.6%
30– 40	14	2	1	6	7	.	.	.	5	10	.	.	45	1.8%
40– 50	55	9	4	8	17	.	.	.	10	5	1	.	109	4.3%
50– 60	143	18	6	2	19	.	.	2	17	11	.	.	218	8.6%
60– 70	273	14	23	14	90	.	.	.	51	39	.	.	504	19.9%
70– 80	387	9	55	142	186	.	.	.	30	70	.	.	879	34.8%
80– 90	317	4	20	73	100	.	2	.	9	33	.	.	558	22.1%
90–100	125	1	3	5	22	.	.	.	4	16	.	.	176	7.0%
100–110	17	.	1	1	.	.	.	.	.	.	.	.	19	0.8%
110–120	3	.	.	.	.	.	.	.	.	.	.	.	3	0.1%
120–130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130–140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140–150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150–160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	1352	57	113	251	441	0	2	2	126	184	1	0	2529	
	53.5%	2.3%	4.5%	9.9%	17.4%	0.0%	0.1%	0.1%	5.0%	7.3%	0.0%	0.0%		
ESA	0.0	0.0	226.0	502.0	882.0	0.0	6.0	6.0	378.0	736.0	5.0	0.0	2741.0	
Raw axle	2704	200	226	753	1767	0	8	10	756	1336	8	0	7768	
Single	2634	144	226	251	0	0	4	2	186	184	2	0	3633	
T steer	0	0	0	0	441	0	0	0	0	0	0	0	441	
Double	35	25	0	251	439	0	2	4	186	504	3	0	1449	
Triple	0	2	0	0	1	0	0	0	66	48	0	0	117	
Quad+	0	0	0	0	1	0	0	0	0	0	0	0	1	

Total vehicles = 2529, Total heavies = 1120 (44.29%), Average ESA per heavy = 2.45
Twinsteers = 39.38% of heavies, 17.44% of total.

Weekly Vehicle Counts (Virtual Week)

VirtWeeklyVehicle-745
Site: Tinaroo Creek Road,0,1NS
Description: Intersection Kennedy Highway @ Ch 8350 <100>
Filter time: 13:13 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024
Scheme: Vehicle classification (AustRoads94)
Filter: Cls(1-12) Dir(NESW) Sp(10,160) Headway(>0) Span(0 - 100) Lane(0-16)

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Averages 1 - 5	1 - 7
Hour									
0000-0100	0.0	0.0	0.0	0.5	0.0	0.0	0.0	0.1	0.1
0100-0200	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
0200-0300	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
0300-0400	3.0	2.0	2.3	4.5	2.0	0.0	1.0	2.7	2.1
0400-0500	7.5	6.5	8.0	8.5	4.5	2.0	0.0	7.1	5.5
0500-0600	10.0	11.5	13.3	13.0	11.5	3.0	0.0	12.0	9.2
0600-0700	**24.5**	19.0	20.3	20.0	15.0	5.5	0.5	**19.8**	**15.3**
0700-0800	17.0	**20.5**	**22.0**	18.0	13.0	4.0	1.5	18.5	14.3
0800-0900	16.5	15.5	18.3	15.5	14.5	8.0	2.0	16.3	13.3
0900-1000	16.5	12.5	14.7	17.5	14.0	3.0	6.0	15.0	12.2
1000-1100	13.5	11.5	17.7	12.5	10.0	**12.0**	**12.0**	13.5	13.1
1100-1200	13.5	14.5	16.0	**20.5**	**15.5**	7.5	5.0	16.0	13.4
1200-1300	16.5	**18.5**	13.7	**19.5**	**15.0**	4.0	3.5	**16.4**	**13.0**
1300-1400	15.0	13.3	**17.0**	17.5	12.0	6.5	4.0	14.8	12.3
1400-1500	17.0	12.7	16.5	12.5	11.0	**8.5**	3.0	13.8	11.7
1500-1600	**18.5**	12.0	16.5	16.5	9.5	7.5	3.5	14.4	12.0
1600-1700	18.0	15.0	13.0	14.0	8.0	1.5	**5.0**	13.7	10.9
1700-1800	6.0	6.7	6.0	8.5	3.5	4.0	1.0	6.2	5.2
1800-1900	2.5	2.0	4.0	3.0	2.5	1.5	3.0	2.7	2.6
1900-2000	1.5	0.3	4.0	1.5	1.0	0.0	1.0	1.5	1.3
2000-2100	1.0	0.0	0.0	0.5	0.0	0.5	1.0	0.3	0.4
2100-2200	0.5	0.7	0.5	0.0	0.0	0.0	0.0	0.4	0.3
2200-2300	1.0	0.3	0.0	0.0	1.0	0.5	0.0	0.5	0.4
2300-2400	0.5	0.0	0.0	0.0	1.0	0.0	0.0	0.3	0.2
Totals									
0700-1900	170.5	154.7	175.3	175.5	128.5	68.0	49.5	161.2	133.9
0600-2200	198.0	174.7	200.2	197.5	144.5	74.0	52.0	183.2	151.1
0600-0000	199.5	175.0	200.2	197.5	146.5	74.5	52.0	183.9	151.7
0000-0000	220.0	195.0	223.8	224.0	164.5	79.5	53.0	205.8	168.6
AM Peak	0600	0700	0700	1100	1100	1000	1000		
	24.5	20.5	22.0	20.5	15.5	12.0	12.0		
PM Peak	1500	1200	1300	1200	1200	1400	1600		
	18.5	18.5	17.0	19.5	15.0	8.5	5.0		

* - No data.

MetroCount Traffic Executive
Weekly Vehicle Counts (Virtual Week)

VirtWeeklyVehicle-745 -- English (ENA)

Datasets:

Site:	**[Tinaroo Creek Road] Intersection Kennedy Highway @ Ch 8350 <100>**
Attribute:	Mareeba
Direction:	7 - North bound A>B, South bound B>A, **Lane: 0**
Survey Duration:	13:12 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024,
Zone:	
File:	Tinaroo Creek Road 0 2024-10-30 1220.EC0 (Plus)
Identifier:	A17CFGZQ MC5900-X13 (c)MetroCount 09Nov16
Algorithm:	Factory default axle (v5.07)
Data type:	Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time:	**13:13 Tuesday, 15 October 2024 => 12:19 Wednesday, 30 October 2024 (14.9631)**
Included classes:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range:	10 - 160 km/h.
Direction:	North, East, South, West (bound), P = North, Lane = 0-16
Separation:	Headway > 0 sec, Span 0 - 100 metre
Name:	Default Profile
Scheme:	Vehicle classification (AustRoads94)
Units:	Metric (metre, kilometre, m/s, km/h, kg, tonne)
In profile:	Vehicles = 2529 / 2531 (99.92%)

TRAFFIC IMPACT REVIEW

936 Tinaroo Creek Road, Mareeba
Request for 'Other Change' (MCU/12/0018)

Date:	9 June 2025
Prepared By	Natasha Murray – Principal Engineer (RPEQ: 19500) NJM ENGINEERING CONSULTING

1. Introduction

NJM Engineering Consulting was engaged by Mareeba Shire Council to review the Traffic Impact Assessment (TIA) submitted in support of a change application to the existing development approval for 936 Tinaroo Creek Road, Mareeba (Lot 358 on OL451). The change application seeks to legalise the current operations of Conmat concrete batching plant on the site.

The scope of the review was to provide engineering advice specifically in relation to the proposed amendment to Condition 3.5 (Traffic Movements) of the existing approval MCU/12/0017 issued on 17 May 2013. This condition currently limits vehicle movements to and from the site to a maximum of 16 vehicles per day. The applicant has requested that this condition be amended to allow for an increase in vehicle movements, as detailed below.

*"Heavy and regular vehicle traffic movements associated with the proposed batching plant are not to exceed a combined total of ~~16~~ **50** vehicle movements per day (~~8~~ **25** trips to and from site)."*

The following report outlines the findings of the review of the submitted Traffic Impact Assessment (TIA) prepared by Noble Consulting Engineers dated 22 April 2025 and observations from a site visit conducted on 25 May 2025. Photos from the site visit have been provided in Attachment 1.

2. Development Traffic Generation

The TIA states that the daily traffic generation associated with the concrete plant activities includes

- 50 trips/day (25 in each direction) of Concrete agitator trucks:
- 2 trips/day (1 in each direction) of Cement delivery trucks that are either a 19m semi-trailer or a 25–26m B-double

This equates to 52 heavy vehicle movements per day. However, this figure does not account for additional traffic generated by staff, visitors, contractors, or service vehicles.

It is therefore inconsistent with the proposed condition amendment, which limits the total combined traffic (heavy and "regular" vehicles) to 50 vehicle trips per day.

3. Existing Traffic Conditions

The TIA advises that the concrete plant is already operational at 52 heavy vehicle trips/day, and as such, have stated these trips were captured in the 2024 traffic counts.

The relevant traffic count was undertaken at Chainage 8350, approximately 700 metres north of the site access intersection with Tinaroo Creek Road. The count recorded an average weekday volume of 205 vehicle trips/day, with 44.29% being heavy vehicles- equating to approximately 90 heavy vehicle trips/day. If the plant generates 52 heavy vehicle movements/day, it will represent around 55% of the total heavy vehicle traffic on this section of the road.

The separate count further north at Chainage 5350 recorded only an extra 20 heavy vehicles which reinforces that the concrete plant still would be a significant contributor to the heavy traffic on the road i.e. 47% at this location.

Even if there was some variation on certain days in the daily volumes generated by the plant, it would still be reasonable to assume that a significant proportion of the heavy vehicle traffic on Tinaroo Creek Road is directly attributable to the concrete plant's operations.

B-Double Traffic (MSC to Confirm)

Traffic counts undertaken by Council at Chainage 8350, just north of the subject site, indicate up to 184 B-double vehicle movements per day. Given the location of the count, it is reasonable to assume that a significant portion of these movements are associated with activities on the development site. It is also assumed that appropriate permits or exemptions are currently in place to allow B-double access along this section of road. However, if changes are proposed to the development conditions relating to increased vehicle movement limits it is unknown whether it impacts any regulations through the NHVR scheme.

4. Impact on Council Infrastructure

The TIA does not assess the impact of development-related traffic on the condition and longevity of the road pavement.

Heavy vehicles are a primary factor contributing to pavement stress and degradation. The volume of heavy vehicle movements generated by the development is likely to accelerate pavement deterioration and increase the frequency of required maintenance. During the site inspection, substantial pavement damage was observed, particularly on bends where heavy vehicles frequently manoeuvre.

Given that the concrete plant has been operating without formal approval, it is reasonable to assume that the current level of pavement deterioration may exceed what was originally anticipated by Council, especially considering the original approval limited heavy and regular traffic movements to just 16 trips/day.

In light of the above, if Council considers reasonable, the development could be conditioned to undertake:

- Pavement testing at locations with a high risk of failure (e.g. tight bends, visibly damaged sections)
- If testing determines that the existing pavement is not of a sufficient standard to accommodate the generated 52 heavy vehicle movements/day, then upgrade works should be undertaken to strengthen these areas accordingly.

In addition, it is recommended that a condition be imposed requiring the sealing of the currently unsealed section of road between the site access and the end of the existing sealed surface near the adjacent property access. Sealing this section would enhance road safety and improve pavement durability under the existing traffic loads generated by the plant operations.

5. Horizontal Alignment and Safety Risks

The TIA identifies several substandard horizontal curves and suggests the need for appropriate signage and speed advisory measures. My site inspection confirmed insufficient sight distance on multiple curves due to poor horizontal alignment and vertical crests as shown in the attached photos. This poses a high safety risk, particularly given that heavy vehicles make up such a high proportion of the traffic. While minor widening exists at some bends, the current carriageway width does not strictly meet Austroads requirements for curve widening given the speed environment and vehicle mix. Should Council consider a reasonable condition, the developer could be requested to undertake a detailed geometric assessment and complete curve widening at high-risk locations in accordance

with Austroads Guide to Road Design Part 3 – Geometric Design. The potential safety risk associated with substandard bends with limited sight distance is that vehicles could lose control due to the need to suddenly swerve to avoid an oncoming truck that may need to encroach onto the opposing lane to undertake the turn.

6. Ada Creek

The Ada Creek crossing represents the most significant safety concern associated with the proposed development. Although a future upgrade is planned, the current configuration, i.e. a single-lane bridge with limited sight distance due to a vertical crest will continue to pose a safety risk for the next 12 to 24 months.

Given the known safety risks, if there could be potential liability implications for Council in approving a change to the conditions to formalise the additional traffic associated with the development using the crossing in its current state, a formal Road Safety Audit could be required as a condition of approval. The audit should be undertaken in accordance with Austroads guideline AGRS06-22 Guide to Road Safety Part 6 by a TMR Registered Road Safety Auditor and certified by an RPEQ.

The audit would be required to assess whether the current configuration of the crossing and its approaches provides an acceptable level of safety, and to identify any short-term, interim improvements necessary to support ongoing use until the planned upgrade is delivered. Any recommended interim safety treatments should be implemented by the developer to mitigate safety risks during this period.

7. Conclusion

The review has identified that the proposed amendment to Condition 3.5, allowing increased daily vehicle movements on Tinaroo Creek Road, raises concerns regarding road safety and pavement impacts. In particular, the higher volume of heavy vehicles exacerbates existing safety risks at substandard horizontal curves and the Ada Creek crossing. It is also likely to have contributed to accelerated pavement deterioration. It is therefore recommended that Council impose development conditions to address these issues, including road upgrades and a formal Road Safety Audit, as outlined in the sections above.

Natasha Murray
Principal Engineer (RPEQ: 19500)
NJM ENGINEERING CONSULTING

936 Tinaroo Creek Road, Mareeba
Request for 'Other Change' (MCU/12/0018)
TRAFFIC IMPACT REVIEW

ATTACHMENT 1

TINAROO CREEK ROAD, MAREEBA - SITE INSPECTION 25TH MAY 2025

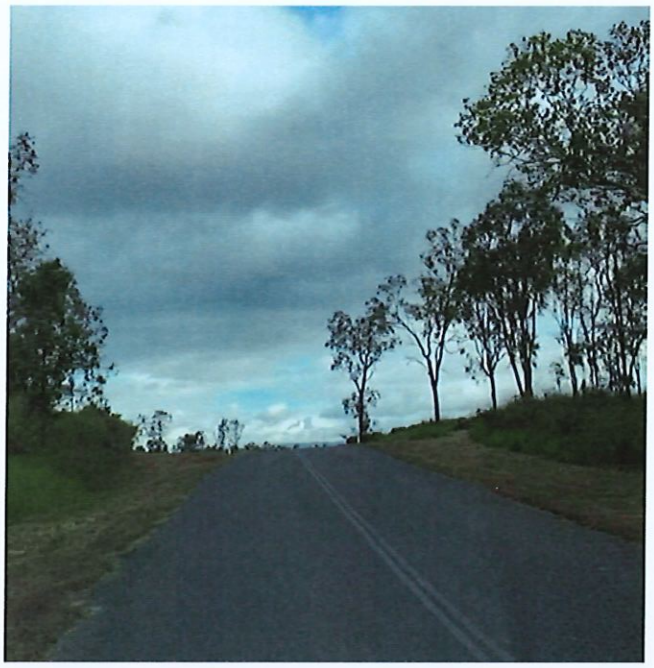
Below are a series of photos taken during a site inspection undertaken on 25th May 2025 .

The photos show examples of key locations where sightlines were restricted due to tight bends and crests. As detailed in the report there are a number of locations which could benefit from an assessment of the geometry to ensure pavement width and warning signage is in accordance with relevant standards.

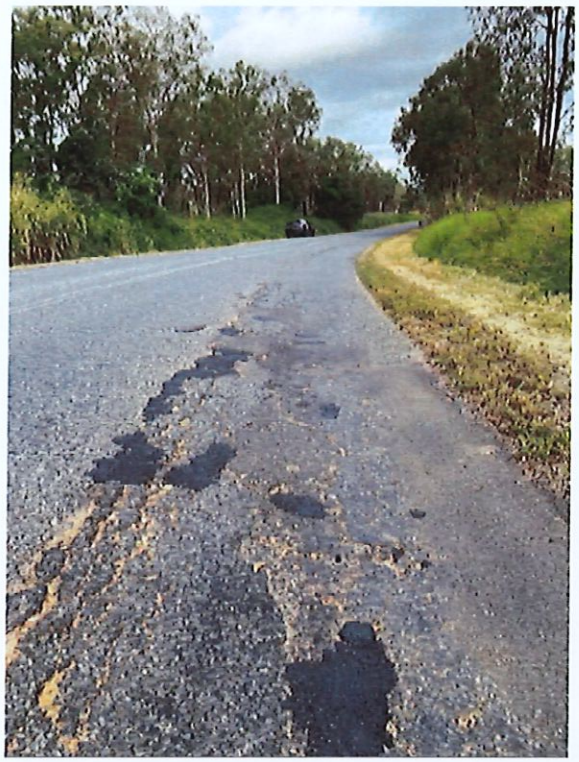
Included are also photos of some examples where there is evident pavement damage, primarily on the bends where heavy vehicles regularly turn. It is acknowledged that these defects are not solely attributed to the traffic generated by the concrete plant, however it is reasonable to assume that the unauthorised level of traffic associated with its operations could have had some level of contribution to the deterioration of the pavement at these locations.

936 Tinaroo Creek Road, Mareeba
Request for 'Other Change' (MCU/12/0018)
TRAFFIC IMPACT REVIEW

936 Tinaroo Creek Road, Mareeba
Request for 'Other Change' (MCU/12/0018)
TRAFFIC IMPACT REVIEW



936 Tinaroo Creek Road, Mareeba
Request for 'Other Change' (MCU/12/0018)
TRAFFIC IMPACT REVIEW



Referral Agency Response

Our Ref.: DA6271
MSLink/s: 105459
Council Ref.: MCU/12/0017

3 July 2025

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Conmat Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Attention: Carl Ewin
Via Email: info@msc.qld.gov.au

Attention: Nash Davison
Via Email: nash@urbansync.com.au

Dear Sir/Madam,

Other Change Application - Affected Entity Response

(Given under section 82 of the *Planning Act 2016*)

Transmission Infrastructure Impacted	
Transmission Corridor	Springmount Tee – Woree (275 kV) Transmission Line Corridor
Easement ID	A on SP142690 (Dealing No. 706870624)
Location Details	
Street address	936 Tinaroo Creek Road Mareeba QLD 4880
Real property description	Lot 358 on OL451
Local government area	Mareeba Shire Council
Existing Approval Details	
Approved Development	Material Change of Use
Approval Type	Development Permit
Other Change Application Details	
Details of change/s sought	Change Application (Other Change) for Material Change of Use – High Impact Industry (Concrete Batching Plant) Formerly Defined as Industry

We refer to the above Change Application for an 'other' change which has been referred to Powerlink Queensland as an affected entity in accordance with section 82 of the *Planning Act 2016*.

PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

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Table 1: Plans and Reports upon which the assessment is based

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Figure 4: Concrete Batching Plant Operations: Site Layout.	Urban Sync	06/05/2025	Town Planning Report - Page 4	-
Conmat Construction Material – Site Plan	Urban Sync	22/11/2024	Town Planning Report - Page 40	-

We have reviewed the changes to the development application outlined in the change application and advise that Powerlink supports the change application subject to the conditions of provided in Powerlink's advice agency response being imposed by the Assessment Manager.

No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	The statutory clearances set out in the *Electrical Safety Regulation 2013* must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the *Electrical Safety Act 2002* is achieved, and electrical safety requirements are met.
3	Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.	At all times.	To ensure that the existing rights contained in the registered easement dealings are maintained.
4	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times.	To ensure that the purpose of *the Electrical Safety Act 2002* is achieved, and electrical safety requirements are met. To ensure the integrity of the easement is maintained.

Any further works should be in accordance with Powerlink Queensland's general conditions and guidelines when considering works either on a Powerlink Queensland easement or in the vicinity of Powerlink Queensland assets.

For further information please contact the Property Management Team on (07) 3898 4090 or via email property@powerlink.com.au who will be pleased to assist.

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Yours sincerely

For: Laura Donaldson
PROPERTY MANAGEMENT TEAM LEADER

Enclosures:
Attachment 1 - Submitted Plans
Annexure A

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Figure 4: Concrete Batching Plant Operations: Site Layout.

DATE ASSESSED:
27/06/2025


A product of
Queensland Globe
DATE ASSESSED:
27/06/2025
50 metres
Queensland
Government

ANNEXURE A – GENERIC REQUIREMENTS

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the "Easement". Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. **POWERLINK INFRASTRUCTURE**

   You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. **STRUCTURES**

   No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. **EXCLUSION ZONES**

   Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as "electrically live" and therefore potentially dangerous at all times.

   In particular your attention is drawn to Schedule 2 of the Electrical Safety Regulation 2013 which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. **ACCESS AND EGRESS**

   Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. **APPROVALS (ADDITIONAL)**

   Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. **MACHINERY**

   All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

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7. EASEMENTS

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

8. EXPENDITURE AND COST RECOVERY

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of $10 000.00, advanced payments may be requested.

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sort.

11. GROUND LEVEL VARIATIONS

Overhead Conductors

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

13. INDEMNITY

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorized use. If other parties make damage claims against Powerlink as a result of unauthorized use then Powerlink reserves the right to recover those damages from the applicant.

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14. INTERFERENCE

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "*prudent avoidance*" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

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We encourage community members with an interest in EMF to visit ARPANSA's website: www.arpansa.gov.au
Information on EMF is also available on the ENA's website: www.ena.asn.au

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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

(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 us published under section 269(3)(a) or (4); or
  (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  (e) 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
  (f) 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.

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, table 1, item 1 – each principal submitter for the development application; and
  (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 has 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

(1) Subject to this chapter, 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 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, a tribunal or another entity; and
(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

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 the rules of the P&E Court.