

Decision Notice

Planning Act 2016

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

PO Box 974, Ayr Qld 4807

T (07) 4783 9800

E planning@burdekin.qld.gov.au

www.burdekin.qld.gov.au

Enquiries to: Planning and Development
Our Reference: MCU26/0002
Your Reference:

10 July 2026

Krike Holdings
C/- BNC Planning
PO Box 5493
Townsville QLD 4810
Via email: da.corro@bncplanning.com.au

Attention: Benjamin Collings, Director

Dear Benjamin,

Development Application: MCU26/0002

Decision Notice – Material Change of Use – Food and Drink Outlet with Drive-Through on land located at 101 Edwards Street, Ayr (Lot 1 on RP707714)

I refer to your development application made on behalf of Krike Holdings, seeking a Material Change of Use – Food and Drink Outlet with Drive-Through, on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **10 July 2026**, 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,



James Stewart
Director Infrastructure, Planning and Environmental Services

Encl: **Attachment A – Conditions of Approval**
Attachment B – Approved Documentation
Attachment C – Referral Agency Response

Decision Notice

Section 63 of the Planning Act 2016

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU26/0002
Applicant Details:	Krike Holdings C/- BNC Planning PO Box 5493 Townsville QLD 4810 Via email: da.corro@bncplanning.com.au
Owner Details:	Kirke Holdings Pty Ltd
Street Address:	101 Edwards Street, Ayr
Real Property Description:	Lot 1 on RP707714
Proposal:	Material Change of Use – Food and Drink Outlet with Drive-Through
Planning Scheme:	<i>Burdekin Shire Planning Scheme 2022</i>
Level of Assessment:	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*.

Type of Decision:	Approval with conditions
Date of Decision:	10 July 2026
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	None received

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice.

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*:

Status	Referral Agency and Address	Referral Trigger Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q4810 Email: NQSARA@dsdilgp.qld.gov.au	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

As listed in the Advice section of the Conditions of Approval at **Attachment A**.

Infrastructure Charges

The proposal is not a development type that triggers infrastructure charges to be applied, as per Council's Charges Resolution.

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 **enclosed**.

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 Section 63(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 material Council was either required, 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
- Development works code
- Flood hazard overlay 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 Assessment Benchmark
Centre Zone Code	
Building scale and appearance	
PO1 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. AO1.1 Buildings are no more than 2 storeys above natural ground level. AO1.2 The maximum site cover is 75%. AO1.3 Buildings are built to the street alignment and provide an awning over the adjoining footpath. AO1.4 Car parking is provided to the side or the rear of the building but is not provided between the building and the street.	Conditioned to comply. 1. The proposal does not comply with AO1.3, as it is not built to the street alignment. Development approval has been conditioned in this regard with signage and fencing required to ensure the development is drive-through only.

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 complies, or can be conditioned to comply with the outcomes sought by the relevant parts of the planning scheme/Strategic Framework and the intent of the relevant codes that apply including the Centre Zone Code, Flood Hazard Overlay Code and Development Works Code.

Appeal Rights

Planning Act 2016 and 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
1. General and Administration		
<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) 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. 1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council. <u>Infrastructure Conditions</u> 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.		At all times.
2. Approved Plans and Documents		

Attachment A – Conditions of Approval

Condition	Reason	Timing
Approved Plans & Documents – Required Plans 2.1 The proposed development must be completed, comply with and maintained generally in accordance with the drawings/ documents identified below, except as otherwise specified and/or amended by any condition of this approval 2.2 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. 2.3 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.	To ensure that the development complies with all planning scheme requirements as approved and conditioned by this development permit.	At all times.
Approved Plans		
Drawing Title	Drawing/Revision	Date
Site Plan	Sheet: SK01	22 June 2026
Site Area and Services Plan	Sheet: SK02	22 June 2026
Proposed Ground Floor	Sheet: SK03	22 June 2026
Elevations	Sheet: SK04	22 June 2026
Building Material Schedule	Sheet: SK04	22 June 2026
Outstanding Charges		
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.		
Notice of Intention to Commence the Use		
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.		
Nature and Extent of Approved Use		

Attachment A – Conditions of Approval

Condition	Reason	Timing
5.1 This approval provides for a staged development comprising: 'Food and drink outlet' 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> 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 1. 5.3 No other operations and/or activities are allowed other than that approved by this permit.	The development must comply with all planning scheme requirements including definitions, nature and extent as approved and conditioned by this development permit.	At all times.
Roadworks, Access, Parking and Traffic		
Access 6.1 Construct a new access driveway and crossover from the existing kerb and channel on Burke Street to the property boundary to service the development. The vehicle access must be constructed in accordance with Australian/New Zealand Standard AS/NZ 2890. 6.2 During the construction phase, any damage to the road reserve (i.e. footpath/kerb and channel) must be replaced in accordance with Council's standards. 6.3 The existing redundant access crossover from Edwards Street is required to be removed and replaced with a kerb and channel to match the existing road infrastructure. Landscaping must also be reinstated within the verge along Edwards Street to match the existing landscaping. Parking 6.4 A minimum of six (6) parking spaces, inclusive of one (1) accessible parking space, are to be provided on site at all times. 6.5 All car parking facilities, associated ramps, and driveways must be provided and designed in accordance and as detailed in the latest amendment of the	To provide appropriate access and parking facilities in accordance with relevant code/s and policy direction and to maintain the safety and efficiency of the adjoining road network and the integrity of Council infrastructure.	At all times.

Attachment A – Conditions of Approval

Condition	Reason	Timing
Australian/New Zealand Standard AS/NZ 2890 and AS1428. All car parking facilities must be maintained to a safe operating standard at all times thereafter. 6.6 All car parking, access and manoeuvring areas must be imperviously sealed (asphalt, bitumen or concrete). Service vehicles 6.7 Loading and unloading of service vehicles must: • be conducted wholly within the site; and • only occur within the designated service vehicle parking space. 6.8 Delivery to the premises in association with the approved Food & Drink Outlet is limited to vehicles a maximum size of a standard B99 vehicle. Signage 6.9 Signage is required to be erected at the entrance to the site to indicate that the Food & Drink Outlet is drive-through only. 6.10 'Staff Only' signage is required to be erected on all external doors of the building. 6.11 Signage on car parking spaces should be provided in line with the signage requirements outlined in Australian/New Zealand Standard AS/NZ 2890.		
Nuisance and off-site impacts		
Environmental Management and Avoiding Nuisance 7.1 Noise from the approved Food and drink outlet must not cause environmental nuisance to any sensitive receptor. In accordance with the Environmental Protection Act 1994, any emission of noise from activities on site must ensure that the emissions are consistent with the Environmental Protection (Noise) Policy 2019. 7.2 Dust emissions or other air pollutants, including odours, must not extend beyond the site and cause an environmental nuisance. In accordance with the Environmental Protection Act 1994, any emission of dust from activities on site must ensure that the emissions are consistent with the Environmental Protection (Air) Policy 2008.	To ensure that the operation of the activity does not cause undue disturbance to any person or activity because of light emitted or noise, vibration, odour, dust or other emissions. To protect the amenity of adjoining residential uses and assist with noise attenuation.	At all times.

Attachment A – Conditions of Approval

Condition	Reason	Timing
7.3 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. 7.4 Airconditioning units are not to exceed a sound power level of Lw 66 dB(A) and the external cold room condenser is limited to a sound power level of Lw 70 dB(A). 7.5 Waste removal and deliveries must only occur between the hours of 7am and 7pm to avoid the potential for noise impacts on neighbouring properties at night.		
Infrastructure and Servicing		
8. Water Supply 8.1 The development must be serviced by the public water supply network. A connection to the reticulated water supply must be constructed in accordance with CTM Water Alliance Design and Construction Code or the suite of Burdekin Shire Council Standard Drawings, as amended. 8.2 Any alterations required to Council's water reticulation network are to be completed at the applicant's full cost with no cost to Council. 9. Sewerage Supply 9.1 The development must be serviced by the reticulated sewerage network. In particular, the development must be connected directly and separately to Council's sewer in accordance with CTM Water Alliance Design and Construction Code or the suite of Burdekin Shire Council Standard Drawings, as amended. An extension to the reticulated sewerage network is required to facilitate this connection. 9.2 Any alterations required to Council's sewerage network are to be completed at the applicant's full cost with no cost to Council. 10 Stormwater 10.1 Provide a Site Based Stormwater Management Plan (SBSMP) and associated amended design (if necessary) which details a stormwater	To ensures that development has an appropriate level of infrastructure for the efficient functioning of the use while not impacting on adjoining land uses or the environment.	At all times unless otherwise stated.

Attachment A – Conditions of Approval

Condition	Reason	Timing
point of discharge. The document must be RPEQ certified and is required to report on the stormwater quantity and quality management required for the land. 11. Electricity and Communications 11.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.		
Amenity and Safety		
12 Landscaping and Fencing 12.1 Landscaping plans must be prepared and provided to Council for approval. Landscaping must be constructed in accordance with the approved landscaping plan(s) once approved. 12.2 A screen fence of a minimum height of 1.8 metres, with a maximum gap of 10mm, must be provided along the common boundary with Lot 2 on RP718252. 12.3 Fencing must be provided for the full length of the front boundary of the subject site, along both Edwards Street and Burke Street, excluding the vehicle access crossover. Fencing must limit pedestrian access to the site from the street whilst contributing to an attractive streetscape. 13. Visual Treatment of Plant and Equipment 13.1 The applicant must ensure all plant and equipment (inclusive of air conditioning units, compressors, generators, ducting, ventilation and the like) is: i. not located between any building and/or an adjoining residential premises; and ii. to be appropriately screened and ventilated from view from any dedicated road or adjoining residential premises. 14. Refuse Facilities and Waste Management 14.1 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	To achieve the desired streetscape character of the location 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 and to ensure that pedestrian access is limited from the Edwards Street frontage.	At all times.

Attachment A – Conditions of Approval

Condition	Reason	Timing
<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. 14.2 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. 14.3 Waste storage areas shall be not visible from the street-front and suitably screened. 15 Signage 15.1 Any signage to be associated with the use must be designed to the satisfaction of and approved by Council. 15.2 To maintain amenity for the adjoining residential properties, no illumination of any signage proposed is to occur unless otherwise approved by Council. 16. Storage 16.1 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. 16.3 Any storage on-site is required to be screened from view from all roads and adjacent properties.		
Flood immunity		
18. Floor levels The finished freeboard level on all buildings must be above the 1% AEP flood or storm tide event plus a freeboard level of 300mm.	To ensure lots are developed to be appropriately immune from flood hazard without impacting on surrounding land, in accordance with relevant code/s and policy direction.	At all times.

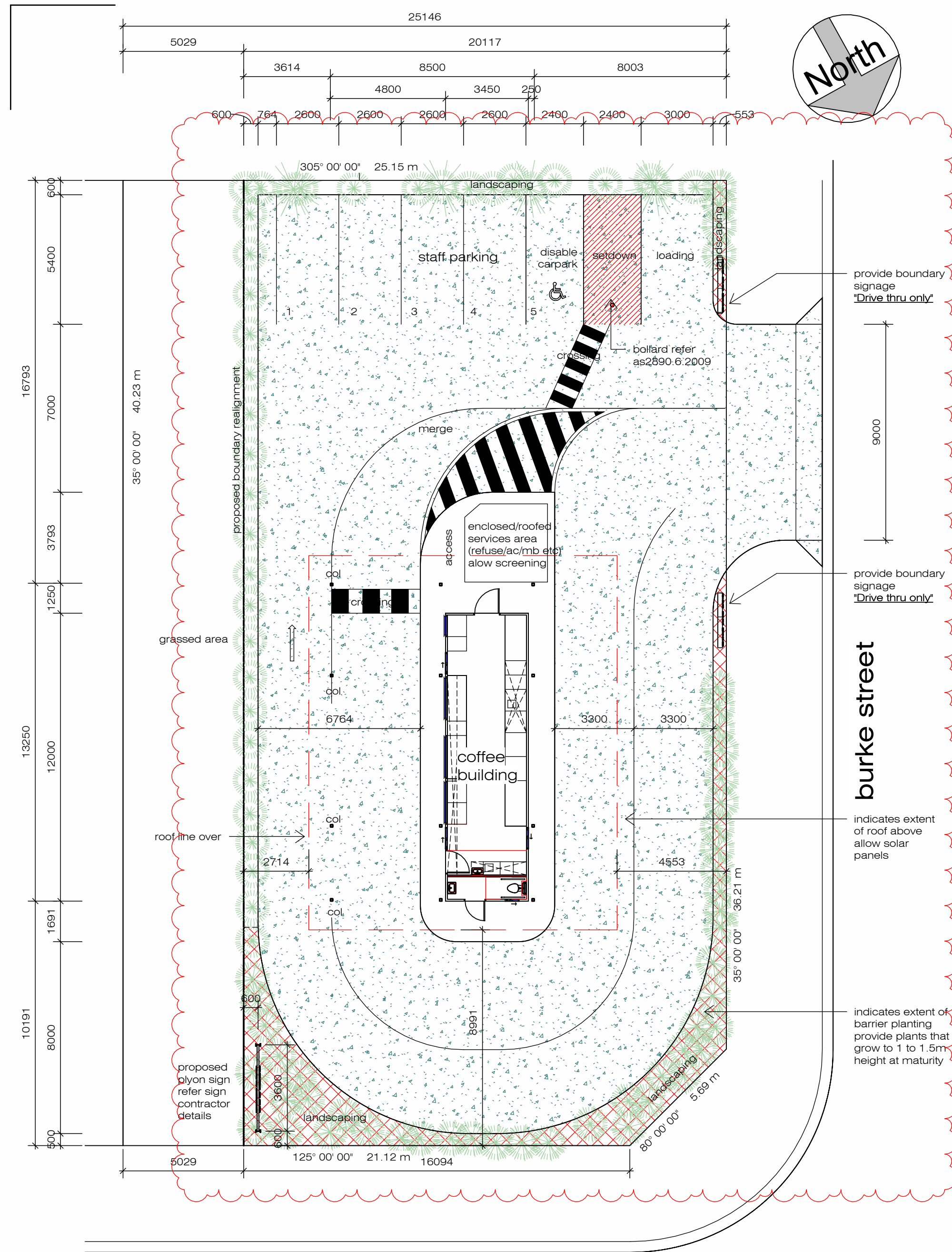
Advice
1. Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information.
2. Uses other than Food and Drink Outlet

Attachment A – Conditions of Approval

Advice
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.
3. Compliance with Conditions Inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.
4. Further Approvals Required a) Operational Works - 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. b) Trade Waste - Trade waste permit may be required prior to the commencement of use of the development. c) Plumbing and Drainage Works - A compliance permit to carry out plumbing and drainage works must be obtained prior to the commencement of plumbing and drainage works. d) Building Works- A development permit for building works to carry out building works is required, prior to works commencing on site.
5. Equitable Access and Facilities 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: (a) <i>the Disability Discrimination Act 1992 (Commonwealth)</i> (b) <i>the Anti-Discrimination Act 1991 (Queensland)</i> (c) <i>the Disability (Access to Premises – Buildings) Standards.</i>
6. Construction <u>Commencement</u> Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au <u>Environmental Nuisance</u> Ensure compliance with the <i>Environmental Protection Act 1994</i> . 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. 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. <u>Building Work Noise</u> The hours of audible noise associated with construction and building work on-site must be limited to between the hours of: ▪ 6.30 a.m. to 6.30 p.m. Monday to Saturday; with ▪ No work on Sundays or Public Holidays.

Attachment A – Conditions of Approval

Advice
<u>Storage of Materials and Machinery</u> 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.
7. Aboriginal and Cultural Heritage 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 <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: www.datsip.qld.gov.au
8. Miscellaneous Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development. 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. It is the developer's responsibility for the full rectification of any damage caused to 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.
9. Operational Works A Development Permit for Operational Works is required for the works detailed in Condition 6.



property description
lot no: 1
plan no: rp 707714
site area = 1004m2

APPROVED

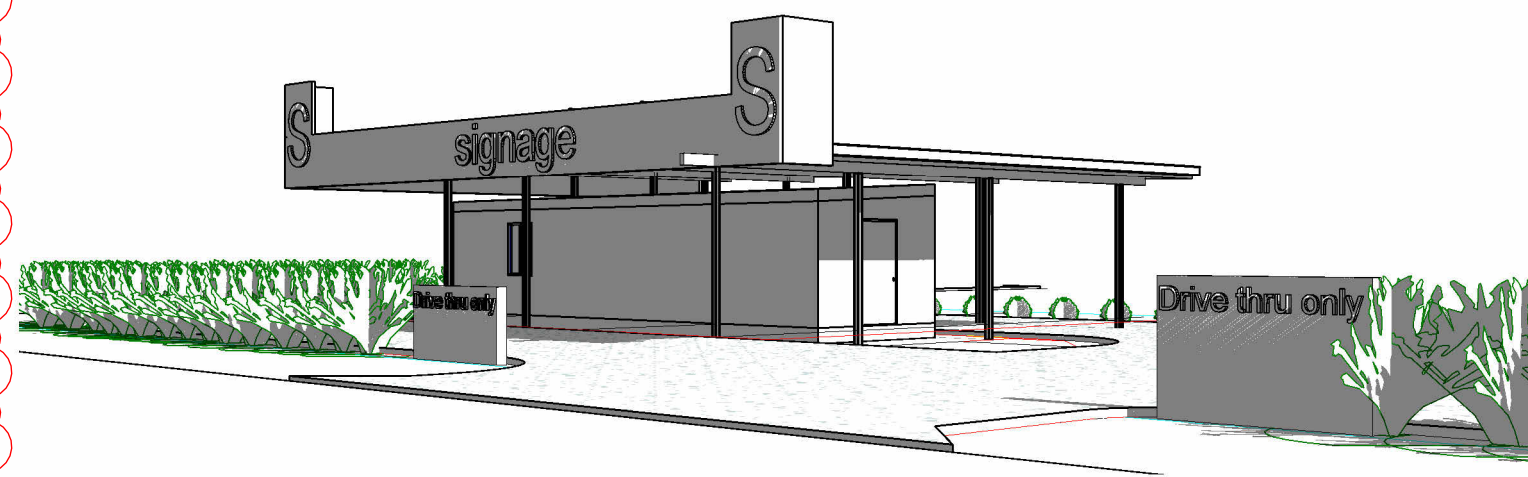
REF: MCU26/0002 DATE: 10/07/2026

NOTES:
* THIS DRAWING IS ONLY INTENDED TO OBTAIN A LOCAL AUTHORITY BUILDING PERMIT.
* COMPLY WITH ALL RELEVANT AUTHORITY REG. & BSA.
* USE FIGURED DIMENSIONS ONLY, DO NOT USE SCALED MEASUREMENTS.
* VERIFY ALL ON SITE DIMENSIONS & LEVELS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

Revision Schedule		
No	Description	Date
3	add loading bay & pedestrian crossing	26.03.31
4	add planting to street frontages & signage notes	26.06.22

Sheet List

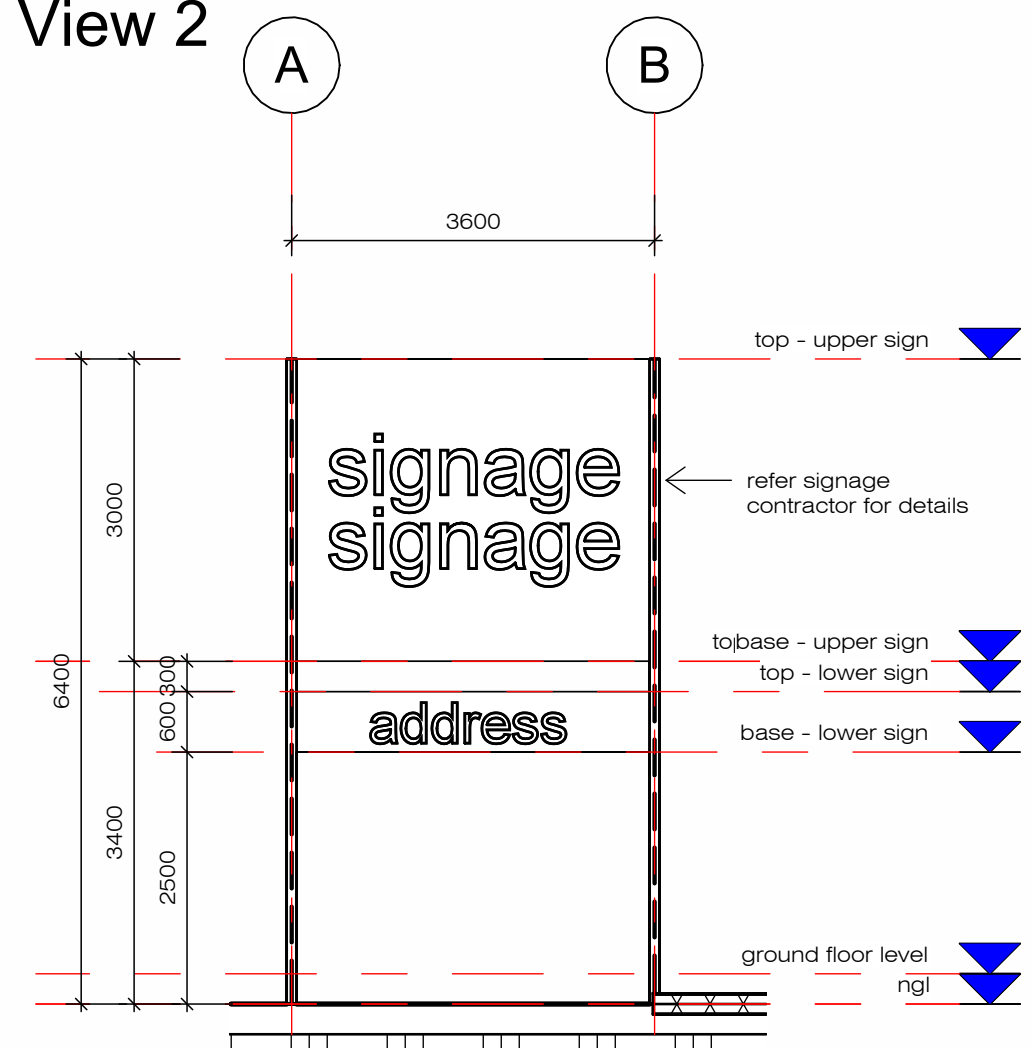
Count	Sheet Number	Sheet Name
1	sk_01	site plan
1	sk_02	site area & services plans
1	sk_03	floor & roof plan
1	sk_04	elevations & section
1	sk_05	Building Material Schedule
Grand total: 5		



3D View 1
3
sk_01



3D View 2
2
sk_01



signage elevation
5
sk_01
1 : 75



issued for
planning
issue date: 26.01.12



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project:
drive through cafe

for:
Mr & Mrs Guazzo

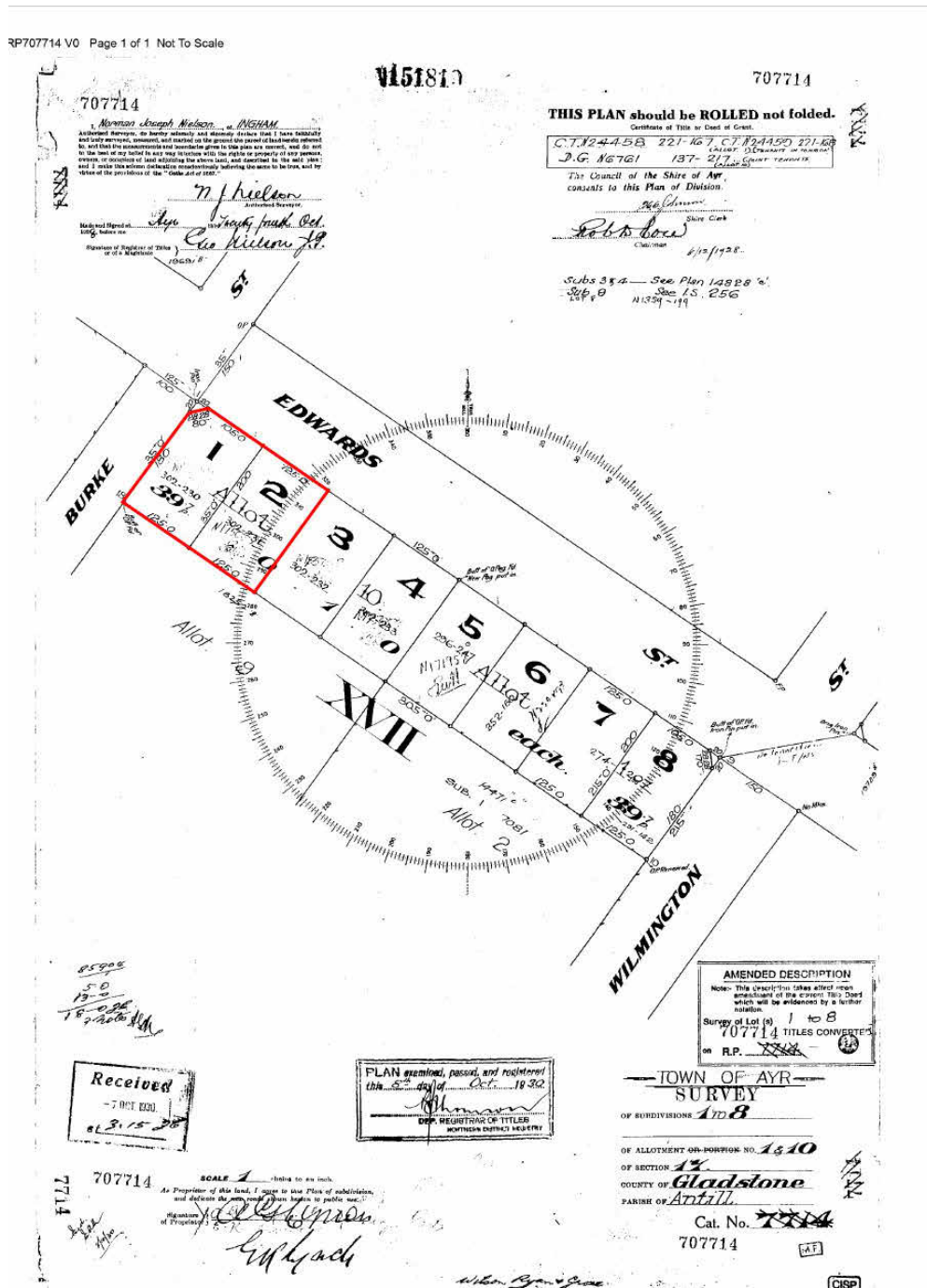
at:
103 Edwards street
Ayr

Issue Date feb 2025	24 Edward sk_03
Drawn Author	
scale As indicated	
sheet sk_01	printed 22/06/2026 9:26:01 AM

A2 sheet size



aerial view



rp plan

A product of
Queensland Globe

Legend located on next page

Scale: 1:1000
Print date: 25/3/2025
Not suitable for accurate measurements
Projection: Web Mercator (EPSG:3857)

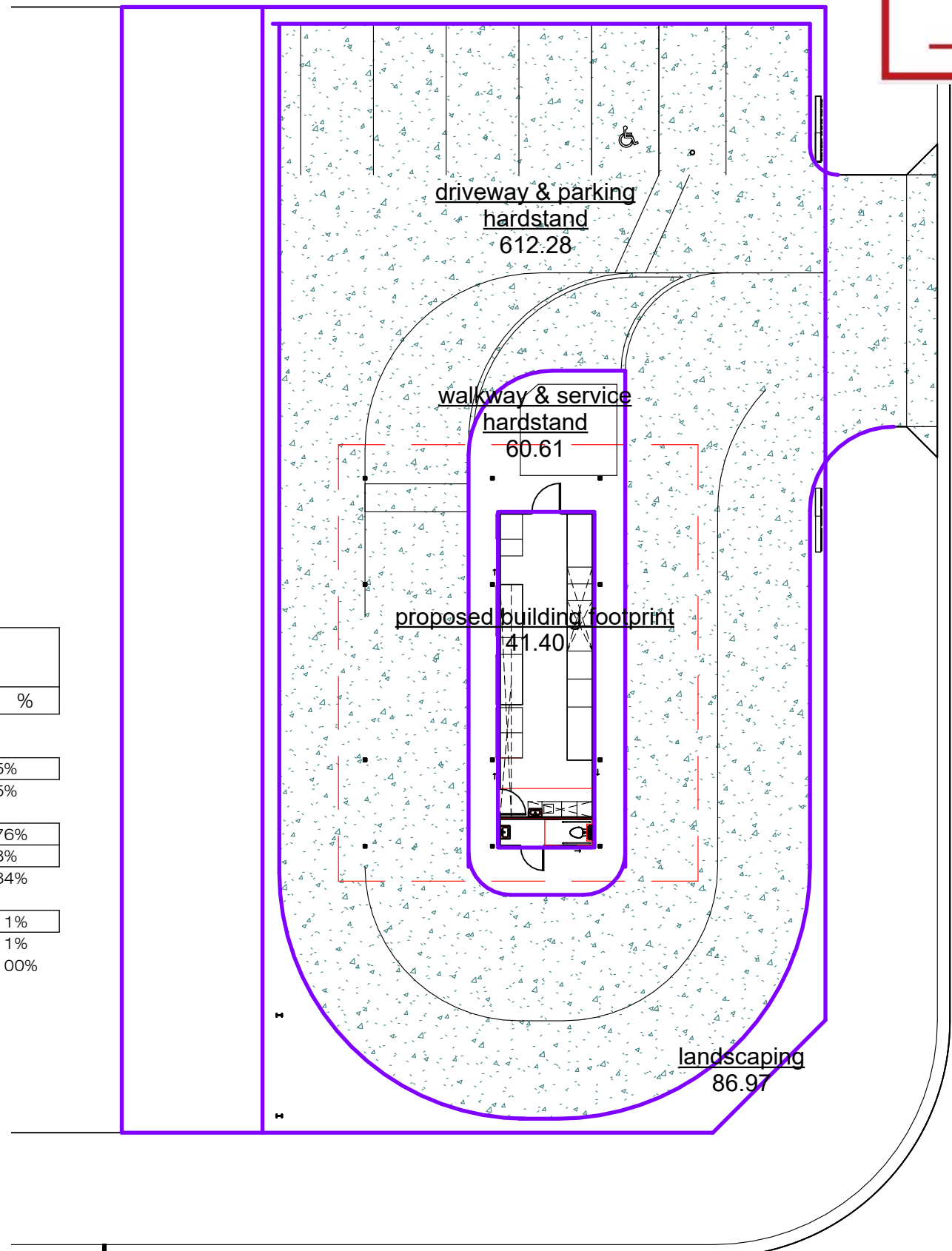
For more information, visit <https://qgisplanning.qld.gov.au/help/info/contact-us.htm>

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Queensland Government
Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development



services plan



site area plan

1 : 200

2
sk_02

edwards street

A2 sheet size

NOTES:
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Revision Schedule		
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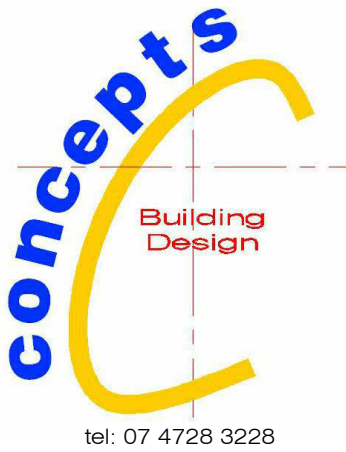
APPROVED

REF: MCU26/0002 DATE: 10/07/2026

[Signature]



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issue date: 26.01.12



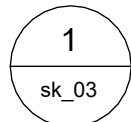
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at:
103 Edwards street
Ayr

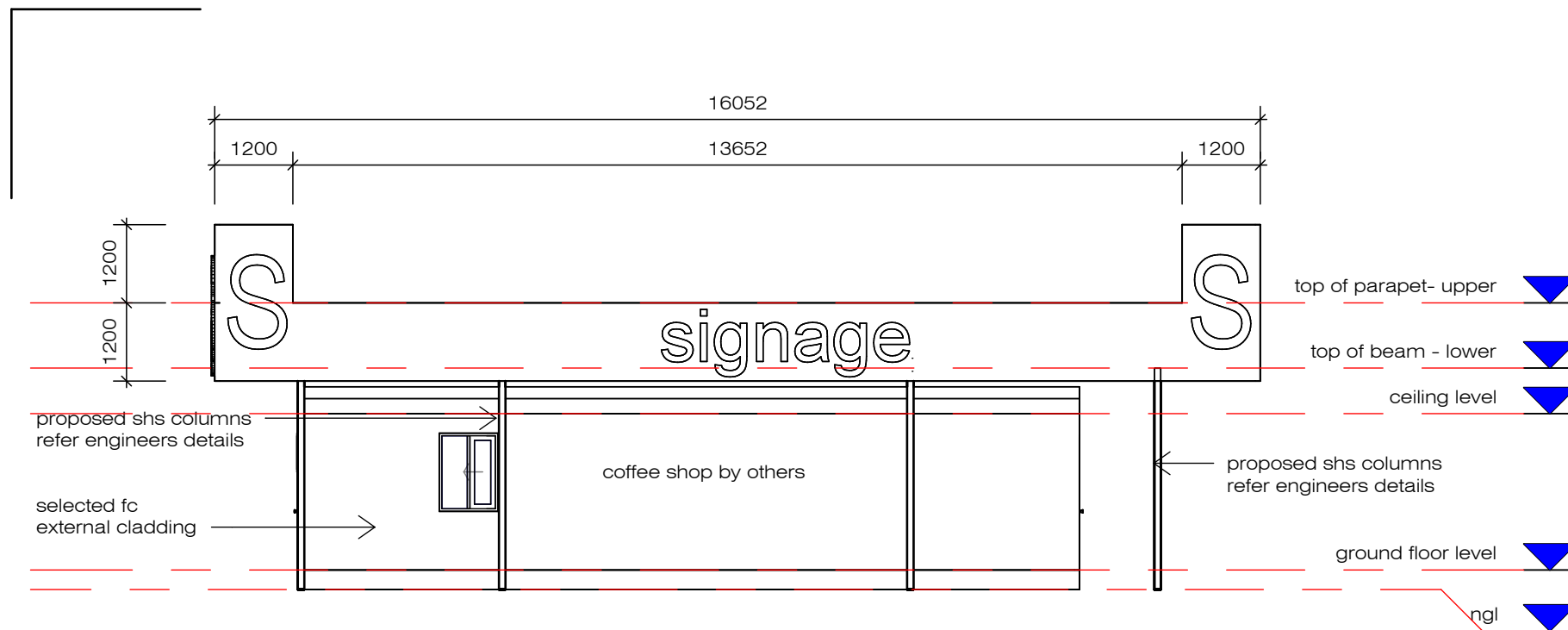
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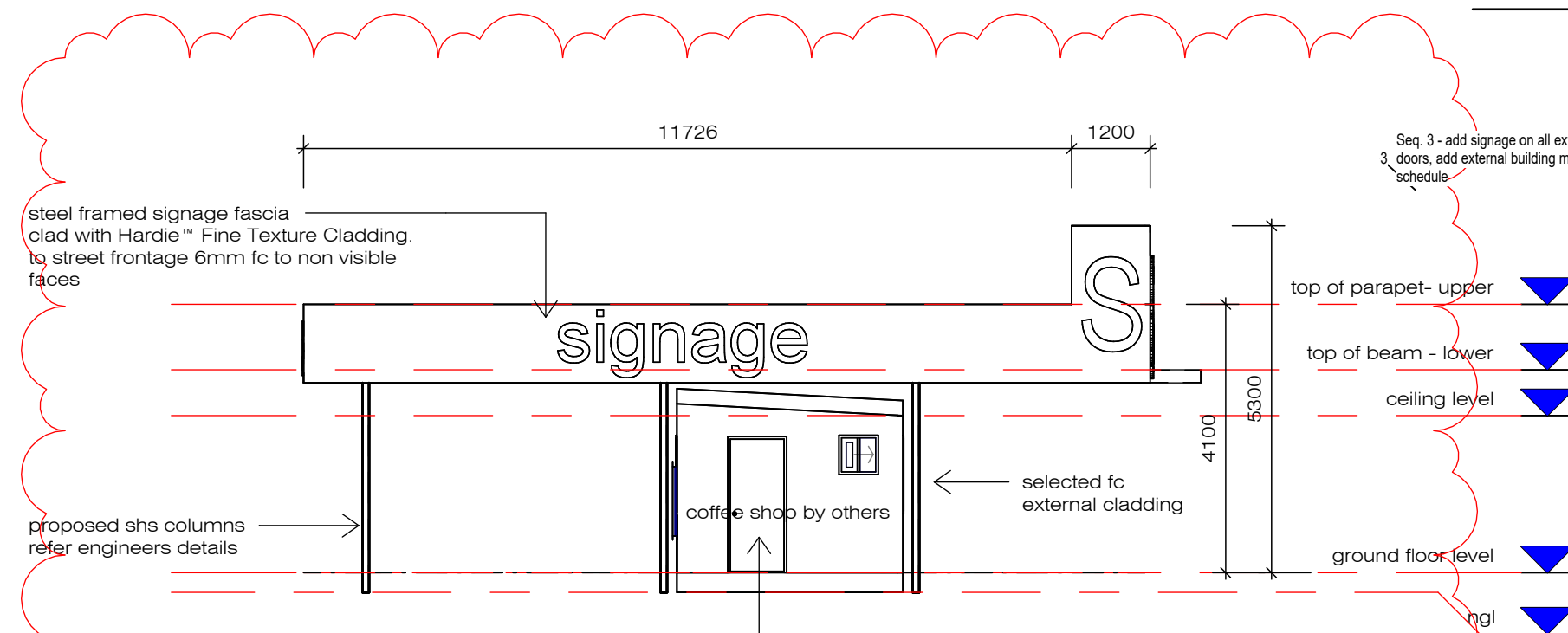
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Issue Date feb 2025		24_Edward sk_03
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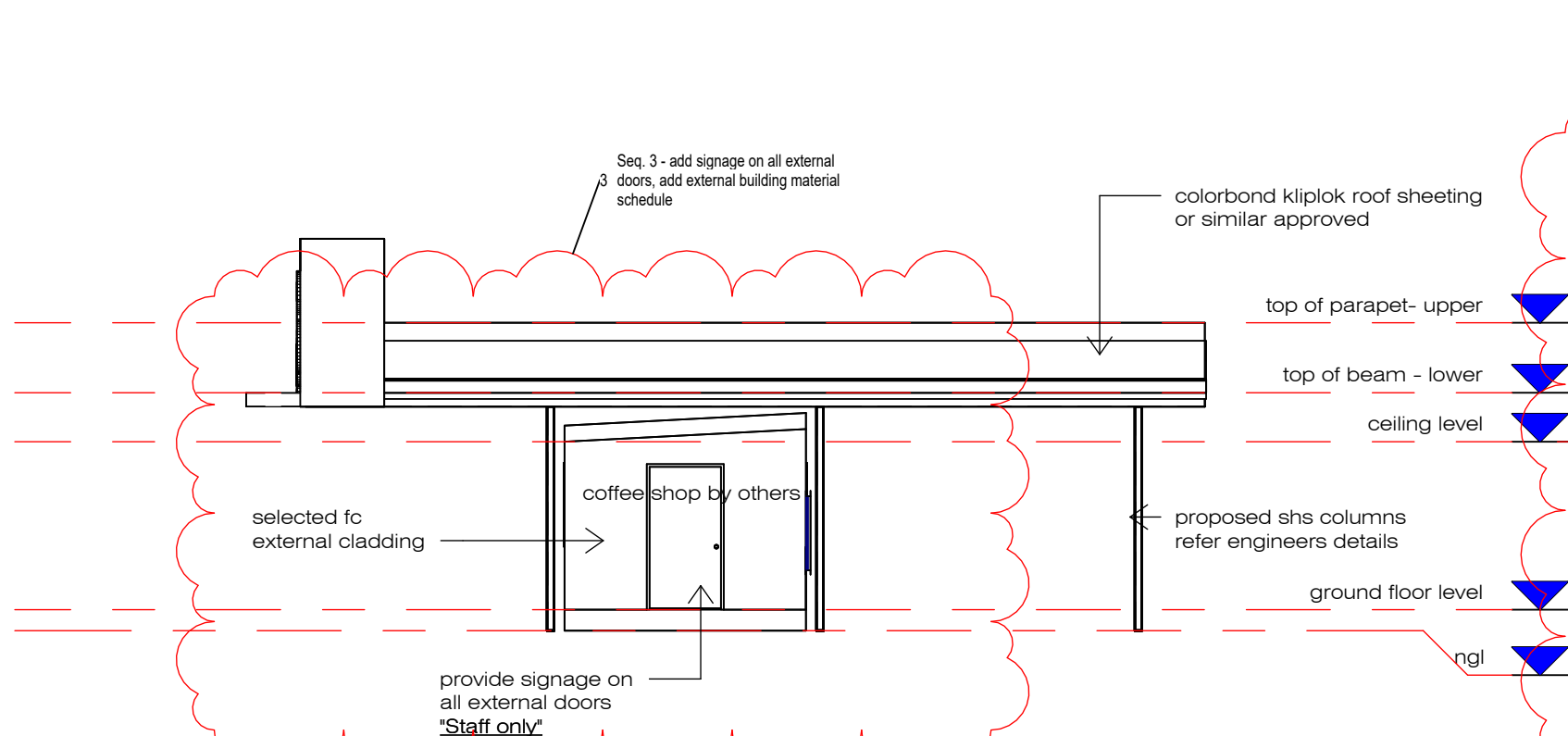
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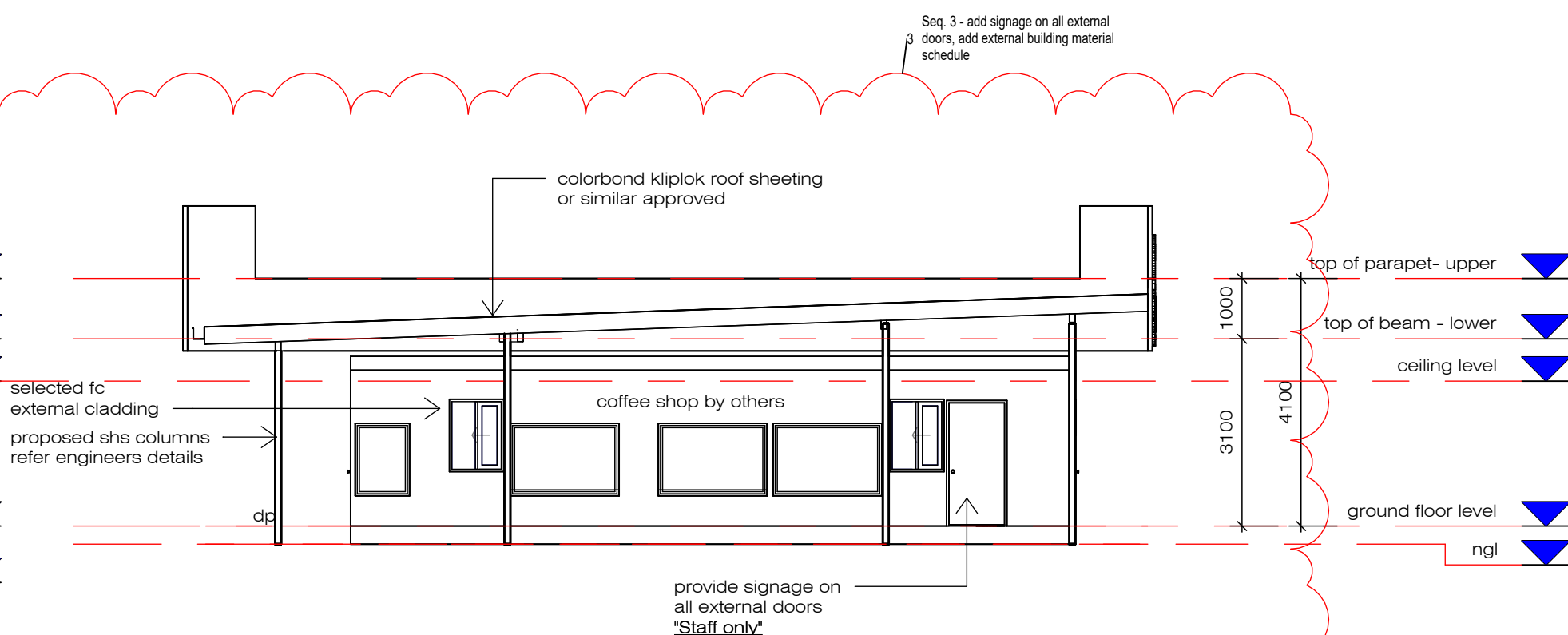
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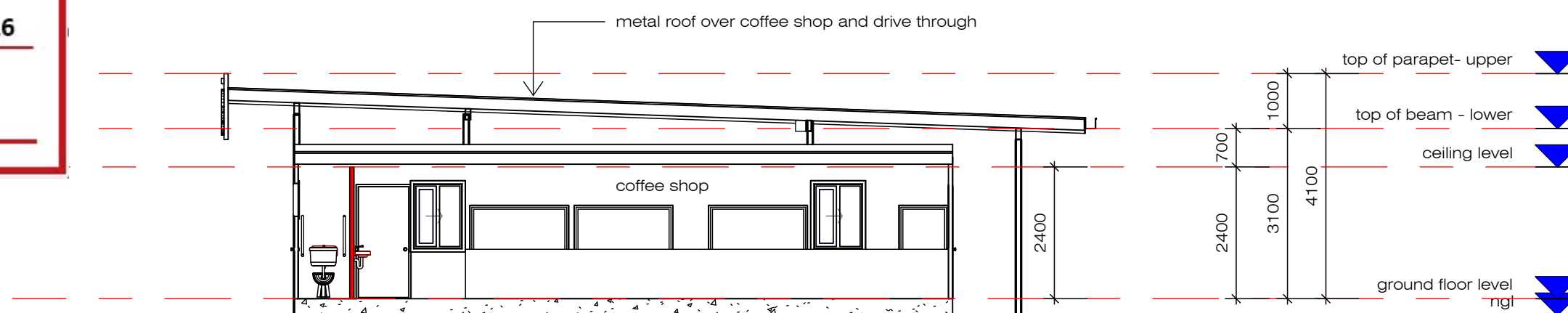
2 north-west elevation
1 : 100



3 south-east elevation
1 : 100



4 south-west elevation
1 : 100



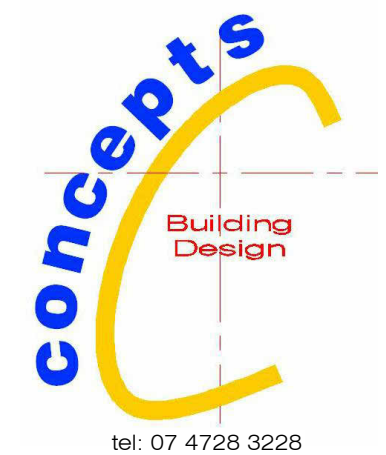
5 Detail A-A
1 : 100

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Revision Schedule		
No	Description	Date
3	add signage on all external doors, add external building material schedule	26.06.22



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project:
drive through cafe

for:
Mr & Mrs Guazzo

at:
103 Edwards street
Ayr

Issue Date feb 2025	24 Edward sk_03
Drawn Author	
scale 1 : 100	
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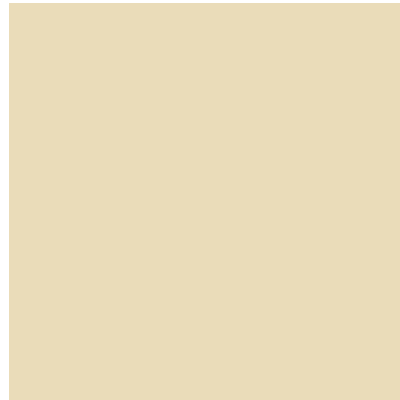
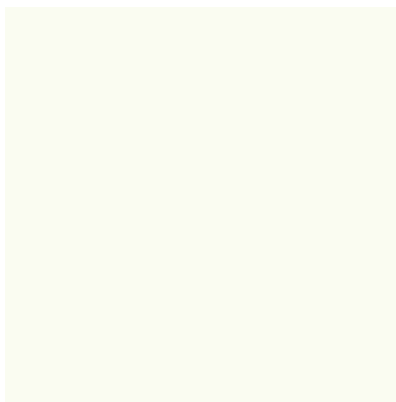
A2 sheet size

APPROVED

REF: MCU26/0002 DATE: 10/07/2026

[Signature]

design elements and material finishes

refer elevations for location of materials/finishes											
code	description	code	description	code	description	code	description				
C1	roof sheeting  KLIP-LOK 700 HI-STRENGTH® colorbond roof or similar approved - surfmist colorbond finish	C2	colorbond flashings, fascia, gutter, downpipes & columns  Colorbond Cottage Green	C3	steel framed signage fascia  external cladding to external walls Hardie Fine Texture Cladding fibre cement sheet smooth Classic Cream finish	C4	external walls  external cladding to external walls Hardie Fine Texture Cladding fibre cement sheet smooth Classic Cream finish				
code	description		code	description		code	description				
C5	external doors  Colorbond Cottage Green		C6	glazing  powder coated aluminium framed windows		C7	soffits  dover white colorbond finish		C8		

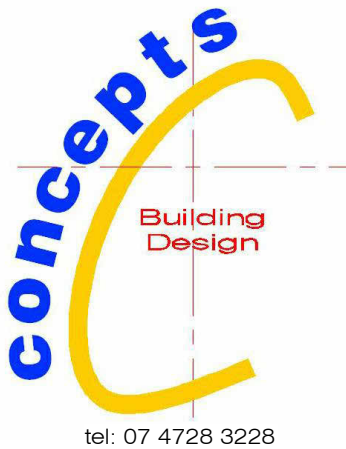
Seq. 3 - add signage on all external doors, add external building material schedule

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Revision Schedule		
No	Description	Date
3	add signage on all external doors, add external building material schedule	26.06.22



issued for
planning
issue date: 26.01.12



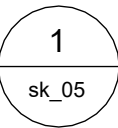
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project:
drive through cafe

for:
Mr & Mrs Guazzo

at:
103 Edwards street
Ayr

Issue Date feb 2025	24 Edward sk_03
Drawn Author	
scale 1 : 100	
sheet sk_05	printed 22/06/2026 10:35:39 AM



Building Material Schedule

1 : 100

SARA reference: 2603-51298 SRA
Council reference: MCU26/0002
Applicant reference: DA049-25

21 May 2026

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

Dear Sir/Madam

SARA referral agency response—101 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 16 March 2026.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	21 May 2026	
Conditions:	The conditions in Attachment 1 must be attached to any development approval	
Advice:	Advice to the applicant is in Attachment 2	
Reasons:	The reasons for the referral agency response are in Attachment 3	

Development details

Description:	Development permit	Material change of use for Food and Drink Outlet with Drive-Through
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) (Planning Regulation 2017)	
	Development application for a material change of use near a state transport corridor	

SARA reference: 2603-51298 SRA
Assessment manager: Burdekin Shire Council
Street address: 101 Edwards Street, Ayr
Real property description: Lot 1 on RP707714
Applicant name: Krike Holdings Pty Ltd
Applicant contact details: c/- BNC Planning
PO Box 5493
Townsville QLD 4810
enquire@bncplanning.com.au / da.corro@bncplanning.com.au

Human Rights Act 2019 considerations: Consideration of the *Human Rights Act 2019* sections 15 to 35 has been undertaken as part of this decision. It has been determined that this decision 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 Tracey Beath, Senior Planning Officer, on 07 4924 2917 or via email RockhamptonSARA@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Krike Holdings Pty Ltd, enquire@bncplanning.com.au / da.corro@bncplanning.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 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)

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.4.1 – Material change of use near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Stormwater management of the development must not cause worsening to the operating performance of the State-controlled road., such that any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state-controlled road. (ii) concentrate or increase the velocity of flows to the state-controlled road. (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. (iv) surcharge any existing culvert or drain on the state-controlled road. (v) reduce the quality of stormwater discharge onto the state-controlled road. (vi) impede or interfere with any overland flow or hydraulic conveyance from the state-controlled road. (vii) reduce the floodplain immunity of the state-controlled road.	At all times
2.	Direct access is not permitted between the Bruce Highway (also known as Edwards Street) and the subject site.	At all times

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 3.5). If a word remains undefined it has its ordinary meaning.
2.	In certain circumstances, third parties may locate a structure or thing or undertake an activity in state-controlled road corridors. These structures and activities are known as ancillary works and encroachments, and include any structure, thing or activity within the road boundary. Approval from the Department of Transport and Main Roads (DTMR) is required under section 50 of the Transport Infrastructure Act 1994 if any of the following occur within the boundaries of a state-controlled road: • undertaking an activity • locating or constructing a structure or thing • maintaining a structure or thing • upgrading a structure or thing • operating a structure or thing. You must apply for a Road Corridor Permit for approval from DTMR. Any potential interruption to traffic flow, pedestrian movements or public transport operations caused by your activity or construction on a state-controlled road also requires a Traffic Control Permit, in addition to a Road Corridor Permit. A Traffic Control Permit must be obtained before starting any and each activity.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- SARA assessed the development against the following code of the State Development Assessment Provisions (SDAP), version 3.5:
 - State code 1: Development in a state-controlled road environment.
- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
 - does not adversely impact the structural integrity or physical condition of the state-controlled road
 - does not adversely impact the function and efficiency of the state-controlled road

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.5), 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

(page left intentionally blank)

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 Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

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.²
- 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.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² 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.³

³ 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.