

6 May 2025

Our Ref: 21-651

Chief Executive Officer

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Mr Brian Millard – Senior Planner

Dear Brian,

RE: REQUEST FOR AN 'OTHER CHANGE' TO AN APPROVED DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (CONCRETE BATCHING PLANT) OVER LAND AT 936 TINAROO CREEK ROAD, MAREEBA, MORE FORMALLY DESCRIBED AS LOT 358 ON OL451.

Urban Sync Pty Ltd (Urban Sync) are continuing to provide town planning services to Conmat Pty Ltd (the 'Applicant') in relation to the above-described land and regarding their dealings with Mareeba Shire Council on proposed changes to the development approval conditions.

We understand that there have been discussions between Mareeba Shire Council and Conmat over the past 12 months as they operate the extractive industry activities from the land alongside the 'approved' Concrete Batching Plant which is also operating from the site. Conmat are now seeking to amend the statutory conditions that are imposed on the Concrete Batching Plant activities with the support and approval of Mareeba Shire Council. A submission made under the relevant provisions of the *Planning Act 2016* to formalise a Change Application (Minor) to amend specific conditions of approval Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation), established under the original approval dated 17 May 2013 was made on December 2024.

The applicant was not involved in the original assessment having acquired the property for operations post approval and currently submits that DA conditions impose overly restrictive demands on 'Concrete Batching Plant' operations in a rural environment. It is argued that increasing the ability of the concrete batching plant to operate at greater capacity will not result in development impacts on the road or the rural locality that are not reasonably anticipated alongside characteristics of other agricultural and industrial operations in this location.

Council officers initially accepted the application for a Change (Minor) though later with the input of Councillors determined that the more appropriate mechanism for review and consideration under the Planning Act 2016 would be to require the application to be processed as a Change (Other) assessment. This was determined on the basis that increasing vehicle numbers (or operational hours) would in the opinion of Council constitute '*substantially different development*' wherein the original application was publicly notified and included a phase of community involvement.

Conmat Construction Materials continues to work collaboratively with the Mareeba Shire Council and therefore acknowledge the request for a more complete review of the development conditions making this application for a Change (Other), as requested. It is not intended or proposed to amend the approved landuse, include additional land within the approved development or change the operational aspects of the development. It remains the intent of this Change (Other) submission to amend or revisit the conditions that restrict hours of operation and vehicle trips that impact on the development activity.

This submission seeks only to focus on the requested changes to the conditions and not the existing operations which remain lawfully operation under existing development approvals that have been and continue to reside on the land.

In support of the application, we attach the following documents to assist with your assessment. In support of this application, we include the following to assist with Council's officers' assessment:

- DA Form 5 and Landowners Consent as **Attachment 1**;
- 'Updated' Plans of Development prepared by Urban Sync Pty Ltd as **Attachment 2**;
- Traffic Impact Review completed by Nobel Consulting Engineers as **Attachment 3**;
- Site Searches and Relevant Approval as **Attachment 4**; and
- Assessment of the applicable development codes under the Planning Scheme as **Attachment 5**.

In accordance with s51(2) of *Planning Act 2016*, landowners' consent has been provided as the Applicant is **not** the owner of the land. The landowners consent remains applicable under the change representations previously submitted and is included for review. Per Council's Schedule of Fees for the 2024/25 Financial Year, Councils' application fee to the amount of **\$4,852.00** will be paid upon a receipt being issued by Council and a receipt of payment will be provided in due course.

We trust this application can now be progressed for assessment. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me using the below details.

Yours faithfully,



Stuart Ricketts.

Director – Senior Planner.

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TOWN PLANNING REPORT

REQUEST FOR AN CHANGE (OTHER) TO AN
APPROVED DEVELOPMENT ACTIVITY

AT

936 TINAROO CREEK ROAD, MAREEBA

FOR

CONMAT PTY LTD

6 May 2025

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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, Conmat Pty Ltd and considers the instructions and requirements of Conmat Pty Ltd with regards to the development being proposed. This report should not be relied upon by any third party and Urban Sync Pty Ltd accepts no liability or responsibility for the reliance on this report, or data contained within the report, by any third party.

Reference	Revision	Date	Prepared by	Checked by	Authorised by
21-651	1.0	17/04/2025	NCD	MDI	
21-651	2.0	04/05/2025	NCD	SDR	SDR

01/05/2025
Final Version 2.0
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I EXECUTIVE SUMMARY

Conmat Pty Ltd are requesting the requisite statutory development approval from Mareeba Shire Council (Council) to support Change (Other) to a Material Change of Use development approval for 'Concrete Batching Plant' amending the approval conditions, specifically Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation) over part of land at 936 Tinaroo Creek Road, Mareeba, more formally described as Lot 358 on OL451 (the site).

In a planning context, the site is located within the Rural Zone of the *Mareeba Shire Council Planning Scheme 2016 - Major Amendment No. 1 of 2023* (Planning Scheme), where the current approved landuse operates alongside the Extractive Industry operations. This application does not request a re-assessment of the approved 'Concrete Batching Plant' against the Planning Scheme but rather seeks to focus specifically on the requested changes to the operations being Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation).

Consistent with s82 of the Planning Act 2016, it is intended that the Change (Other) application be considered as though an application where for the original development activity (with the changes included) but was made when the change submission is lodged for assessment. As the original development activity (being Concrete Batching Plant) in the Rural Zone requires the consideration to be **Impact Assessment**, then this submission must also follow a similar process.

Accordingly, this development application seeks the following approvals:

- **Application for Change (Other) for a Development Permit for a Material Change of Use – High Impact Industry (Concrete Batching Plant)**

This report has been undertaken to:

- Examine the background for the development approvals that already apply to the land and the physical characteristics of the site;
- Accurately describe the Change (Other) being Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation), and the updated site plans as reflected in the Plans of Development prepared by Urban Sync Pty Ltd in **Attachment 2**;
- Address the proposed Change (Other) as it affects all applicable statutory requirements triggered through the *Planning Act 2016* (PA), *Planning Regulation 2017* (PR), *State Planning Policy 2017* (SPP) and the Planning Scheme; and
- Address any 'key' planning issues that are applicable to the Change (Other) submission being Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation) and non-compliances with the applicable aspects of the Planning Scheme and other Assessment Benchmarks.

Approvals for the 'High Impact Industry' have already been secured and granted by Mareeba Shire Council operating as a Concrete Batching Plant (ref: MCU/12/0017). These operations are commonly located in rural areas and there are efficiencies and operational benefits for co-locating the batching plant operations with the extractive industry.

The applicant acknowledges that there are demands on the operations of the Concrete Batching Plant that may give rise to a change in the conditions to allow for increase in vehicles and hours of operation. As such, the purpose of this request is to facilitate changes to Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation).

In terms of assessment, there are a handful of departures away from the 'deemed to comply' Acceptable Outcomes, as they affect the landuse and the operations although it is not proposed or intended to change the 'Concrete Batching Plant' which currently operates from the land and this submissions specifically addresses the conditions and the changes being requested for (Traffic Movements) and (Hours of Operation).

In this instance, the **key** assessment matter relates to amenity, and traffic generation and the report seeks to demonstrate that in this instance, operations of the activities at the levels proposed remain consistent with the Rural area and the higher order sections of the Planning Scheme can still be achieved. In doing so, it has been demonstrated that the proposed development will not have an unacceptable, negative impact on the amenity of the locality, nor the safety or efficiency of the adjacent road network.



The report concludes that the road environment that exists along Tinaroo Creek Road can support a large range of rural and agricultural activities and that in this circumstance the request to remove or amend the conditions that limit operations of the Concrete batching Plant can be supported by Mareeba Shire Council. Conmat provide contributions by way of levies to Council for the upkeep and maintenance of the road networks that that this should also be a consideration in the support for the development activities

For this reason, Council should be confident of supporting this request for change to the conditions affecting traffic vehicles and hours of operation.



2 APPLICATION DETAILS

2.1 APPLICATION SUMMARY

Approval Sought:	Application for Change (Other) for a Development Permit for a Material Change of Use – High Impact Industry (Concrete Batching Plant)
Registered Landowner:	Department of Resources (on behalf of the State of Queensland)
Applicant:	Conmat Pty Ltd C/- Urban Sync Pty Ltd PO Box 2970 CAIRNS QLD 4870
Project Description Details:	Change (Other) to a Material Change of Use development approval for 'Concrete Batching Plant' affecting the approval conditions, specifically Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation) over part of land at 936 Tinaroo Creek Road, Mareeba, more formally described as Lot 358 on OL451 (the site).
ASSESSMENT DETAILS	
Assessment Manager:	Mareeba Shire Council
Development Category:	Assessable Development
Assessment Category:	Impact Assessable (as the change if considered as the original development would imply an 'Impact' Assessment)
Public Notification:	Yes (15 BD)
PRE-LODGEMENT CONSULTATION	
Council:	Yes (Informal)
State:	Nil.
RELEVANT STATE PLANNING INSTRUMENTS	
Legislation:	<i>Planning Act 2016 (Qld)</i>
Planning Policy:	<i>Queensland State Planning Policy (July 2017)</i>
Planning Policy State Interests:	<ul style="list-style-type: none"> ▪ Agriculture; ▪ Biodiversity; ▪ Natural Hazards Risk and Resilience; and ▪ Strategic Airports and Aviation Facilities.
Regional Plan:	<i>Far North Queensland Regional Plan 2009-2031</i>
Regional Plan Land Use:	Urban Footprint



Development Assessment Mapping:	<ul style="list-style-type: none"> Fishing Habitat Areas Water Resources; and Native Vegetation Clearing.
Referrals:	Nil
RELEVANT LOCAL PLANNING INSTRUMENTS	
Planning Scheme:	<i>Mareeba Shire Council Planning Scheme 2016 - Major Amendment No. 1 of 2023</i>
Local Plan:	-
Zone:	Rural Zone
Overlays:	<ul style="list-style-type: none"> Agricultural Land; Airport Environs; Bushfire Hazard; Environmental Significance; Extractive Resources; Flood Hazard; Hill & Slope; and Transport Infrastructure.

2.2 PLANS OF DEVELOPMENT

Drawing Title	DWG No.	Prepared By	Date
Site Plan	Drawing No. 385291-4	RPS	30/04/2025
Development Area	Drawing No. 385291-5	RPS	30/04/2025
Site Layout (Concrete Batching)	Drawing No. 385291-6	RPS	30/04/2025



3 SITE DETAILS

3.1 SITE DESCRIPTION

Registered Landowner:	Department of Resources (on behalf State of Queensland)
Applicant:	Conmat Pty Ltd
Site Location:	936 Tinaroo Creek Road, Mareeba
Lot and Description:	Lot 358 on OL451
Site Area:	2,370ha
Tenure:	Lands Lease
Easements/Encumbrances:	Easement A on SP142690
Existing Improvements:	The site operates as Extractive Resource Area operated by Conmat Pty Ltd and includes a local authority from Mareeba Shire under the Planning Scheme for Concrete Batching Plant. This operation includes 780m ² single storey industrial premise, as well as the associated Batching Plant equipment, wash-out pits, hard stand areas, etc.
Topography:	The site has a gradual fall towards the western portion of the site
Waterways:	The site is defined by its boundary with the Tinaroo Creek which traverses along the western and northern boundary
Vegetation:	The majority of the allotment remains untouched mature vegetation, with only the sites used for industrial activities being cleared of vegetation.
Heritage Places:	The site is not an identified State or local 'Heritage Place', nor are any adjacent sites.

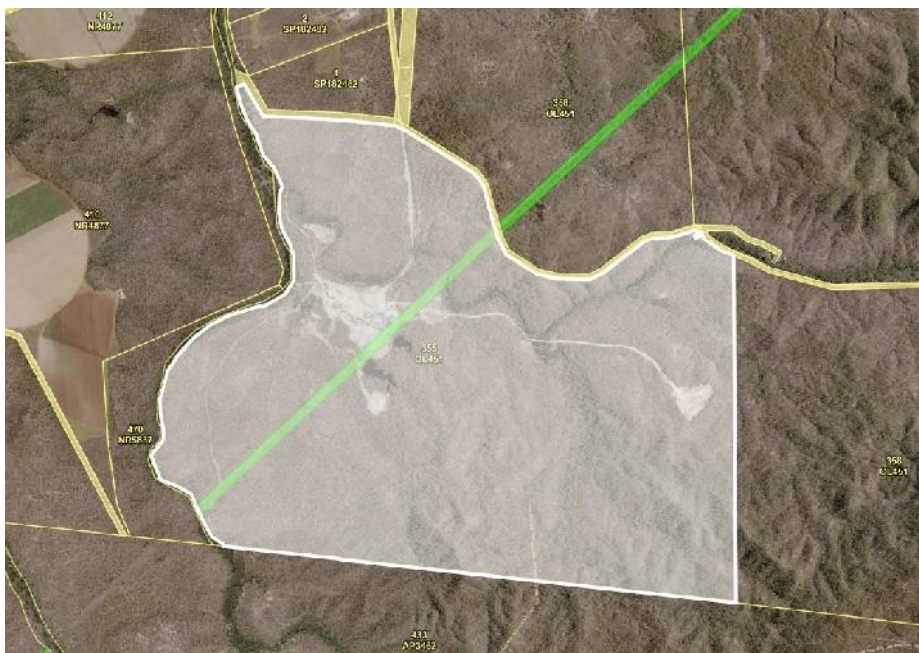


Figure 1: Site location: 936 Tinaroo Creek Road, Mareeba (Source: Queensland Globe, State of Queensland 2025).

3.2 SITE ANALYSIS

Current Use/s:	Extractive Industry and associate High Impact Industry (Concrete Batching Plant).
Existing Improvements:	The site operates as Extractive Resource Area operated by Conmat Pty Ltd and includes a local authority from Mareeba Shire under the Planning Scheme for Concrete Batching Plant. This operation includes 780m ² single storey industrial premise, as well as the associated Batching Plant equipment, wash-out pits, hard stand areas, etc.
Topography:	The site has a gradual fall towards the western portion of the site
Waterways:	The site is defined by its boundary with the Tinaroo Creek which traverses along the western and northern boundary
Vegetation:	The majority of the allotment remains untouched mature vegetation, with only the sites used for industrial activities being cleared of vegetation.
Environmental Management & Contaminated Land:	To the best of Urban Sync's knowledge, the site is not located on the Environmental Management or Contaminated Land Registers.
Heritage Places:	Neither site nor adjoining properties are mapped as local or state heritage significance.

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:	<u>Tinaroo Creek Road</u> The site is directly accessed via Tinaroo Creek Road, which is identified as a Minor Rural Road on Council's Road Hierarchy. I Tinaroo Creek Road comprises an approximate 10.5m wide, single lane, two-way undivided carriageway within a 91m road reserve.
Vehicular Access:	There site has one (1) existing formal access point to the Tinaroo Creek Road (see Figure 1).
Pedestrian Access:	Pedestrian access is provided via Tinaroo Creek Road.
Water Supply:	The site appears not to be connected to Council's reticulated water infrastructure.
Sewerage Supply:	The site appears not to be connected to Council's reticulated sewer infrastructure.
Stormwater:	Stormwater appears to be discharged to either on-site retention pools or to the nearby waterways via sheet flow.
Electricity & Telecommunications:	The site is connected to both electricity (underground) and telecommunication (wireless) services.





Figure 2: Site Office and Access Concrete Batching Plant: 936 Tinaroo Creek Road, Mareeba (Queensland Globe, State of Queensland 2025).



Figure 3: Concrete Batching Plant Operations: 936 Tinaroo Creek Road, Mareeba (Source: Queensland Globe, State of Queensland 2025).

4 DEVELOPMENT BACKGROUND

4.1 RELEVANT APPROVALS

The originating application (the application) sought approval for a Material Change of Use for Industry, specifically a Concrete Batching Plant, within the land lease area at 936 Tinaroo Creek Road, Mareeba, more formally described as Lot 358 on OL451 (Ref: MCU/12/0017) and the site has continued to operate under this land-use.

The site and premises have an 'existing lawful' use for Extractive Industry providing resource to the Mareeba Area. Extraction is reflected through the Environmental Authority (Permits) and Leasing arrangements that continue to be operated and annual licensing fees payable:

- ERA 16-2a (Extractive >5000t but <100,000t per year)
- ERA 16-3a (Screening >5,000t but <10,000t per year)
- ERA 33 – Crushing, Milling, Grinding or Screening (>5,000t but <100,000t per year)
- ERA 53 – Composting & Soil Conditioner Manufacturing >200t per year

Conmat Pty Ltd now operates the business from the land and are responsible for the operations, licenses and permits under existing approvals. The commencement of the use would be actioned in late 2013 by the previous operators. A copy of this approval, which is the relevant approval for the purpose of this request, is included in **Attachment 4** for ease of reference.

As stated above, Urban Sync submitted a Change Application (Minor) to Mareeba Shire Council (Council) requesting amendments to an existing approval issued on 17 May 2013 over Lot 358 on OL451 at 936 Tinaroo Creek Road, Mareeba (the land).

4.2 PRELODGEEMENT MEETINGS

Council officers initially accepted the application for a Change (Minor) though later after a workshop with Councillors determined that the more appropriate mechanism for review and consideration under the Planning Act 2016 would be to require the application to be processed as a Change (Other) assessment. This was determined on the basis that increasing vehicle numbers (or operational hours) would in the opinion of Council constitute '*substantially different development*' from what was currently approved wherein the original application was publicly notified and included a phase of community involvement

Some informal pre-lodgement discussions have been undertaken with MSC. These discussions largely focused on the appropriate statutory process to facilitate the requested changes and application fees. A copy of these discussions is included in **Attachment 3**.

4.3 BREAKDOWN OF APPLICATION FEES

In accordance with Council's Schedule of Fees for the 2024/25 Financial Year, Councils' application fee to the amount of **\$4,852.00** was calculated, as outlined below:

- Application to Change Development Approval – Application to change Development Approval after appeal period ends:
 - = Charge is 50% of current prescribed fee. Minimum fee \$526.00
 - = **\$526.00** (base fee)



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This development application seeks the requisite statutory development approval from Mareeba Shire Council under the Planning Act 2016 to support 'Other Change' to Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation) of an existing development approval over part of land at 936 Tinaroo Creek Road, Mareeba, more formally described as Lot 358 on OL451.

Accordingly, this development application seeks the following approval:

- **Application for Change (Other) for a Development Permit for a Material Change of Use – High Impact Industry (Concrete Batching Plant)**

5.2 PROPOSAL DETAILS

Conmat are seeking to amend the statutory conditions that are imposed on the Concrete Batching Plant activities with the support and approval of Mareeba Shire Council. A Change (Other) to amend specific conditions of approval Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation), established under the original approval

It is argued that increasing the ability of the concrete batching plant operate at greater capacity will not result in development impacts on the road or the rural locality that are not reasonably anticipated alongside characteristics of other agricultural and industrial operations in this location.

It is not intended or proposed to amend the approved landuse for Industry (Concrete Batching Plant), include additional land within the approved development or change the operational aspects of the development. It remains the intent of this Change (Other) submission to amend or revisit the conditions that restrict hours of operation and vehicle trips that impact on the development activity. The requested changes do not affect the number of staff or on-site operational elements of the business but do essentially allow for an intensification of the development to meet the current demands of the Mareeba Region.



Figure 4: Concrete Batching Plant Operations: Site Layout.



Accordingly, the applicant and operators (Conmat Pty Ltd) request the following amendments to the existing conditions of approval of MCU/12/0017 noting deletions have been '~~struck out~~' and additions identified in **bold** and are underlined.

Condition 3:

Original Condition

Condition	Amendments
General	
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.

Proposed Condition

Condition	Amendments
General	
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 50 vehicle movements per day (8 25 trips to and from site).
3.6	Hours of Operation The operating hours shall be between 6 4 am and 6pm Monday to Friday and between 6am and 12 1 pm Saturday. No operations are permitted on Sunday or Public Holidays.

Town Planning Commentary:

Construction work in Mareeba and the surrounding region remains strong with Private/Public works allowed to commence prior to 6am in certain circumstances and ultimately this places pressure on the builders and civil contractors to have concrete on-site and ready at approximately 5am to undertake construction works. Concrete Batching Activities are primarily focused on morning activities and conclude early/mid-afternoon with vehicles returning to the site to be cleaned and maintained. The current limitations of 8 deliveries per day is just unreasonable to operate a viable industrial activity and operations that are critical to private enterprise and public construction projects.

Revisiting the number of vehicle trips per day and allowing for an increase to a maximum of 50 vehicle movements (25 trips IN and 25 trips OUT to/from site) under Condition 3.5 would provide for increased number of vehicle movements that reflects an extension of the hours of operation. It is the introduction of this increased impact which triggers the need for Change Application (Other) to be sought.

This site is in a Rural Zone where lease and permits provide for Extractive Industry and other large scale agricultural activities (Poultry Farming and Potash Manufacturing) along with farming of various crops and the Batching Plant co-located with the Extractive Industry is relatively consistent with the rural area.



Access to the site lies along Tinaroo Creek Road between the batching plants and the distribution network servicing the Mareeba Region. Some areas and properties immediately along the haulage route will be subject to a total of 50 additional vehicle movement per day (25 trips IN and 25 trips OUT to/from site). Activities for extraction and concrete batching do not represent an unreasonable development impact within a rural area on what is already a lawful existing land-use. The Traffic Impact Review completed by Noble Consulting Engineers demonstrates the ability for Tinaroo Creek Road to safely and efficiently cater for the additional vehicle movements in **Attachment 3**.

6 LEGISLATIVE REQUIREMENTS

6.1 PLANNING ACT 2016

6.1.1 Confirmation that the Proposed Development is not Prohibited

The development is not prohibited. The application requests a Change (Other) for the approval seeking to revisit and amend the development conditions on a lawful operating activity. Landowners consent from the State Government (Natural Resources & Mines) has been received. The application can be made and assessed by Mareeba Shire Council.

This has been established by considering all the relevant state and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20 of the *Planning Regulation 2017* (PR).

6.1.2 Assessment Manager

The Assessment Manager for this development application is Mareeba Shire Council as determined by Schedule 8 of the PR.

6.1.3 Confirmation that the Application is Properly Made

Section 51 of the PA outlines the requirements for a properly made application wherein:

1. "A development application must be:
 - (a) made in the approved form to the assessment manager; and
 - (b) accompanied by –
 - i. the documents required under the form to be attached to, or given with, the application; and
 - ii. the required fee".
2. The application must be accompanied by the written consent of the owner of the premises to the application, to the extent:
 - (a) "The applicant is not the owner; and
 - (b) The application is for -
 - i. A material change of use of premises or reconfiguring a lot; or
 - ii. Works on premises that are below high-water mark and are outside a canal; and
 - (c) The premises are not excluded premises".

It is confirmed here that this application is made in the approved form, will pay the applicable Council application fee and has not been required to provide landowners consent and as such, is 'properly made'.

6.1.4 Category of Development

The development involves a Change (Other) requesting a Development Permit for Material Change of Use in respect to "modifying or changing development approval conditions". The development requires a development approval under



the Planning Scheme and in accordance with s43(1) of the PA, the proposed development is therefore, '**Assessable Development**'.

6.1.5 Level of Assessment

The establishment of the High Impact Industry land use when located in the Rural Zone, triggers the need for an **Impact Assessable** development application to be lodged and approved by Council. Under S82 (4)d of the *Planning Act 2016* if the original application were to require impact assessment, then the review of the Change (Other) similarly requires Impact assessment

6.1.6 Statutory Considerations for Assessable Development

This request seeks an 'Other Change' to an existing development approval in accordance with s82 of the PA. When assessing this request, the relevant considerations of the Assessment Manager in making the decision are Sections 82(2) and 82(4) of the PA.

6.2 PLANNING SCHEME (MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 - MAJOR AMENDMENT NO. 1 OF 2023)

6.2.1 Land Use Definition

Affecting a Change (Other) application where conditions are the focus of the change is required to review as though the land use is being applied for at the time of submission. The proposed development would be defined under current planning frameworks as 'High Impact Industry' (Concrete Batching Plant) is defined under the Planning Scheme as:

'High Impact Industry'

"Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:

- *potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise*
- *potential for significant offsite impacts in the event of fire, explosion or toxic release*
- *generates high traffic flows in the context of the locality or the road network*
- *generates a significant demand on the local infrastructure network*
- *the use may involve night time and outdoor activities; and*
- *onsite controls are required for emissions and dangerous goods risks".*

6.2.2 Applicable Planning Scheme Overlays

The site is affected by the following Planning Scheme overlays:

- Agricultural Land (Class A)
- Airport Environs (Bird and Bat Strike Zones (13km from Airport); Conical Surface (mAHD); Approach and Take Off Surface (mAHD));
- Bushfire Hazard: (Medium Potential Bushfire Intensity; Potential Impact Buffer (100 metres));
- Environmental Significance (Regulated Vegetation; MSES Waterway; MSES Waterway Buffer);
- Extractive Resources: (Mining Lease – Granted Only);
- Flood Hazard: (Queensland Floodplain Assessment Overlay)
- Hill & Slope: (Hill & Slope)
- Transport Infrastructure (Minor Rural Road (Tinaroo Creek Road) and Private Access Road).



6.2.3 Applicable Planning Scheme Codes

Table 1 below lists the applicable codes of the Planning Scheme the proposed development is subject to assessment against.

Table 1: Applicable Planning Scheme Codes for Assessment

Scheme Component	Comment
Zone Code	
Rural Zone Code	Refer to Attachment 5 and Section 6.3.1
Overlay Codes	
Agricultural Land Overlay Code; Airport Environs Overlay Code; Bushfire Hazard Overlay Code; Environmental Significance Overlay Code; Extractive Resources Overlay Code; Flood Hazard Overlay Code; and Hill & Slope Overlay Code; Transport Infrastructure Overlay Code;	Refer to Attachment 5 and Section 6.3.2
Development Codes	
Industrial activities Code; Landscaping Code; Parking and Access Code; and Works, services and infrastructure Code.	Refer to Attachment 5 and Section 6.3.3

6.3 PLANNING SCHEME ASSESSMENT

The Planning Scheme will continue to allow and support High Impact Industry (Concrete Batching Plant) on properties in the Rural Zone where this is appropriate and in consideration of the impacts resulting from development. Although this application is seeking a 'Change' (Other) to an approved development, under Section 82 of the Act, an Other Change Application is to be assessed as if it were the original development application.

As such, assessment needs to consider the request specific to the conditions being revised/deleted or amended.

Based on this understanding, Urban Sync undertook an assessment of the proposed change to conditions against the applicable codes of the Planning Scheme to the changes sought by this application, access and hours of operation, and this assessment is included in **Attachment 5**.

In this instance, the requested change to the conditions and approval is compliant with the 'deemed to comply' Acceptable Outcomes of the Planning Scheme and all other relevant assessment benchmarks. It is perhaps then a matter of degree as to the acceptable development impacts resulting from traffic and hours of operation on Tinaroo Creek Road and to the other premises that are within the locality that are reasonably affected by this development activity being increased over and above the restrictions impacted under existing conditions. With this in mind, we have confidence that a complete assessment by Council will consider the project in its context, and in doing so, accept the proposed development.



6.3.1 Rural Zone Code

The requested change to the approval conditions complies and/or can be conditioned to comply with the Rural Zone Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

6.3.2 Overlay Codes

Agricultural Land Code

Airport Environs Overlay Code

Bushfire Hazard Code

Environmental Significance Code

Extractive Resources Code

Flood Hazard Code

Hill & Slope Code

The application requests a change to the conditions affecting a lawfully operating industrial activity. As such the requested changes to the development conditions will not conflict with and/or can continue to operate under the conditions of approval for the above-described overlay codes. For this reason, a full assessment against these codes has not been provided.

Transport Infrastructure Code

The proposed development complies and/or can be conditioned to comply with the Transport Infrastructure Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

6.3.3 Development Codes

Industrial Activities Code

Landscaping Code

Parking and Access Code

Work, Services and Infrastructure Code

The application requests a change to the conditions affecting a lawfully operating industrial activity. As such the requested changes to the development conditions will not conflict with and/or can continue to operate under the conditions of approval for the above-described Development Codes.

For this reason, a full assessment against these codes has not been provided.



7 REQUEST TO CHANGE (S82) – STATUTORY ASSESSMENT

The 'Other' Change Application process set out within the Planning Act 2016 (PA) provides a mechanism to make changes to a development approval.

This application does not request a re-assessment of the approved 'Concrete Batching Plant' against the Planning Scheme but rather seeks to focus specifically on the requested changes to the operations being Condition 3.5 (Traffic Movements) and Condition 3.6 (Hours of Operation).

The submission by the operator is that this does NOT reflect a significant and unreasonable development impact and is only minor above what is already a lawful existing land-use. As outline in the Traffic Impact Review prepared by Noble Consulting Engineers, in **Attachment 3**, the overall heavy vehicles traffic generation from the concrete batching plant would be **50 vehicle movements** per day (25 trips IN and 25 trips OUT to/from site).

The report findings state that "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" and has sufficient capacity to facilitate the proposed 50 heavy vehicle movements without significantly impact traffic

8 CONCLUSION

This submission is required under the relevant provisions of the *Planning Act* 2016 due to the need to update the development conditions to allow for expanded lawful operations on the site for Concrete Batching Plant supporting the Mareeba Development Industry.

We trust this submission and the grounds relied on by the operators can now be progressed for assessment. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me using the below details.

Yours faithfully



Stuart Ricketts.

Director – Senior Planner.

E stuart@urbansync.com.au | T 4051 6946 | M 0418 985 935





Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Conmat Pty Ltd
Contact name (only applicable for companies)	C/- Stuart Ricketts of Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Email address (non-mandatory)	admin@urbansync.com.au
Mobile number (non-mandatory)	(07) 4051 6946
Applicant's reference number(s) (if applicable)	21-651

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
	-	936	Tinaroo Creek Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	358	OL451	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Mareeba Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU/12/0017	20 May 2013	Tablelands Regional Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Changing a Development Approval Conditions for Material Change of Use (Industry (Concrete Batching Plant))

6.2) What type of change does this application propose?

- ☐ Minor change application – proceed to Part 5
- ☒ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☒ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE
USE ONLY

Date received:

Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	17663127	Search Date:	30/10/2024 12:12
Date State Tenure Created:	22/10/1995	Request No:	49836222
Creating Dealing:			

DESCRIPTION OF LAND

Tenure Reference: OL 9/358
Lease Type: NO TERM
LOT 358 CROWN PLAN OL451
Local Government: MAREEBA
Area: 2370.000000 Ha. (ABOUT)
No Land Description
No Forestry Entitlement Area
Purpose for which granted:
NO PURPOSE DEFINED

REGISTERED LESSEE

Dealing No: 710011406 12/10/2006
COLDAY PTY LTD A.C.N. 115 633 362 TRUSTEE
UNDER DOCUMENT 710011406

TERM OF LEASE

No Term

CONDITIONS

M76 The License shall be determinable at any time with respect to the whole or any specified part of the land by three months' notice given by the Minister to the Licensee, subject to the provisions of the Land Act as to abatement of rent.

ENCUMBRANCES AND INTERESTS

- EASEMENT IN GROSS No 706870624 08/08/2003 at 10:02
burdening the land
QUEENSLAND ELECTRICITY TRANSMISSION CORPORATION LIMITED
A.C.N. 078 849 233
over
EASEMENTS A AND B ON SP142690
- AMENDMENT OF LEASE CONDITIONS No 712520428 21/06/2009 at 14:13
THE CONDITIONS OF THE WITHIN TENURE ARE HEREBY AMENDED.

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
719700356	RT NOTING LAND TITLE ACT 1994	28/10/2019 12:41	CURRENT

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current State Tenure Search **

Information provided under section 34 Land Title Act (1994) or section 281 Land Act (1994)



CONMAT
CONSTRUCTION MATERIALS

936 Tinaroo Creek Road
PO Box 2159
Mareeba QLD 4880
Ph: (07) 4092 2453
Email: admin@conmat.com.au
ABN: 37 620 806 617

5th December 2024

RE: Consent for Minor Change Application

This letter is to confirm I give consent for Urban Sync to lodge a Minor Change Application on behalf of Conmat Pty Ltd for the property at 936 Tinaroo Creek Road Mareeba, for the purpose of amending conditions for our current Development Approvals at the site.

Please do not hesitate to give me a call if you have any further queries regarding this matter.

Regards,

Steven Lavis
Director
Conmat Pty Ltd

8 January 2025

Urban Sync Pty Ltd
Attn: Stuart Ricketts
PO Box 2970
Cairns QLD 4870

email: admin@urbansync.com.au



Department of
**Natural Resources and Mines,
Manufacturing and Regional
and Rural Development**

Dear Stuart,

Application for Owner Consent – Changing a Development Approval Conditions for Material Change of Use for Industry Concrete Batching Plant, within Lot 358 on Crown Plan OL451.

Reference is made to your request dated 5 December 2024 requesting owner's consent to change a development approval for the purpose of section 79(1A) of the *Planning Act 2016*, for material change of use for industry concrete batching plan within Lot 358 on Crown Plan OL451

The department hereby gives owner's consent as the owner to accompany the development application for the purpose of section 79(1A)2) of the *Planning Act 2016* to change a development approval, for material change of use for industry concrete batching plan within Lot 358 on Crown Plan OL451

Although owner's consent to the change application has been provided and no tenure under the Land Act is required, your client is to undertake works on the land only if and when the change application has been approved by the assessment manager or responsible entity, and in accordance with the conditions of that approval.

A copy of this letter is to be attached to your DA Form 5 as the required evidence of owners consent.

Your client will also need to comply with all other legislative and regulatory requirements which may also include approvals that are not part of the assessment of the change application under the *Planning Act 2016* e.g. a marine park permit if in a marine park.

Further, please note that the above consent will expire on **8 July 2025**. Should the change application not be lodged with the assessment manager prior to this date, your client will be required again to lodge the DA Form 5 and any attachments with this Department with a further request for owner's consent - any further request will need to be reconsidered by the Department.

It is also advised that any land use activities must comply with the *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Heritage Act 2003*.

Postal Address:
DNRMMRD Cairns
PO Box 937
Cairns
4870 QLD

Telephone: (07) 4222 5427

Finally, owner's consent is required under the *Planning Act 2016* to enable the application to be considered properly made for lodging with the assessment manager and is a completely separate process to assessment of the application under the *Planning Act 2016*.

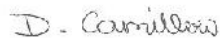
Accordingly, the State may act at a later date as assessment manager in the assessment of the change application - providing owner's consent will not influence any role the State may have in this development assessment.

If you wish to discuss this matter please contact Gerry McDonald on (07) 4222 5427.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Lasslsteam1enq@resources.qld.gov.au . Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number **2024/004256** in any future correspondence.

Yours sincerely



Dianne Camilleri
Senior Land Officer
A duly authorised delegate of the Minister
under the current Land Act (Ministerial) Delegation

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Conmat Construction Materials Pty Ltd
Contact name (only applicable for companies)	C/- Stuart Ricketts of Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Email address (non-mandatory)	admin@urbansync.com.au
Mobile number (non-mandatory)	(07) 4051 6946
Applicant's reference number(s) (if applicable)	21-651

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		936	Tinaroo Creek Road	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	358	OL451	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application
- ☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Mareeba Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU/12/0017	20 May 2013	Tablelands Regional Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Changing a Development Approval Conditions for Material Change of Use (Industry (Concrete Batching Plant))

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☒ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

☐ No

☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

☐ No

☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☐ No

☐ Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

☐ No

☐ Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

☐ I agree to receive an information request if determined necessary for this change application

☐ I do not agree to accept an information request for this change application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

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- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

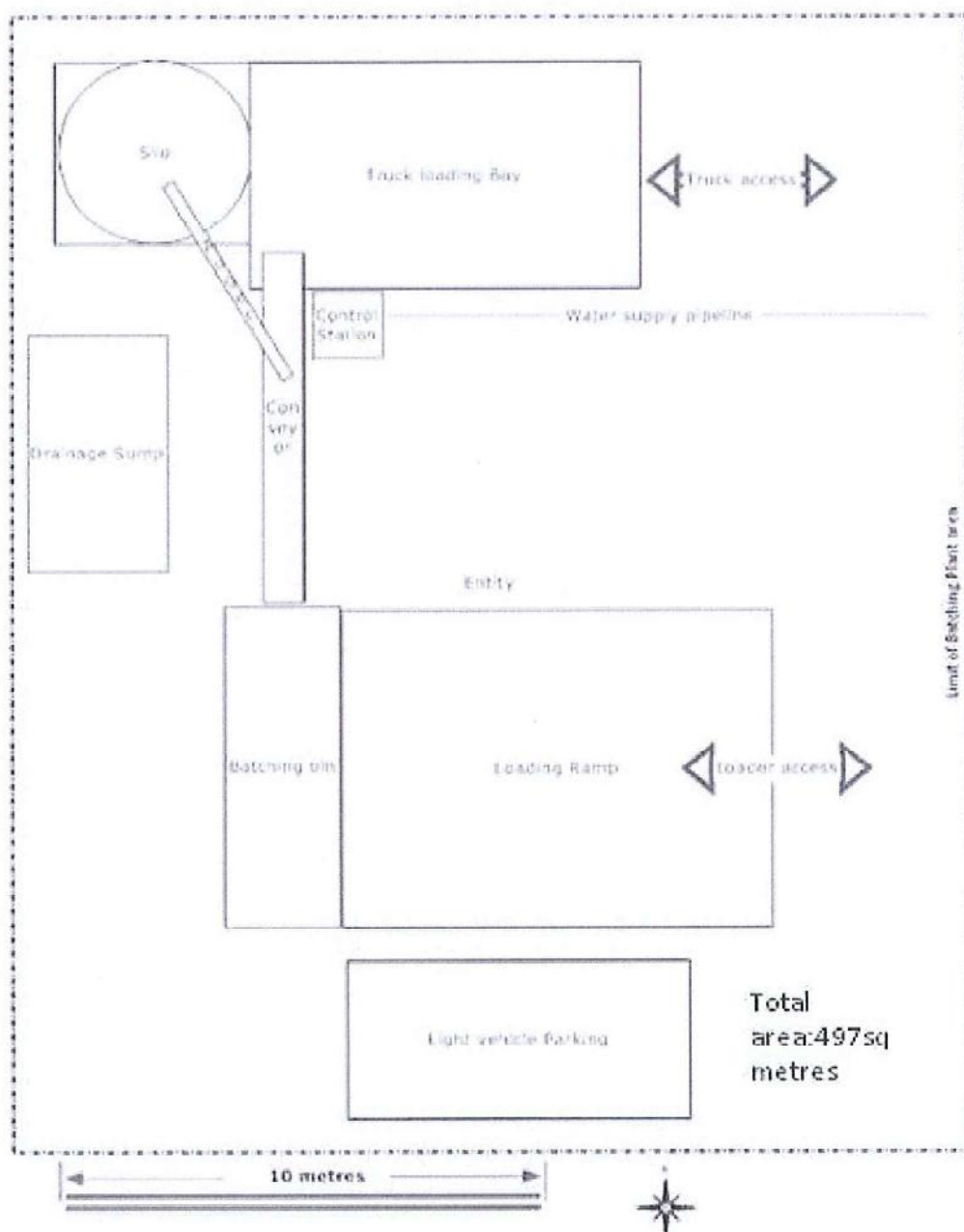
This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE
USE ONLY

Date received: Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

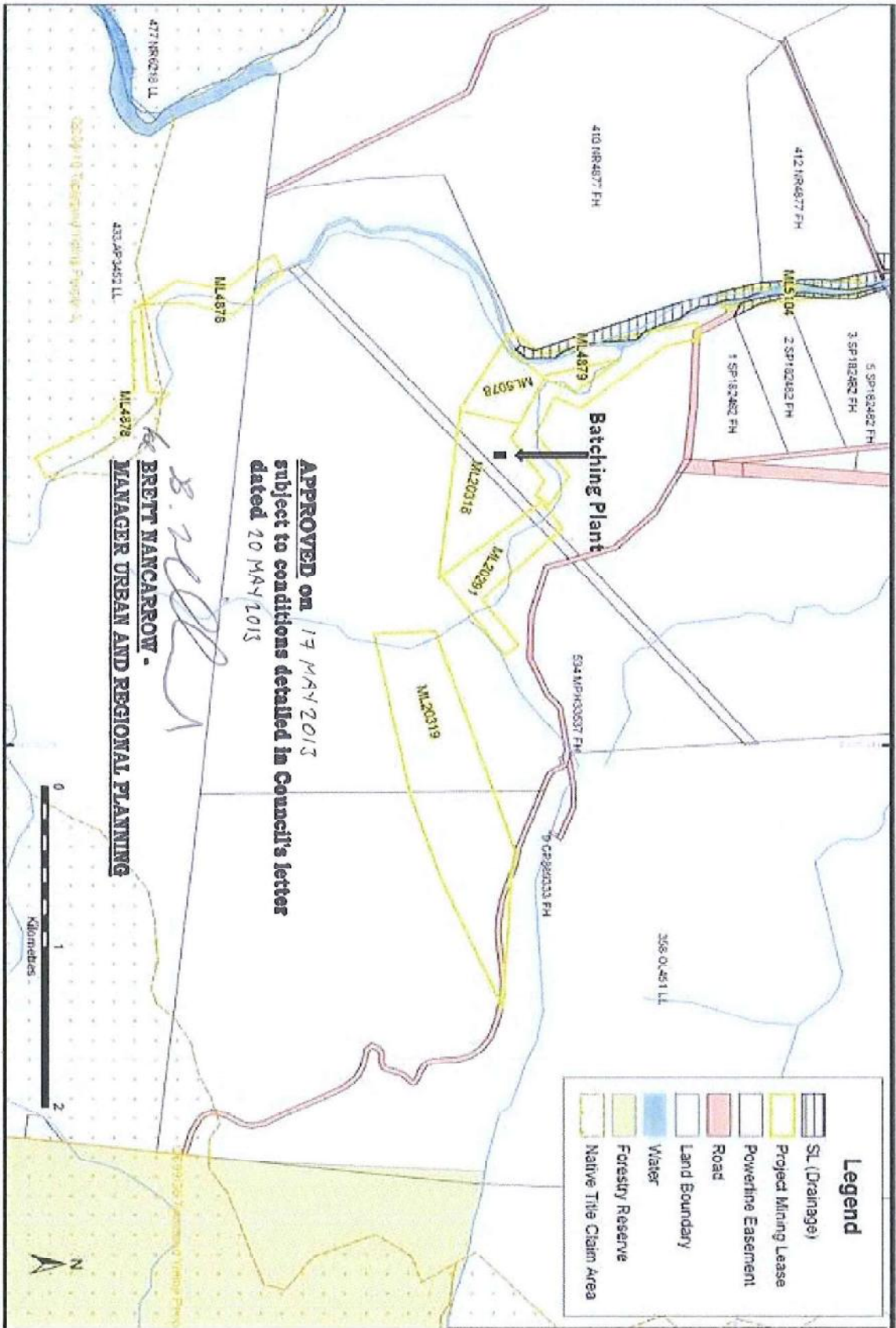
ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (DWS VS 3067870 & 3067869)



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



PLANS OF DEVELOPMENT – UPDATED SITE LAYOUT



CONMAT Construction Material - Site Plan

936 TINAROO CREEK ROAD, MAREEBA

17°4'51"S 145°28'43"E

17°4'51"S 145°29'10"E

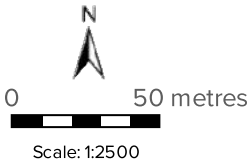


Legend located on next page



17°5'11"S 145°28'43"E

17°5'11"S 145°29'10"E



Printed at: A3
Print date: 22/11/2024
Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

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CONMAT Construction Material - Site Plan

936 TINAROO CREEK ROAD, MAREEBA

Legend

- Road parcel
- Land parcel
- Land parcel - gt 1 ha
- Land parcel - gt 10 ha
- Easement parcel
- Strata parcel
- Volumetric parcel
- Land parcel - gt 1000 ha
- Land parcel label
- Land parcel label - gt 1 ha
- Land parcel label - gt 10 ha
- Land parcel label - gt 1000 ha
- Railway stations

- Railways
- Roads and tracks
- Green bridges
- Bridges
- Tunnels

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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**.

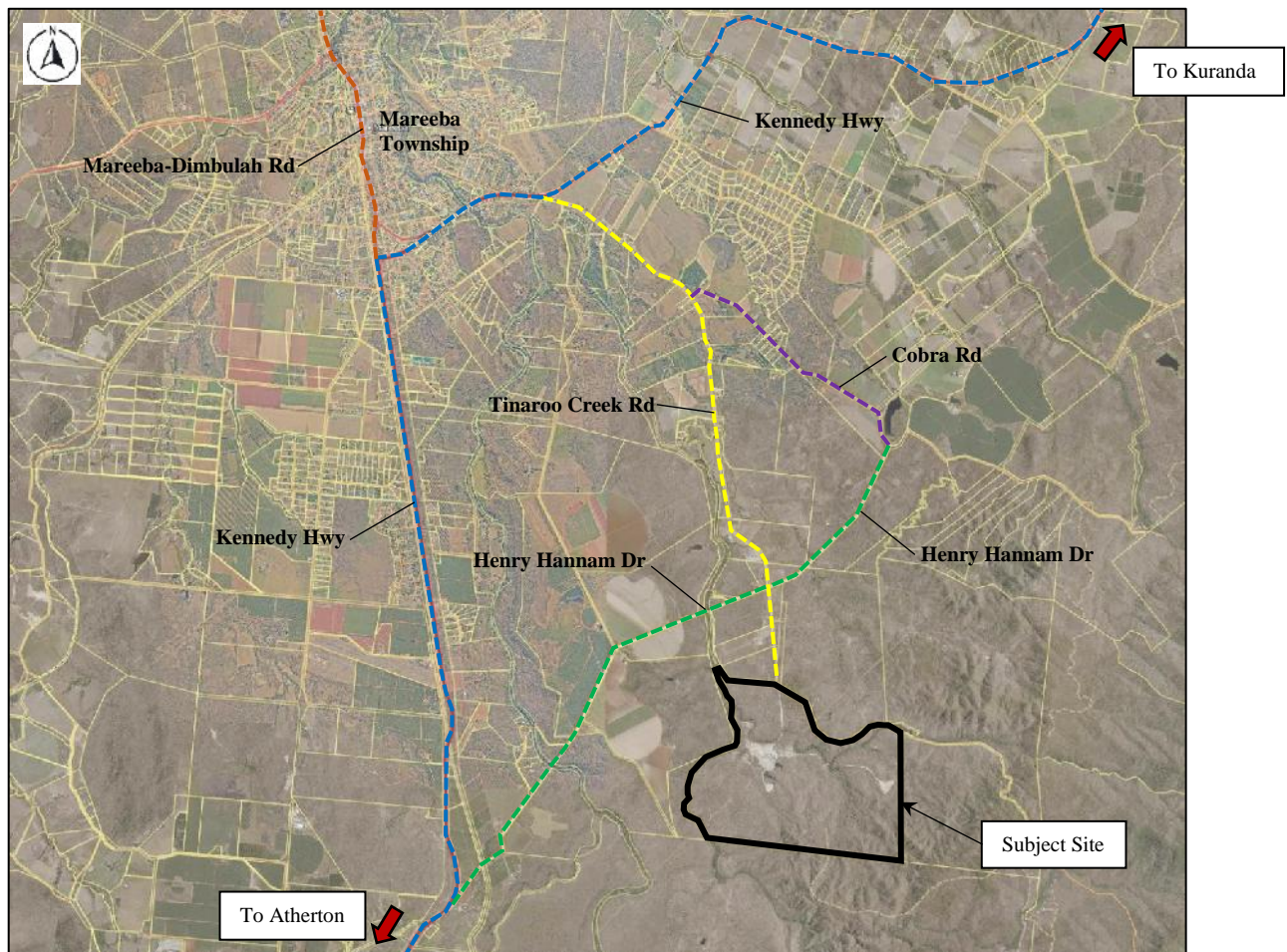


Figure 2.1: Subject Site Locality (Source: QLD Globe)

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**.

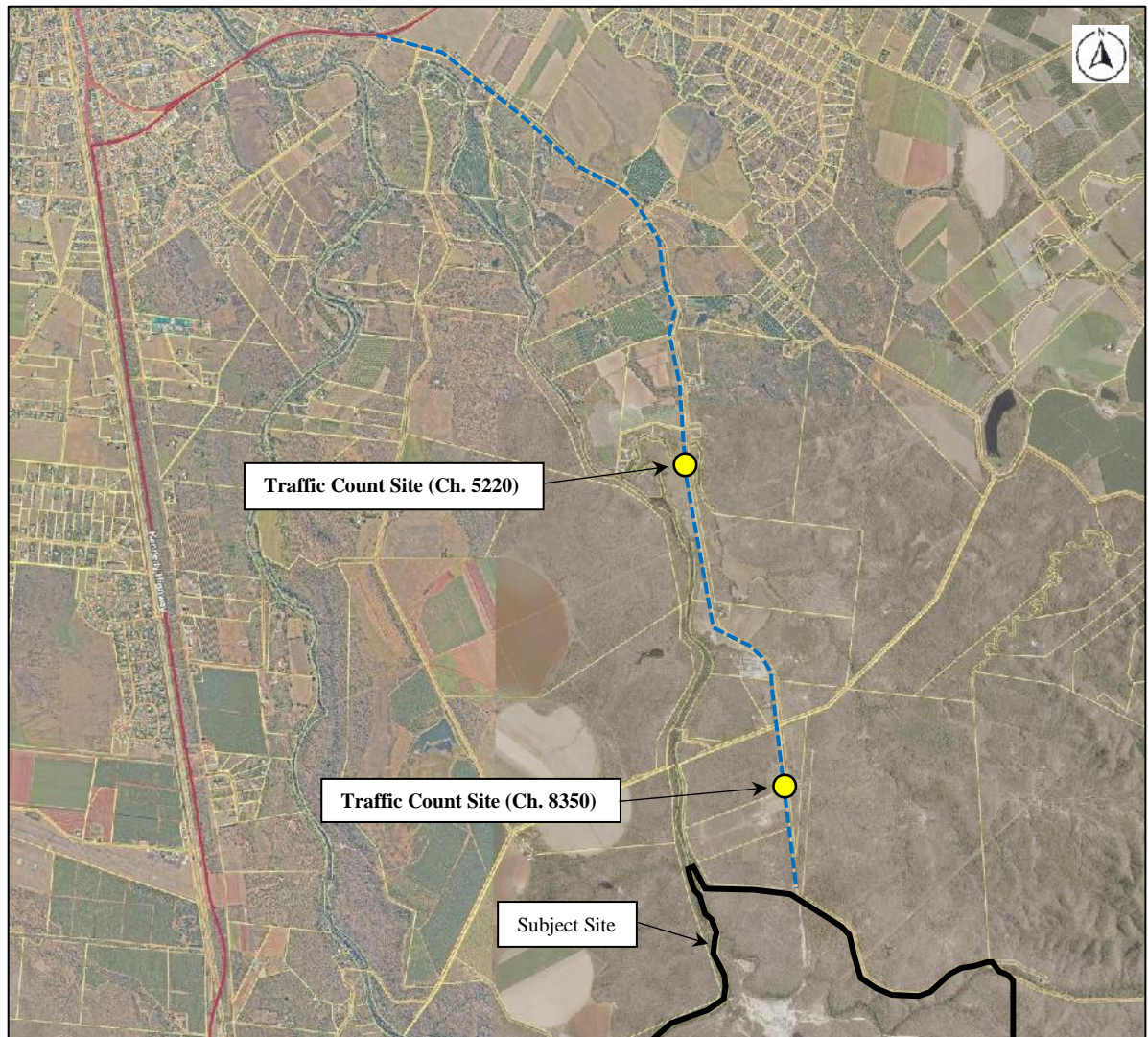


Figure 4.1: Tinaroo Creek Road Traffic Count Sites

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**.

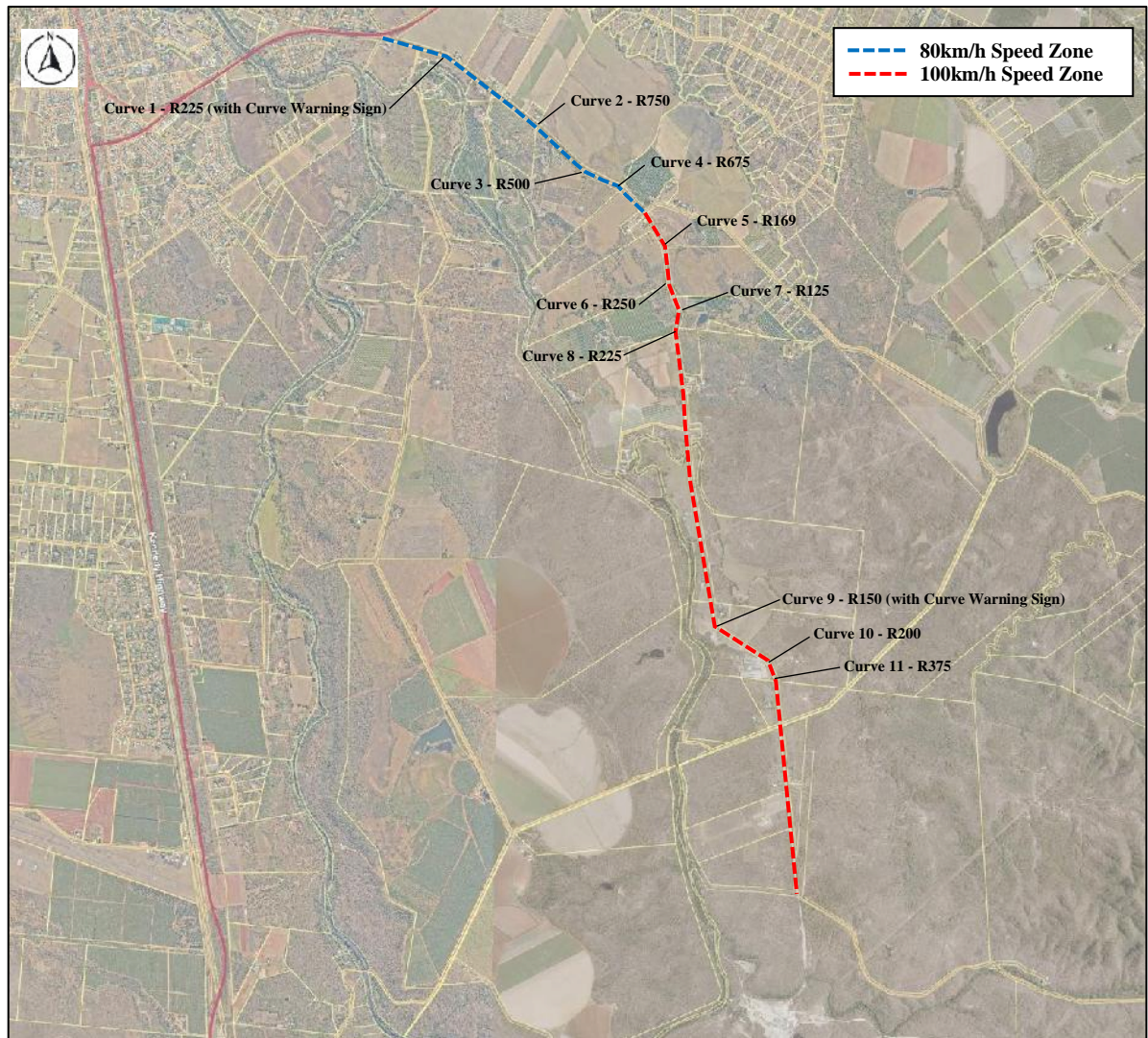


Figure 5.1: Tinaroo Creek Road Horizontal Curve Radii

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 few 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**.

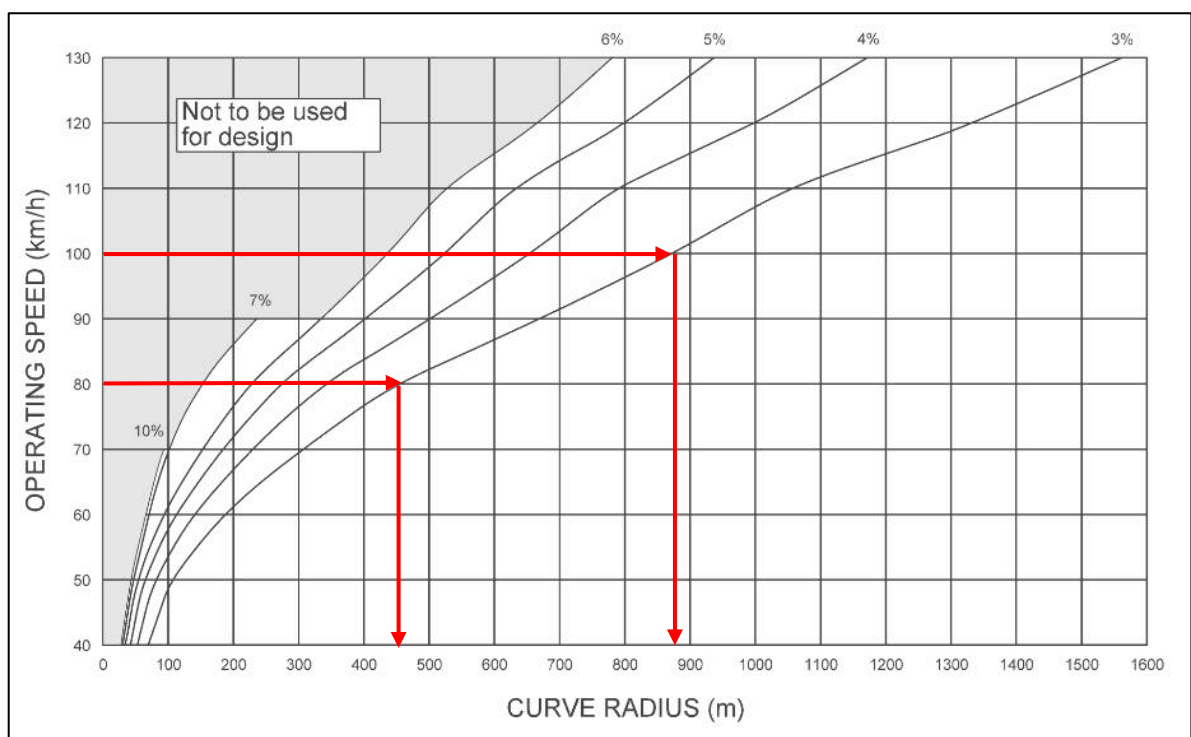


Figure 5.3: Rural Roads - Relationship between Speed, Radius and Superelevation ($V \geq 80$ km/h) (Source: *AGRD Part 3 – Figure 7.7*)

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 ^{5,6}	100 – 999 ⁵	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
Road 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**.

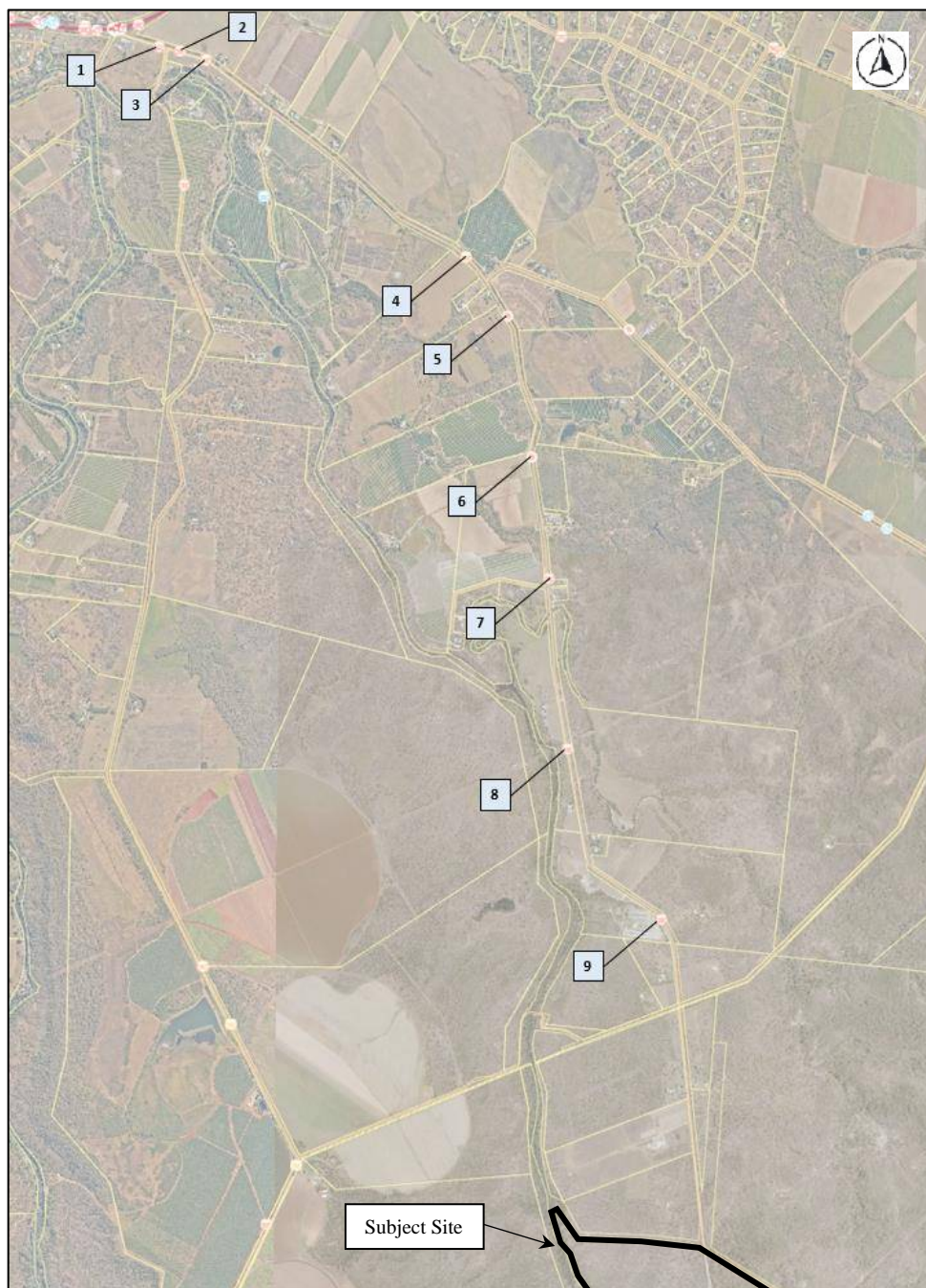


Figure 7.1: Location of Recorded Crash (Source: QLD Globe)

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**.

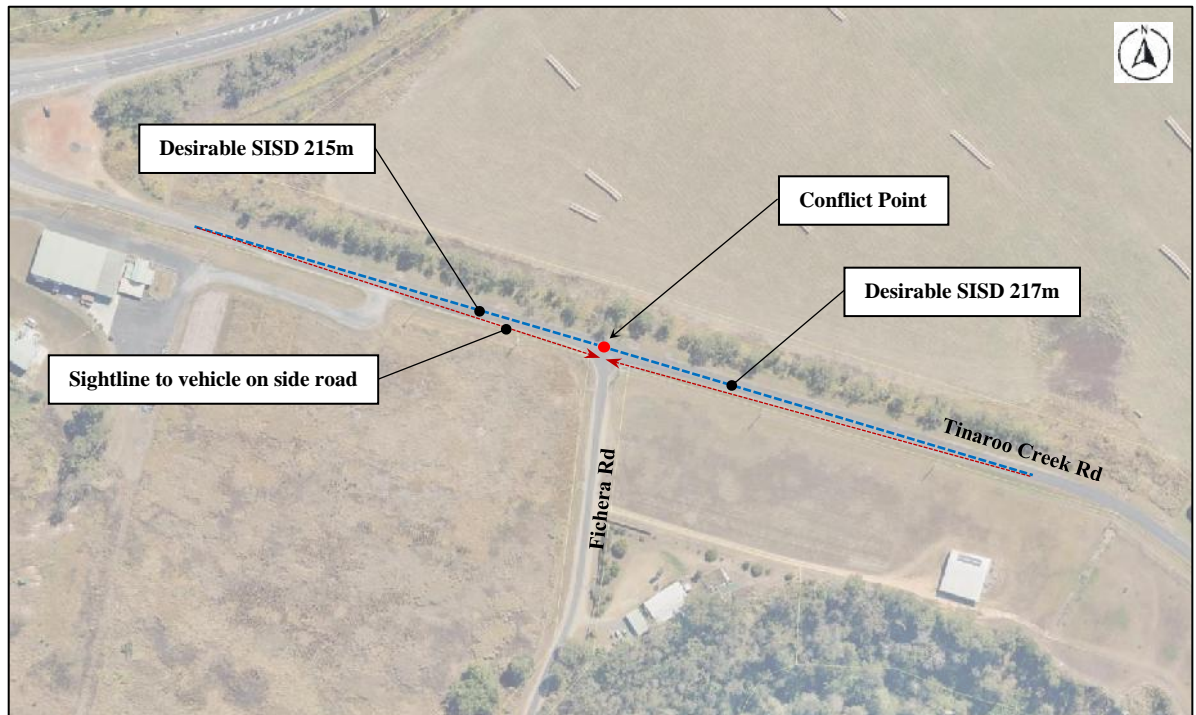


Figure 7.2: Tinaroo Creek Road/Fichera Road Intersection - SISD Assessment

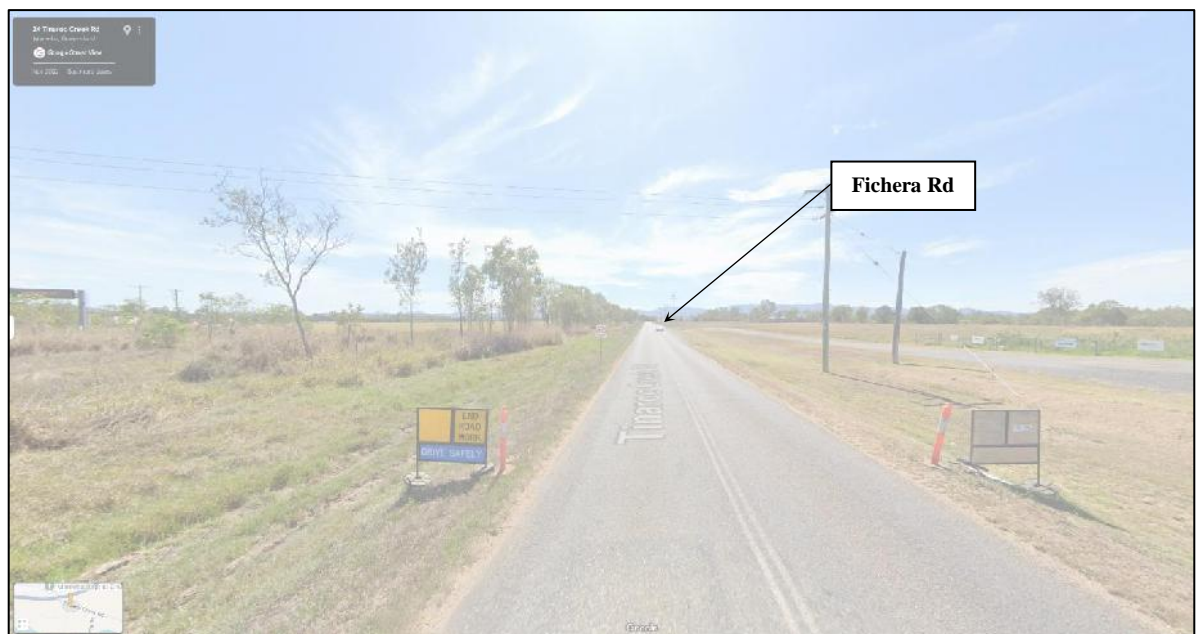


Figure 7.3: Looking East towards Fichera Road at Tinaroo Creek Road (Source: Google Map Street View – Nov 2022)



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**.

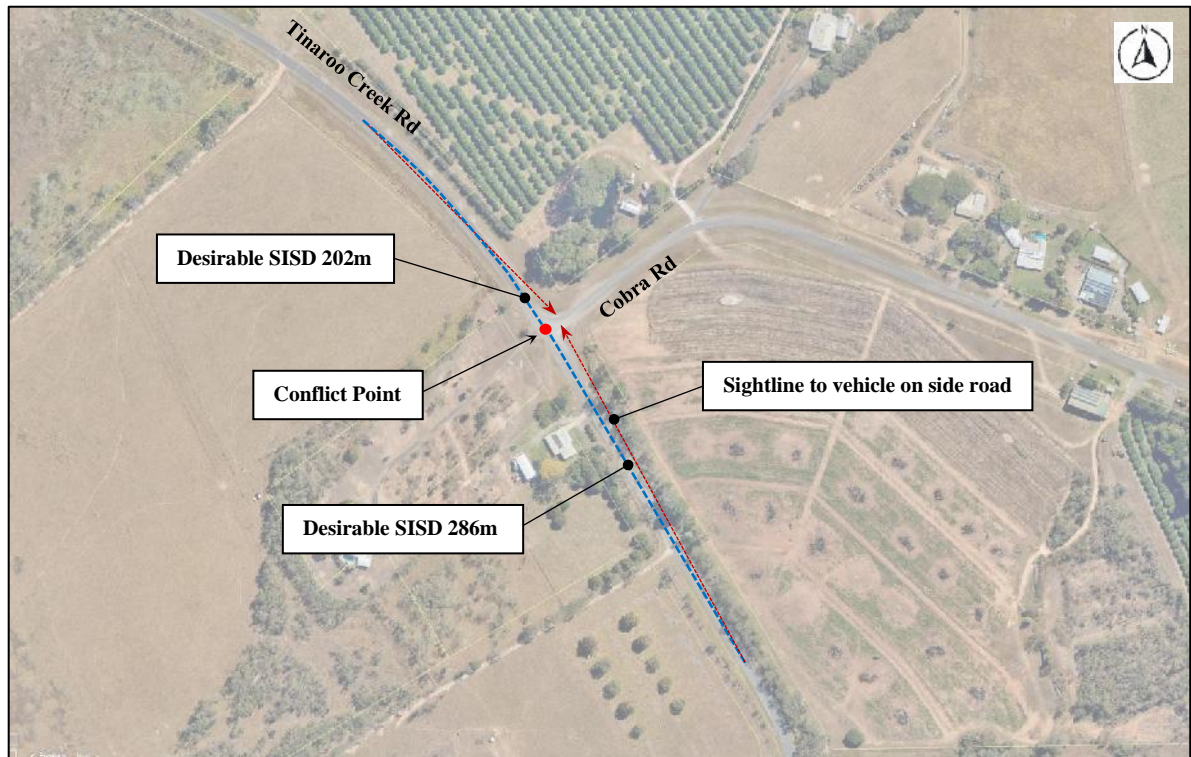


Figure 7.8: Tinaroo Creek Road/Cobra Road Intersection - SISD Assessment

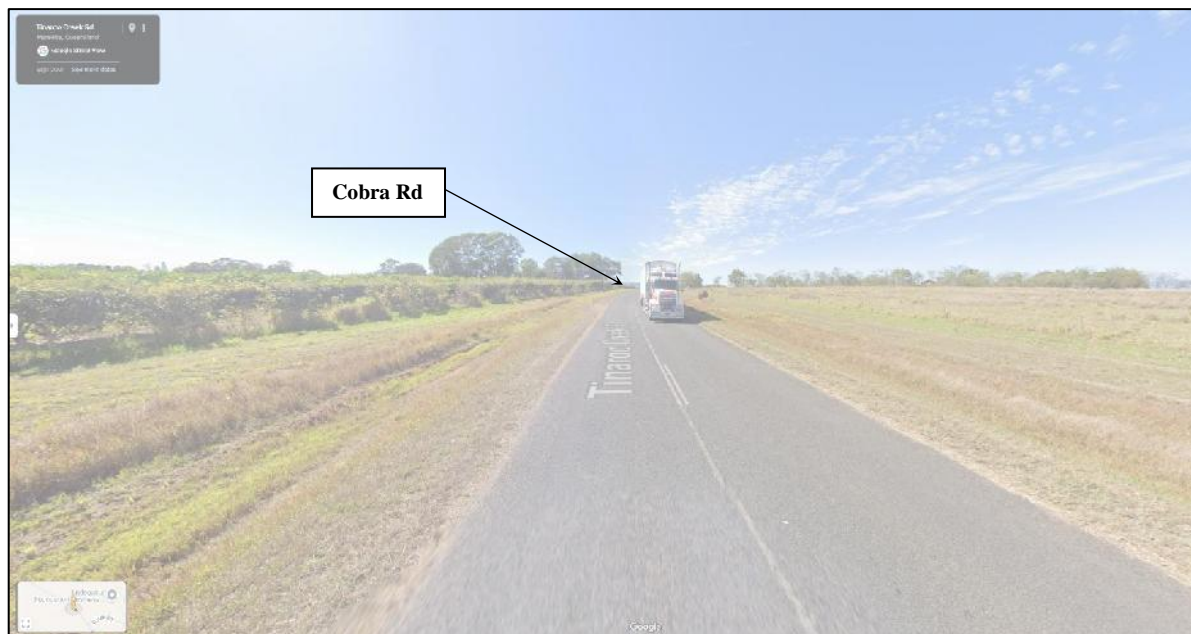


Figure 7.9: Looking South towards Cobra Road at Tinaroo Creek Road (Source: Google Map Street View – Sept 2021)



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**.

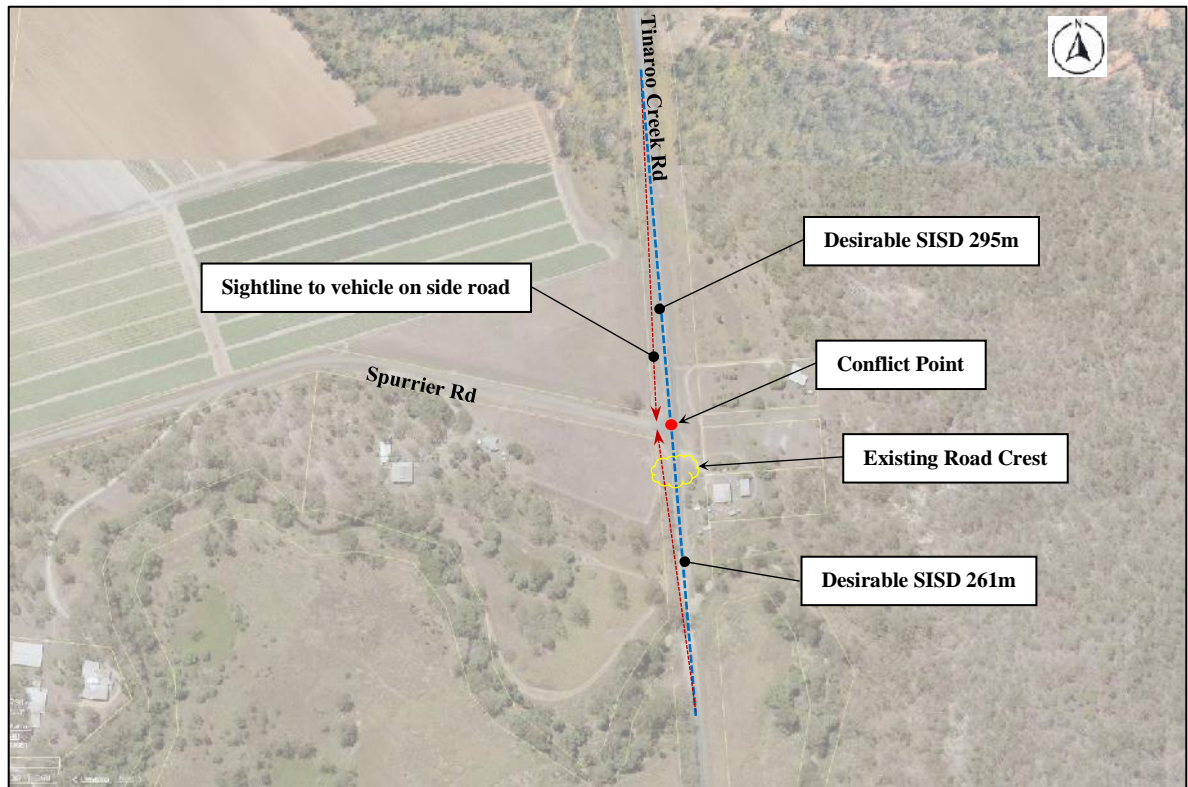


Figure 7.11: Tinaroo Creek Road/Spurrier Road Intersection - SISD Assessment

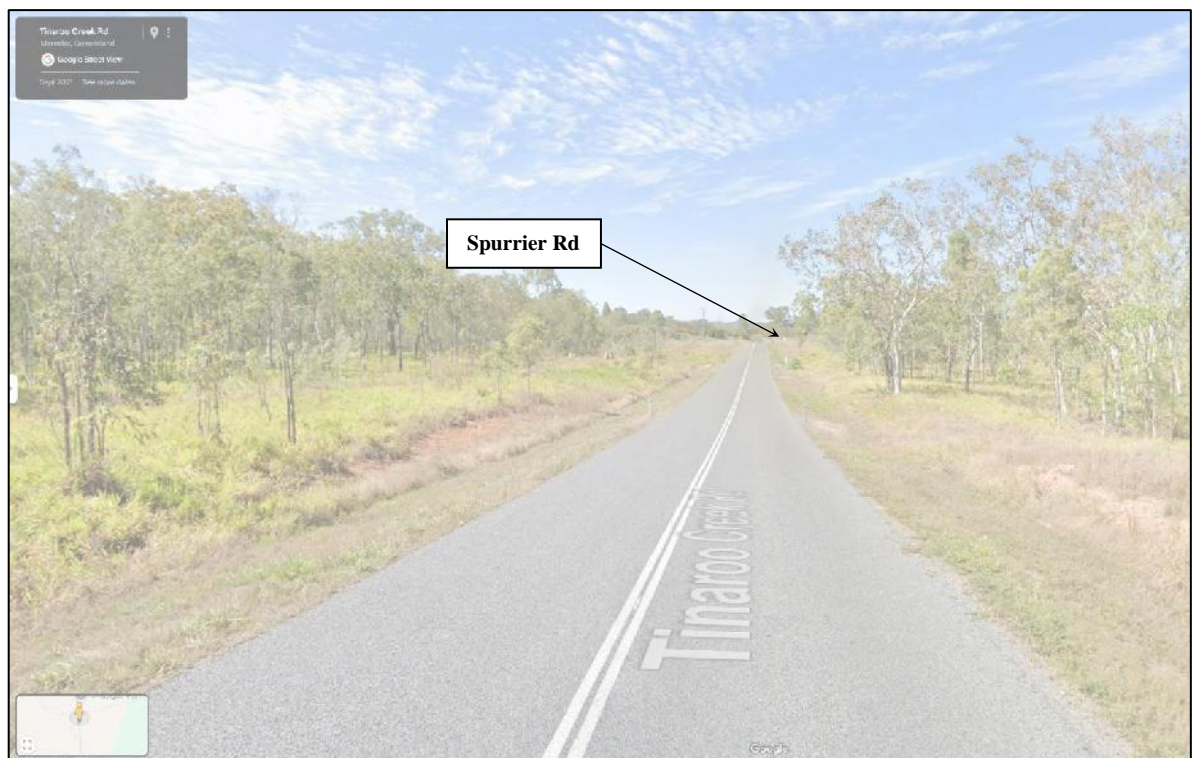


Figure 7.12: Looking South towards Spurrier Road at Tinaroo Creek Road (Source: Google Map Street View – Sept 2021)



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 residential;
- 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 ($\approx 8.25\%$ 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**.

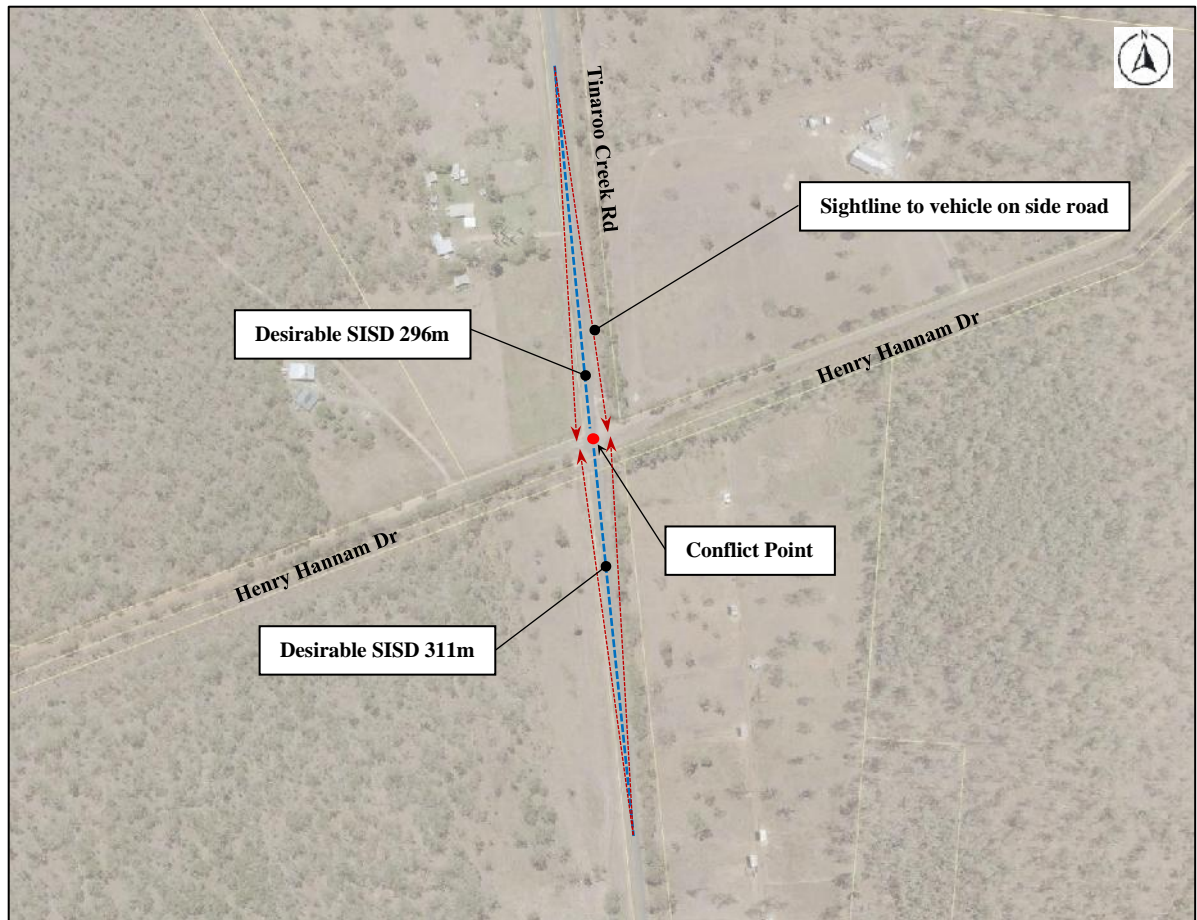


Figure 7.14: Tinaroo Creek Road/Henry Hannam Drive Intersection - SISK Assessment



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 residential.
 - 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

20 May 2013

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

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

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 an 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.

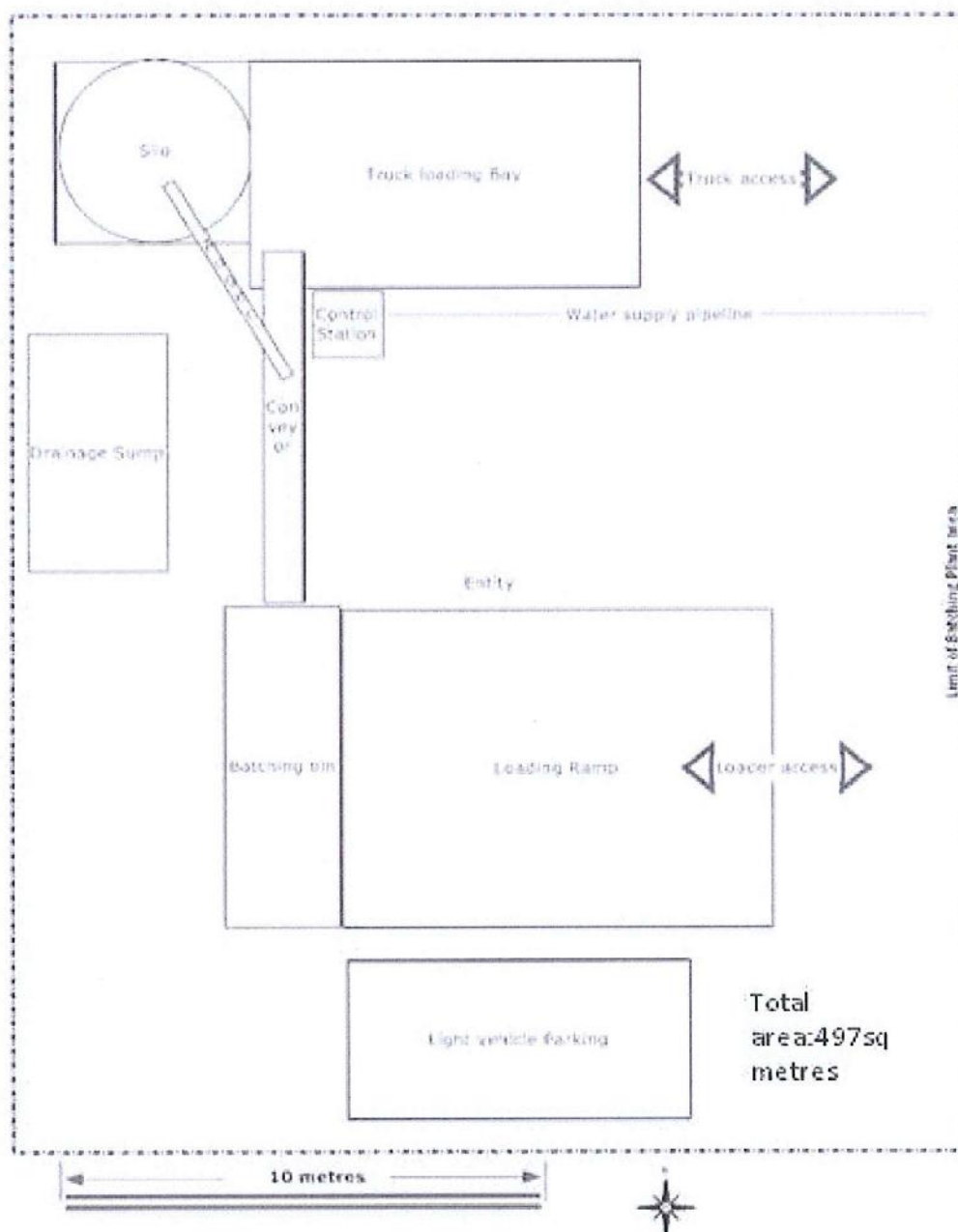
Should you require any further information please contact Council's **Planning Officer, Carl Ewin** on the above telephone number.

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**

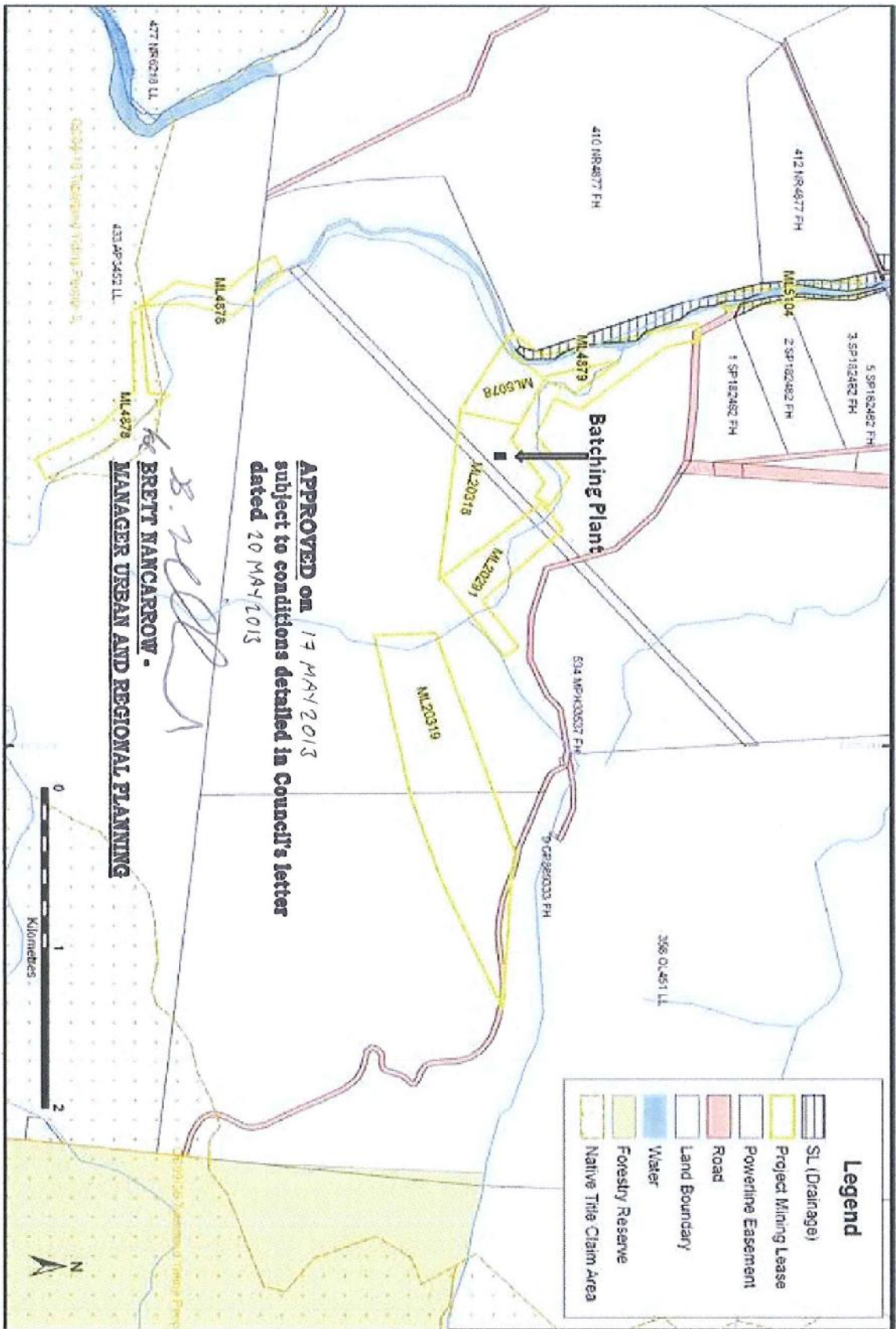
ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (DWS VS 3067870 & 3067869)



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. Nancarrow
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

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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												Total	
km/h	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
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	268	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 = 1390 (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	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

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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: 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%)

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												Total	
km/h	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
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.

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%)

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.





RATE NOTICE

For the period

01/07/2024 to 31/12/2024



Conmat Pty Ltd
PO Box 2159
MAREEBA QLD 4880

Property No: 61637
Valuation: \$52,000
Issue Date: 12/08/2024
Due Date: 13/09/2024

Payments received after 22/07/2024
will not appear on this notice

044

R1_5525

Property Location & Description

Mining Leases and Claims MINING LEASES QLD 4883

Lot 1 MLG 4879, Lot 1 MLG 20291, Lot 1 MLG 20318, Lot 1 MLG 20319, Lot 1 MLG 5078, Lot 1 MLG 20631 & 1 more

Description	Valuation/Units	Annual Rate/Charge	Amount
Balance brought forward			-51.00
RATES AND CHARGES			
Gen Rate Cat I2 Ext Industry 5 000-100 000 tonne	52,000.00	Minimum Charge	362.00
Waste Facilities Charge	1.00	\$194.50 per property	97.25
Extract Ind Road Contribution ERC5 Special Charge	1.00	\$24,831 per property	12,415.50
State Govt Emergency Management Levy - E01	6.00	\$29.20 per parcel	87.60
State Govt Emergency Management Levy - E10	1.00	\$1,752.20 per parcel	876.10
Local State Emergency Services Levy	1.00	\$3.30 per property	1.65
			13,840.10

Total amount payable if not received by the due date **13,789.10**

Discount will be allowed if payment received by
the due date

Due Date	Discount Amount	Payable
13/09/2024	-36.20	13,752.90

RETURN THIS PORTION IF PAYING BY MAIL



Biller Code: 228171
Ref: 0005616370

BPAY® this payment via Internet or phone banking.

BPAY View® - View and pay this bill using internet banking.

BPAY View Registration No.: 0005616370

Reference number is unique to Rate Payments only



Billpay Code: 4068
Ref: 0561 6370

Gross Amount



*4068 05616370

Discounted Amount



*4068 05616370



Scan here to pay





Department of
**Environment and
Heritage Protection**

Wallace Quarrying and Mining Pty Ltd T/A
Wallace Quarrying
PO Box 1710
MAREEBA QLD 4880

Attn: Ian Wallace

Your reference: EPPR03441915
Our reference: 395316

Application details

I refer to the application that was received by the administering authority on 03-SEP-2015.

Land description: 936 Tinaroo Creek Road, Mareeba; Part of Lot 358 on Plan OL451.

Decision

Your application has been **approved** and your environmental authority (reference EPPR03441915) is attached.

Should you have any further enquiries, please contact Rebecca Griffiths on telephone 07 3330 5517.

Yours sincerely,

Signature

Date

Simone Ventura
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enclosed

Permit - environmental authority (reference EPPR03441915)

Rebecca Griffiths
Waste and Contaminated Land Assessment
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 07 3330 5517
Fax: 07 3330 6037
Email: Rebecca.Griffiths@ehp.qld.gov.au
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Department of Environment and Heritage Protection

Permit¹

Environmental Protection Act 1994

Environmental authority

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: EPPR03441915

Environmental authority takes effect when your related development application is approved. Within 20 business days of the EA taking effect, the administering authority must be given written notification.

The first annual fee is payable within 20 business days of the effective date.

The anniversary date of this environmental authority is the same day each year as the effective date. An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
Wallace Quarrying and Mining Pty Ltd T/A Wallace Quarrying	936 Tinaroo Creek Road MAREEBA QLD 4880

Environmentally relevant activity and location details

Environmentally relevant activities	Location
16-(2a) Extractive >5000t but <100000t yr 16-(3a) Screening >5000t but <100000t yr 33-Crushing, milling, grinding or screening >5000t yr 53-Composting&soil conditioner manufacturing >200t yr	936 Tinaroo Creek Road and Mareeba – Part of Lot 358 on Plan OL451

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation



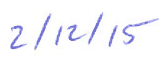
A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature



Date

Simone Ventura
Department of Environment and Heritage Protection
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:
Rebecca Griffiths
Waste and Contaminated Land Assessment
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 07 3330 5517
Fax: 07 3330 6037
Email: Rebecca.Griffiths@ehp.qld.gov.au

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Location: 936 Tinaroo Creek Road and Mareeba
Part of Lot 358 on Plan OL451

Relevant activities:

ERA 16 Extractive and screening activities – Threshold 2(a) extracting, other than by dredging, 5000t to 100,000t of material in a year.

ERA 16 Extractive and screening activities – Threshold 3(a) screening 5000t to 100,000t of material in a year.

ERA 33 Crushing, milling, grinding or screening more than 500t of material in a year

ERA 53 Composting and soil conditioner manufacturing – manufacturing, from organic material or organic waste, 200t or more of compost or soil conditioners in a year.

The environmentally relevant activities conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency interest: General	
Condition number	Condition
G1	<p>Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations:</p> <p>a) Activities authorised under this environmental authority must only be conducted in the areas delineated as 'EA/DA area 1' and 'EA/DA area 3' in <i>Schedule 1 – Operational areas and associated GPS coordinates</i>.</p>
G2	All reasonable and practicable measures must be taken to prevent or minimise environmental harm caused by the activities.
G3	Other than permitted by this environmental authority, the release of a contaminant into the environment must not occur.

G4	Any breach of a condition of this environmental authority must be reported to the administering authority as soon as practicable within 24 hours of becoming aware of the breach. Records must be kept including full details of the breach and any subsequent actions taken.
G5	The activity must be undertaken in accordance with written procedures that: <ul style="list-style-type: none"> a) identify potential risks to the environment from the activity during routine operations and emergencies; and b) establish and maintain control measures that minimise the potential for environmental harm; and c) ensure plant, equipment and measures are maintained in a proper and effective condition; and d) ensure plant, equipment and measures are operated in a proper and effective manner; and e) ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i>; and f) ensure that reviews of environmental performance are undertaken at least annually.
G6	All information and records required by the conditions of this environmental authority must be kept for a minimum of five years with the exception of environmental monitoring results which must be kept until surrender of this environmental authority. All information and records required by the conditions of this environmental authority must be provided to the administering authority upon request and in the format requested.
G7	Chemicals and fuels in containers of greater than 15 litres must be stored within a secondary containment system .
G8	All analyses required under this environmental authority must be carried out by a laboratory that has National Association of Testing Authorities (NATA) certification, or an equivalent certification, for such analyses.
G9	An appropriately qualified person(s) must monitor, record and interpret all parameters that are required to be monitored by this environmental authority and in the manner specified by this environmental authority.
G10	When required by the administering authority , monitoring must be undertaken in the manner prescribed by the administering authority to investigate a complaint of environmental nuisance arising from the activity . The monitoring results must be provided within 10 business days to the administering authority upon its request.
G11	You must record the following details of all environmental complaints received: <ul style="list-style-type: none"> a) date and time the complaint was received b) name and contact details of the complainant when provided and authorised by the complainant c) nature of the complaint d) investigation undertaken e) conclusions formed f) actions taken.
G12	All reasonable and practicable measures must be taken to exclude vectors and pest species to the extent necessary to prevent: <ul style="list-style-type: none"> a) environmental nuisance to occupiers of neighbouring premises b) any danger or risk to the health of any persons.

Agency interest: Air	
Condition number	Condition
A1	Odours or airborne contaminants must not cause environmental nuisance to any sensitive place or commercial place .
A2	Contaminants must not be released to air from any point source.
A3	Dust and particulate matter emissions must not exceed the following concentrations at any sensitive place or commercial place : <ul style="list-style-type: none"> a) dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 (or more recent editions), or b) a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, when monitored in accordance with Australian Standard AS 3580.9.3 (or more recent editions) or any other method approved by the administering authority.
A4	Dust and particulate matter monitoring must: <ul style="list-style-type: none"> a) be undertaken upon the request of the administering authority; and b) be carried out at places relevant to the potentially affected sensitive place or commercial place and at suitable representative reference site(s) unlikely to be affected by the activity; and c) be carried out at a sufficient number of monitoring points to enable compliance assessment with condition A3 above; and d) take into account: <ul style="list-style-type: none"> i. locations of dust and particulate sources; and ii. locations of persons or sites potentially affected by any release of dust or particulate matter from the activity; and e) be carried out in accordance with the latest edition of the administering authority's Air Quality Sampling Manual; and f) be undertaken in conjunction with the recording of precipitation, wind speed and direction in accordance with the requirements of the relevant standards within AS3580.
Agency interest: Water	
Condition number	Condition
WT1	Contaminants must not be released to any waters .
WT2	Contaminants must not be released to groundwater or at a location where they are likely to release to groundwater .
WT3	The stormwater runoff from disturbed areas , generated by a storm event up to and including a 24 hour storm event with an average recurrence interval of 1 in 10 years must be retained on site or managed to remove contaminants before released offsite.

Agency interest: Noise							
Condition number	Condition						
N1	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place .						
N2	<p>Blasting activities must not exceed the limits for peak particle velocity and air blast overpressure in <i>Table 1—Blasting noise limits</i> when measured at the nearest sensitive place or commercial place in accordance with the associated monitoring requirements.</p> <table border="1"> <caption>Table 1—Blasting noise limits</caption> <thead> <tr> <th>Blasting criteria</th><th>Blasting limits</th></tr> </thead> <tbody> <tr> <td>Airblast overpressure</td><td>115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.</td></tr> <tr> <td>Ground vibration peak particle velocity</td><td>5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time.</td></tr> </tbody> </table> <p>Associated monitoring requirements</p> <ol style="list-style-type: none"> Monitoring must be undertaken for all blasting activities. Monitoring must be in accordance with the most recent editions of the administering authority's 'Noise and Vibration from Blasting' guideline and Noise Measurement Manual and any relevant Australian standard. All monitoring devices must be correctly calibrated and maintained. All monitoring and recording must be undertaken by an appropriately qualified person(s) All monitoring of noise emissions from the activity must be undertaken when the activity is in operation. 	Blasting criteria	Blasting limits	Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.	Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time.
Blasting criteria	Blasting limits						
Airblast overpressure	115 dB (Linear) Peak for 9 out of 10 consecutive blasts initiated and not greater than 120 dB (Linear) Peak at any time.						
Ground vibration peak particle velocity	5mm/second peak particle velocity for 9 out of 10 consecutive blasts and not greater than 10 mm/second peak particle velocity at any time.						
N3	Blasting must be carried out in accordance with the current edition of the administering authority's 'Noise and vibration from blasting guideline' and with Australian Standard 2187.						
N4	<p>Unless prior approval is obtained from the administering authority:</p> <ol style="list-style-type: none"> blasting is only permitted during the hours of 9am to 3pm Monday to Friday, and from 9am to 1pm on Saturdays. blasting is not permitted at any time on Sundays or public holidays. 						
Agency interest: Land							
Condition number	Condition						
L1	Contaminants must not be released to land .						
L2	<p>An area which provides an impervious barrier to subsoil and groundwater must be used for:</p> <ol style="list-style-type: none"> receiving, mixing and storing processing materials for the composting activity collecting and storing leachate. 						

L3	Land that has been disturbed for activities conducted under this environmental authority must be rehabilitated in a manner such that: <ol style="list-style-type: none"> 1. suitable native species of vegetation for the location are established and sustained for earthen surfaces 2. potential for erosion is minimised 3. the quality of water, including seepage, released from the site does not cause environmental harm 4. potential for environmental nuisance caused by dust is minimised 5. the water quality of any residual water body does not have potential to cause environmental harm 6. the final landform is stable and protects public safety.
L4	Rehabilitation of disturbed areas required under condition L3 must take place progressively as works are staged and new areas of extraction are commenced.
Agency interest: Waste	
Condition number	Condition
W1	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
W2	Incompatible wastes must not be mixed in the same container or waste storage area.

Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection or its successors or predecessors.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the EA requirement and can give authoritative assessment, advice and analysis in relation to the EA requirement using the relevant protocols, standards, methods or literature.

Blasting is the use of explosives to fracture:

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Disturbed areas includes areas:

1. that are susceptible to erosion;
2. that are contaminated by the activity; and/or
3. upon which stockpiles of soil or other materials are located.

Environmental nuisance as defined in Chapter 1 of the *Environmental Protection Act 1994*.

Groundwater means water that occurs naturally in, or is introduced artificially into, an aquifer.

Incompatible waste means waste that may chemically react when:

1. placed in proximity to other wastes; and/or
2. mixed with other wastes.

Land does not include **waters**.

Leachate means a **liquid** that has passed through or emerged from, or is likely to have passed through or emerged from, a material stored, processed or disposed of at the site that contains soluble, suspended or miscible contaminants likely to have been derived from the said material.

Liquid means any substance that:

1. has an angle of repose of less than five degrees; or
2. becomes free flowing at or below 60 degrees Celsius or when it is transported; or
3. is not generally capable of being picked up by a spade or shovel.

Measures have the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

NATA means National Association of Testing Authorities.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring programs required under a condition of this authority.

Secondary containment system means a system designed, installed and operated to prevent any release of contaminants from the system, or containers within the system, to land, groundwater, or surface waters.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

1. a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
2. a motel, hotel or hostel; or
3. a kindergarten, school, university or other educational institution; or
4. a medical centre or hospital; or
5. a protected area under the Nature Conservation Act 1992, the Marine Parks Act 2004 or a World Heritage Area; or
6. a public park or garden; or
7. for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Vibration is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

You means the holder of the environmental authority.

24 hour storm event with an average recurrence interval of 1 in 10 years means the maximum rainfall depth from a 24-hour duration precipitation event with an average recurrence interval of once in 10 years. For example, an Intensity–Frequency–Duration table for a 24-hour duration event with an average recurrence interval of 1 in 10 years, identifies a rainfall intensity of 8.2mm/hour. The rainfall depth for this event is therefore 24 hour x 8.2mm/hour = 196.8mm.

EA/DA area 3 = Top pit		
#	Lat	Long
T1	-17.086864°	145.499187°
T2	-17.086513°	145.501276°
T3	-17.087193°	145.502173°
T4	-17.089801°	145.501348°
T5	-17.089951°	145.499055°
T6	-17.087427°	145.498678°

EA/DA Entrance rd			EA/DA Haul rd		
#	Lat	Long	#	Lat	Long
R1	-17.074057°	145.484136°	H1	-17.083661°	145.487547°
R2	-17.074087°	145.484433°	H2	-17.083616°	145.489947°
R3	-17.079455°	145.485146°	H3	-17.085057°	145.491668°
R4	-17.081797°	145.484483°	H4	-17.084993°	145.493073°
18	-17.082250°	145.483988°	H5	-17.085260°	145.496936°
17	-17.082293°	145.483829°	H6	-17.085647°	145.497925°
16	-17.082176°	145.483581°	T1	-17.086864°	145.499187°
R5	-17.081726°	145.484138°	T6	-17.087427°	145.498678°
R6	-17.080517°	145.484680°	H7	-17.086020°	145.497596°
			H8	-17.085630°	145.496808°
			H9	-17.085273°	145.493117°
			H10	-17.085374°	145.492444°
			H11	-17.085331°	145.491645°
			H12	-17.083946°	145.489954°
			H13	-17.083940°	145.487538°

ERA 53		
#	Lat	Long
E1	-17.083592°	145.482384°
E2	-17.083895°	145.483672°
E3	-17.084591°	145.483516°
E4	-17.083924°	145.482201°
E5	-17.083341°	145.481381°
E6	-17.082803°	145.481119°
E7	-17.082732°	145.481785°

S.V.
2/12/15

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

20 May 2013

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

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 an 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 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.

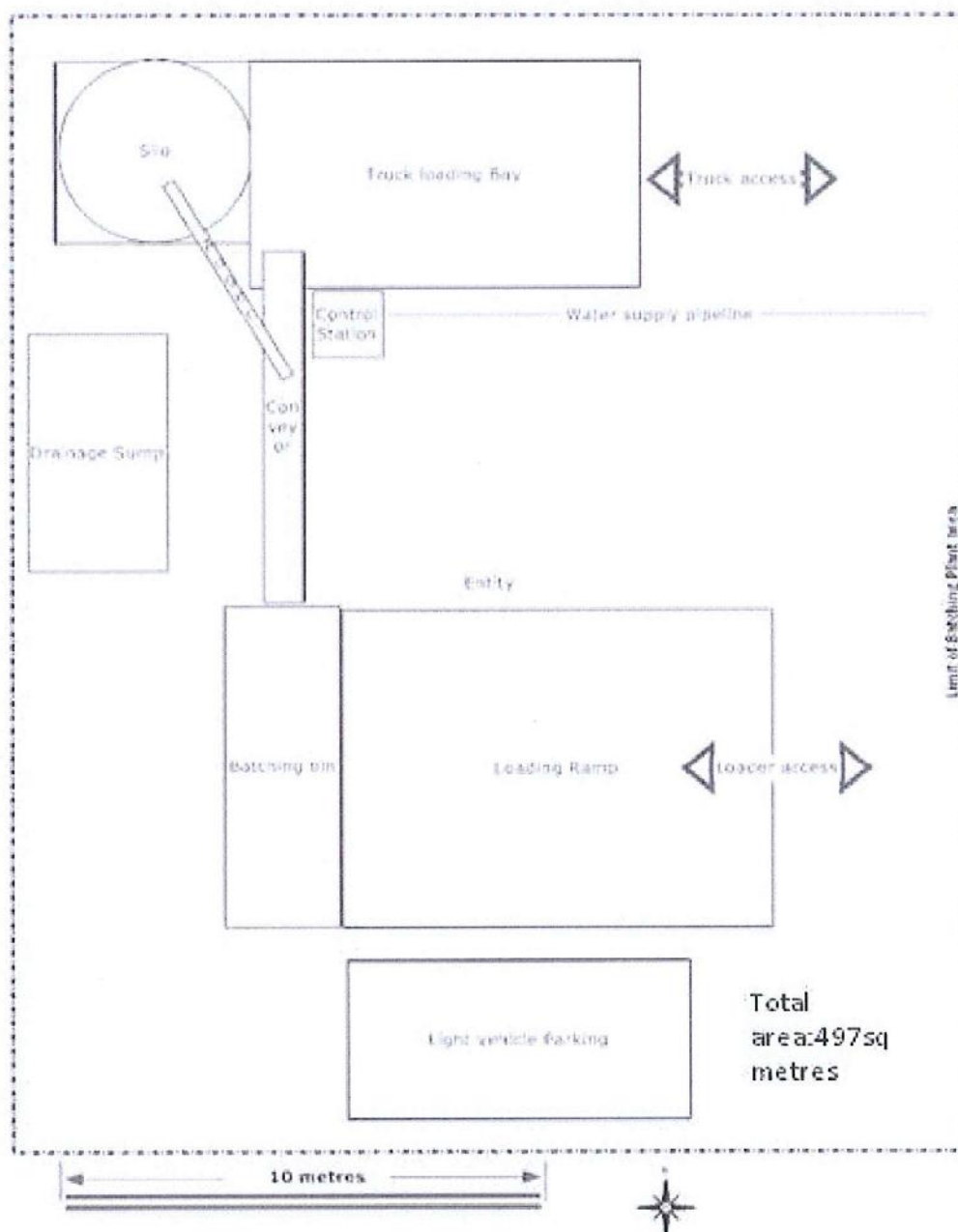
Should you require any further information please contact Council's **Planning Officer, Carl Ewin** on the above telephone number.

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. Nancarrow
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.



6.2.9.1 Application

- (1) This code applies to assessing development where:
 - (a) Located in the Rural Zone; and
 - (b) It is identified in the assessment criteria column of an assessment table in Part 5 of the planning scheme.

6.2.9.2 Purpose

- (1) The purpose of the Rural zone code is to:
 - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) Mareeba Shire Council's purpose of the Rural zone code is to recognise the importance of primary production to the economy of the region and to maintain and strengthen the range of primary industries which contribute to the rural economy. The purpose of the Rural zone code is to:
 - (a) recognise the diversity of rural uses that exists throughout the region;
 - (b) protect the rural character of the region;
 - (c) provide facilities for visitors and tourists that are accessible and offer a unique experience;
 - (d) protect the infrastructure of the Mareeba-Dimbulah Irrigation Scheme Area from development which may compromise long term use for primary production;
 - (e) maintain distinct boundaries between the rural areas and the villages, towns and urban areas of the region;
 - (f) provide for a range of non-urban uses, compatible and associated with rural or ecological values including recreational pursuits and tourist activities;
 - (g) prevent adverse impacts of development on ecological values;
 - (h) preserve land in large holdings; and
 - (i) facilitate the protection of strategic corridors across the landscape which link remnant areas of intact habitat and transport corridors.
- (3) The purpose of the Rural zone code will be achieved through the following overall outcomes:
 - (a) Areas for primary production and other rural activities are conserved and not fragmented below 60ha unless for a public reconfiguration purpose;
 - (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry and animal keeping and other compatible primary production uses;
 - (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;
 - (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are minimised;
 - (e) Development is reflective of and responsive to the environmental constraints of the land;

- (f) Residential and other uses are appropriate only where directly associated with the rural nature of the zone;
- (g) Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;
- (h) The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;
- (i) Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;
- (j) Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and
- (k) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.

6.2.9.3 Criteria for assessment

Table Error! No text of specified style in document. – Rural Zone Code – for Self-Assessable and Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
HEIGHT			
PO1 Building height takes into consideration and respects the following: <ul style="list-style-type: none"> (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length. 	AO1.1 Development, other than buildings used for rural activities, has a maximum building height of: <ul style="list-style-type: none"> (a) 8.5 metres; and (b) 2 storeys above ground level. 	N/A	The development does not alter the height of any existing structure or machinery.
	AO1.2 Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.	N/A	See AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
SITING <i>Note: Where for dwelling house, the setbacks of the Queensland Development code appl.</i>			
PO2 Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) air circulation and access to natural breezes; (e) appearance of building bulk; and (f) relationship with road corridors. 	AO2.1 Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> (a) 40 metres from a frontage to a State-controlled road; and (b) 10 metres from a boundary to an adjoining lot. 	N/A	The existing concrete batching plants is located more than 950m from the boundary of an adjoining inhabited allotment.
	AO2.2 Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.	N/A	The proposed development does not involve a Roadside stall.
	AO2.3 Buildings and structures, except where a Roadside stall, include a minimum setback of: <ul style="list-style-type: none"> (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and (b) 100 metres from a frontage to any other road that is not a State-controlled road. 	N/A	See AO2.1 above.
ACCOMMODATION DENSITY			
PO3 The density of Accommodation activities: <ul style="list-style-type: none"> (a) respects the nature and density of surrounding land use; (b) is complementary and subordinate to the rural and natural landscape values of the area; and 	AO3.1 Residential density does not exceed one dwelling house per lot.	N/A	the proposed development does not include residential or accommodation development.
	AO3.2	N/A	See AO3.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(c) is commensurate to the scale and frontage of the site.	Residential density does not exceed two dwellings per lot and development is for: (a) a secondary dwelling; or (b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m ² ; or (c) Rural worker's accommodation.		
FOR ASSESSABLE DEVELOPMENT			
SITE COVER			
PO4 Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of buildings in the surrounding area; and (c) appropriately balances built and natural features.	AO4 No acceptable outcome is provided.	YES	The proposed development does not alter the existing site coverage of the existing concrete batching plant, and is therefore considered to make efficient use of the land and a consistent bulk and scale.
PO5 Development complements and integrates with the established built character of the Rural zone, having regard to: (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location.	AO5 No acceptable outcome is provided.	N/A	See AO4 above.
AMENITY			
PO6	AO6	YES	The proposed development:

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	No acceptable outcome is provided.		<ul style="list-style-type: none"> (a) It is not anticipated to generate any unacceptable level of noise exceeding the expected thresholds for land within the Rural Zone which includes a mining lease. The proposed increased vehicle movements are not expected to occur at the same period of time and would be consistent with a rural access road such as Tinaroo Creek Road; (b) Is located along a roadway, Tinaroo Creek Road, which is utilised at all hours of the day for a variety of land-uses, such as agriculture, rural, industrial etc., and by a variety of heavy vehicles. As the site is located over a kilometre from any adjoining development and given the minimal noise generated by the machinery required for the site operation, an earlier start time is not likely to caused additional adverse impacts to the local area; (c) Refer to the Traffic Impact Review conducted by Noble Consultant Engineers in Attachment 3 for demonstration of compliance (d) Does not include any advertising devices; (e) Does not alter the existing visual amenity provide by the natural vegetation and landform; (f) Doe not involve the establishment of any buildings/structure which may intrude on the privacy of adjoining allotments; (g) Does not alter the existing lighting elements present on the site or along the roadway; (h) It is not anticipated to generate any unacceptable odour levels exceeding the

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			<p>expected thresholds for land within the Rural Zone which includes a mining lease; and</p> <p>(i) It is not anticipated to generate any unacceptable emissions levels exceeding the expected thresholds for land within the Rural Zone which includes a mining lease.</p>
<p>PO7</p> <p>Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO7</p> <p>No acceptable outcome is provided.</p>	YES	See AO6 above.
RURAL USES			
<p>PO8</p> <p>Uses and other development include those that:</p> <ul style="list-style-type: none"> (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities. 	<p>AO8</p> <p>No acceptable outcome is provided.</p>	YES	<p>The change to conditions will be aligned with the expectations of a lawful approved landuse for Extractive Industry and Concrete Batching Plant.</p> <p>The land is designated for operational mining area and it may be suitable through the development of the NEW Planning Scheme to include this site within the Key Resource Area (KRA) Designations under SPP.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO9 Areas for use for primary production and rural activities are conserved and protected from fragmentation, alienation and degradation.	AO9 No acceptable outcome is provided.	N/A	Not considered applicable to land located within an identified mining lease area.

8.2.5.1 Application

- (1) This code applies to assessing development where:
 - (a) Land the subject of development is affected by a constraint category identified on the **Extractive Resources Overlay Maps (OM-005a-e)**; and
 - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the Planning Scheme.

Note: Mining and extractive industry is appropriately reflected in the Strategic Framework Maps and Overlay Map 5 and is required to be mapped by State Government in response to Economic Growth State Interests.

8.2.5.2 Purpose

- (1) The purpose of the Extractive resources overlay code is to protect significant extractive resources and associated haulage routes to ensure that current and future extraction of resources is not compromised.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development in a 'Key resource processing area' or a 'Local resource area' does not compromise existing or future extractive operations;
 - (b) Development for Extractive industry within a 'Key resource processing area' or a 'Local resource area' ensures that adverse impacts from the use do not extend beyond the identified separation area;
 - (c) Uses incompatible with the adverse impacts of Extractive industry do not develop in a 'Key resource separation area' or a 'Local resource separation area';
 - (d) Development in a 'Key resource separation area' or a 'Local resource separation area' does not compromise the function of the separation area as a buffer between extractive industry and incompatible uses.
 - (e) 'Key resource transport routes' are protected and maintained; and
 - (f) Development considers the existing and future use of 'Key resource processing areas', 'Local resource areas', 'Key resource separation areas', 'Local resource separation areas' and 'Key resource transport routes' for Extractive industry and associated activities.

8.2.5.3 Criteria for assessment

Table 8.2.5.3 – Extractive resources overlay code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTABLE DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
HAULAGE ROUTE			
PO1 Vehicular access to a 'Key resource transport route' identified on Extractive resources overlay map (OM-005e) does not adversely affect the safety or efficiency of the route for the existing or future transportation of extractive resources from a 'Key resource processing area' identified on Extractive resources overlay map (OM-005e)	AO1.1 No additional access to a 'Key resource transport route' identified on Extractive resources overlay map (OM-005e) is provided.	YES	The Development site will maintain the existing point of access from Tinaroo Creek Road.
	AO1.2 Development does not result in an increase in the number of vehicles accessing the site from a 'Key resource transport route' identified on Extractive resources overlay map (OM-005e) .	YES	The development site is not located along a 'Key resource transport route' and will therefore not increase in the number of vehicles utilising these routes.
PO2 Development is appropriately located to minimise potential amenity impacts from the use of a 'Key resource transport route' identified on Extractive resources overlay map (OM-005e) for the existing or future transportation of extractive resources from a 'Key resource processing area' identified on Extractive resources overlay map (OM-005e) .	AO2.1 Sensitive land uses susceptible to heavy vehicle traffic impacts are setback 100 metres from any frontage to a 'Key resource transport route' identified on Extractive resources overlay map (OM-005e) .	N/A	The proposed development does not involve the establishment of a sensitive land-use.
	AO2.2 New lots are not created wholly within 100 metres from any frontage to a 'Key resource transport route' identified on Extractive resources overlay map (OM-005e) .	N/A	The proposed development does not involve the creation of new allotments.

8.2.5 Extractive Resources Overlay Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
KEY RESOURCE AREA			
PO3 Development in a 'Key resource processing area' or a 'Local resource area' identified on Extractive resources overlay map (OM- 005e) does not compromise existing or future extractive operations.	A03 No acceptable outcome is provided.	N/A	The development site is not located within either a 'Key resource processing area' or a 'local resource area'.
SEPARATION AREA			
PO4 Development in a 'Key resource separation area' or a 'Local resource separation area' identified on Extractive resources overlay map (OM-005e) does not compromise the function of the separation area as a buffer between Extractive industry and incompatible uses.	A04 The number of people living, working or congregating in a 'Key resource separation area' or a 'Local resource separation area' identified on Extractive resources overlay map (OM-005e) does not increase, unless these people are directly associated with the use of a 'Key resource processing area' or a 'Local resource area' for Extractive industry.	N/A	The development site is not located within either a 'Key resource separation area' or a 'local resource separation area'.
PO5 Development of Extractive industry in a 'Key resource separation area' or a 'Local resource separation area' identified on Extractive resources overlay map (OM-005e) does not result in adverse impacts beyond the separation area, having regard to: (a) noise; (b) dust; (c) ground vibrations; and (d) air blast overpressure.	A05 No acceptable outcome is provided.	N/A	See AO4 above

8.2.12.1 Application

- (1) This code applies to assessing development where:
- (a) Land the subject of development adjoins a rail corridor identified on the **Transport Infrastructure Overlay Maps (OM-012a-j)**; and
 - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—State transport infrastructure is appropriately reflected in Overlay Map 12 and is required to be mapped by State Government in response to Infrastructure State Interests.

Note—The Transport infrastructure overlay includes mapped Transport Noise Corridors in accordance with section 246ZA of the Building Act. These corridors are mapped on Transport infrastructure overlay maps (OM-012i-s) for information purposes only. Development on land within a mapped corridor is not subject to any specific provisions under this planning scheme. The Queensland Development Code should be consulted in this respect.

8.2.12.2 Purpose

- (1) The purpose of the Transport infrastructure overlay code is to promote the ongoing and expanded use of rail corridors within the shire for the transportation of passengers and freight.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) Active 'Rail corridors' are protected from adjoining land uses which may prejudice their ongoing and expanded use;
 - (b) Inactive 'Rail corridors' are preserved and protected for potential reuse for passenger or freight movements;
 - (c) Non-residential development adjoining a 'Rail corridor' does not prevent the future use of the rail corridor by the site; and
 - (d) Development compliments the use of 'Rail corridors' for tourist activities.

8.2.12.3 Criteria for assessment

Table 8.2.12.3 – Transport infrastructure overlay code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
PO1 Development does prejudice the: (a) ongoing operation of an active 'Rail corridor' identified on the Transport infrastructure overlay maps (OM012a-j) ; or (b) the potential future use of an inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) .	AO1 Buildings and structures are setback from a boundary with an active or inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) a minimum of: (a) 40 metres where: (i) in the Rural zone; and (ii) on a site with an area of 2 hectares or greater; or (b) 5 metres otherwise.	N/A	The development site does not adjoin any identified rail corridors, active or inactive,
FOR ASSESSABLE DEVELOPMENT			
PO2 Non-residential development adjoining a rail corridor identified on the Transport infrastructure overlay maps (OM-012a-j) is designed to allow for the future use of the 'Rail corridor' by the land use.	AO2 No acceptable outcome is provided	N/A	See AO1 above.
PO3 Development adjoining a 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) used for the transportation of tourists is designed to: (a) provide visual interest; (b) screen or enhance areas of limited visual interest; and (c) complement and enhance the character of the shire.	AO3 No acceptable outcome is provided	N/A	See AO1 above.

9.3.5.1 Application

- (1) This code applies to assessing development where:
 - (a) Involving Industrial activities; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

9.3.5.2 Purpose

- (1) The purpose of the Industrial activities code is to ensure Industrial activities are:
 - (a) appropriately located within designated industrial areas;
 - (b) established and operated in an efficient manner with minimal impact on the character, scale, amenity and environmental values of the surrounding area; and
 - (c) managed to allow for progressive rehabilitation where involving Extractive industry.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Industrial activities are appropriately located having regard to topography, surrounding land uses, natural environment, accessibility, local character and potential social and community impacts;
 - (b) Industrial activities meet the needs of the local community and the local economy through well located, safe and convenient points of service;
 - (c) Industrial activities are designed to have minimal impact on the character, amenity and environment of the surrounding area;
 - (d) Industrial activities provide a safe working environment;
 - (e) Industrial activities are designed to promote sustainability and energy efficiency;
 - (f) Industrial activities are co-located with complimentary and compatible uses;
 - (g) External impacts associated with Extractive industry operations do not impact on the character and amenity of the surrounding area and the safety and wellbeing of the community;
 - (h) Extractive industry operations are adequately separated from potentially incompatible land uses; and
 - (i) Extractive industry sites are progressively rehabilitated.

9.3.5.3 Criteria for assessment

Table 9.3.5.3 – Industrial Activities Code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
SEPARATION			
<p>PO1 Industrial activities are appropriately separated from sensitive uses to ensure their amenity is maintained, having regard to:</p> <ul style="list-style-type: none"> a) Noise; b) Odour; c) Light; and d) Emissions. <p><i>Note–Development proposed to be located closer than the separation distances specified in AO2 requires supporting investigations to demonstrate that the expected impacts from the industry use have been adequately mitigated in consideration of the local context.</i></p>	<p>AO1.1 Development is separated from sensitive uses as follows:</p> <ul style="list-style-type: none"> a) Medium or impact industry – 250 metres; or b) High impact industry – 500 metres; or c) Special industry – 1.5 kilometres. 	YES	<p>The existing concrete batching plants is located more than 950m from the boundary of the lease area and adjoining inhabited allotment.</p> <p>This complies with the Acceptable Outcome</p> <p>As otherwise expressed, the land is and continues to operate under State Mining Leases and could reasonably be included in a Key Resource Area (KRA) where the protection of these resources and alignment with the activities (including Concrete Batching Plant) is a reasonable development outcome</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
AMENITY			
PO2 Industrial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of: <ul style="list-style-type: none"> a) Air conditioning; b) Refrigeration plant; c) Mechanical plant; and d) Refuse bin storage areas. 	AO2 No acceptable outcome is provided.	YES	<p>The existing concrete batching plant, and the ancillary structures, are sufficiently screened by existing vegetation and the sites topography along Tinaroo Creek Road.</p> <p>The assessment of this Change (Other) request reasonably focused on traffic impact</p>
PO3 Development avoids and, where unavoidable, mitigates impacts on ground water, particularly where ground water is heavily drawn upon for irrigation or domestic purposes.	AO3 No acceptable outcome is provided.	N/A	<p>The proposed development does not involve an industrial activity, a concrete batching plant, which would adversely impact ground water.</p> <p>The proposed development does not include alterations to the site's existing extractive industry operations.</p>
IF FOR EXTRACTIVE INDUSTRY			
PO4 The site has sufficient area and dimensions to safely accommodate: <ul style="list-style-type: none"> a) The extractive use; b) Vehicular access and on-site vehicular movements; c) Buildings including staff facilities; d) Parking areas for visitors and employees; e) Storage areas and stockpiles; f) Any environmentally significant land; and g) Landscaping and buffer areas. <p><i>Note—Refer to Planning Scheme Policy 3 – Extractive Industry.</i></p>	AO4 No acceptable outcome is provided.	N/A	<p>The proposed development does not include alterations to the site's existing extractive industry operations.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO5 Extractive industry is established and operated in a way that does not impact on public safety.	AO5 Safety fencing is provided for the full length of the perimeter of the site and is appropriately signed with warning signs advising of the nature of the use and any danger or hazard.	N/A	See AO4 above.
PO6 Extractive industry is appropriately located to adequately mitigate visual, noise, vibration and dust impacts on sensitive uses.	AO6 All aspects of the Extractive industry are setback from all boundaries: a) 200 metres where not involving blasting or crushing; and b) 1,000 metres for where involving blasting or crushing. Note: Refer to Planning Scheme Policy 3 – Extractive industry.	N/A	See AO4 above.
PO7 The Extractive industry is designed and managed to appropriately address its interface with the natural environment and landscape, having regard to: a) Water quality; b) Existing vegetation; and c) Declared plants.	AO7.1 The Extractive industry does not cause a reduction in the quality of ground water or receiving surface waters.	N/A	See AO4 above.
	AO7.2 Vegetation is retained on site that contributes towards alleviating the impact of the development on the visual amenity of surrounding sensitive land uses.		
	AO7.3 No declared plants are transported from the site.		
PO8 Extractive industry actively integrates rehabilitation into the ongoing operations on the site to progressively restore the site to its original (or an improved) condition, having regard to matters of: a) Locally prevalent plant species; b) Plant spacing; c) Local climatic conditions; d) Locations of waterways and wetlands;	AO8 No acceptable outcome is provided.	N/A	See AO4 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<ul style="list-style-type: none"> e) Ongoing maintenance; f) Potential habitat opportunities; g) Erosion and sediment control; and h) Fencing. <p><i>Note—A revegetation plan must be prepared by a suitably experienced person in the field of natural area revegetation and rehabilitation, at a standard acceptable to Council, which addresses the items identified in Performance Outcome PO8.</i></p>			

9.4.3.1 Application

This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the Planning Scheme.

9.4.3.2 Purpose

- (1) The purpose of the Parking and access code is to ensure:
 - (a) parking areas are appropriately designed, constructed and maintained;
 - (b) the efficient functioning of the development and the local road network; and
 - (c) all development provides sufficient parking, loading/service and manoeuvring areas to meet the demand generated by the use.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Land uses have a sufficient number of parking and bicycle spaces designed in a manner to meet the requirements of the user;
 - (b) Parking spaces and associated manoeuvring areas are safe, functional and provide equitable access;
 - (c) Suitable access for all types of vehicles likely to utilise a parking area is provided in a way that does not compromise the safety and efficiency of the surrounding road network;
 - (d) Premises are adequately serviced to meet the reasonable requirements of the development; and
 - (e) End of trip facilities are provided by new major developments to facilitate alternative travel modes.

9.4.3.3 Criteria for assessment

Table 9.4.3.3A – Parking and Access Code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT			
CAR PARKING SPACES			
PO1 Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the: <ul style="list-style-type: none"> (a) nature of the use; (b) location of the site; (c) proximity of the use to public transport services; (d) availability of active transport infrastructure; and (e) accessibility of the use to all members of the community. 	AO1 The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B . <i>Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.</i>	YES	In accordance with Table 9.4.3.3B of the Parking and Access Code, a High Impact Industry Land-use is required to provide one (1) space per 90m ² GFA. As the site has approx. 1,027m ² (11.41 spaces) in GFA, from the existing sheds and administrative areas, a total of twelve (12) spaces would be required. As outlined in the proposed amended site plan in Attachment 2 , the site has ample spaces outside of those utilised for operation on the site to provide the required parking spaces.
VEHICLE CROSSOVERS			
PO2 Vehicle crossovers are provided to: <ul style="list-style-type: none"> (a) ensure safe and efficient access between the road and premises; 	AO2.1 Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.	N/A	The proposed development does not later the existing vehicular access to Tinaroo Creek Road.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) minimize interference with the function and operation of roads; and (c) minimise pedestrian to vehicle conflict.	AO2.2 Development on a site with two or more road frontages provides vehicular access from: (a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or (b) from the lowest order road in all other instances.	N/A	See AO2.1 above.
	AO2.3 Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E .	YES	The development site provides one point of access as required for industrial; activities in accordance with Table 9.4.3.3E .
PO3 Access, maneuvering and car parking areas include appropriate pavement treatments having regard to: (a) the intensity of anticipated vehicle movements; (b) the nature of the use that they service; and (c) the character of the surrounding locality.	AO3 Access, maneuvering and car parking areas include pavements that are constructed in accordance with Table 9.4.3.3C .	YES	The development includes 150mm of compacted gravel within all Access, maneuvering and car parking areas on the site.
FOR ASSESSABLE DEVELOPMENT			
PARKING AREA LOCATION AND DESIGN			
PO4 Car parking areas are located and designed to: (a) ensure safety and efficiency in operation; and	AO4.1 Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.	YES	The development site provides spaces for Car parking spaces, access and circulation areas which exceed the dimensions required under AS/NZS 2890.1.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) be consistent with the character of the surrounding locality.	AO4.2 Disabled access and car parking spaces are located and designed in accordance with AS/NZS 2890.6 Parking facilities - Off-street parking for people with disabilities.	YES	See AO4.1 above.
	AO4.3 The car parking area includes designated pedestrian routes that provide connections to building entrances.	YES	The development site provides parking areas with clear line of sight to the existing administrative building entrances.
	AO4.4 Parking and any set down areas are: (a) wholly contained within the site; (b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone; (c) are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and (d) provided at the side or rear of a building in all other instances.	YES	The proposed development provides parking and set down areas: (a) that are contained wholly within the sites; (b) while not visible from Tinaroo Creek Road, due to the distance from the site to the roadway, are visible from the private roadway; (c) N/A – proposed development does not involve Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and (d) Are provided at the side of the existing buildings/structures.
SITE ACCESS AND MANOEUVRING			
PO5 Access to, and manoeuvring within, the site is designed and located to: (a) ensure the safety and efficiency of the external road network; (b) ensure the safety of pedestrians; (c) provide a functional and convenient layout; and (d) accommodate all vehicles intended to use the site.	AO5.1 Access and manoeuvrability is in accordance with : (a) AS28901 – Car Parking Facilities (Off Street Parking); and (b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities. <i>Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.</i>	N/A	the proposed development does not alter the existing turning circles which are already utilised by personal and heavy vehicles within the development site.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO5.2 Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTROADS.	YES	The existing access point from Tinaroo Creek Road has a clear line of sight to and from the roadway for any vehicles entering and exiting the site.
	AO5.3 Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.	YES	the proposed development does not alter any vehicles ability current ability to entry and exit the site in a forward gear.
	AO5.4 Pedestrian and cyclist access to the site: (a) is clearly defined; (b) easily identifiable; and (c) provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided).	N/A	Public pedestrian and cyclist access to the site is restricted due to the nature and location of the existing land-use
PO6 Development that involves an internal road network ensures that it's design: (a) ensure safety and efficiency in operation; (b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of: (i) hours of operation; (ii) noise (iii) light; and (iv) odour; (c) accommodates the nature and volume of vehicle movements anticipated to be generated by the use; (d) allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and	AO6.1 Internal roads for a Tourist park have a minimum width of: (a) 4 metres if one way; or (b) 6 metres if two way.	N/A	The proposed development does not include a Tourist Park.
	AO6.2 For a Tourist park, internal road design avoids the use of cul-de-sacs in favour of circulating roads, where unavoidable, cul-de-sacs provide a full turning circle for vehicles towing caravans having: (a) a minimum approach and departure curve radius of 12 metres; and (b) a minimum turning circle radius of 8 metres.	N/A	See AO6.1 above.
	AO6.3 Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.	N/A	The development site will maintain the existing improved internal roads and does not seek to alter the current drainage features.

PERFORMANCE OUTCOMES		ACCEPTABLE MEASURES	COMPLIES	COMMENT
(e) in the Rural zone, avoids environmental degradation.		AO6.4 Speed control devices are installed along all internal roads, apart from those for an Energy and infrastructure activity or Rural activity, in accordance with Complete Streets.	N/A	The development site is connected to a rural roadway, Tinaroo Creek Road and maintain the same speed limit. Compliance can be conditioned if necessary.
		AO6.5 Internal roads, apart from those for an Energy and infrastructure activity or Rural activity, are illuminated in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.	YES	Compliance can be conditioned
		AO6.6 Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.	N/A	The proposed developemnt does not involve an accommodation activity.
		AO6.7 For an Energy and infrastructure activity or Rural activity, internal road gradients: (a) are no steeper than 1:5; or (b) are steeper than 1:5 and are sealed.	N/A	The development site will maintain the existing improved internal roads and does not seek to alter the current grading.
SERVICING				
PO7 Development provides access, maneuvering and servicing areas on site that: (a) accommodate a service vehicle commensurate with the likely demand generated by the use; (b) do not impact on the safety or efficiency of internal car parking or maneuvering areas;		AO7.1 All unloading, loading, service and waste disposal areas are located: (a) on the site; (b) to the side or rear of the building, behind the main building line; (c) not adjacent to a site boundary where the adjoining property is used for a sensitive use.	YES	The proposed development: (a) will conduct all unloading, loading, service and waste disposal within the site; (b) will ultised the existing load and unloading areas currently ultised for the operation of the site; and (c) is not located adjacent to a site boundary with a sensitive land-use.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(c) do not adversely impact on the safety or efficiency of the road network; (d) provide for all servicing functions associated with the use; and (e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.	AO7.2 Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.	YES	See AO5.3 above.
	AO7.3 Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in Table 9.4.3.3B .	YES	Due to the nature of the existing land-uses and as outline in the amended site plan in Attachment 2 , the site contains ample spaces to support multiple parking spaces for HRV.
MAINTENANCE			
PO8 Parking areas are used and maintained for their intended purpose.	AO8.1 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.	YES	Compliance can be conditioned.
	AO8.2 All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.	N/A	Due to the current material in which the parking areas are constructed of, compacted gravel, the inclusion of additional features such as formal drainage features and line marked spaces are not possible and/or reduce the sites ability to provide spaces for safe vehicle manoeuvring.
END OF TRIP FACILITIES			
PO9 Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that: (a) meet the anticipated demand generated from the use; (b) comprise secure and convenient bicycle parking and storage; and (c) provide end of trip facilities for all active transport users.	AO9.1 The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D .	N/A	High impact industry land-uses are not identified in Table 9.4.3.3D .
	AO9.2 End of trip facilities are provided in accordance with Table 9.4.3.3D .	N/A	See AO9.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILD CARE CENTRE WHERE INVOLVING MORE THAN 100 VEHICLE MOVEMENTS PER DAY OR RENEWABLE ENERGY FACILITY, SPORT AND RECREATION ACTIVITIES, OR TOURIST PARK.			
P10 The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.	AO10 A traffic impact report is prepared by a suitably qualified person that identifies: <ul style="list-style-type: none"> (a) the expected traffic movements to be generated by the facility; (b) any associated impacts on the road network; and (c) any works that will be required to address the identified impacts. 	N/A	The proposed development does not include the establishment of an educational establishment or child care centre.
IF FOR EDUCATIONAL ESTABLISHMENT OR CHILD CARE CENTRE WHERE INVOLVING MORE THAN 100 VEHICLE MOVEMENTS PER DAY OR RENEWABLE ENERGY FACILITY, SPORT AND RECREATION ACTIVITIES, OR TOURIST PARK.			
PO11 The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.	AO11 A traffic impact report is prepared by a suitably qualified person that identifies: <ul style="list-style-type: none"> (a) the expected traffic movements to be generated by the facility; (b) any associated impacts on the road network; and (c) any works that will be required to address the identified impacts. 	N/A	See AO10 above.