



20 October 2025

Our ref: 57290-001-01
Your ref: RAL25/0016
QA: bk.es

Assessment Manager
Burdekin Shire Council
145 Young Street
AYR QLD 4807

Attention: Planning & Development

Dear Sir/Madam,

Response to Information Request – RAL25/0016
Development Permit for Reconfiguring a Lot – Boundary Realignment (Two Lots into Two Lots)
260 and 276 Hoey Road, Barratta – Lots 1 & 3 on SP240053

Brazier Motti act on behalf of the applicant MHPF Burdekin Land Pty Ltd, with respect to the abovementioned development application and refer to the Information Request issued by the Burdekin Shire Council on 2 October 2025.

The information request seeks a high-order justification to validate how the proposed boundary realignment (the development) demonstrates an improvement in the management of the land and protection of agricultural land, and to further expand on the material that has been presented within the application.

The information herein with the following attachments represent the applicant's full response to the RFI:

Attachment A	Copy of the Information Request (Council Ref: RAL25/0016)
Attachment B	Site Photographs – Extent of inundation

The purpose of the development is to remove the low-lying, flood impacted portion of land from Lot 1 on SP240053 to improve overall land management and maximise agricultural productivity. The development is merely for the realignment of the common boundary between Lots 1 and 3 on SP240053 and does not create any new lots within the Rural Zone. Furthermore, this boundary position has been chosen to create more regular shaped lots and improves outcomes against the Reconfiguring a Lot code.

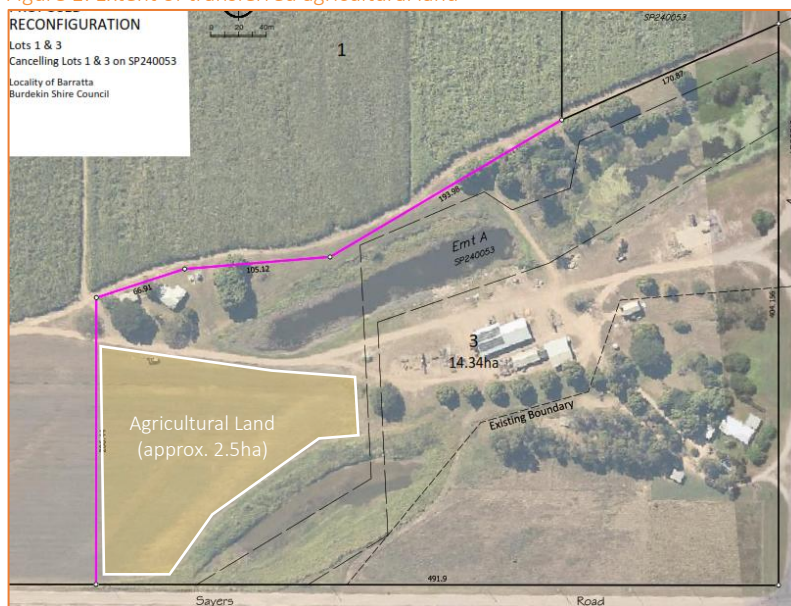
The following demonstrates how the development aligns with the Strategic Framework, the purpose and overall outcomes of the Rural Zone code, Reconfiguring a Lot code, and the intent of the North Queensland Regional Plan (NQRP) to protect Priority Agricultural Areas (PAAs) from fragmentation and non-agricultural encroachment.

Improved Management of the Land

The land being transferred from Lot 1 contains approximately 2.5ha of agricultural land (refer to *Figure 1* overleaf) which is subject to persistent inundation throughout 6 months of the year, rendering it unsuitable for cropping purposes. The continual inundation, as demonstrated in site photos included in **Attachment B**, inhibits productivity within this area and significantly restricts access to the existing shed within Lot 1.



Figure 1: Extent of transferred agricultural land



Source: Brazier Motti

The proprietors of the land have come to agreement to rationalise the common boundary in an effort to maximise productivity within the priority agricultural area (PAA). The productivity of the identified area cannot be realised through cropping; however, it can be more appropriately utilised for rotational grazing activities (animal husbandry) during dry periods. Therefore, the development will not adversely impact the existing level of productivity from the land but instead facilitates an alternate continued and improved use (S 4.2.9.2.2.f.ii, Planning Scheme).

Increasing the area of Lot 3 will support an extension to the existing grazing activities carried out on site while also improving lot size and dimensions for land in the Rural Zone (S 6.2.2.2.g, Planning Scheme). Therefore, the development will improve productive efficiencies without increasing the number of lots (S 2.4.1.3, Planning Scheme).

Given the above, it can be said that development improves the current level of agricultural productivity by rationalising land management to align with its most compatible land use. It can also be demonstrated that the development results in a substantial improvement in the management of the land without increasing the number of lots and supports the outcomes identified in the Strategic Framework, Rural Zone code, and Reconfiguring a Lot code (S 2.4.1.3, S 4.2.9.2.2.f.ii, S 6.2.2.2.2.g, Planning Scheme).

Protection of Agricultural Land

The Strategic Framework recognises that Burdekin's rural economy is underpinned by sugar cane production and includes an increasing mix of horticultural crops, animal husbandry and activities associated with rural production (S 2.4.1.1, Planning Scheme). Employing this 2.5ha of agricultural land for grazing activities will contribute to the rural economy and protect land from encroachment of uses that may impact on the opportunity to enable increased agricultural production (S 2.4.1.2.g, Planning Scheme). The development will not result in adverse loss to agricultural land as it will provide for alternate rural activities as intended for the Rural Zone (S 4.2.9.2.1.a, Planning Scheme).



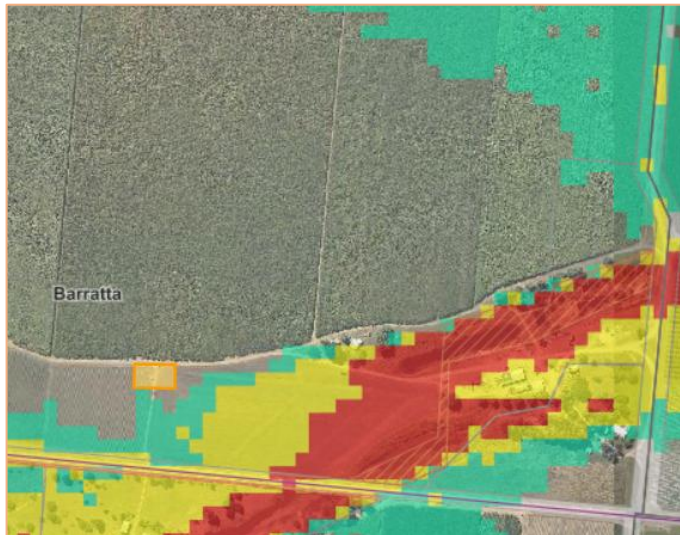
The development maintains the capacity of land for rural uses and activities by directly responding to environmental constraints to optimise agricultural productivity (S 4.2.9.2.1.c, Planning Scheme). Resultant Lots 1 and 3 are of adequate size to support the ongoing productivity of rural activities associated with each lot while ensuring the character and density intended for the Rural Zone remains (S 6.2.2.2.d, S 6.2.2.2.g, Planning Scheme).

There will be no reduction in the raw product supplied to, for example, a mill or processing facility in the region as the constrained land cannot be used for cropping, therefore not impacting the net productivity of sugar cane within Lot 1. Employing this agricultural land for rotational grazing purposes will ultimately increase productivity of the currently underutilised 2.5ha of agricultural land. Furthermore, the development will not constrain, restrict or prevent the ongoing conduct of priority agricultural land uses (PALUs) or other agricultural land uses within future Lots 1 and 3 or adjacent properties.

The new boundary follows the natural line of crop and extends south to create a clean shaped lot, avoiding fragmentation by creating hard to access areas. A smaller, more tightly drawn boundary would not fulfil the purpose of this reconfiguration, which is to remove low-lying inundation prone areas from Lot 1 and to maximise the productivity of the land.

An indicative building envelope (refer to *Figure 2*) has been drawn to demonstrate that any potential introduction of a dwelling house or shed on future Lot 1 would not result in an adverse net loss to overall agricultural productivity within the PAA. It is noted that this building envelope is for information purposes only and is not intended for approval as part of this development application. No building work or change to land use is proposed.

Figure 2: Indicative building envelope (information purposes only)



Source: Burdekin Shire Council

The indicative building envelope is outside of extreme hazard areas, is centrally accessible from established farm tracks, and maintains access to a gazetted road that is not subject to extreme hazard. The extent of any cleared crop would be minimised to avoid unnecessary loss of agricultural land as the envelope adjoins an existing track. Furthermore, this area is connected to existing infrastructure and would be more accessible during inundation events compared to the existing shed within Lot 1.



In the event that any future landowner of Lot 1 requires new shed infrastructure, it is not anticipated that it would result in an adverse net loss as it would instead assist in the ongoing production of the farm and improve the management of the land (S 4.2.9.2.2.h, Planning Scheme).

Given the above, the development will not result in, or contribute to, a net loss to overall agricultural productivity within the PAA, nor will it result in widespread or irreversible impacts to the future use of a PAA for agricultural activities (Table 5, NQRP).

Summary

We submit that:

- a) The development does not create any additional lots in the Rural Zone and substantially improves the overall management of the existing land.
- b) Future Lot 1 maintains its productive capacity while optimising productivity within future Lot 3.
- c) Future Lots 1 and 3 remain of a size to support a rural activity or any other land use prescribed in table 3.4.9 of the Scheme.
- d) Reconfiguration of the site will not result in further fragmentation of rural land as no new lots are being created, consistent with the Rural Zone code and Reconfiguring a Lot code.
- e) The proposed layout is consistent with the pattern of development in the immediate locality.
- f) The development is capable of accommodating required services without burden and it offers an improved function of the site.
- g) The development aligns with the regional outcome and the regional policies for PAAs of the NQRP, as it does not alter or conflict with the objectives of the NQRP nor does it introduce any incompatible non-agricultural land uses.

It is considered the proposed development is consistent with the outcomes sought for the Burdekin Shire over the next 10-20 years. To the extent there is said to be conflict, that conflict is minor and relevant matters exist that warrant approval and distinguish the development from other areas across the region, avoiding precedent.



Given the above, we will now proceed with Public Notification as required by Part 4 of the Development Assessment Rules.

We welcome the opportunity to work through any queries Council may have in the meantime on 07 4054 0400.

Yours faithfully,

Bella King
Graduate Planner
Brazier Mott Pty Ltd

ATTACHMENT A

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Information Request

Planning Act 2016



Address all communications to
The Chief Executive Officer

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

Enquiries to: Planning Department
Our Reference: RAL25/0016
Your Reference: 57290-001-01

2 October 2025

MHPF Burdekin Land Pty Ltd
c/- Brazier Motti Pty Ltd
PO Box 1185
Cairns QLD 4870
Via email: Cns.planning@braziermotti.com.au

Attention: Bella King, Graduate Town Planner

Dear Bella,

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

Application Details

Application No: RAL25/0016

Proposal: Reconfiguring a Lot (Boundary Realignment (2 Lots into 2 Lots))

Street Address: 260 and 276 Hoey Road, Barratta

Real Property Description: Lot 1 on SP240053 and Lot 3 on SP240053

Planning Scheme: *Burdekin Shire Council Planning Scheme 2022*

Information Required

1. Justification for conflict with the 2022 North Queensland Regional Plan and 2022 Burdekin Shire Council Planning Scheme: Strategic Framework and Rural Zone Code

The proposed development involves the creation of an undersized rural lot (proposed Lot 3) within a Priority Agricultural Area identified under the 2022 North Queensland Regional Plan (NQRP) and Councils Planning Scheme. The proposed realignment extends well beyond the existing dwelling and associated improvements, incorporating additional cropping land without clear justification.

Council is concerned about the cumulative impacts that flow from this proposed realignment, including:

- The removal of additional cropping land from production as a result of the enlarged Lot 3 boundary;
- The transfer of existing sheds to Lot 3, which will likely necessitate the establishment of new farm infrastructure on the balance rural parcel; and

- The creation of accepted development rights for a dwelling house on the balance parcel, where the most suitable location for a future dwelling is within the cropped area, leading to further fragmentation.

Taken together, these factors represent a progressive and incremental loss of productive rural land, inconsistent with the Strategic Framework, the Purpose and Overall Outcomes of the Rural Zone Code, and the intent of the NQRP to protect Priority Agricultural Areas from fragmentation and non-agricultural encroachment.

The application does not currently provide sufficient planning grounds to demonstrate how the proposal:

- Aligns with the Strategic Framework, in particular the intent to protect productive rural land and avoid incremental fragmentation;
- Satisfies the Purpose and Overall Outcomes of the Rural Zone Code and Reconfiguring a Lot Code, which seek to maintain the agricultural production base and only support smaller lots where a substantial improvement in land management can be demonstrated; and
- Is consistent with the North Queensland Regional Plan (NQRP) policies for Priority Agricultural Areas, particularly in relation to cumulative loss of agricultural productivity.

Council requests a detailed planning justification addressing these matters, with reference to specific provisions of the Planning Scheme and Regional Plan. The justification should explain why the boundary of proposed Lot 3 extends significantly beyond the existing dwelling and associated infrastructure, and why a smaller, more tightly drawn boundary would not be more appropriate.

Alternatively, Council suggests the applicant consider amending the proposal to:

- Redraw proposed Lot 3 more tightly around the existing primary dwelling and its immediate curtilage; and
- Retain the secondary dwelling and associated infrastructure within the balance rural parcel (Lot 1).

Such an arrangement may better demonstrate compliance with the Rural Zone Code, Strategic Framework and NQRP by maintaining the agricultural production base and avoiding incremental fragmentation, while still reflecting the existing development pattern on the site.

End of Information Request

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

- (a) all of the information requested; **or**
- (b) part of the information requested; **or**
- (c) a notice that none of the information will be provided.

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

Please be aware that under the *Development Assessment Rules 2017*, the applicant is to respond to any Information Request within **3 months** of the request.

If you do not respond to the Information Request within this time period, or, within a further period agreed between the applicant and Council, it will be taken that you have decided not to provide a response.

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

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

If any additional matters arise as a result of the information submitted, or, as a result of public notification (where applicable), you will be advised accordingly.

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

Yours sincerely,



Kellie Galletta
Manager Planning and Development

ATTACHMENT B

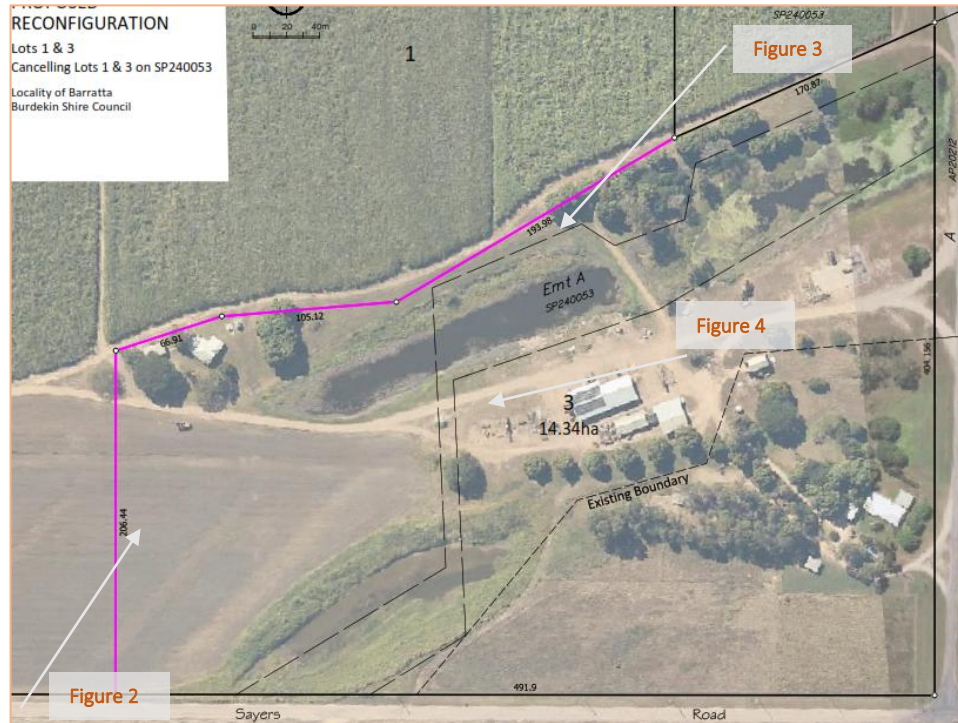
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Attachment B: Site photos of consistent inundation events

Figure 1: Photo orientation



Source: Brazier Motti Drawing 57290/001 A

Figure 2: Extent of inundation – February 2025



Source: MHPF Burdekin Land Pty Ltd



Figure 3: Extent of inundation – February 2025



Source: MHPF Burdekin Land Pty Ltd

Figure 4: Extent of inundation – February 2025



Source: MHPF Burdekin Land Pty Ltd