

From:  
"Ben Collings - BNC Planning" <bnc@bncplanning.com.au>  
Sent:  
Tue, 6 Feb 2024 16:05:47 +1000  
To:  
"RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>  
Subject:  
MCU24-0001 - Development Application - Material Change of Use - Low Impact  
Industry (Electrical Engineering Workshop and Food Processing) at 208-218  
Wickham St, Ayr  
Attachments:  
DA060-23\_IMCU\_v1.0\_060224.pdf

BNC Planning acting on behalf of the applicant submits the attached development application to the Burdekin Shire Council in accordance Chapter 3, Part 2 of the Planning Act 2016. The development application is seeking a development permit for a material change of use at 208-218 Wickham Street, Ayr. Please contact me to confirm receipt of this development application and to confirm the assessment manager application fee amount and payment options.  
Kind regards,  
Benjamin Collings  
Director

Office 7 / Ground Floor / 41 Denham Street TOWNSVILLE CITY QLD 4810  
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Version: 1, Version Date: 21/02/2024

BNC Ref. DA060-23  
IMPACT: MCU

>> 6 February 2024  
ASSESSMENT MANAGER  
BURDEKIN SHIRE COUNCIL  
PO BOX 974  
AYR QLD 4807  
Attention: Planning

Dear Assessment Manager,  
RE:

LODGEMENT OF A DEVELOPMENT APPLICATION UNDER CHAPTER 3, PART 2 OF THE PLANNING ACT 2016  
DEVELOPMENT PERMIT FOR AN IMPACT ASSESSABLE MATERIAL CHANGE OF USE  
208-218 WICKHAM STREET, AYR QLD 4807 (RPD: 46 ON GS177)

BNC Planning acting on behalf of the applicant submit the attached development application in accordance Chapter 3, Part 2 of the Planning Act 2016. The development application is seeking a development permit for a material change of use to facilitate a new Low impact industry use (Electrical engineering workshop and Food processing facility) over the above referenced address.

This development application is being made to the Burdekin Shire Council as the relevant assessment manager under the Planning Regulation 2017 and has been made in the approved form as required under s51 of the Planning Act 2016. The common material making up the development application include:

  
  


Relevant development application forms and written consent of the landowner(s), as required.

A detailed planning report and the relevant site detail.  
Development plans and other relevant supporting information.

Please contact me to confirm receipt of this development application and to confirm the assessment manager application fee amount and payment options. I trust this information is sufficient for acceptance of the development application as properly made subject to payment of the application fee. Please contact me should there be any issues or if you require any further information.

Kind regard,

Benjamin Collings, Director  
BNC Planning Pty Ltd

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DEVELOPMENT APPLICATION  
PLANNING ACT 2016  
DEVELOPMENT PERMIT  
MATERIAL CHANGE OF USE  
at

208-218 WICKHAM STREET  
AYR QLD 4807  
RPD: Lot 46 on GS177

BNC PLANNING PTY LTD (ABN 80 147 498 397)  
PREPARED ON BEHALF OF Lennox Group Pty Ltd  
FEBRUARY 2024, DA060-23 v1.0

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PLANNING REPORT  
DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT  
PLANNING ACT 2016  
IMPACT ASSESSABLE MATERIAL CHANGE OF USE  
208-218 WICKHAM STREET, AYR QLD 4807  
being  
LOT 46 ON GS177  
for  
LOW IMPACT INDUSTRY USE

Document Set ID: 1798796  
Version: 1, Version Date: 21/02/2024

BNC Planning Pty Ltd  
ABN 80 147 498 397  
FILE REF: DA060-23 v1.0 February 2024

Report Matrix  
APPLICATION SUMMARY  
Applicant:

Lennox Group (QLD) Pty Ltd C/- BNC Planning

Application Type:

Development Application for a Development Permit

Development Type:

Material Change of Use

Category of Development (Level of Assessment):

Impact Assessable

Development Description:

Electrical engineering workshop and Food processing facility

Assessment Manager:

Burdekin Shire Council

Referral Agencies:

NA

CATEGORISING INSTRUMENTS  
Planning Scheme:

Burdekin Shire Planning Scheme 2022

Planning Scheme Defined Uses/Works:

Low Impact Industry

Zoning:

Rural Zone

Precincts/Sub-Precincts:

NA

Overlays:

Bushfire Hazard and Flood Hazard Overlay

SITE DESCRIPTION  
Property Address:

208-218 Wickham Street, Ayr QLD 4807

Real (Legal) Property Description:

Lot 46 on GS177

Site Area:

12,140m<sup>2</sup>

Landowner:

Alexander Michael Lennox

Tenure:

Freehold

Relevant Encumbrances:

NA

Local Government Area:

Burdekin Shire Council

Road Frontage:

Wickham Street

DOCUMENT CONTROL

Prepared by

Client

Report

BNC Planning

Lennox Group (QLD) Pty Ltd

Report No. DA060-23-PR

Version

Date

Author

1.0

February 2024

SSM:BNC

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necessary to allow the recipient to evaluate the property/properties and to act on any opportunities.

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## 1.0

### EXECUTIVE SUMMARY

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the Planning Act 2016 (the Act) and is seeking a development permit for a material change of use to facilitate a Low Impact Industry use. The subject premises is addressed as 208-218 Wickham Street, Ayr QLD 4807 more particularly described as Lot 46 on GS177. The premises is within the Rural Zone under the Burdekin Shire Planning Scheme 2022 (the planning scheme) and is currently vacant.

For the purpose of this development application BNC Planning act on behalf of the applicant Lennox Group (QLD) Pty Ltd.

Following a detailed assessment of the proposal against the applicable assessment benchmarks it has been determined that the development proposal is consistent with all applicable codes and policies. The development application therefore warrants approval in accordance with rules of impact assessment as established under the Act, subject to the imposition of reasonable and relevant conditions and any referral agency responses. A summary of the development application is provided below:

Table 1.0: Development application summary

#### APPLICATION SUMMARY

Applicant:

Lennox Group (QLD) Pty Ltd C/- BNC Planning

Application Type:

Development Application for a Development Permit

Development Type:

Material Change of Use

Category of Development (Level of Assessment):

Assessable Development – Impact Assessable

Development Description:

Electrical engineering workshop and Food processing facility

Assessment Manager:

Burdekin Shire Council

Referral Agencies:

NA

#### CATEGORISING INSTRUMENTS

Planning Scheme:

Burdekin Shire Planning Scheme 2022

Planning Scheme Defined Uses/Works:

Low Impact Industry

Zoning:

Rural Zone

Precincts/Sub-Precincts:

NA

Overlays:

Bushfire hazard and Flood hazard overlays

SITE DESCRIPTION

Property Address:

208-218 Wickham Street, Ayr QLD 4807

Real (Legal) Property Description:

Lot 46 on GS177

Site Area:

12,140m<sup>2</sup>

Landowner:

Alexander Michael Lennox

Tenure:

Freehold

Relevant Encumbrances:

NA

Local Government Area:

Burdekin Shire Council

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## 2.0

### INTRODUCTION

BNC Planning Pty Ltd has been commissioned by Lennox Group (QLD) Pty Ltd (the Applicant) to prepare this town planning assessment report to support a development application which seeks Burdekin Shire Council (Council) approval for a Material Change of Use for Low impact industry use. The land subject of this development application is addressed as 208-218 Wickham Street, Ayr 4807 (the Site). This report addresses the merits of the development with regard to the provisions of the Burdekin Shire Planning Scheme 2022 (the Planning scheme) and relevant sections of the Planning Act 2016 (the Act) and Planning Regulation 2017 (the Regulation). This report is to be read in conjunction with the maps, plans, drawings, and other supporting information accompanying this development application. The assessment of the application is to be undertaken in accordance with Section 45(53) of the Act and Sections 30 and 31 of the Planning Regulation 2017. This report provides the Applicant's assessment of the proposed development against these provisions.

## 3.0

### SITE AND LOCALITY

The subject premises is a standard Freehold lot addressed as 208-218 Wickham Street, Ayr QLD 4807 more particularly described as Lot 46 on GS177. The premises is within the Rural Zone under the planning scheme and is currently vacant of use and built form. Despite the zoning, the site clearly forms part of the urban fringe of Ayr with proximal access to the Bruce Highway and is within 300m of urban zoned land. The site is also on the local heritage register (Ray Northwood & Sons Building) and borders on to Plantation Park. Any pertinent existing approvals which may affect the assessment of the proposal are identified in the table below:

APPLICATION REF.

### DECISION AND DATE

### ASSESSMENT MANAGER

NA

NA

NA

The following table describes the key characteristics of the site:

Table 2.0: Site characteristics

SITE AND LOCALITY DESCRIPTION

Property Address:

208-218 Wickham Street, Ayr QLD 4807

Real (Legal) Property Description:

Lot 46 on GS177

Site Area:

12,140m2

Landowner:

Alexander Michael Lennox

Tenure:

Freehold

Relevant Encumbrances:

NA

Local Government Area:

Burdekin Shire Council

Zoning:

Rural Zone

Precincts/Sub-Precincts:

NA

Existing Use of Land:

Vacant

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Road Frontage:

Wickham Street

Significant Site Features:

The site is vacant of built form

Topography:

The site is fully developed and is generally flat with supporting landscaping features.

Surrounding Land Uses:

Industrial and Rural

4.0

#### PROPOSAL SUMMARY

The applicant is proposing to invest in the site by establishing an Electrical engineering workshop and Food processing facility. The development will establish a single, small building to encompass both of the proposed activities, noting that they will operate separately within the building. The electrical engineering workshop will operate as a personal workshop for a single electrical engineer. The food processing facility provides approximately 81.2m<sup>2</sup> of GFA for food preparation and is intended to produce hobby non-perishable foods for local sale. Food products will not be sold on premise and the use will not generate demand for customers or non-employees to frequent the site. All activities will occur indoors. Both of the proposed activities are described within the definition of a Low impact industry use, and is defined in Schedule 1 of the planning scheme as follows:

Low Impact Industry : The use of premises for an industrial activity–  
(a) that is the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products; and  
(b) that a local planning instrument applying to the premises states is a low impact industry; and  
(c) that complies with any thresholds for the activity stated in a local planning instrument applying to the premises, including, for example, thresholds relating to the number of products manufactured or the level of emissions produced by the activity.

The following table describes the key characteristics of the proposed development:

Table 3.0: Proposal summary  
ELEMENT

#### PROPOSED

Use rights:

Building height/ storeys:

Boundary Setbacks:

Low Impact Industry

<7.5m

Wickham Street Setback: 33.5m

Plantation Park Access Road Setback: 14m

2.66%

Electrical engineering workshop: 201.6m<sup>2</sup>

Food processing facility: 126m2  
Two (2) on site car parking spaces.

Site cover:  
Gross floor area:  
Car parking:

5.0

#### ASSESSMENT

The proposed Low Impact Industry use is identified as impact assessable in the material change of use table of assessment for the Rural Zone. There are no other components of the planning scheme or Planning Regulation 2016 which effect the level of assessment for the proposal. The development application is therefore subject to an unbound assessment against the planning scheme as a whole, as well as any applicable State Assessment benchmarks.  
The development application does not trigger referral agency assessment.

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## 5.1

### Assessment Benchmarks Pertaining to State Planning Instruments

#### Matters Prescribed by Regulation

There are no relevant assessment benchmarks prescribed by Regulation which are relevant to the assessment of this development application.

#### State Planning Policy

Burdekin Shire Planning Scheme 2022 confirms in section 1.2.1 State planning policy that it has ministerial approval as having adequately integrated the State Planning Policy July 2017 into the planning scheme. There are no stand-alone components of the State planning policy which are relevant to the assessment of this development application.

#### Regional Plan

There are no stand-alone components of the North Queensland Regional Plan which are relevant to the assessment of this development application.

#### State Development Assessment Provisions

Under Schedule 10 of the Planning Regulation 2017, the development application does not trigger referral agency involvement.

## 5.2

### Assessment Benchmarks Pertaining to Local Planning Instruments

The applicable planning scheme for the application is the Burdekin Shire Planning Scheme 2022 and there are no other identified applicable local planning instruments.

#### Burdekin Shire Planning Scheme 2022

The Burdekin Shire Planning Scheme 2022 (the planning scheme) includes tables of assessment which nominate the categories of development and assessment (levels of assessment) and nominate the assessment benchmarks for assessable development and the requirements for accepted development. The applicable tables of assessment for this development application are:



Categories of development and assessment - Material change of use; and  
Categories of development and assessment - Overlays.

#### Local Government Infrastructure Plan

The development will not impact on the delivery of any planned trunk infrastructure in the immediate locality.

#### Assessment Benchmarks Summary

A summary of the relevant local level assessment benchmarks is provided in the table below:

#### Local Planning Instrument

#### Planning Scheme

The planning scheme as a whole

Rural code

Works code

Bushfire hazard overlay code

Flood hazard overlay code

The development application has been assessed against each of the applicable local level assessment benchmarks and found to be:



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compliant with the purpose and applicable outcomes from the relevant codes; and consistent with the strategic framework for the planning scheme.



Any pertinent issues arising from the assessment against the local level assessment benchmarks are addressed below. For clarity, any codes or outcomes not specifically addressed below or in the proposal justification report are considered to be objectively satisfied.

#### 5.2.1

### Strategic Framework

#### 1.

Indicative to the strategic outcomes of the economic growth theme, non-rural activities occur where there are no conflicts created with existing and intended rural activities, no impact to potential increase of agricultural production, no adverse impacts to water or soil quality or landscape and natural values, amenity of nearby sensitive land uses are maintained, and the local road network has the capacity for the development. The below points demonstrate alignment of the development with strategic outcomes of the economic growth.

2. The proposed development is highly compatible with rural activities, as it proposes a built form similar to that of a rural supportive building, maintains a rural amenity of a low building footprint and dominate landscape character.

Additionally, the proposed use is of a low scale, and will be occupied by no more than a typical number of people standard to a dwelling house.

3. The proposed built form is compatible with the future use of the site for agricultural production and a large majority of the site will remain undeveloped, providing land available for future agricultural production, if and when the proposed use is to cease.

4. The provided flood impact assessment demonstrates no adverse impacts to stormwater runoff quality. The proposed activities do not produce hazardous materials nor produce emissions that may impact soil or water quality.

5. The development does not produce emissions, nor produce hazardous materials that may impact the amenity of nearby sensitive land uses. As the development is low in scale, it will not produce light, noise or dust impacts greater than that of a standard dwelling house.

6. As the development maintains a small building footprint, and does not produce emissions nor hazardous materials, the landscape and natural values of the site are maintained.

7. The development proposes a low scale in intensity, comparable to that of a dwelling house, which the existing local road network has the capacity to support.

8. As the site is significantly smaller than typical rural lots, and is actually of comparable size of a standard large industry lot, the site characteristics of the site demonstrate it is more appropriate for industry activities, rather than rural activities.

9. Appropriate separation is provided between the proposed built form and nearby buildings on adjoining lots.

10. The development will have no adverse impact regarding flood hazard impacts onto adjoining land, as demonstrated in the attached flood impact assessment.

11. An onsite water supply and sewerage treatment system is provided.  
12. The development provides a function for a vacant lot, advancing the site's contribution to the local community.  
The Strategic Intent and the Strategic Framework (the Framework) are a set of high order strategic outcomes and land use strategies which set the overarching policy intent for the lower order, more detailed components of the planning scheme i.e. zones, codes and policies. The Framework is split into themes which cover the main aspects of land use planning and development governance. Given the level the Framework operates at, it is difficult to provide a direct, site specific assessment of the proposal against its many components. However, a proposal that satisfies the lower order components of the planning scheme, i.e. zone codes, development codes, overlay codes, planning scheme policies, etc. inherently satisfies the intent of the Framework.

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The tables below demonstrate how the proposal satisfies the most applicable lower order components of the planning scheme. This justification demonstrates how the proposal is a good land use outcome for the site and how it has been designed to adequately address any environmental, economic or social impacts. Each code has been satisfied by addressing each Acceptable Outcome individually. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the "Purpose" of the code was inherently satisfied, as is the Strategic Framework for the planning scheme as a whole.

5.2.2

## Rural Zone Code

### Purpose

The fundamental purpose of the Rural zone is to provide for rural uses and activities, other uses and activities compatible with existing and future rural uses and activities and the character and environmental features, while maintaining the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes. Relevant to the development proposal, the purpose of the zone is achieved to the following overall outcome:

- (j) industries which may establish in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) include only:
- (i) rural industries;
  - (ii) industries processing agricultural products which require a rural location:
    - A. for proximity to the produce being processed; or
    - B. to ensure a clean environment separate from general industrial activities; or
    - C. to secure a lot size larger than lots available within industrial zoned land;
  - (iii) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain, or their biproducts;
  - (iv) extractive industries and other industries that require separation from urban or rural residential areas; and
  - (v) renewable energy facilities

While the development does not align with the above overall outcome, constraints in the site characteristics limit the viability of rural uses, or the above industry activities, particularly because the lot is considerably smaller than a standard, functional rural lot. Its size cannot support intensive horticulture, cropping or plantation, or is it in close proximity to support agricultural production or extractive industries.

The proposed use is appropriate for the site, as it is appropriately separated from sensitive uses while producing no adverse emissions that may impact the rural landscape values. As the site is on the fringes of Ayr, there is a distinct geographical advantage to be achieved through having direct access to urban infrastructure, services and the associated population demand i.e. need for electrical services and food goods.

Pertaining to the purpose of the zone, the development supports the future transition of the site to rural activities or rural industries. The proposed built form of the workshop is small in size relative to the site area and is in a form that can easily transition to support a future rural use. Noting that the land does not lend itself to any form of sustainable or cost effective rural activities. The small building footprint maintains the landscape dominate values of the site, which maintains land availability for agricultural activities. The small development footprint and operating scale of the use means there will be

little if any tangible effects on the rural character and amenity of the locality.

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This supports the purpose of the zone, as the development is compatible with rural uses, maintains the capacity of the land for rural uses, and protects the local natural resources and processes. There are a number of outcomes within the code which are either objectively satisfied or not applicable. Any outcomes which are pertinent to the assessment of the proposal have been extracted and discussed below:

Performance outcomes

Site Layout

P01

Any non-residential buildings, structures and open use areas are setback from site boundaries to ensure that the amenity of adjoining land and the rural character of the locality are maintained.

Infrastructure

P03

Premises have a level of infrastructure that allows for the efficient functioning of the use while not impacting on nearby land uses or the environment.

Protecting rural production

P016

Other than for public infrastructure, nonagricultural development within priority agricultural areas does not result in a net loss to agricultural production.

Editor's note—A net loss is one that results in widespread or irreversible impacts to existing or future agricultural activities, such as a significant reduction in the supply of raw product or altering resources necessary to maintain the function of the land.

Acceptable outcomes

Justification

A01

Non-residential buildings, structures and open use areas are setback not less than:  
(a) 20m from any road frontage of the site;  
(b) 10m from all other site boundaries; and  
(c) 100m from any existing dwelling on an adjacent property.

The development proposes the following setbacks and separations:

- Wickham Street: 33.5m
- Plantation Park Access Road: 14m
- Over 10m from all other boundaries
- Within approximately 70m of existing building on adjoining Lot 47

As the site is significantly smaller than typical rural lots, the benchmarked setbacks and separations are not unreasonable to achieve. The proposed setbacks and separations maintain the amenity of the adjoining land and rural character,

considering the significant separations from buildings on adjoining lots.  
Complies with P01.

A03.1

Premises are connected to a reliable supply of potable water.

A03.2

Premises are provided with an on-site sewerage treatment and disposal system

A03.3

Premises have a legal access to a constructed road.

An onsite supply of potable water is provided.

No acceptable  
nominated.

The site is not positioned within the priority agricultural area.

outcome

is

Complies with A03.1.

An onsite sewerage treatment and disposal system is provided.

Complies with A03.2.

The site has direct and legal access to Wickham Street.

Complies with A03.3.

Complies with P016.

P017

Development occurs on the least productive part of the site.

No acceptable  
nominated.

outcome

is

P018

Development does not prejudice the ongoing operation, intensification or expansion of nearby farming activities.

No acceptable  
nominated.

outcome

is

The area proposed for development is not of higher productive land compared to any other area of the site.

Complies with P017.

The development proposes a low building footprint, maintaining a high availability of land for future farming activities if the proposed use were to cease. The proposed building is also of a

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standard dwelling house or rural industry built form and can support future farming activities.

P019

Development is buffered so nuisance from normal farming practices such as spray drift, odour, noise and the like are avoided. Industrial activities

P025

Other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, industries in the rural zone include only:

(a) rural industries;  
(b) industries processing agricultural products which require a rural location:

i.

for proximity to the produce being processed; or

ii.

to ensure a clean environment separate from general industrial activities; or

iii.

(iii) to secure a lot size larger than lots available within the industrial zoned land;

(c) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain;

(d) extractive industries and other industries that require separation from urban or rural residential areas; and

(e) renewable energy facilities.

No acceptable  
nominated.

outcome

is

Complies with P018.

The site is buffered with landscaping and separation from uses on adjoining sites to minimise the impacts of farming activities. Complies with P019.

No acceptable  
nominated.

outcome

is

The development proposes a low impact industry use of comparable intensity to a dwelling house and homebased business. At its highest capacity, the site will be occupied by no more than a typical number of people standard to a dwelling house.

The development is accompanied by a caretaker's residence, which will provide residence for the sole electrical engineer.

Pertaining to the purpose of the zone, the development supports the future transition of the site to rural activities or rural industries. The proposed built form of the workshop is of standard size to support rural activities, while providing a functional workshop to support these activities. The low building footprint maintains the landscape dominate values of the site, which maintains land availability for agricultural activities. The low building footprint also maintains the rural character of the locality. This supports the purpose of the zone, as the development is compatible with rural uses, maintains the capacity of the land for rural uses, and protects the local natural resources and processes.

Complies with the Purpose of the code.

Rural amenity and character

P039

Development maintains the visual amenity and landscape character of the locality.

No acceptable  
nominated.

P040

Development minimises the loss of existing vegetation and earthworks on the site.

A040

Development is conducted within an existing cleared area.

P041

Development minimises impacts on the natural environment and maintains habitat areas and corridors.

No acceptable  
nominated.

outcome

is

P042

No acceptable  
nominated.

outcome

is

outcome

is

In line with the character of rural locality, the development provides a low site coverage and a low built form comparable to a standard dwelling house or rural industry building. This maintains a landscape dominate visual amenity.

Complies with P039.

The proposed built form is positioned on already cleared land.

Complies with A040.

The proposed site is already considerably cleared. As low impact industry, the development will have no adverse impacts on the vegetated areas on adjoining lots, which the site is significantly separated from.

Complies with P041.

Existing landscaping is provided along all road frontages and along boundaries of adjoining lots.

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Landscaping is provided to screen views from surrounding roads and neighbouring sites.

P044

Development does not create significant impacts as a result of noise, odour, dust, volume of traffic generated or other cause.

P045

Development does not impact on public health or safety.

Complies with P042.

No acceptable nominated.

outcome

is

No acceptable nominated.

outcome

is

The proposed activities do not generate any adverse impacts regarding noise, odour, dust or traffic.

Complies with P044.

The proposed activities do not generate any adverse impacts on public health or safety.

Complies with P045.

As demonstrated by the above assessment, the development is able to objectively satisfy the outcomes of the zone code. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development.

5.2.2

## Development Codes

### Works code

The development has been designed with detailed consideration given to the management of elements such as sewer and water supply, electricity and telecommunications services, stormwater drainage, landscaping outcomes and parking and access facilities. The proposed material change of use is for a low scale operation that will involve very low infrastructure demand. The site will be occupied at a similar to a standard to a dwelling house, and a such will only require on-site services reflective of this scale and intensity. Given design solutions are easily achievable, it is appropriate for the formalisation of the specifics of these servicing outcomes to be addressed through standard conditions of approval.

Accordingly, the development is able to objectively satisfy the outcomes and purpose of the development codes. Given the extent to which the proposal objectively satisfies the codes, a direct assessment against each of the outcomes is not

considered necessary in order to demonstrate compliance. Formalisation of compliance with the code can be ensured through the imposition of standard conditions of approval including the requirements for the development to occur generally in accordance with the plans of development, the need to maintain the existing standards of servicing for the site and, where necessary, for additional design solutions to be provided at operational works stage i.e. stormwater management.

### 5.2.3

#### Overlay Codes

##### Flood hazard overlay code

The outcomes from this overlay code are primarily drafted to manage the design and siting of built form to avoid flood hazards as well as limiting changes to hydrology. The new building and site works are minor in scale relative to the size of the property and are located well away from any adjoining property boundaries. As such, the hydrological regime for the site and locality will not change to the extent that there is any risk of unacceptable afflux on adjoining properties. The proposal does not involve habitable floor space, residential uses, accommodation uses and is not a vulnerable community service. Despite being located within the medium and low hazard areas, the built form and site access can be designed and constructed to provide sufficient immunity, functionality and refuge during a defined flood event. Given the extent to which the proposal objectively satisfies the overlay code, a direct assessment against the outcomes is not considered necessary in order to demonstrate compliance. Formalisation of compliance with the codes can be ensured

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through the imposition of standard conditions of approval requiring development to occur in accordance with the plans of development and nomination of required finished floor levels.

Bushfire hazard overlay code

The outcomes from the overlay code are either not applicable or are objectively satisfied. Only a small portion of the site contains an area of Medium Potential Bushfire Intensity, and the proposed development is setback considerably from this bushfire hazard area. In this way, the development mitigates the potential adverse impacts of bushfire on people, property, economic activity and the environment. The proposed development is able to objectively satisfy the outcomes and purpose of the bushfire hazard overlay code. Given the nature of the development and the extent to which the proposal objectively satisfies the code, a direct assessment against each of the outcomes is not considered necessary in order to demonstrate compliance.

5.3

#### Public Notification

The application is impact assessable and will be subject to public notification pursuant to Part 4 of the Development Assessment Rules.

6.0

#### CONCLUSION

This development application is made in accordance with the provisions of Chapter 3, Part 2 of the Planning Act 2016 (the Act) and is seeking a development permit for a material change of use to facilitate a new Low Impact Industry use. The subject premises is addressed as 208-218 Wickham Street, Ayr QLD 4807 more particularly described as Lot 46 on GS177.

The premises is within the Rural Zone under the Burdekin Shire Planning Scheme 2022 (the planning scheme) and is currently used for commercial activities.

An assessment of the proposal was undertaken against the applicable assessment benchmarks which confirms that it is consistent with the provisions of the applicable planning instruments, specifically the local government planning scheme.

Council is therefore required to approve the development application pursuant to the rules of impact assessment established under the Act, and issue a development permit subject to the imposition of reasonable and relevant conditions and any referral agency responses.

#### STATEMENT OF REASONS

Subject to the imposition of reasonable and relevant conditions, the development is able to comply with the following applicable assessment benchmarks against which the application was required to be assessed.

Sufficient justification has been provided and satisfactory grounds have been established to conclude that the proposed development remains consistent with the strategic intent and overall outcomes of the planning scheme. In substantive terms, this conclusion is based on the following reasons:

☛

The development allows the site to better contribute to the achievement of the Strategic Framework.

☛

The proposed land use outcome directly aligns with the Purpose of the zone code.



The development outcome reflects community expectation for land use and development as established by the planning scheme and past development decisions.



The development can be adequately serviced.

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The development will maintain the existing level and standard of servicing provided by the relevant infrastructure networks.



The site is not identified as being susceptible to any unacceptable or unmanageable natural hazard or infrastructure constraints.



The development does not increase the susceptibility of people or property to natural hazards or other health risks.



The proposal addressed an established planning need for the development.



The proposal does not undermine the planning scheme.



The proposal does not establish precedence that could result in the future undermining of the planning scheme.

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APPENDIX 1  
DEVELOPMENT APPLICATION FORMS

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DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

This form must be used to make a development application involving code assessment or impact assessment, except when applying for development involving only building work.

For a development application involving building work only, use DA Form 2 – Building work details.

For a development application involving building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot), use this form (DA Form 1) and parts 4 to 6 of

DA Form 2 – Building work details.

Unless stated otherwise, all parts of this form must be completed in full and all required supporting information must accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development

application relating to strategic port land and Brisbane core port land under the Transport Infrastructure Act 1994,

and airport land under the Airport Assets (Restructuring and Disposal) Act 2008.

For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details

Applicant name(s) (individual or company full name)

Lennox Group Pty Ltd C/- BNC Planning

Contact name (only applicable for companies)

Benjamin Collings

Postal address (P.O. Box or street address)

PO Box 5493

Suburb

Townsville

State

QLD

Postcode

4810

Country

Australia

Contact number

(07) 4724 1763 or 0438 789 612

Email address (non-mandatory)

enquire@bncplanning.com.au

Mobile number (non-mandatory)

Fax number (non-mandatory)

Applicant's reference number(s) (if applicable)

DA060-23

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

Yes - the written consent of the owner(s) is attached to this development application

No - proceed to 3)

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## PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

### 3.1) Street address and lot on plan

Street address AND lot on plan (all lots must be listed), or  
Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

Unit No.

a)

b)

Street No.

Street Name and Type

Suburb

208-218

Wickham Street

Ayr

Postcode

Lot No.

Plan Type and Number (e.g. RP, SP)

Local Government Area(s)

4807

46

GS177

Townsville

Unit No.

Street No.

Street Name and Type

Suburb

Postcode

Lot No.

Plan Type and Number (e.g. RP, SP)

Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land

e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

Coordinates of premises by longitude and latitude

Longitude(s)

Latitude(s)

Datum

Local Government Area(s) (if applicable)

WGS84

GDA94

Other:

Coordinates of premises by easting and northing

Easting(s)

Northing(s)

Zone Ref.

Datum

54

55

56

Local Government Area(s) (if applicable)

WGS84

GDA94

Other:

### 3.3) Additional premises

Additional premises are relevant to this development application and the details of these premises have been

attached in a schedule to this development application

Not required

4) Identify any of the following that apply to the premises and provide any relevant details

In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

On strategic port land under the Transport Infrastructure Act 1994

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

On airport land under the Airport Assets (Restructuring and Disposal) Act 2008

Name of airport:

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Listed on the Environmental Management Register (EMR) under the Environmental Protection Act 1994

EMR site identification:

Listed on the Contaminated Land Register (CLR) under the Environmental Protection Act 1994

CLR site identification:

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see DA Forms Guide.

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

### PART 3 – DEVELOPMENT DETAILS

#### Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? (tick only one box)

Material change of use

Reconfiguring a lot

Operational work

Building work

b) What is the approval type? (tick only one box)

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment (requires public notification)

d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):

Low Impact Industry use – Electrical Engineer Workshop and Food Processing Facility

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide:

Relevant plans.

Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? (tick only one box)

Material change of use

Reconfiguring a lot

Operational work

Building work

b) What is the approval type? (tick only one box)

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment (requires public notification)

d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.

Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects

that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

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Section 2 – Further development details

7) Does the proposed development application involve any of the following?  
Material change of use

Yes – complete division 1 if assessable against a local planning instrument

Reconfiguring a lot

Yes – complete division 2

Operational work

Yes – complete division 3

Building work

Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use  
Provide a general description of the proposed use

Provide the planning scheme definition  
(include each definition in a new row)

Number of dwelling  
units (if applicable)

Gross floor  
area (m<sup>2</sup>)  
(if applicable)

Electrical Engineering Workshop

Low Impact Industry Use

201.6m<sup>2</sup>

Food Processing Facility

Low Impact Industry Use

126m<sup>2</sup>

8.2) Does the proposed use involve the use of existing buildings on the premises?

Yes

No

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)  
Subdivision (complete 10))

Dividing land into parts by agreement (complete 11))



Boundary realignment (complete 12))

Creating or changing an easement giving access to a lot  
from a constructed road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the  
intended use of those lots:

Intended use of lots created

Residential

Commercial

Industrial

Other, please specify:

Number of lots created

10.2) Will the subdivision be staged?

Yes - provide additional details below

No

How many stages will the works include?

What stage(s) will this development application  
apply to?

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11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created

Residential

Commercial

Industrial

Other, please specify:

Number of parts created

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot

Lot on plan description

Proposed lot

Area (m<sup>2</sup>)

Lot on plan description

Area (m<sup>2</sup>)

12.2) What is the reason for the boundary realignment?

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement?

(attach schedule if there are more than two easements)

Existing or  
proposed?

Width (m)

Length (m)

Purpose of the easement? (e.g.  
pedestrian access)

Identify the land/lot(s)  
benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

Road work

Drainage work

Landscaping

Stormwater

Earthworks

Signage

Water infrastructure

Sewage infrastructure

Clearing vegetation

Other – please specify:

14.2) Is the operational work necessary to facilitate the creation of new lots?  
(e.g. subdivision)

Yes – specify number of new lots:

No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

#### PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Townsville City Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

Yes – a copy of the decision notice is attached to this development application

The local government is taken to have agreed to the superseded planning scheme request – relevant documents

attached

No

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## PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development

application – proceed to Part 6

Matters requiring referral to the Chief Executive of the Planning Act 2016:

Clearing native vegetation

Contaminated land (unexploded ordnance)

Environmentally relevant activities (ERA) (only if the ERA has not been devolved to a local government)

Fisheries – aquaculture

Fisheries – declared fish habitat area

Fisheries – marine plants

Fisheries – waterway barrier works

Hazardous chemical facilities

Heritage places – Queensland heritage place (on or near a Queensland heritage place)

Infrastructure-related referrals – designated premises

Infrastructure-related referrals – state transport infrastructure

Infrastructure-related referrals – State transport corridor and future State transport corridor

Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels

Infrastructure-related referrals – near a state-controlled road intersection

Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas

Koala habitat in SEQ region – key resource areas

Ports – Brisbane core port land – near a State transport corridor or future State transport corridor

Ports – Brisbane core port land – environmentally relevant activity (ERA)

Ports – Brisbane core port land – tidal works or work in a coastal management district

Ports – Brisbane core port land – hazardous chemical facility

Ports – Brisbane core port land – taking or interfering with water

Ports – Brisbane core port land – referable dams

Ports – Brisbane core port land – fisheries

Ports – Land within Port of Brisbane's port limits (below high-water mark) SEQ development area

SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity

SEQ regional landscape and rural production area or SEQ rural living area – community activity

SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation

SEQ regional landscape and rural production area or SEQ rural living area – urban activity

SEQ regional landscape and rural production area or SEQ rural living area – combined use

SEQ northern inter-urban break – tourist activity or sport and recreation activity

SEQ northern inter-urban break – community activity

SEQ northern inter-urban break – indoor recreation

SEQ northern inter-urban break – urban activity

SEQ northern inter-urban break – combined use

Tidal works or works in a coastal management district

Reconfiguring a lot in a coastal management district or for a canal

Erosion prone area in a coastal management district

Urban design

Water-related development – taking or interfering with water

Water-related development - removing quarry material (from a watercourse or lake)  
Water-related development - referable dams  
Water-related development - levees (category 3 levees only)  
Wetland protection area

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Matters requiring referral to the local government:

Airport land

Environmentally relevant activities (ERA) (only if the ERA has been devolved to local government)

Heritage places – Local heritage places

Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:

Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The Chief Executive of the holder of the licence, if not an individual
- The holder of the licence, if the holder of the licence is an individual

Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

Ports – Brisbane core port land

Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:

Ports – Brisbane core port land (where inconsistent with the Brisbane port LUP for transport reasons)

Ports – Strategic port land

Matters requiring referral to the relevant port operator, if applicant is not port operator:

Ports – Land within Port of Brisbane's port limits (below high-water mark)

Matters requiring referral to the Chief Executive of the relevant port authority:

Ports – Land within limits of another port (below high-water mark)

Matters requiring referral to the Gold Coast Waterways Authority:

Tidal works or work in a coastal management district (in Gold Coast waters)

Matters requiring referral to the Queensland Fire and Emergency Service:

Tidal works or work in a coastal management district (involving a marina (more than six vessel berths))

18) Has any referral agency provided a referral response for this development application?

Yes – referral response(s) received and listed below are attached to this development application

No

Referral requirement

Referral agency

Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (if applicable).

#### PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules

I agree to receive an information request if determined necessary for this development application

I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties

Part 3 of the DA Rules will still apply if the application is an application

listed under section 11.3 of the DA Rules.  
Further advice about information requests is contained in the DA Forms Guide.

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PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals?  
(e.g. a preliminary approval)

Yes – provide details below or include details in a schedule to this development application

No

List of approval/development application references

Reference number

Assessment manager

Date

Approval

Development application

Approval

Development application

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

Yes – a copy of the receipted QLeave form is attached to this development application

No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid

Date paid (dd/mm/yy)

QLeave levy number (A, B or E)

\$

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

Yes – show cause or enforcement notice is attached

No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an

Environmentally Relevant Activity (ERA) under section 115 of the Environmental Protection Act 1994?

Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:



Proposed ERA threshold:

Proposed ERA name:

Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a hazardous chemical facility?

Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

No

Note: See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

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#### Clearing native vegetation

23.3) Does this development application involve clearing native vegetation that requires written confirmation that the chief executive of the Vegetation Management Act 1999 is satisfied the clearing is for a relevant purpose under section 22A of the Vegetation Management Act 1999?

Yes - this development application includes written confirmation from the chief executive of the Vegetation

Management Act 1999 (s22A determination)

No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying-for-further-information-on-how-to-obtain-a-s22a-determination>.

#### Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a prescribed environmental matter under the Environmental Offsets Act 2014?

Yes - I acknowledge that an environmental offset must be provided for any prescribed activity assessed as

having a significant residual impact on a prescribed environmental matter

No

Note: The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

#### Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

Yes - the development application involves premises in the koala habitat area in the koala priority area

Yes - the development application involves premises in the koala habitat area outside the koala priority area

No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

#### Water resources

23.6) Does this development application involve taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?

Yes - the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the Water Act 2000 may be required prior to commencing development

No

Note: Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- 
- 
- 

Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1

Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2  
Taking overland flow water: complete DA Form 1 Template 3.

#### Waterway barrier works

23.7) Does this application involve waterway barrier works?

Yes – the relevant template is completed and attached to this development application

No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

#### Marine activities

23.8) Does this development application involve aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?

Yes – an associated resource allocation authority is attached to this development application, if required under the Fisheries Act 1994

No

Note: See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

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Quarry materials from a watercourse or lake

23.9) Does this development application involve the removal of quarry materials from a watercourse or lake under the Water Act 2000?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the removal of quarry materials from land under tidal water under the Coastal Protection and Management Act 1995?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

Referable dams

23.11) Does this development application involve a referable dam required to be failure impact assessed under section 343 of the Water Supply (Safety and Reliability) Act 2008 (the Water Supply Act)?

Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application

No

Note: See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve tidal work or development in a coastal management district?

Yes – the following is included with this development application:  
Evidence the proposal meets the code for assessable development that is prescribed tidal work (only required if application involves prescribed tidal work)

A certificate of title

No

Note: See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the Queensland heritage register or on a place entered in a local government's Local Heritage Register?

Yes – details of the heritage place are provided in the table below

No

Note: See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:

Place ID:

Brothels

23.14) Does this development application involve a material change of use for a brothel?

Yes – this development application demonstrates how the proposal meets the code for a development

application for a brothel under Schedule 3 of the Prostitution Regulation 2014

No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

Yes - this application will be taken to be an application for a decision under section 62 of the Transport

Infrastructure Act 1994 (subject to the conditions in section 75 of the Transport Infrastructure Act 1994 being satisfied)

No

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Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

Yes - Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

No

Note: See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

#### PART 8 - CHECKLIST AND APPLICANT DECLARATION

##### 24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 -

Building work details have been completed and attached to this development application

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.

Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

Yes

Not applicable

##### 25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications

from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the Electronic Transactions Act 2001

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application.

All information relating to this development application may be available for inspection and purchase, and/or

published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the Planning Act 2016, Planning

Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the Planning Act 2016 and the Planning Regulation 2017, and the access rules made under the Planning Act 2016 and

Planning Regulation 2017; or

- required by other legislation (including the Right to Information Act 2009); or

- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the Public Records Act 2002.

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PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE  
USE ONLY

Date received:

Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager

Name of chosen assessment manager

Date chosen assessment manager engaged

Contact number of chosen assessment manager

Relevant licence number(s) of chosen assessment  
manager

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work

QLeave project number

Amount paid (\$)

Date paid (dd/mm/yy)

Date receipted form sighted by assessment manager

Name of officer who sighted the form

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APPENDIX 2  
SITE DETAILS

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Version: 1, Version Date: 21/02/2024

Aerial

208-218 Wickham Street, Ayr  
19°35'10"S 147°24'1"E

19°35'18"S 147°24'1"E

A product of

19°35'10"S 147°24'10"E

19°35'18"S 147°24'10"E  
Legend located on next page

0

25 metres  
Scale: 1:1462

Printed at: A4  
Print date: 18/1/2024  
Not suitable for accurate measurement.  
Projection: Web Mercator EPSG 102100 (3857)  
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Version: 1, Version Date: 21/02/2024

For more information, visit  
<https://qldglobe.information.qld.gov.au/help-info/Contactus.html>

Department of Resources

Aerial

208-218 Wickham Street, Ayr  
Legend

Land parcel

Attribution

Land parcel label - gt 1000 ha

Parcel

Land parcel - gt 1 ha  
Parcel

Land parcel - gt 10 ha

Places: Search Results  
46GS177

Railway

Parcel

Easement parcel

Railway station

Strata parcel

Green bridges

Volumetric parcel

Bridges

Land parcel - gt 1000 ha

Tunnels

Parcel

Land parcel label

Land parcel label - gt 1 ha

Land parcel label - gt 10 ha

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Version: 1, Version Date: 21/02/2024

Cities and Towns

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Resources); © Commonwealth of  
Australia (Geoscience Australia); ©  
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2023.

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Resources) 2023

Aerial

Legend

Roads and tracks

Motorway

Highway

Secondary

Connector

Local

Restricted Access Road

Mall

Busway

Bikeway

Restricted Access Bikeway

Walkway

Restricted Access Walkway

Non-vehicular Track

Track

Restricted Access Track

Ferry

Proposed Thoroughfare

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54  
147°24'01".024 20

21

43

2.17ha

19°35'08".624

43

WICKHAM  
ST

RE

147°24'10".567

92  
GS781

REET

95  
GS780

19°35'08".624

22

RE

10.2ha

ROAD  
ROAD

57  
GS516

42

46  
GS177

WICKHAM  
S

TREET

42

FH

47  
SP205540

FH  
FH

1.214ha  
122

41

1.214ha

41

GS906

4.856ha

RE

33.8ha

40 00 m N

783

19°35'19".296

19°35'19".296

783

147°24'01".024

54

147°24'10".567

20 00m E

STANDARD MAP NUMBER

8358-11342

21

0

40

22

80

120

160

200

m

HORIZONTAL DATUM:GDA94

ZONE:55

SCALE 1 : 2000

SUBJECT PARCEL DESCRIPTION

CLIENT SERVICE STANDARDS

147°24'05".796

19°35'13".960

1.50 KM

GDA

SmartMap  
An External Product of  
SmartMap Information Services

MAP WINDOW POSITION &  
NEAREST LOCATION

AYR

40

PRINTED 18/01/2024

DCDB  
Lot/Plan

46/GS177

Area/Volume

1.214ha

Tenure

FREEHOLD

Local Government

BURDEKIN SHIRE

Locality

AYR

Segment/Parcel

37002/6

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DCDB

Based upon an extraction from the  
Digital Cadastral Data Base

17/01/2024

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For further information on SmartMap products visit  
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>

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APPENDIX 3  
PLANS OF DEVELOPMENT

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e rraris

Address all communications to  
The Chief Executive Officer  
Enquiries to:

Planning Department

Your reference:

23.5122

Our reference:

MCU23/0011

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

6 March 2024  
Lennox Group Pty Ltd  
C/- BNC Planning  
PO Box 5493  
Townsville QLD 4810  
Via Email: [enquire@bncplanning.com.au](mailto:enquire@bncplanning.com.au)  
Attention: Benjamin Collings,

Director

Dear Ben,

Action Notice  
Planning Act 2016

I refer to your application received on 21 February 2024 and advise that the application is not properly made pursuant to the Planning Act 2016.

Application Details  
Application No:

MCU24/0001

Proposal:

Material Change of Use – Low Impact Industry (Electrical Engineering Workshop and Food Processing Facility)

Street Address:

208-218 Wickham street, Ayr

Real Property Description:

Lot 46 on GS177

Planning Scheme:

Burdekin Shire Council Planning Scheme December 2022

Actions Required

The reason(s) why the application is not properly made, and the action(s) required to make the application properly made, are provided below:

1. The application states it is not for residential or accommodation type uses however the proposal

plans depict a bedroom.

Please either address the application to include this residential use or amend the proposal plans accordingly.

Pursuant to the Development Assessment Rules, the applicant must take the actions identified above within 20 business days of this notice or otherwise, the application will be taken to have not been made.

145 Young Street, Ayr Qld 4807 | ABN: 66 393 843 289 | [www.burdekin.qld.gov.au](http://www.burdekin.qld.gov.au)

Document Set ID: 1801583

Version: 1, Version Date: 06/03/2024

If 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

145 Young Street, Ayr Qld 4807 | ABN: 66 393 843 289 | [www.burdekin.qld.gov.au](http://www.burdekin.qld.gov.au)  
Document Set ID: 1801583  
Version: 1, Version Date: 06/03/2024

From:  
"Ben Collings - BNC Planning" <bnc@bncplanning.com.au>  
Sent:  
Wed, 6 Mar 2024 19:22:08 +1000  
To:  
"RES - Mailbox - Planning" <Planning@burdekin.qld.gov.au>  
Subject:  
RE: MCU24/0001 - Action Notice - Low Impact Industry at 208-218 Wickham St,  
Ayr - Lennox Group Pty Ltd  
Attachments:  
Plans (1).pdf

In response to the Action notice issued for the above Development Application,  
please find attached  
updated plans clarifying that the proposal does not involve any residential  
uses.

Kind regards,  
Benjamin Collings  
Director

Office 7 / Ground Floor / 41 Denham Street TOWNSVILLE CITY QLD 4810  
PO BOX 5493 TOWNSVILLE QLD 4810 T. (07) 4724 1763 M. 0438 789 612 E.  
bnc@bncplanning.com.au

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delete it.

From: RES - Mailbox - Planning <Planning@burdekin.qld.gov.au>  
Sent: Wednesday, March 6, 2024 4:36 PM  
To: BNC Planning Enquiries <enquire@bncplanning.com.au>  
Cc: RES - Mailbox - Planning <Planning@burdekin.qld.gov.au>  
Subject: MCU24/0001 - Action Notice - Low Impact Industry at 208-218 Wickham St,  
Ayr - Lennox Group  
Pty Ltd  
Good Afternoon Ben,  
Please find attached Councils Action Notice for MCU24/0001 - Material Change of  
Use - Low  
Impact Industry at 208-218 Wickham St, Ayr - Lennox Group Pty Ltd.  
If you could please respond with the amended plans as discussed today, I can  
then issue the  
Confirmation Notice and potential RFI in this week.  
Regards

Town Planning  
Burdekin Shire Council  
T (07) 4783 9800  
145 Young St | PO Box 974 | Ayr Qld 4807  
planning@burdekin.qld.gov.au | www.burdekin.qld.gov.au

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e rraris



Confirmation Notice  
Planning Act 2016

Address all communications to  
The Chief Executive Officer

Enquiries to:

Planning Department

Our Reference:

MCU24/0001

Your Reference

DA060-23

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

7 March 2024  
Lennox Group Pty Ltd  
C/- BNC Planning  
PO Box 5493  
Townsville QLD 4810  
Via Email: [enquire@bncplanning.com.au](mailto:enquire@bncplanning.com.au)  
Attention: Benjamin Collings,

Director

Dear Ben,  
Council acknowledges receipt of your application, which has been determined as properly made on 7 March 2024.

This Confirmation Notice has been prepared in accordance with the Development Assessment Rules and contains information relevant to the processing and assessment of the application. The following details are confirmed:

Application Details  
Application No:

MCU24/0001

Proposal:

Material Change of Use – Low Impact Industry (Electrical Engineering Workshop and Food Processing Facility) plus Caretakers Accommodation

Street Address:

208-218 Wickham Street, Ayr

Real Property Description:

Lot 46 on GS177

Planning Scheme:

Burdekin Shire Planning Scheme December 2022

Type of Development

The application seeks development approval for: Material Change of Use – Low Impact Industry (Electrical Engineering Workshop and Food Processing Facility).

Superseded Planning Scheme

Is the application for development under the Superseded Planning Scheme?

No

Code Assessment

Will Code Assessment be required?

No

Impact Assessment

Will Impact Assessment be required?

MCU24/0001

Document Set

ID: 1801766

Version: 1, Version Date: 07/03/2024

Yes

Referral Agencies  
Not Applicable

Public Notification Details  
Is Public Notification Required?

Yes

Refer to the enclosed Explanatory Note for Public Notification Procedures.  
Please ensure all public notices  
published in the newspaper, placed on the land, and given to adjoining land  
owners clearly state:

- (a)  
written submissions may be made electronically; and
- (b)  
electronic submissions are to be sent to [planning@burdekin.qld.gov.au](mailto:planning@burdekin.qld.gov.au) and
- (c)  
all submissions, including individual submitter's particulars, will be published  
on Council's website  
and therefore will be accessible to internet search engines.

Information Request

Has the applicant advised on the approved form that the applicant does not agree  
to accept an  
Information Request?  
Note:

No

Regardless of this advice, any referral agency for the application may make an  
Information Request.

Should the assessment manager not make an Information Request within the  
timeframes specified in the  
Development Assessment Rules, the applicant can proceed to the next part of the  
development assessment  
process.

Other Details

You can follow the progress of this application online at:  
<https://www.burdekin.qld.gov.au/current-development-applications>  
Should you have any further queries in relation to the above, please do not  
hesitate to contact Council's  
Town Planning Section.  
Yours faithfully

Kellie Galletta  
MANAGER – PLANNING & DEVELOPMENT

MCU24/0001  
Document Set ID: 1801766  
Version: 1, Version Date: 07/03/2024

## Explanatory Note - Public Notification Procedures Planning Act 2016 & Development Assessment Rules Introduction

The purpose of this Explanatory Note is to provide guidance to applicants on the public notification requirements under Section 53 of the Planning Act 2016 (the Act) and under the Development Assessment Rules (the Rules). The Act and the Rules, set out the requirements for the giving of public notice. These guidelines quote much of the material contained within the Act and the Rules.

If there is doubt about a particular public notification aspect, the applicant should refer to the Act and the Rules or have the public notice procedures undertaken by a consultant who is familiar with the public notice requirements. Whilst every care has been taken in preparation of this explanatory note, ultimately it is the applicant's responsibility to ensure that the procedures are correctly followed. Council will not accept any responsibility for incorrect giving of public notice.

## Overview of Public Notification Procedures (Public Notice)

There are three distinct tasks to be undertaken when carrying out public notice:

1. Publishing a notice in a local newspaper.
2. Placing a notice or notices on the premises.
3. Giving notice to adjoining owners.

After the notification period has ended, the applicant must give the assessment manager notice of compliance with the public notice requirements.

One key aspect to note is that an application automatically lapses if public notification does not start within 20 business days of the completion of the relevant preceding part. Furthermore, the application also automatically lapses if applicant does not give the assessment manager the notice of compliance with the public notice requirements within 10 business days from the day after the last day on which a submission may be made.

## When Notification Part Starts

Part 4 of the Rules states when the public notification part starts. The following is an extract from Part 4.

### 16. When this part starts

16.1. If there are no referral agencies for the application and part 3 does not apply because:

- (a) the applicant has advised that it does not wish to receive an information request and it is not an application mentioned in section 11.3; or
- (b) the assessment manager states in the confirmation notice that it does not intend to make an information request;

public notification must start within 20 days of the day after the confirmation notice is given to the applicant.

### 16.2. If—

- (a) the applicant has advised that it does not wish to receive an information request; and
- (b) it is not an application mentioned in section 11.3; and
- (c) there are referral agencies;

public notification must start within 20 days after the day the last referral assessment period for any referral agency has started.

16.3. If sections 16.1 and 16.2 do not apply, public notification must start within 20 days of the day after part 3 has ended.

16.4. For a changed application, where public notification is required to be undertaken again from its beginning, public notification must commence within 20 days—

- (a) if both part 2 and part 4 are relevant to the application as a result of the changed application, the day after part 3 has ended;
- (b) otherwise, the day after the day notice is given under section 26.2(a) or 26.2(c).

## What is Public Notice

The following is extracted from Part 4 of the Rules.

#### 17. Public notice requirements

17.1. The applicant, or the assessment manager acting under section 53(10) of the Act, must give public notice by—

(a) publishing a notice at least once in a newspaper circulating generally in the locality of the premises the subject of the application; and

(b) placing notice on the premises the subject of the application that must remain on the premises for the period of time up to and including the stated day; and

(c) giving notice to the adjoining owners of all lots adjoining the premises the subject of the application.

17.2. The applicant must give notice to the assessment manager of the intended start date of public notification.

17.3. Schedule 3 prescribes the way in which public notice must be given.

17.4. All public notice requirements under section 17.1 and 17.2 must be undertaken within the period prescribed under section 16.

#### 18. Notice of compliance

18.1. If the applicant gives public notice, it must, within 10 days from the day after the last day on which a submission may be made, or a further period agreed between the applicant and the assessment manager, give the assessment manager notice of compliance with the public notice requirements.

#### Public Notification Period

Section 53 of the Act states the required public notification period. The following is an extract from Section 53.

53(4) The notice must state that—

(a) a person may make a submission about the application to the assessment manager; and

(b) any submission must be made by a stated day that is at least—

(i) for an application that includes a variation request—30 business days after the notice is given; or

(ii) for an application of a type prescribed by regulation—the period, of more than 15 business days after the notice is given, prescribed for the application; or

(iii) for any other application—15 business days after the notice is given.

53(5) However, if the development assessment rules require the notice to be given in more than 1 way, the period mentioned in

subsection (4)(b) starts on the day after the day when the last notice is given.

Please ensure that all public notices that are published in the newspaper, placed on the land, and given to adjoining land owners clearly state that:

(a) written submissions may be made electronically; and

(b) electronic submissions are to be sent to [planning@burdekin.qld.gov.au](mailto:planning@burdekin.qld.gov.au)

(c) all submissions, including individual submitter's particulars, will be published on Council's website and therefore will be accessible to internet search engines.

MCU24/0001

Document Set ID: 1801766

Version: 1, Version Date: 07/03/2024

Address all communications to  
The Chief Executive Officer  
Enquiries to:

Planning Department

Your reference:

DA060-23

Our reference:

MCU24/0001

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

21 March 2024  
Lennox Group Pty Ltd  
C/- BNC Planning  
PO Box 5493  
Townsville Qld 4810  
Email: enquire@bncplanning.com.au  
Attention: Ben Collings, Director

Dear Ben,  
Information Request  
Planning Act 2016

I refer to your application and advise that Council requires further information to satisfactorily assess the proposal.

Application Details  
Application No:  
Proposal:

MCU24/0001  
Material Change of Use – Low Impact Industry (Electrical Engineering Workshop and Food Processing Facility)

Street Address:

208-218 Wickham Street, Ayr

Real Property Description:

Lot 46 on GS177

Planning Scheme:

Burdekin Shire Council Planning Scheme December 2022

#### INFORMATION REQUIRED

1.

##### Operational Details

Please provide details on the operations proposed to be undertaken on site that allows Council to appropriately understand and assess the type of services and scale of activity proposed.

Additional details to be provided

include (but are not limited to):

a. Details and scale of the of activities and/or service proposed to be undertaken on site including days and times.

b. The type of food product being produced on site.

c. Number and frequency of staff and any other persons etc proposed to be

engaged to undertake or  
provide services, which will be on site at any one time.  
d. Details of anticipated deliveries to site and any other anticipated service  
vehicles (number, frequency,  
purpose, set down areas), expected on site at any other time.

145 Young Street, Ayr Qld 4807 | ABN: 66 393 843 289 | [www.burdekin.qld.gov.au](http://www.burdekin.qld.gov.au)

Document Set ID: 1804413

Version: 1, Version Date: 21/03/2024

2.

#### Full Planning Report

Please provide amended and/or additional reporting and proposal plans that address all relevant requirements of the 2022 Burdekin Shire Council Planning Scheme including assessment against the requirements of the Development Works Code, Flood Hazard Overlay Code and the Bushfire Hazard Overlay Code.

3.

#### Access, Traffic, Flooding

Please provide the following further details to allow Council to appropriately assess the proposal in terms of access, traffic and flooding matters.

3.1 Access and Traffic – to be provided by a suitably qualified traffic engineer.

a. Provide location and details of property access off Wickham Street.

3.2 Manoeuvrability and Surface Treatment

a

A revised plan showing all turning movements for a delivery vehicle, demonstrating that all access and egress from the site is in a forward direction.

b

Details of all property access/crossovers including a cross section 1:50 scale of all driveways, existing and design levels, and proposed widths for the crossovers.

c

Details on treatment for all car parking and manoeuvring surface areas.

3.3 Flooding

a. Provide a Flood Impact Assessment by a suitable qualified Civil Engineer. Assessment to include but not limited to:

i. Hydrological and hydraulic calculations for all stormwater flows exiting the development site.

ii. Comparison of pre and post development stormwater flows exiting the development site.

iii. Effects of any increased flows on Council's existing stormwater infrastructure.

4.

#### Water Supply

Please provide further details on potable water supplied to site.



#### End of Information Request

Under the provisions of the Development Assessment Rules 2017, you have three options available in response to this Information Request. You may give the assessment manager (in this instance Council):

(a)  
all of the information requested; or

(b)  
part of the information requested; or

(c)  
a notice that none of the information will be provided.

For any response given in accordance with items (b) and (c) above, you may also advise Council that it must proceed with its assessment of the development application.

Please be aware that under the Development Assessment Rules 2017, the applicant is to respond to any

Information Request within 3 months of the request.

If you do not respond to the Information Request within this time period, or, within a further period agreed

between the applicant and Council, it will be taken that you have decided not to provide a response.

In the event of no response being received, Council will continue with the assessment of the application without the information requested.

Council prefers that all of the information requested be submitted as one package.

If any additional matters arise as a result of the information submitted, or, as a result of public notification

(where applicable), you will be advised accordingly.

Should you have any further queries in relation to the above, please do not hesitate to contact Council.

Yours faithfully

Kellie Galletta  
Manager Planning and Development

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