

Enquiries to: Planning Department  
Our Reference: MCU23/0007  
Your Reference: 23-928

**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**

14 May 2024

FNQLD Pty Ltd  
C/- Urban Sync Pty Ltd  
PO Box 2970  
Cairns. QLD 4870  
Via email: [admin@urbansync.com.au](mailto:admin@urbansync.com.au)

**Attention: Matt Ingram, Planning Manager**

Dear Matt,

**Development Approval – Negotiated Decision Notice for MCU23/0007  
Material Change of Use – Shop (Pet and other associated supplies) on land described as Lot 48 on  
A26516 and located at 270 Queen Street, Ayr.**

Further to your representations made on 8 April 2024 via email, Council on **8 May 2024** made amendments to the original conditions 6.9, 7.4, 10, 11.1, 13.4 and 13.6 of the approval.

Please find attached the amended Negotiated Decision Notice for the above-mentioned development application, which replaces the original Decision Notice issued 31 January 2024 for the decision made on 23 January 2024.

Should you have any further queries in relation to the above, please do not hesitate to contact the Planning Department on the above number.

Yours faithfully



Kellie Galletta  
MANAGER – PLANNING & DEVELOPMENT

Negotiated Decision Notice - **Attached**

# Negotiated Decision

## Notice

MATERIAL CHANGE OF USE

Planning Act 2016

14 May 2024

### Application Details

This Negotiated Decision Notice relates to the below development application:

Application Number:	MCU23/0007
Applicant Details:	FNQ Pty Ltd C/- Urban Sync Pty Ltd PO BOX 2970 Cairns QLD 4870 Via Email: <a href="mailto:admin@urbansync.com.au">admin@urbansync.com.au</a>
Owner Details:	FNQLD Pty Ltd
Street Address:	270 Queen Street, Ayr
Real Property Description:	Lot 48 on A26516
Nature of Development:	Material Change of Use – Shop (Pet and other associated supplies)
Planning Scheme:	Burdekin Shire Council Planning Scheme December 2022

### Negotiated Decision

Development assessment, as per the provisions of the *Planning Act 2016*, has been undertaken. The information below outlines the specifics of any approval or refusal issued by the Assessment Manager:

Decision History:	MCU23/0007 Original Decision Notice – 31 January 2024
Decision Type:	Development Permit for Material Change of Use – Shop (Pet and other associated supplies)

### Nature of Change

In relation to the request to amend conditions under Section 75 of the *Planning Act 2016*, Council decided under Section 76 of the *Planning Act 2016* to approve in part your request. Council has also undertaken administrative changes to the original conditions of approval to ensure clarity.

The nature of the changes to the conditions of approval are listed below (shown using ~~strike through~~ for deletion and **bold** text for new):

#### Carparking and Access

6. Roadworks, Access, Parking and Traffic
- 6.9 ~~A drawing certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) demonstrating appropriate relocation of the existing Queen Street parking bay adjacent to the subject site is to be provided for Council's assessment and approval.~~

#### 7. Nuisance

##### Hours of Operation

- 7.4 The hours of operation are limited to 7.00am to ~~6.00pm~~ **Monday to Friday and 7.00am – 6.00pm** Saturdays ~~excluding and Sundays, and Public Holidays.~~

#### 10. Build over sewer/Adjacent to Services

All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy", with all works to be certified by a suitably **qualified professional**.

#### 11. Stormwater

~~11.1 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that any increase in run off from the site will not have detrimental effect on the existing stormwater drainage networks~~

#### Urban Design and Amenity

#### 13. Landscaping, Fencing and Screening

##### Fencing and Screening

13.4 A minimum 1.8m high, no gap fence is to be provided for the full length of ~~the southern boundary~~ **all site boundaries of the subject site, except the front (Queen Street) boundary and where there is a built to boundary wall.**

##### Sensitive Receptors

~~13.6 Suitable acoustic fencing is to be provided along the full length of any boundary where adjoining an existing residence.~~

13.6 Development is not to create significant impact to the amenity of existing sensitive receptors that adjoin the subject site, as a result of noise, lighting, odour, dust, traffic, loss of privacy or any other cause.

13.7 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council may require the developer/operator to engage a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council. The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within 3 months at no cost to Council.

#### **Advice**

#### **4. Further Approvals Required**

e) Road Works Permit

##### **Road works on State Controlled Road**

~~A Roadworks permit~~ **Approval** for works within the road reserve must be obtained **from the Department of Transport and Main Roads.**

##### **Council managed footpath**

**Approval for works within the road reserve must also be obtained from Burdekin Shire Council.**

#### **Conditions of Approval**

The negotiated conditions of approval are provided in **Attachment 1** of this Negotiated Decision Notice.

#### **Submissions**

Not applicable.

## Referral Agencies

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

Referral Status	Referral Agency and Address	Referral Trigger from Planning Regulation 2017
Concurrence	NQSARA, PO Box 5666, Townsville, Q4810 Email: <a href="mailto:NQSARA@dsdilgp.qld.gov.au">NQSARA@dsdilgp.qld.gov.au</a>	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1

Pursuant to S56 of the *Planning Act 2016*, SARA provided its response and conditions on 11 December 2023. Refer **Attachment 3** of this Notice.

## Further Approvals Required

Refer to Conditions of Approval.

## Infrastructure Charges

The original Infrastructure Charges Notice issued 23 January 2024 remains applicable.

## Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application area 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 development approval will lapse within six (6) years after the approval starts to have effect, unless otherwise conditioned.

## Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of the development permit.

Copies of the approved plans are included as **Attachment 2** of this Negotiated Decision Notice.

## Notice About Decision – Statement of Reasons

This Notice is prepared in accordance with s 63(5) and s 83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application.

The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

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

### Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

*The Planning Act 2016*

*The Planning Regulation 2017*

*Burdekin Shire Council Planning Scheme 2022*

### REASONS FOR THE DECISION

Following an assessment of the representations against the assessment benchmarks listed above, while Council has determined the proposed development remains generally consistent with the original approval given assessed against the relevant assessment benchmarks of *the Burdekin Shire Council Planning Scheme December 2022*, amended and original conditions remain upon the negotiated approval have been included to ensure the proposed development does not cause significant adverse impacts on the surrounding environment (both natural and built), infrastructure and amenity and the safety of the road networks and its users.

# Appeal Rights

## Planning Act 2016 & The Planning Regulation 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

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

- (1) Schedule 1 of the *Planning Act 2016* states –
  - (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

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

*Note –*

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

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

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.

- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

#### 231 Other appeals

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

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

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

## Attachment 1 – 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: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> 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 any public service or facility installation must be carried out at no cost to council. <u>Infrastructure Conditions</u> 1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.



## Attachment 1 – Conditions of Approval

Condition	Reason	Timing															
<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. 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. 2.3 One full set of the most up to date approved plans must be held on site and available for inspection for the duration of the construction phase.	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.															
<b>Approved Plans</b> <table border="1"> <thead> <tr> <th>Drawing Title</th><th>Drawing/Revision</th><th>Date</th></tr> </thead> <tbody> <tr> <td>HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – COVER SHEET</td><td>Plan No: 1769-SK-00 B</td><td>Undated</td></tr> <tr> <td>HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – SITE PLAN</td><td>Plan No: 1769-SK-01 C</td><td>Undated</td></tr> <tr> <td>HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – FLOOR PLAN</td><td>Plan No: 1769-SK-10 B</td><td>Undated</td></tr> <tr> <td>HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – ELEVATIONS</td><td>Plan No: 1769-SK-20 B</td><td>Undated</td></tr> </tbody> </table>			Drawing Title	Drawing/Revision	Date	HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – COVER SHEET	Plan No: 1769-SK-00 B	Undated	HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – SITE PLAN	Plan No: 1769-SK-01 C	Undated	HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – FLOOR PLAN	Plan No: 1769-SK-10 B	Undated	HU MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – ELEVATIONS	Plan No: 1769-SK-20 B	Undated
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<b>3 Outstanding charges</b> All rates and charges (including infrastructure 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>4 Operation of the Use/Limitation of Approval</b> 4.1 This approval is limited to a 'Shop' use as defined by Schedule 1, Definitions SC1.1 Use Definitions of <i>Burdekin Shire Planning Scheme 2022</i> . 4.2 Specifically the approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2.	The development must comply with all planning scheme requirements and definitions as approved and conditioned by this development permit.	At all times.															

## Attachment 1 – Conditions of Approval

Condition	Reason	Timing
<p>4.3 No other operations and/or activities are allowed other than that approved by this permit.</p> <p>4.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the Applicant.</p> <p>4.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>		
<p><b>5 Notice of Intention to Commence the Use</b></p> <p>Prior to the commencement of the use on the land subject to 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.</p>	<p>To ensure Council is appropriately informed of that the use commencing and that all conditions of the relevant development permits have been complied with.</p>	<p>Prior to the commencement of the use.</p>
<b>Carparking and Access</b>		
<p><b>6. Roadworks, Access, Parking and Traffic</b></p> <p>6.1 The development is to provide sufficient car parking on site to safely and efficiently accommodate parking demand generated by the approved Shop activity. <u>On site Carparking</u></p> <p>6.2 A minimum of five (5), inclusive of one (1) accessible parking space are to be provided on site at all times.</p> <p>6.3 Parking space layout must be generally in accordance with the provisions contained in the supporting material included in the plan submitted with the application titled 'HUI/MAC DESIGN - PROPOSED COMMERCIAL DEVELOPMENT – SITE PLAN -1769-SK-01 C'.</p> <p>6.4 All On-site parking must be designed in accordance with the relevant Australian Standards and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ).</p> <p>6.5 Accesses to the premises, car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete).</p> <p>6.6 All car parking facilities must be always maintained to a safe operating standard thereafter. <u>On Street Carparking</u></p>	<p>To ensure development is appropriately serviced by adequate parking and access in accordance with relevant code/s and policy direction; and that the developments impact on the road network and safety of road users in this location is appropriately mitigated.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>

## Attachment 1 – Conditions of Approval

Condition	Reason	Timing
6.7 Any On Street Parking alterations must be in accordance with the relevant Australian Standards.		
6.8 Any alterations to existing parking bays will be at the applicant's full cost including any line marking works required.		
<b>Nuisance</b>		
<b>7. Avoiding Nuisance</b> 7.1 At all times, the proposed activity shall be conducted in accordance with the provisions of the <i>Environmental Protection Act 1994</i> and all relevant regulations and standards. 7.2 The proposed activity must be conducted in a manner that applies such reasonable and practical means to avoid, minimise or manage the mission or likelihood of emissions that constitutes noise, dust, light, vibration and odour nuisances. <u>Lighting</u> 7.3 The operation of the activity does not cause undue disturbance to any person or activity because of the light it emits. <u>Hours of Operation</u> 7.4 The hours of operation are limited to 7.00am to 9.00pm Monday to Friday and 7.00am to 6.00pm Saturdays and Sundays. <u>Complaint Management</u> 7.5 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council will require the developer/operator to engage a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council. 7.6 The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and approval. The developer/operator must undertake any works (if required from the report) within 3 months at no cost to Council.	To ensure that the use of the site does not cause unacceptable nuisance in accordance with the <i>Environmental Protection Act 1994</i> .	All times.
<b>Infrastructure Provision</b>		
<b>8. Water Supply</b> 8.1 The Development must connect to Council's reticulated water supply. 8.2 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that the existing water supply flow and pressure is adequate to meet the demand of the proposed	To ensure that the premises is appropriately serviced by reticulated infrastructure in	i. Technical details required to be submitted to Council as part of an application for Operational Works,

## Attachment 1 – Conditions of Approval

Condition	Reason	Timing
<p>development in accordance with Council's Customer Service Standards for Water and Sewerage.</p> <p>8.3 Any alterations required to Council's water reticulation network must be submitted as part of the application for Operational Works and approved Council.</p> <p>8.4 Any alterations required to Council's water reticulation network are to be completed at the applicant's full cost with no cost to Council.</p> <p><b>9. Sewerage Supply</b></p> <p>9.1 The Development must connect to Council's reticulated sewerage system.</p> <p>9.2 A suitably qualified Registered Professional Engineer of Queensland (RPEQ) must certify that the existing sewerage infrastructure is adequate to meet the demand of the proposed development.</p> <p>9.3 Any alterations required to Council's sewerage network must be submitted as part of the application for Operational Works and approved by Council.</p> <p>9.4 Any alterations required to Council's sewerage network are to be completed at the applicant's full cost with no cost to Council.</p> <p><b>10. Build over sewer/Adjacent to Services</b></p> <p>All structures are to be built in accordance with Council's "Erection of Structures Over or Adjacent to Sewers or Water Mains Policy", with all works to be certified by a suitably qualified professional.</p> <p><b>11. Stormwater</b></p> <p>11.1 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.</p> <p>11.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p> <p><b>12. Electricity and Communications</b></p> <p>Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.</p>	<p>accordance with relevant code/s and policy direction:</p> <ul style="list-style-type: none"> <li>a. for general use;</li> <li>b. for firefighting purposes;</li> <li>c. to maintain the structural integrity of Council sewerage and water supply infrastructure; and to</li> <li>d. ensure the premises appropriately manages and convey stormwater legally and in an environmentally responsible manner.</li> </ul>	<p>prior to the commencement of any works on site.</p> <p>ii. At all times</p>

## Attachment 1 – Conditions of Approval

Condition	Reason	Timing
<b>Urban Design and Amenity</b>		
<p><b>13. Landscaping, Fencing and Screening</b></p> <p>13.1 Landscaping, Fencing and Screening measures that contributes to an attractive streetscape are to be provided.</p> <p>13.2 All landscaping including associated irrigation and fencing and screening measures must be constructed in accordance with the approved landscaping plan(s) and suitably maintained for the life of the development.</p> <p><u>Landscaping</u></p> <p>13.3 Provide a minimum 1.5m wide landscaping strip planted with suitable plant species in accordance with Council's Policy, along all street/road frontages, excepting pedestrian and vehicle access points and sight line areas nominated in the Referral Agency Response SRA2306-35129 SRA.</p> <p><u>Fencing and Screening</u></p> <p>13.4 A minimum 1.8m high, no gap fence is to be provided for the full length of all site boundaries, except the front (Queen Street) boundary and where there is a built to boundary wall.</p> <p>13.5 All plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so as to NOT:</p> <p>(a) Cause environmental nuisance or harm to the existing residential uses in the surrounding area; and</p> <p>(b) Be visible from the street.</p> <p><u>Sensitive Receptors</u></p> <p>13.6 Development is not to create significant impact to the amenity of existing sensitive receptors that adjoin the subject site, as a result of noise, lighting, odour, dust, traffic, loss of privacy or any other cause.</p> <p>13.7 In the event of a complaint being received by Council in relation to nuisance associated with the use that is considered reasonable, Council may require the developer/operator to engage a suitably qualified consultant to undertake an assessment addressing nuisance emanating from the site for this use to the satisfaction of the Burdekin Shire Council. The assessment must be accompanied by a report, inclusive of supporting calculations and site investigations and must provide a recommended method and proposed measures for Council's review and</p>	<p>To ensure that the use of the site:</p> <p>a. Does not cause noise and light nuisance to nearby sensitive receptors, in accordance with the <i>Environmental Protection Act 1994</i>;</p> <p>b. Does not have a detrimental effect on the visual amenity of the surrounding locality;</p> <p>c. Allows the general public, service and emergency service providers to effectively identify the property; and</p> <p>d. Protects matters of public health and amenity.</p>	<p>At all times.</p>

## Attachment 1 – Conditions of Approval

Condition	Reason	Timing
<p>approval. The developer/operator must undertake any works (if required from the report) within 3 months at no cost to Council.</p> <p><b>14. Refuse Facilities and Waste Management</b></p> <p>14.1 Refuse collection arrangements must be provided by the developer to that satisfaction of Council, in accordance with <i>Environment Protection Regulation 2019</i> and Council's waste management policy.</p> <p>14.2 Waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers.</p> <p>14.3 The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted near the enclosure to ensure the area can be easily and effectively cleaned.</p> <p>14.4 Waste storage areas shall be:</p> <ul style="list-style-type: none"> <li>i) not visible from the street front; and</li> <li>ii) Suitably screened.</li> </ul> <p><b>15. Signage</b></p> <p>15.1 Any signage to be associated with the use must be designed to the satisfaction of Council.</p> <p>15.2 To maintain amenity for the adjoining residential properties, no illumination of the signage is to occur unless otherwise approved by Council.</p> <p><b>16. Storage</b></p> <p>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.</p> <p>16.2 Where storage of chemicals is required, a bunded area with a non-porous base is to be provided.</p> <p>16.3 Any storage on site is required to be screened from view from all roads and adjacent properties.</p> <p><b>17. Building Materials</b></p> <p>The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.</p> <p><b>18. Property Numbering</b></p> <p>Legible property numbers must be erected at the premises and must be maintained.</p>		

## Attachment 1 – Conditions of Approval

Condition	Reason	Timing
The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.		

### Advice

<p><b>1. Infrastructure Charges</b></p> <p>An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the Development Permit is attached for your information.</p>
<p><b>2. Uses other than Shop</b></p> <p>Any other uses proposed on this lot that are not defined as 'Shop' 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.</p>
<p><b>3. Compliance with Conditions</b></p> <p>Inspections will be required to be undertaken by council to determine compliance with conditions that are not subject to a further approval.</p>
<p><b>4. Further Approvals Required</b></p> <p>a) Operational Works</p> <p>A Development Permit for Operational Works to carry out civil works including landscaping and fencing associated with the planning approval is required prior to any works commencing on site.</p> <p>b) Plumbing and Drainage Works</p> <p>A Compliance Permit to carry out plumbing and drainage works prior to the commencement of plumbing and drainage works.</p> <p>c) Building Works</p> <p>A Development Permit for Building Works to carry out building works prior to works commencing on site.</p> <p>d) Build over sewer/Adjacent to Services</p> <p>An Approval to build over/adjacent to sewer will be required prior to works commencing on site.</p> <p>e) Road Works Permit</p> <p><u>Road works on State Controlled Road</u></p> <p>Approval for works within the road reserve must be obtained from the Department of Transport and Main Roads.</p> <p><u>Council managed footpath</u></p> <p>Approval for works within the road reserve must also be obtained from Burdekin Shire Council.</p>

## Attachment 1 – Conditions of Approval

### 5. Flood Hazard

The site is within the 1% AEP flood area. The development must not worsen the severity of, or exposure to the flood hazard on other properties.

### 6. Construction

#### 6.1 Commencement

Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via [Planning@burdekin.qld.gov.au](mailto:Planning@burdekin.qld.gov.au).

#### 6.2 Environmental Nuisance

Ensure compliance with the Environmental Protection Act 1994. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.

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.

#### 6.3 General Safety of Public During Construction

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.

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.

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.

#### 6.4 Building Work Noise

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.

#### 6.5 Storage of Materials and Machinery

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.

### 7. Aboriginal and Cultural Heritage

- 7.1 If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.



## Attachment 1 – Conditions of Approval

7.2	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>
<b>8.</b>	<b>Miscellaneous</b>
8.1	Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.
8.2	The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.
8.3	It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.

# PROPOSED COMMERCIAL DEVELOPMENT

FOR

## FNQLD PTY LTD

AT

## 270 QUEEN STREET AYR



**APPROVED**

REF: MCL23/0007 DATE: 8.5.24  
Negotiated Decision Notice

*[Signature]*

PRELIMINARY ONLY

**HU|MAC**  
DESIGN

HUMAC DESIGN | CAIRNS | BRISBANE  
q: 15180356 | p: 07 4031 7087 | p: 07 3435 1532  
w: www.humacdesign.com.au | e: admin@humacdesign.com.au





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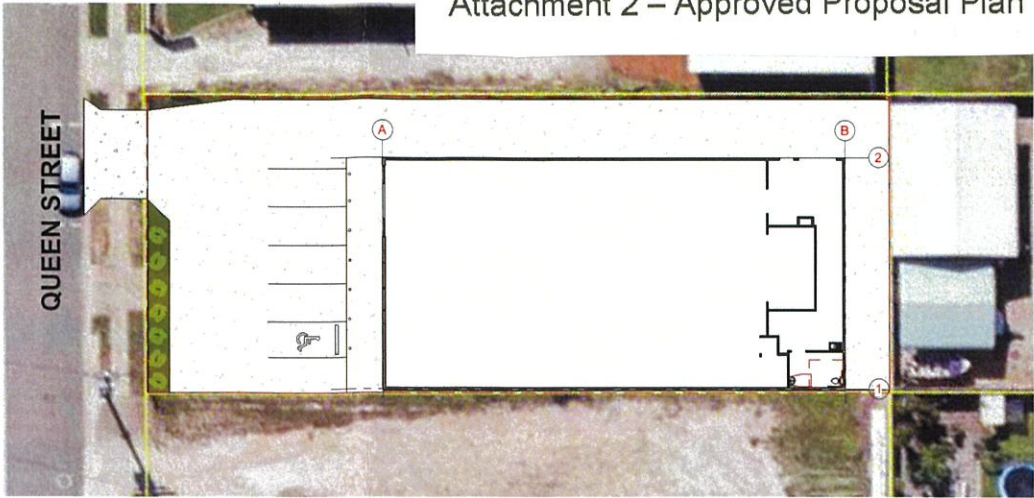
PROPOSED COMMERCIAL DEVELOPMENT

COVER SHEET

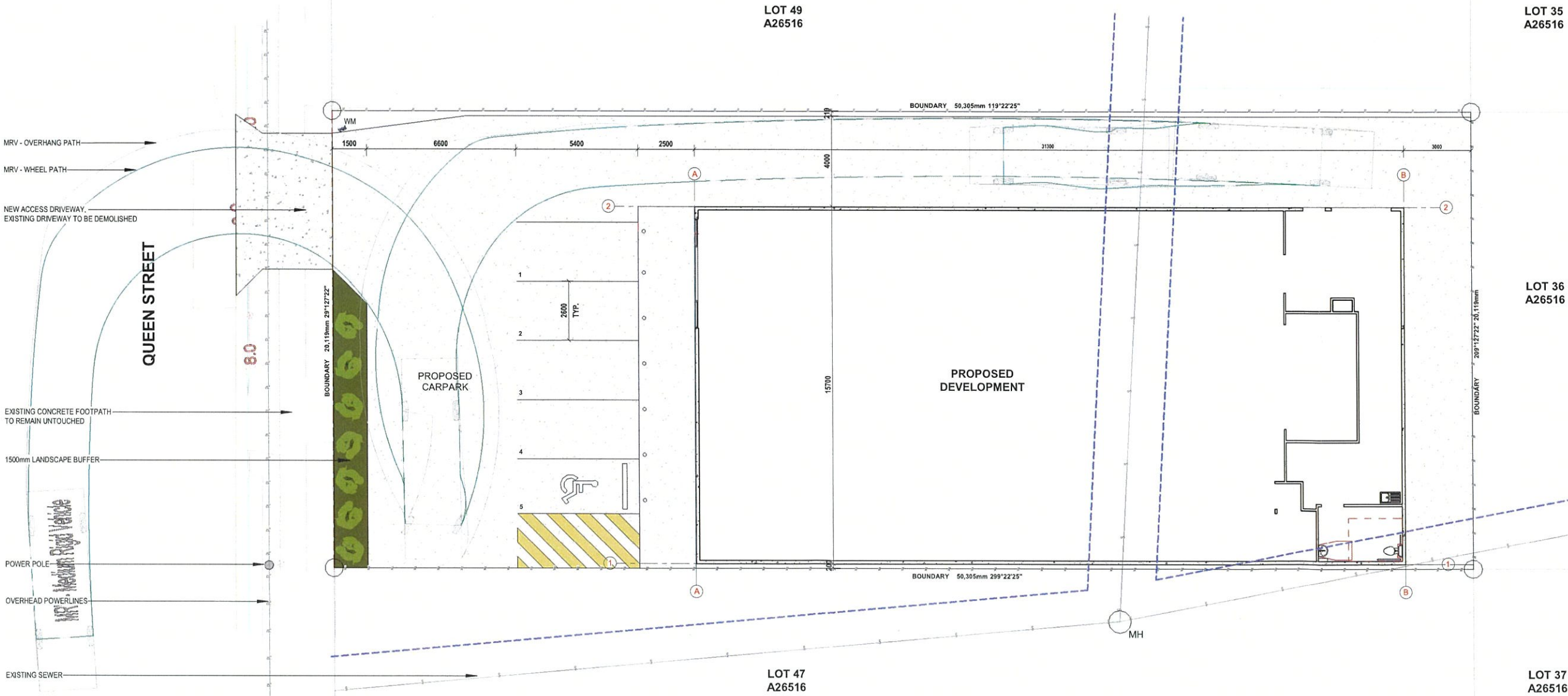
1769-SK-00 B



BUILDING CLASS:	6	TYPE OF CONSTRUCTION:	C
PROPERTY ADDRESS:	270 QUEEN STREET, AYR		
RP DESCRIPTION:	LOT 48 on A26516		
SITE AREA:	1012m <sup>2</sup>		
LOCAL AUTHORITY:	BSC		
PROPOSED:	COMMERCIAL DEVELOPMENT		
PARKING PROVIDED:	5		
ZONE DESCRIPTION:	CENTRE		
AFFECTED OVERLAYS:	FLOOD - RIVER HAZARD LOW HAZARD		
SITE COVER:	491m <sup>2</sup> (48.5%)		
LANDSCAPE:	20m <sup>2</sup> (1.9%)		
<u>LEGEND</u>			
	FENCING AS SELECTED		
	MAN HOLE		
	WATER METRE		
	EXIST. SEWER		
	EXIST. STORMWATER		
	EXIST. POWER LINES		
	EXIST. WATER		
	EXIST. ELECTRICAL LINE		



**APPROVED**  
REF: MLC23/0007 DATE: 8.5.24  
Negotiated Decision Notice  
*[Signature]*

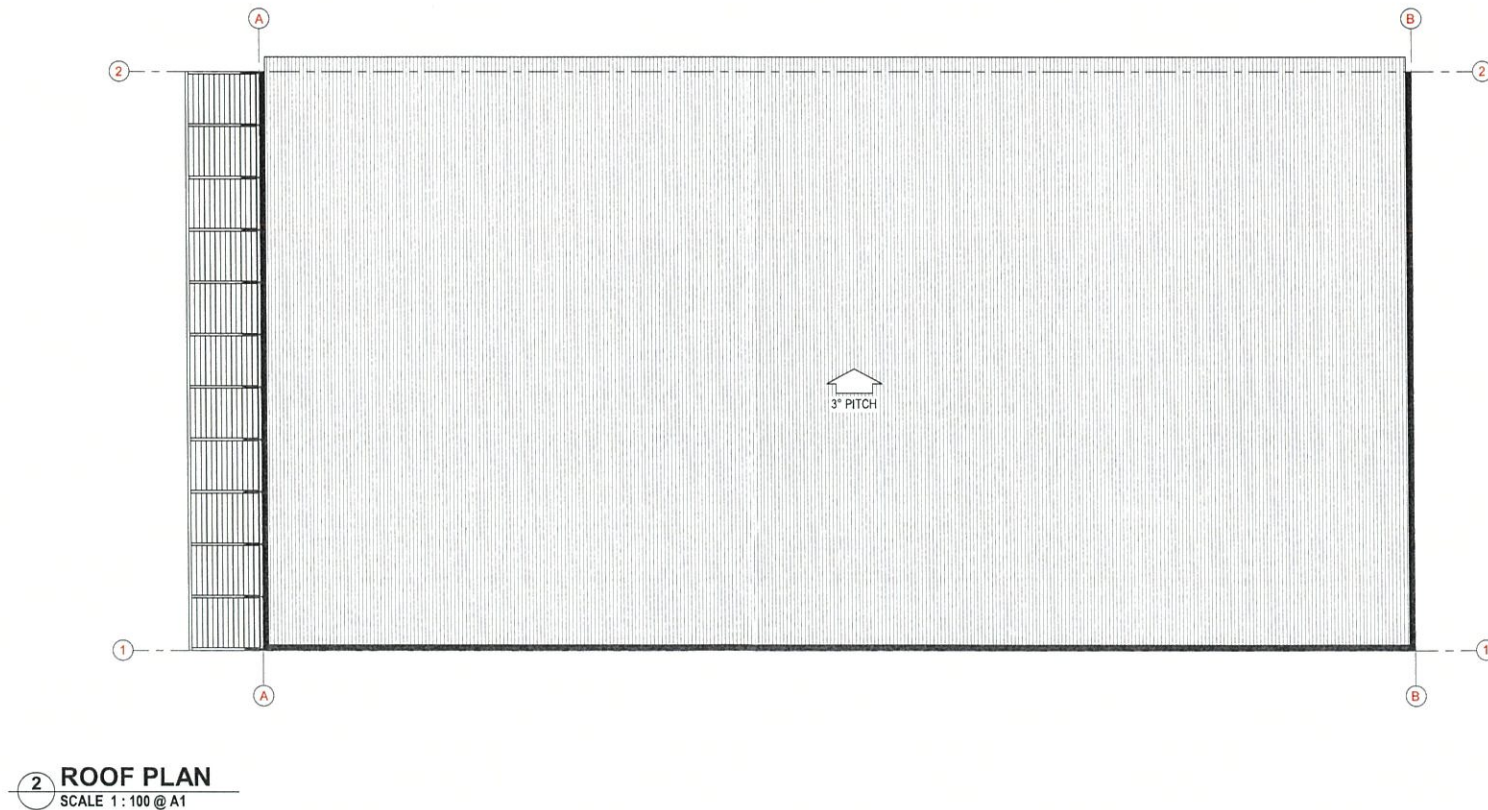
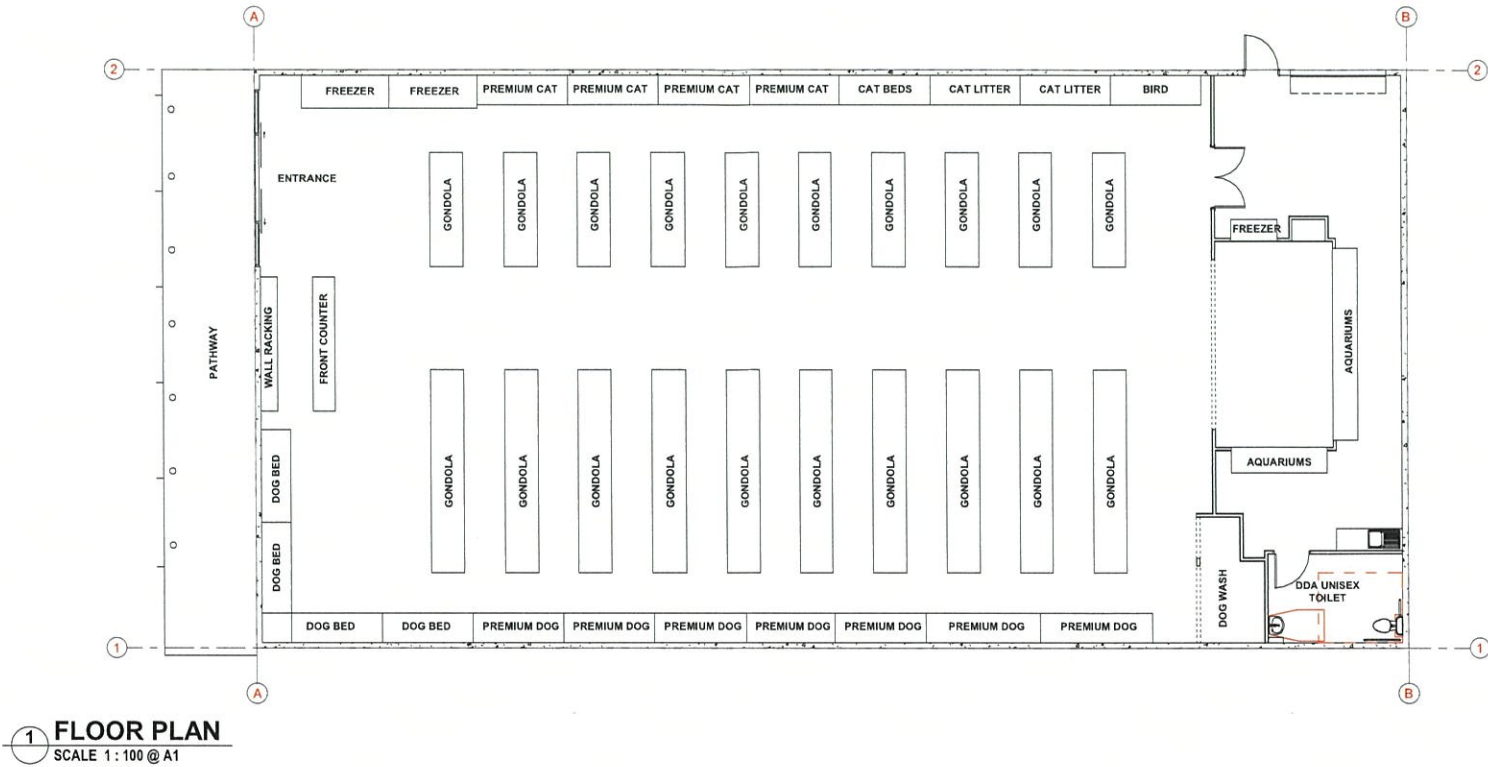


SITE PLAN

PRELIMINARY ONLY







FLOOR AREA	
ROOM NAME	AREA (m <sup>2</sup> )
SHOP	491.4 m <sup>2</sup>
DRIVEWAY	263.1 m <sup>2</sup>
CARPARK	177.2 m <sup>2</sup>
PATHWAY	38.8 m <sup>2</sup>
971.4 m <sup>2</sup>	

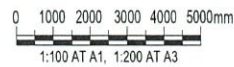


ELEVATION KEY

**HU | MAC**  
DESIGN

HUMAC DESIGN | CAIRNS | BRISBANE  
q: 15180356 | p: 07 4031 7087 | p: 07 3435 1532  
w: www.humacdesign.com.au | e: admin@humacdesign.com.au

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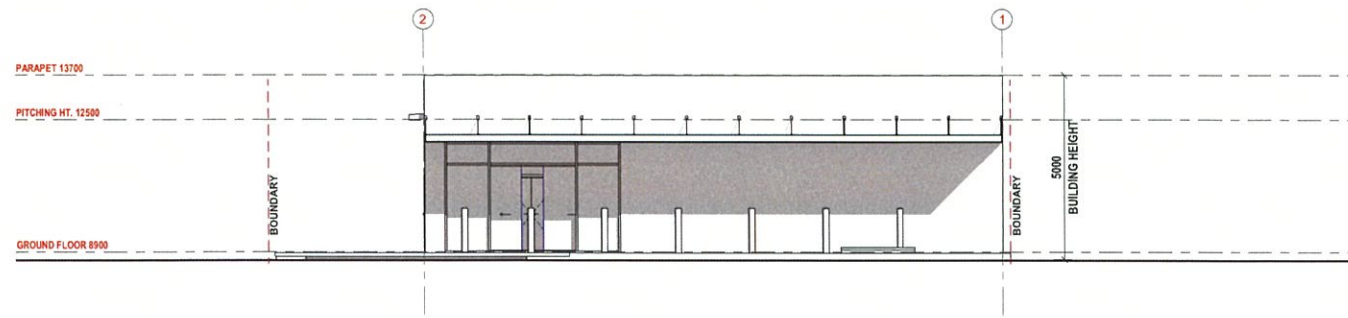
PROPOSED COMMERCIAL DEVELOPMENT

FLOOR PLAN

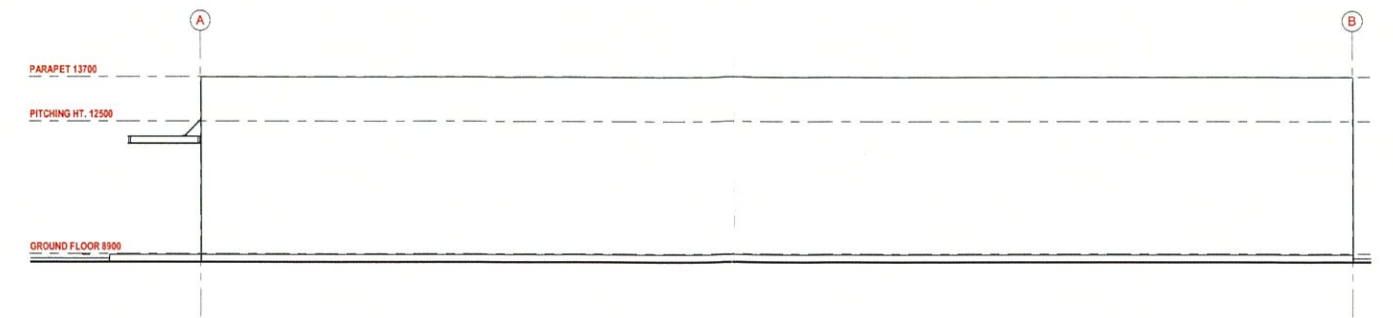
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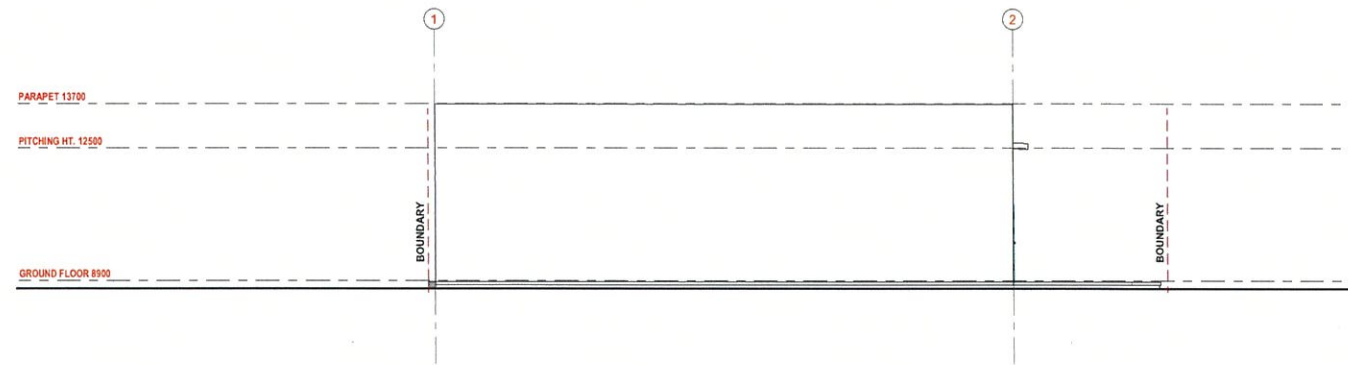
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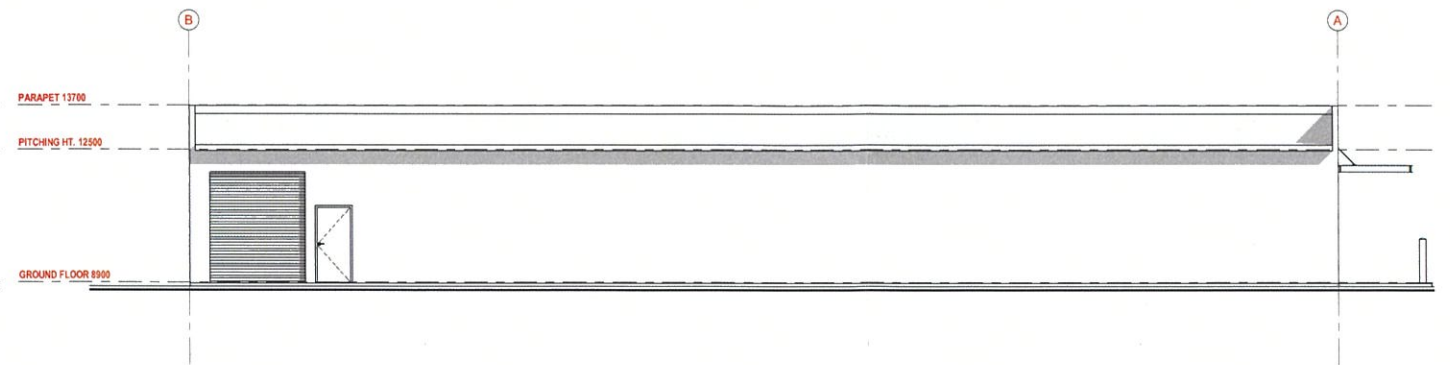
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4

**APPROVED**

REF: MU123/0007 DATE: 8.5.24

Negotiated Decision Notice

*[Signature]*

PRELIMINARY ONLY

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1:100 AT A1, 1:200 AT A3**PROPOSED COMMERCIAL DEVELOPMENT**

ELEVATIONS

1769-SK-20 B

RA6-N



SARA reference: 2306-35129 SRA  
Council reference: MCU23/0007

11 December 2023

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

Attention: Ms Kellie Galletta

Dear Ms Galletta,

## SARA referral agency response—270 Queen 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 21 June 2023.

### Response

---

Outcome:	Referral agency response – with conditions
Date of response:	11 December 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

---

Description:	Development permit:	Material Change of Use for a Shop
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - Material change of use of premises near a state transport corridor ( <i>Planning Regulation 2017</i> )	
SARA reference:	2306-35129 SRA	



Assessment manager: Burdekin Shire Council

Street address: 270 Queen Street, Ayr

Real property description: 48A26516

Applicant name: FNQLD Pty Ltd C/- Urban Sync Pty Ltd

Applicant contact details: C/- Urban Sync Pty Ltd, PO Box 2970  
Cairns QLD 4870  
jamie@urbansync.com.au

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

Approved

Reference: TMR23-039591

Date: 1 December 2023

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

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

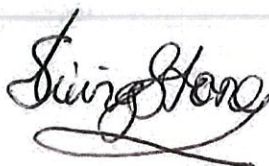
## Representations

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 Amber Can, Senior Planner, on 07 5644 3227 or via email [NQSARA@dsdilgp.qld.gov.au](mailto:NQSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Duncan Livingstone  
A/Manager (Planning)

cc FNQLD Pty Ltd C/- Urban Sync Pty Ltd, jamie@urbansync.com.au

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



## Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—Material change of use of premises 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.	<p>(a) The road access location, is to be located generally in accordance with the Site Plan, prepared by Humac Design, reference 1769-SK-01 C and amended in red by SARA.</p> <p>(b) Road access works comprising of a standard commercial access, (at the road access location) must be provided generally in accordance with Site Plan, prepared by Humac Design, reference 1769-SK-01 C and amended in red by SARA.</p> <p>(c) The road access works must be designed and constructed in accordance with:</p> <ol style="list-style-type: none"> <li>Department of Transport and Main Roads' Road Planning and Design Manual, Second Edition;</li> <li>Manual of Uniform Traffic Control Devices (MUTCD);</li> <li>IPWEA Standard Drawing RS-051 and revision H commercial access as per Burdekin Shire Council standards.</li> </ol>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>
2.	Provide 2.5m by 2m sight line/triangles on either side of the road access location, shown on Site Plan, prepared by Humac Design, reference 1769-SK-01 C and amended in red by SARA, are to remain clear.	At all times.
3.	<p>(a) The existing vehicular property access located between Lot 48 on A26516 and Queen Street (location shown on the Site Plan, prepared by Humac Design, reference 1769-SK-01 C and amended in red by SARA) must be permanently closed and removed.</p> <p>(b) The kerb and channelling and footpath between the pavement edge and the property boundary must be reinstated in accordance with Burdekin Shire Council's standards at no cost to the Department of Transport and Main Roads.</p>	Prior to the commencement of use.
4.	Carry out the stormwater management of the development generally in accordance with Concept Drainage Management Plan, prepared by Civil Walker Consulting Engineers, dated 1.11.23, reference 252-001-SK07, and revision 1.	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 3.0). If a word remains undefined it has its ordinary meaning.
Further Approval Required for All Works within State-controlled Road Reserve	
2.	This development approval does not include any works located within the road reserve of the State-controlled Road. Further approval from the Department of Transport and Main Roads is required pursuant to the provisions of the <i>Transport Infrastructure Act 1994</i> .
3.	<p>Under sections 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads at <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a> to make an application for roadworks approval.</p> <p>To make an application for road access works approval, please contact the Department of Transport and Main Roads via <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a>, and include a completed Road Works/Road Access Works in a State-controlled road Application Form (Form F5082) available at: <a href="https://www.tmr.qld.gov.au/Community-and-environment/Planninganddevelopment/Other-matters-requiring-approval#driveways">https://www.tmr.qld.gov.au/Community-and-environment/Planninganddevelopment/Other-matters-requiring-approval#driveways</a>.</p> <p>This approval must be obtained <u>prior</u> to commencing any works on the state-controlled road reserve</p>
4.	Under section 50 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to construct, maintain, operate or conduct ancillary works and encroachments (including the construction of a lawful point of discharge) on a State-controlled Road. Please contact the Department of Transport and Main Roads at <a href="mailto:North.Queensland.IDAS@tmr.qld.gov.au">North.Queensland.IDAS@tmr.qld.gov.au</a> to make an application.

## Attachment 3—Reasons for referral agency response

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

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

The proposed development has been assessed against and complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads;
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure;
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure;
- maintains or improves access to public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads;

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

- the development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

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

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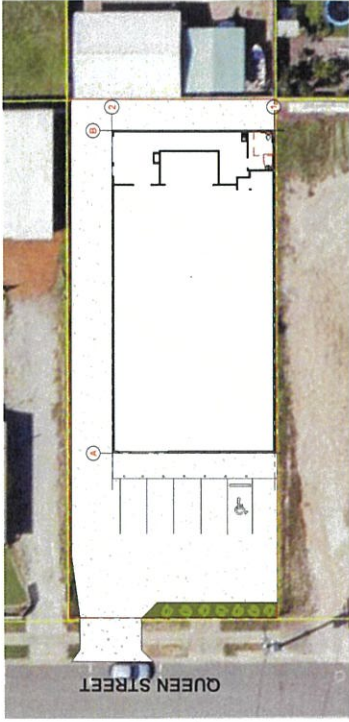
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## **Attachment 5—Documents referenced in conditions**

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# PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref:

2306-35129 SRA

Date:

11 December 2023

Amended in red by SARA on

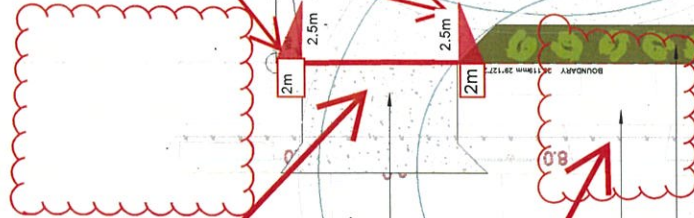
11 December 2023

BUILDING CLASS	5	TYPE OF CONSTRUCTION	C
PROPERTY ADDRESS	270 QUEEN STREET, AFR		
RP DESCRIPTION	LOT 48 on A26516		
SITE AREA	1012m <sup>2</sup>		
LOCAL AUTHORITY	BSC		
PROPOSED	COMMERCIAL DEVELOPMENT		
PARKING PROVIDED	5		
ZONE DESCRIPTION	CENTRE		
AFFECTED OVERLAYS	FLOOD - RIVER HAZARD LOW HAZARD		
SITE COVER	48m <sup>2</sup> (4.8%)		
LANDSCAPE	20m <sup>2</sup> (1.9%)		
LEGEND			
	FENCING AS SELECTED		
	MANHOLE		
	WATER METRE		
	EXIST SEWER		
	EXIST STORMWATER		
	EXIST POWERLINES		
	EXIST WATER		
	EXIST ELECTRICAL LINE		

The approved road access location, in accordance with condition 1.

The existing vehicular access is to be closed and permanently removed, in accordance with condition 3.

2.5m by 2m sight line/triangles are to remain clear at all times, in accordance with condition 2.



LOT 49  
A26516

LOT 36  
A26516

LOT 37  
A26516

LOT 47  
A26516

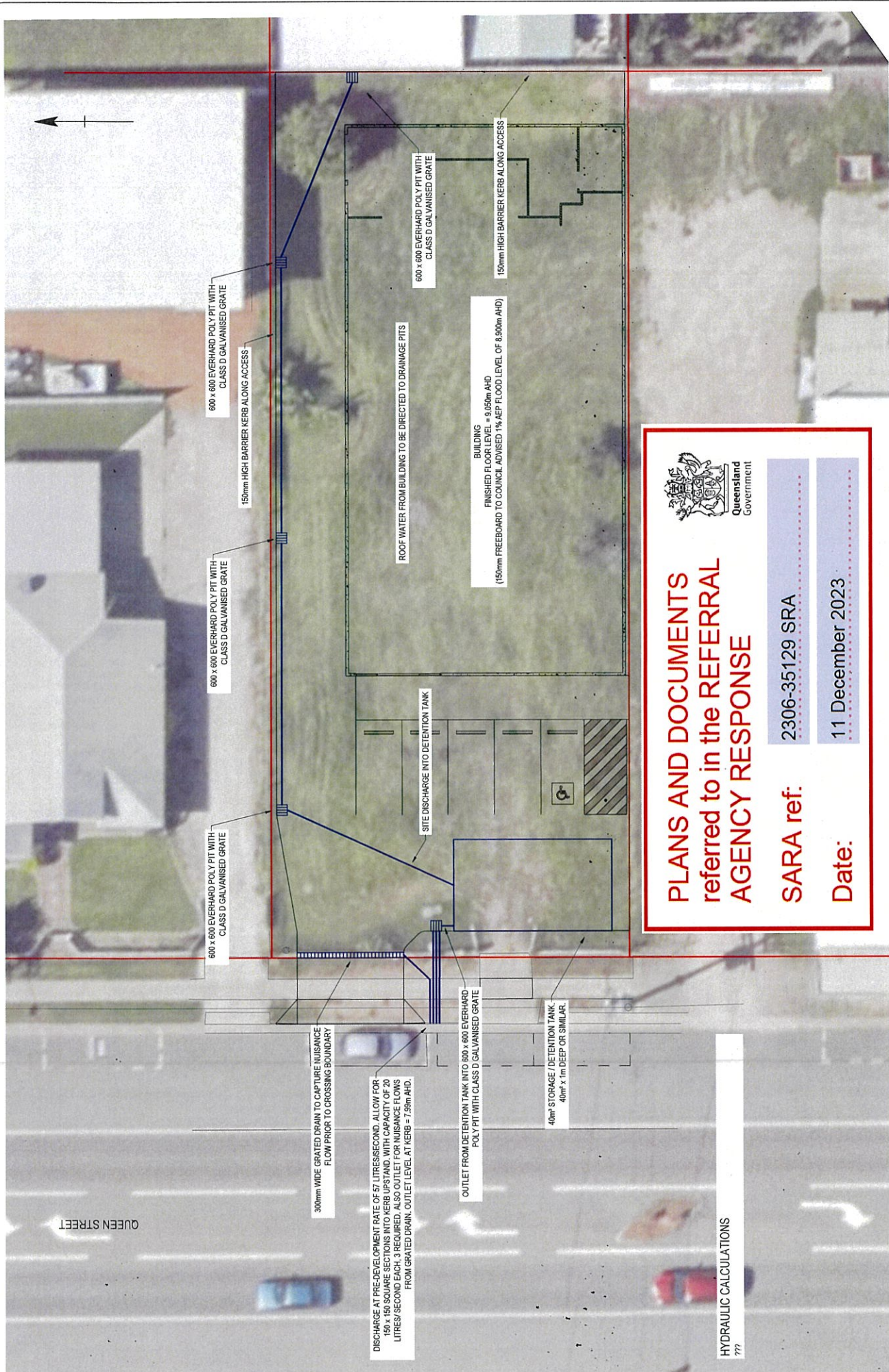
PROPOSED  
DEVELOPMENT

PROPOSED  
CARPARK

QUEEN STREET







HYDRAULIC CALCULATIONS

???

# PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref:

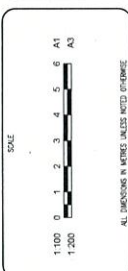
2306-35129 SRA

Date:

11 December 2023

REV'S	NO.	DATE	INITIAL	ISSUE	DESCRIPTION	DESIGN	APPROVED
	1	01.11.23					

FNQD PTY LTD



CW	DWR	DWR	270 QUEEN STREET, AYR
DESIGNED	APPROVED	DESIGNED	CONCEPT DRAINAGE MANAGEMENT PLAN
ORIGINAL CERTIFIED BY D.J.WALKER			252-001-SK07
DATE 01.11.23			1

## Development Assessment Rules—Representations about a referral agency response

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

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

---

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

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

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

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



## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

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

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