



# Mareeba

## SHIRE COUNCIL

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

29 April 2025

Planning Officer: Carl Ewin  
Direct Phone: 07 4086 4656  
Our Reference: OPW/25/0001

Ergon Energy Corporation Limited  
C/- A Cobcroft  
26 Reddacliff Street  
NEWSTEAD QLD 4006

Email: [angela.cobcroft@energyq.com.au](mailto:angela.cobcroft@energyq.com.au)

Dear Applicants,

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 29 April 2025, under delegated authority, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	OPW/25/0001
Street Address:	Kennedy Highway, Ellery Road and Substation Access Road, Mareeba
Real Property Description:	Lot 84 on SP332272
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Operational Works (Earthworks, Drainage Works and Access Works) Associated with Turkinjie Substation Expansion
Date of Decision:	29 April 2025



**CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is **two (2) years** starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

**INFRASTRUCTURE**

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

**ASSESSMENT MANAGER CONDITIONS****(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****1. General**

- 1.1 All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- 1.2 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, and 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.
  - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual, Queensland Urban Drainage Manual and good engineering practice; and
  - to ensure compliance with the following conditions of approval.
- 1.3 Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.

**2. Access**

The intersection of Ellery Road and the new bitumen sealed access road/driveway is to be treated as an access crossover onto a Council controlled road.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.



**Note:** This internal access road/driveway is not recognised as a Council asset and will not be maintained by Council.

### 3. Hours of Work

3.1 Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:

- 7.00am to 6.00pm, Monday to Friday;
- 7.00am to 1.00pm Saturdays;
- No work is permitted on Sundays or Public Holidays.

3.2 No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

### 4. Transportation of Soil

4.1 All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

## REFERRAL AGENCIES

The referral agencies applicable to this application are:

Operational work on premises subject to an easement or near a substation site		
Development application for operational work that is filling or excavation if the operational work is assessable development under a local categorising instrument and either of the following apply —	Schedule 10, Part 9, Division 2, Table 3 (advice agency only)	Powerlink Queensland PO Box 1193 VIRGINIA QLD 4014 <a href="mailto:property@powerlink.com.au">property@powerlink.com.au</a>
(a) both of the following apply —		It is noted that an advice agency response has already been provided by Ergon Energy in relation to this referral trigger.
(i) all or part of the premises are subject to an easement for the benefit of a distribution entity, or transmission entity, under the Electricity Act;		
(ii) all or part of the work is on the easement;		
(b) all or part of the work is within 10m of a substation site		



Operational work on premises near a State transport corridor		
Development application for operational work, if —	Schedule 10, Part 9, Division 4, Subdivision 2, Table 5	State Assessment & Referral Agency (SARA) Department of State Development, Infrastructure, Local Government and Planning PO Box 2358 Cairns Qld 4870  <a href="mailto:CairnsSARA@dsdilgp.qld.gov.au">CairnsSARA@dsdilgp.qld.gov.au</a>
(a) all or part of the premises are within 25m of a State transport corridor; and		
(b) the work —		
(i) relates to access to a State transport corridor; or		
(ii) involves extracting, excavating or filling more than 50m <sup>3</sup> ; or		
(iii) involves the redirection or intensification of site stormwater from the premises, through a pipe or culvert with a cross-sectional area of more than 625cm <sup>2</sup> , to a State transport corridor; and		
(b) the work does not relate to —		
(i) a material change of use stated in table 4, item 1, column 2, paragraph (a) or (c); or		
(ii) reconfiguring a lot stated in table 1, item 1, column 2 or table 3, item 1, column 2; or		
(iii) government supported transport infrastructure		

A copy of any referral agency conditions are attached.

#### APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
WR1339630 10017002-01 Rev. A	Proposed & Existing Plan	Energy Queensland	6/12/2024
WR1339630 10017002-02 Rev. A	Site Layout Staged Demolition Plan	Energy Queensland	6/12/2024
WR1339630 10017002-03 Rev. A	Site Earthworks Setout & Schedule Plan	Energy Queensland	6/12/2024
WR1339630 10017002-04 Rev. A	Site Earthworks Driveway/Road Long Sections and Cross Sections	Energy Queensland	6/12/2024
WR1339630 10017002-05 Rev. B	Site Earthworks Ellery Road Intersection and Secondary Access	Energy Queensland	4/02/2025



WR1339630 10017002-06 Rev. A	Site Earthworks Plan, Sections and Details	Energy Queensland	6/12/2024
WR1339630 10017002-06 Rev. B	Piped Stormwater Plan, Typical Kerb and Internal Road Plan, Sections and Details	Energy Queensland	4/02/2025
WR1339630 10017002-08 Rev. B	Site Earthworks Plan, Sections and Details	Energy Queensland	4/02/2025
WR1339630 10017002-09 Rev. A	Powerlink Yard Works Plan, Sections and Details	Energy Queensland	6/12/2024
WR1339630 10017002-10 Rev. A	Footing Location Setout Plan	Energy Queensland	6/12/2024
WR1339630 10017002-31 Rev. B	Civil General Notes	Energy Queensland	25/11/2024
WR1339630 10017002-32 Rev. A	Civil and Earthworks Notes	Energy Queensland	25/11/2024
WR1339630 10017002-33 Rev. A	Plan and Notes	Energy Queensland	11/02/2025

#### PROPERTY NOTES

Not Applicable.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

#### RIGHTS OF APPEAL

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

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

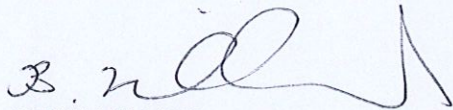


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**OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully



**BRIAN MILLARD**  
**COORDINATOR PLANNING & BUILDING**

Enc:   Approved Plans/Documents  
      Referral Agency Response  
      Appeal Rights

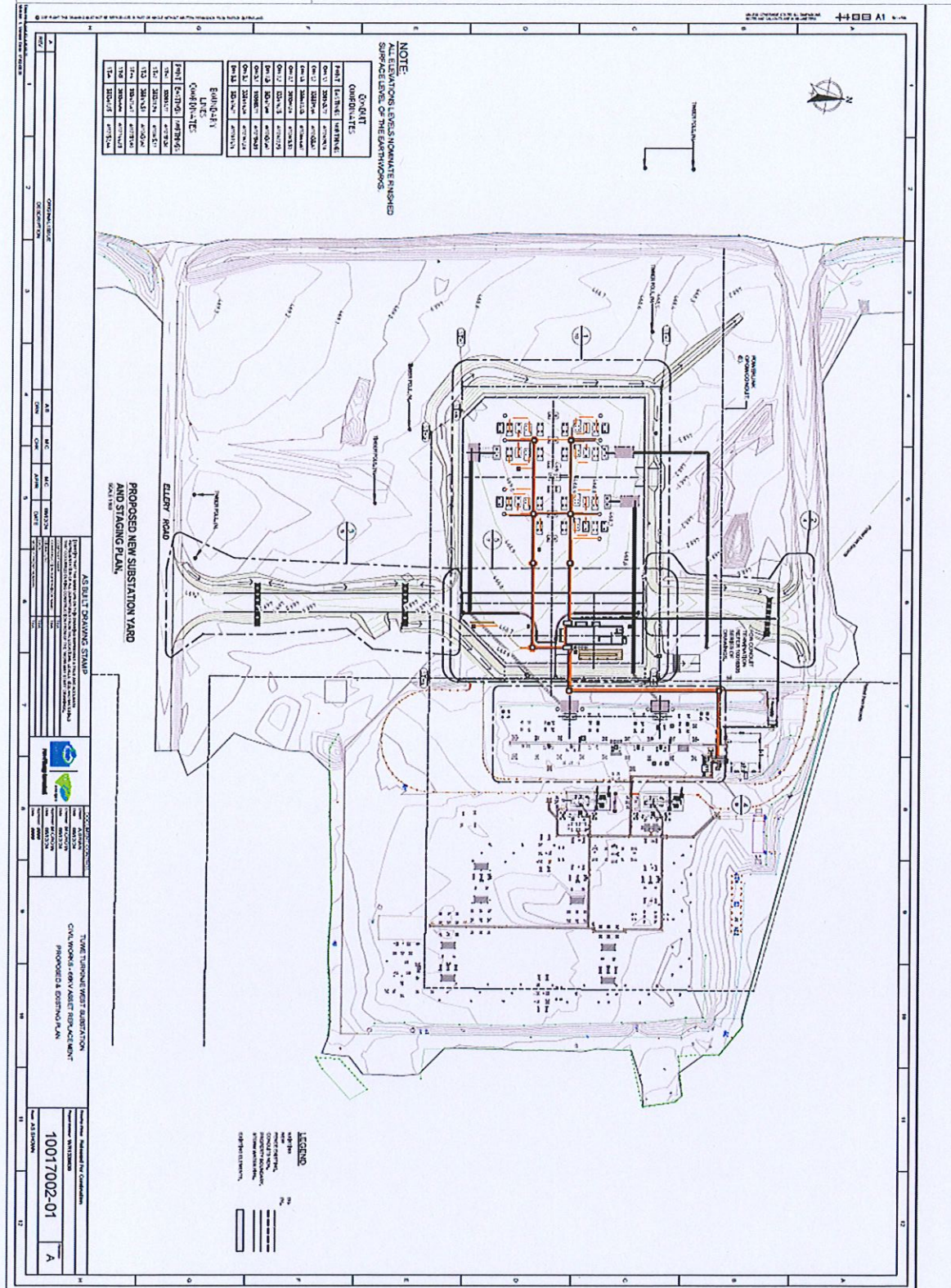
Copy:   Department of State Development, Manufacturing, Infrastructure and Planning:  
      [CairnsSARA@dsdilgp.qld.gov.au](mailto:CairnsSARA@dsdilgp.qld.gov.au)

Copy:   Ergon Energy Corporation Limited: [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au)

Copy:   Powerlink Queensland: [property@powerlink.com.au](mailto:property@powerlink.com.au)

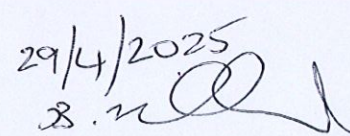


# Approved Plans/Documents

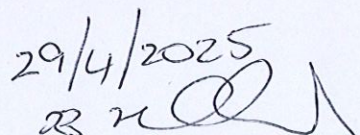


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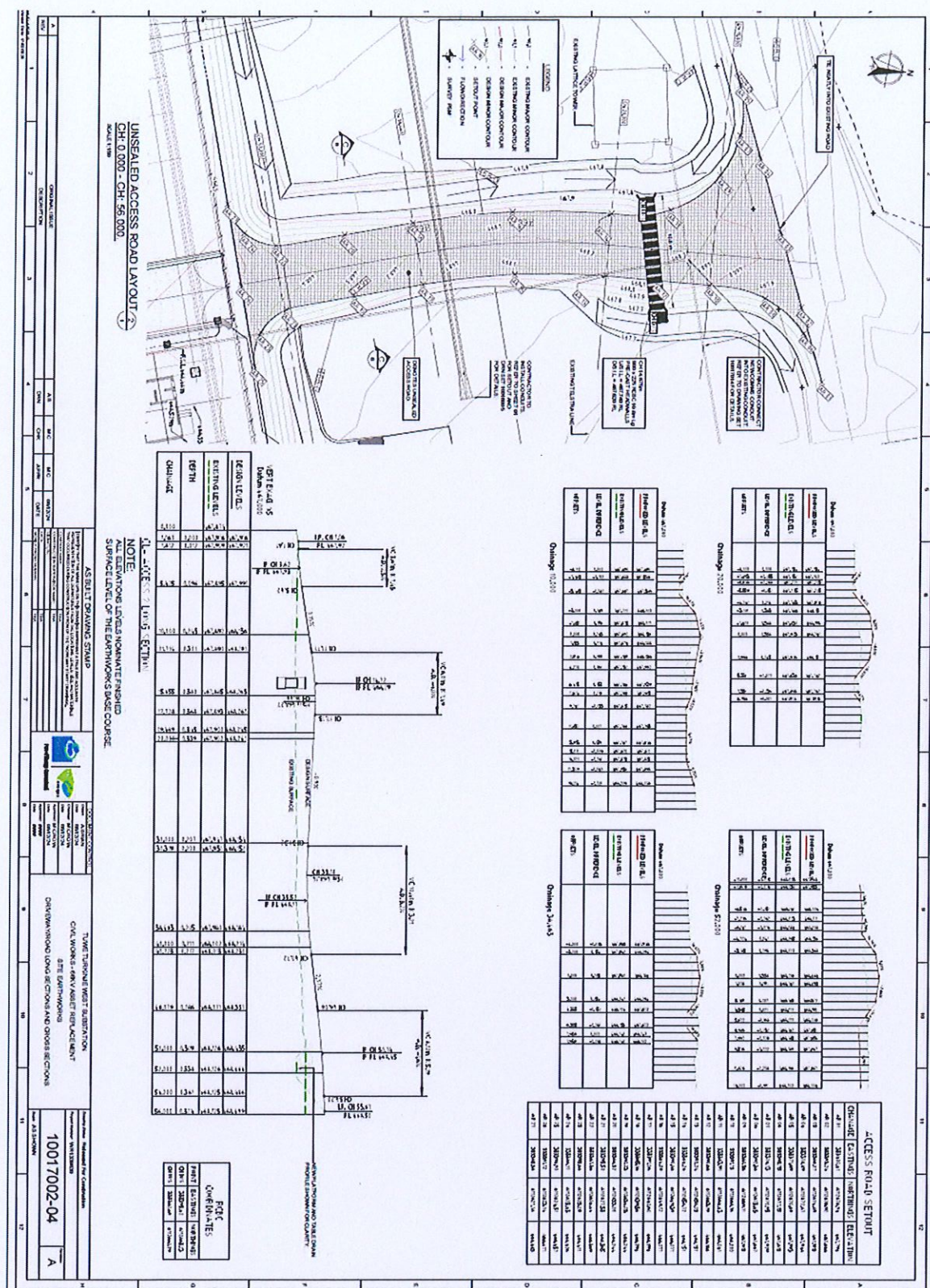






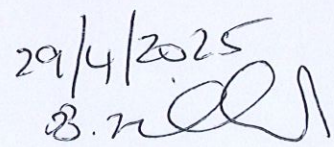




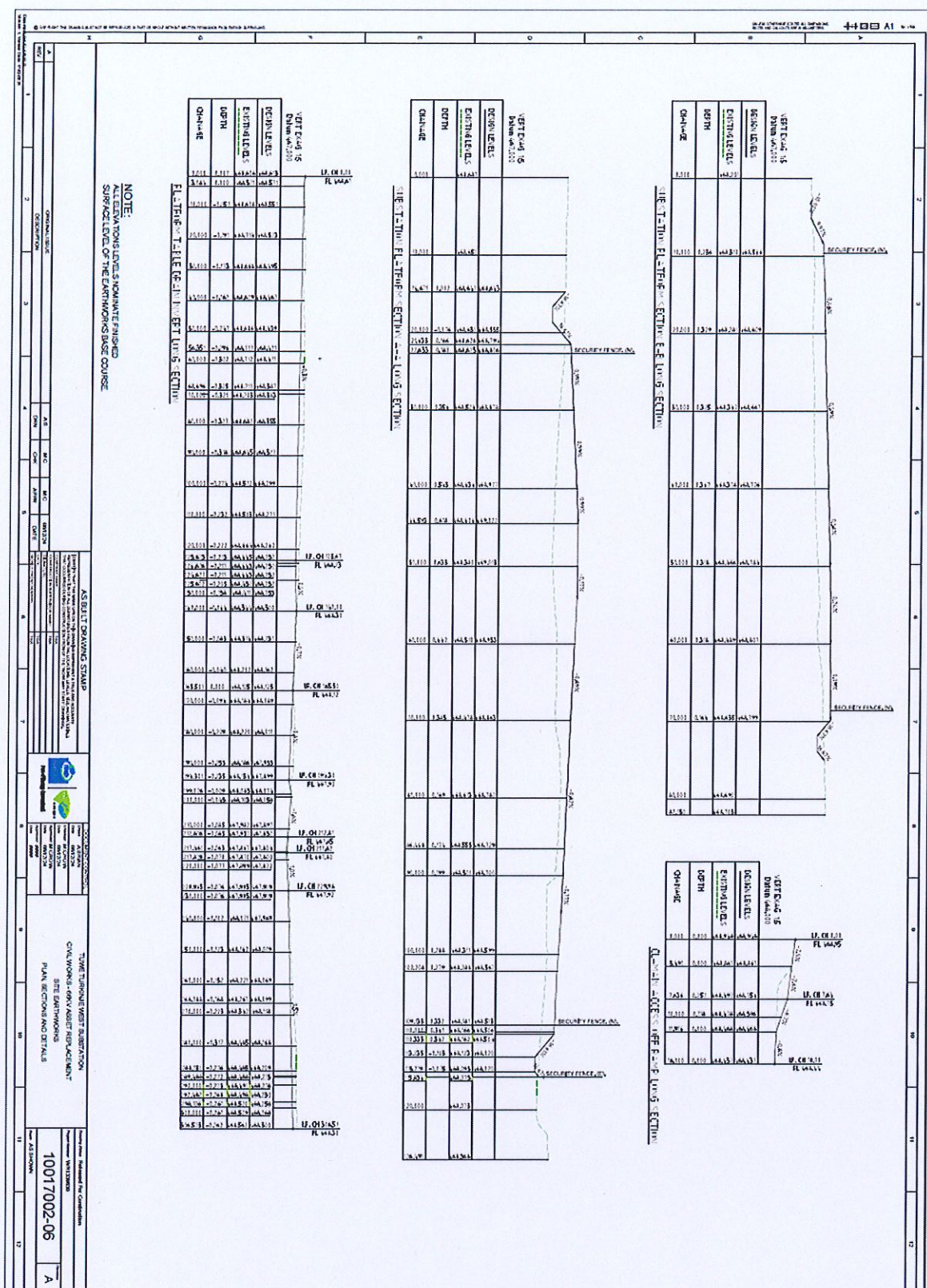


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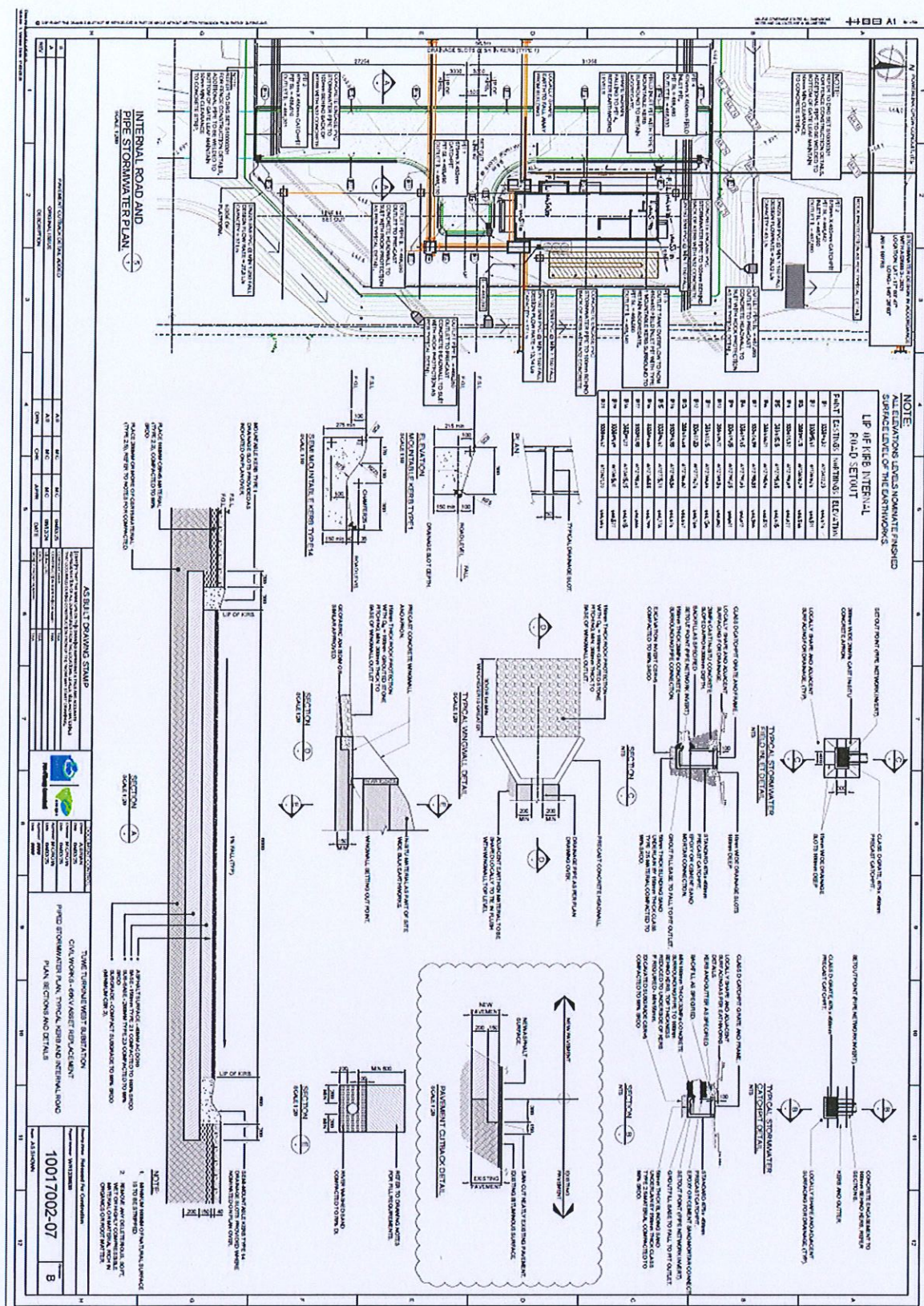






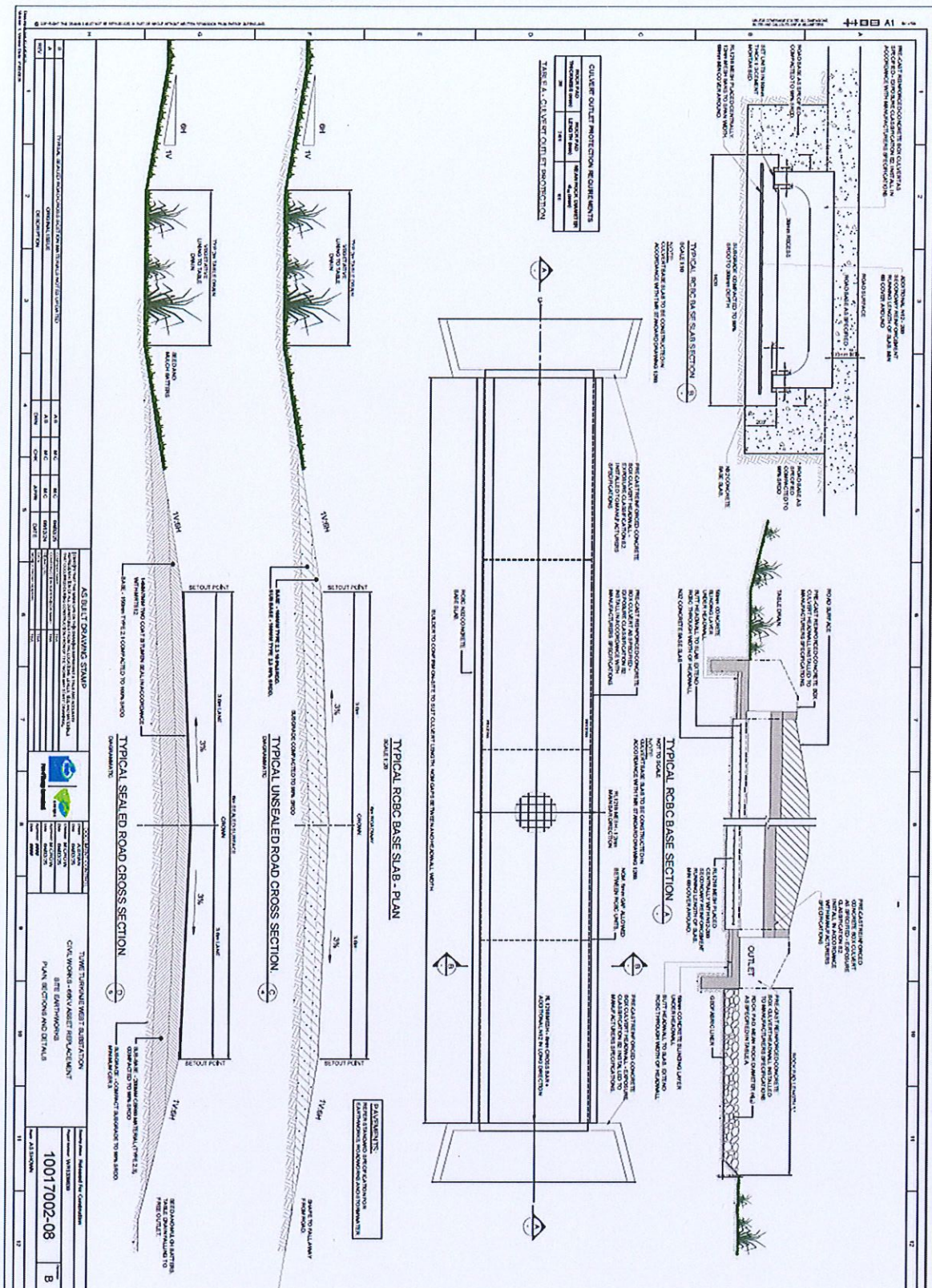
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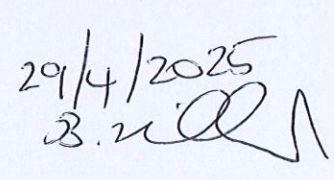
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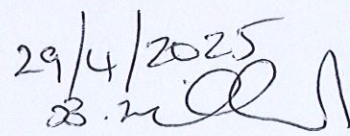


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## Referral Agency Response

RA6-N



SARA reference: 2503-45057 SRA  
Council reference: OPW/25/0001  
Applicant reference: Turkinjie Substation Expansion

15 April 2025

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba QLD 4880  
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

### **SARA referral agency response—Kennedy Highway, Mareeba—Turkinjie Substation Expansion**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 12 March 2025.

#### **Response**

Outcome:	Referral agency response – with conditions
Date of response:	15 April 2025
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

#### **Development details**

Description:	Development permit	Operational Work for Earthworks, drainage works and access works associated with the Turkinjie Substation Expansion
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1	

Page 1 of 7

Far North Queensland regional office  
Ground Floor, Cnr Grafton and Hartley  
Street, Cairns  
PO Box 2358, Cairns QLD 4870

Document Set ID: 4490751  
Version: 1, Version Date: 16/04/2025



2503-45057 SRA

(10.9.4.2.5.1) (Planning Regulation 2017)

Development application for operational works near a state transport corridor (within 25m of a state-controlled road)

SARA reference: 2503-45057 SRA

Assessment manager: Mareeba Shire Council

Street address: Kennedy Highway, Mareeba

Real property description: 84SP332272

Applicant name: Ergon Energy Corporation Limited

Applicant contact details: 26 Reddacliff Street  
Newstead QLD 4006  
angela.cobcroft@energyq.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR25-045203
- Date: 11 April 2025

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads by email at [caims.office@tmr.qld.gov.au](mailto:caims.office@tmr.qld.gov.au) or on (07) 4045 7151.

*Human Rights Act 2019* considerations:

The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore, it is reasonable to conclude the decision is compatible with human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in Attachment 4.

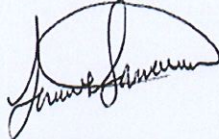
A copy of this response has been sent to the applicant for their information.



2503-45057 SRA

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
A/ Manager (Planning)

cc Ergon Energy Corporation Limited, angela.cobcroft@energyq.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions



2503-45057 SRA

**Attachment 1—Referral agency conditions**

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Schedule 10, Part 9, Division 4, Subdivision 2, Table 5, Item 1 (10.9.4.2.5.1) – Operational work near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>Stormwater works must be undertaken generally in accordance with the following plans:</p> <p>(i) Proposed &amp; Existing Plan prepared by Ergon Energy, dated 06/12/24, Drawing 10017002-01, Revision A, as amended in red by SARA.</p> <p>(ii) Erosion and Sediment Control Plan and Notes prepared by Ergon Energy, dated 11/02/25, Drawing 10017002-33, Revision A, as amended in red by SARA.</p>	For the duration of the works and to be maintained at all times.
2.	<p>Stormwater management of the development must not cause a worsening to the operating performance of the Kennedy Highway, such that any works on the land must not:</p> <p>(i) create any new discharge points for stormwater runoff onto the state-controlled road;</p> <p>(ii) concentrate or increase the velocity of flows to the state-controlled road;</p> <p>(iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</p> <p>(iv) surcharge any existing culvert or drain on the state-controlled road.</p>	At all times
3.	<p>(a) Road access to the state-controlled road must be located generally in accordance with TMR Layout Plan (32B – 5.68km), prepared by Queensland Government Transport and Main Roads, dated 30/03/2025, Reference TMR25-045203, Issue A.</p> <p>(b) Provide road access works comprising of sealed 'Type B' rural property access via Ellery Road, at the road access location specified in part (a) of this condition.</p> <p>(c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with TMR Standard Rural Property Access Drawing, Sheets 1 &amp; 2, Drawing No. 1807, Type B – Rural Property Access, dated 3/2024 and Revision C.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>



2503-45057 SRA

## Attachment 2—Advice to the applicant

General advice	
1.	<p><b>Terms and phrases</b></p> <p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i>, its regulation or the State Development Assessment Provisions (SDAP) (version 3.2). If a word remains undefined it has its ordinary meaning.</p>
2.	<p><b>Road works approval</b></p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out works within the road corridor.</p> <p>Please contact the TMR on 4045 7144 or by email at <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact TMR as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p><b>Road corridor permit</b></p> <p>Under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> (TIA), and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>, an approval for a road corridor permit is required from TMR for any ancillary works and encroachments on a state-controlled road.</p> <p>The applicant is required to contact the Cairns district office of TMR on 4045 7144 or by email at <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> to make an application and obtain a road corridor permit to carry out ancillary works and encroachments within a state-controlled road.</p> <p>Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters/structures, vegetation clearing, landscaping and planting.</p>



2503-45057 SRA

**Attachment 3—Reasons for referral agency response**(Given under section 56(7) of the *Planning Act 2016*)**The reasons for the SARA's decision are:**

The development complies with the assessment benchmarks of State code 1 of SDAP (version 3.2) in that the development:

- is unlikely to create a safety hazard for users of the state-controlled road
- does not compromise the structural integrity of the state-controlled road
- does not result in a worsening of the physical condition or operating performance of the state-controlled road
- does not compromise the state's ability to maintain and operate state-controlled roads or, or significantly increase the cost to maintain and operate state-controlled roads
- is unlikely to compromise the safety, function, and efficiency of the state-controlled road, or the state-controlled road network.

The development is therefore considered to comply with the assessment benchmarks, subject to conditions that:

- specifies a road access location and require a rural property vehicle access
- limits the road access to a local road
- manages stormwater impacts on the state-controlled road.

**Material used in the assessment of the application:**

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.2), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*.

**Attachment 4—Representations about a referral agency response provisions**

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Our ref TMR25-045203  
Your ref  
Enquiries Ronald Kaden



11 April 2025

Department of  
Transport and Main Roads

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

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number OPW/25/0001, lodged with Mareeba Shire Council involves constructing or changing a vehicular access between Lot 84SP332272 the land the subject of the application, and Kennedy Highway (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

**Applicant Details**

Name and address Ergon Energy  
GPO Box 1461  
Brisbane QLD 4001

**Application Details**

Address of Property Kennedy Highway, Mareeba QLD 4880  
Real Property Description 84SP332272  
Aspect/s of Development Development Permit for Operational Works for Operational Works (Earthworks, Drainage Works and Access Works)  
Associated with Turkinjie Substation Expansion

**Decision (given under section 67 of TIA)**

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

No.	Conditions of Approval	Condition Timing
1	The Permitted Road Access Location is approximately 25 metres from the southern common boundary with Lot 88NR4531, with the access driveway along the frontage of Lot 4RP748366 connecting to Ellery Road, approximately 120 metres from the junction with Kennedy Highway, in accordance with: (a) TMR Layout Plan (32B - 5.68km) Issue A 30/03/2025	At all times.

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations  
Far North Region  
Cairns Corporate Tower, 15 Lake Street Cairns QLD 4870  
PO Box 6185 Cairns QLD 4870

Telephone +61 (07) 4045 7151  
Website [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)  
Email [Far.North.Queensland.IDAS@tmr.qld.gov.au](mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au)  
ABN: 39 407 690 291

Document Set ID: 4490751  
Version: 1, Version Date: 16/04/2025



No.	Conditions of Approval	Condition Timing
2	Direct access is prohibited between Kennedy Highway and Lot 84SP332272 at any other location other than the permitted road access location described in Condition 1.	At all times.
3	Road Access Works comprising sealed "Type B" rural property access (at the road access connection via Ellery Road) in accordance with: a) Property Access drawing prepared by Queensland Government dated 3/2024 reference 1807 Revision C.	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

**Reasons for the decision**

The reasons for this decision are as follows:

- a) The subject land (Lot 84 on SP332272) has road frontage to Kennedy Highway, a state-controlled road.
- b) Lot 84 on SP332272 was created by permanent road closure, finalised in 2022, and is for expansion of the existing Ergon Substation.
- c) Lot 84 on SP332272 does not currently have an approved vehicular access.
- d) In the *Statement in relation to an application under the Land Act 1994 over State land Part C*, TMR on 16 February 2021 offered no objection to the proposed road closure subject to "vehicular access between the proposed area and the Kennedy Highway (Mareeba - Ravenshoe) must be by way of Ellery Road to the south".
- e) The development application is for a development permit for Application Operational Works (Earthworks, Drainage Works and Access Works) associated with Turkinjie Substation Expansion.
- f) The proposed operational works within Lot 84 on SP332272 is seeking vehicular access:
  - (i) To the north to meet up with an existing driveway currently servicing Lots 884NR4531 and 2RP738586, located approximately 200 metres north of Ellery Road,
  - (ii) To the south to meet up with Ellery Road, a local government-controlled road which is partly situated within the Kennedy Highway road corridor.
- g) The vehicular access to the north as identified in f) (i) is not permitted due to:
  - The reason shown in d) above,
  - Practical and safe access able to be gained via Ellery Road which is fully sealed and has a dedicated Channelised Right (CHR) and Auxillary Left (AUL) turn treatments at the Kennedy Highway intersection.
  - Objections to the permanent road closure about public safety concerns. By letter from Department of Resources to Ergon Energy dated 22 June 2021.
  - Objections to the permanent road closure about safety and access. By letter from Rock Ridge Farming to Department of Transport and Main Roads dated 29 August 2022.



- Insufficient road area to allow northbound traffic to manoeuvre around a vehicle waiting in the traffic lane to make right turn into the access.
- h) A decision under section 62 of the TIA is required as no prior approval for road access location has ever been provided.

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

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

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-controlled road network are maximised. This may or may not require all future access to be provided via the local road network.
3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

**Further information about the decision**

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

**Further approvals**

The Department of Transport and Main Roads also provides the following information in relation to this approval:

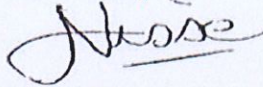
1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing



any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at [cairns.office@tmr.qld.gov.au](mailto:cairns.office@tmr.qld.gov.au) or on (07) 4045 7151.

Yours sincerely



Anna Visser  
Principal Engineer (Civil)

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

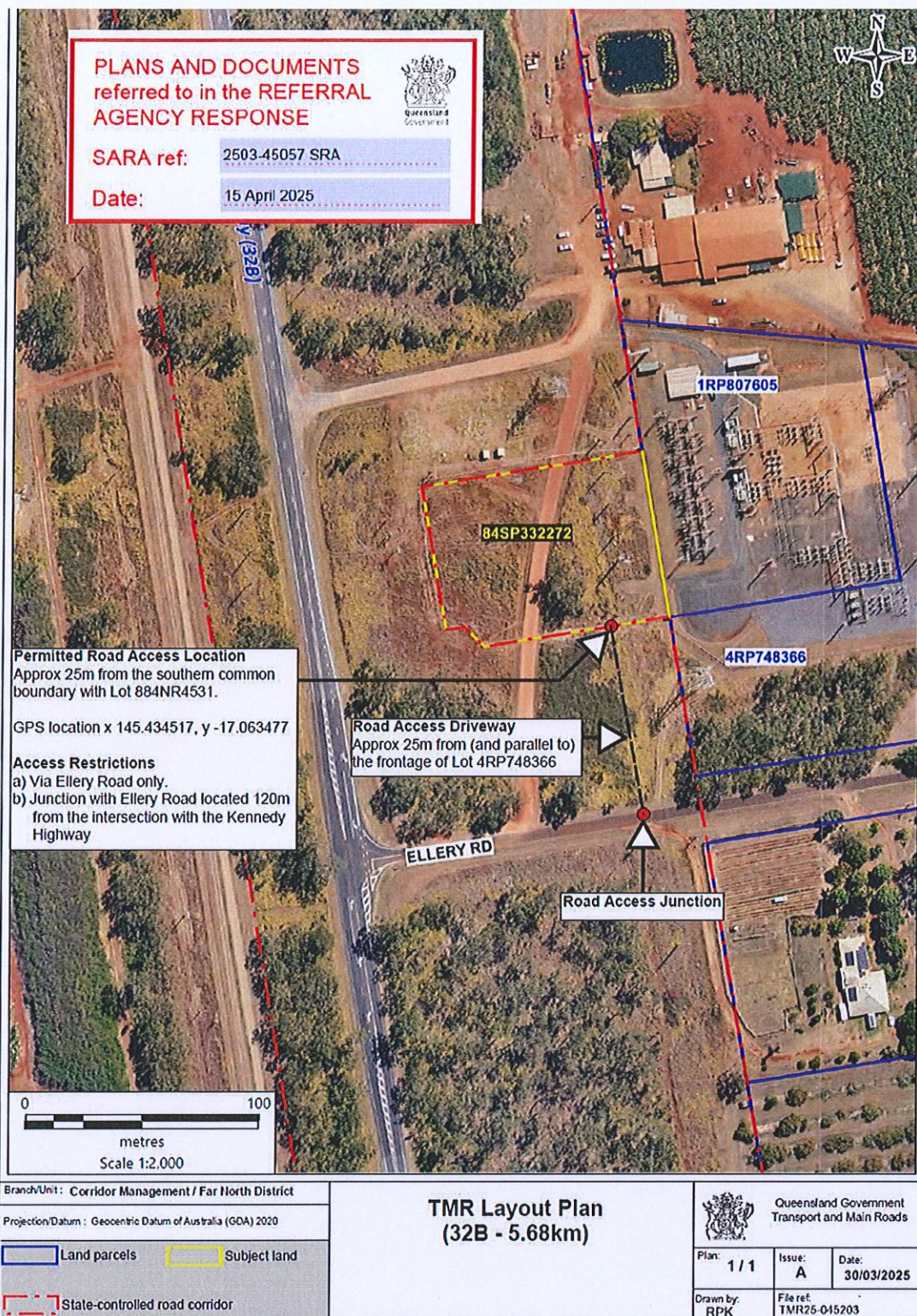


**Attachment A**  
**Decision Evidence and Findings**

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (32B - 5.68km)	Queensland Government Transport and Main Roads	30 March 2025	TMR25-045203 (Attachment D)	A
TUWE TURKINJE west substation project WR1339630 Civil Works Drawing	Ergon	06 December 2024	10017002-01 (with TMR notes)	A
TUWE TURKINJE west substation project WR1339630 Civil Works Drawings	Ergon	06 December 2024 to 11 February 2025	10017002-01 to 10017002-10 & 10017002-31 to 10017002-33	A
Objection to proposed permanent road closure	Rock Ridge Farming	29 August 2022	2021/000749	-
Objection to proposed permanent road closure	Department of Resources	22 June 2021	2021/000749	-
Statement in relation to an application under the Land Act 1994 over State land	Queensland Government Transport and Main Roads	16 February 2021	Part C	-
Rural Property Access (with additional notes)	Queensland Government	March 2024	1807	C
Vehicle Access to state-controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-









420 Flinders Street, Townsville QLD 4810  
PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

14 February 2025

Ergon Energy Corporation Limited  
People, Property & Safety Division

Attention: Angela Cobcroft

Dear Sir/Madam,

**Ergon Advice Agency Response**  
**Our Ref: ECM 23059033 - 23047777**

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approved in full – No objection
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	<p>The works do not conflict with:</p> <ul style="list-style-type: none"> <li>the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i></li> <li>the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 &amp; 5.</li> </ul> <p>The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.</p>

Development Details	
Applicant	Ergon Energy Corporation Limited
Assessment Manager	Mareeba Shire Council
Street Address	Kennedy Highway, Mareeba
RPD	Lot 84 SP332272

**Have you seen our fact sheets?**  
See the 'considerations when developing around electricity infrastructure' section of our website  
[www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Document Set ID: 4459323  
Version: 1, Version Date: 17/02/2025

Ergon Energy Corporation Limited ABN 50 087 646 062



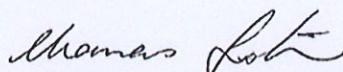
Development Type	Operational Works (Development Permit) – Earthworks
Referral Trigger	<input checked="" type="checkbox"/> Schedule 10, Part 9, Division 2, Table 3, Item 1 (10.9.2.3.1) - Operational Work on premises located within 10m of a substation site
Impacted Electrical Infrastructure	Turkinje 132/66 kV Substation (L84 NR4531 & L1 RP736603)

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
OPW	<input checked="" type="checkbox"/> S56(1)(a) – no requirements for the application

Should you require any further information on the above matter, please contact Tom Sexton on 0429 443 778 or via email at [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,



Tom Sexton  
Town Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)





Our Ref.: DA6179  
MSLink/s: NA  
Council Ref.: OPW/25/0001

22 April 2025

Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Ergon Energy Corporation Limited  
26 Reddacliff Street  
NEWSTEAD QLD 4006

Attention: Carl Ewin  
Via Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Attention: Angela Cobcroft  
Via Email: [angela.cobcroft@energyq.com.au](mailto:angela.cobcroft@energyq.com.au)

Dear Carl and Angela,

**Referral Agency Response (Advice)**

(Given under Section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
Transmission Corridor	Turkinje Substation (adjacent) – Springmount Turkinje 132kV Transmission Line Corridor
Easement ID	NA
Location Details	
Street address	Kennedy Highway, Ellery Road and Substation Access Road, Mareeba
Real property description	Lot 84 on SP332272
Local government area	Mareeba Shire Council
Application Details	
Proposed development:	Operational Works (Earthworks, Drainage Works and Access Works) Associated with Turkinje Substation Expansion
Approval sought	Development Permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 2 of the *Planning Regulation 2017*, Powerlink Queensland is a Referral Agency (Advice) for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For operational work – all or part of the work is within 10m of a substation site (Table 3 1b)

33 Harold Street Virginia QLD 4014 Australia | PO Box 1193 Virginia QLD 4014 Australia  
07 3898 4090 | [property@powerlink.com.au](mailto:property@powerlink.com.au) | [powerlink.com.au](http://powerlink.com.au)

Powerlink Queensland is the registered business name of the Queensland Electricity Transmission Corporation Limited. ABN 82 078 849 233

Document Set ID: 4492072

Version: 1, Version Date: 23/04/2025



### PLANS AND REPORTS ASSESSED

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

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

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Proposed & Existing Plan	Energy Queensland	06/12/2024	10017002-01	A
Site Layout Staged Demolition Plan	Energy Queensland	06/12/2025	10017002-04	A
Site Earthworks Setout & Schedule Plan	Energy Queensland	06/12/2025	10017002-04	A
Site Earthworks Driveway/Road Long Sections & Cross Sections	Energy Queensland	06/12/2025	10017002-04	A
Site Earthworks Ellery Road Intersection & Secondary Access	Energy Queensland	04/02/2025	10017002-05	B
Site Earthworks Plan, Section & Details	Energy Queensland	06/12/2024	10017002-06	A
Piped Stormwater Plan, Typical Kerb & Internal Road Plan, Sections & Details	Energy Queensland	04/02/2025	10017002-07	B
Site Earthworks Plan, Section & Details	Energy Queensland	04/02/2025	10017002-08	B
Powerlink Yard Works Plan, Section & Details	Energy Queensland	06/12/2024	10017002-09	A
Footing Location Setout Plan	Energy Queensland		10017002-10	A
Civil General Notes	Energy Queensland	25/11/2024	10017002-31	B
Civil and Earthworks Notes	Energy Queensland	25/11/2024	10017002-32	A
Erosion & Sediment Control Plan & Notes	Energy Queensland	11/02/2025	10017002-33	A

Powerlink Queensland, acting as a Referral Agency (Advice) under the Planning Regulation 2017 provides its response to the application as attached (**Attachment 1**).

Please treat this response as a properly made submission for the purposes of Powerlink being an eligible advice agency in accordance with the *Planning Act 2016*.

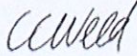
33 Harold Street Virginia QLD 4014 Australia | PO Box 1193 Virginia QLD 4014 Australia  
07 398 4090 | [property@powerlink.com.au](mailto:property@powerlink.com.au) | [powerlink.com.au](http://powerlink.com.au)

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

Yours sincerely,



for:  
Laura Donaldson  
Property Management Team Leader

33 Harold Street Virginia QLD 4014 Australia | PO Box 1193 Virginia QLD 4014 Australia  
07 398 4090 | [property@powerlink.com.au](mailto:property@powerlink.com.au) | [powerlink.com.au](http://powerlink.com.au)

Powerlink Queensland is the registered business name of the Queensland Electricity Transmission Corporation Limited. ABN 82 078 849 233  
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**ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE**

Powerlink Queensland supports this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

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

**Advice to Council and the Applicant**

1. Powerlink's referral agency advice is limited to filling, excavation and associated stormwater management and excludes fencing and electrical connections to the adjoining Turkinje Substation. Any new fencing, electrical reticulation and connection to the existing Turkinje Substation requires detailed assessment and consent (or otherwise) by Powerlink through a subsequent co-use application.
2. If the existing access track connecting Ellery Road and Tower Structure 1253-STR-7359 is adversely affected by the construction work for the southern access road a new access track will be required through a subsequent co-use application.
3. In order for Powerlink to maintain and operate a safe and reliable supply of electricity, we require unrestricted 24-hour access to our corridors and infrastructure.  
We will require practical access (typically by 4WD vehicle – but to standard no less than existing) to the Powerlink structures.



If it is envisaged that there will be any interference or alteration to our current access arrangements prior, during or after the completion of your works, we require that the applicant contacts our Easement Maintenance Service Provider (Ergon Energy – Peter Gorrie – ph 0417 199 931) to formalise unrestricted 24-hour access arrangements.

4. Compliance with the Electrical Safety Act 2002 including any Code of Practice under the Act and the Electrical Safety Regulation 2013 including any safety exclusion zones defined in the Regulation.

In respect of this application, the exclusion zone for untrained persons and for operating plant operated by untrained persons is **three (3)** from the **132,000-volt** wires and exposed electrical parts.

If works have the potential to come within the prescribed clearance to the conductors and electrical infrastructure, then the applicant must seek advice from Powerlink by completing the attached Application for Safety Advice – Form and submitting to [property@powerlink.com.au](mailto:property@powerlink.com.au)



## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* states –

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

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.



- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund-
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –



*decision* includes-

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

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

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

#### 232 Rules of the P&E Court

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