brazier motti

22 April 2026

Our Ref: 56774-002-01
QA: es

Assessment Manager
Burdekin Shire Council
145 Young Street
AYR QLD 4807

Via email: planning@burdekin.qld.gov.au

Attention: Development Assessment

Dear Sir/Madam,

DEVELOPMENT APPLICATION
Development Permit for Reconfiguring a Lot (One Lot into Two Lots) & Access Easement
5120 Ayr Daleg Road, Millaroo

We act on behalf of the Applicant, James and Linda Dunn, in relation to the abovementioned application.

Please find enclosed a Development Application seeking a Development Permit for Reconfiguring a Lot (One Lot into Two Lots) & Access Easement at 5120 Ayr Dalbeg Road, Millaroo on land more formally described as Lot 81 on GS309.

The subject land is locked by a parcel fronting Ayr Dalbeg Road, leased by Sunwater Limited who have confirmed that they will not consent to the creation of access easements in their land. In lieu, have provided consent to making this Development Application.

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,

Emma Staines
Town Planner
Brazier Motti Pty Ltd

Encl. Development Application

SURVEYING
TOWN PLANNING
PROJECT MANAGEMENT
MAPPING & GIS

brazier motti

DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR:

Reconfiguring a Lot (One Lot into Two Lots) & Access Easement

on behalf of
JAMES AND LINDA DUNN

at
5120 AYR DALBEG ROAD, MILLAROO

on
LOT 81 ON GS309

Brazier Motti have prepared this report for the sole purposes of James and Linda Dunn for the specific purpose of a Development Application seeking a Development Permit for Reconfiguring a Lot (One Lot into Two Lots) and Access Easement at 5120 Ayr Dalbeg Road, Millaroo.

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

EMMA STAINES
Town Planner
Brazier Motti Pty Ltd

BRAZIER MOTTI
595 Flinders Street
Townsville Q 4810
Ph: 4772 1144
Final: February 2026
Prepared by: EJS
QA: es
Job No: 56774-002-01

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Appendix D: Matters of Interest Report and Pre-lodgement advice

Appendix E: Response to State Code 1: Development in a state-controlled road environment

1.0 INTRODUCTION

This town planning report has been prepared on behalf of the Applicant, James and Linda Dunn, in support of a Development Application seeking a Development Permit for Reconfiguring a Lot (One Lot into Two Lots) and Access Easement on land at 5120 Ayr Dalbeg Road, Millaroo on land more formally described as Lot 81 on GS309.

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 development application form, included in ***Appendix A.***

The subject site is located within the Burdekin Shire Council local government area 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.

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 SITE

The subject site is located at 5120 Ayr Dalbeg Road, Millaroo and situated approximately 55km south west of Ayr. The land is more formally described as Lot 81 on GS309.

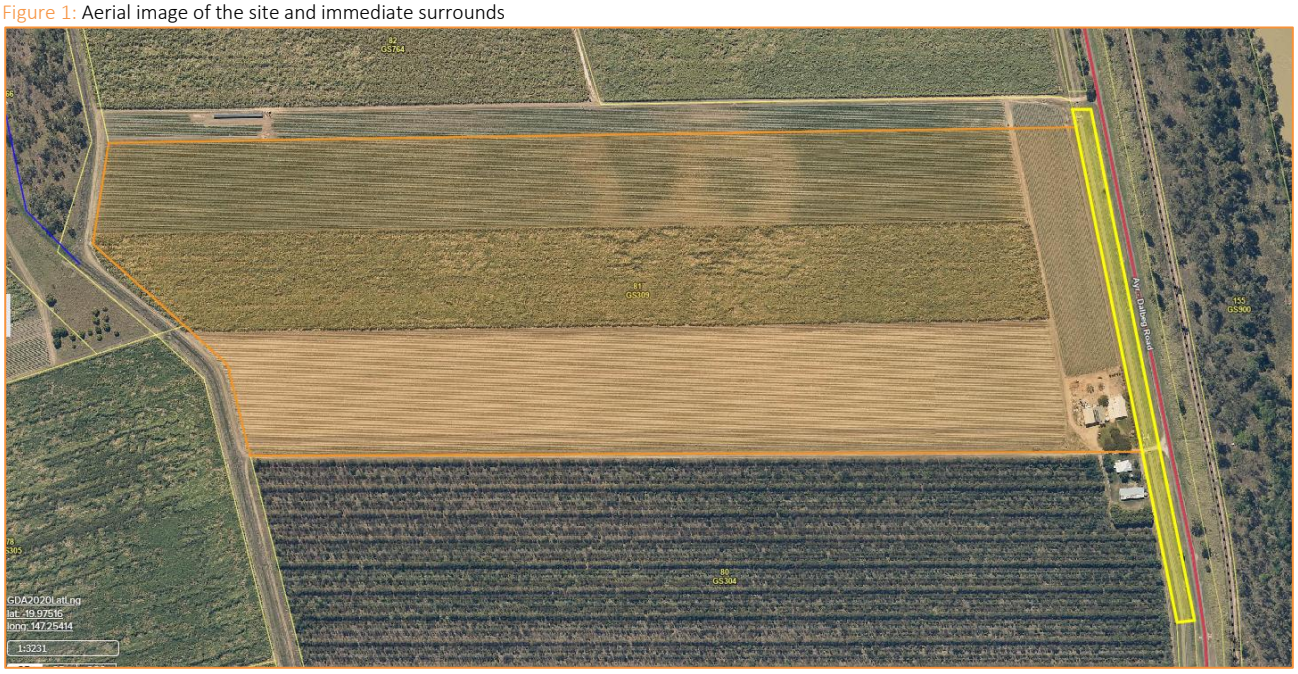
Land owner's consent to the application is included in ***Appendix A*** and the certificate of title confirming ownership of the site by James and Linda Dunn is included ***Appendix B.***

Figure 1 shows an aerial image of the site, and its immediate surrounds. The site is 38.04ha in area (shown in orange) and is bound by Lot 207 on GS309 to the east, a parcel of land leased in perpetuity for which Sunwater Limited are the registered lessee (shown in yellow). The land is used for flow and control of water and ancillary purposes, community and commercial purposes.

Sunwater has confirmed a statewide approach and the only time they formalise an access easement within their land is when they need to open road over the lot for access to a larger scale subdivision. Therefore, in this case Sunwater's preference is to provide landowner's consent for the inclusion of Lot 207 on GS309 in the Development Application rather than grant an access easement over the parcel.

On that basis, a separate landowner's consent signed by Sunwater Limited A.C.N. 131 034 985 is also included in ***Appendix A.***

Figure 1: Aerial image of the site and immediate surrounds

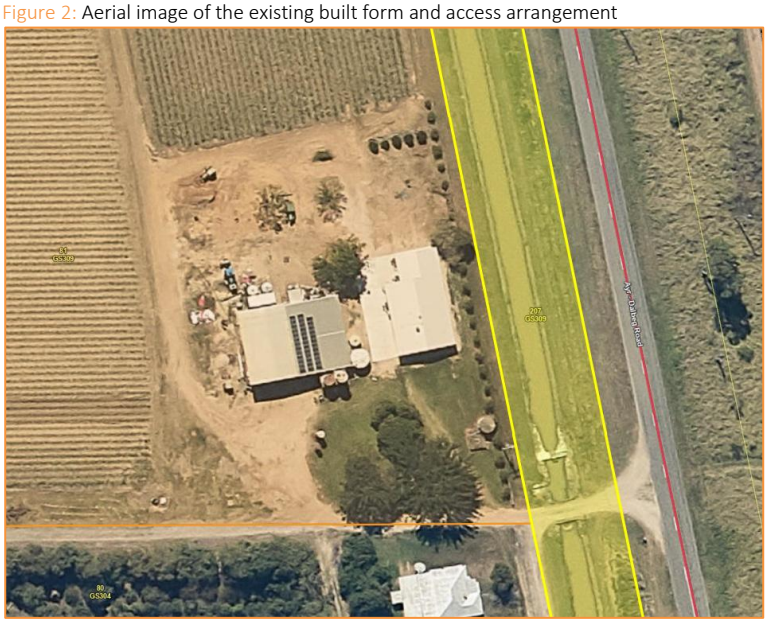


Source: Queensland Globe, 2025

The site is bound by agricultural land to the north and south and additional parcels of land leased by Sunwater, to the west.

It is improved by a single detached dwelling house, shed and landscaped areas in the south east corner of the site. The balance is used for cropping. *Figure 2* depicts the existing built form and access arrangement from Ayr Dalbeg Road.

Figure 2: Aerial image of the existing built form and access arrangement



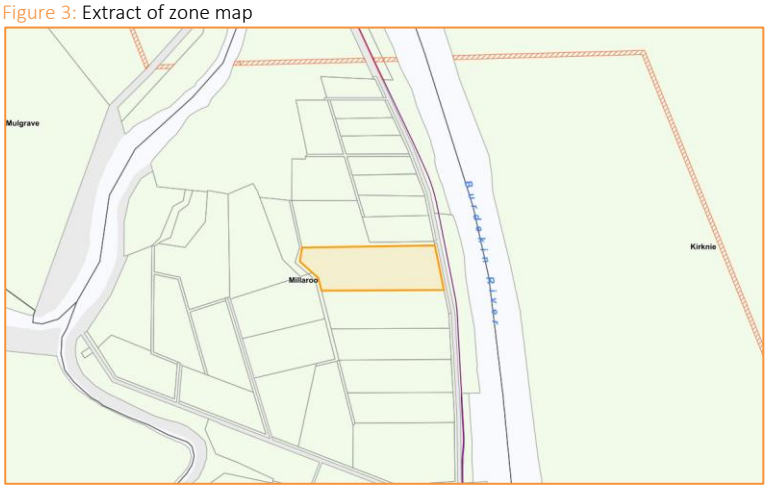
Source: Queensland Globe, 2025

The house is serviced by an on-site water bore, septic tank and soakage trench. An 11kv overhead power line is located within Ayr Dalbeg Road and connects to the house and shed.

The Smart Map is included in ***Appendix B*** which confirms the site area, tenure and surrounding cadastre.

The subject site is included within the Rural zone for the purpose of the Planning Scheme, shown in *Figure 3*. The patten of development in the vicinity of the site comprises agricultural land on very large lots and few dwelling houses on smaller lots with very limited access to infrastructure.

Figure 3: Extract of zone map



Source: Burdekin Shire Council Planning Scheme, 2022

3.0 THE PROPOSAL

This report details an application seeking a Development Permit for Reconfiguring a Lot (One Lot into Two Lots) and Access Easement on the subject site described above.

Specifically, the proposal seeks to separate the existing dwelling house, which existed at the time of commencement of the Planning Scheme, from the balance of the farm, creating one additional title. The shed will be retained with the dwelling house and used for the storage of personal vehicles and small machinery associated with the management and maintenance of the lot.

The proposed reconfiguration is identified on the proposal plan included in ***Appendix C*** and is summarised in Table 1.

Table 1: Proposed Reconfiguration

	Council's Acceptable Solution	Proposed Lot 1	Proposed Lot 2
Lot Size	30ha	2.497ha	35.600ha
Road Frontage	200m	N/A	N/A

The proposal retains the balance of the farmed lot (Proposed Lot 2), which is a minimum of 30ha (35.600ha) and the single smaller lot created (Proposed Lot 1) contains a dwelling house that existed at the commencement of this planning scheme. It is 2.497ha which is sufficient to accommodate the dwelling house and associated on site services and an area that suitable to carry out small-scale rural activities on site, including the existing cropping.

The proposed boundary separating proposed Lots 1 and 2 follows the established crop line, creating two (2) regular rectangular shaped lots and avoiding fragmentation of the rural land.

The proposed reconfiguration does not change how the site is to be used and the resultant lots are each of an adequate size to support the existing land uses and ensures the character and density intended for in the rural zone remains. As a result, new Lot 1 will be afforded the opportunity to carry out a smaller scale rural activity or land use on site.

Both lots will continue to be accessed via the existing farm crossing located in Lot 207 on GS307, from Ayr Dalbeg Road. An access easement is to be created, burdening Lot 1, to provide lawful access to Lot 2 in accordance with relevant code/s and policy direction. The easement documents will be submitted to Council for review to confirm compliance, at the time of lodgement of the Plan of Survey and registered in accordance with the *Land Title Act 1994.*

No physical works to the existing access and other servicing arrangements is required. Operational works are not required as a result of this application.

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 2.0 incorporates 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 triggers referral for the matters identified in Table 2 below.

Table 2: Referral Triggers

MATTER	STATUATORY TRIGGER
State Transport Infrastructure	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 Development application for reconfiguring a lot that is assessable development under section 21, if— (a) all or part of the premises are within 25m of a State transport corridor; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots adjacent to the State transport corridor is increased; (iii) there is a new or changed access between the premises and the State transport corridor; (iv) an easement is created adjacent to a railway as defined under the Transport Infrastructure Act, schedule 6; and (c) the reconfiguration does not relate to government supported transport infrastructure

For State Transport Infrastructure, referral will be undertaken to the State Assessment and Referral Agency (SARA). Development will be guided by outcomes sought by the State Development Assessment Provisions to the extent relevant for State Transport being *State Code 1: Development in a State Controlled Road Environment.*

Pre-lodgement advice was obtained from SARA on 08 September 2025 which confirmed that no direct concerns regarding the State-controlled road access have been raised. A copy of the advice is included in ***Appendix D*** with a copy of the Matters of Interest Report. An assessment against State Code 1 is included in ***Appendix E***.

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 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 proposal aligns with the regional outcome and the regional policies for PAAs of the NQRP, as it supports the ongoing operation and production of an existing agricultural land use without compromising its current or future ability to operate. It does not alter or conflict with the objectives of the NQRP nor does it introduce any incompatible non-agricultural land uses. The resultant lot layout also supports the ongoing production of all 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.

4.7 PUBLIC NOTIFICATION

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

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 designated on the following overlay maps:

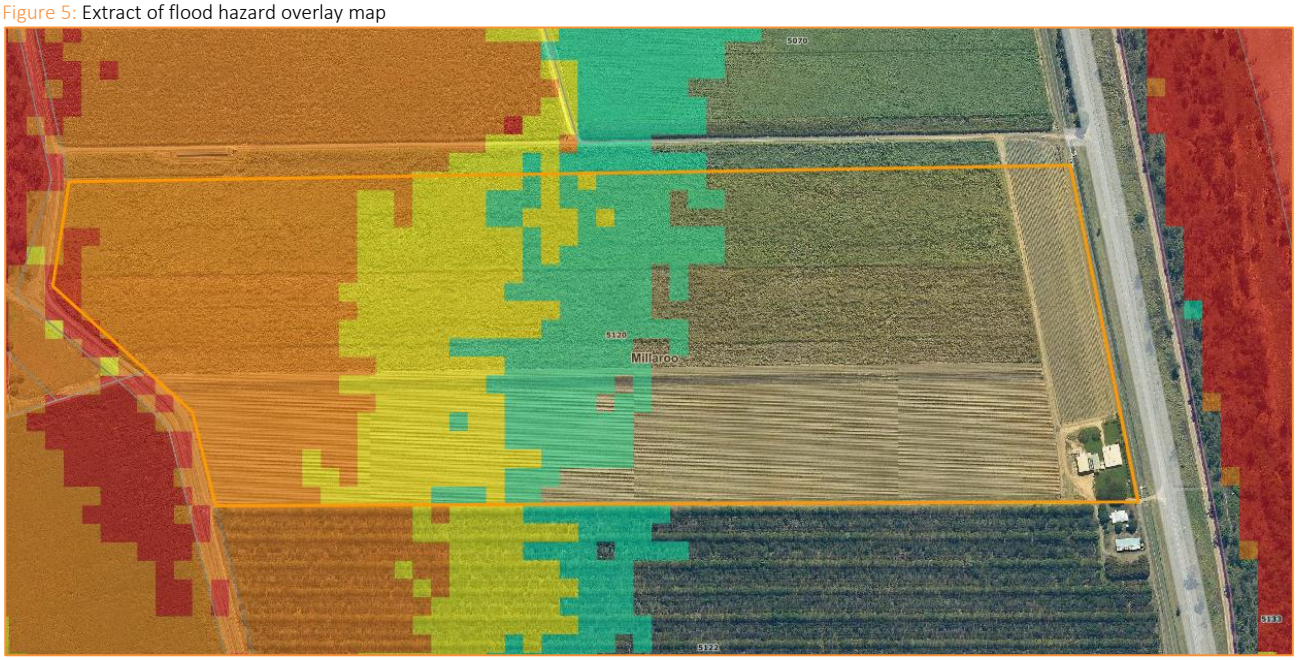
- Overlay map OM01 – Acid sulfate soils (5-20m contour);
- Overlay map OM02 – Agricultural land (Land classification (classes A and B) and priority agricultural area);
- Overlay map OM03 – Bushfire hazard (potential impact buffer);
- Overlay map OM05 – Environmental Significance (Regulated vegetation – category R); and
- Overlay map OM07a – Flood hazard and QRA (River flood hazard – Burdekin River (low-extreme hazard).

Extracts of Overlay map OM05 and Overlay map OM07a are provided below.

Figure 4: Extract of environmental significance overlay map

Source: Burdekin Shire Council Planning Scheme 2022

Figure 5: Extract of flood hazard overlay map



Source: Burdekin Shire Council Planning Scheme 2022

Per Section 3.3.2 (4) of the Planning Scheme, 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. On that basis, assessment against the environmental significance overlay code and the flood hazard overlay code is not required for the purposes of this development application.

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
- Bushfire hazard overlay code.

6.0 BURDEKIN SHIRE COUNCIL PLANNING SCHEME 2020

A complete assessment of the proposed development against the Planning Scheme is provided 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 the ensure new development is managed to reduce risk to life and property.

The subject site is not included within Council's water or sewer service areas hence the additional lot created within this proposed reconfiguration will not place burden on public infrastructure. Furthermore, the existing dwelling on Proposed Lot 1 is serviced by on-site infrastructure adequate to accommodate the demand generated by a single detached dwelling. No changes to this arrangement are required to facilitate the development, ensuring cost-effective provision of infrastructure (S 2.3.5 (1)).

The proposal to create one additional lot containing an existing dwelling is also of a scale commensurate with the capacity of the road network as no changes to the existing land uses are proposed as part of this application. This ensures the ongoing safety and efficiency of the network including users of Ayr Dalbeg Road and the wider network (S 2.3.5 (4)).

The purpose of the reconfiguration is to rationalise tenure arrangements to improve the utility of the existing land uses, long term. It does not encourage non-rural or intensive rural activities (S 2.4.1 (4)).

The development is for the reconfiguration of a lot only, and does not 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 flood hazard areas; however, proposed Lot 1 containing the dwelling house is located out of any mapped areas and will not be subject to undue risk by exposure to flood hazard.

No changes to the impermeable nature of the site are proposed as part of this reconfiguration which ensures flood flow conveyance paths and flood storage volumes of the floodplain are maintained. (S 2.5.2 (1 and 5)).

The site is also identified in bushfire hazard areas; however, it has been determined that Ayr Dalbeg Road creates an adequate separation from the dense vegetation on the banks of the Burdekin River limiting risk associated with bushfire hazard.

The proposed reconfiguration also 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:

- The resultant layout will not impact on the road existing network given no changes to the use of the site are proposed and the resultant layout retains access to the constructed road;
- The capacity of productive rural land will not be impacted upon as no significant clearing is required to facilitate the new boundary;
- There will be no adverse net decrease of cropping land; and
- The proposal does not increase the exposure of risk to people and property to natural hazards.

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—

(a) provide for rural uses and activities; and

(b) provide for other uses and activities that are compatible with:

(i) existing and future rural uses and activities; and

(ii) the character and environmental features of the zone; and

(c) 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—

(a) rural land will be used sustainably to ensure the viability of the primary production base;

(b) other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, residential and accommodation uses in the rural zone include:

(i) dwelling houses generally limited to a single dwelling house on a lot;

(ii) caretaker's accommodation, small scale rural workers' accommodation and non-resident workforce accommodation where they directly support primary production activities in the locality; and

(iii) small scale tourist accommodation in the form of bed and breakfasts, farm stay, cabins and camping;

(c) in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, development is limited to a dwelling house on an existing lot;

(d) land in the rural zone is not used or subdivided for urban residential or rural residential purposes;

(e) other than as provided for under (f), reconfiguration does not result in the creation of:

(i) any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts; or

(ii) lots less than 30ha in priority agricultural areas or agricultural land classification class A and B areas shown on overlay map OM2; or

(iii) lots less than 100ha elsewhere;

(f) 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 land use established on each resultant lot. The current extent of the crop of both Lots 1 and 2 will remain unchanged, and the existing dwelling house on proposed Lot 1 will continue to be appropriately serviced by all necessary infrastructure.

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

PO1 – Complies

(a) The shed is setback more than 20m from Ayr Dalbeg Road.

(b) The shed is setback approximately 30m from the south boundary.

(c) No changes to the siting of the existing shed are proposed nor are any new non-residential structures proposed as part of this application that need to achieve a 100m setback from dwelling houses on adjoining lots.

PO3 – Complies
The dwelling on proposed Lot 1 is serviced with a water bore, on-site septic system and soakage trench. It is accessible via a farm crossing and driveway off Ayr Dalbeg Road.

Proposed Lot 2 is accessible by the same arrangement as Lot 1 with the addition of a new access easement in Lot 1. No new access locations or road works will be required to facilitate the proposed reconfiguration.

PO13 – Complies
The subject site is not identified on a stock route network, nor does it adjoin one.

PO14 – Not applicable
The subject lots are not within proximity to any abandoned mines as confirmed on GeoResGlobe.

PO16 – Complies
The proposed development is for reconfiguring a lot 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 to facilitate the new boundary.

Should any future land owner wish to establish any new agricultural shed, farm infrastructure or a future dwelling on Lot 2, that would result in a minor reduction of the current extent of crop on site. In this case, if approximately 4,000m^2 of crop was cleared to facilitate future built form, that equates to minor reduction of 1.12% to the crop on site which is not considered an adverse loss.

PO17 – Not applicable
No buildings or structures are proposed as part of this development application.

PO18 – Complies
The proposed reconfiguration maintains the ongoing operation of the existing farming activities by providing adequate setbacks of the residential use to the farm.

PO19 – Complies
The new boundary will not change existing buffers to adjoining residential uses.

PO20 – Complies
The development does not interfere with any cane tram lines.

PO21 – Complies
The subject lots are not identified on a stock route network, nor do they adjoin one.

PO22 – Not applicable
The subject lots are not within the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts.

PO23 – Complies
Refer response to PO24.

PO24 – Complies
The proposed reconfiguration retains a balance of the farmed lot (Proposed Lot 2) which is a minimum of 30ha (35.600ha) and the smaller lot created (Proposed Lot 1) contains a dwelling house that existed at the commencement of this planning scheme. It is 2.497ha which is sufficient to accommodate the dwelling house and associated on site services and an area that suitable to carry out small-scale rural activities on site, including the existing cropping.

PO25 – PO38 – Not applicable
The proposal is for reconfiguration and does not involve any land use assessable by PO25 – PO38 of the zone code.

PO39 – Complies
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 – Complies
No vegetation clearing, or earthworks are proposed as part of this development application.

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

PO42 – Complies
No additional landscaping is proposed as part of this development application. All existing vegetation will be retained.

PO44 – Complies
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 – Complies
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

No excavation or filling is proposed to facilitate the proposed reconfiguration. The proposed development is for the reconfiguration of land only and will not result in any change to the impermeable nature of the site which would otherwise impact on the existing stormwater regime. 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.

The subject site is not included within Council's water and sewer service areas. The existing dwelling on proposed Lot 1 is provided with a level of infrastructure that allows for the efficient functioning of the established land use (single detached dwelling house). That infrastructure includes a water bore, septic system and soakage trench and electrical connection. No physical changes to these arrangements are required as a result of the proposed reconfiguration.

Proposed Lot 1 will continue to utilise the existing farm crossing in the adjoining Lot 207 on GS309 and Proposed Lot 2 will utilise the same farm crossing, by way of creating a 4m wide access easement along the southern boundary of proposed Lot 1. No new access locations or road works will be required to facilitate the proposed reconfiguration.

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

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 this 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, as it retains the balance of the farmed lot (Proposed Lot 2), which is a minimum of 30ha and the smaller lot created (Proposed Lot 1) contains a dwelling house that existed at the commencement of this planning scheme. A detailed assessment against the code is provided below.

PO1 – PO8 – Not applicable
The development is not creating a new neighbourhood.

PO9 – Not applicable
The land is not sited on a slope greater than 15%.

PO10 – Complies
The proposed layout complies with the requirements stated in the Rural zone code, as discussed above.

PO11 – Not applicable
The site is not located in the emerging community zone.

PO12 – Complies
The proposed reconfiguration retains the balance of the farmed lot (Proposed Lot 2), which is a minimum of 30ha and the smaller lot created (Proposed Lot 1) contains a dwelling house that existed at the commencement of this planning scheme.

PO13 – Not applicable
The proposal is not for a boundary realignment.

PO14 – Not applicable
The subject site is not located in the environmental management and conservation zone.

PO15 – Complies
As previously discussed, both lots will continue to utilise the existing farm crossing in the adjoining Lot 207 on GS309 for access from Ayr Dalbeg Road. Proposed Lot 2 will then be accessible via a 4m wide easement within Lot 1.

PO16 – Complies
The existing dwelling on proposed Lot 1 is provided with a level of infrastructure that allows for the efficient functioning of the established land use (single detached dwelling house). That infrastructure includes a water bore and a septic system and soakage trench.

PO17 – Complies
The dwelling house serviced by an existing overhead electricity supply located in Ayr Dalbeg Road which will be retained following reconfiguration.

PO18 – PO23 – Not applicable
No new roads are proposed as part of the development.

PO24 – Not applicable
No change to the impermeable nature of the site is proposed as part of this realignment. The proposed development will not alter the regimes external to the site.

PO25 – Not applicable
The development does not comprise any built form or significant earthworks that would otherwise require stormwater quality assessment.

PO26 – Not applicable
No vegetation clearing or significant earthworks are required to facilitate the reconfiguration that would otherwise require a soil erosion and sediment control plan.

PO27 – Not applicable
No change to the existing stormwater drainage arrangement is required to facilitate the reconfiguration.

Given the above, the proposed development is consistent with the purpose and overall outcomes of the reconfiguring a lot code.

6.4 OVERLAY CODES

6.4.1 Bushfire Hazard Overlay Code

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

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

- *(a) development in areas at risk from bushfire is designed to reduce exposure and service disruption and ensure the safety of people;*
- *(b) unless necessary to meet a significant community need:*
  - *(i) new critical or vulnerable uses are not established in a bushfire prone area; and*
  - *(ii) any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site;*
- *(c) in the rural residential zone, reconfiguration does not result in additional lots within the medium, high or very high potential bushfire intensity areas or the potential impact buffer area;*
- *(d) development does not result in a material increase in the extent or severity of bushfire hazard;*
- *(e) bushfire risk mitigation treatments avoid or minimise impacts on the natural environment;*
- *(f) the cost to the public of measures to mitigate the risks of bushfire is minimised;*
- *(g) development involving the bulk storage or manufacture of hazardous materials does not increase the risk to public safety or the environment in a bushfire hazard event;*
- *(h) development contributes to effective and efficient disaster management response and recovery capabilities.*

Response

The subject site contains bushfire hazard buffer areas as identified on the bushfire hazard overlay map, refer *Figure 6.* The potential impact buffer area is mapped along the full length of the adjoining Lot 207 on GS309 as a result of the Burdekin River located on the eastern side of Ayr Dalbeg Road where vegetation is of a higher density.

Figure 6: Extract of bushfire hazard overlay map

Source: Burdekin Shire Council Planning Scheme 2022

A complete assessment of the proposed development against the bushfire hazard overlay code is provided below.

PO1 – Complies
The subject site is not impacted by medium, high or very high hazard areas.

PO2 – Not applicable
The development does not involve critical or vulnerable uses.

PO3 – Not applicable
The development does not involve a critical use.

PO4 – Complies
The development does not involve the manufacture or storage of hazardous materials.

PO5 – PO7 – Not applicable
The development is for reconfiguring a lot only.

PO8 – Not applicable
The development proposes a 35.60ha lot and a 2.497ha lot.

PO9 – Complies
No building envelopes area proposed as part of this application given proposed Lot 1 contains a dwelling house and there is ample space on proposed Lot 2 to establish a dwelling house outside hazardous areas, if required.

PO10 – Not applicable
The subject site is not within an urban zone.

PO11 – Complies
Access to vegetation can be achieved where necessary.

PO12 – Not applicable
The proposal creates 1 additional rural lot.

PO13 – Not applicable
No critical or potentially hazardous infrastructure is proposed.

PO14 – Complies
Both lots will continue to utilise the existing farm crossing in the adjoining Lot 207 on GS309 for access from Ayr Dalbeg Road. Proposed Lot 2 will then be accessible via a 4m wide easement within Lot 1. This access arrangement is provided with full vertical clearance.

PO15 – Complies
The dwelling house on Lot 1 will retain the existing water supply.

PO16 – Complies
No additional landscaping is proposed as part of this application.

PO17 – Complies
No bushfire risk mitigation is proposed as part of this application.

Given the above, the proposed development is considered consistent with the purpose, overall outcomes and performance outcomes of the bushfire hazard overlay code.

7.0 CONCLUSION

This proposal details a development application to Burdekin Shire Council seeking a Development Permit for a Reconfiguring a Lot (One Lot into Two Lots) and Access Easement, on land located at 5120 Ayr Dalbeg Road, Millaroo.

The application, as made, is for the Reconfiguration of a Lot. It is the nature and purpose of this type of application to address tenure and ownership.

The reconfiguration does not alter the Zone of the land, nor utility outcomes expected by it, and these controls remain in place and are required to be addressed in any subsequent use of the land.

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

In particular, the proposed development which results in one lot below the minimum recommended lot size and one lot above the minimum recommended lot size can be supported in this circumstance given:

- The smaller single lot created contains a house that existed prior to commencement of the planning scheme;
- The balance contains a farm and is more than 30ha;
- Both lots are capable of supporting a rural activity and/or any other land use prescribed in Table 3.4.9 of the Scheme;
- The development is capable of retaining required services without burden;
- The resultant layout will not impact on the road network and retains adequate access to Ayr Dalbeg Road;
- The proposal does not increase the exposure of risk to people and property to flood or bushfire hazards;
- The proposal does not result in net loss of agricultural land;
- The proposal aligns with the stated outcomes of the North Queensland Regional Plan, as it does not alter or conflict with the objectives of the Plan, nor does it introduce any incompatible non-agricultural land uses; and
- The proposed development is consistent with the outcomes sought for the Burdekin Shire over the next 10-20 years.

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 & Landowners 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*)	James and Linda Dunn c/- Brazier Motti Pty Ltd
Contact name *(only applicable for companies)*	Emma Staines
Postal address *(P.O. Box or street address)*	595 Flinders Street
Suburb	Townsville City
State	QLD
Postcode	4810
Country	Australia
Contact number	4772 1144
Email address *(non-mandatory)*	Emma.staines@braziermotti.com.au
Mobile number *(non-mandatory)*	0429 516 011
Fax number *(non-mandatory)*	
Applicant's reference number(s) *(if applicable)*	56774-002-01
1.1) Home-based business	
☐ Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*	

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
☒ Yes – the written consent of the owner(s) is attached to this development application ☐ No – proceed to 3)

Queensland Government

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
		5120	Ayr Dalbeg Road	Millaroo
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)
	4807	81	GS309	Burdekin Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)

3.2) Coordinates of premises *(appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)*

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

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) *(if applicable)*
		☐ WGS84 ☐ GDA94 ☐ Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) *(if applicable)*
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ Other:	

3.3) Additional premises

☒ Additional premises are relevant to this development application, and the details of these premises have been attached in a schedule to this development application

☐ Not required

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

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

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

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

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

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

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*	
EMR site identification:	
☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*	
CLR site identification:	

5) Are there any existing easements over the premises?

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

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

☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

☐ Material change of use ☒ Reconfiguring a lot ☐ Operational work ☐ Building work

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

☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☐ Code assessment ☒ Impact assessment *(requires public notification)*

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

Lot creation – 1 Lot into 2 lots and access easement in Lot 1

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	☐ Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	☒ Yes – complete division 2
Operational work	☐ Yes – complete division 3
Building work	☐ Yes – complete *DA Form 2 – Building work details*

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition *(include each definition in a new row)*	Number of dwelling units *(if applicable)*	Gross floor area (m^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?
1

9.2) What is the nature of the lot reconfiguration? *(tick all applicable boxes)*	
☒ Subdivision *(complete 10)*	☐ Dividing land into parts by agreement *(complete 11)*
☐ Boundary realignment *(complete 12)*	☒ Creating or changing an easement giving access to a lot from a constructed road *(complete 13)*

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
				Rural
Number of lots created				1
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)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? *(attach schedule if there are more than two easements)*				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? *(e.g. pedestrian access)*	Identify the land/lot(s) benefitted by the easement
Proposed	4m		Vehicle and pedestrian access	New Lot 2

Division 3 – Operational work

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

14.1) What is the nature of the operational work?		
☐ Road work	☐ Stormwater	☐ Water infrastructure
☐ Drainage work	☐ Earthworks	☐ Sewage infrastructure
☐ Landscaping	☐ Signage	☐ Clearing vegetation
☐ Other – please specify:		
14.2) Is the operational work necessary to facilitate the creation of new lots? *(e.g. subdivision)*		
☐ Yes – specify number of new lots:		
☐ No		
14.3) What is the monetary value of the proposed operational work? *(include GST, materials and labour)*		
$		

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
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
☐ 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 2under 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
☐ Approval ☐ Development application			
☐ Approval ☐ Development application			

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

☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable *(e.g. building and construction work is less than $150,000 excluding GST)*

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
$		

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

☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

***Note**: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. 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 Form1 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.qldgov.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 ***Note**: See the Planning Regulation 2017 for referral requirements*	☒ Yes
If building work is associated with the proposed development, Parts 4 to 6 of *DA Form 2 – Building work details* have been completed and attached to this development application	☐ Yes ☒ Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application ***Note**: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.*	☒ Yes
Relevant plans of the development are attached to this development application ***Note**: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.*	☒ Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (*see 21*)	☐ Yes ☒ Not applicable

25) Applicant declaration
☒ By making this development application, I declare that all information in this development application is true and correct ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001* ***Note**: It is unlawful to intentionally provide false or misleading information.*
Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website. Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where: • such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or • required by other legislation (including the *Right to Information Act 2009*); or • otherwise required by law. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002.*

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			

Schedule A - Additional premises

Lot 207 on GS309 – Ayr Dalbeg Road, Millaroo QLD 4807 – Burdekin Shire Council

brazier motti

Owner's consent to the making of a development application under the Planning Act 2016

We,

JAMES EDWARD DUNN

LINDA SUSAN DUNN

as owner of the premises identified as follows:

5120 AYR-DALBEG ROAD, MILLAROO
(LOT 81 ON GS309)

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

BRAZIER MOTTI PTY LTD

on the premises described above for:

RECONFIGURING A LOT (1 LOT INTO 2 LOTS) & ACCESS EASEMENT IN LOT 1

Signature of James Dunn 17/2/2025 Date	Signature of Linda Dunn 17/2/2025 Date

Owners consent for making a development application under the *Planning Act 2016*

I, Charis Lunney, Property Services Manager of Sunwater Limited ACN 131 034 985

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

Lot 207 GS309

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

Brazier Motti Pty Ltd

on the premises described above for:

Reconfiguration a Lot – (1 Lot in 2 Lots) and Access Easement in Lot 1

Charis Lunney

Property Services Manager

APPENDIX B

Certificate of Title and Smart Map

brazier motti

Current Title Search

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	**50273148**	**Search Date:**	21/11/2025 05:48
Date Title Created:	12/07/1999	**Request No:**	54182088
Previous Title:	40020790		

ESTATE AND LAND

Estate in Fee Simple

LOT 81 CROWN PLAN GS309
Local Government: BURDEKIN

REGISTERED OWNER

Dealing No: 719599605 03/09/2019

JAMES EDWARD DUNN
LINDA SUSAN DUNN JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40020790 (Lot 81 on CP GS309)

2. MORTGAGE No 719599616 03/09/2019 at 12:20
RABOBANK AUSTRALIA LIMITED A.C.N. 001 621 129

ADMINISTRATIVE ADVICES

NIL

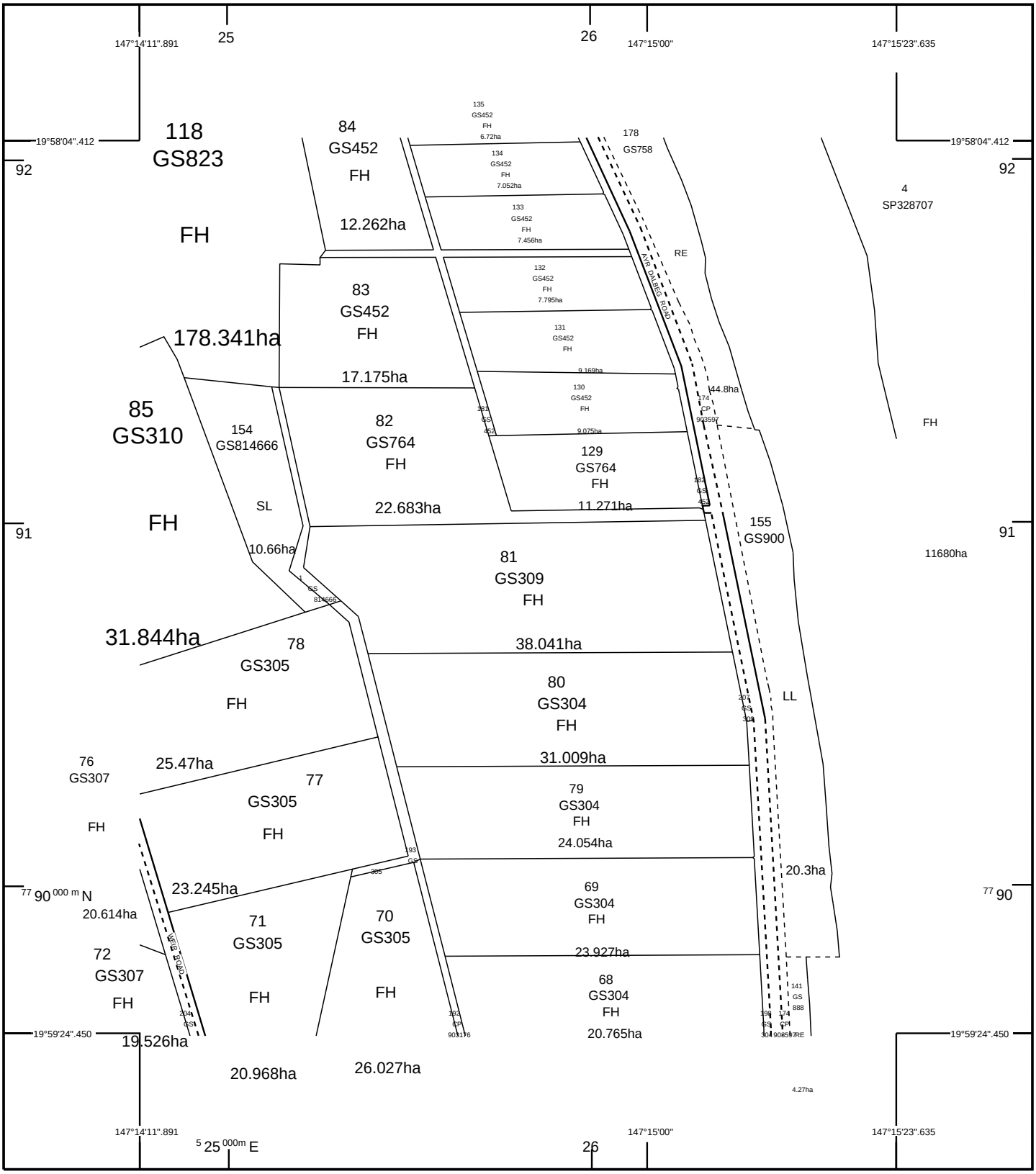
UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT QUEENSLAND TITLES REGISTRY PTY LTD [2025]
Requested by: D-ENQ DYE & DURHAM (S)



STANDARD MAP NUMBER
8358-32221

0 300 600 900 1200 1500 m

HORIZONTAL DATUM:GDA94 ZONE:55 SCALE 1 : 15000

MAP WINDOW POSITION & NEAREST LOCATION

147°14'47".763
19°58'44".431
MILLAROO
9.32 KM

SUBJECT PARCEL DESCRIPTION

DCDB

Lot/Plan	81/GS309
Area/Volume	38.041ha
Tenure	FREEHOLD
Local Government	BURDEKIN SHIRE
Locality	MILLAROO
Segment/Parcel	35652/18

CLIENT SERVICE STANDARDS

PRINTED 16/12/2025

DCDB 15/12/2025 (Lots with an area less than 1500m² are not shown)

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Despite Department of Resources best efforts, RESOURCES makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information

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

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GDA

APPENDIX C

Proposed Reconfiguration Plan prepared by Brazier Motti

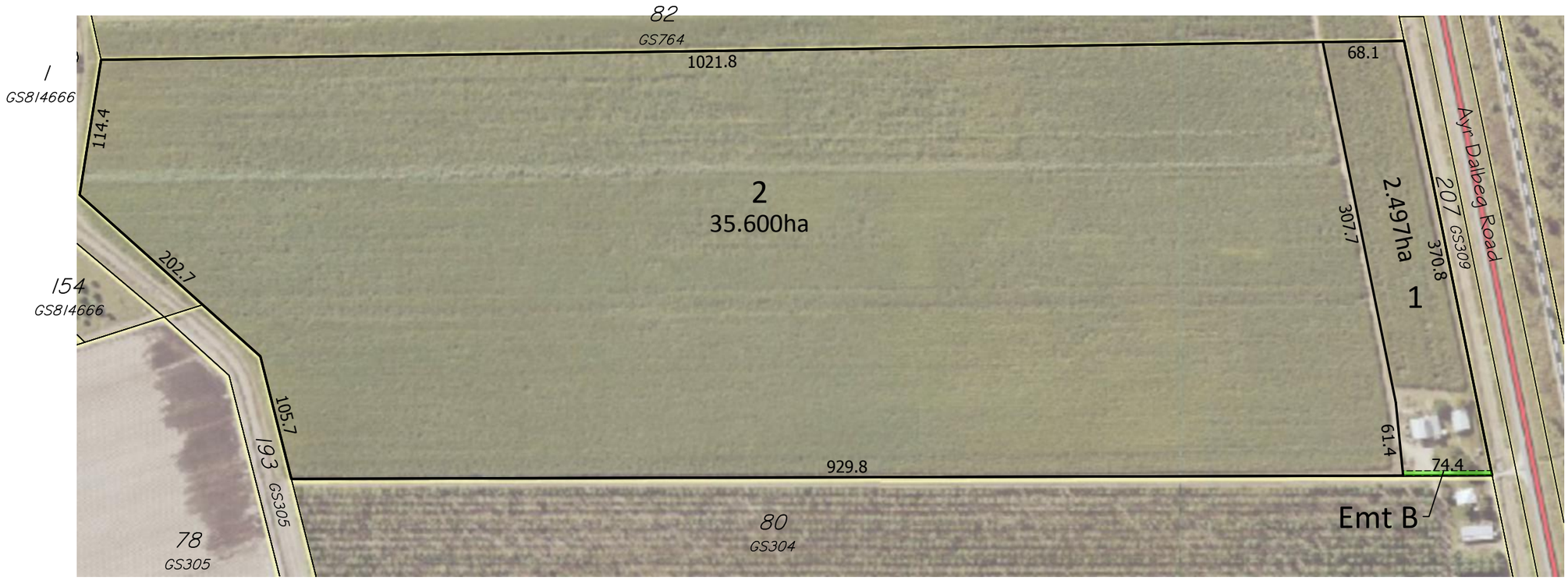
brazier motti

PROPOSED RECONFIGURATION

Lots 1, 2, and Easement B in Lot 1

Cancelling Lot 81 on GS309

0 25 50m



Proposed Easement

Easement B in Lot 1 (4.0m Wide - 296m²)

Date: 10th December, 2025	
Scale: 1:5000	A3
Drawn: MJM	
Job No: 56774/002-01	
Plan No: 56774/005 A	

braziermotti

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECTMANAGEMENT
MAPPING&GIS

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.

APPENDIX D

2508-47780 SPL Pre-lodgement advice

brazier motti

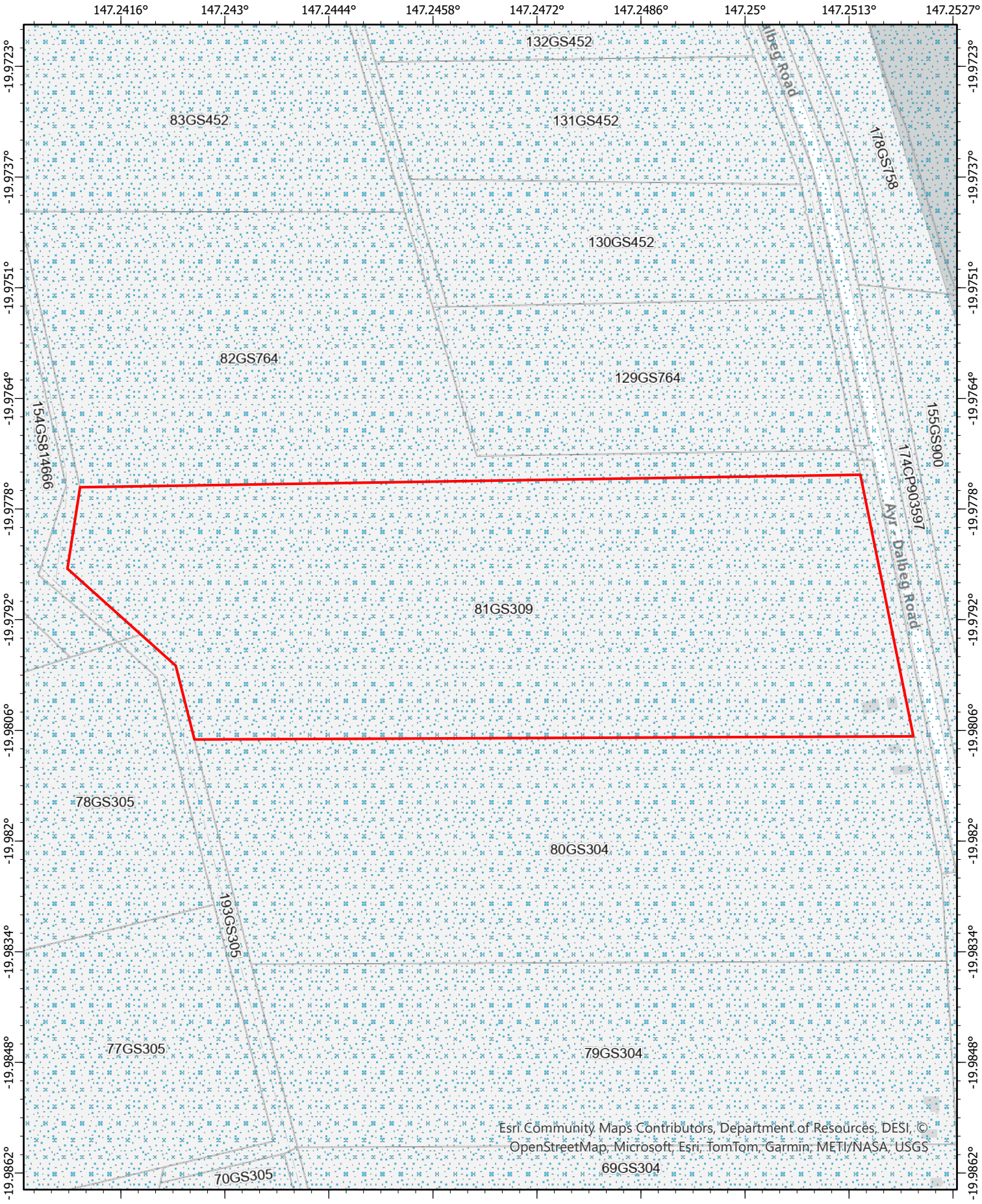
Matters of Interest for all selected Lot Plans

Water resource planning area boundaries
Regulated vegetation management map (Category A and B extract)
Area within 25m of a State-controlled road

Matters of Interest by Lot Plan

Lot Plan: 81GS309 (Area: 380410 m²)

Water resource planning area boundaries
Regulated vegetation management map (Category A and B extract)
Area within 25m of a State-controlled road



Water resource planning area boundaries

Date: 16/12/2025

N

Scale: 1:7,300

0 75 150 225 300

Metres

Queensland Government

Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. This information is supplied subject to the full terms and conditions available on the department's website.

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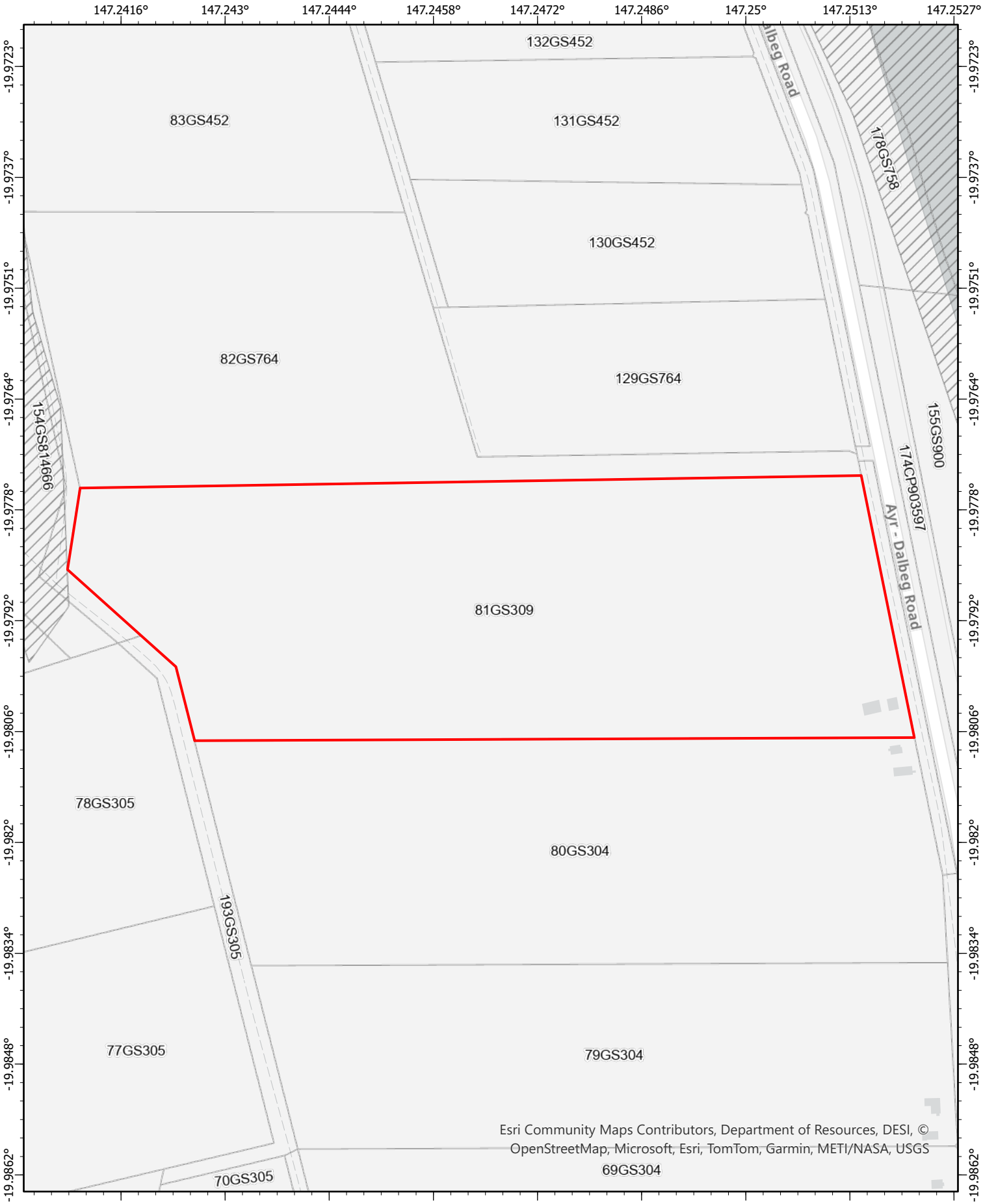

Date: 16/12/2025

Regulated vegetation management map (Category A and B extract)

Category B on the regulated vegetation management map

N

Scale: 1:7,300

0 75 150 225 300

Metres

Queensland Government

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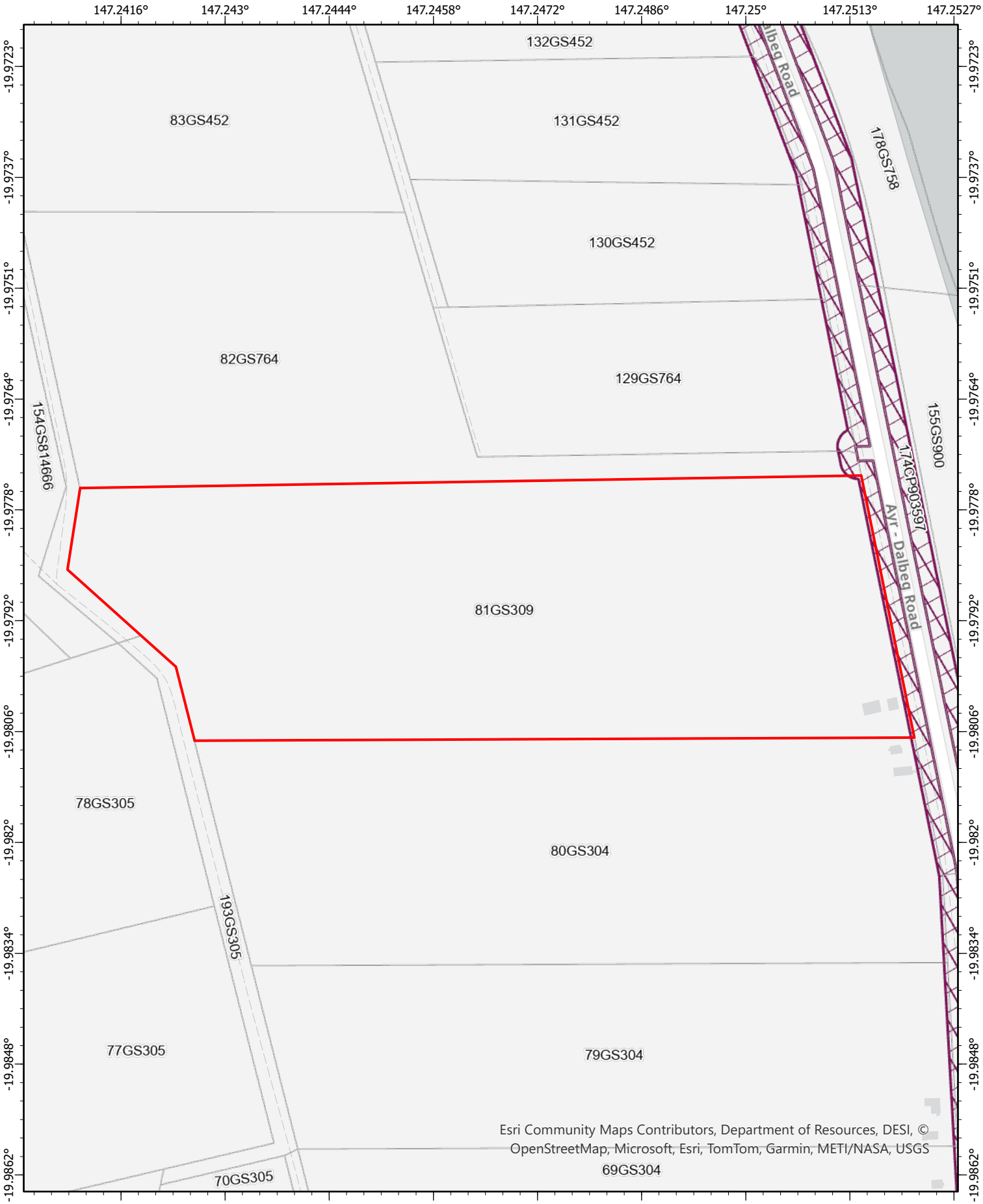

Area within 25m of a State-controlled road

Date: 16/12/2025

N

Scale: 1:7,300

0 75 150 225 300

Metres

Queensland Government

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Department of
State Development, Infrastructure and Planning

SARA reference: 2508-47780 SPL
Applicant reference: 56774-002-01

8 September 2025

Jim and Linda Dunn
C/- Brazier Motti
595 Flinders Street
TOWNSVILLE QLD 4810
Emma.Staines@braziermotti.com.au

Attention: Ms Emma Staines

Dear Emma

SARA Pre-lodgement advice - 5120 Ayr Dalbeg Road, Millaroo

I refer to your pre-lodgement request received on 21 August 2025 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development at the above address. This notice provides advice on aspects of the proposal that are of relevance to SARA.

SARA's understanding of the project

The development proposed is for Reconfiguring a Lot. Specifically reconfiguring Lot 81 on GS309 into 2 lots, being a proposed 1.851 hectare lot containing the dwelling house and a 36.245 hectare lot that comprises most of the farming land. Both lots will be adjacent to the state-controlled road (Ayr-Dalbeg Road), with a proposed easement through Lot 207 on GS309 and proposed Lot 1 to allow permanent access to proposed Lot 2.

Supporting information

The advice in this letter is based on the following documentation that was submitted with the pre-lodgement request.

Drawing/report title	Prepared by	Date
Proposed Reconfiguration: Lots 1, 2, Easement A in Lot 207 on GS309 and Easement B in Lot 1	Brazier Motti	4 August 2025

North and North West regional office
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

Pre-lodgement advice

The following advice outlines the aspects of the proposal that are of relevance to SARA.

SARA's jurisdiction and fees	
1.	The application will require referral to SARA under the following provisions of the Planning Regulation 2017: • Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State transport corridor This will require a fee of $1,879 to be paid in accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 8 (a). SARA would be a referral agency for the proposed application
Key matters and action items	
2.	The Burdekin Shire Council will be the assessment manager for the development application, you are encouraged to seek pre-lodgement advice from the local Council prior to lodging your development application with the Council.
3.	Based on the above referral triggers, a future development application will be required to demonstrate compliance with the applicable outcomes of State Development Assessment Provisions (SDAP) *State code 1: Development in a State-controlled road environment* https://planning.statedevelopment.qld.gov.au/planning-framework/state-assessment-and-referralagency/state-development-assessment-provisions-sdap. Further guidance on what information needs to be supplied with a formal development application can be obtained from the Department of Transport and Main Roads' (DTMR) SDAP Supporting Information, available at: https://www.tmr.qld.gov.au/Community-and-environment/Planning-anddevelopment/Planning-and-development-assessment-under-the-Planning-Act/Assessabledevelopment.
4.	No road works have been indicated in the submitted request for pre-lodgement advice. No direct concerns regarding the State-controlled road access have been raised from the submitted materials for consideration in this pre-lodgement request. Should a future application propose works to the state-controlled road, please be advised that under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out works (including driveways, drainage works and line-markings) on a state-controlled road. Any upgrade to the existing access would be required to be designed by a suitably qualified RPEQ and would need to consider the conditions of the road and the area to appropriately design a driveway that is safe for use and that does not cause hazard to other road users
Lodgement material	
5.	It is recommended that the following information is submitted when referring the application to SARA: • DA form 1. • A full response to the relevant sections of SDAP Code 1: Development in a state-controlled road environment. • Landowner's consent. • Relevant plans as per the DA Forms guide.

This advice outlines aspects of the proposed development that are relevant from the jurisdiction of SARA. This advice is provided in good faith and is:

- based on the material and information provided to SARA
- current at the time of issue
- not applicable if the proposal is changed from that which formed the basis of this advice.

This advice does not constitute an approval or an endorsement that SARA supports the development proposal. Additional information may be required to allow SARA to properly assess the development proposal when a formal application has been lodged.

If you require further information please contact Kirsty Geaney, Principal Planning Officer, on 4758 3414 or via email NQSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

B. Bignoux

Bronwyn Bignoux
Principal Planning Officer

Development details	
Proposal:	One (1) into Two (2) lots and access easements
Street address:	5120 Ayr Dalbeg Road, Millaroo
Real property description:	Lot 81 on GS309
SARA role:	Referral agency
Assessment Manager:	Burdekin Shire Council
Assessment criteria:	State Development Assessment Provisions (SDAP): State code 1
Existing use:	Agriculture
Relevant site history:	NA

APPENDIX E

Response to State Code 1

brazier motti

State code 1: Development in a state-controlled road environment

Table 1.1 Development in general

Performance outcomes	Acceptable outcomes	Response
Buildings, structures, infrastructure, services and utilities		
PO1 The location of the development does not create a safety hazard for users of the **state-controlled road.**	AO1.1 Development is not located in a **state-controlled road**. AND AO1.2 Development can be maintained without requiring access to a **state-controlled road**.	**Complies with AO1.1** Development is wholly contained in the development site. AND **Complies with AO1.2** No component of the development requires maintaining from the SCR.
PO2 The design and construction of the development does not adversely impact the **structural integrity** or physical condition of the **state-controlled road** or **road transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable** No design or constriction is required to facilitate to the reconfiguration.
PO3 The location of the development does not obstruct **road transport infrastructure** or adversely impact the operating performance of the **state-controlled road**.	No acceptable outcome is prescribed.	**Complies with PO3** No road transport infrastructure is located within proximity to the site.
PO4 The location, placement, design and operation of advertising devices, visible from the **state-controlled road**, do not create a safety hazard for users of the **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO5 The design and construction of buildings and **structures** does not create a safety hazard by distracting users of the **state-controlled road**.	AO5.1 Facades of buildings and **structures** fronting the **state-controlled road** are made of non-reflective materials. AND AO5.2 Facades of buildings and **structures** do not direct or reflect point light sources into the face of oncoming traffic on the **state-controlled road**.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
	AND **AO5.3** External lighting of buildings and **structures** is not directed into the face of oncoming traffic on the **state-controlled road**. AND **AO5.4** External lighting of buildings and **structures** does not involve flashing or laser lights.	
PO6 Road, pedestrian and bikeway bridges over a **state-controlled road** are designed and constructed to prevent projectiles from being thrown onto the **state-controlled road**.	**AO6.1** Road, pedestrian and bikeway bridges over the **state-controlled road** include throw protection screens in accordance with section 4.11 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2020.	**Not applicable**
Landscaping		
PO7 The location of landscaping does not create a safety hazard for users of the **state-controlled road**.	**AO7.1** Landscaping is not located in a **state-controlled road**. AND **AO7.2** Landscaping can be maintained without requiring access to a **state-controlled road**. AND **AO7.3** Landscaping does not block or obscure the sight lines for vehicular access to a **state-controlled road**.	**Not applicable**
Stormwater and overland flow		
PO8 Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the **state-controlled road**.	No acceptable outcome is prescribed.	**Complies with PO8** No changes to the impermeable nature of the site are proposed that would increase stormwater flows to the SCR.

Performance outcomes	Acceptable outcomes	Response
PO9 Stormwater run-off or overland flow from the development site does not result in a material worsening of the operating performance of the **state-controlled road** or **road transport infrastructure**.	No acceptable outcome is prescribed.	**Complies with PO9** No changes to the impermeable nature of the site are proposed that would increase stormwater flows to the SCR.
PO10 Stormwater run-off or overland flow from the development site does not adversely impact the **structural integrity** or physical condition of the **state-controlled road** or **road transport infrastructure**.	No acceptable outcome is prescribed.	**Complies with PO10** As above.
PO11 Development ensures that stormwater is lawfully discharged.	**AO11.1** Development does not create any new points of discharge to a **state-controlled road.** AND **AO11.2** Development does not concentrate flows to a **state-controlled road**. AND **AO11.3** Stormwater run-off is discharged to a **lawful point of discharge**. AND **AO11.4** Development does not worsen the condition of an existing **lawful point of discharge** to the **state-controlled road**.	**Complies with PO11** No new points of discharge are proposed. Stormwater regime will remain the same.
Flooding		
PO12 Development does not result in a material worsening of flooding impacts within a **state-controlled road**.	**AO12.1** For all flood events up to 1% **annual exceedance probability**, development results in negligible impacts (within +/- 10mm) to existing flood levels within a **state-controlled road**. AND	**Complies** No earthworks, filling or excavation, are proposed that would change flooding characteristics.

Performance outcomes	Acceptable outcomes	Response
	AO12.2 For all flood events up to 1% **annual exceedance probability**, development results in negligible impacts (up to a 10% increase) to existing peak velocities within a **state-controlled road**. AND **AO12.3** For all flood events up to 1% **annual exceedance probability**, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a **state-controlled road**.	
Drainage Infrastructure		
PO13 Drainage infrastructure does not create a safety hazard for users in the **state-controlled road**.	**AO13.1** Drainage infrastructure is wholly contained within the development site, except at the **lawful point of discharge**. AND **AO13.2** Drainage infrastructure can be maintained without requiring access to a **state-controlled road**.	**Not applicable** No drainage infrastructure is proposed to facilitate the reconfiguration.
PO14 Drainage infrastructure associated with, or within, a **state-controlled road** is constructed, and designed to ensure the **structural integrity** and physical condition of existing drainage infrastructure and the surrounding drainage network.	No acceptable outcome is prescribed.	**Not applicable** No drainage infrastructure is proposed to facilitate the reconfiguration.

Table 1.2 Vehicular access, road layout and local roads

Performance outcomes	Acceptable outcomes	Response
Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection		
PO15 The location, design and operation of a **new or changed access** to a **state-controlled road** does not	No acceptable outcome is prescribed.	**Not applicable** No new or changed access is proposed as part of this development.

Performance outcomes	Acceptable outcomes	Response
compromise the safety of users of the **state-controlled road**.		
PO16 The location, design and operation of a **new or changed access** does not adversely impact the **functional requirements** of the **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO17 The location, design and operation of a **new or changed access** is consistent with the **future intent** of the **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO18 New or changed access is consistent with the access for the relevant **limited access road policy**: 1. **LAR 1** where direct access is prohibited; or 2. **LAR 2** where access may be permitted, subject to assessment.	No acceptable outcome is prescribed.	**Not applicable**
PO19 New or changed access to a **local road** within 100 metres of an intersection with a **state-controlled road** does not compromise the safety of users of the **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO20 New or changed access to a **local road** within 100 metres of an intersection with a **state-controlled road** does not adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	**Not applicable**
Public passenger transport and active transport		
PO21 Development does not compromise the safety of users of **public passenger transport infrastructure**, **public passenger services** and **active transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**
PO22 Development maintains the ability for people to access **public passenger transport infrastructure, public passenger services** and **active transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**
PO23 Development does not adversely impact the operating performance of **public passenger transport infrastructure, public passenger services** and **active transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
PO24 Development does not adversely impact the **structural integrity** or physical condition of **public passenger transport infrastructure** and **active transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**

Table 1.3 Network impacts

Performance outcomes	Acceptable outcomes	Response
PO25 Development does not compromise the safety of users of the **state-controlled road** network.	No acceptable outcome is prescribed.	**Complies with PO25** No changes to the use of the land area proposed as part of the reconfiguration that would otherwise result in additional demand placed on the road network, thus ensuring no compromise to the safety of users of Ayr Dalbeg Road.
PO26 Development ensures **no net worsening** of the operating performance of the **state-controlled road** network.	No acceptable outcome is prescribed.	**Complies with PO26** The proposed reconfiguration will not increase traffic to and from the site.
PO27 Traffic movements are not directed onto a **state-controlled road** where they can be accommodated on the **local road** network.	No acceptable outcome is prescribed.	**Not applicable**
PO28 Development involving haulage exceeding 10,000 tonnes per year does not adversely impact the pavement of a **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO29 Development does not impede delivery of **planned upgrades** of **state-controlled roads**.	No acceptable outcome is prescribed.	**Complies with PO29**
PO30 Development does not impede delivery of **corridor improvements** located entirely within the **state-controlled road corridor**.	No acceptable outcome is prescribed.	**Complies with PO30**

Table 1.4 Filling, excavation, building foundations and retaining structures

Performance outcomes	Acceptable outcomes	Response
PO31 Development does not create a safety hazard for users of the **state-controlled road** or **road transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**
PO32 Development does not adversely impact the operating performance of the **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
PO33 Development does not undermine, damage or cause subsidence of a **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO34 Development does not cause ground water disturbance in a **state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO35 Excavation, boring, piling, blasting and fill compaction do not adversely impact the physical condition or **structural integrity** of a **state-controlled road** or **road transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**
PO36 Filling and excavation associated with the construction of **new or changed access** do not compromise the operation or capacity of existing drainage infrastructure for a **state-controlled road.**	No acceptable outcome is prescribed.	**Not applicable**

Table 1.5 Environmental emissions

Statutory note: Where a **state-controlled road** is co-located in the same transport corridor as a railway, the development should instead comply with Environmental emissions in State code 2: Development in a railway environment.

Performance outcomes	Acceptable outcomes	Response
Reconfiguring a lot		
Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO37 Development minimises free field noise intrusion from a **state-controlled road.**	**AO37.1** Development provides a noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
	OR **AO37.2** Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by **alternative noise attenuation measures** where it is not practical to provide a noise barrier or earth mound. OR **AO37.3** Development provides a **solid gap-free fence** or other **solid gap-free structure** along the full extent of the boundary closest to the **state-controlled road**.	
Involving the creation of 6 or more new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO38 Reconfiguring a lot minimises free field noise intrusion from a **state-controlled road.**	**AO38.1** Development provides noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR **AO38.2** Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by **alternative noise attenuation measures** where it is	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
	not practical to provide a noise barrier or earth mound.	
Material change of use (accommodation activity)		
Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor		
PO39 Development minimises noise intrusion from a **state-controlled road** in **private open space**.	AO39.1 Development provides a noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.2) for **private open space** at the ground floor level; 2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR AO39.2 Development achieves the maximum free field acoustic level in reference table 2 (item 2.2) for **private open space** by **alternative noise attenuation measures** where it is not practical to provide a noise barrier or earth mound.	**Not applicable**
PO40 Development (excluding a **relevant residential building** or **relocated building)** minimises noise intrusion from a **state-controlled road** in **habitable rooms** at the facade.	AO40.1 Development (excluding a **relevant residential building** or **relocated building**) provides a noise barrier or earth mound which is designed, sited and constructed: 1. to achieve the maximum building façade acoustic level in reference table 1 (item 1.1) for **habitable rooms**;	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
	2. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. OR **AO40.2** Development (excluding a **relevant residential building** or **relocated building**) achieves the maximum building façade acoustic level in reference table 1 (item 1.1) for **habitable rooms** by **alternative noise attenuation measures** where it is not practical to provide a noise barrier or earth mound.	
PO41 Habitable rooms (excluding a **relevant residential building** or **relocated building**) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	**Not applicable**
Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO42 Balconies, podiums, and roof decks include: 1. a continuous **solid gap-free structure** or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks.	No acceptable outcome is provided.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
PO43 Habitable rooms (excluding a **relevant residential building** or **relocated building**) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	**Not applicable**
Material change of use (other uses)		
Ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO44 Development: 1. provides a noise barrier or earth mound that is designed, sited and constructed: a. to achieve the maximum free field acoustic level in reference table 2 (item 2.3) for all **outdoor education areas** and **outdoor play areas**; b. in accordance with: i. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; ii. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or 2. achieves the maximum free field acoustic level in reference table 2 (item 2.3) for all **outdoor education areas** and **outdoor play areas** by **alternative noise attenuation measures** where it is not practical to provide a noise barrier or earth mound.	No acceptable outcome is provided.	**Not applicable**
PO45 Development involving a **childcare centre** or **educational establishment**:	No acceptable outcome is provided.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
1. provides a noise barrier or earth mound that is designed, sited and constructed: 2. to achieve the maximum building facade acoustic level in reference table 1 (item 1.2); 3. in accordance with: a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or 4. achieves the maximum building facade acoustic level in reference table 1 (item 1.2) by **alternative noise attenuation measures** where it is not practical to provide a noise barrier or earth mound.		
PO46 Development involving: 1. **indoor education areas** and **indoor play areas**; or 2. sleeping rooms in a **childcare centre**; or 3. **patient care areas** in a **hospital** achieves the maximum internal acoustic level in reference table 3 (items 3.2-3.4).	No acceptable outcome is provided.	
Above ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO47 Development involving a **childcare centre** or **educational establishment** which have balconies, podiums or elevated **outdoor play areas** predicted to exceed the maximum free field acoustic level in reference table 2 (item 2.3) due to noise from a **state-controlled road** are provided with: 1. a continuous **solid gap-free structure** or balustrade (excluding gaps required for drainage	No acceptable outcome is provided.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated **outdoor play areas**.		
PO48 Development including: 1. **indoor education areas** and **indoor play areas** in a **childcare centre** or **educational establishment**; or 2. sleeping rooms in a **childcare centre**; or 3. **patient care areas** in a **hospital** located above ground level, is designed and constructed to achieve the maximum internal acoustic level in reference table 3 (items 3.2-3.4).	No acceptable outcome is provided.	**Not applicable**
Air, light and vibration		
PO49 Private open space, **outdoor education areas** and **outdoor play areas** are protected from air quality impacts from a **state-controlled road**.	**AO49.1** Each dwelling or unit has access to a **private open space** which is shielded from a **state-controlled road** by a building, **solid gap-free fence**, or other **solid gap-free structure**. OR **AO49.2** Each **outdoor education area** and **outdoor play area** is shielded from a **state-controlled road** by a building, **solid gap-free fence,** or other **solid gap-free structure**.	**Not applicable**
PO50 Patient care areas within **hospitals** are protected from vibration impacts from a **state-controlled road** or **type 1 multi-modal corridor**.	**AO50.1 Hospitals** are designed and constructed to ensure vibration in the patient treatment area does not exceed a vibration dose value of $0.1m/s^{1.75}$. AND **AO50.2 Hospitals** are designed and constructed to ensure vibration in the ward of a **patient care area** does not exceed a vibration dose value of $0.4m/s^{1.75}$.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
PO51 Development is designed and sited to ensure light from infrastructure within, and from users of, a **state-controlled road** or **type 1 multi-modal corridor**, does not: 1. intrude into buildings during night hours (10pm to 6am); 2. create unreasonable disturbance during evening hours (6pm to 10pm).	No acceptable outcomes are prescribed.	**Not applicable**

Table 1.6: Development in a future state-controlled road environment

Performance outcomes	Acceptable outcomes	Response
PO52 Development does not impede delivery of a **future state-controlled road**.	**AO52.1** Development is not located in a **future state-controlled road**. OR ALL OF THE FOLLOWING APPLY: **AO52.2** Development does not involve filling and excavation of, or material changes to, a **future state-controlled road**. AND **AO52.3** The intensification of lots does not occur within a **future state-controlled road**. AND **AO52.4** Development does not result in the landlocking of parcels once a **future state-controlled road** is delivered.	**Not applicable**
PO53 The location and design of **new or changed access** does not create a safety hazard for users of a **future state-controlled road**.	**AO53.1** Development does not include **new or changed access** to a **future state-controlled road**.	**Not applicable**

Performance outcomes	Acceptable outcomes	Response
PO54 Filling, excavation, building foundations and **retaining structures** do not undermine, damage or cause subsidence of a **future state-controlled road**.	No acceptable outcome is prescribed.	**Not applicable**
PO55 Development does not result in a material worsening of stormwater, flooding, overland flow or drainage impacts in a **future state-controlled road** or **road transport infrastructure**.	No acceptable outcome is prescribed.	**Not applicable**
PO56 Development ensures that stormwater is lawfully discharged.	**AO56.1** Development does not create any new points of discharge to a **future state-controlled road**. AND **AO56.2** Development does not concentrate flows to a **future state-controlled road**. AND **AO56.3** Stormwater run-off is discharged to a **lawful point of discharge**. AND **AO56.4** Development does not worsen the condition of an existing **lawful point of discharge** to the **future state-controlled road**.	**Not applicable**