



23 September 2025

Our Ref: 57290-001-01
QA: bk.mt

Assessment Manager
Burdekin Shire Council
145 Young Street
AYR QLD 4807

Attention: Development Assessment

Dear Sir/Madam,

DEVELOPMENT APPLICATION

Development Permit for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots)

260 and 276 Hoey Road, Barratta – Lots 1 and 3 on SP240053

We act on behalf of the Applicant, MHPF Burdekin Land Pty Ltd, in relation to the abovementioned application.

Please find enclosed a Development Application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) at 260 and 276 Hoey Road, Barratta, being formally described as Lots 1 and 3 on SP240053.

In accordance with Burdekin Shire Council's schedule of fees and charges 2025/2026, the development application fee is \$2,791.00. This fee includes the additional \$1,811.00 fee associated where a reconfiguration application triggers impact assessment.

The fee will be paid directly to Council by the Applicant upon receipt of Council's application reference number.

Thank you in advance and please do not hesitate in contacting the undersigned should you require further information.

Yours faithfully,


Bella King
Graduate Planner
Brazier Motti Pty Ltd

Encl. Development Application

DEVELOPMENT APPLICATION SEEKING A
DEVELOPMENT PERMIT FOR:

Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots)

on behalf of
MHPF Burdekin Land Pty Ltd

at
260 and 276 Hoey Road, Barratta

on
Lots 1 & 3 on SP240053





Brazier Motti have prepared this report for the sole purposes of MHPF Burdekin Land Pty Ltd for the specific purpose of a Development Application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) at 260 and 276 Hoey Road, Barratta.

In preparing this report we have assumed that all information and documents provided to us by others, such as the client, other consultants acting on the client's behalf or government agencies, to be complete, accurate and current.

Signed on behalf of Brazier Motti Pty Ltd

BELLA KING
Graduate Planner
Brazier Motti Pty Ltd



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Ph: 4054 0400
Final: September 2025
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Job No: 57290-001-01



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Appendix B:	Certificates of Title and SmartMap
Appendix C:	Proposal Plan 57290/001 Rev A prepared by Brazier Motti



1.0 INTRODUCTION

This town planning report has been prepared on behalf of the Applicant, MHPF Burdekin Land Pty Ltd, in support of a Development Application seeking a Development Permit for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots) on land at 260 and 276 Hoey Road, Barratta, being formally described as Lots 1 and 3 on SP240053, respectively.

The development application is made in accordance with section 51 of the *Planning Act 2016* and contains the mandatory supporting information specified in the applicable DA Form 1, included in **Appendix A**.

The subject site is located within the Burdekin Shire Council local government area (LGA) and the applicable planning scheme for use by the Assessment Manager is the *Burdekin Shire Council Planning Scheme 2022* (the Planning Scheme).

In accordance with the Planning Scheme, the application is subject to impact assessment and therefore public notification will be required.

In accordance with Schedule 10 of the *Planning Regulation 2017*, the application does not require referral to the State assessment referral agency (SARA).

To assist in Council's determination of this development application, this planning report covers the following matters:

- Section 2:- A site description including the site characteristics and its immediate surrounds.
- Section 3:- A detailed description of the development proposal.
- Section 4:- A review of the relevant legislation provisions.
- Section 5:- A review of the planning framework.
- Section 6:- An assessment of the proposal against the *Burdekin Shire Council Planning Scheme 2022*.
- Section 7:- Conclusion and recommendation.



2.0 THE SUBJECT SITE

The subject site is located at 260 and 276 Hoey Road, Barratta, being formally described as Lots 1 and 3 on SP240053, respectively, and is approximately 9 kilometres west of Ayr. Lot 1 contains an area of 95.857ha and Lot 3 contains an area of 4.344ha, amounting to a total area of 100.201ha. Both lots have frontage to Hoey Road and Sayers Road, and access is afforded from Hoey Road. *Figure 1* displays an aerial of the subject site and its immediate surrounds.

Figure 1: Aerial image of the site and immediate surrounds



Source: Queensland Globe

Both lots are of irregular shape and slope down towards an existing water reservoir and drainage easement contained in Lot 1 in the south-east portion of the subject site. This area is prone to frequent inundation during flooding events. Currently, Lot 1 contains cropping land, two (2) sheds, a dwelling house, and associated infrastructure, while Lot 3 contains cropping land, a dwelling house, and associated infrastructure. Both lots contain some sparsely vegetated areas.

The certificates of title confirming ownership of Lot 1 by the Applicant, MHPF Burdekin Land Pty Ltd, and the owner of Lot 3 as J. P. Hartwell, is included **Appendix B**. The certificates of title also confirm that the subject site is encumbered by the following easements and covenants:

- Easement A on RP708845 within Lot 10 on SP340644;
- Easement B on RP712827 within Lot 3 on RP712827;
- Easement C to E on RP712827 within Lot 4 on GS311;
- Easement A on SP240053 in gross to Burdekin Shire Council on Lot 1 on SP240053; and
- Covenant restricting dealings over Lots 1 and 2 on SP240053 and Lots A and B on AP20212.

The identified easements will not impact upon the proposed development.

A copy of the SmartMap is included in **Appendix B** which shows the site and surrounding cadastre.

The subject site is not connected to Council's reticulated water or sewer infrastructure. Overhead electricity supply is readily available to the subject site.



3.0 THE PROPOSAL

This report details a development application seeking a Development Permit for Reconfiguring a Lot for a Boundary Realignment (Two Lots into Two Lots) on the abovementioned subject site.

Specifically, the proposal seeks to rationalise the boundaries to align with the existing headlands access and features of the land within Lot 1 to improve overall land management. An extract of the Proposal Plan 57290/001 Rev A prepared by Brazier Motti is included in included in *Figure 2* below and otherwise found in **Appendix C**. Table 1 summarises the proposed reconfiguration.

Table 1: Proposed Reconfiguration

	Council's Acceptable Solution	Proposed Lot 1	Proposed Lot 3
Lot Size	30ha	85.91ha	14.34ha
Road Frontage	200m	802.88m to Hoey Rd 566.3m to Sayers Rd	404.16m to Hoey Rd 491.90m to Sayers Rd

The area of land being transferred into Lot 3 contains a drainage easement and water reservoir. As mentioned above, this area of land is subject to frequent flooding and prevents access to the southern cropping land during flood events, rendering it unsuitable for productive purposes for Lot 1. The proprietors of the land have come to an agreement to remove the area of inaccessible land from Lot 1, resulting in approximately 10ha of land (including Easement A containing 2.41ha) being transferred into Lot 3.

Hence, the proposal merely rationalises the tenure arrangement around the established land uses. The resultant lots are of adequate size to support the ongoing productivity of cropping land and ensures the character and density intended for the Rural zone remains.

Figure 2: Extract of Proposal Plan Drawing 57290/001 Rev A



Source: Brazier Motti



As a result of the reconfiguration, proposed Lot 3 will contain a dwelling house, secondary dwelling (subordinate to the main dwelling house), three (3) sheds and associated infrastructure. It is noted that the two (2) sheds being transferred will not be associated with the cropping activities within proposed Lot 1 and will instead facilitate rural activities associated with proposed Lot 3. Furthermore, both proposed lots will retain productive cropping land, with no further intended development of the land proposed.

Easement A on SP240053 will be entirely contained within proposed Lot 3. It is noted that the Covenant over Lot 1 on SP240053 and A on AP2012 will be relinquished by Lot 1 and transferred to proposed Lot 3 on SP240053.

While no further development of the land is anticipated, proposed Lot 1 maintains adequate developable area outside of flood hazard areas to site a future dwelling if required.

It is acknowledged that proposed Lot 3 contains an area inconsistent with the minimum dimensions for rural lots in the Planning Scheme, despite having been historically below the recommended lot dimensions. However, the shortfall is insignificant as the reconfiguration increases the area of proposed Lot 3, and the utility of either allotment is not negatively impacted upon. Both lots will retain adequate frontage and will not impact on the existing rural amenity and access arrangements established off Hoey Road.

The proposal is merely to realign the common boundary to rationalise the existing tenure. It is understood that no physical works to the existing arrangement are required. Operational works are not required as a result of this application.

Overall, the proposed reconfiguration benefits the overall management of the land and improves outcomes against the Planning Scheme in relation to the Reconfiguring a lot code and Rural zone code.



4.0 RELEVANT LEGISLATION

4.1 COMMONWEALTH LEGISLATION

The application is not subject to assessment against Commonwealth legislation. It is not anticipated that development of this land will trigger assessment against the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC), as it is not anticipated that the development will significantly impact upon a matter of national environmental significance.

4.2 THE PLANNING ACT 2016

The *Planning Act 2016* provides the framework for coordinating local, regional and state planning. Given the nature of the development, the application requires assessment against this legislation.

4.3 STATE ASSESSMENT AND REFERRALS

The Development Assessment Rules incorporate a referral process, established through the *Planning Regulation 2017*, enabling relevant State agencies to have input in the assessment process.

Consideration of the proposed development against Schedule 10 of the *Planning Regulation 2017* determined that the proposal does not trigger referral to the State Assessment Referral Agency (SARA) or any other referral agencies.

4.4 STATE PLANNING POLICY

In accordance with section 1.2.1 – State planning policy of the Planning Scheme, the Planning Minister is satisfied that the State Planning Policy (SPP) July 2017 is appropriately integrated into the *Burdekin Shire Council Planning Scheme 2022* in full. Hence, for the purposes of this development, we consider that assessment of the proposal against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the Planning Scheme.

4.5 NORTH QUEENSLAND REGIONAL PLAN

The subject land is located within a Priority Agricultural Area (PAA) as defined by the *North Queensland Regional Plan* (NQRP). The NQRP identifies that with increases in market demand expected to grow with global population growth, opportunities to expand agricultural production should be acted upon.

The proposal does not alter or conflict with the objectives of the NQRP nor does it introduce any incompatible non-agricultural land uses. Furthermore, the resultant lot layout supports the ongoing production of adjoining agricultural land.

The proposed layout is consistent with the assessment benchmarks, particularly noting that:

- Development does not result in, or contribute to, a net loss to overall agricultural productivity within the PAA; and
- Development does not result in widespread or irreversible impacts to the future use of a PAA for agricultural activities.

4.6 ASSESSMENT MANAGER AND PLANNING SCHEME

Burdekin Shire Council is nominated as the Assessment Manager for the application. The applicable planning scheme is the *Burdekin Shire Council Planning Scheme 2022* (Planning Scheme).



4.7 PUBLIC NOTIFICATION

Under the provisions of the *Planning Act 2016*, the proposed development at this location is subject to Public Notification. Public notification will be undertaken for a period of 15 business days.

4.8 OWNER'S CONSENT

Under the provisions of the *Planning Act 2016*, owner's written consent is included in **Appendix A** as the Applicant is not the registered owner of Lot 3 on SP240053. The Applicant is the registered owner of Lot 1 on SP240053.



5.0 THE PLANNING FRAMEWORK

The Planning Scheme seeks to achieve outcomes through the identification of a number of overall outcomes, performance outcomes and acceptable outcomes.

Land identified within the Planning Scheme is categorised by a number of zones and precincts to guide development across the region. The Planning Scheme further identifies a range of overlays that may impact the land, these are governed by overlay codes.

The Planning Scheme is a performance-based scheme that sets out assessment benchmarks that are to be considered when deciding an application.

The assessment benchmarks establish outcomes expected for a type of development, though there is a principal that each application is to be considered on its merits.

Section 45 (5) (b) of the *Planning Act 2016* identifies that, together with consideration of assessment benchmarks, assessment may also be carried out against, or having regard to, *any other relevant matter*.

These are matters that are particular to the specifics of the application and they would be identified in the formal Decision Notice to explain why the approval was given, and to be able to be used to differentiate the proposal from others to avoid establishing an open precedent.

5.1 LAND DESIGNATION

In accordance with the Planning Scheme, the site is included within the Rural Zone and is identified as affected by the following overlays:

- Acid Sulfate Soils Overlay Map (5 – 20m contour);
- Agricultural Overlay Map (Priority Agricultural Area, Land Classification Classes A and B);
- Environmental Significance Overlay Map (Regulated Vegetation – Intersecting a Water Course); and
- Flood River Hazard Overlay Map (Burdekin River - Low to Extreme Hazard).

As stated in Section 3.3.2 (4) where development is proposed on premises partly affected by an overlay, the category of development or assessment for the overlay only relates to the part of the premises affected by the overlay. For the purposes of this development application, assessment is only required against the Flood hazard overlay code.

5.2 LEVEL OF ASSESSMENT, ASSESSMENT BENCHMARKS AND APPLICABLE CODES

Table 3.5.1 of the Planning Scheme identifies reconfiguring a lot as assessable development and is impact assessable for the purposes of this development application.

The assessment table identifies that an application requires assessment against the Planning Scheme, hence the Strategic Framework and the following codes:

- Rural Zone Code;
- Development Works Code;
- Reconfiguring a Lot Code; and
- Flood Hazard Overlay Code.



6.0 BURDEKIN SHIRE COUNCIL PLANNING SCHEME 2022

A complete assessment of the proposed development against the Planning Scheme is discussed below.

6.1 STRATEGIC FRAMEWORK

The strategic framework, described in Part 2 of the Planning Scheme provides sensible measures that are of assistance in determining the suitability of development to meet the needs of the community.

It establishes four themes that represent the policy intent of the Scheme. The themes are:

- (a) *Liveable communities and infrastructure*
- (b) *Economic growth*
- (c) *Safe and resilient communities*
- (d) *Natural resources, the environment and heritage*

The themes, on balance, seek to create opportunities for a diversity of lifestyle options in settings that are efficiently and affordably serviced, and that are respectful of environmental values.

The Framework establishes objectives to support the Shire's economy and community given its strong agricultural base, quality land and abundant water resources. It also recognises that large parts of the Burdekin are subject to some form of natural hazard and seeks to ensure new development is managed to reduce risk to life and property.

The proposed development does not require any changes to existing infrastructure arrangements, therefore ensuring the safe, efficient and cost-effective provision and operation of existing infrastructure networks (S 2.3.5 (1)). The proposed development is also of a scale commensurate with the capacity of the road network and does not require any changes to existing access arrangements to ensure ongoing safety and efficiency of the network, including users of Hoey Road and Sayers Road (S 2.3.5 (4)).

The purpose of the reconfiguration is to rationalise the tenure arrangements of two existing rural land uses. No new lots are being created, and outcomes of proposed Lot 3 against the minimum size nominated in the Rural zone code is improved. The proposed boundary realignment improves the overall management of the land without removing any land from agricultural production (S 2.4.1. (3)). It does not encourage non-rural or intensive rural activities (S 2.4.1 (4)).

The proposed development is for a boundary realignment only and does not entail any future building work or comprise any earthworks on site that would worsen the severity of, or exposure to, the hazard on-site or to other properties (S 2.5.1 (4)). The subject is identified in a flood hazard area, however the resultant layout mitigates the risk to an acceptable level as it does not create any additional allotments within the hazard area. The boundary realignment does not have the ability to impact on existing structures and their accesses which remain located outside the extreme hazard area. Proposed Lot 1 also maintains adequate developable land outside of flood hazard areas.

Furthermore, no changes to the permeable nature of the site are proposed as part of this application to ensure flood flow conveyance paths and flood storage volumes of the floodplain and drainage easement are maintained. (S 2.5.2 (1 and 5)).

The proposal further satisfies the lower order components of the Planning Scheme, i.e. zone codes, development codes, overlay codes and planning scheme policies. The assessment below



demonstrates how the proposal satisfies the most applicable lower order components of the Planning Scheme.

The following planning grounds have been identified to support the application, despite the minor conflict with the Scheme:-

- Proposed Lots 1 and 3, being 85.91ha and 14.34ha, respectively, are sufficient to continue to accommodate the existing rural activities on-site;
- The proposed development does not create any new allotments;
- The resultant layout will not impact on the road network and retains access to maintained roads;
- The capacity of productive rural land will not be impacted upon;
- There will be no net decrease of cropping land as no improvements are proposed;
- The proposed reconfiguration will adequately accommodate the existing rural activities; and
- The proposal does not increase the exposure of risk to people and property to natural hazards (flood) as the dwelling houses are existing and no new built form or earthworks are required to facilitate this change in tenure.

6.2 ZONE CODE PROVISIONS

6.2.1 Rural Zone Code

The proposed development is nominated for assessment against the Rural zone code.

The purpose of the Rural zone is to—

- provide for rural uses and activities; and*
- provide for other uses and activities that are compatible with:*
 - existing and future rural uses and activities; and*
 - the character and environmental features of the zone; and*
- maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.*

The purpose of the zone will be achieved through the following overall outcomes—

- rural land will be used sustainably to ensure the viability of the primary production base;*
- other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, residential and accommodation uses in the rural zone include:*
 - dwelling houses generally limited to a single dwelling house on a lot;*
 - caretaker's accommodation, small scale rural workers' accommodation and non-resident workforce accommodation where they directly support primary production activities in the locality; and*
 - small scale tourist accommodation in the form of bed and breakfasts, farm stay, cabins and camping;*
- in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, development is limited to a dwelling house on an existing lot;*
- land in the rural zone is not used or subdivided for urban residential or rural residential purposes;*
- other than as provided for under (f), reconfiguration does not result in the creation of:*
 - any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts; or*
 - lots less than 30ha in priority agricultural areas or agricultural land classification class A and B areas shown on overlay map OM2; or*
 - lots less than 100ha elsewhere;*
- reconfiguration to create a smaller lot than the minimum set out in (e)(ii) and (iii) may occur where:*



- (i) consolidating the balance of the farmed lot, which is a minimum of 30ha and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or*
 - (ii) rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots;*
- (g) agricultural land classification class A and B and priority agricultural areas shown on overlay map OM2 are protected from encroachment of uses that may impact on the opportunity to enable increased agricultural production;*
- (h) other than for public infrastructure, non-agricultural development within priority agricultural areas does not result in a net loss in agricultural production;*
- (i) intensive animal industries and aquaculture occur in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) where they are sufficiently separated from existing sensitive land uses to ensure significant impacts are avoided;*
- (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;*
- (k) other than within the KRA shown on overlay map OM6, any expansion of an existing extractive industry is limited to development that will not increase impacts to the priority agricultural area or nearby sensitive land uses, the visual amenity of the locality or matters of environmental significance;*
- (l) development for small scale tourism and recreational activities, such as nature-based tourism, outdoor sport and recreation, environment facilities or similar cultural attractions occur where they have a limited building footprint and do not involve significant modification of the natural landform;*
- (m) home based businesses occur at a scale consistent with the amenity and character of the surrounding area;*
- (n) development does not prejudice or detract from existing and intended rural activities in the surrounding area, or on the functionality of the stock route network shown on overlay map OM2;*
- (o) development does not significantly impact on:*
 - (i) water and soil quality;*
 - (ii) the amenity of nearby sensitive land uses;*
 - (iii) the landscape and natural values of the locality; and*
 - (iv) the capacity of the road network on which it relies;*
- (p) development minimises impacts on the natural environment and maintains habitat areas and corridors;*
- (q) development is sited, designed and managed to avoid or reduce any risk of landslide to an acceptable or tolerable level;*
- (r) sensitive land uses and other forms of inappropriate development do not occur in proximity to former mining activities and related hazards (e.g. abandoned mines, tunnels and shafts), which may cause risk to people and property.*



Response

The proposed development is consistent with the purpose and overall outcomes of the Rural zone code, specifically noting that there will be no changes to the existing rural uses established on both lots. The current extent of the cropping land will remain unchanged.

The following performance outcomes are considered relevant and have been addressed:

PO1 – The location of the new boundary follows the existing headlands and is considerate of the existing structures within proposed Lot 3, ensuring that the amenity of adjoining land and the rural character of the locality are maintained. No new structures are proposed in this application. There will also be no change to the existing separation distances established between the rural activities on either lot and the dwellings within proposed Lot 3.

PO3 – The proposed development is already provided with a level of infrastructure that allows for the efficient functioning of the established land uses, with the ability to accommodate for on-site sewer and water within proposed Lot 1 when required. No changes to these arrangements are necessary as a result of the boundary realignment. Both result lots maintain access to a constructed road (Hoey Road).

PO16 – The proposed development is for a boundary realignment only and does not comprise non-agricultural development that would otherwise result in a net loss to agricultural production. The proposed layout is considerate of the existing crop and no clearing will be required as a result of the reconfiguration.

PO18 – The boundary realignment promotes the ongoing operation of the existing farming activities and does not impact upon productivity.

PO19 – The boundary realignment does not have the ability to impact upon the existing dwellings contained within proposed Lot 3. The existing secondary dwelling within proposed Lot 3 is separated from cropping activities by an adequate distance of approximately 15m.

PO23 – The proposed development is for the realignment of existing boundaries only; it does not create any additional lots. Furthermore, existing Lot 3 has historically contained below 30ha of land, and the boundary realignment increases the dimension of proposed Lot 3.

PO24 – The reconfiguration results in a lot below the minimum size requirement. However, the reconfiguration is rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land use values without increasing the number of lots. The boundary realignment rationalises the tenure of the land for effective management.

PO39 – No improvements are proposed as part of this development application. It is not anticipated the reconfiguration will negatively impact on the visual amenity and landscape character of the locality.

PO40 – No vegetation clearing or earthworks are required to fulfil the proposed boundary realignment.

PO41 – The proposed layout is sympathetic of the natural environment and maintains habitat areas and corridors.

PO42 – No additional landscaping is proposed as part of this development application.



PO44 – The proposed development is for the reconfiguration of land only. No changes to the existing land uses are proposed as part of this application.

PO45 – The change in tenure arrangements is reflective of the existing land uses and does not result in any alterations to the operations that would impact on public health and safety.

Given the above, the proposed development is considered consistent with the purpose, overall outcomes and performance outcomes of the Rural zone code.

6.3 DEVELOPMENT CODES

6.3.1 Development Works Code

The proposal is nominated for assessment against the Development works code.

The purpose of this code is to *ensure that development provides services to a standard which is efficient, effective and reflects community expectations, enhances the lifestyle of the community, and minimises impacts on neighbours, the streetscape and the environment.*

Response

The subject site is not connected to Council's reticulated infrastructure network, however proposed Lot 3 contains existing on-site water and wastewater services, and proposed Lot 1 has adequate land to accommodate these services at the time required. An existing overhead electricity supply is readily available to the site.

The proposed development is for the reconfiguration of land only and will not result in any change to the permeable nature of the site or the existing drainage easement which would otherwise impact on stormwater management. The character and amenity, environmental values and flooding and drainage of the site and surrounding locality will not be impacted upon as a result of the proposed development.

No additional landscaping is proposed as part of this development application. The amenity and environmental values of the site or adjoining land will not be impacted upon.

No additional carparking nor any physical changes to the access arrangements will be required as a result of the proposed reconfiguration. Access to both lots will remain unchanged and continue to be afforded directly off Hoey Road via the existing accesses.

Given the above, the proposed development is consistent with the purpose and overall outcomes of the Development works code.

6.3.2 Reconfiguring a Lot Code

The proposal is nominated for assessment against the Reconfiguring a lot code.

The purpose of the Reconfiguring a lot code is to *facilitate the development of attractive, accessible, safe and functional neighbourhoods, centres and industrial areas, and to protect Burdekin's natural resources and environmental and landscape values.*

Response

The proposal is consistent with the purpose and overall outcomes of the Reconfiguring a lot code, however will result in one lot inconsistent with the minimum requirements for the Rural zone (proposed Lot 3). Despite this, existing Lot 3 has historically contained less than 30ha, and the



development aligns with the performance outcomes of the code, as the design of the resultant lots are:

- a) of a size and dimension which complement the intended character of the zone in which the land is located;
- b) are capable of accommodating the land uses that exist on-site; and
- c) are sized and located to enable the ongoing function and operation of the existing land uses, including any ancillary structures.

The development aligns with the performance outcomes of the code as the configuration of the resultant lots are suitable for their intended use and are responsive to land constraints, demonstrating improvement in land management particularly for proposed Lot 1. The proposed layout protects the balance of cropping land that is unaffected by natural hazards and does not create fragmentation of rural land. The reconfiguration continues to provide lawful access to both lots and will not affect the ecological and physical functions of the site.

Given the above, the proposed development is consistent with the purpose and overall outcomes of the Reconfiguring a lot code. A detailed assessment against the code is not warranted in this instance.

6.4 OVERLAY CODES

6.4.1 Flood Hazard Overlay Code

The proposal is nominated for assessment against the Flood hazard overlay code.

The purpose of the code will be achieved through the following overall outcomes:

- (a) in an urban zone or rural residential zone, reconfiguration of land does not result in additional lots on land subject to high or extreme flood hazard;*
- (b) elsewhere, reconfiguration is designed to ensure each lot is provided with:*
 - (i) a building envelope to accommodate a dwelling house with floor levels above the defined flood level; and*
 - (ii) vehicular access from a public road to the building envelope that is free of high or extreme flood hazard;*
- (c) in the rural, low density residential, township or emerging community zones, new dual occupancies or more intensive residential uses, or worker or tourist accommodation uses are not established on land subject to medium, high or extreme flood hazard, and any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site;*
- (d) unless necessary to meet a significant community need:*
 - (i) new critical or vulnerable uses are not established in a flood hazard area; and*
 - (ii) any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site;*
- (e) development in a flood hazard area otherwise occurs in the way intended in the relevant zone;*
- (f) development in a flood hazard area is designed to ensure the safety of people, reduce vulnerability to the hazard and, for critical uses, minimise disruption to services;*
- (g) development involving the bulk storage or manufacture of hazardous materials does not increase the risk to public safety or the environment in a flood hazard event;*
- (h) development does not worsen the severity of, or exposure to, the hazard on other properties;*
- (i) flood flow conveyance paths and flood storage volumes of the floodplain are maintained;*
- (j) the cost to the public of measures to mitigate flood risks is minimised;*
- (k) development supports effective and efficient disaster management capacity and capabilities.*

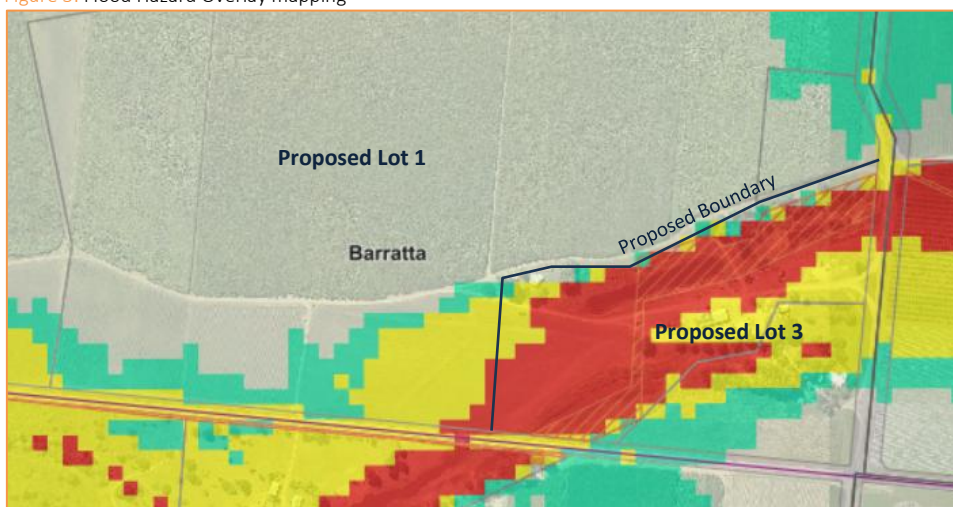


Response

Both existing lots contain areas of low to extreme hazard flood area (Burdekin River) with medium to extreme hazard areas primarily through the southern portion of the subject site. The proposed boundary realignment seeks to separate the drainage easement and extreme flood prone areas from the cropping land within existing Lot 1, as generally indicated in *Figure 3* below.

The proposed reconfiguration does not create additional lots on land subject to high or extreme flood hazard, does not impact the safety of people to flood hazard, and is responsive to the natural features of the site (existing drainage easement). Each resultant lot maintains appropriate frontage to Hoey Road for safe evacuation, response and recovery during a flood event.

Figure 3: Flood Hazard Overlay mapping



Source: Burdekin Shire Council

No further development of the site is proposed in this application; however proposed Lot 1 contains adequate areas outside of flood hazard areas to site future development if required. No earthworks, filling, or excavation is proposed; therefore, the boundary realignment will not change the inundation characteristics within or outside the subject site in ways that would:

- (a) result in loss of flood storage or loss of, or changes to, flow paths;
- (b) adversely change the depth or behaviour of the hazard; or
- (c) reduce warning times; or
- (d) increase the duration of the hazard.

Given the above, the proposed development is consistent with the purpose and overall outcomes of the Flood hazard overlay code. A detailed assessment against the code is not warranted in this instance.



7.0 CONCLUSION

This proposal details a development application to Burdekin Shire Council seeking a Development Permit for a Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots), on land located at 260 and 276 Hoey Road, Barratta.

The proposal aligns with the provisions prescribed by the Planning Scheme and the objectives of the NQRP given the changed boundary ensures that rural land will be maintained for agricultural activities to continue to support the economy.

In particular, the reconfiguration for land below the minimum lot size can be supported in this circumstance given:

- The proposed reconfiguration does not create any additional lots below the minimum lot size for land in the rural zone, it only increases the size of a lot that already existed below the minimum lot size;
- The resultant layout will not impact on the road network and retains access to the road network;
- There will be no net decrease of cropping land as no improvements are proposed;
- The proposed reconfiguration adequately accommodates separation distances to the dwelling house situated on proposed Lot 3; and
- The proposal does not increase the exposure of risk to people and property to natural hazards.

Given the above facts and circumstances, the proposal can be favourably considered, and we recommend that Council **approve** the development subject to reasonable and relevant conditions.

APPENDIX A

Development Application Form 1

Landowner's Consent

brazier motti



DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) 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)	MHPF BURDEKIN LAND PTY LTD
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	c/- Brazier Motti Pty Ltd PO Box 1185
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Contact number	(07) 4054 0400
Email address (non-mandatory)	Cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	57290-001-01
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

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).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		260	Hoey Road	Barratta
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4809	1	SP240053	Burdekin Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		276	Hoey Road	Barratta
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4809	3	SP240053	Burdekin Shire Council

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)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> 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

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable)	

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

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):

Reconfiguring a Lot – Boundary Realignment (2 lots into 2 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

6.2) 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

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

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 ²) (if applicable)

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

- ☐ Yes
- ☐ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

- ☐ Yes – provide details below or include details in a schedule to this development application
- ☐ No

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

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?

Two (2)

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

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input checked="" type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> 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?

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		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
Lot 1 on SP240053	958,570	Proposed Lot 1	859,100
Lot 3 on SP240053	43,440	Proposed Lot 3	143,400

12.2) What is the reason for the boundary realignment?

To improve land management

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?**

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> 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

Burdekin Shire 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

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



Queensland
Government

- ☐ 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

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 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 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

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	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> 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. An ERA requires an environmental authority to operate. See 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 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

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 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.desi.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 Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.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 planning.statedevelopment.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 for further information.

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 Resources at www.resources.qld.gov.au and 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, Science and Innovation at www.desi.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.resources.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.desi.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.desi.qld.gov.au for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

23.14) 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

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

23.15) 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.statedevelopment.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



**Queensland
Government**

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*.

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	

Individual owner's consent for making a development application under the *Planning Act 2016*

I,

Justin P. Hartwell

as owner of the premises identified as follows:

276 Hoey Road, BARRATTA QLD 4809 – Lot 3 on SP240053

consent to the making of a development application under the *Planning Act 2016* by:

MHPF Burdekin Land Pty Ltd
c/- Brazier Mott Pty Ltd

on the premises described above for:

Development Application for Reconfiguring a Lot – Boundary Realignment (2 Lots into 2 Lots)

J. P. Hartwell

11-9-25

[signature of owner and
date signed]

APPENDIX B

Current Title Search

Smart Map

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Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50835777	Search Date:	08/09/2025 10:44
Date Title Created:	11/01/2011	Request No:	53271558
Previous Title:	21549089		

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 240053

Local Government: BURDEKIN

REGISTERED OWNER

Dealing No: 722553333 20/06/2023

MHPF BURDEKIN LAND PTY LTD A.C.N. 150 049 700

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20111083 (POR 481)
2. EASEMENT No 601479537 (N177397) 07/05/1935
BENEFITING THE LAND
OVER EASEMENT A ON RP708845
3. EASEMENT No 601479538 (N315748) 09/02/1951
BENEFITING THE LAND
OVER EASEMENT B TO E ON RP712827
4. EASEMENT IN GROSS No 713622299 13/12/2010 at 12:58
burdening the land
BURDEKIN SHIRE COUNCIL
over
EASEMENT A ON SP240053
5. COVENANT No 715329777 24/09/2013 at 14:17
restricts dealings over
LOTS 1 & 2 ON SP240053 AND LOTS A & B ON AP20212
6. MORTGAGE No 722619503 18/07/2023 at 09:28
CBA CORPORATE SERVICES (NSW) PTY LIMITED A.C.N. 072 765 434

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50835779	Search Date:	08/09/2025 10:45
Date Title Created:	11/01/2011	Request No:	53271578
Previous Title:	21549089		

ESTATE AND LAND

Estate in Fee Simple

LOT 3 SURVEY PLAN 240053

Local Government: BURDEKIN

REGISTERED OWNER

Dealing No: 721986794 20/09/2022

JUSTIN PETER HARTWELL

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20111083 (POR 481)
2. EASEMENT No 601479537 (N177397) 07/05/1935
BENEFITING THE LAND
OVER EASEMENT A ON RP708845
3. EASEMENT No 601479538 (N315748) 09/02/1951
BENEFITING THE LAND
OVER EASEMENT B TO E ON RP712827
4. MORTGAGE No 722304255 22/02/2023 at 12:03
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

ADMINISTRATIVE ADVICES

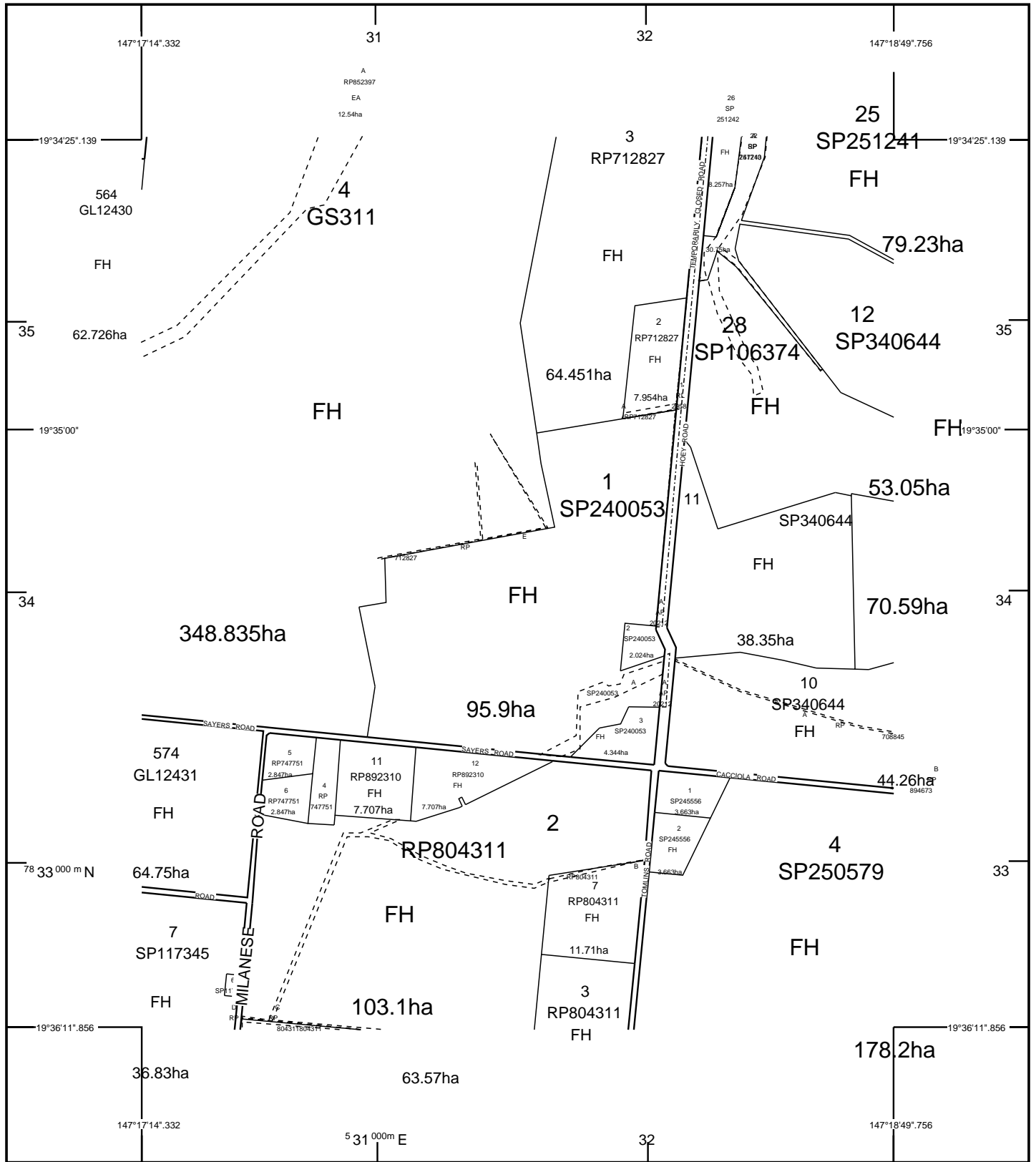
NIL

UNREGISTERED DEALINGS

NIL

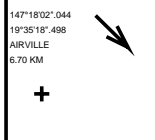
Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



STANDARD MAP NUMBER
8358-14312

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	1/SP240053
Area/Volume	95.9ha
Tenure	FREEHOLD
Local Government	BURDEKIN SHIRE
Locality	BARRATTA
Segment/Parcel	38502/78

CLIENT SERVICE STANDARDS

PRINTED 23/09/2025

DCDB 22/09/2025 (Lots with an area less than 3000m² are not shown)

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

SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**

(c) The State of Queensland,
(Department of Resources) 2025.



APPENDIX C

Proposed Reconfiguration Plan 57290/001 Rev A prepared by Brazier Motti

brazier motti





**PROPOSED
RECONFIGURATION**

Lots 1 & 3
Cancelling Lots 1 & 3 on SP240053

Locality of Barratta
Burdekin Shire Council

Date: 2/09/2025	
Scale: 1:5000	A3
Drawn: WCHO	
Job No: 57290/001-01	
Plan No:	57290/001 A

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECTMANAGEMENT
MAPPING&GIS



braziermotti

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

PROPOSED
RECONFIGURATION

Lots 1 & 3
Cancelling Lots 1 & 3 on SP240053

Locality of Barratta
Burdekin Shire Council

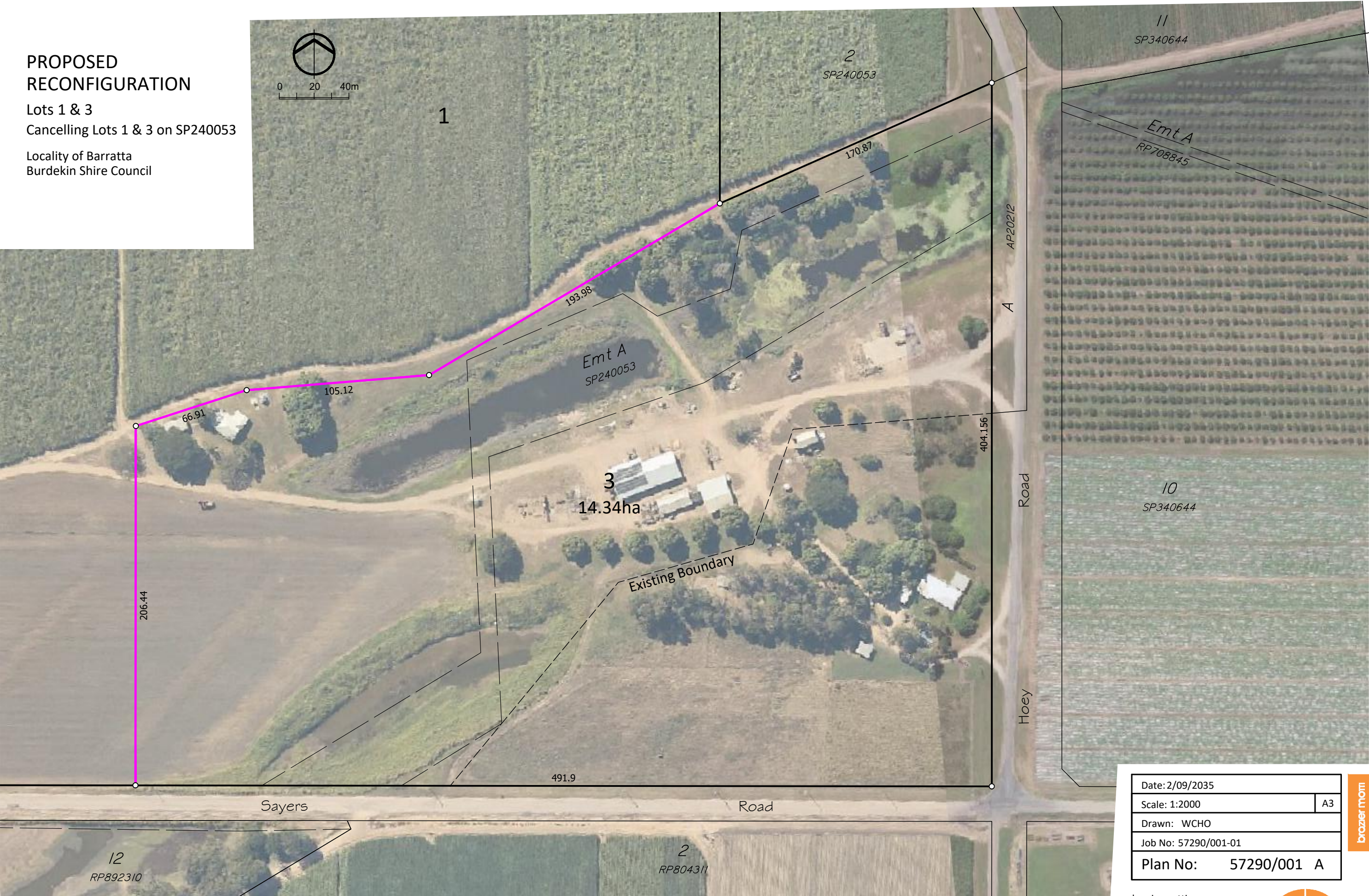


DIAGRAM A

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

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SURVEYING
TOWNPLANNING
PROJECTMANAGEMENT
MAPPING&GIS



brazier motti

**Company owner's consent to the making of a development application
under the *Planning Act 2016***

I, Edward Joseph Dunn

Director of the company mentioned below.

and I, Karen Elizabeth Garnsey

Director of the company mentioned below.

Of

MHPF Burdekin Land Pty Ltd

the company being the owner of the premises identified as follows:

260 Hoey Road, BARRATTA QLD 4809 – Lot 1 on SP240053

consent to the making of a development application under the *Planning Act 2016* by:

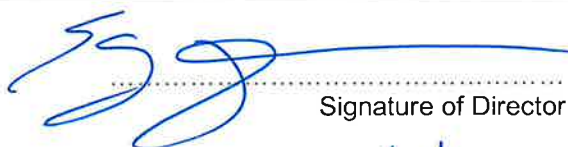
MHPF Burdekin Land Pty Ltd

c/- Brazier Motti Pty Ltd

on the premises described above for:

Development Application for Reconfiguring a Lot – Boundary Realignment (2 Lots into 2 Lots)

Company Name and ACN: MHPF Burdekin Land Pty Ltd ACN: 150 049 700



Signature of Director

30/9/25

Date



Signature of Director/Secretary

30/9/25

Date