
From:
Sent: Wednesday, 4 October 2023 7:24 PM
To: North Burnett Regional Council

Categories:

My name is ... I live at ... I am opposed to the building of a service station ... due to rezoning from residential to commercial I have lived in this house for over twenty years and still raising part of our family I have expected housing to be built but not this it will dramatically increase traffic and noise to our quiet street and majorly decrease the value of our property for please consider keeping peace.

Thank you

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From:
Sent: Tuesday, 3 October 2023 4:17 PM
To: North Burnett Regional Council
Subject: Submission About Development Application DA 230024 Service Station & Advertising Devices
Attachments: Image_1.jpeg; Image_2.jpeg; Image_3.jpeg

Categories:

Dear Chief Executive Officer of the North Burnett Regional Council,

I am opposed to the development due to the implications this development has towards storm/ flooding risk, surrounding wildlife, as well as the road safety of those driving in the area.

I will elaborate on these points and put these forward as grounds to the rejection of development application DA230024.

The stormwater drain that the development will be accessing across John Street is prone to flooding, affecting the bridge crossover and surrounding street and properties, including

The Easement that stormwater flows through from the concrete structure connects to a soil structure which is

While it has been made clear that the works proposed will be done on the concrete structure (and not the easement under), any adjustments will consequently affect the soil structure due to the connection between the two – simply put, any increases in usage of this structure may cause overflow to the

Further to my concern, it has been stated in the proposed development that the responsibility of maintenance and care for the easement will be addressed by council.

The current easements have been poorly maintained by council for the last 20 years; with vegetative layover due to irregular trimming, with trimming only taking place after council as well as sloping issues causing pooling of water. This has been raised to council several times with evidence having been submitted prior. I have attached images for your convenience to illustrate the issues with the easement.

This brings into question whether the easements will be fit for purpose to contain stormwater runoff.

The presence of this large structure will further worsen the state of the surrounds due to removal of soil-based absorption of storm water, causing an increase in the reliance on the easements to prevent flooding across the street. This has implications for the surrounding properties and is a concern ... would like to have addressed.

Lastly to this point, the presence of the various wildlife in the surrounds is also impacted by the risk of stormwater contamination caused by the development.

Another concern I have is with the current state of the roads connected to the development. Currently, the main road through John Street is a single lane road, the presence of a petrol station adjacent will naturally increase traffic in this area. This is of concern due to the likely increase in road accidents arising from the current standard of the local road not being suitable for a high traffic area. I would like to acknowledge the previous complaint regarding the original design to have an entry/exit point through John Street, and while the adjustment to remove this is a starting point – the original points I have made still stand as a concern for the safety of Biggenden residents.

There has been poor communication with the residents of Biggenden regarding this development, evidence by surveys entering The poor communication between the developers and those closest to the proposed development has brought uncertainty and distrust to the developers of the petrol station. This has further added to the frustration caused by the proposed development.

Please let me know if you have any inquiries into the points made in this email – it is my hope that these points raised be considered prior to the approval of this development.

Regards,

...







From:
Sent: Thursday, 5 October 2023 11:59 AM
To: North Burnett Regional Council
Subject: Submission About a Development Application
Attachments: Objection to Material Change of Use.pdf

Submission About a Development Application

Planning and Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules 2017



SUBMITTERS DETAILS

Name and residential or business address must be provided for **every** person or organisation. If more than one submitter is contributing to this submission, please provide the name and address for each submitter on a separate sheet.

Full Name

Residential Address

Town

Biggenden

State

Qld

Postcode

4621

A postal address or email must be provided for each submission

Postal Address

As above

Town

State

Postcode

Email Address

DEVELOPMENT DETAILS

Application Number

DU230024

Proposed Development Description

Service Station & Advertising Devices

Development Address

John Street & Frederick Street

Town

Biggenden

State

Qld

Postcode

4621

SUBMISSION

I wish to make a submission to the above-mentioned proposed development for the following planning reasons (attach additional pages if necessary):

Please ref. attached document, 'Objection to material change of use', 1 page.

Each person must sign the submission

Objection to Material Change of Use – proposed new Service Station, Frederick Street, Biggenden.

Council's first responsibility is to ratepayers, residents, and existing businesses, it must not approve any development that will disadvantage them, and the proposed new fuel and food outlet will significantly disadvantage established stakeholders, therefore it must not be approved.

A. As a permanent resident living in Frederick Street opposite one access to the proposed new Service Station, I have personal reasons for opposing this development, as follows:

- i. The adverse impact on my and my family's quality of life as a result of the increased volume of vehicular traffic, including some turning heavy vehicles that would be coming into and out of Frederick Street from the highway and the service station ... , with its resultant noise, inconvenience, and increased exhaust fumes, and the likelihood of having heavy vehicles being parked on ... street in front of or opposite
- ii. The adverse impact of the Service Station traffic and noise on the value of the property.

I strongly object to the land opposite me being rezoned for commercial use, especially for a service station or shopping centre or any other high traffic business, with the noise and inconvenience and environmental impact that would cause.

If another fuel and food outlet is established in Biggenden, it should not be located in a residential area, it should be on the edge of the township, either at or near the Biggenden Motel on the south-western edge of the town, where a previous fuel and food outlet was located until recently, or in a similar edge of town location on the Childers or Maryborough roads.

If approval is given for a service station on the proposed site, owners of residential land in Frederick Street between the Isis Highway (Caroline Street) and Elizabeth Street should be financially compensated for their loss of quality of life and for the reduction in the financial value of their properties. Residents of John Street will be less adversely affected because there will be no direct access to the service station site from John Street, but compensation of residential land owners in John Street close to the service station should also be considered.

B. There are also commercial, ethical, and environmental reasons for opposing this development, as outlined by

From:
Sent: Wednesday, 4 October 2023 4:43 PM
To: North Burnett Regional Council
Subject: Submission About a Development Application
Attachments: Objection to Material Change of Use, Application No DU230024.pdf

Categories:

Submission About a Development Application

Planning and Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules 2017



SUBMITTERS DETAILS

Name and residential or business address must be provided for **every** person or organisation. If more than one submitter is contributing to this submission, please provide the name and address for each submitter on a separate sheet.

Full Name

Residential Address

Town

Biggenden

State

Qld

Postcode

4621

A postal address or email must be provided for each submission

Postal Address

As above

Town

State

Postcode

Email Address

DEVELOPMENT DETAILS

Application Number

DU230024

Proposed Development Description

Service Station & Advertising Devices

Development Address

John Street & Frederick Street

Town

Biggenden

State

Qld

Postcode

4621

SUBMISSION

I wish to make a submission to the above-mentioned proposed development for the following planning reasons (attach additional pages if necessary):

Please ref. attached document, 'Objection to material change of use', 10 p.p.

Each person must sign the submission

Objection to Material Change of Use – proposed new Service Station, Frederick Street, Biggenden.

Council's first responsibility is to ratepayers, residents, and existing businesses, it must not approve any development that will disadvantage them, and the proposed new fuel and food outlet will significantly disadvantage established stakeholders, therefore it must not be approved.

A. As a permanent resident and ratepayer living in Frederick Street opposite one access to the proposed new Service Station, I have personal reasons for opposing this development, as follows:

- i. The adverse impact on my and my family's quality of life as a result of the increased volume of vehicular traffic, including some turning heavy vehicle traffic, that would be coming into and out of Frederick Street, with two tight right-angle turns and resultant braking and engine noise, to access and exit the service station ... , with its resultant noise, inconvenience, and increased exhaust fumes.
- ii. The adverse impact of the Service Station traffic and noise on the value of my property.
 - I strongly object to the land opposite me being rezoned for commercial use. I retired early for medical reasons and purchased a residential property in a residential area, believing it would remain a residential area, I had no reason to expect any business would be established ..., least of all a service station, because there was already a service station on the highway a few hundred metres down the road. A change of use from normal residential to low-rise apartments, or to a small retirement or disabled persons' community, would be acceptable, but a change of use to a service station or shopping centre or any other high traffic business, with the noise and inconvenience and environmental impact that would cause, is not acceptable, especially given that the resultant decrease in the value of my property would make it difficult for me to relocate to regain a quieter life.
 - If another fuel and food outlet is established in Biggenden, it should be located on the edge of the township, not in a residential area, either at or near the Biggenden Motel on the south-western edge of the town, where a previous fuel and food outlet was located until recently, or in a similar edge of town location on the Childers or Maryborough roads.
 - If approval is given for a service station on the proposed site, owners of residential land in Frederick Street between the Isis Highway (Caroline Street) and Elizabeth Street should be financially compensated for their loss of quality of life and for the reduction in the financial value of their properties. Residents of John Street will be less adversely affected because there will be no direct access to the service station site from John Street, but compensation of residential land owners in John Street close to the service station should also be considered.

B. There are also commercial, ethical, and environmental reasons for opposing this development, as follows:

1. There is no need for another fuel and food outlet in a township as small as Biggenden.

1.1 When ... arrived in Biggenden almost 30 years ago there was a fuel and food outlet, Biggenden Food and Fuel, on the highway on the north-eastern (Childers) side of town; a fuel

outlet, Dowlings, off the highway about 250 metres from Biggenden Food and Fuel; a Motel and fuel and food outlet on the highway on the south-western (Ban Ban Springs) edge of town; a cafe in the business centre; two hotel dining rooms; and some take-away food available at the bakery.

A few years ago there was a fire in the cafe at the fuel and food outlet at the Motel. The fire damage was repaired, but the business did not re-open for fuel sales and the cafe is now only open part time. It is obvious from this that there is not enough trade for two fuel and food outlets to be commercially viable, if there was, the fuel and food outlet at the motel would have reopened after the fire damage was repaired and the cafe would have resumed full-time operation.

More recently, Dowlings have stopped selling fuel to the public, providing further evidence that there is insufficient trade for two fuel outlets in Biggenden to be commercially viable.

1.2 During the time I have lived in Biggenden several new cafes have opened in or near the business centre. None of them has survived long, but currently there are eight food outlets operating, i.e.

- Biggenden food & fuel, on the highway, open early until late seven days a week,
- a cafe in town, open until late six days a week,
- 2 Hotel dining rooms,
- fast food available at the FoodWorks supermarket, during business hours,
- drinks and snacks available at Poppy Lane, a novelties shop, during business hours,
- take-away food available at the Bakery, during business hours,
- a cafe at the motel, open part-time, 9:00 am to 2:00 pm, 3 or 4 days a week.

Given how many food outlets there are now in Biggenden and the failure of several others during the past 30 years, there is no need or justification for another food outlet in Biggenden.

1.3 There is limited fuel trade in Biggenden, because it is a small community and because residents often get fuel at discount fuel outlets in the nearby regional towns, Childers, Bundaberg, and Maryborough. Childers is near enough that some Biggenden residents shop and buy fuel there regularly, and many of us have to go to Bundaberg for specialist medical appointments from time to time and use that opportunity for major supermarket shopping and to purchase discount fuel.

Most operators of agribusinesses in the district purchase their fuel in bulk, not from a fuel outlet in town, and have it available on site.

A route through Biggenden links the Bruce Highway to the north with the New England Highway to the south and with some roads west, so Biggenden has some through traffic, including heavy transport up to B-double size, but little of the heavy traffic stops at Biggenden for fuel, big rigs carry enough fuel to avoid having to fuel up at small towns en route, though some drivers may stop for a food break at a place that has a reputation for providing good food. The main through trade is vanners and other casual traffic, but Biggenden is not a major tourist destination, so tourist trade is limited and is unlikely to grow significantly.

Fuel and food is also available to through traffic at Ban Ban Springs, about 40 km south-west of Biggenden, and at Childers, about 50 km north-east, so through traffic has other convenient alternatives to Biggenden for fuel and food.

1.4 The only way another food and fuel outlet in Biggenden would be commercially viable is by taking trade from established businesses, which potentially would put them out of business. If there was a need for another fuel outlet, the one on the site of the Motel would not have ceased operation and Dowlings would not have ceased selling to the public. The closure of

these outlets shows that there is insufficient trade for more than one fuel outlet.

It is also obvious that there is no need for another food outlet in Biggenden, there are eight already and most of them do not rely on food sales for their viability, the food outlets are merely sidelines to provide a little extra income to other businesses.

There is absolutely no need for more than one fuel and food outlet in a township as small as Biggenden, and no justification whatever for establishing one, because it can only succeed by compromising the viability of established businesses.

2. In a small town like Biggenden, increased competition will NOT reduce prices, it will put the viability of existing businesses at risk and is likely to result in an increase in prices when the new operator acts to recover the cost of establishing the new facility and the losses incurred in the price war that puts the other operator out of business.

The applicant claims that competition will reduce prices. That is totally disingenuous.

In a small community like Biggenden which has negligible prospect of increased trade, the proposed new fuel and food outlet will have to take trade from established businesses to be commercially viable. When limited trade is shared, either all businesses have to charge higher prices to be profitable, or there will be a price war until the operator with the most capital drives one or more others out of business, and when things settle down prices will be higher than they were previously as the winner of the price war increases prices to recover its losses. This is a common business manoeuvre, and a fundamentally unfair and anti-competitive one, regardless of assertions up-front about competition reducing prices.

If the new fuel and food outlet is approved it is likely to win the price war with Biggenden Food and Fuel, because a shiny new facility will be cosmetically more appealing than its older competitor across the road, and because the applicant must have foreseen the need to cover the cost of waging a price war in addition to the cost of constructing the new facility. *If the proposed new service station is established it will not reduce prices, in the longer term it will increase them.*

Competition needs to be fair, not cut-throat. I have no doubt whatever that the applicant is well aware that the claim that competition will reduce prices, in a community as small as Biggenden, is a lie. There is too little trade and too much capital investment required to establish the new facility for there to be any chance of reduced prices in the longer term. The proposed new food and fuel outlet will not benefit the Biggenden community, it will only benefit the operator of the new facility, potentially at significant cost to the community, therefore it should **NOT** be approved.

3. The proposed new fuel and food outlet will not provide economic growth, it will only reduce the viability of existing businesses and could ultimately result in loss of commercial diversity in the town.

In a small town such as Biggenden, any new business must make a genuine contribution to the community, not just take income and profits from existing businesses, but the proposed new fuel and food outlet can only succeed financially by taking trade from established businesses. If this application is approved, Biggenden Food and Fuel is almost certain to cease operation within a few years of its opening, probably within a year, and the other food outlets in the town could also be adversely affected.

There is not enough trade in Biggenden to justify another fuel and food outlet. It is more important to maintain the viability of existing businesses that have already invested in the

community, and to maintain overall business confidence in the community, than to allow more competition on the illusory premise that it will reduce prices in a community that has limited trade.

Biggenden must not become a town in which it is risky to invest, it is more important to maintain established businesses and to reassure investors that their investment is secure than to attract new competing businesses that will compromise existing ones.

Because of Biggenden's current very low growth rate, no new business that competes with any established business should be approved.

If Biggenden grows significantly in the future, appropriate new businesses should be welcomed, but only in the commercially zoned part of the town or in new commercial zones outside of the existing residential area, not by rezoning residential land.

4. It is important that Council considers the ethics of this proposal and rejects it because of its potential for adverse impact on existing businesses and the fact that it will not provide any genuine benefit to Biggenden and would potentially reduce investor confidence in the town.

Biggenden has little potential for more primary industry or for industrial development or tourism, so it is not growing significantly. A new fuel and food facility will not provide growth, because service industries only grow when the productive industries they serve are growing, and there is no growth in any productive industry in the Biggenden region.

In a small town like Biggenden, no new business should be allowed to profit at the expense of established businesses and investors, any new business must add value to the community, not just skim profits from it to the detriment of established businesses. If another fuel and food outlet is established in Biggenden it will adversely affect existing businesses, primarily Biggenden Food and Fuel, which is only about 150 metres from the proposed site of the new service station, but also the food outlets in the business centre.

Biggenden Food and Fuel changed ownership only a year or two ago. It is reasonable to assume it was purchased at a price based on established trade and the anticipated return on investment resulting from that trade. There is no potential for any significant increase in local trade in the foreseeable future, and Biggenden is not far from other highway fuel and food outlets at Childers, about 50 km away, and Ban Ban Springs, about 40 km away, therefore there is little prospect of increased through trade, therefore a new fuel and food outlet almost directly opposite Biggenden Food and Fuel is likely to take much of Biggenden Food and Fuel's trade and make it financially non-viable.

The current operator of Biggenden Food and Fuel has already invested in Biggenden, therefore it would be unethical of Council to allow it to be driven out of business by a new operator who establishes a cosmetically more appealing facility just 150 metres away with the false promise of lower prices and will make no genuine contribution to the community, and it would also be unethical to allow existing business centre food outlets to be disadvantaged by an opportunistic newcomer who is merely seeking to take trade from established businesses and offers nothing of genuine value to the community.

Biggenden is too small, and there is not enough through traffic, to justify another fuel and food outlet, it is more important to maintain the viability of existing businesses that have already invested in the community, and to maintain overall business confidence in the community, than to allow more competition on the illusory premise that it will reduce prices in a community with limited commercial viability.

It is one thing to meet an unmet need, but a very different thing to profit at the expense of others. *The proposed new service station will not meet an unmet need, it will merely profit at the expense of others, therefore it would be unethical to approve it.*

It would be unethical to allow increased competition in a business environment in which there is not enough trade to support any more operators, doing so will put the viability of existing businesses at risk and could ultimately result in loss of investor confidence in the town.

5. Because of the need to transition away from fossil fuels, any new Roadhouse in Biggenden should provide EV charging and food, not fuel and food.

It will probably be 10 or 20 years before there is a significant need for an EV roadhouse in Biggenden, **but** fossil fuels are being phased out, and electric vehicles are already becoming more common (a Tesla stopped at the existing Biggenden Food and Fuel outlet when I was there on Sunday 6th of August), therefore *Council should be planning for the EV future, not approving a new petrol and diesel fuel outlet.* Twenty years is not long.

If I have been correctly informed, the electricity supply to Biggenden does not currently have sufficient capacity to power an EV charging facility, so either the supply will have to be upgraded or an EV roadhouse will require photovoltaic panels to power it, but the future need will be for EV charging, not another petrol/diesel fuel outlet, therefore Council should be planning to facilitate the transition to EVs, not approving a development that could prevent EV through traffic stopping in Biggenden and could delay the transition to EVs by locals.

The existing Service Station should be allowed to continue operating without any competition during the transition to electric road transport, because its profitability will steadily decrease (as would the new outlet's if it is approved) with the phasing out of fossil fuels, and Council should be encouraging people in Biggenden and adjacent regions to transition to EVs by making provision for an EV charging facility in its forward planning and by setting aside a site for one and encouraging its development.

Council should not be approving a development that could delay the transition to Electric Vehicles in this region, it should take the lead in fostering and facilitating environmental responsibility. Any Service Station / Roadhouse development in Biggenden therefore needs to be for the Electric Vehicle future, not just an attempt to prolong sales of an environmentally harmful energy source that is being phased out.

6. If Council believes there is a genuine need for another stop-gap fossil fuel service station in Biggenden despite the strong evidence that there is not, and despite the need to plan now for an EV future, any new fuel and food outlet should be on a site that is well away from established residences and can be expanded to provide services to EVs.

Electric vehicles take longer to charge than it takes to fill petrol or diesel fuelled vehicles, therefore an EV charging station will require more charging bays than the number of fuel pumps required in a petrol/diesel facility, with each bay needing to be an individually accessible parking bay, not a queue and drive through lane, and an EV roadhouse will probably also require a larger cafe and entertainment and rest area to cater for persons waiting for their cars to be recharged, and that will require greater land area than a petrol/diesel fuel outlet for a similar number of vehicles, therefore the proposed site of the new petrol/diesel outlet is unlikely to be suitable for later redevelopment to an EV charging site because it is not large enough for an EV roadhouse, therefore if another food and fuel outlet is considered necessary it should not be on the proposed site, or on any other rezoned residential site, it should be on the edge of town, away from residential areas. A food and fuel outlet on the proposed site should NOT be

approved, the site should retain its residential zoning.

7. Summing up.

A new fuel and food outlet should not be approved at the proposed location, because it will adversely affect residents in Frederick Street and John Street.

If this proposal is approved, affected residential land owners and occupiers should be financially compensated for loss of quality of life and the decrease in the value of their properties.

A new fuel and food outlet should not be approved in Biggenden, because there is no need for another one and it would adversely affect established businesses and will compromise investor confidence in the community, which will negatively impact on the community.

If Council accepts the applicant's claim that the proposed new fuel and food outlet will not have a significant adverse impact on established businesses, approval should only be granted on condition that the applicant enters into a legally binding agreement to financially compensate, in full, any currently existing business that is adversely impacted by the new business, providing compensation for loss of profits, loss of commercial viability on the basis of return on capital invested, and reduction in property value. If the applicant genuinely believes the proposed business will not adversely affect any established business they will accept this condition, but I do not believe they will agree to it, I believe they are well aware that a new service station will almost certainly drive the existing one out of business. *In a small community like Biggenden it is necessary to protect established businesses and investors from competition, unconstrained laissez-faire capitalism is not viable or ethically acceptable in such a small community.*

A new food and fuel outlet should not be approved in Biggenden, because the future need, almost certainly within 20 years and perhaps in 10 or 15 years, will be for an Electric Vehicle charging station, food outlet, and entertainment facility, not for a fuel and food outlet.

If Council accepts the applicant's claim that another fuel and food outlet is needed, it should not be on the proposed site or close to any other established residential properties, or close to the existing food and fuel outlet, it should be on the edge of town, e.g. adjacent to the motel on the south-western edge of the town where the other fuel and food outlet used to be, or similarly located on one of the other two roads out of town, and it should be at a location suitable for future redevelopment to an Electric Vehicle charging facility.

C. I have read through the applicant's economic need assessment, and I found it to be totally disingenuous, as per the following point by point rebuttal.

This section refers to the draft Development Assessment Report, 7.6 Economic Need Assessment, page 12. The applicant's statements are in blue, and my responses are in black.

7.6 ... the Assessment concludes that there is a need for the Service Station for the following reasons:

[1] There is limited provision of only one Service Station in the Total Trade Area.

One service station in the Local Trade Area does not constitute limited provision in a town as small as Biggenden. There is only one fuel outlet now, because there is very limited local trade, as a result of which two competing fuel outlets have ceased operating. No other fuel outlet is

needed in Biggenden, because there is not sufficient trade to support more than one supplier.

The new owners Biggenden Food and Fuel are upgrading it to improve their service, and it should be allowed to continue operating until it has to cease trading because of the transition to Electric Vehicles, it should not be allowed to be put out of business as the result of competition caused by a newer and cosmetically more appealing facility just 150 metres from it.

The number of cafes in town has varied since I came to Biggenden almost 30 years ago. There are several now, and another food and fuel outlet would take trade from them and would potentially make them non-viable, and this would compromise the viability of the town's business centre.

Fuel for through traffic is available at Childers, about 50 km north-east, and at Ban Ban Springs, about 40 km to the south-west, and residents on trips to town also obtain fuel in Childers or Bundaberg, where Woolworths and Coles discount fuel is available.

Farmers have their own on-farm fuel supplies and do not provide business for a service station.

There is limited provision of food and fuel outlets in Biggenden for a reason, because there is not enough trade in our small town for any more than one food and fuel outlet to be viable.

[2] Current passing traffic volumes are sufficient to support two service stations and therefore, there is an economic need for an additional Service Station in this location.

Given the fact that two competing fuel outlets have ceased operating, one recently and the other a few years ago, this statement is NOT credible. There is no economic need for an additional Service Station in Biggenden; on the contrary, there is not enough traffic volume to justify establishing another service station here.

There used to be another food and fuel outlet on the highway, at the Motel on the Kent Street corner, but after a fire on the premises it ceased operating as a food and fuel outlet and now operates only as a motel and a part-time cafe. This clearly indicates that its fuel and fast food sales were not sufficient to justify reopening as a fuel and food outlet after the fire, showing that another Service Station will not be viable unless the operators capture all or most of the trade from Biggenden Food and Fuel, probably by initiating a price war when they open, until the established business fails because it is competing with a more cosmetically attractive competitor, after which prices will be increased to recover the cost of building the new service station and the losses incurred in the price war.

Allowing more competition in a small town like Biggenden is not justifiable, established operators who have already invested in the community should not be allowed to be forced out of business by a newcomer who offers cosmetic benefits but no actual benefit to the community. It will not be to the town's benefit to allow another operator who promises reduced prices due to competition but will have to increase prices when the competition has been forced out of business.

It should also be noted that traffic volumes are not likely to increase significantly in the foreseeable future, the population of the Biggenden area only increased from 1440 persons to 1450 between 2021 and 2023 and is only expected to rise to 1490 persons by 2033 (Foresight Partners *Economic Need And Impact Assessment*, Section 2.2 Population growth, p.6, i.e. the applicant's own estimate), and even with a glossy new Service Station it is unlikely that many more heavy vehicles will fuel up at Biggenden than at present, they take on hundreds of litres at low cost suppliers, not in high cost country towns, though if the food in a roadhouse is good enough some truckies will stop for that.

Also, during the years ahead an increasing proportion of light traffic will be Electric Vehicles, mostly passenger vehicles (I saw a Tesla at Biggenden Food and Fuel on 6/8/23, and there will

be many more to come) but also some utes like the Ford F-150 Lightning towing light vans, which will steadily decrease the demand for fuel throughout the next 10 to 20 years, until there will be no justification for a fuel outlet except as a small adjunct to an EV charging facility for the remaining old petrol/diesel vehicles. It is impossible to say how long fuel outlets are going to remain viable, not much more than 20 or 25 years is my guess, but the EV change is definitely coming, and if we want to bequeath a liveable world to our grandchildren we need to accelerate the phasing out of fossil fuels by providing EV charging facilities throughout our road system, including in small towns like Biggenden, we should not be establishing more fuel outlets that could delay the transition to EVs.

[3] The proposal will rely on both trade area resident demand and passing trade.

There is not enough resident demand or passing trade to justify the establishment of another Service Station in Biggenden. Residents who do a lot of local driving, like my wife, buy most of their fuel locally, but others often buy their fuel when they go to town, to save a few cents on supermarket discount fuel; farmers have fuel on their farms for farm equipment and personal vehicles and do not patronise the commercial fuel outlets; and very few heavy transport drivers passing through Biggenden are likely to buy fuel here.

If this proposal is approved it will not benefit residents or passing traffic, it will only take trade away from established businesses, especially Biggenden Food and Fuel.

[3b] This assessment demonstrates that the proposal would be viable and capture a reasonable proportion of fuel demand generated by trade area residents.

A glossy new roadhouse is likely to capture most of the through trade, and probably some local trade also, but it would capture that trade to the detriment of the established investor in the community, Biggenden Food and Fuel.

If the applicant wants a Service Station in Biggenden they should purchase the established one, not steal its clientele and put it out of business, especially not within a couple of years of its having changed ownership.

[4] Potential impacts of the proposal would be of an acceptable level and would unlikely threaten the viability of the existing BP service station.

This is a blatant lie, as should be clear from the information I have provided above. The adverse impacts of this proposal, if it is approved, would be unacceptably high and would threaten the viability of the existing Service Station and would almost certainly result in it going out of business and the new one achieving a monopoly and raising its prices above the previous prices of Biggenden Food and Fuel. The figures provided by the applicant purport to show otherwise, but the reality, given the recent closure of Dowlings and the Service Station at the Biggenden Motel, is that fuel and food trade in Biggenden is not sufficient to support two Service Stations, and I cannot believe that the applicant is not fully aware of this, and is in fact counting on it in order for the investment in the new service station to be viable.

The report also highlights that the proposal will have the following benefits:

[5] A modest number of jobs would be supported during the construction phase,

This is true, but most of them are likely to be outside contractors, and what work is available to locals will not last long. The job benefit to local persons and businesses will be only short term and will be very modest.

and on-going employment would be generated once the proposed Service Station is trading. Based on discussions with the applicant, it is expected that around 10-12 ongoing jobs will be supported, with a portion of these available to junior employees (e.g. new entrants to the

workforce).

This might be true initially, but because the new Service Station will take trade from established fuel and food outlets it is unlikely to result in a permanent increase in jobs, because other businesses are likely to have to put off workers or close down because of the competition provided by the new Service Station.

[6] Greater choice and variety in refueling [sic.] facilities available to Total Trade Area, residents and passing traffic. This is particularly relevant in an area with only one existing option for fuel services.

Because of how small Biggenden is, no greater choice is needed. Locals are able to buy fuel at a lower price when they go to Childers or Bundaberg for shopping or medical appointments etc., and passing traffic can get fuel and food at Ban Ban Springs or Childers if they need it, and are more likely to get it there than at Biggenden. There is only one Service Station on the highway at Biggenden, but residents and passing traffic have a choice of refuelling facilities nonetheless, no greater choice is needed.

[7] Fostering price competition with the existing service station resulting in consumer benefits. This is particularly important as the local market is currently monopolised by a single service station.

This statement is totally disingenuous. In other words, it is a blatant lie!

Price competition in a community as small as Biggenden will only lead to failure of one or both of the competing businesses, as has already occurred here in recent years, with two alternative fuel outlets no longer operating and what had been the town's main supermarket going out of business as a result of the establishment of a new one.

Given the limited trade in Biggenden, the applicant obviously is expecting to take most of the trade from Biggenden Food and Fuel, but this will provide no benefit whatever to the local community, and will compromise the lifestyle of nearby residents as a result of increased vehicle traffic and noise and exhaust fumes close to their homes.

Another Service Station in a location with such limited trade as Biggenden will not foster price competition except during the price war that puts one of the two competing Service Stations out of business.

To recover the cost of constructing a new roadhouse it will be necessary for the new service station to take the trade of the existing one. The applicants must be well aware of this, and must have budgeted the resources needed to wage a price war until Biggenden Food and Fuel is put out of business, and after Biggenden Food and Fuel is forced to shut down, the new Service Station will increase its prices to recover the cost of constructing the new roadhouse and the losses incurred while prices were kept low to drive the other Service Station out of business.

Approval of this new service station is much more likely to result in increased prices, long term, than in lower prices.

If the new Service Station wins the price war, which a glossy new facility is likely to, the established Service Station, which the current owners have recently begun to upgrade, will be left unused, with little chance of any other business occupying the premises (the business premises directly across the road from it have been vacant for several years), and it will deteriorate and become an eyesore instead of being improved and maintained as it will be if it continues operating (the new owners have already begun to make improvements).

Conclusion:

- i. Any new commercial development must benefit the community, not just skim profits from it.
- ii. Rezoning residential land to allow this business to be established will disadvantage residents and residential land owners in its vicinity.
- iii. Biggenden is too small to tolerate price competition in the fuel and food market, therefore establishment of another fuel and food outlet would adversely impact on established businesses, and their failure as a result of the approval of increased competition would decrease investor confidence in the town.
- iv. A proposal for an EV charging facility will soon have to be considered. An EV roadhouse, on an appropriate site, will benefit the community. The applicant's proposal for a fuel and food outlet will not. Therefore the proposal for another Food and Fuel outlet should not be approved.
- v. Another fuel and food outlet is not needed in Biggenden during the transition from fossil fuels to EVs, but if one is allowed to be established it should be:
 - subject to a legally binding requirement that the operator will financially compensate every established stakeholder, whether land owner, resident, or business operator, who is adversely affected by it,
 - on a site at the edge of town, not in a residential area or near Biggenden Food and Fuel,
 - on a site that is readily able to be adapted to the EV future, with a requirement that the first four EV charging stations must be established on the site within five years and more must be added progressively as the proportion of EVs to fuelled vehicles increases.

Considering all of the above, the proposal for a new fuel and food outlet on John street and Frederick Street Biggenden should NOT be approved.

From:
Sent: Friday, 6 October 2023 3:21 PM
To: North Burnett Regional Council
Cc:
Subject: MCU91/0321 - Objection to Development 17 Caroline Street Biggenden
Attachments: 6.10.2023 - Objecction to Service Station 17 Caroline St Biggenden.pdf

Importance: High

Dear Council

Please find attached Objection by to the proposed development at 17 Caroline Street Biggenden duly completed for Council's consideration.

Should Council seek any further information or to speak to the objection in session please do not hesitate to contact us. Thank you.

...
...
...
...

Please consider the environment, [before printing this email](#). The information in this e-mail is confidential and may be legally privileged. The writer is not a practicing solicitor and does not hold himself out to be one nor a law firm. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorised. If you have received this communication in error, please notify us immediately by return e-mail with the subject heading "Received in Error" then delete the email and destroy any copies of it. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. ... cannot guarantee that e-mail communications are secure or error-free, as information could be intercepted, corrupted, amended, lost, destroyed, arrive late or incomplete, or contain viruses and no responsibility is accepted in that regard.

Submission About a Development Application

Planning and Environment

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules 2017



SUBMITTERS DETAILS

Name and residential or business address must be provided for every person or organisation. If more than one submitter is contributing to this submission, please provide the name and address for each submitter on a separate sheet.

Full Name

Residential Address

Town

Biggenden

State

QLD

Postcode

4621

A postal address or email must be provided for each submission

Postal Address

Same as above

Town

State

Postcode

Email Address

DEVELOPMENT DETAILS

Application Number

MCU 19/0321

Proposed Development Description

Proposed service station

Development Address

17 Caroline Street

Town

Biggenden

State

QLD

Postcode

4621

SUBMISSION

I wish to make a submission to the above-mentioned proposed development for the following planning reasons (attach additional pages if necessary):

Please see attached

Each page of the submission

6/10/2023

September 2023

BIGGENDEN – OBJECTION TO SERVICE STATION – addendum to objection form by

6 October 2023

Written Objections to the building and use of land on the corners of 17 Caroline Street, Biggenden as newly constructed service station and convenience store ("proposed service station/site").

As the owners of _____
Biggenden, Queensland we make the following objections, generally and more specifically as follows:

Change of zoning.

Does not fit within the Community expectation or needs.

The land is zoned residential and the community has not called nor agitated for a change of use from residential to any other type of zoning to meet the greater needs of the community of Biggenden.

Council appears to have taken for granted the needs of the community as to the proposed change of use. There are no facilities in the proposal that would benefit the greater community needs and lifestyle.

In fact quite the reverse the proposal would have an adverse impact to the community with additional noise as well as more dangerous road conditions as set out later in this objection.

The land would be better used for the benefit of the community to be used in an appropriate business or even low cost housing that complies with the existing zoning. The proposal has not made any detailed mention as to the benefits to the community apart from selling more fuel and creating or trying to create a price war which would not be an advantage or benefit to the community.

Using the land to draw more residents would be a better use and serve the community better than a newly built service station that would draw business away from long standing businesses and community members that are committed and supportive of their fellow members of the Biggenden Community.

In the end this and any application should be about serving the community and any profit making or money raising venture should be returned to the community to mutually support such an enterprise.

The "Economic Need & Impact Assessment" at Appendix 7 by Forsyth is trying to be supportive of the 'need' for a second service station. It is wrong in its first premise, the

Report ignores a long time fuel seller and member of the community Dowling H & Sons on the corner of Victoria & Alfred Streets Biggenden. This is known to the community and it appears that Forsyth either did not know of this other fuel supplier and member of the community or just ignored the Dowlings as insignificant. Either way it shows a lack of local knowledge.

In the report by Contour there is a stated figure that the Applicant would employ up to 10 – 12 staff, presumably on different shifts. It does not mention from where this staff is sourced but making the reader assume that it would be locals, but there is no commitment in any document lodged with the application that that would be case.

The Contour report also states that a “modest number of jobs would be supported during the construction phase” of the site. However, there is no commitment to use local community members and we are supposed to assume this. There is also nothing to state if there are resources that can be sourced from local suppliers, thus adding income to the local suppliers rather from external larger commercial organisation without any attempt to give the local suppliers an opportunity to be involved, if the site is eventually approved. Again, a lack of trying to boost the local economy.

Thus, the figures of service station employees is questionable and their domicile is something that we cannot assume and appears to be inflated as well as the sales figure of 2.5million litres of fuel being sold annually by 2029, up from the benchmark of 2.4 million litres. These are pure assumption without any real empirical evidence to back them up.

If sales are in the 2.4 million litre region and increasing to 2.5 million litres in a short space of time then that would mean that Biggenden is going to boom in size and population or that the turn-ins would also dramatically increase in size.

Figures can be manipulated to read one way or the other as the author wishes. In this instance Forsyth dismissed a second local and long standing community supplier of fuels, the Dowlings, which shows lack of local knowledge and research.

This only goes to bolster our objections generally and more so that the Applicant chases profit over community benefit.

Potential risks

This type of proposal carries with it undeniable risks in terms of potential contamination. Given the zoning this would otherwise have been a non-issue. As residential developments do not normally carry this type of risk to the environment.

The local area is being serviced by other establishments that have long standing existing use rights for the purpose of fuel sales in the community. Is it of no benefit to the community to approve the proposed change of use that as far as local residents are concerned it is entirely unnecessary.

Dangerous conditions in regards to large single and double B trucks using the ISIS Highway (Caroline Street) exit east or west bound.

The proposed exit from the site onto Isis Highway calls for a very sharp turning by large trucks using the site as well as the fuel supply, or service, trucks either east along

Caroline Street or back westwards towards. However, this is highly undesirable and should not be allowed due to the very real and present danger to other road users. Whilst exiting east presents its own challenges and danger we address those concerns in this objection and propose a solution to meet some of those dangers. Generally, in line with our overall objections we do not consider that Council should allow the exit as proposed.

The place of exit from the site onto Caroline Street has existing restrictions as to the width of the road, not normal width due to storm water drainage installations.

All large trucks from the plans and diagrams exhibited to Council show that trucks exiting the site will inevitably cross the centreline of Caroline Street and impede oncoming traffic travelling west and cause a hazard to that traffic and also inevitably impede traffic travelling east.

This is not only an undesirable situation but also uncalled for.

Council, apart from imposing the restrictions as set out in the SARA Referral Response needs to ensure that the site complies especially with the SARA Response of the 2 June 2023 in that:

"It has been decided to approve the application, subject to the following conditions:

Condition 2

The road access works must be designed so that the largest vehicle using the site can exit the site eastbound without using the adjacent lane."

One difficulty with this condition is the policing of the 'largest vehicle using the site' will be almost impossible for the operator of the site to ensure that only trucks of a particular size enter the site. This would in effect mean that the operator would have to have not only a sign but a person at the turn into Frederick Street to stop and check each truck that wishes to enter the site. This includes the service trucks used to fill the fuel tanks the service station.

This type of measure would be impossible to control by the operator. And thereby there is the very likelihood that trucks which are not of the ideal size will enter against the condition and may cause damage to the surrounding streets and infrastructure and maybe even a crash with another truck or motor vehicle exiting the site with unwanted consequences. So we ask how is the owner/operator going to monitor the size and types of trucks entering the site?

However, noting that the Agency made the conditional approval on the following bases as to d & f, and not repeating the other reasons:

"Reasons for the decision

The reasons for this decision are as follows:

- a) A.....;*
- b) The;*
- c) Access;*

- d) *To ensure the safety of Isis Highway is not adversely impacted by access associated with material change of use.*
- e) *The;*
- f) *Access at the proposed location should not create an unreasonable impact on safe operation of Isis Highway, if maintained according to the conditions above and used in accordance with the road rules."*

Safety of the community becomes a very important consideration and cannot underestimated.

A close examination of the lodged DA plans of the site as to the entry and exit points and the stamped approved plans of SARA shows that trucks exiting onto Isis Highway will have to cross onto the wrong side of the road to be able to "safely" exit the site. Whilst the plans have been approved they cannot in all logic be viable in allowing a clear and dangerous breach of the Queensland road rules.

Further, the proximity of the intersection of John Street and Isis Highway to the exit point of the site adds another complexity in that any large service vehicle or B Double truck would naturally cross the median of the Highway into not only oncoming westerly traffic but also any traffic exiting from the south eastern side of John Street diagonally opposite from the site. From our later submission herewith it will be seen that this particular concern was not appropriately considered and the dangers of larger trucks will be exacerbated.

Further Vehicular access and safety concerns

We cite the SARA referral agency response dated the 13th of June 2023 (SARA Ref: 2305-34489 SRA) and in particular condition 2 subclause (b) "The road access works must be designed so that the largest vehicle using the site can exit the site eastbound without using the adjacent lane".

The Swept path analysis presented in plan # 3020-C03 by Contour Consulting Engineers PTY LTD which demonstrates the turning circles of the largest vehicle expected to visit/service the site, clearly shows the extents of this manoeuvre fully enveloping the adjacent lane on Caroline Street, in direct conflict with the Road Authority's conditions.

Judging by the extent of the turning circles and how far they infringe on the adjacent lane, we fail to see how this condition can ever be satisfied in terms of access and egress to and from the subject site in its current layout. Notwithstanding concerns of heavy vehicles encroaching on the opposite side of the highway, this is also happening in very close proximity to the intersection between Caroline Street and John street which also adds to the danger for vehicles travelling on the ISIS highway in both directions and vehicles accessing and exiting the proposed development.

If safe access cannot be established at this stage of the application process, then perhaps the layout should be amended prior to North Burnett Regional Council issuing any form of approvals. Perhaps this needs to be revisited by the road authority before moving on to detailed planning as it's a pressing issue in the concept of this proposal. Allowing the developer to move forward with this application to later deny any building

permits also does them a disservice as they would have to amend the entire layout when they are further into the planning process.

In short it would appear that the Council and the Agency have either downplayed the dangerous nature of large trucks and service vehicles exiting the site or it has been an oversight or some other reason.

It is for this reason that we note the approved plans of the Agency which appear to only concern itself with the infrastructure of the site internally do not address the larger issue of a difficult entry and a very difficult and dangerous exit.

Access and Egress Solution

To counter the issues of the exit from the site and the inevitable crossing over onto the wrong side of the road has Council considered placing a median on the centreline of Isis Highway to make the larger vehicles and cars not turn right or westward to reduce the dangers or chances of a crash?

A median strip would also discourage trucks from merely using the width of the Highway to exit and lacking care or carelessly exiting without consideration of other road users, not just cars, but bicycles etc.

Certainly, it would appear that there has not been any detailed consideration in the reports or the proposed DA or even by the Agency as to the natural difficulties of motor cars nor especially as to larger trucks in exiting or entering onto the Highway from tight or narrow points especially when also turning sharply.

We urge Council to seriously consider the ramifications that exiting westbound brings with it as well as the issues any large truck heading east would have in any event.

And Council should consider safer exit of the site eastwards and not allowing the crossing of the centreline of the Highway.

In short, the whole design and concept is inappropriate in its currently submitted form.

Motor vehicle movements

From the material submitted by the Consulting Engineers, Contour, there is a lack of empirical research and information.

We specifically point to 5.1 "Trip generation" which gives a generic figure for traffic movements through Biggenden at "52 vph". This we understand was sourced through open source data at their "Appendix E".

To use this information in the manner that it is proposed suggests that 52vph is a reliable number and taken against other centres from open sources data one can draw specific conclusion. However, Council should question the accuracy of that number and question the purposes that the number will be used which is clearly to sway Council as to the need for the site given the number of movements per hour.

The report does not breakdown the concentrations of the traffic flow data into peak days and times or during busy periods such as weekends or holiday. This means that the "generic" data as set out in the report lacks empirical research that would give

Council and the Community real live and reliable data which can then give Council and the community of Biggenden a real understanding of the traffic flows. Instead, Council has been given by the Applicant data whose make up and sources is not clear and therefore more than likely unreliable. The data itself is from other centres where there are larger traffic flows due to their busy nature and thus cannot be comparable. Someone should have undertaken a proper study to understand the flows east and west and the turn-ins to the 2 local suppliers.

Given that that the traffic flow data used by the Applicant is questionable and that the numbers are not backed by any real empirical research data Council must question the accuracy and how those numbers affect the rest of the report by Contour and thus the Application as a whole.

The numbers are again focused towards profit for the Applicant. What Council does not have are traffic flow numbers of other areas in the community such as in the retail sections of Biggenden.

If Council is considering approving the application it is submitted that a real time traffic study should be undertaken to truly understand those flows.

Summary of objections

It is submitted to Council that our submission questions the veracity of the data used by the Applicant to back its desire to build a service station and convenience store at the site at Frederick, Caroline and John Street, Biggenden.

It is submitted that whilst the Reports appear comprehensive and full of data, it is meant to impress but drilling down into the numbers and the premise behind that data it falls short. The data is not empirical and merely drawn from generic sources without focusing on the community where the proposal is sought to be set.

Considerations of community and tourist safety has not been addressed as to the dangers of the entry and egress from the site especially by very large trucks and service vehicles in a residential zone.

There is no data as to the benefits to the community of the proposal nor has it been addressed to who that the owner/operator would be concerned as to the needs of the community and their safety as well as tourists. There are some unverified numbers as to temporary non-local jobs during constructions and unspecified source of workers post construction in the operation of the site.

In fact there is a clear ignorance of the second local business supplying fuel and other requirements into the community. Perhaps those that prepared the comparisons, Forsyth and Contour, did their work via desk top and did not venture out into the field to actually understand the visual aspects and the dangers of the site if it becomes operational. A more detailed understanding of the site and the surrounding areas and roads would have given them a very different perspective and appreciation of the dangers of the site.

Finally, where is the community benefit? None. The Applicant has not highlighted anything about giving back to the community, except perhaps a few jobs, maybe. The

Applicant brings with it benefits for itself in the form of profit and a disturbance of the balance of residential life into Biggenden which would change forever if the site and its operation were approved. Will it bring more people in? No. In fact it might drive people out. Does Biggenden (Council) really wish to drive residents out because it might want to commercialise a residential site? The better and higher use would be building something that the community can be proud of and extend a benefit the current and future communities.

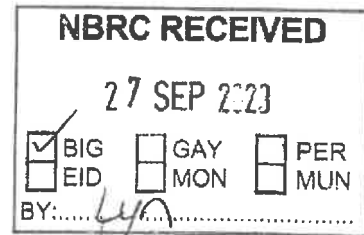
We urge the Council for the reasons we have set out in our objection to reject the service station and convenience and look a other ways to support its community.

Thank you

6 October 2023

27 September 2023

The Chief Executive Officer
North Burnett Regional Council
PO Box 390
Gayndah QLD 4621



Submission DA230024 – Service Station Biggenden

Dear Madam,

I here by submit my objections to the MCU DA230024 Service Station for Biggenden. The list below are the reasons I object to the above mentioned application:

1. **Noise:** The application report, my home has not been identified as being in the noise affected area. I refute this as my house sits above my neighbours property so their structures do not provide my home with any noise buffering/protection. I also wish to raise the point that the bulk of the noise will be generated from both of the intersections from vehicles accelerating, and this has not been identified as an issue in any of the noise reports.
2. **MCU:** As these are some of the last vacant blocks of residential land within the town and there is no publicly available documents for provision of additional residential lots for Biggenden. We have a huge housing shortage in the area, this land would be ideal for higher density living similar to DA210027 Material change of use for Retirement Facility (eighteen (18) detached dwellings plus communal indoor and outdoor facilities), or for workers accommodation for our local meat works.
3. **Dust, fume and light pollution:** I bought my home aware of the existing service station and the pollution issues I would have from it. This does not mean that I want to have another service station built even closer and infringing on my right to enjoy my home. In particular I am going to experience a substantial increase to light nuisance from vehicle movements when they exit the property [REDACTED] the lights will sweep through my home.
4. **Valuation Decrease to property values:** Having a service station this close to my property will reduce the value of my property significantly as service stations are deemed as undesirable neighbours.
5. **Pedestrian Safety:** There are currently no foot paths in the area for pedestrian traffic, and there is no mention of provisions being made in the application documents. We already see Vehicles using both side of the road verge for parking to gain access to the service station, and with the number residents that walk up and down Caroline Street if this behaviour is mirrored at new service station it increases the risk to pedestrians. I am concerned that there has been no planning in their drawings for safe pedestrian traffic or Department of Transport and Main Roads conditions.

Kind regards



3 October 2023

The Chief Executive Officer
North Burnett Regional Council
PO Box 390
Gayndah QLD 4621

Addendum to Letter re Submission DA230024 – Service Station Biggenden

Dear Madam,

I here by submit an addendum to my objections to the MCU DA230024 Service Station for Biggenden. In my first letter I mentioned my objection to the above application due to the lack of vacant residential land available within our community. I would also like to point out that once you place a service station on said land you then make said scarce residential land contaminated land and make future residential purposes problematic.

Kind regards

