

Enquiries to: Planning Department  
Our Reference: MCU24/0016  
Your Reference: M000973

17 December 2024

Roma Central Pty Ltd (as trustee) Roma Central Trust  
C/- Mecone  
Level 2, 235 Edward Street  
Brisbane QLD 4000  
Via email: [mpotter@mecone.com.au](mailto:mpotter@mecone.com.au)

**Attention: Maxwell Potter, Senior Planner**

Dear Max,

**Development Application No. MCU24/0016**

**Decision Notice – Development Permit for Material Change of Use for Food and Drink Outlet (Café with drive through facility) on land located at 125 Edwards Street, Ayr (Lot 2 on RP712287).**

I refer to your development application made on behalf of Roma Central Pty Ltd (as trustee) Roma Central Trust, seeking a Development Permit for Material Change of Use for Food and Drink Outlet, **(Café with drive through facility)** on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **10 December 2024**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the aspects of the development's condition of approval, currency period, approved plans and includes extracts from the Planning Act 2016, with respect to the making of representations about conditions, suspension of the appeal period, negotiated decisions and lodgement of an appeal, should you wish to do so.

Yours sincerely,



Kellie Galletta

Manager Planning and Development

**Enc: Decision Notice  
Appeal Rights**

# Decision Notice

Planning Act 2016

**Address all communications to  
The Chief Executive Officer**

PO Box 974, Ayr Qld 4807  
**T** (07) 4783 9800 | **F** (07) 4783 9999  
planning@burdekin.qld.gov.au  
**www.burdekin.qld.gov.au**

17 December 2024

This decision notice is given under Section 63 of the *Planning Act 2016*.

## Application Details

This Decision Notice relates to the below Development Application:

<b>Application Number:</b>	MCU24/0016
<b>Applicant Details:</b>	Roma Central Pty Ltd (as trustee) Roma Central Trust C/- Mecone Level 2, 235 Edward Street Brisbane QLD 4000 <i>Via email: mpotter@mecone.com.au</i>
<b>Owner Details:</b>	Huong Lan Thi Tran
<b>Street Address:</b>	125 Edwards Street, Ayr
<b>Real Property Description:</b>	Lot 2 on RP712287
<b>Proposal:</b>	Material Change of Use – Food and Drink Outlet (Café including drive through facility)
<b>Planning Scheme:</b>	<i>Burdekin Shire Council Planning Scheme 2022</i>
<b>Level of Assessment:</b>	Code

## Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the *Planning Act 2016*.

<b>Type of Decision:</b>	Approval with conditions
<b>Date of Decision:</b>	10 December 2024
<b>Decision Type:</b>	Development Permit
<b>Deemed Approval:</b>	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
<b>Submissions:</b>	Not applicable

## Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

## Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except as amended by the conditions of this permit. The approved plans are included in **Attachment B** of this Decision Notice.

## Referral Agencies

The development application was referred in accordance with the following provisions of the *Planning Regulation 2017*:

Referral Status	Referral Agency and Address	Referral Trigger from Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q, 4810 <i>Email: NQSARA@dsdilgp.qld.gov.au</i>	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 Material change of use of premises near a State transport corridor or that is a future State transport corridor.

The Referral Agency Response is set out in **Attachment C** of this Decision Notice.

## Further Approvals Required

Refer to **Attachment A** - Conditions of Approval.

## Infrastructure Charges

The proposal is a development type that triggers infrastructure charges to be applied, as per Council's Charges Resolution. The full Infrastructure Charges Notice is **attached**.

## Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the Planning Act 2016).

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

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

## Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Material Change of Use component of the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

## Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

### Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Centre Zone Code
- Flood Hazard Overlay Code
- Regional Infrastructure Overlay Code
- Development Works Code

### Compliance with Assessment Benchmarks and Reasons for the Decision

The proposed development was assessed against all assessment benchmarks listed above and complies with the exception of the following listed. Reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<b>Centre Zone Code</b>	
<b>Building scale and appearance</b>	
<b>PO1</b> Buildings have a height, scale and alignment consistent with the streetscape character, and create a safe, continuous and comfortable pedestrian environment at the street front. <b>AO1.3</b> Buildings are built to the street alignment and provide an awning over the adjoining footpath	<b>Complies with Performance Outcome</b> Whilst the existing development on the western boundary contains an awning over the footpath, the balance of development along Edwards Street east of the site does not. The proposed development is of a consistent height and alignment with development adjacent to the eastern boundary. Although the building is setback from the street frontage and does not provide an awning over the footpath, the proposed development is considered to be consistent with the streetscape character.
<b>Lighting Nuisance</b>	
<b>PO3</b> The operation of the activity does not cause undue disturbance to any person or activity because of the light it emits. <b>AO3</b> The vertical illumination resulting from direct, reflected or incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.	<b>Conditioned to comply</b>
<b>Urban Design</b>	
<b>PO17</b> Landscaping provides for an attractive streetscape. <b>AO17</b> A minimum of 3m of dense planting is provided along the road frontage/s of the site, except where buildings are built to the street alignment	<b>Complies with Performance Outcome</b> A 2m wide landscape strip is proposed along the site frontage. The landscape strip will accommodate a range of species that will provide for an attractive streetscape in this location given the surrounding locality and centre zoning.
<b>Mitigation of flood hazard</b>	
<b>PO10</b>	<b>Conditioned to comply</b>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Development which occurs in areas subject to a flood hazard ensures new buildings or extensions are designed to remain structurally sound during the defined flood event.	
<b>Development Works Code</b>	
Infrastructure	
<b>PO13</b> Development sites are provided with services in a way that is: (a) safe and efficient; (b) maintains the integrity of the external network; (c) does not impose a load on external networks that exceed their capacity; and can be safely, conveniently and cost effectively maintained. <b>AO13</b> All infrastructure required to service the development is provided in accordance with Planning scheme policy – S.C5.2 – Development works.	Conditioned to comply
<b>Earthworks</b>	
<b>PO4</b> Earthworks do not: (a) result in ponding on the site or on nearby land; (b) adversely affect the flow of water through an overland flow path; and (c) result in the loss of safety to users or uses of any other land. <b>PO7</b> The risk of erosion and sedimentation is minimised by: (a) progressive rehabilitation of disturbed areas within the site; (b) avoiding long term stockpiling of soil; (c) diverting drainage paths around disturbed areas; and (d) preventing sediments from leaving the site.	Conditioned to comply

Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development can, or can be conditioned to generally comply with the relevant codes that apply including the Centre Zone Code, Flood Hazard Overlay Code, Regional Infrastructure Overlay Code and Development Works Code.

### Properly Made Submissions

Not applicable.

# 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 a decision of the Minister, under [chapter 7, part 4](#), to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under [section 269A\(2\)\(a\)](#); or
  - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (g) for an appeal relating to the [Plumbing and Drainage Act 2018](#)—
    - a. for an appeal against an enforcement notice given because of a belief mentioned in the [Plumbing and Drainage Act 2018, section 143\(2\)\(a\)\(i\), \(b\) or \(c\)](#)—5 business days after the day the notice is given; or
    - b. for an appeal against a decision of a local government or an inspector to give an action notice under the [Plumbing and Drainage Act 2018](#)—5 business days after the notice is given; or
    - c. for an appeal against a failure to make a decision about an application or other matter under the [Plumbing and Drainage Act 2018](#)—at anytime after the period within which the application or matter was required to be decided ends; or
    - d. otherwise—20 business days after the day the notice is given; or
  - (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

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

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

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to –

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

### 231 Non-appealable decisions and matters

- (1) Subject to this chapter, [section 316\(2\)](#), [schedule 1](#) and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The [Judicial Review Act 1991, part 5](#) applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the [Judicial Review Act 1991](#) in relation to the decision or matter, may apply under [part 4](#) of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –  
*decision* includes-
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter-
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 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.

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<b>1. General and Administration</b>		
<u>Compliance with Conditions</u>		At all times.
1.1 The applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with:		
1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports.		
1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) and all other relevant legislative requirements to Council's satisfaction, and best industry practice.		
1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail.		
1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation.		
<u>Notice of Intention to Commence the Use</u>		
1.4 Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		
<u>Works – Applicant's Responsibility/Expense</u>		
1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required, are met by the applicant at no cost to the Council.		
1.6 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.		



## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.</p> <p><u>Infrastructure Conditions</u></p> <p>1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i>, should be read as being non-trunk.</p>		
<b>2. Approved Plans and Documents</b>		
<p><u>Approved Plans &amp; Documents – Required Plans</u></p> <p>2.1 Submit to, and have approved in writing by Council, plans detailing the following:</p> <ul style="list-style-type: none"> <li>i. detailed plans of the food service, preparation and storage areas as required for food licencing under the <i>Food Act 2006</i>.</li> </ul> <p>2.2 Once approved, the above plans will become part of the approved plans and documents.</p> <p>2.3 The proposed development must be completed, comply with and maintained, generally in accordance with the amended plans as per Conditions 2.1 and 2.2 as above, and drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.</p> <p>2.4 One full set of the most recent approved plans must be held on-site and available for inspection for the duration of the construction phase.</p> <p>2.5 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.</p>	<p>To ensure that the development contributes to a safe and attractive industrial environment.</p>	<ul style="list-style-type: none"> <li>i. Amended plans are to be submitted to Council for approval prior to the approval of a Development Permit for Building Work.</li> <li>ii. Once approved, the use and associated works must be completed and maintained generally in accordance with the approved drawings and documents, at all times.</li> </ul>

**Attachment A – Assessment Manager Conditions of Approval**

Condition	Reason	Timing
2.6 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
<b>Approved Plans</b>		
<b>Drawing Title</b>	<b>Drawing/Revision</b>	<b>Date</b>
PROPOSED SITE PLAN	2024029-DA-A120 Revision D	13/09/2024
MRV SERVICE VEHICLE PATH PLAN	2024029-DA-A180 Revision B	13/09/2024
PROPOSED FLOOR PLAN	2024029-DA-A220 Revision B	13/09/2024
PROPOSED BUILDING ELEVATIONS SHEET 1 OF 2	2024029-DA-A300 Revision B	13/09/2024
PROPOSED BUILDING ELEVATIONS SHEET 2 OF 2	2024029-DA-A301 Revision B	13/09/2024
PROPOSED LANDSCAPE SITE PLAN	2024029-DA-L100 Revision B	13/09/2024
SIGNAGE DETAILS	2024029-DA-S100 Revision B	13/09/2024
CIVIL WORKS PRELIMINARY LAYOUT	2479 SK01 Revision 01	10/09/2024
<b>Associated Reports</b>		
Civil Engineering Report (Stormwater Management, Infrastructure and Civil Services), prepared by Melora Consulting Engineers, Revision 01		11 September 2024
Noise Impact Assessment prepared by Dedicated Acoustics, Revision 0		13 September 2024
<b>Outstanding Charges</b>		
3. All rates and charges (including infrastructure charges), in arrears in respect of the land subject of the application, are to be paid in full prior to the commencement of the proposed use.		
<b>Notice of Intention to Commence the Use</b>		
4. A minimum two (2) weeks prior to the commencement of the use on the land subject to this application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		
<b>5. Nature and Extent of Approved Use</b>		
5.1 This approval provides for a development comprising:		

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p><b><i>‘Food and drink outlet’</i></b> as defined in the Planning Scheme:  <i>The use of premises for—</i>            (a) <i>preparing and selling food and drink for consumption on or off the premises; or</i>            (b) <i>providing liquor for consumption on the premises, if the use is ancillary to the use in paragraph (a).</i></p> <p>5.2 Specifically, the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2 and Condition 5.</p> <p>5.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>5.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the applicant.</p> <p>5.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>	<p>The development must comply with all planning scheme requirements including definitions, nature and extent as approved and conditioned by this development permit.</p>	<p>At all times.</p>
<b>Traffic, Car Parking and Access</b>		
<p><b>6. Roadworks, Access, Parking and Traffic</b></p> <p>6.1 All on-site parking bays, loading areas and manoeuvring areas are to be designed in accordance with the relevant Australian Standards and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ).</p>	<p>To ensure development is appropriately serviced by adequate on-site parking, access and manoeuvrability areas in accordance with relevant code/s and policy</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.            ii. Works to be completed prior to the commencement of the use; then</p>

**Attachment A – Assessment Manager Conditions of Approval**

Condition	Reason	Timing
<p>6.2 All accesses to the premises, on-site car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete).</p> <p>6.3 All vehicles accessing the premises must enter and leave the site in a forward direction.</p> <p>6.4 Appropriate directional signage to be implemented on-site.</p> <p>6.5 Ensure the area/s set aside for parking, vehicle manoeuvring and loading and unloading are not used for the storage or placement of goods or materials.</p> <p>6.6 Ensure the loading and unloading of vehicles, or vehicles waiting to be loaded or unloaded, and the delivery of goods to and from the premises are located and conducted to cause minimum interference.</p> <p><b>7. On site Parking</b></p> <p>7.1 A minimum of six (6) dedicated customer/staff parking spaces (inclusive of one (1) all accessible parking space provided for a person with a disability) are to be provided on-site at all times.</p> <p>7.2 Car parking spaces for employees are to be designated and identified with appropriate signage.</p> <p>7.3 All on-site parking must be designed in accordance with the relevant Australian Standards and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ).</p> <p>7.4 All car parking facilities must be always maintained to a safe operating standard thereafter.</p> <p><b>8. Access</b></p> <p>8.1 Construct a driveway crossover at the frontage of Edwards Street in accordance with the relevant standards and plan submitted with</p>	<p>direction; and that the developments impact on the road network and safety of road users in this location is appropriately mitigated.</p>	<p>iii. To be maintained for the life of the development.</p>

**Attachment A – Assessment Manager Conditions of Approval**

Condition	Reason	Timing
<p>the application prepared by inTOTUM, titled 'Proposed Site Plan No: 2024029-DA-A120 Revision D', dated 13 September 2024.</p> <p>8.2 The redundant crossovers must be removed and reinstated with kerb and channel.</p> <p>8.3 Appropriate signage and pavement marking to delineate the direction of traffic entering and exiting the site is to be provided. All pavement marking must be in accordance with the MUTCD and to the satisfaction of the Council.</p> <p>8.4 Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately at no cost to Council.</p> <p>8.5 The landowner shall be responsible for maintenance of the driveway between the property boundary and the edge of the bitumen as required to continue safe and efficient access between the permitted road access point.</p> <p><b>9. Lighting</b></p> <p>9.1 Appropriate lighting is provided to ensure pedestrian and vehicle safety.</p>		
<b>Nuisance and Environmental and Health</b>		
<p><b>10. Avoiding Nuisance</b></p> <p>10.1 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards.</p> <p>10.2 Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles, or smoke. It may also include an unhealthy, offensive, or unsightly condition because of contamination.</p>	<p>To ensure that the use of the site does not cause unacceptable nuisance in accordance with the <i>Environmental Protection Act 1994</i>.</p>	<p>All times.</p>

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>10.3 The proposed activity must be conducted in a manner that applies such reasonable and practical means to avoid, minimise or manage the emission or likelihood of emissions that constitutes noise, dust, light, vibration, odour and privacy nuisances.</p> <p>10.4 No release of contaminants, including, but not limited to dust, fumes, odour or aerosols or emission of noise is to cause or be likely to cause an environmental nuisance beyond the boundaries of the premises to which this development permit relates.</p> <p>10.5 All solid wastes or other materials likely to produce contaminants shall be stored in bins with lids in place to prevent the ingress of stormwater.</p> <p>10.6 There shall be no release of litter or contaminants from the site to any roadside, drain or waters.</p> <p>10.7 External lighting must be installed in accordance with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting. The installation of external lighting must be certified by a suitably qualified person in accordance with the Australian Standard.</p>		
<p><b>Acoustic Management and Noise Levels</b></p> <p>10.8 Noise from the approved Food and drink outlet must not cause environmental nuisance to any sensitive receptor. In accordance with the <i>Environmental Protection Act 1994</i>, any emission of noise from activities on site must ensure that the emissions are consistent with the <i>Environmental Protection (Noise) Policy 2019</i>.</p>	<p>To ensure that Acoustic Quality Objectives of the <i>Environmental Protection (Noise) Policy</i> and the recommendations of the Noise Impact Assessment prepared by Dedicated Acoustics, Revision 0, dated 13 September 2024, have been effectively implemented/installed.</p>	<p>Technical details are to be submitted to council within <b>one (1) month</b> from the commencement of the use.</p>

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>10.9 The approved development must comply with the recommendations and mitigation measures proposed in the Noise Impact Assessment prepared by Dedicated Acoustics, Revision 0, dated 13 September 2024, including (but not limited to) the following mitigation measure:</p> <p>10.9.1 An acoustic barrier of a minimum height of 1.8 metres must be provided along the southeastern and southwestern boundaries of the site. The acoustic barrier must be designed and constructed to be continuous, gap free with a minimum surface mass of 12.5 kg/m<sup>2</sup>.</p> <p>10.9.2 Airconditioning units are not to exceed a sound power level of Lw 66 dB(A)</p> <p>10.9.3 The external cold room condenser is limited to a sound power level of Lw 70 dB(A).</p> <p><u>Acoustic Control Measures – Post Construction Certification</u></p> <p>10.10 The developer must submit to Council a post-construction certification, one month following the commencement of use, demonstrating that the recommendations of the Noise Impact Assessment prepared by Dedicated Acoustics, Revision 0, dated 13 September 2024, have been achieved.</p> <p>10.11 Certification must be provided by a suitably qualified acoustic consultant.</p> <p>10.12 Should the post-construction certification demonstrate that the development is not operating in accordance with the conditions, Council may commence enforcement action, until such time as compliance is demonstrated.</p> <p><u>Hours of Operation</u></p>		

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>10.13 Unless otherwise agreed in writing by Council, the activities associated with the use must only be conducted at the following times:</p> <ul style="list-style-type: none"> <li>▪ Food and drink outlet: 4am to 10pm, everyday; and</li> <li>▪ Waste removal and deliveries to occur only between the hours of 7am and 7pm.</li> </ul> <p><b>Site Based Management</b></p> <p>10.14 A Site-Based Management Plan (SBMP) prepared by a suitably qualified person is to be submitted to Council for review and approval, prior to the commencement of any works.</p> <p>10.15 The SBMP must be site specific and activity specific for the proposed development and must addresses/detail at a minimum all works occurring pre, during and post construction; on-going site activities; cessation of use, as follows:</p> <ul style="list-style-type: none"> <li>• Pre and during construction and on-going site activities:</li> <li>• Site establishment activities and works on-site proposed.</li> <li>• Access arrangements.</li> <li>• On-site movement and activities including parking.</li> <li>• All infrastructure and servicing existing onsite and all existing public utilities, services and Council assets.</li> <li>• Material storage on-site.</li> <li>• Stockpiling of materials on-site.</li> </ul> <p>10.16 The SBMP must also have a section for incident recording including management and corrective action recording.</p> <p>10.17 The final SBMP and its associated control measures and any conditions or amendments thereto approved by Council, must be implemented and maintained by the applicant/owner at all times.</p>		



## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>10.18 A copy of the SBMP for the site must be held on-site at all times and produced if requested by Council officers. All staff, including sub-contractors, must be inducted and familiar with the plan.</p> <p><u>Erosion and Sediment Control</u></p> <p>10.19 Provide a professionally prepared erosion and sediment control plan for the proposed earthworks that includes stormwater management and sediment controls during and post construction, for approval by Council prior to works commencing.</p> <p>10.20 Approved controls are to be installed and maintained to the satisfaction of Council.</p> <p><b>Storage of Hazardous Materials and Flammable and Combustible Liquids</b></p> <p>10.21 Ensure the storage of Hazardous Materials and Flammable and Combustible Liquids is at all times in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards including <i>AS1940 "The Storage and Handling of Flammable and Combustible Liquids."</i></p> <p><b>Lighting</b></p> <p>10.22 The operation of the activity must not cause undue disturbance to any person or activity because of the light it emits.</p> <p>10.23 The vertical illumination resulting from direct, reflected or incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property, at any level from ground level up.</p> <p><u>Outdoor Lighting</u></p> <p>10.24 Any outdoor lighting fixtures must be installed and maintained so as not to emit glare or light above the levels stated in the relevant</p>		

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>Australian Standard 4282 – 1997: Control of the Obtrusive Effects of Outdoor Lighting.  <i>Note: Australian Standard 4282 to be checked at time of condition to ensure it is current, in terms of the year of revision.</i></p> <p>10.25 All illuminated signage must be turned off when the facility is closed.</p> <p><b>Refuse Facilities and Waste Management</b></p> <p>10.26 Refuse facilities and waste management must be provided to the satisfaction of Council, in accordance with Council's Waste Management Policy, <i>Local Law No. 8 (Waste Management) 2018</i> and the <i>Environmental Protection Regulation 2019</i> to ensure sufficient waste management storage capacity is provided on-site to adequately cater for the demand generated by the use of the premises.</p> <p>10.27 Refuse collection arrangements must be provided by the developer to the satisfaction of Council.</p> <p>10.28 Store all waste within a waste storage area (e.g. general waste, recyclable waste, pallets, empty drums etc.) The waste storage area must be:</p> <p>10.28.1 Designed and located to not cause nuisance to neighbouring properties;</p> <p>10.28.2 Shall not be visible from the street front and screened from any road frontage or adjoining property;</p> <p>10.28.3 Of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearance around the bins for manoeuvring and cleaning;</p>		

**Attachment A – Assessment Manager Conditions of Approval**

Condition	Reason	Timing
<p>10.28.4 Provided with a suitable hose cock and hoses at the waste storage area.</p> <p>10.29 Waste removal must only occur in daylight hours between 7am – 7pm to avoid noise nuisance to neighbouring properties.</p> <p>10.30 Store all liquid waste that cannot be disposed of in Council's sewerage system or an on-site industrial waste treatment system in a covered area on an impervious surface and ensure it is contained in a manner capable of containing the liquids in case of spillage.</p> <p><b>General</b></p> <p>10.31 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards.</p> <p>10.32 No off-site release of prescribed contaminants is permitted.</p> <p>10.33 Where potential or actual environmental harm may be caused by the approved development, Council may at any time direct the applicant/owner, or persons acting on behalf of the applicant/owner, to:</p> <p>10.33.1 cease an activity</p> <p>10.33.2 implement appropriate impact control measures</p> <p>10.33.3 modify work plans or methods.</p> <p><b>Complaint Management</b></p> <p>10.34 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council will require the developer/operator to engage a suitably qualified consultant to undertake an</p>		

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council.</p> <p>10.35 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within 3 months at no cost to Council.</p>		
<b>Infrastructure Provision</b>		
<p><b>11. Water and Sewerage Supply</b></p> <p>11.1 The approved development is to be appropriately serviced by Council's reticulated water supply and sewer infrastructure.</p> <p>11.2 Certification from a suitably qualified and experienced RPEQ Engineer that the existing:</p> <ul style="list-style-type: none"> <li>i. Water supply flow and pressure proposed to serve the proposed development is sufficient to meet Council's Policy for Customer Service Standards; and</li> <li>ii. Sewer infrastructure proposed to serve the proposed development is sufficient,</li> </ul> <p>is to be provided for Council's review and approval and will form part of the approval.</p> <p>11.3 Any alterations required to Council's sewerage network are to be completed at the applicant's full cost with no cost to Council.</p> <p><b>12 Stormwater</b></p> <p>12.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as</p>	<p>To ensure that the premises is appropriately serviced by reticulated infrastructure in accordance with relevant code/s and policy direction:</p> <ul style="list-style-type: none"> <li>a. for general use;</li> <li>b. for firefighting purposes;</li> <li>c. to maintain the structural integrity of Council sewerage and water supply infrastructure; and to</li> </ul> <p>ensure the premises appropriately manages and conveys stormwater legally and in an environmentally responsible manner.</p>	<ul style="list-style-type: none"> <li>i. Technical details required to be submitted to Council as part of an application for operational works, prior to the commencement of any works on-site.</li> <li>i. At all times</li> </ul>

## Attachment A – Assessment Manager Conditions of Approval

Condition	Reason	Timing
<p>to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>12.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p> <p>12.3 All recommendations of the Civil Engineering Report prepared by Meliora Engineering (Job No 2479) dated 11/09/24 must be implemented.</p> <p><b>13. Electricity and Communications</b></p> <p>13.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.</p>		
<b>Flood Hazard</b>		
<p><b>14 Flood Mitigation</b></p> <p>14.1 Development must not change inundation characteristics outside the subject site in ways that would:</p> <ul style="list-style-type: none"> <li>(a) result in loss of flood storage or loss of, or changes to, flow paths;</li> <li>(b) adversely change the depth or behaviour of the hazard; or</li> <li>(c) reduce warning times; or</li> <li>(d) increase the duration of the hazard.</li> </ul> <p>14.2 Development which occurs in areas subject to a flood hazard ensures new buildings or extensions are designed to remain structurally sound during the defined flood event.</p> <p>14.3 Facilities are to be:</p> <ul style="list-style-type: none"> <li>(a) relocatable or readily replaced;</li> </ul>	<p>To ensure impacts arising from flood hazard are mitigated where possible and managed appropriately.</p>	<p>At all times.</p>

**Attachment A – Assessment Manager Conditions of Approval**

Condition	Reason	Timing
<p>(b) not vital to the safe operation of the use during or after a flood event; and</p> <p>(c) located or designed to avoid causing a risk to public safety in the event of a flood or impede the flow of flood water.</p> <p>14.4 Adequate provision is to be made for safe evacuation, response and recovery during a flood event.</p>		
<b>Urban Design</b>		
<p><b>15 Landscaping and Fencing</b></p> <p>15.1 Landscaping, fencing and screening measures that contributes to an attractive streetscape and maintains appropriate amenity and privacy to nearby dwellings is to be provided.</p> <p>15.2 Provide landscaping on site in accordance with the plan submitted with the application prepared by inTOTUM, titled 'Proposed Site Plan No: 2024029-DA-A120 Revision D', dated 13 September 2024.</p> <p>15.3 A minimum 1.8m high fence with a maximum gap of 10mm is to be provided for the full length of the subject site boundaries excepting where the acoustic barrier is provided and the Edwards Street (road) frontage.</p> <p><b>16. Visual Treatment of Plant and Equipment</b></p> <p>16.1 The applicant must ensure all plant and equipment (inclusive of air conditioning units, compressors, generators, ducting, ventilation and the like) is:</p> <ul style="list-style-type: none"> <li>ii. not located between any building and/or an adjoining residential premises; and</li> <li>iii. to be appropriately screened and ventilated from view from any dedicated road or adjoining residential premises.</li> </ul>	<p>To soften the visual impact of the development from the street and adjoining land and to ensure that the development does not cause undue disturbance to any person or activity because of noise, vibration, odour, dust or other emissions.</p>	<p>At all times.</p>

**Attachment A – Assessment Manager Conditions of Approval**

Condition	Reason	Timing
<p><b>17. Building Materials</b></p> <p>17.1 The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.</p> <p><b>18 Signage</b></p> <p>18.1 Any signage to be associated with the use must be designed to the satisfaction of and approved by Council.</p> <p>18.2 To maintain amenity for the adjoining residential properties, no illumination of any signage proposed is to occur unless otherwise approved by Council.</p> <p><b>19. Storage</b></p> <p>19.1 Goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.</p> <p>19.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>19.3 Any storage on-site is required to be screened from view from all roads and adjacent properties.</p>		

## Attachment A – Assessment Manager Conditions of Approval

<b>Advice</b>	
<b>1. Infrastructure Charges</b>	An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information.
<b>2. Uses other than Food and Drink Outlet</b>	Any other uses proposed on this lot that are not defined as “Food and Drink Outlet” and/or separately defined in Council’s Planning Scheme will require a separate development application and permit as per the planning scheme requirements and all relevant legislation.
<b>3. Compliance with Conditions</b>	Inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.
<b>4. Further Approvals Required</b>	<ul style="list-style-type: none"> <li>a) <b>Operational Works</b> A development permit for operational works to carry out civil works associated with the planning approval is required prior to any works commencing on-site.</li> <li>b) <b>Erection of Structures over or adjacent to Sewers</b> An approval for the erection of structures over or adjacent to sewers is required in accordance with Council’s policy, prior to any works commencing on-site.</li> <li>c) <b>Trade Waste</b> Trade waste permit may be required prior to the commencement of use of the development.</li> <li>d) <b>Plumbing and Drainage Works</b> A compliance permit to carry out plumbing and drainage works must be obtained prior to the commencement of plumbing and drainage works.</li> <li>e) <b>Building Works</b> A development permit for building works to carry out building works is required, prior to works commencing on site.</li> <li>f) <b>Food Licence</b> An application for a food licence may be required to be submitted and approved before food is to be sold and/or prepared. Please contact the Burdekin Shire Council Environmental Health and Regulatory Services for advice.</li> <li>g) <b>Road Works Permit</b> <ul style="list-style-type: none"> <li>i. Road works on State Controlled Road</li> </ul> </li> </ul>



## Attachment A – Assessment Manager Conditions of Approval

Advice
<p>Approval for works within the road reserve must be obtained from the Department of Transport and Main Roads.</p> <p>ii. Council managed footpath</p> <p>Approval for works within the road reserve must also be obtained from Burdekin Shire Council.</p>
<p><b>5. Equitable Access and Facilities</b></p> <p>The plans for the proposed building work have NOT been assessed for compliance with the requirements of the <i>National Construction Code - Building Code of Australia (Volume 1)</i> as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:</p> <ul style="list-style-type: none"> <li>(a) <i>the Disability Discrimination Act 1992 (Commonwealth)</i></li> <li>(b) <i>the Anti-Discrimination Act 1991 (Queensland)</i></li> <li>(c) <i>the Disability (Access to Premises – Buildings) Standards.</i></li> </ul>
<p><b>6. Construction</b></p> <p><b>6.1 Commencement</b></p> <p>Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via <a href="mailto:planning@burdekin.qld.gov.au">planning@burdekin.qld.gov.au</a></p> <p><b>6.2 Environmental Nuisance</b></p> <p>Ensure compliance with the Environmental Protection Act 1994. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.</p> <p>In this regard persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.</p> <p><b>6.3 General Safety of Public During Construction</b></p> <p>It is the project manager's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.</p> <p>It is the principal contractor's responsibility to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.</p>

## Attachment A – Assessment Manager Conditions of Approval

Advice	
<p>It is the responsibility of the person in control of the workplace to ensure compliance with the <i>Work Health and Safety Act 2011</i>. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.</p>	
6.4	<p><u>Building Work Noise</u></p> <p>The hours of audible noise associated with construction and building work on-site must be limited to between the hours of:</p> <ul style="list-style-type: none"> <li>6.30 a.m. to 6.30 p.m. Monday to Saturday; with</li> <li>No work on Sundays or Public Holidays.</li> </ul>
6.5	<p><u>Storage of Materials and Machinery</u></p> <p>All construction materials, waste, waste skips, machinery and contractor's vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.</p>
<b>7.</b>	<b>Aboriginal and Cultural Heritage</b>
7.1	If any item of cultural heritage is identified during site works, all work must cease, and the relevant state agency must be notified. Work can resume only after state agency clearance is obtained.
7.2	The applicant is reminded of their obligations under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> . Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: <a href="http://www.datsip.qld.gov.au">www.datsip.qld.gov.au</a>
<b>8.</b>	<b>Miscellaneous</b>
8.1	Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
8.2	The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.
8.3	It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

# ZARRAFFA'S COFFEE AYR

125 EDWARDS STREET,  
AYR, QUEENSLAND 4807



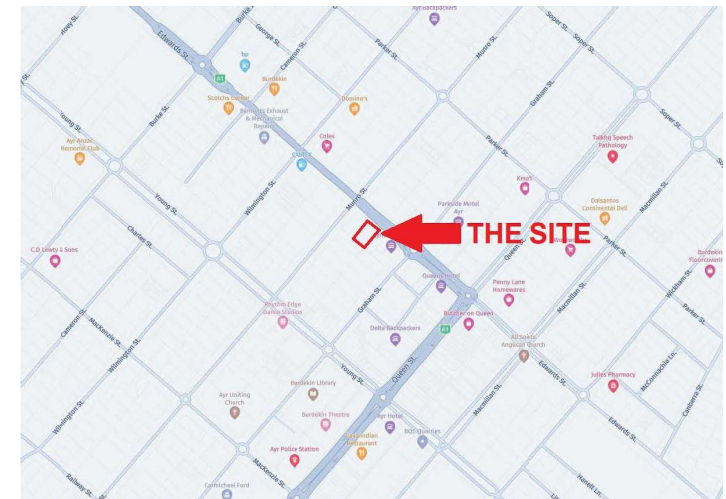
## DEVELOPMENT APPLICATION

### DRAWING REGISTER

2024029-DA-A000	COVER SHEET
2024029-DA-A110	EXISTING SITE PLAN
2024029-DA-A111	EXISTING STREET VIEW ELEVATIONS
2024029-DA-A120	PROPOSED SITE PLAN
2024029-DA-A180	MRV SERVICE VEHICLE PATH PLAN
2024029-DA-A220	PROPOSED FLOOR PLAN
2024029-DA-A300	PROPOSED BUILDING ELEVATIONS SHEET 1 OF 2
2024029-DA-A301	PROPOSED BUILDING ELEVATIONS SHEET 2 OF 2
2024029-DA-L100	PROPOSED LANDSCAPE SITE PLAN
2024029-DA-S100	SIGNAGE DETAILS

### REAL PROPERTY DESCRIPTION

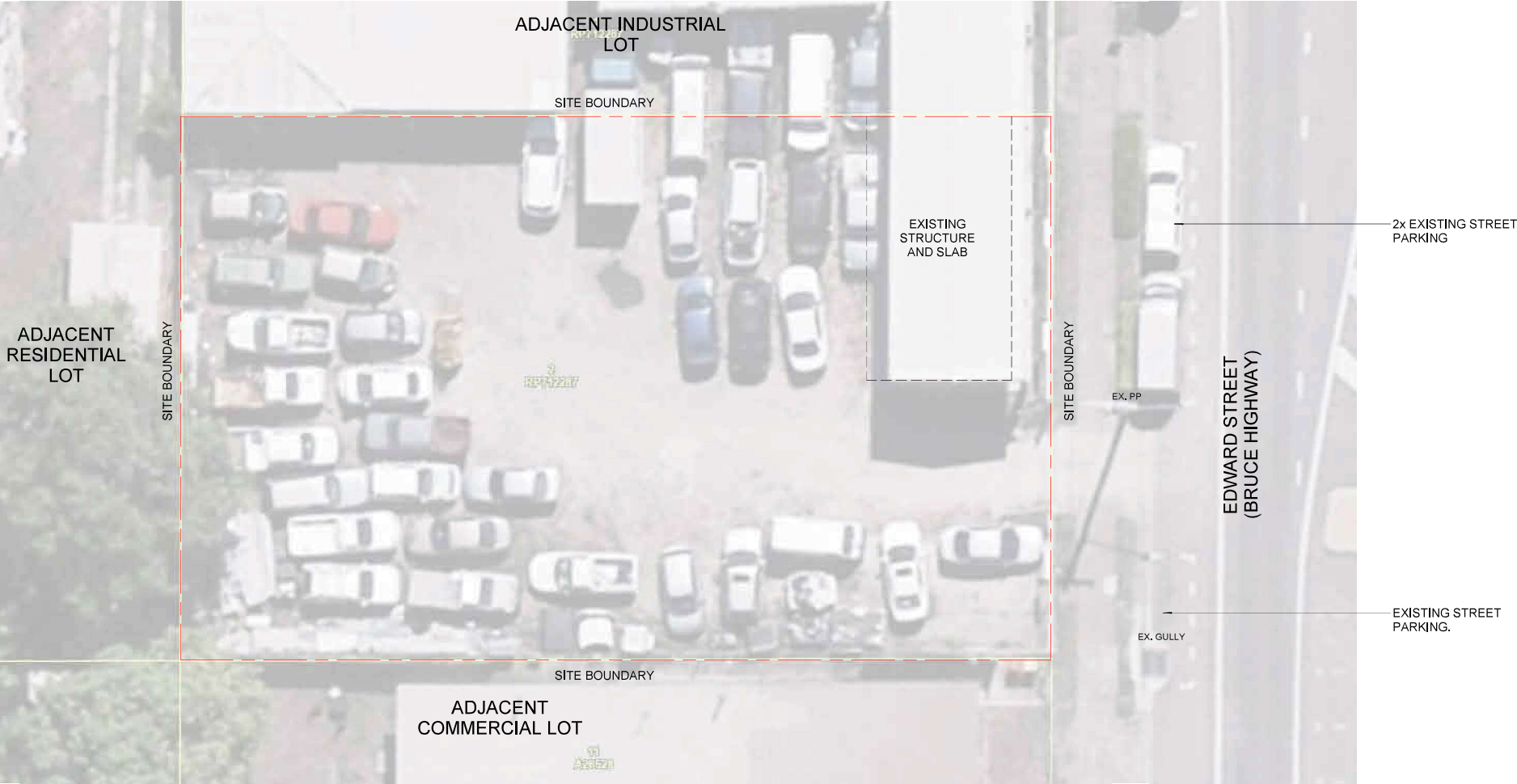
LOT 2 ON RP712287  
PARISH OF ANTIL  
COUNTY OF GLADSTONE  
LGA: BURDEKIN SHIRE COUNCIL  
SITE: 1012.00 m<sup>2</sup>



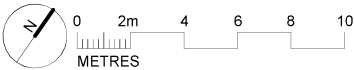
LOCALITY PLAN  
SCALE NTS

NOT FOR CONSTRUCTION

DEVELOPMENT  
APPLICATION



**APPROVED**  
REF: MCU24/0016 DATE: 10/12/2024  
*J. Gallitto*



**NOT FOR CONSTRUCTION**  
**DEVELOPMENT APPLICATION**





1 SITE LOOKING NORTH-WEST ALONG EDWARD STREET  
NTS



2 SITE FROM EDWARD STREET  
NTS



3 SITE LOOKING SOUTH-EAST ALONG EDWARD STREET  
NTS



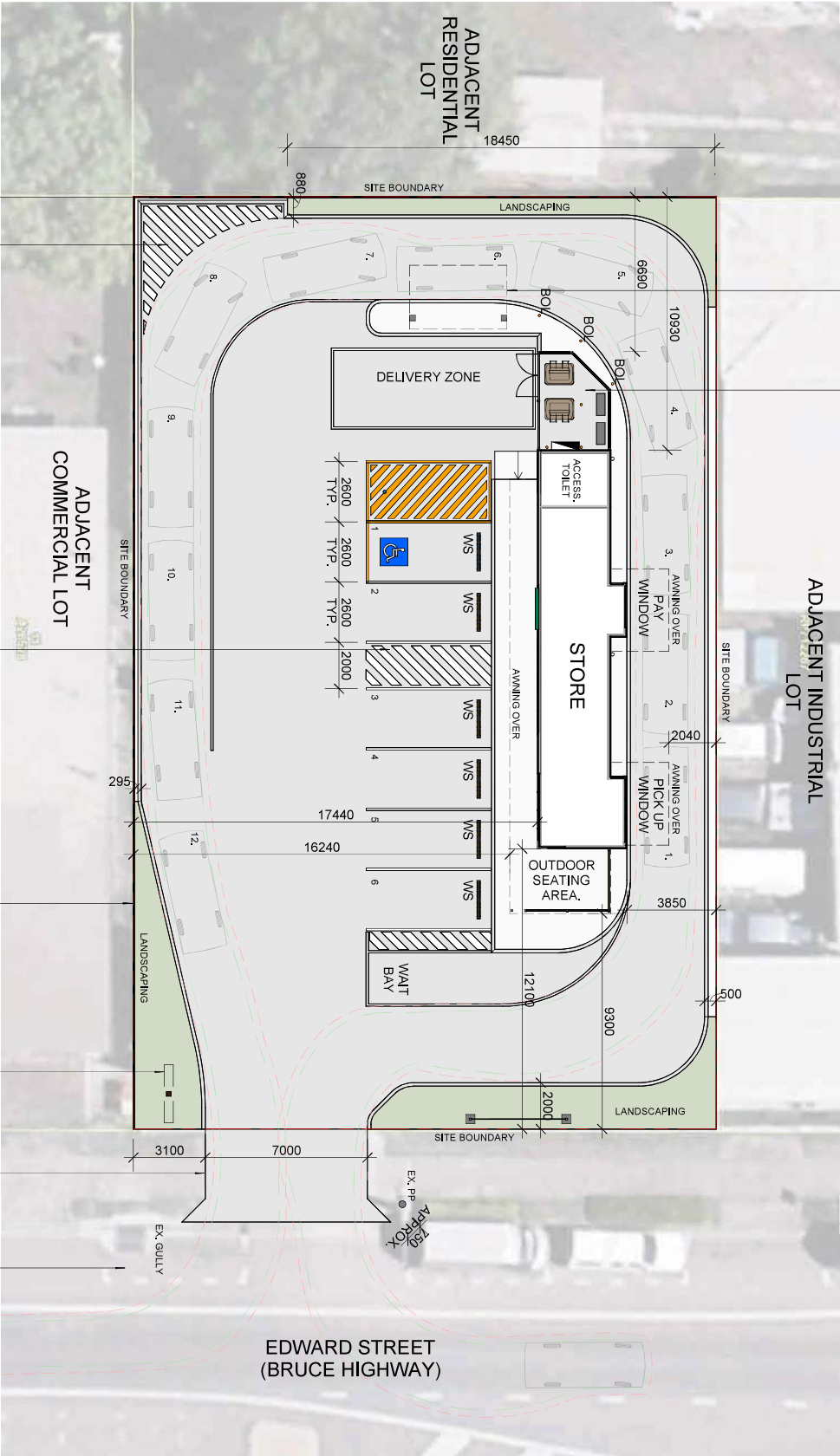
NOT FOR CONSTRUCTION

DEVELOPMENT  
APPLICATION

DRIVE THRU ORDER POINT.

MECH AND REFUSE AREA.

ADJACENT INDUSTRIAL LOT



REAL PROPERTY DESCRIPTION

LOT: 2 ON RP712287  
PARISH: ANTL  
COUNTY: GLADSTONE  
LGA: BURDEKIN SHIRE COUNCIL

DEVELOPMENT SCHEDULE

USE	AREA (GFA)
SITE	1.012m²
LANDSCAPING	74m² (13.7%)
HARDSTAND	880m²
BUILDING	58m²
SEATING AREA	10m²

PARKING SCHEDULE

PER BURDEKIN SHIRE COUNCIL PLANNING SCHEME TABLE 6.2.1.3(e),

FOOD AND DRINK:  
(b) 1 space per 15m² of gross floor area. Plus:  
For any drive-through facility, queuing space, clear of the road reserve, for 10 vehicles being served or awaiting service.

RATE:	REQUIRED	PROVIDED
1:15m²	3.8 (4)	6
QUEUING PROVIDED:		12
STREET PARKING REMOVED/RESTORED:		1
SITE ROAD:		6
NET DEVELOPMENT TOTAL:		+5

DISCLAIMER

NO SURVEY HAS BEEN PROVIDED.  
BOUNDARIES PROVIDED BY OLD GLOBE.  
BOUNDARIES TO BE CONFIRMED PRIOR TO FURTHER DESIGN STAGES.

APPROVED

REF: MCU24/0016 DATE: 10/12/2024

*Handwritten signature*

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION



1 PROPOSED SITE PLAN  
SCALE 1 : 200

U12, 699 SANDGATE RD, CLAYFIELD QLD 4071  
E: info@inTOTUM.com.au  
P: +61 (0) 7 3256 9033  
WWW.INTOTUM.COM.AU

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**APPROVED**

REF: MCU24/0016 DATE: 10/12/2024

**CLIENT**

ROMA CENTRAL PTY LTD (as Trustee)  
ROMA CENTRAL TRUST  
36 SEABEACH AVE, MERMAID BEACH, QLD, 4218

**PROJECT**

ZARAFFA'S COFFEE  
AYR  
125 EDWARDS STREET,  
AYR, QUEENSLAND 4807

**TITLE**

PROPOSED SITE PLAN

**SCALE**

As indicated

**DRAWN**

CMH

**DATE**

13/09/24

**SIZE**

A3

**CHECKED**

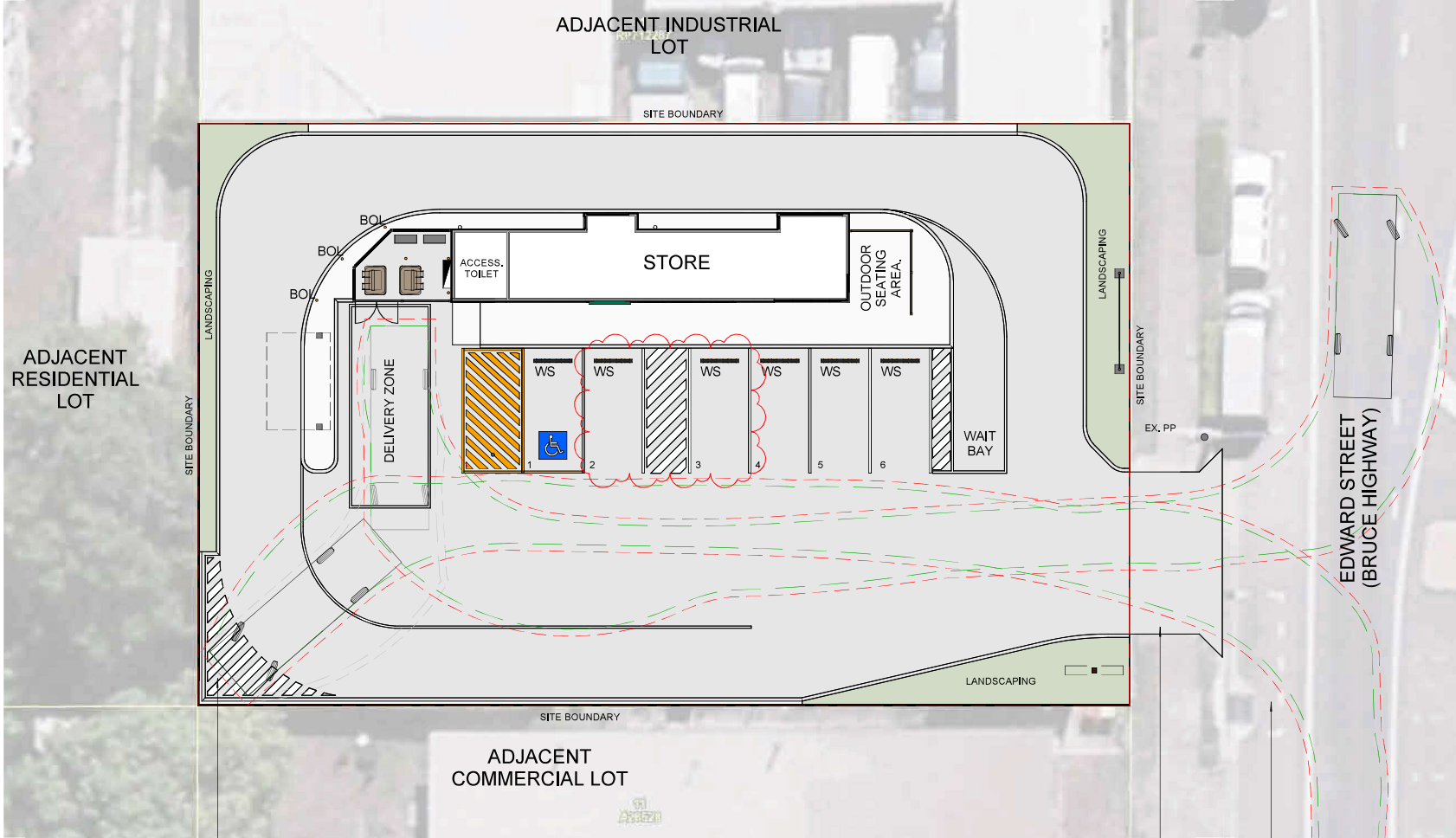
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**DRAWING NUMBER**

2024029-DA-A120

**REVISION**

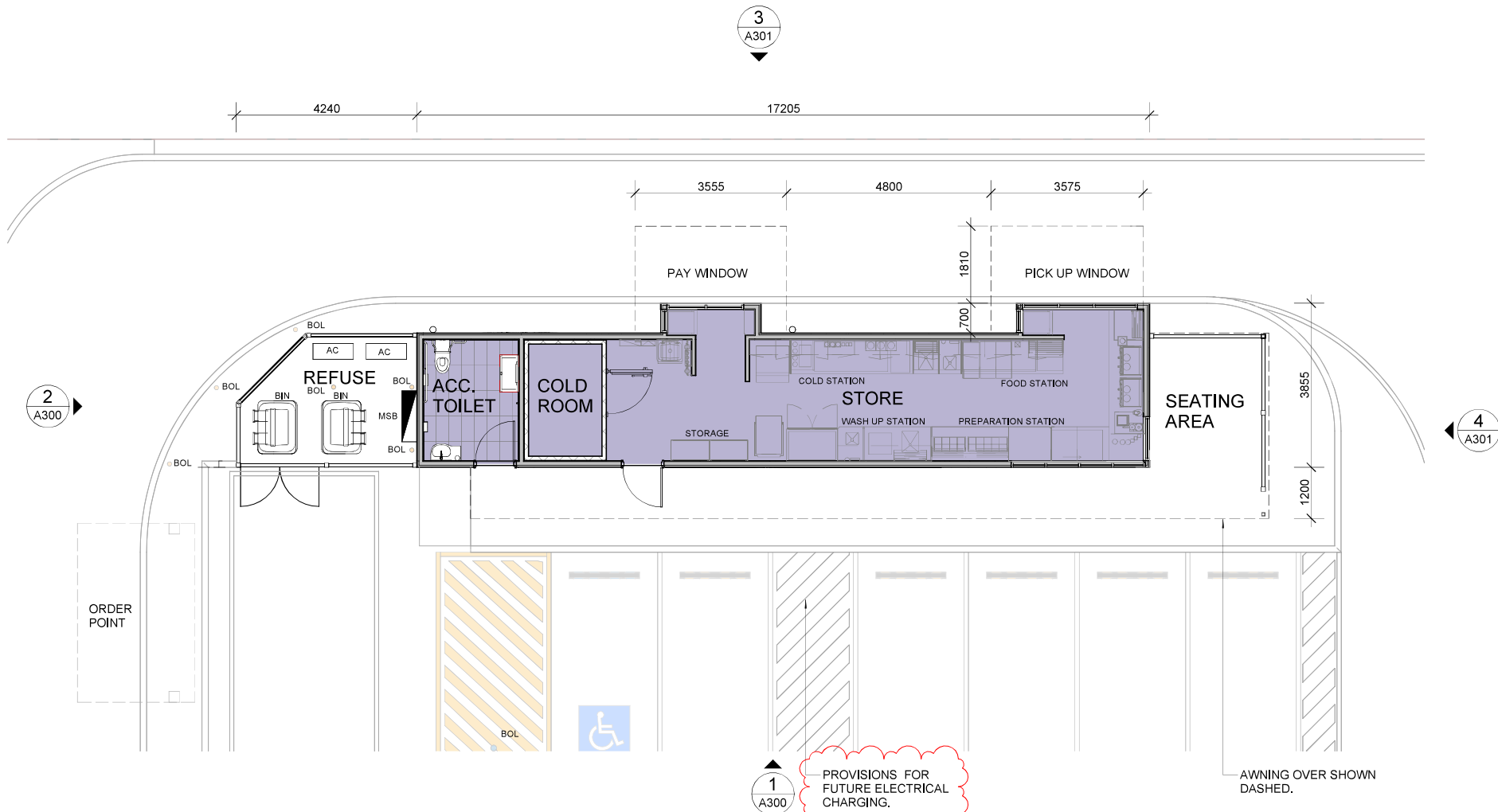
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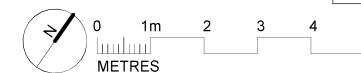
**APPROVED**  
REF: MCU24/0016 DATE: 10/12/2024  
*J. Gallitto*

NOT FOR CONSTRUCTION

DEVELOPMENT  
APPLICATION

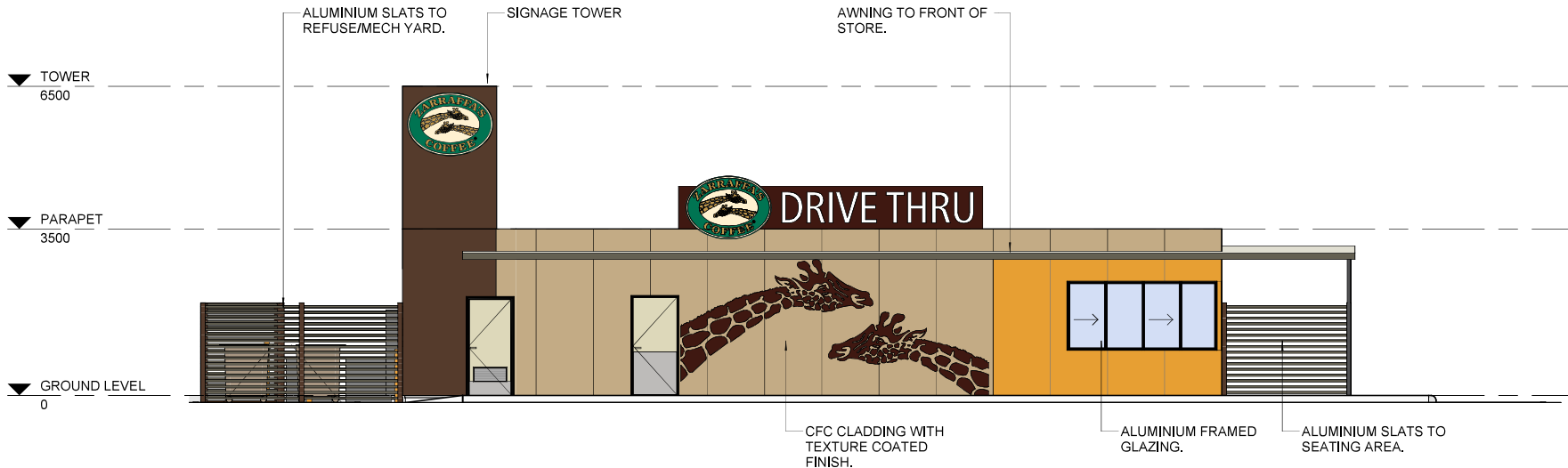


**APPROVED**  
REF: MCU24/0016 DATE: 10/12/2024  
*J. Gallitto*

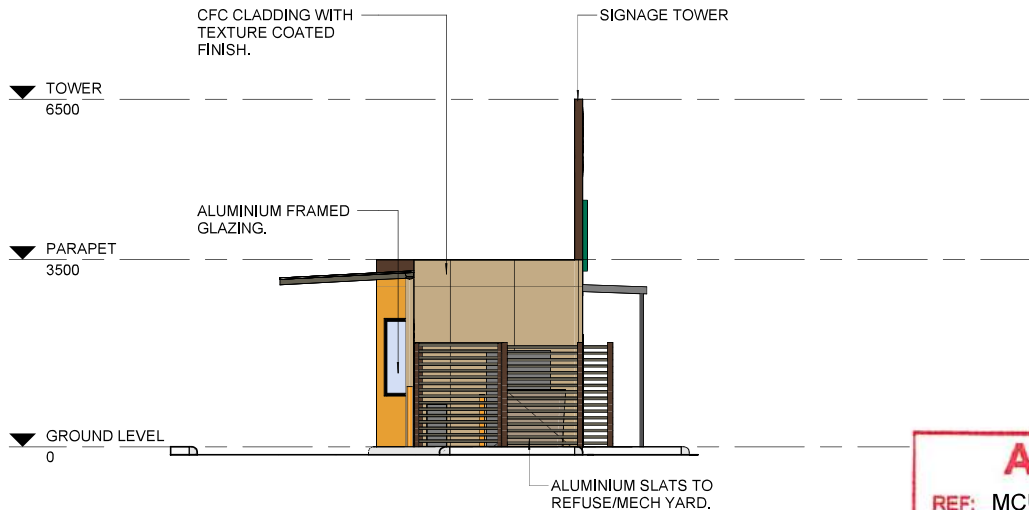


NOT FOR CONSTRUCTION  
DEVELOPMENT APPLICATION










1 NORTH ELEVATION  
A220 SCALE 1 : 100

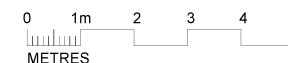


2 WEST ELEVATION  
A220 SCALE 1 : 100

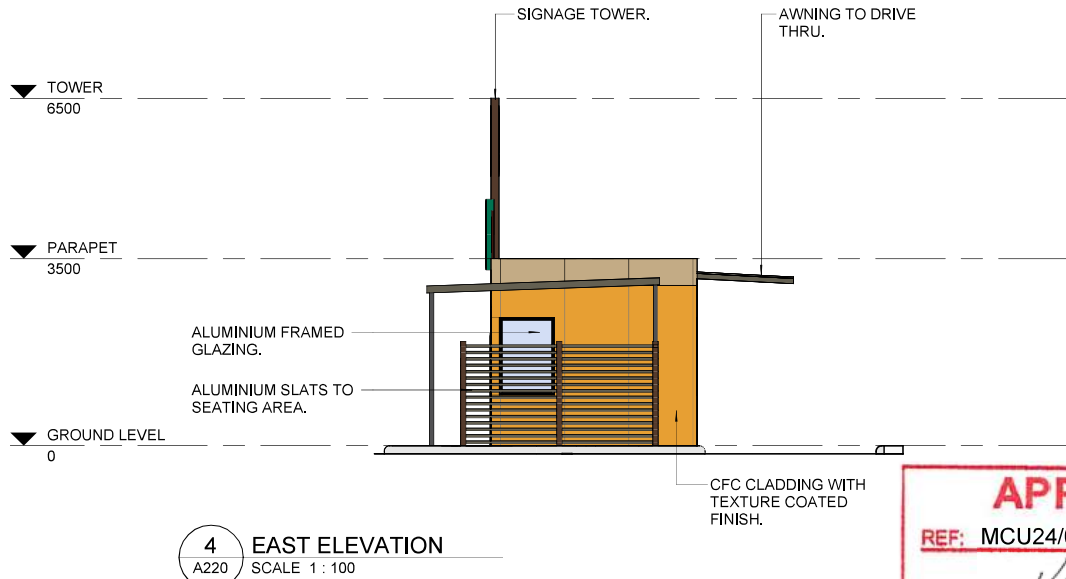
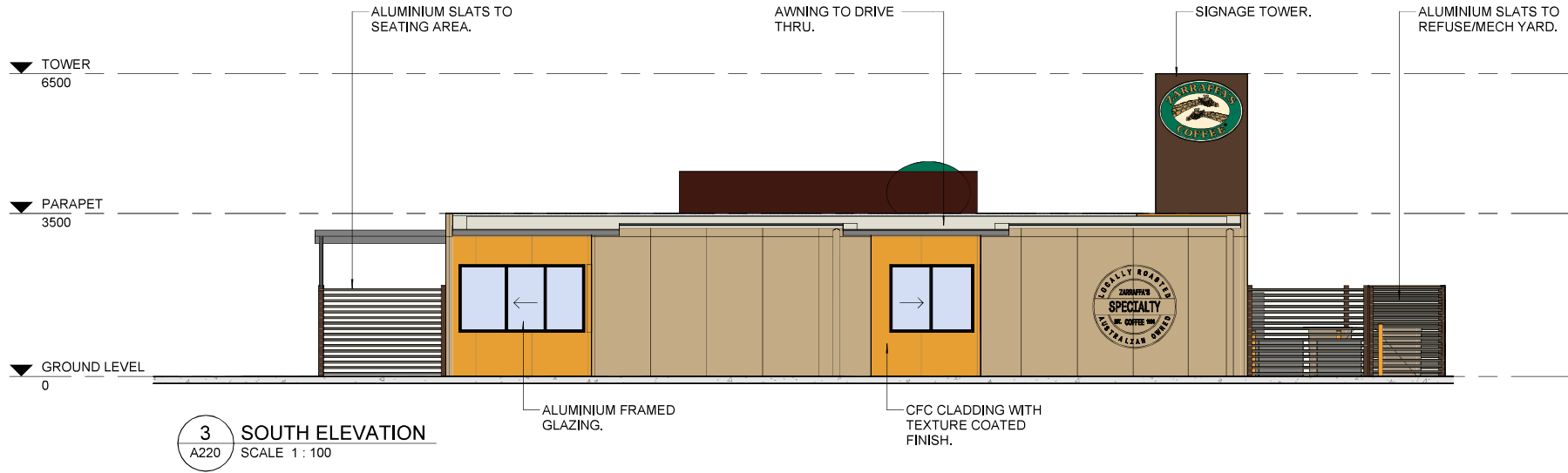
FINISHES		
	DULUX GOLDEN OCHRE	EXTERNAL FEATURE WALLS
	DULUX JASPER	SLAT SCREENINGS, DOWNPIPES, AWNING FASCIAS
	DULUX OLD RUIN	EXTERNAL WALLS
	DULUX REAL BROWN	EXTERNAL WALLS, SEATING AREA COLUMNS.
	WATTYL WHEATLANDS	EXTERNAL DOORS, SOFFITS.








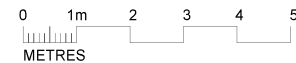
NOT FOR CONSTRUCTION



DEVELOPMENT APPLICATION



FINISHES		
	DULUX GOLDEN OCHRE	EXTERNAL FEATURE WALLS
	DULUX JASPER	SLAT SCREENINGS, DOWNPIPES, AWNING FASCIAS
	DULUX OLD RUIN	EXTERNAL WALLS
	DULUX REAL BROWN	EXTERNAL WALLS, SEATING AREA COLUMNS.
	WATTYL WHEATLANDS	EXTERNAL DOORS, SOFFITS.



NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

PLANT NAME	HABIT	HEIGHT	WIDTH
ACACIA ORARIA 'Coastal Wattle'	MEDIUM TREE	5-10m	3-4m
ACACIA LEPTOSTACHYA 'Townsville Wattle'	SHRUB	2m	1-2m
IXORA 'Pygmy Pink' TWILIGHT GLOW	GROUND COVER	0,5-1m	1-2m
DIETES GRANDIFLORA 'Fortnight Lilly'	CLUMPING AND TUSSOCK PLANT	0,9-1,2m	0,3-0,6m
DIANELA CAERULEA 'Paroo Lilly'	CLUMPING AND TUSSOCK PLANT	1m	0,5m
LOMANDRA HYSTRIX 'Mat-rush'	CLUMPING AND TUSSOCK PLANT	0,8m	0,5m
OPHIPOGON 'Mondo Grass'	CLUMPING AND TUSSOCK PLANT	0,3m	0,3m



1 ACACIA ORARIA 'Coastal Wattle'



2 ACACIA LEPTOSTACHYA 'Townsville Wattle'



3 IXORA 'Pygmy Pink' TWILIGHT GLOW



4 DIETES GRANDIFLORA 'Fortnight Lilly'



5 DIANELA CAERULEA 'Paroo Lilly'



6 LOMANDRA HYSTRIX 'Mat-rush'



7 OPHIOPOGON 'Mondo Grass'

## LANDSCAPE NOTES

### FALLS & DRAINAGE

- PROVIDE FALLS TO ALL LANDSCAPE AREAS. FALL TO DRAINS AS INDICATED AND AWAY FROM BUILDING AND NEIGHBORING PROPERTIES. PONDING IS NOT ACCEPTABLE AND NOTIFY IF ADDITIONAL DRAINAGE MAY BE REQUIRED.
- MIN CROSSFALL TO PLANTING AREAS IS 1:40
- MIN CROSSFALL TO PAVED AREAS TO BE 1:100

### GARDEN EDGING

- PROVIDE EDGING CONCRETE EDGING TO ALL LANDSCAPE AREAS AND ADJOINING CARPARK AND TURFED AREAS.

### PLANTING BEDS

- REFER TO LANDSCAPE PLANS AND SCHEDULE FOR PLANTING AREAS AND SPECIES.
- CULTIVATE ALL PLANTING BEDS TO MIN 150mm DEEP.
- MULCH AND SOIL TO MEET AS4454 AND AS4419 AND ENSURE SOIL MEDIA IS AMELIORATED TO INCREASE WATER HOLDING CAPACITIES.
- APPLY GYPSUM TO THE SUB GRADE AT A RATE OF 100 GRAMS/m<sup>2</sup>.
- APPLY BLOOD AND BONE TO THE SUB GRADE AT A RATE OF 100 GRAMS/m<sup>2</sup>.
- SPREAD A MIN DEPTH OF 350mm OF IMPORTED ORGANIC WEED FREE SOIL MIX TO GARDEN BEDS DIRECTLY AFTER CULTIVATION WORKS.
- CROWN BEDS IN THE CENTRE.
- POSITION PLANTS GENERALLY IN ACCORDANCE WITH THE LANDSCAPE PLAN.
- MULCH GARDEN BEDS TO 100mm USING QUALITY TEA TREE MULCH.
- WATER PLANTING BEDS.
- FERTILISE WITH A LONG TERM SLOW RELEASE FERTILISER.

### LEVELS

- ALL SURFACES ABUTTING BUILDINGS TO BE A MIN 75mm BELOW WEEPHOLES.

### ROCKS/PEBBLES

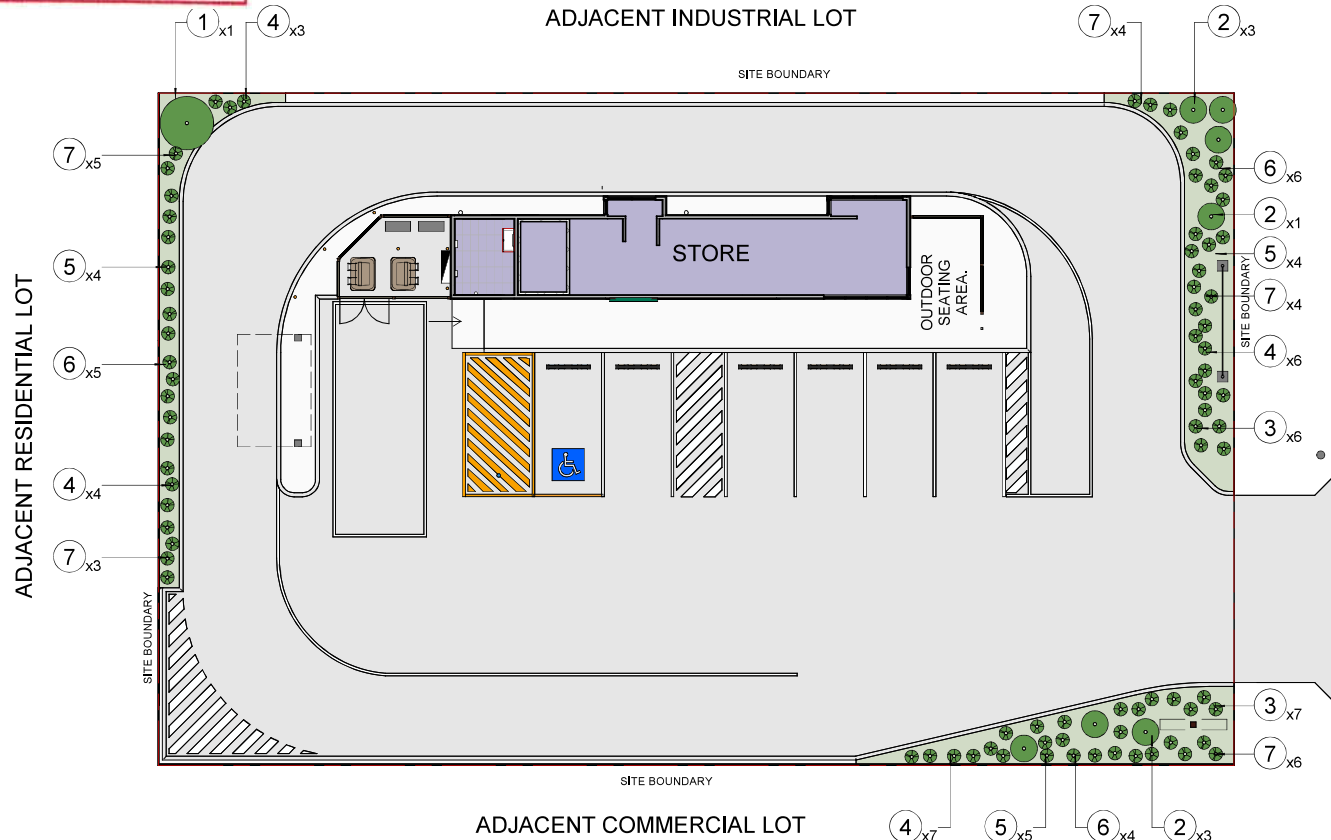
- ALL GARDEN BEDS AGAINST A BUILDING SHALL BE SEPARATED BY A MIN 150mm STRIP OF PEBBLES.
- ALL PEBBLES AREAS TO HAVE WEED MATTING INSTALLED UNDER. BIORETENTION BASIN TO PLANTED WITH GROUND COVERS AT A DENSITY OF 4/m<sup>2</sup> AS PER THE WSUD TECHNICAL DESIGN GUIDELINES.
- ANY TREES IN BIORETENTION BASIN TO BE MOUNDED LOCALLY TO 800mm MINIMUM.

### SERVICES

- LANDSCAPE CONTRACTOR TO LIAISE WITH SITE PROJECT MANAGER/SUPERVISOR TO DETERMINE LOCATION OF ALL AS CONSTRUCTED SERVICES PRIOR TO COMMENCING WORKS.

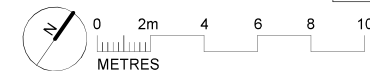
### ESTABLISHMENT & MAINTENANCE

- 12 WEEK ESTABLISHMENT PERIOD TO ALL TURF AND PLANTING AREAS COMMENCING FROM BUILDERS PRACTICAL COMPLETION DATE.
- REFER TO LOCAL AUTHORITY REQUIREMENTS IN RELATION TO WATER USAGE RESTRICTIONS TO ENSURE WATER REGIME IS NOT IN BREACH.
- WATER TWICE WEEKLY FOR FIRST 3 WEEKS AND ONCE WEEKLY THEREAFTER.



EDWARD STREET  
(BRUCE HIGHWAY)

NOT FOR CONSTRUCTION

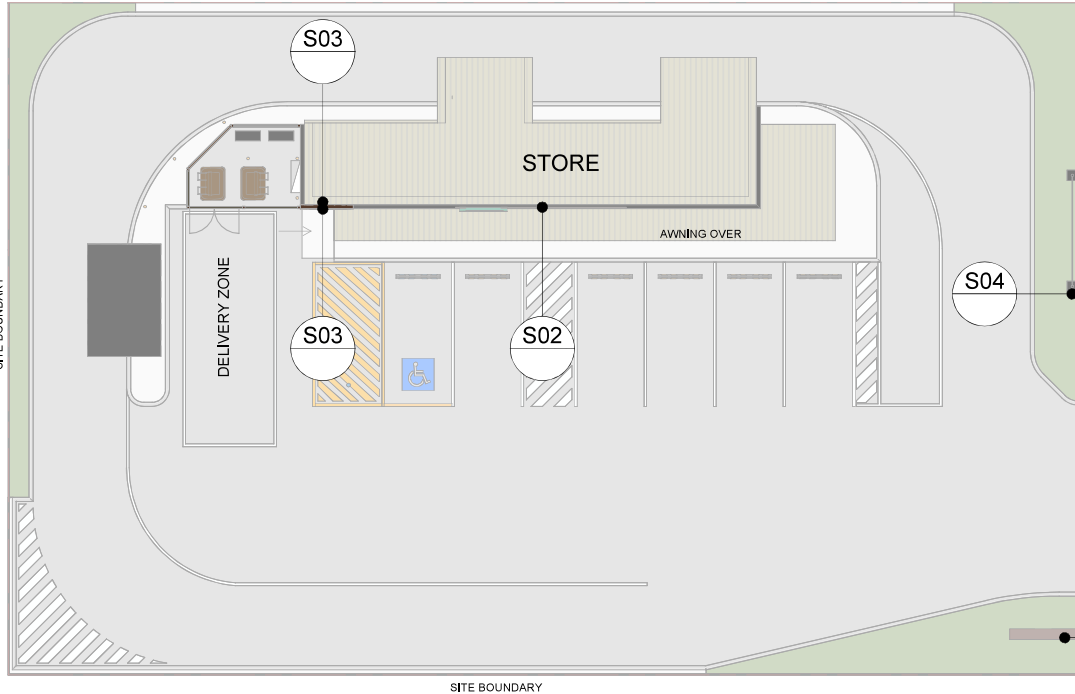


DEVELOPMENT  
APPLICATION

# ADJACENT INDUSTRIAL LOT

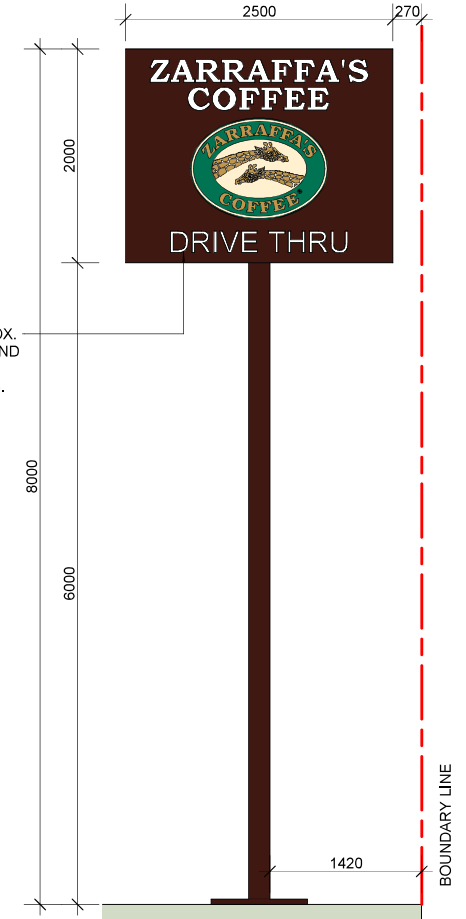
SITE BOUNDARY

ADJACENT RESIDENTIAL LOT



## SIGNAGE SCHEDULE

SIGN	FACE AREA (m²)	HEIGHT FROM GROUND.
S01 - PYLON SIGN	5m² x2 (DOUBLE SIDED)	8.0m
S02 - PARAPET SIGN	6.15m²	4.6m
S03 - TOWER SIGN	1.8m²	6.5m
S04 - BANNER SIGNAGE	4m²	2.4m



2500 x 2000 x 400 SIGN BOX.  
ILLUMINATED LETTERS AND  
LOGO ONLY.  
SIGNAGE TO BOTH SIDES.

## 1 SITE PLAN - SIGNAGE

SCALE 1 : 200

## ADJACENT COMMERCIAL LOT

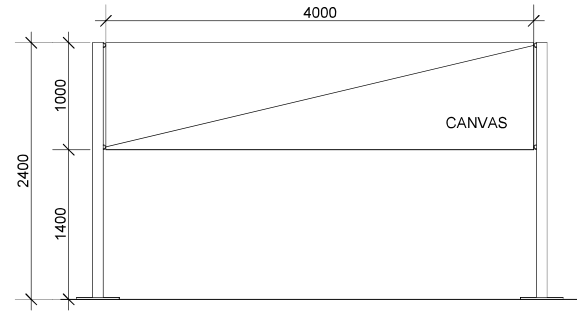


## 2 S02 - PARAPET SIGNAGE

SCALE 1 : 50

## 3 S03 - TOWER SIGNAGE

SCALE 1 : 50



## 4 S04 - BANNER SIGNAGE

SCALE 1 : 50

## 5 S01 - MID SIGN

SCALE 1 : 50

NOT FOR CONSTRUCTION



DEVELOPMENT  
APPLICATION



SARA reference: 2410-42740 SRA  
Council reference: MCU24/0016  
Applicant reference: M000973

5 November 2024

Chief Executive Officer  
Burdekin Shire Council  
PO Box 974  
AYR QLD 4807  
planning@burdekin.qld.gov.au

Attention: Planning and Development Section

Dear Sir/Madam

## SARA referral agency response—125 Edwards Street, Ayr

(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 4 October 2024.

### Response

Outcome:	Referral agency response – with conditions	
Date of response:	5 November 2024	
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	Material Change of Use - food and drink outlet (cafe) with drive-through
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material Change of Use of premises near a state-controlled road (Planning Regulation 2017)	
SARA reference:	2410-42740 SRA	

Assessment manager: Burdekin Shire Council

Street address: 125 Edwards Street, Ayr

Real property description: Lot 2 on RP712287

Applicant name: Roma Central Pty Ltd (as trustee) Roma Central Trust C/- Mecone

Applicant contact details: Level 2, 235 Edward Street  
Brisbane City QLD 4000  
brisbane@mecone.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: TMR24-043862
- Date: 4 November 2024

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [North.Queensland.IDAS@tmr.qld.gov.au](mailto:North.Queensland.IDAS@tmr.qld.gov.au)

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

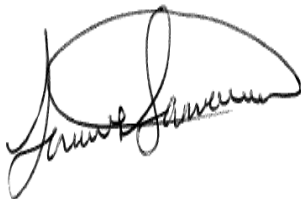
## Representations

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

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

For further information please contact Helena Xu, Senior Planning Officer, on (07) 3452 6724 or via email [NQSARA@dsdilgp.qld.gov.au](mailto:NQSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Javier Samanes  
A/ Manager (Planning)

cc Roma Central Pty Ltd (as trustee) Roma Central Trust C/- Mecone, [brisbane@mecone.com.au](mailto:brisbane@mecone.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

## 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
	10.9.4.2.4.1 – Material change of use of premises near a state-controlled road —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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 conditions:	
1.	<p>(a) The road access location, is to be located generally in accordance with Proposed Site Plan, prepared by inTOTUM, dated 13 September 24, drawing 2024029-DA-A120, Revision D.</p> <p>(b) Road access works comprising a standard vehicular access, (at the road access location) must be provided generally in accordance Proposed Site Plan, prepared by inTOTUM, dated 13 September 24, drawing 2024029-DA-A120, Revision D.</p> <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>ii. Manual of Uniform Traffic Control Devices (MUTCD); and</li> <li>iii. IPWEA Standard Drawing RS-051 and revision H commercial access as per Burdekin Shire Council standards.</li> </ul>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
2.	<p>(a) Stormwater management of the development must not cause worsening or actionable nuisance to the State-controlled Road from operational, serviceability, and safety perspectives, such that any works on the land must not:</p> <ul style="list-style-type: none"> <li>i. create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>iii. surcharge any existing culvert or drain on the state-controlled road;</li> <li>iv. reduce the quality of stormwater discharge onto the state-controlled road.</li> <li>v. impede or interfere with any overland flow or hydraulic conveyance from the State-controlled Road.</li> <li>vi. the development shall not cause any flooding, overland flow, or flow spread over the state-controlled road corridor.</li> </ul> <p>(b) RPEQ certification with supporting documentation must be provided to <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a> within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) of this condition.</p>	<p>(a) At all times.</p> <p>(b) Within 20 business days of the completion of works.</p>

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.
2.	<p><b>Road access 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 access works and road works on a State-controlled Road. Please contact the Department of Transport and Main Roads to make an application for road works approval via email <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a>. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> <p>This approval must be obtained prior to commencing any works on the State-controlled road reserve.</p>



## Attachment 3—Reasons for referral agency response

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

### The reasons for the SARA's decision are:

The proposed development is considered to achieve the relevant assessment benchmarks of State code 1 of SDAP. Specifically, the development

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled road;
- does not adversely impact road transport infrastructure, public passenger transport infrastructure or active transport infrastructure; and,
- does not adversely impact the function and efficiency of 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 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

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

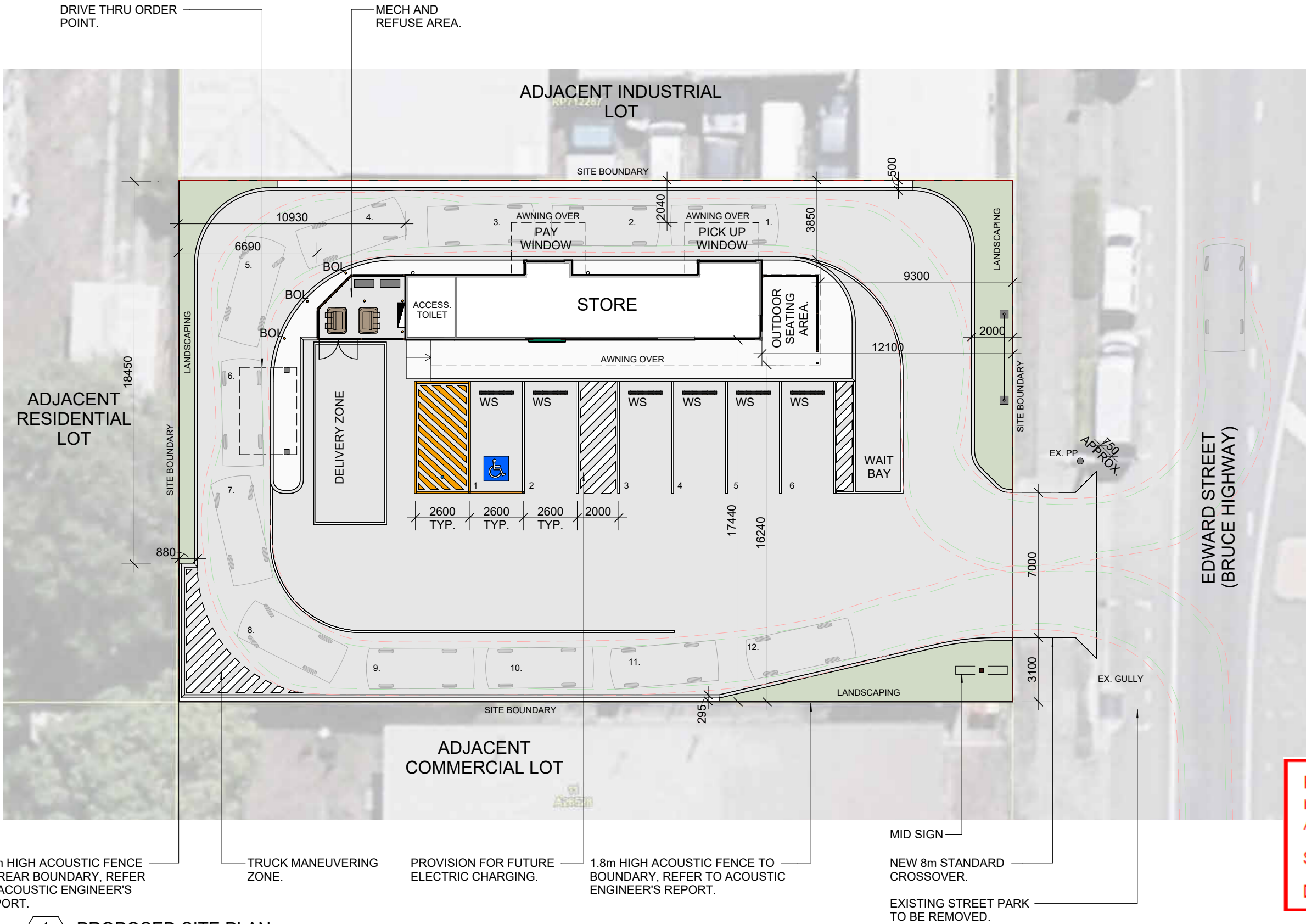
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## **Attachment 5—Documents referenced in conditions**

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## REAL PROPERTY DESCRIPTION

LOT: 2 ON RP712287  
PARISH: ANTIL  
COUNTY: GLADSTONE  
LGA: BURDEKIN SHIRE COUNCIL

## DEVELOPMENT SCHEDULE

USE	AREA (GFA)
SITE	1,012m <sup>2</sup>
LANDSCAPING	74m <sup>2</sup> (13.7%)
HARDSTAND	880m <sup>2</sup>
BUILDING	58m <sup>2</sup>
SEATING AREA	10m <sup>2</sup>

## PARKING SCHEDULE

PER BURDEKIN SHIRE COUNCIL PLANNING SCHEME TABLE 6.2.1.3(e).

FOOD AND DRINK:  
(b) 1 space per 15m<sup>2</sup> of gross floor area. Plus;

For any drive-through facility, queuing space, clear of the road reserve, for 10 vehicles being served or awaiting service.

RATE:	REQUIRED	PROVIDED
1:15m <sup>2</sup>	3.8 (4)	6
QUEUING PROVIDED:		12

## STREET PARKING

REMOVED:	1
RESTORED:	-

SITE:	6
ROAD:	-1

NET DEVELOPMENT TOTAL:	+5
------------------------	----

## DISCLAIMER

NO SURVEY HAS BEEN PROVIDED.  
BOUNDARIES PROVIDED BY QLD GLOBE.  
BOUNDARIES TO BE CONFIRMED PRIOR TO FURTHER DESIGN STAGES.

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**

**SARA ref:** 2410-42740 SRA

**Date:** 5 November 2024



**NOT FOR CONSTRUCTION**

**DEVELOPMENT APPLICATION**

# Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 28 Concurrence agency changes its response or gives a late response

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

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

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

## Part 7: Miscellaneous

### 30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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

Our ref TMR24-043862  
Enquiries Linda Henning



4 November 2024

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 MCU24/0016, lodged with Burdekin Shire Council involves constructing or changing a vehicular access between Lot Lot 2 on RP712287, the land the subject of the application, and 125 Edward Street, Ayr (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 Roma Central Pty Ltd (as trustee) Roma Central Trust C/-  
Mecone  
Level 2, 235 Edward Street  
Brisbane City QLD 4000

### Application Details

Address of Property 125 Edwards Street, Ayr QLD 4807  
Real Property Description Lot 2 on RP712287  
Aspect/s of Development Development Permit for Material Change of Use for Material  
Change of Use - Food and Drink Outlet (Cafe) with Drive-  
Through

### 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
<b>Road Access Location</b>		
<b>A. General</b>		
1	The Permitted Road Access Location is in accordance with the Proposed Site Plan, prepared by inTOTUM, dated 13 Septemeber 2024, reference 2024029-DA-A120 and revision D.	At all times.

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

No.	Conditions of Approval	Condition Timing
2.	<p>Road access works comprising a standard vehicular access, (at the road access location) must be provided generally in accordance Proposed Site Plan, prepared by inTOTUM, dated 13 September 24, drawing 2024029-DA-A120, Revision D.</p> <p>The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>i. Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>ii. Manual of Uniform Traffic Control Devices (MUTCD); and,</li> <li>iii. IPWEA Standard Drawing RS-051 and revision H commercial access as per Burdekin Shire Council standards.</li> </ul>	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.
3.	To ensure the safety of pedestrians, bicycle riders and other road users, each access must maintain a 2.5m x 2.0m pedestrian sight splay clear of all signage, landscaping (excluding low ground shrubs no higher than 500mm above ground level).	At all times.
4.	Direct access is prohibited between Edward Street Lot 2 on RP712287 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.
5.	The landowner shall be responsible for maintenance of the driveway between the property boundary and the edge of the bitumen as required to continue safe and efficient access between the permitted road access point and Edwards Street.	At all times.

### Reasons for the decision

The reasons for this decision are as follows:

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

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

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

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

### Further information about the decision

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

### 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, Mr Linda Henning, Planner (Corridor Management) should be contacted by email at [north.queensland.idas@tmr.qld.gov.au](mailto:north.queensland.idas@tmr.qld.gov.au) or on (07) 4421 8763 .

Yours sincerely



Aidan Colahan  
A/Senior Town Planner

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



## Attachment A

### Decision Evidence and Findings

Findings on material questions of fact:

- This development relates to land located at 125 Edwards Street, Ayr, formally described as Lot 2 on RP712287 (**subject site**).
- The subject site fronts Edwards Street, a State-controlled Road (**SCR**) under the jurisdiction of the Department of Transport and Main Roads (**TMR**), Road number 10L – Bruce Highway (Ayr-Townsville).
- The subject site has a total site area of 1012m<sup>2</sup>.
- The site is relatively flat and seems to slightly grade towards the SCR road (east ward).
- Edwards Street consists of a double carriageway separated by 90-degree parking bays and a median.
- The SCR has a posted speed limit of 60km where proximate to the subject site and an AADT of 5168.
- The SCR is not a Limited Access Road (**LAR**).
- The subject site is located within the Centre Zone under the Burdekin Shire Council Planning Scheme (**the scheme**) and is within the low hazard flood overlay.
- The proposed access to the development is indicated on the proposed site plan to be replaced with a new 7m, 2-way standard crossover, resulting in the requirement for an existing carpark to the southern end of the property to be removed.
- The traffic impact assessment prepared by TTM, dated 12 September 2024, note that the development adequately provides for access and onsite- maneuvering of the largest vehicle i.e. 12.2m waste collection vehicle and 8.8m medium rigid vehicles (MVR) for deliveries.
- All service/heavy vehicles will enter and exit to/from Edwards Street.
- To ensure the safety of pedestrians, bicycle riders and other road users, a condition to provide 2.5m x 2.0 m pedestrian splays at the existing landscaped beds is imposed.
- The proposed splay arrangement is considered to retain the safety and efficiency of the State-controlled Road.
- The property owner will be responsible for ongoing maintenance of the landscaping as well as the driveway between the property boundary and the pavement edge of the State controlled Road.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
Town Planning Report	Mecone	13/09/2024		2
Package of Plans	inTOTUM	13/09/2024	2024029-DA-A110 and A111, 2024029-DA-A120, 2024029-DA-A180, 2024029-DA-A220,	B D B B

			2024029-DA-A300, 2024029-DA-A301, 2024029-DA-L100, 2024029-DA-S100,	B B B B
Transport Engineering Report	TTM	12/09/2024		DA Report Final
Civil Engineering Report	Meliora Consulting Engineers	09/2024	2479	01

## **Attachment B**

### **Section 70 of TIA**

*Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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

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

Maximum penalty—200 penalty units.

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

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

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**485 Internal review of decisions**

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

**485B Appeals against decisions**

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

- (5) The court may order—
  - (a) the appeals to be heard together or 1 immediately after the other; or
  - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

**original decision** means a decision described in schedule 3.

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

### **31 Applying for review**

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

### **32 Stay of operation of original decision**

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

(9) In this section—

**relevant entity** means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

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

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

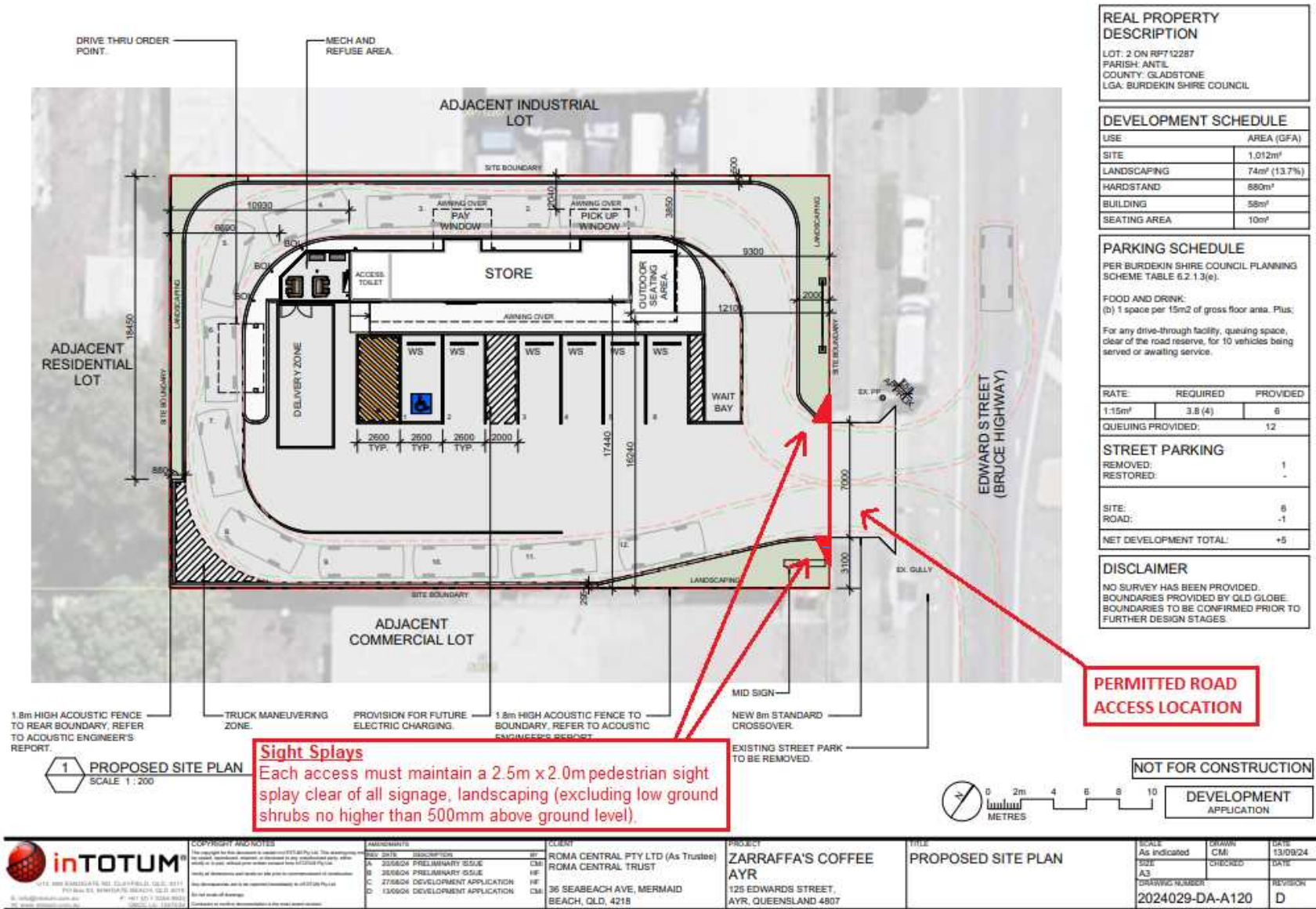
(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

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

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

## Attachment D Permitted Road Access Location



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