

Enquiries to: Planning Department  
Our Reference: MCU25/0006  
Your Reference: N/A

15 July 2025

Buildable Approvals  
4/1 Kalynda Parade  
Bohle Plains QLD 4817  
Via email: [greg.janes@buildable.com.au](mailto:greg.janes@buildable.com.au)

**Attention: Greg Janes, Building Certifier (Cadet)**

Dear Greg,

**Development Application No. MCU25/0006**

**Decision Notice – Development Permit for Material Change of Use for Cropping (Ancillary Class 7b Farm Shed) on land located at 361 George Bundy Road, Upper Haughton (Lot 144 on RP897213).**

I refer to your development application seeking a Development Permit for Material Change of Use for Cropping (Ancillary Class 7b Farm Shed), on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **15 July 2025**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the development's conditions of approval, currency period, approved plans, and includes relevant extracts from *the Planning Act 2016*. These extracts contain information relating to the making of representations regarding conditions, the suspension of the appeal period, negotiated decisions, and the 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](http://www.burdekin.qld.gov.au)

15 July 2025

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>	MCU25/0006
<b>Applicant Details:</b>	Buildable Approvals 4/1 Kalynda Parade Bohle Plains QLD 4817 Via email: <a href="mailto:greg.janes@buildable.com.au">greg.janes@buildable.com.au</a>
<b>Owner Details:</b>	L Dal Santo, C Kovacich, B Kovacich
<b>Street Address:</b>	8 Woodhouse Road, Clare
<b>Real Property Description:</b>	Lot 144 on RP897213
<b>Proposal:</b>	Material Change of Use – Cropping (Ancillary Class 7b Farm Shed)
<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>	Approved with conditions
<b>Date of Decision:</b>	15 July 2025
<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
Advice	Ergon Energy GPO Box 1461 Brisbane QLD 4001 Email: <a href="mailto:townplanning@ergon.com.au">townplanning@ergon.com.au</a>	Schedule 10, Part 9, Division 2, Table 2 Material Change of Use of Premises near a substation site or subject to an easement

The Referral Agency Response (Advice) 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 benchmark applied to the proposed development:

- Rural Zone Code – PO1/ AO1 only.

### Compliance with Assessment Benchmarks

The proposed development was assessed against the assessment benchmark listed above, reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
<b>Rural Zone Code</b>	
<b>Site Layout</b>	
<p><b>PO1</b> Any non-residential buildings, structures and open use areas are setback from site boundaries to ensure that the amenity of adjoining land and the rural character of the locality are maintained.</p> <p><b>AO1</b> Non-residential buildings, structures and open use areas are setback not less than:</p> <ul style="list-style-type: none"> <li>(a) 20m from any road frontage of the site;</li> <li>(b) 10m from all other site boundaries; and</li> <li>(c) 100m from any existing dwelling on an adjacent property.</li> </ul>	<p>The proposed farm shed is setback more than 20m from any road frontage of the site and 100m from any existing dwelling on an adjacent property. However, it is proposed to be setback from the common boundary with Lot 304 on GS801607 by only 3.7m, 6.3m less than the prescribed 10m setback.</p> <p>Despite the non-compliance with AO1 (b), the 6.3m encroachment is considered acceptable in this location and is not considered to reduce or negatively impact on the rural character of the locality already experienced, as:</p> <ul style="list-style-type: none"> <li>• The adjacent lot (Lot 304 on GS801607) is a Sunwater irrigation channel and not being used for residential purposes. The amenity requirements are minimal and are not expected to be adversely affected by the proposal.</li> <li>• The proposed new shed will be used for agricultural purposes associated with the existing cropping activity (cane farm).</li> <li>• No change is proposed to the existing access arrangements.</li> </ul>

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
	<ul style="list-style-type: none"> <li>It is understood that the new shed and its use will not significantly increase the traffic generated to/from the site.</li> </ul>

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 generally complies with the Rural Zone Code.

### Reasons for the Decision

Under the *Burdekin Shire Council Planning Scheme 2022*, the land is zoned Rural and the proposal is considered consistent development.

The proposed Class 7b farm shed is considered acceptable in this location and is not considered to reduce or negatively impact on the rural character of the locality already experienced, as:

- The adjacent lot (Lot 304 on GS801607) is a Sunwater irrigation channel and not being used for residential purposes. The amenity requirements are minimal and are not expected to be adversely affected by the proposal.
- The proposed new shed will be used for agricultural purposes associated with the existing cropping activity (cane farm).
- No change is proposed to the existing access arrangements.
- It is understood that the new shed and its use will not significantly increase the traffic generated to/from the site.

# 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 – Conditions of Approval

Condition	Reason	Timing
<b>1 General and Administration</b> <u>Compliance with Conditions</u> 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) to Council's satisfaction, and best practice engineering. 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>Works – Applicant's Responsibility/Expense</u> 1.4 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. 1.5 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. <u>Infrastructure Conditions</u> 1.6 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 infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.
<b>2 Approved Plans and Documents</b> <u>Approved Plans &amp; Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.



## Attachment A – Conditions of Approval

Condition	Reason	Timing
2.2 The development must generally accord with 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.		
Approved Plans		
<b>Drawing/ Plan Title</b>	<b>Number/ Issue</b>	<b>Date</b>
Mona Park Harvesting 361 George Bundy Road – Site Plan	MPH-01 A	19/02/2025
Mona Park Harvesting 361 George Bundy Road – Ergon Power Pole Relocation	MPH-02 A	28/03/2025
Elevations Plan	N/A	17/04/2025
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>3 Notice of Intention to Commence the Use</b>		
3.1 A minimum of two (2) weeks 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.		
<b>4 Outstanding Charges</b>		
4.1 All rates and charges, in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
<b>5 Limitations of the Approval</b>		
5.1 This approval is for Material Change of Use – Cropping (Ancillary Class 7b Farm Shed) only, permitting the new Class 7b farm shed to be located a minimum of 3.7m from the common boundary with Lot 304 on GS801607.	The development must comply with all planning scheme requirements and definitions as approved, and as conditioned by this development permit.	At all times.
<i>Note: Development Permit for Building Works is to be given before commencing any Building Works and the structure is to be erected as per the conditions detailed therein.</i>		
5.2 The building or structure is not to be used for habitable purposes. 5.3 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.		

## Attachment A – Conditions of Approval

Condition		Reason	Timing
5.4	No other operations and/or activities are allowed other than that approved by this permit.		
5.5	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.		
5.6	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.		
Lighting			
6	Lighting	To ensure lighting does not cause undue disturbance.	At all times.
6.1	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.		
Infrastructure			
7	Stormwater and Flooding	To ensure the premises appropriately manage and convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	At all times.
7.1	The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.		
7.2	Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.		
8	Roadworks	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.
8.1	The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.		
Advice			
1	Infrastructure Charges		
An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information.			

## Attachment A – Conditions of Approval

### **2 Further Approvals Required**

#### **2.1 Development Permit for Building Works**

A Development Permit for Building Works to carry out building works is required prior to works commencing on site.

### **3 Soil Erosion Minimisation, Sediment Control**

Should any works that involve the exposure of earth occur on site, appropriate erosion and sediment control management must be undertaken (including installation of site-specific stormwater treatment devices) and maintained to the satisfaction of the Council.

### **4 Environmental Health – Construction Phase**

To ensure compliance with the *Environmental Protection Act 1994*:

- a) Do not undertake any construction work during the following hours:
  - i. on a Sunday or public holiday, at any time; or
  - ii. on a Saturday or business day, before 6.30 am or after 6.30 pm. unless otherwise approved in writing by Council.
- b) Remove any spills of soil or other material from the road or gutter immediately during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.
- c) Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.
- d) Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on - site and take all reasonable steps to prevent a release to neighbouring properties.
- e) Contain all litter, building waste and sediments on the building site by the use of a skip and take any other reasonable steps during construction to prevent release to a neighbouring property or road.
- f) Carry out construction activities in accordance with the approved Construction Management Plan.
- g) Implement drainage, erosion and sediment control measures and maintain them in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by erosion and sediment runoff.
- h) Dispose of building construction and demolition waste only at an approved waste disposal facility.
- i) Dust control measures should be implemented on - site during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.

### **5 General Safety of Public During Construction**

- a) It is the Project Manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. 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.
- b) It is the Principal Contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. 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.

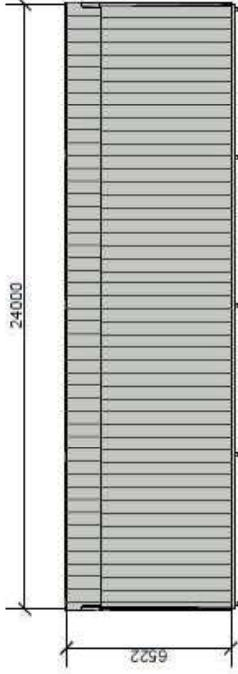
## Attachment A – Conditions of Approval

<p>c) It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. 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>
<p><b>6 Storage of Materials and Machinery</b>          All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.</p>
<p><b>7 Acid Sulfate Soils Management</b>          Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.</p>
<p><b>8 Flood prone area</b>          Council's Planning Scheme flood hazard overlay map identifies the developable area of subject site as being subject to potential inundation. The preparation of an appropriate Flood Emergency Action Plan is recommended.</p>
<p><b>9 Miscellaneous</b></p> <p>a) 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.          The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. 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></p> <p>b) All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' 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> <p>c) 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.</p>

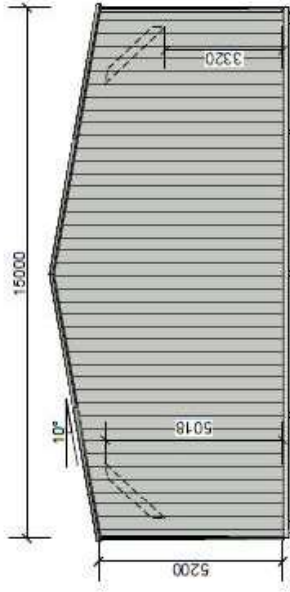




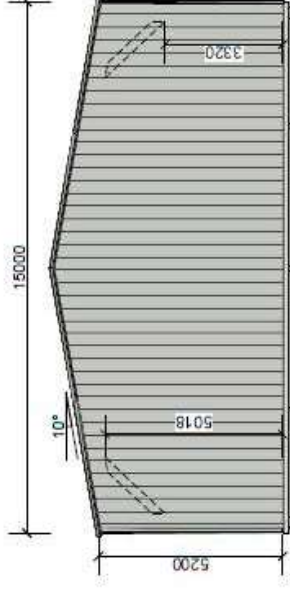




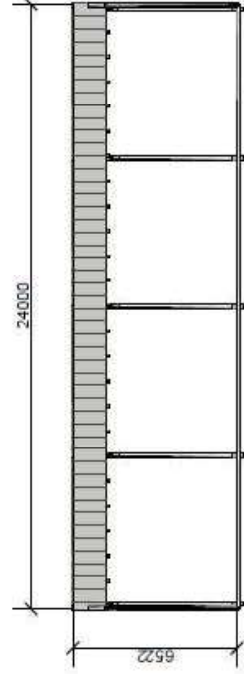
Left



Front



Back



Right

**APPROVED**  
REF: MCU25/0006 DATE: 15/07/2025  
*Signature*



**From:** "Town Planning" <townplanning@ergon.com.au>  
**Sent:** Tue, 10 Jun 2025 12:54:52 +1000  
**To:** "RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>  
**Cc:** "Greg.janes@buildable.com.au" <Greg.janes@buildable.com.au>  
**Subject:** MCU25/0006 - Ancillary Farm Shed at 361 George Bundy Road, Upper Haughton  
- Ergon Referral Agency Response  
**Attachments:** Ergon Referral Response - 361 George Bundy Road, Upper Haughton.pdf

Dear Sir / Madam,

In relation to the above development application, please see attached Ergon's Referral Agency Response.

Should you have any queries, please do not hesitate to call.

Kind regards,

**Harriet Veal**  
**Town Planner**

Property & Security Group | People, Property & Safety

---



**Energy Queensland**

Level 1, 26 Reddacliff Street, Newstead QLD 4006

**M** 0427 293 604

**E** harriet.veal@energyq.com.au

**[energyq.com.au](http://energyq.com.au)**

\*\*\*\*\*



The disclosure of this information (including any attachments) by an unintended recipient is prohibited. If you have received this email in error, please notify the sender by return email and destroy all copies of the original message. Any confidential or legal professional privilege is not waived or lost by any mistaken delivery of the email. Ergon Energy accepts no responsibility for the content of any email which is sent by an employee which is of a personal nature.



Sender Details:

Ergon Energy Corporation Limited | ABN 50 087 646 062

<http://www.ergon.com.au>

Ergon Energy policy is to not send unsolicited electronic messages. Suspected breaches of this policy can be reported by replying to this message including the original message and the word "UNSUBSCRIBE" in the subject.

\*\*\*\*\*  
\*\*\*\*\*



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

10 June 2025

Chief Executive Officer  
Burdekin Shire Council

Attention: Planning Department (Kellie Galletta)  
Via email: [planning@burdekin.qld.gov.au](mailto:planning@burdekin.qld.gov.au)

cc Buildable Approvals  
Attention: Greg Janes  
Via email: [Greg.janes@buildable.com.au](mailto:Greg.janes@buildable.com.au)

Dear Sir/Madam,

**Ergon Advice Agency Response**  
**Our Ref: ECM 24854965- 24854747**

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

Response	
Outcome	Approved in full - subject to conditions
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	<p>The works do not conflict with:</p> <ul style="list-style-type: none"><li>the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i></li><li>the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 &amp; 5.</li></ul> <p>The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.</p>
Development Details	
Applicant	Buildable Approvals

**Have you seen our fact sheets?**

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

Assessment Manager	Burdekin Shire Council
Council Application No.	MCU25/0006
Street Address	361 George Bundy Road, Upper Houghton
RPD	Lot 144 on RP897213
Development Type	Material Change of Use – Cropping (Ancillary Class 7b Farm Shed)
Referral Trigger	<input type="checkbox"/> Schedule 10, Part 9, Division 2, Table 2, Item 1 (10.9.2.2.1) – Material Change of use of premises within 100m of a substation site or subject to an easement for the benefit of a distribution entity under the Electricity Act and the easement is for a supply network
Impacted Electrical Infrastructure	Easement B on GS801607 – O/H 11kV Feeder (ID: MP-05) & Power Poles 5143699 & 5204288

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

Component of Development	Advice Agency direction
MCU	<input type="checkbox"/> S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section 56(1) should the Assessment Manager decide to approve the proposed Development Application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

<b>Table 1</b>			
<b>Plans forming part of this Approval</b>			
<i>Title</i>	<i>Plan No.</i>	<i>Issue</i>	<i>Date</i>
<i>Site Plan</i>	<i>MPH-01</i>	<i>A</i>	<i>19/02/25</i>

<b>Table 2</b>			
Condition		Timing	Purpose/Reason
1	Carry out the approved development generally in accordance with the approved plans and documents outlined within Table 1 of this	At all times	To ensure the development is carried out generally in accordance with the plans of development

**Have you seen our fact sheets?**

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

	<p>approval and the following:</p> <ul style="list-style-type: none"> <li>▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and</li> <li>▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail</li> </ul>		submitted within the application
2	Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment	At all times	To ensure the development is carried out generally in accordance with the plans of development submitted within the application
3	The applicant / landowner is to gain approval from Ergon for the relocation of the existing Power Pole 5143699 / overhead asset/s.	Relocation approval to be obtained and the works request completed prior to the commencement of the use.	To ensure the protection and ongoing operation of Ergon's electrical infrastructure

**General Advice:**

- Compliance with the Electrical Safety Act 2002, including any Code of Practice under the Act and the Electrical safety Regulation 2013 including any safety exclusion zones defined in the Regulation is mandatory

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

**Have you seen our fact sheets?**

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

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.
- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergon's Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Harriet Veal on 0427 293 604 or via email at [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,

*Harriet Veal*

Harriet Veal  
Town Planner

**Have you seen our fact sheets?**

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

## INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

<b>APPLICANT:</b>	Buildable Approvals Pty Ltd
<b>APPLICATION:</b>	Material Change of Use (Non-compliant Accepted Development subject to Requirements) for Cropping (Ancillary Class 7b Farm Shed)
<b>NOTICE NUMBER:</b>	ICN2025-008
<b>DATE:</b>	15 July 2025
<b>FILE REFERENCE:</b>	MCU25/0006
<b>AMOUNT OF THE LEVIED CHARGE:</b> (Details of how these charges were calculated are shown overleaf)	\$2,160.00 Total
	\$0.00 Water Supply Network
	\$0.00 Sewerage Network
	\$2,160.00 Transport Network
	\$0.00 Public Parks and Community Land Network
	\$0.00 Stormwater Network
<b>AUTOMATIC INCREASE OF LEVIED CHARGE:</b>	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 144 on RP897213
<b>SITE ADDRESS:</b>	361 George Bundy Road, Upper Haughton
<b>PAYABLE TO:</b>	<b>Burdekin Shire Council</b>
<b>WHEN PAYABLE:</b> (In accordance with the timing stated in Section 122 of the Planning Act 2016)	Material Change of Use – When the use commences.
<b>OFFSETS OR REFUNDS:</b>	Not Applicable.

This charge is made in accordance with Council's **Charges Resolution (No. 2) 2018**

## DETAILS OF CALCULATION

### Transport

#### Adopted Charges

Development Description	GFA	Units of Measure	Charge Rate	Reference	Amount
High Impact Rural (Intensive Agriculture)	360m <sup>2</sup>	\$ per m <sup>2</sup> GFA	\$6.00	CR Table 2.2	\$2,160.00

#### Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
High Impact Rural (Intensive Agriculture)	\$0.00	\$0.00	\$2,160.00	\$0.00	\$0.00	\$2,160.00
Less Credits	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,160.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,160.00</b>

*\* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at Council's discretion.*

Yours faithfully,



**Kellie Galletta**

**MANAGER PLANNING AND DEVELOPMENT**

## INFORMATION NOTICE

<b>Authority and Reasons for Charge</b>	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
<b>Appeals</b>	Pursuant to section 229 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
<b>Automatic Increase Provision of charge rate (\$)</b>	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average<sup>1</sup>. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
<b>GST</b>	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2009</i> are GST exempt.
<b>To whom the charge must be paid</b>	<p>Payment of the Charge must be made payable to BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p>

---

<sup>1</sup> 3-yearly PPI index average is defined in section 114 of the *Planning Act 2016* and means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.



It is requested that you contact Council's Town Planning Department to confirm that amount payable prior to making payment.

**Payment**

This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to BURDEKIN SHIRE COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

**Overseas Payees**

Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

**Method of Payment****PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Town Planning Department.

Mail this updated payment notice immediately with your payment to: BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.

**NOTE:** Cheques must be made payable to BURDEKIN SHIRE COUNCIL

**PAYMENT AT COUNCIL OFFICES**

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Burdekin Shire Council Chambers, 145 Young Street, Ayr.

**NOTE:** Cheques must be made payable to BURDEKIN SHIRE COUNCIL

**PAYMENT MADE BY CREDIT CARD**

Credit Cards accepted: Mastercard or Visa

**Enquiries**

Enquiries regarding this Infrastructure Charges Notice should be directed to the BURDEKIN SHIRE COUNCIL, Town Planning Department, during office hours, Monday to Friday by phoning (07) 4783 9800 or email at [planning@burdekin.qld.gov.au](mailto:planning@burdekin.qld.gov.au)

## Schedule 1 Appeals

section 229

### 1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the Plumbing and Drainage Act; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—  
*storey* see the Building Code, part A1.1.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds –</p> <ol style="list-style-type: none"> <li>(a) The notice involved an error relating to –           <ol style="list-style-type: none"> <li>i) The application of the relevant adopted charge; or</li> </ol> </li> </ol> <p><i>Examples of errors in applying an adopted charge –</i></p> <ul style="list-style-type: none"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect ‘use category’, under a regulation, to the development</li> </ul> <ol style="list-style-type: none"> <li>ii) The working out of extra demand, for section 120; or</li> <li>iii) An offset or refund; or</li> </ol> <ol style="list-style-type: none"> <li>(b) There was no decision about an offset or refund; or</li> <li>(c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</li> <li>(d) For an appeal to the P&amp;E Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</li> </ol>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-