

MP ref: M2360
Council ref: MCU25/0001
QA: sj.mc

12 June 2025

Assessment Manager
Burdekin Shire Council
PO BOX 974
AYR QLD 4810

Attention: Planning and Development

Dear Sir/ Madam,

Re: Development Application seeking a Development Permit for Operational Work associated with Development Permit MCU25/0001 on land described as Lot 2 on RP7096671 and located at 64 Wilmington Street, Ayr

On behalf of the Applicant, Milford Planning hereby make the enclosed development application seeking the abovementioned development approval on the abovementioned land in accordance with Section 51 of the *Planning Act 2016* (the Act).

Burdekin Shire Council (Council) issued a Development Permit (MCU25/0001) for Material Change of Use – Multiple Dwelling (Four Units) on 14 April 2025, refer to **Attachment 1**. This development application relates to the operational work associated with MCU25/0001.

The purpose of this correspondence is to provide information in relation to the civil and stormwater works associated with the proposed development to address specific conditions associated with MCU25/0001. The assessment detailed in this correspondence has been undertaken in accordance with the provisions and subordinate planning controls under the Act.

Accordingly, we enclose the following documentation for approval:

- DA Form 1 – Development Application details (refer to **Attachment 2**);
- one (1) copy of Civil Drawing prepared by Northern Consulting Engineers (NCE) documenting the civil works (refer to **Attachment 3**);
- one copy of the swept paths prepared by NCE (refer to **Attachment 4**); and
- one (1) copy of NCE's Civil Estimate of Cost (Refer to **Attachment 5**).



For ease of reference, **Table 1** below outlines the conditions of Development Permit MCU25/0001, which apply to this operational work development application.

Table 1 – Applicable Conditions addressed by the Operational Work Application

Condition No.	Nature of Condition	Response and Appendix Reference
6	<p>Roadworks, Access, Parking and Traffic</p> <p>6.1) All accesses to the premises, on site car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete).</p> <p>6.2) Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plan submitted with the application by 'Milford Planning' as shown on drawing UDS-24020 Sheet No. 2 Issue P3.</p> <p>6.3) The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.</p> <p>6.4) The access to the development from Wilmington Street must be a minimum of 6m.</p> <p>6.5) All modifications to on street parking must be designed in accordance with Australian Standard AS 2890.5 (2020) (On-street Parking) and certified by an RPEQ.</p> <p>6.6) The Applicant is to provide plans prepared by a suitably qualified person demonstrating safe turn movements within the development site to Australian Standards.</p> <p>6.7) All access in and out of the Development to and from Wilmington Street is to be in a forward direction.</p>	<p>NCE have prepared the civil drawings to address the requirements of the applicable components of Condition 6, refer to Attachments 3 and 4.</p> <p>The plans clearly illustrate the proposed access and parking spaces will be comply with the relevant Australian Standard.</p> <p>The swept paths illustrate that vehicles can enter and exit the development in forward gear, with no areas of conflict, refer to Attachment 4.</p>
9	<p>Infrastructure Servicing</p> <p>9. Water Supply</p> <p>9.1) The applicant must connect all lots to Council's reticulated water supply. The water connection shall be provided at a</p>	<p>NCE have prepared a stormwater and civil setout plan to address the requirements of Condition 11 refer to Attachment 3.</p>



	<p>location approved by Council and at the full cost of the developer. The connection must be installed by Council.</p> <p>10 Sewerage Supply</p> <p>10.1 The development must be connected to Council's sewerage scheme. The sewerage connection shall be to the satisfaction of the Chief Executive Officer at the full cost of the developer.</p> <p>11 Stormwater</p> <p>11.1 The developer is required to provide a RPEQ certified Stormwater management plan to identify at minimum but not limited the following:</p> <p>11.1.1. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>11.1.2. All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including 1% AEP.</p> <p>11.1.3. The development must not cause actionable nuisance of flooding in downstream reaches of the catchment including kerb and channel in Wilmington Street and Parker Street and the drainage system at and downstream of the intersection of Munro Street and Parker Street.</p> <p>11.2 Stormwater drainage from paved/sealed and roofed areas must be discharged under the road verge to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p>	<p>The proposed development will be connected to Council's reticulated Water and Sewer networks.</p> <p>Based on the stormwater management plan, it is evident that there is no real change to the site characteristics or change in discharge locations, as such it is considered that the plan prepared by NCE satisfactorily addresses Condition 11, refer to Attachment 3.</p>
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Compliance with Relevant Planning Scheme Provisions

The proposed development is considered comply with the performance outcomes and acceptable outcomes of the Development Works Code refer below.

Roadworks

The proposed access and parking has been designed and will be constructed in accordance with AS1742.2, refer below and **Attachment 3**.

The pavement has been designed in accordance with Council's required standards, refer to **Attachment 3**.

The swept path plan illustrates that vehicles can enter and exit the site in forward gear, refer to **Attachment 4**.

Water and Sewer

The proposed development will be connected to Council's water and sewer network in accordance with the relevant standards. The relevant plumbing and hydraulic approval will be sought from Council.

Stormwater

NCE have prepared a Stormwater/ Civil Setout drawing that illustrates the layout of the proposed stormwater infrastructure for the proposed development, refer to **Attachment 3**. The proposed stormwater infrastructure will comply with the applicable standards.

Assessment Fee

The relevant assessment fee for the proposed development has been calculated below in accordance with Burdekin Shire Council's (Council) Schedule of Fees and Charges 2024/2025.

Component	Calculation	Fee
Operational Work	Estimated value of works between \$25,000 - \$249,000:	
(Value of work: \$61,347.00)	(\$61,347 x 2 % = \$1,226.94)	\$1,226.94
		TOTAL ASSESSMENT FEE: \$1,226.94

We request that Council confirm the applicable assessment fee and provide payment details or an invoice for the Applicant's action following receipt of this application.



Proceeding

We look forward to working with Council to progress the proposed development and request the opportunity to discuss any queries or further information that may be required prior to the issue of any formal correspondence.

If you have any questions regarding this correspondence, please contact the undersigned on TEL: (07) 4724 0095.

Yours sincerely,

MILFORD PLANNING

SENIOR TOWN PLANNER

Encl: Attachment 1: Development Permit MCU25/0001
 Attachment 2: DA Form 1 – Development Application details (refer to Attachment 2);
 Attachment 3: Civil Drawing prepared by NCE
 Attachment 4: Swept paths prepared by NCE
 Attachment 5: Schedule of Works prepared by NCE

Attachment 1

Enquiries to: Planning Department
Our Reference: MCU25/0001
Your Reference: M2360

14 April 2025

Malas Constructions
C/- Milford Planning
PO Box 5463
Townsville QLD 4810
Via email: info@milfordplanning.com.au



Attention: Sarah Jones, Senior Planner

Dear Sarah,

Development Application No. MCU25/0001

**Decision Notice – Development Permit for Material Change of Use for Multiple Dwelling (Four Units)
on land located at 64 Wilmington Street, Ayr (Lot 2 on RP709667).**

I refer to your development application made on behalf of Malas Constructions, seeking a Development Permit for Material Change of Use for Multiple Dwelling (Four Units), on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **11 April 2025**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the development's conditions of approval, currency period, approved plans, and includes relevant extracts from *the Planning Act 2016*. These extracts contain information relating to the making of representations regarding conditions, the suspension of the appeal period, negotiated decisions, and the lodgement of an appeal, should you wish to do so.

Yours sincerely,



Kellie Galletta

Manager Planning and Development

**Enc: Decision Notice
Appeal Rights**

Decision Notice

Planning Act 2016



Address all communications to
The Chief Executive Officer

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

14 April 2025

This decision notice is given under Section 63 of the *Planning Act 2016*.

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU25/0001
Applicant Details:	Malas Constructions C/- Milford Planning PO Box 5463 Townsville QLD 4810 Via email: info@milfordplanning.com.au
Owner Details:	R Malas and J P Malas
Street Address:	64 Wilmington Street, Ayr
Real Property Description:	Lot 2 on RP709967
Proposal:	Material Change of Use – Multiple Dwelling (Four Units)
Planning Scheme:	<i>Burdekin Shire Council Planning Scheme 2022</i>
Level of Assessment:	Code

Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the *Planning Act 2016*.

Type of Decision:	Approval with conditions
Date of Decision:	11 April 2025
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	Not applicable

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except as amended by the conditions of this permit. The approved plans are included in **Attachment B** of this Decision Notice.

Referral Agencies

Not applicable to this application.

Further Approvals Required

Refer to **Attachment A** – Conditions of Approval.

Infrastructure Charges

The proposal is a development type that triggers infrastructure charges to be applied, as per Council's Charges Resolution. The full Infrastructure Charges Notice is **attached**.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the *Planning Act 2016*).

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Material Change of Use component of the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmarks applied to the proposed development:

- Low-medium Density Residential Zone Code
- Flood Hazard Overlay Code
- Development Works Code

Compliance with Assessment Benchmarks and Reasons for the Decision

The proposed development was assessed against all assessment benchmarks listed above and complies with the exception of the following listed. Reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Low-medium Density Residential	
Residential Design (other than dwelling houses and dual occupancies)	
PO20 Residential buildings have generous setbacks from side and rear boundaries to maintain privacy, sunlight and breezes to adjoining properties, retain a back yard and create space for substantial landscaping.	Complies in part with AO20 but considered to comply with PO20. The proposed buildings have a setback of 2m from side boundaries. The rear boundary is set back by 2m, which is shorter than the 4m specified in the acceptable outcome. However, the existing dwelling on the adjoining lot has a rear setback of 18.8m. This setback will help ensure that the proposed development maintains an appropriate distance from the rear boundary, preserving privacy, sunlight, and airflow for the neighbouring property. Additionally, a 1.8m-tall fence is proposed to be provided which will also help maintain privacy.
AO20 Buildings are setback from: (a) side boundaries by 2m; and (b) rear boundaries by 4m.	
PO23 Generous and usable private open space is provided to each dwelling.	Does not comply with AO23 but considered to comply with PO23. Applicant indicates that the proposed private indoor space will be greater than 31m ² , falling short of the 60m ² space requirement as each dwelling has two bedrooms. However, given the proposed development is a compact, medium-density residential product, it is considered that the amount of proposed private open
AO23 Each dwelling is provided with 30m ² area per bedroom with at least 40% of total space in one	

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
useable parcel being not less than 5m in width.	space per unit is appropriate for the nature of the development.

Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development can, or can be conditioned to generally comply with the intent of the relevant codes that apply including the Low-medium Density Residential Zone Code, Flood Hazard Overlay Code, and Development Works Code.

Properly Made Submissions

Not applicable.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the [Planning Act 2016](#) states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to register premises or to renew the registration of premises—20 business days after a notice is published under [section 269\(3\)\(a\) or \(4\)](#); or
 - (d) for an appeal against a decision of the Minister, under [chapter 7, part 4](#), to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under [section 269A\(2\)\(a\)](#); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (g) for an appeal relating to the [Plumbing and Drainage Act 2018](#)—
 - a. for an appeal against an enforcement notice given because of a belief mentioned in the [Plumbing and Drainage Act 2018, section 143\(2\)\(a\)\(i\), \(b\) or \(c\)](#)—5 business days after the day the notice is given; or
 - b. for an appeal against a decision of a local government or an inspector to give an action notice under the [Plumbing and Drainage Act 2018](#)—5 business days after the notice is given; or
 - c. for an appeal against a failure to make a decision about an application or other matter under the [Plumbing and Drainage Act 2018](#)—at anytime after the period within which the application or matter was required to be decided ends; or
 - d. otherwise—20 business days after the day the notice is given; or
 - (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to –

- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under [schedule 1, section 1](#), table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under [schedule 1, section 1](#), table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- a. if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - b. otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, [section 316\(2\)](#), [schedule 1](#) and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The [Judicial Review Act 1991, part 5](#) applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the [Judicial Review Act 1991](#) in relation to the decision or matter, may apply under [part 4](#) of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes–
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter–
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Malas Constructions Pty Ltd
APPLICATION:	Material Change of Use – Multiple Dwellings (4 x 2-bedroom units)
NOTICE NUMBER:	ICN2025-03
DATE:	14 April 2025
FILE REFERENCE:	MCU25/0001
AMOUNT OF THE LEVIED CHARGE: (Details of how these charges were calculated are shown overleaf)	\$18,000.00 Total
	\$3,600.00 Water Supply Network
	\$3,600.00 Sewerage Network
	\$3,600.00 Transport Network
	\$3,600.00 Public Parks and Community Land Network
	\$3,600.00 Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.
LAND TO WHICH CHARGE APPLIES:	Lot 2 on RP709667
SITE ADDRESS:	64 Wilmington Street, Ayr
PAYABLE TO:	Burdekin Shire Council
WHEN PAYABLE: (In accordance with the timing stated in Section 122 of the Planning Act 2016)	Prior to the commencement of the use.
OFFSETS OR REFUNDS:	Not applicable.

This charge is made in accordance with Council's **Charges Resolution (No. 2) 2018**.

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	No.	Units of Measure	Charge Rate	Reference	Amount
Residential (1 or 2 bedroom dwelling)	4	per dwelling	\$1,400.00	CR Table 2.1	\$5,600.00

Discounts*

Description	No.	Units of Measure	Discount Rate	Reference	Amount
Residential (3 or more bedroom dwelling)	1	per dwelling	\$2,000.00	CR Table 2.1	\$2,000.00

Sewer Supply

Adopted Charges

Development Description	No.	Units of Measure	Charge Rate	Reference	Amount
Residential (1 or 2 bedroom dwelling)	4	per dwelling	\$1,400.00	CR Table 2.1	\$5,600.00

Discounts*

Description	No.	Units of Measure	Discount Rate	Reference	Amount
Residential (3 or more bedroom dwelling)	1	per dwelling	\$2,000.00	CR Table 2.1	\$2,000.00

Transport

Adopted Charges

Development Description	No.	Units of Measure	Charge Rate	Reference	Amount
Residential (1 or 2 bedroom dwelling)	4	per dwelling	\$1,400.00	CR Table 2.1	\$5,600.00

Discounts*

Description	No.	Units of Measure	Discount Rate	Reference	Amount
Residential (3 or more bedroom dwelling)	1	per dwelling	\$2,000.00	CR Table 2.1	\$2,000.00

Public Parks and Land for Community Facilities

Adopted Charges

Development Description	No.	Units of Measure	Charge Rate	Reference	Amount
Residential (1 or 2 bedroom dwelling)	4	per dwelling	\$1,400.00	CR Table 2.1	\$5,600.00

Discounts*

Description	No.	Units of Measure	Discount Rate	Reference	Amount
Residential (3 or more bedroom dwelling)	1	per dwelling	\$2,000.00	CR Table 2.1	\$2,000.00

Stormwater
Adopted Charges

Development Description	No.	Units of Measure	Charge Rate	Reference	Amount
Residential (1 or 2 bedroom dwelling)	4	per dwelling	\$1,400.00	CR Table 2.1	\$5,600.00

Discounts*

Description	No.	Units of Measure	Discount Rate	Reference	Amount
Residential (3 or more bedroom dwelling)	1	per dwelling	\$2,000.00	CR Table 2.1	\$2,000.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
Residential (1 or 2 bedroom dwelling) x 4	\$5,600.00	\$5,600.00	\$5,600.00	\$5,600.00	\$5,600.00	\$28,000.00
Discount (former Dwelling house)	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$10,000.00
Total	\$3,600.00	\$3,600.00	\$3,600.00	\$3,600.00	\$3,600.00	\$18,000.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at Council's discretion.*

Yours faithfully,



Kellie Galletta

MANAGER PLANNING AND DEVELOPMENT

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2009</i> are GST exempt.
To whom the charge must be paid	<p>Payment of the Charge must be made payable to BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p>

¹ 3-yearly PPI index average is defined in section 114 of the *Planning Act 2016* and means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

It is requested that you contact Council's Town Planning Department to confirm that amount payable prior to making payment.

Payment

This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to BURDEKIN SHIRE COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

Overseas Payees

Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

Method of Payment**PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Town Planning Department.

Mail this updated payment notice immediately with your payment to: BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Burdekin Shire Council Chambers, 145 Young Street, Ayr.

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the BURDEKIN SHIRE COUNCIL, Town Planning Department, during office hours, Monday to Friday by phoning (07) 4783 9800 or email at planning@burdekin.qld.gov.au

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds –</p> <ol style="list-style-type: none"> (a) The notice involved an error relating to – <ol style="list-style-type: none"> i) The application of the relevant adopted charge; or <p><i>Examples of errors in applying an adopted charge –</i></p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <ol style="list-style-type: none"> ii) The working out of extra demand, for section 120; or iii) An offset or refund; or <ol style="list-style-type: none"> (b) There was no decision about an offset or refund; or (c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or (d) For an appeal to the P&E Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
1. General and Administration		
<p><u>Compliance with Conditions</u></p> <p>1.1 The applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with:</p> <p>1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports.</p> <p>1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) and all other relevant legislative requirements to Council’s satisfaction, and best industry practice.</p> <p>1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail.</p> <p>1.3 Where these conditions refer to ‘Council’ in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation.</p> <p><u>Notice of Intention to Commence the Use</u></p> <p>1.4 Prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.</p> <p><u>Works – Applicant’s Responsibility/Expense</u></p> <p>1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required, are met by the applicant at no cost to the Council.</p> <p>1.6 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately.</p> <p>1.7 Any required relocation and/or alteration to a public service or facility installation must be carried out at no cost to Council.</p>		<p>At all times.</p>

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
<u>Infrastructure Conditions</u>		
1.8 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk.		
2. Approved Plans and Documents		
<u>Approved Plans & Documents – Required Changes</u>		
2.1 The proposed development must be completed, comply with and maintained generally in accordance with the drawings/documents identified in the table below, except as otherwise specified and/or amended by any conditions of this approval.	To ensure that the development contributes to a safe and attractive residential environment.	i. Amended plans are to be submitted to Council for approval prior to lodgement of the development application seeking a development permit for building works.
2.2 One full set of the most recent approved plans must be held on-site and available for inspection for the duration of the construction phase.		ii. Once approved, the use and associated works must be completed and maintained generally in accordance with the approved drawings and documents, at all times.
2.3 The development must be constructed in the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
2.4 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		
Approved Plans		
Drawing Title	Drawing/Revision	Date
Malas Constructions New Units – Site Plan	UDS-24020 Sheet No.1 P3	15 November 2024
Malas Constructions New Units – Floor Plan	UDS-24020 Sheet No.2 P3	15 November 2024
Malas Constructions New Units – Elevations	UDS-24020 Sheet No.3 P3	15 November 2024
Malas Constructions New Units – 3D	UDS-24020 Sheet No.4 P3	15 November 2024
Malas Constructions New Units – 3D	UDS-24020 Sheet No.5 P3	15 November 2024

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
3. Outstanding Charges		
All rates and charges (including infrastructure charges), in arrears in respect of the land subject of the application, are to be paid in full prior to the commencement of the proposed use.		
4. Notice of Intention to Commence the Use		
A minimum two (2) weeks prior to the commencement of the use on the land subject to this application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		
5. Nature and Extent of Approved Use		
<p>5.1 This approval provides for a development comprising: ‘Multiple Dwelling’ as defined in the Planning Scheme: <i>A residential use of premises involving 3 or more dwellings, whether attached or detached, for separate households.’</i></p> <p>5.2 Specifically, the approved use is to remain in accordance with the scale and intensity provided in the development application and asset out on the approved proposal plans listed in the table forming part of Condition 2 and Condition 5.</p> <p>5.3 No other operations and/or activities are allowed other than those approved by this permit.</p> <p>5.4 The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the development application including its supporting material provided to it by the applicant.</p> <p>5.5 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>	The development must comply with all planning scheme requirements including definitions, nature and extent as approved and conditioned by this development permit.	At all times.
6. Roadworks, Access, Parking and Traffic		

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
<p>6.1 All accesses to the premises, on site car parking and manoeuvring areas must be constructed in an all-weather, suitably sealed, low glare paving (bitumen, asphalt, concrete).</p> <p>6.2 Parking space and layout must be designed in accordance with the provisions contained in the supporting material included in the plan submitted with the application by ‘Milford Planning’ as shown on drawing UDS-24020 Sheet No. 2 Issue P3.</p> <p>6.3 The construction of any additional crossovers to give access to the land is to be the owner’s responsibility and to the satisfaction of the Chief Executive Officer</p> <p>6.4 The access to the development from Wilmington Street must be a minimum of 6m.</p> <p>6.5 All modifications to on street parking must be designed in accordance with Australian Standard AS 2890.5 (2020) (On-street Parking) and certified by an RPEQ.</p> <p>6.6 The Applicant is to provide plans prepared by a suitably qualified person demonstrating safe turn movements within the development site to Australian Standards.</p> <p>6.7 All access in and out of the Development to and from Wilmington Street is to be in a forward direction.</p>	<p>To ensure development is appropriately serviced by adequate on-site parking, access and manoeuvrability areas in accordance with relevant code/s and policy direction; and that the developments impact on the road network and safety of road users in this location is appropriately mitigated.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>
7. Amenity, Landscaping, Screening and Safety		
<p>7.1 Use of the site is to be operated in a way that protects the values of the existing residential environment and will not cause any unacceptable impacts on surrounding areas as a result of privacy, odour, noise, lighting or dust.</p> <p>7.2 Any outdoor lighting fixtures must be installed and maintained so that they do not emit glare or light above the levels stated in <i>Australian</i></p>	<p>(i) To ensure that the development:</p> <ul style="list-style-type: none"> • contributes to a safe and attractive residential environment; • Maintains the residential amenity and low-medium density character. 	<p>i. Prior to commencement of use; and</p> <p>ii. Then, at all times.</p>

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
<p><i>Standard 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.</i></p> <p>7.3 In the event of a complaint being received by Council associated with the use, the developer/operator may be required to undertake an impact assessment addressing these matters in accordance with the provisions of the relevant legislation, regulations, Australian Standards and any other policies to the satisfaction of Council.</p> <p><u>Landscaping</u></p> <p>7.4 Landscaping to be provided on site that:</p> <ol style="list-style-type: none"> reinforce existing streetscape character; provide effective shade and screening; and use native and endemic species where possible. <p>7.5 The owner/developer must adequately maintain the landscaping to ensure it is neat and tidy at all times.</p> <p><u>Screening</u></p> <p>7.6 A minimum 1.8m high screen fence with a maximum gap of 10mm is to be provided for the full length of both side boundaries and along the rear boundary of the subject site.</p> <p>7.7 The owner/developer must adequately maintain the fencing and screening provisions to ensure it is neat and tidy at all times.</p> <p><u>Safety</u></p> <p>7.8 Development is to be operated at all times to ensure:</p> <ol style="list-style-type: none"> casual surveillance and sight lines are maximised; personal concealment and entrapment locations are avoided; and adequate lighting is provided. 	<ul style="list-style-type: none"> Softens the visual impact of the development from the street and adjoining land Protects the privacy and amenity of the area, adjacent dwellings and the residents of the units. <p>(ii) To ensure that the use does not cause a nuisance in accordance with the relevant provisions of the <i>Queensland Environmental Protection Act 1994</i>.</p>	
8. Waste Management		

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
<p>8.1 Waste bins shall be provided and stored in locations as shown on amended plans submitted in accordance with Condition 2.1.</p> <p>8.2 The number of bins shall be in accordance with Burdekin Shire Council's Waste Management Policy.</p> <p>8.3 A suitable hosecock and hose is to be provided at the waste storage area.</p> <p>8.4 Waste bins shall be washed or cleaned only in the bin wash area which shall be constructed under separate approval and fitted with traps, diversion valves and other approved devices to prevent stormwater ingress into the sewerage system and to prevent the risk of release of contaminants to stormwater.</p>	<p>To ensure development is appropriately serviced.</p>	<p>At all times.</p>
Infrastructure Servicing		
<p>9. Water Supply</p> <p>9.1 The applicant must connect all lots to Council's reticulated water supply. The water connection shall be provided at a location approved by Council and at the full cost of the developer. The connection must be installed by Council.</p> <p>10 Sewerage Supply</p> <p>10.1 The development must be connected to Council's sewerage scheme. The sewerage connection shall be to the satisfaction of the Chief Executive Officer at the full cost of the developer.</p> <p>11 Stormwater</p> <p>11.1 The developer is required to provide a RPEQ certified Stormwater management plan to identify at minimum but not limited the following:</p> <p>11.1.1. The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a</p>	<p>To ensure development is appropriately serviced.</p>	<p>i. Technical details are to be submitted to Council as part of an application for Operational Work.</p> <p>ii. Works to be completed prior to the commencement of the use.</p> <p>iii. To be maintained for the life of the development.</p>

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
<p>manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>11.1.2. All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including 1% AEP.</p> <p>11.1.3. The development must not cause actionable nuisance of flooding in downstream reaches of the catchment including kerb and channel in Wilmington Street and Parker Street and the drainage system at and downstream of the intersection of Munro Street and Parker Street.</p> <p>11.2 Stormwater drainage from paved/sealed and roofed areas must be discharged under the road verge to kerb and channelling within the adjoining road reserves in accordance with AS3500.2.2003 or as otherwise required or agreed to in writing by the Chief Executive Officer.</p> <p>12 Lighting</p> <p>12.1 The vertical illumination resulting from direct, reflected or incidental light coming from the site is not to exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.</p> <p>13 Electricity and Communications</p> <p>13.1 Provide electricity and telecommunications connection to the proposed development to the requirements of the relevant authority.</p>		
Operational Works		
<p>14 Operational Works</p>	<p>To ensure development is appropriately serviced.</p>	<p>Prior to the issue of a Development Permit for Building Works.</p>

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
14.1 The applicant is required to lodge an Operational Works Application to Council for assessment and approval prior to commencement of construction.		
Residential design		
15 Mailbox 15.1 Provide mailboxes for each new unit at the front of the site.	To ensure development is appropriately serviced.	At all times.
16 Property Numbering 16.1 Legible property numbers must be erected at the premises and must be maintained. 16.2 The site identification numbers should be of reflective material, maintained free from foliage and other obstructions, and be large enough to be read from the street.	To allow the general public, service and emergency service providers to effectively identify the property.	Prior to the commencement of the use and maintained for the life of the development.
17 Screening of Plant and Utilities 17.1 All services, plant and utilities (such as air conditioner units, hot water systems and clothes lines must be screened and/or located so as not to be visible from the street.	To ensure the Development does not have a detrimental effect on the amenity of the surrounding area in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the Development.
18 Building Materials 18.1 The exterior surfaces of all buildings and structures associated with the use must be constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level which does not cause excessive glare.	To ensure the Development does not have a detrimental effect on the amenity of the surrounding area in accordance with relevant code/s and policy direction.	Prior to the commencement of the use and maintained for the life of the Development.
19 Private Open Space 19.1 All private open spaces are to be protected from overlooking through the use of effect screening and/or landscaping provisions.		i. Works to be completed before the commencement of the use.

Attachment A – Assessment Manager’s Conditions of Approval

Condition	Reason	Timing
	To ensure the development provide each dwelling with generous and useable private open space.	ii. To be maintained for the life of the Development.

Advice
<p>1. Infrastructure Charges An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information.</p>
<p>2. Uses other than ‘Multiple dwelling’ Any other uses proposed on this lot that are not defined as “Multiple dwelling” and/or separately defined in Council’s Planning Scheme will require a separate development application and permit as per the planning scheme requirements and all relevant legislation.</p>
<p>3. Compliance with Conditions Inspections will be required to be undertaken by Council to determine compliance with conditions that are not subject to a further approval.</p>
<p>4. Further Approvals Required</p> <p>a) Operational Works A development permit for operational works to carry out civil works associated with the planning approval is required prior to any works commencing on-site.</p> <p>b) Erection of Structures over or adjacent to Sewers The applicant is required to lodge an “Application to Build Over or Near Relevant Infrastructure” and provide all relevant information for Burdekin Shire Council to review and certify meeting all “Erection of Structure Over or Adjacent to Sewers or Water Main Policy”.</p> <p>c) Plumbing and Drainage Works A compliance permit to carry out plumbing and drainage works must be obtained prior to the commencement of plumbing and drainage works.</p> <p>d) Building Works A development permit for building works to carry out building works is required, prior to works commencing on site.</p>
<p>5. Equitable Access and Facilities</p>

Attachment A – Assessment Manager's Conditions of Approval

Advice

The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code - Building Code of Australia (Volume 1)* as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:

- (a) *the Disability Discrimination Act 1992 (Commonwealth)*
- (b) *the Anti-Discrimination Act 1991 (Queensland)*
- (c) *the Disability (Access to Premises – Buildings) Standards.*

6. Construction

6.1 Commencement

Council must be notified in writing two (2) weeks prior to the proposed construction commencement date via planning@burdekin.qld.gov.au.

6.2 Environmental Nuisance

Ensure compliance with the Environmental Protection Act 1994. The Act states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance.

In this regard, persons and entities, involved in the civil, earthworks, and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

6.3 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the *Work Health and Safety Act 2011*. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the *Work Health and Safety Act 2011*. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

6.4 Building Work Noise

The hours of audible noise associated with construction and building work on-site must be limited to between the hours of:

Attachment A – Assessment Manager's Conditions of Approval

Advice	
<ul style="list-style-type: none"> ▪ 6.30 a.m. to 6.30 p.m. Monday to Saturday; with ▪ No work on Sundays or Public Holidays. 	
6.5 <u>Storage of Materials and Machinery</u>	
<p>All construction materials, waste, waste skips, machinery and contractor's vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractor's vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.</p>	
7. Aboriginal and Cultural Heritage	
7.1 If any item of cultural heritage is identified during site works, all work must cease, and the relevant state agency must be notified. Work can resume only after state agency clearance is obtained.	
7.2 The applicant is reminded of their obligations under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> . Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au	
8. Miscellaneous	
8.1 Council will not be obligated to upgrade any roads accessing the development due to increased vehicle numbers accessing the development.	
8.2 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of Council.	
8.3 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject development.	
8.4 All works and ongoing operations of development are to be in accordance with the Build Over or near relevant infrastructure approval requirements.	

Walden



LOT RP AREA	2 709667 1012.62 SQM
PROPOSED AREAS: UNITS 1 TO 4 TOTAL UNIT AREA	123.60SQM EACH 494.40SQM TOTAL
BIN HIDE AREA	12.65SQM
SITE COVER INCLUDING BIN HIDE AREA	50%
4/COVERED CARPARKS 1/UNCOVERED VISITOR PARK	

NOTE.

1. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK.
2. VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION.
3. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
4. ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.

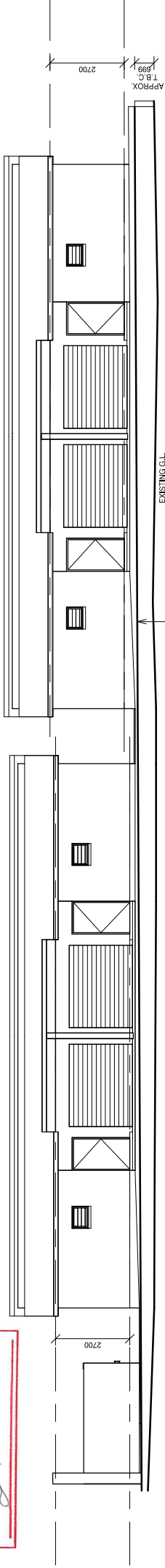
DO NOT SCALE OFF DRAWING - IF IN DOUBT ASK THE DRAWING IS COPYRIGHT (C).

CLIENT: MALAS CONSTRUCTIONS	TITLE: SITE PLAN
PROJECT: NEW UNITS	JOB NO.: UDS-24020
AT 64 WILMINGTON STREET AYR	SHEET NO. 1 ISSUE P3

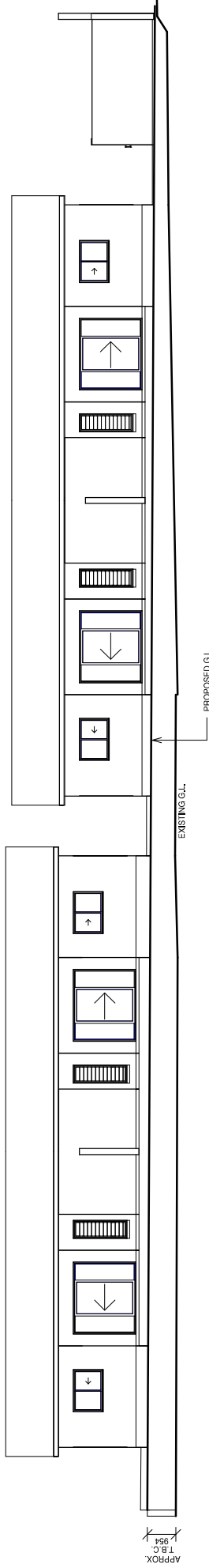
UDS
ULTIMATE • DESIGN • SOLUTIONS

QBCC Licensee: Ultimate Design Solutions Pty
QBCC Lic No. 15058613
Building Design - Low Rise

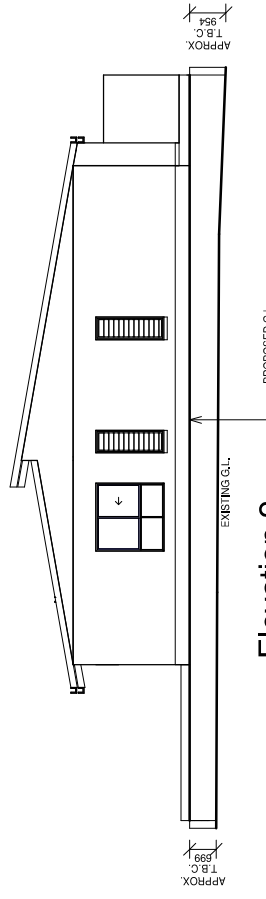
Ph: 07 4783 7727
Mob: 0408 878 390
8 Nina Drive
Ayr QLD 4807
ABN 75 618 111 470



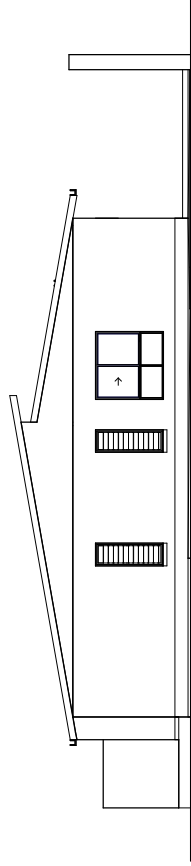
1 Elevation 1
1 : 100



3 Elevation 3
1 : 100



2 Elevation 2
1 : 100



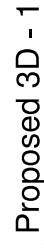
4 Elevation 4
1 : 100

REVISIONS AND COMMENTS			
NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	15/1/24	TRM
2	AMENDMENTS		

NOTE: BEFORE COMMENCING ANY WORK, THE CLIENT MUST OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A GUARANTEE OF ANY KIND. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A GUARANTEE OF ANY KIND. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

DRAWN	TRM
CHECKED	TRM
APPROVED	

CLIENT MALAS CONSTRUCTIONS		TITLE ELEVATIONS	
PROJECT NEW UNITS		JOB NO. UDS-24020	
AT 64 WILMINGTON STREET ATR		SHEET NO. 3	
		ISSUE P3	



1

P3	PRELIMINARY	15/11/24	TMM
AMENDMENTS			

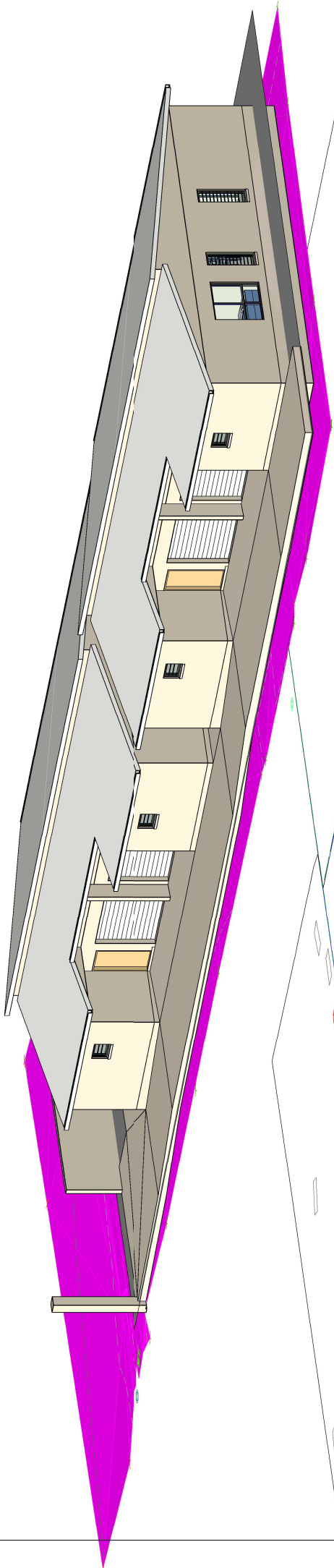
NOTE:

1. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK.
2. OBTAINING ALL THE DIMENSIONS BEFORE COMMENCING ANY WORK.
3. PRECISE DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
4. ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.

DO NOT SCALE OFF DRAWING - IF IN DOUBT ASK THE DRAWING IS COPYRIGHT (c)

DRAWN	TRM
CHECKED	TRM
APPROVED	

CLIENT: MALAS CONSTRUCTIONS	TITLE 3D
PROJECT NEW UNITS	JOB NO. UDS-24020
AT 64 WILMINGTON STREET AYR	SHEET NO. 4 ISSUE P3



1 Proposed 3D - 2

REVISIONS AND COMMENTS			
NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	15/11/24	TRM
AMENDMENTS			

NOTE:
BEFORE COMMENCING ANY WORK,
CONSIDER ANY APPLICABLE
PRECEDENCE OVER LOCAL REQUIREMENTS.
AUTHORITY REQUIREMENTS: THE STANDARD
OF AUTISM AND RELEVANT AUSTRALIAN
DO NOT SCALE OFF DRAWING IF IN DOUBT ASK
THIS DRAWING IS COPYRIGHT (C)

DRAWN	TRM
CHECKED	TRM
APPROVED	

CLIENT	MALAS CONSTRUCTIONS
PROJECT	NEW UNITS
AT	64 WILMINGTON STREET ATR

TITLE	3D
JOB NO.	UDS-24020
SHEET NO.	5
ISSUE	P3

Attachment 2

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)	Malas Constructions C/- Milford Planning
Contact name (only applicable for companies)	Sarah Jones
Postal address (P.O. Box or street address)	PO Box 5463
Suburb	Townsville
State	QLD
Postcode	4810
Country	
Contact number	07 4724 0095
Email address (non-mandatory)	info@milfordplanning.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	M2360
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (all lots must be listed), **or**

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		64	Wilmington Street	Ayr
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		2	RP709667	Burdekin Shire
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)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

☐ Coordinates of premises by easting and northing

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

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):

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

5) Are there any existing easements over the premises?

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

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input checked="" type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Operational Work associated with MCU25/0001
e) Relevant plans
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

6.4) Is the application for State facilitated development?

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

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

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

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

- ☐ Yes
- ☐ No

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

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

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

Division 2 – Reconfiguring a lot

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

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

--

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

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> 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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?		
<input checked="" type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input checked="" type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage	<input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)		
<input type="checkbox"/> Yes – specify number of new lots:		
<input checked="" type="checkbox"/> No		

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

\$61,347.00

PART 4 – ASSESSMENT MANAGER DETAILS

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

Burdekin Shire Council

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

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

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

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

- ☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

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

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland
Government

- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material *(from a watercourse or lake)*
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees *(category 3 levees only)*
- ☐ Wetland protection area

Matters requiring referral to the local government:

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) *(only if the ERA has been devolved to local government)*
- ☐ Heritage places – Local heritage places

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

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

- ☐ Ports – Brisbane core port land

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

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

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

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

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

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

Matters requiring referral to the Gold Coast Waterways Authority:

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

Matters requiring referral to the Queensland Fire and Emergency Service:

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

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

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☐ No

Referral requirement	Referral agency	Date of referral response

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

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

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

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

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

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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

PART 7 – FURTHER DETAILS

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

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

☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCU25/0001	11 April 2025	Burdekin Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

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

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

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

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

☐ Yes – show cause or enforcement notice is attached

☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

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

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

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

Hazardous chemical facilities

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

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

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

Clearing native vegetation

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

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

Note: The environmental offset section of the Queensland Government’s website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

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

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

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

Water resources

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

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

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

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

☒ No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

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

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

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

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

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

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

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

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

☒ No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

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

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

☒ No

Note: See guidance materials at www.resources.qld.gov.au for further information.



Tidal work or development within a coastal management district

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

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title

☒ No

Note: See guidance materials at www.desi.qld.gov.au for further information.

Queensland and local heritage places

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

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

☒ No

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

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

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

☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

☒ No

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

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

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

☒ No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable



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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	

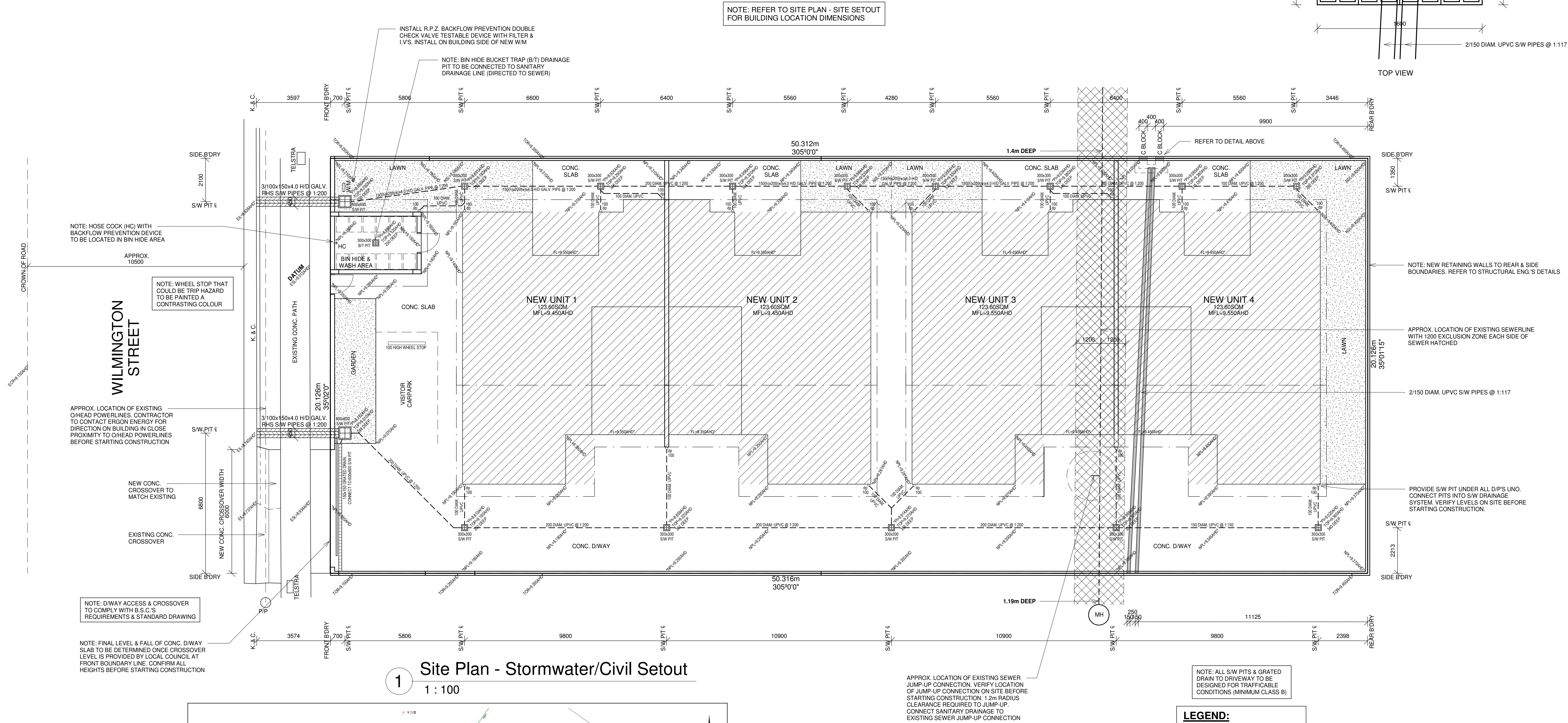
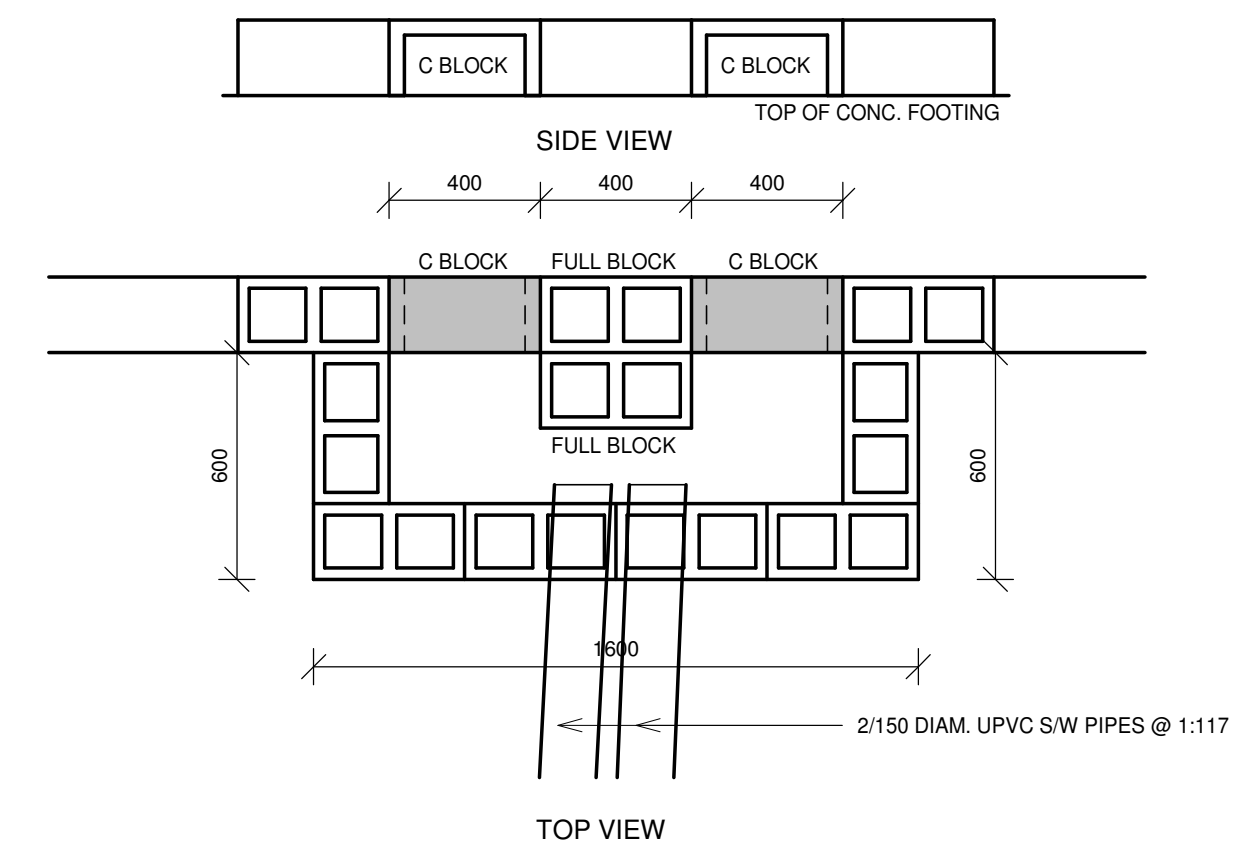
QLeave notification and payment

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			

Attachment 3

NOT FOR CONSTRUCTION



1 Site Plan - Stormwater/Civil Setout
1 : 100

APPROX. LOCATION OF EXISTING SEWER
JUMP-UP CONNECTION. VERIFY LOCATION
OF JUMP-UP CONNECTION ON SITE BEFORE
STARTING CONSTRUCTION. 1.2m RADIUS
CLEARANCE REQUIRED TO JUMP-UP.
CONNECT SANITARY DRAINAGE TO
EXISTING SEWER JUMP-UP CONNECTION

NOTE: ALL S/W PITS & GRATED DRAIN TO DRIVEWAY TO BE DESIGNED FOR TRAFFICABLE CONDITIONS (MINIMUM CLASS B)

LEGEND:

*MFL	MAIN FLOOR LEVEL
*TOR	TOP OF RETAINING WALL
*TOP	TOP OF PIT
*PI	PIT INVERT
*NPL	NEW PAVEMENT LEVEL
*NSL	NEW SURFACE LEVEL
*EIL	EXISTING INVERT LEVEL
*ECR	EXISTING CROWN OF ROAD


NOTE: ALL LEVELS TO BE CONFIRMED ON SITE BEFORE STARTING CONSTRUCTION

NOTE : CONTRACTOR TO ACCURATELY LOCATE SEWER LINE/JUMP-UP CONNECTION & CONFIRM SEWER DEPTH BEFORE STARTING CONSTRUCTION. IF ANY DAMAGE TO THE SEWER OCCURS, RECTIFICATION COSTS WILL BE PAID BY CONTRACTOR

DATUM MARKED BY BRAZIER MOTTI WITH
SCREW IN FOOTPATH ESL=9.012AHD)
VERIFY ALL LEVELS ON SITE BEFORE
STARTING CONSTRUCTION

REFER TO SHEET
4 FOR SITE & SITE
DRAINAGE NOTES

ENGINEERING CERTIFICATION

Signed: 
JOHN SINGLE - RPE# 24378

Ph: 07 4783 7727
Mob: 0408 878 390
11 Nina Drive
Burrumbidgee QLD 4807
ABN 75 618 111 470

UDS
ULTIMATE • DESIGN • SOLUTIONS
QBCC Licensee: Ultimate Design Solutions Pty Ltd
QBCC Lic No. 15058613
Building Design - Low Rise

SITE ANALYSIS

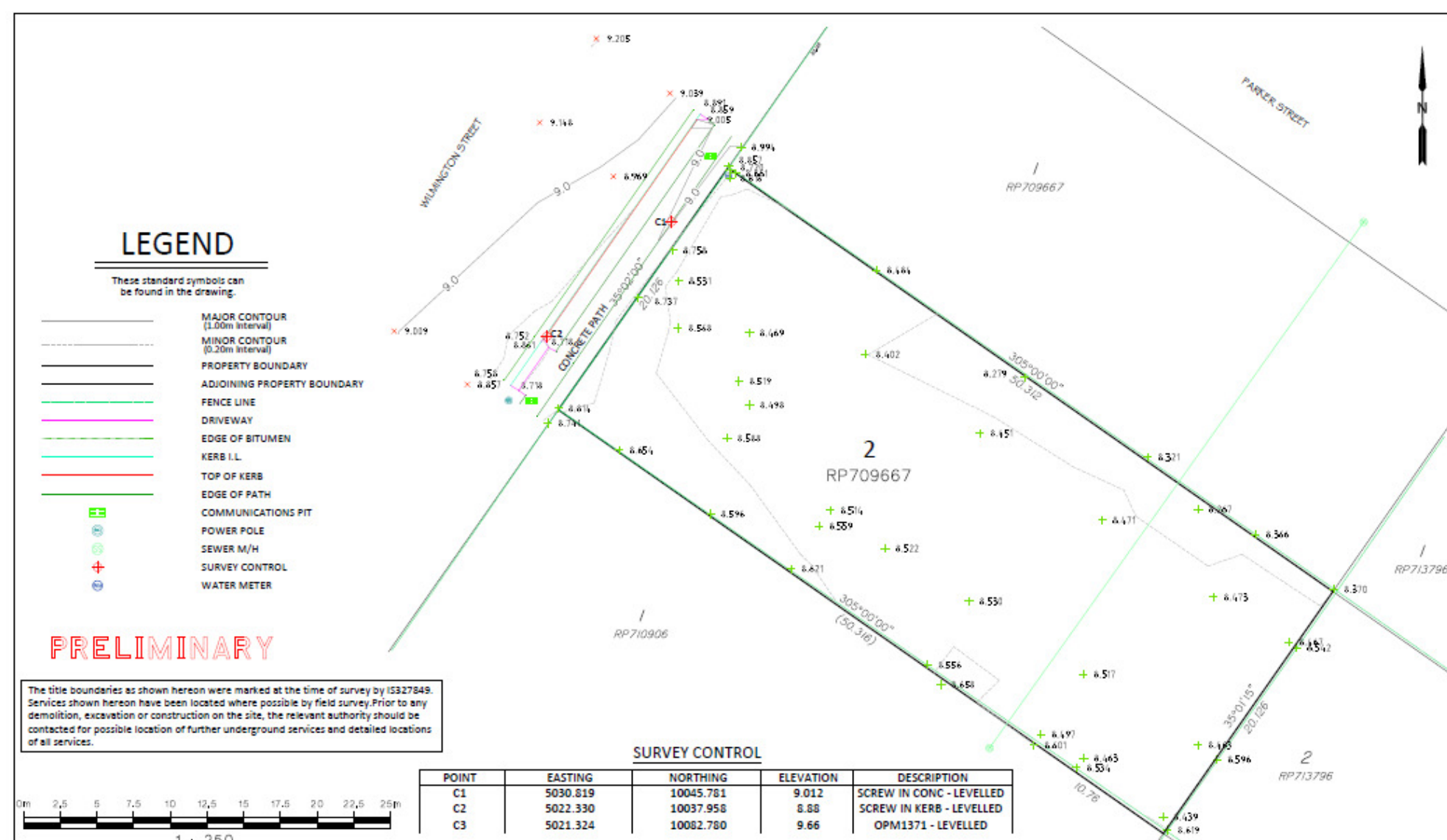
LOT	2
RP	709667
AREA	1012.62 SQM

PROPOSED AREAS:	
UNITS 1 TO 4	123.60SQM EACH
TOTAL UNIT AREA	494.40SQM TOTAL

BIN HIDE AREA	12.6SQM
---------------	---------

SITE COVER INCLUDING	50%
----------------------	-----

4/COVERED CARPARKS
1/UNCOVERED VISITOR PARK



NOTE: IN AREAS WHERE Q100 FLOOD LEVEL IS PROVIDED, ALL HABITABLE F.L.'S TO BE BUILT MIN. 150mm ABOVE Q100 FLOOD LEVEL OR 300mm ABOVE CROWN OF ROAD OR 300mm ABOVE FINISHED GROUND LEVEL, WHICH EVER IS HIGHEST. WHERE Q100 FLOOD LEVEL IS NOT PROVIDED, ALL HABITABLE F.L.'S TO BE BUILT 300mm ABOVE CROWN OF ROAD OR 300mm ABOVE FINISHED GROUND LEVEL OR 300mm ABOVE HIGHEST KNOWN FLOOD LEVEL, WHICH EVER IS HIGHEST

NOTE: EXISTING & NEW TREES TO BE KEPT MIN. 1.0 TIMES THE FULL HEIGHT OF MATURITY AWAY FROM ANY STRUCTURE ON 'S' SITES

NOTE: REFER TO GEOTECHNICAL
REPORT FOR SITE PREPARATION
NOTES, PRIOR TO CONSTRUCTION

THESE DRAWINGS ARE NOT FOR CONSTRUCTION
UNTIL THEY ARE APPROVED BY A BUILDING CERTIFIER

NOTE:
1. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK.
2. VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION.
3. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
4. ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.

DO NOT SCALE OFF DRAWING - IF IN DOUBT ASK

THIS DRAWING IS COPYRIGHT ©

DRAWN	TRM
CHECKED	Cher
APPROVED	

CLIENT **MALAS CONSTRUCTIONS**

PROJECT	NEW UNITS
---------	-----------

TITLE	SITE PLAN - S/W & CIVIL
-------	-------------------------

JOB NO.
UDS-24020

SHEET NO.	ISSUE
1	P3

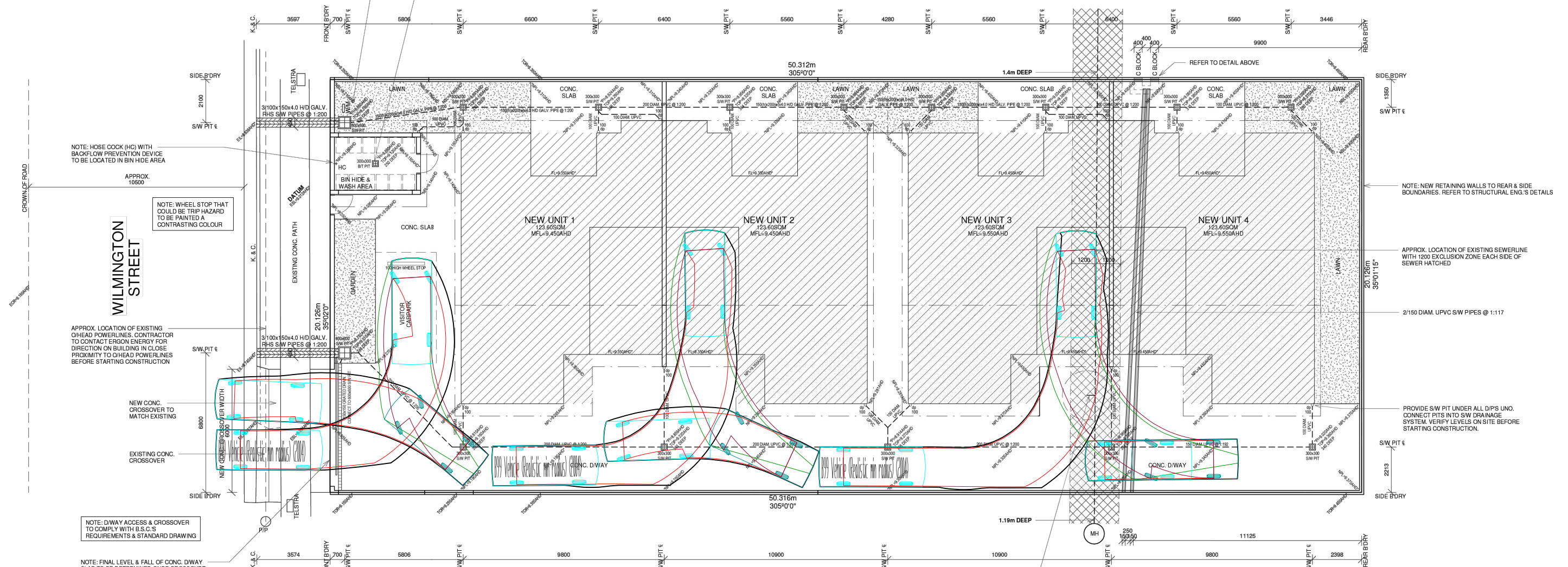
Attachment 4

NOT FOR CONSTRUCTION

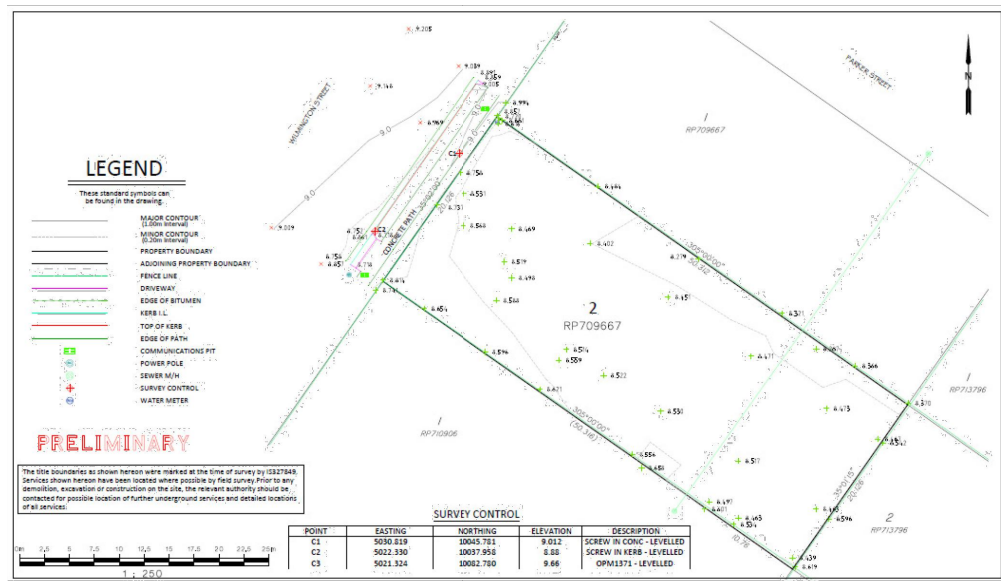
Side View Dimensions:
Overall Length: 5.2
Overall Width: 0.95
Overall Body Height: 1.878
Min Body Ground Clearance: 0.272
Track Width: 1.840
Lock-to-lock time: 4.00s
Curb to Curb Turning Radius: 6.250m

Top View Dimensions:
Overall Length: 5.200m
Overall Width: 1.940m
Overall Body Height: 1.878m
Min Body Ground Clearance: 0.272m
Track Width: 1.840m
Lock-to-lock time: 4.00s
Curb to Curb Turning Radius: 6.250m

Notes:
NOTE: REFER TO SITE PLAN - SITE SETOUT FOR BUILDING LOCATION DIMENSIONS
NOTE: BIN HIDE BUCKET TRAP (B/T) DRAINAGE PIT TO BE CONNECTED TO SANITARY DRAINAGE LINE (DIRECTED TO SEWER)
INSTALL R.P.Z. BACKFLOW PREVENTION DOUBLE CHECK VALVE TESTABLE DEVICE WITH FILTER & I.V.S. INSTALL ON BUILDING SIDE OF NEW W/M



1 Site Plan - Vehicle Swept Paths
1 : 100



APPROX. LOCATION OF EXISTING SEWER JUMP-UP CONNECTION. VERIFY LOCATION OF JUMP-UP CONNECTION ON SITE BEFORE STARTING CONSTRUCTION. 1.2m RADIUS CLEARANCE REQUIRED TO JUMP-UP. CONNECT SANITARY DRAINAGE TO EXISTING SEWER JUMP-UP CONNECTION

NOTE: SEWER LEVELS TO BE VERIFIED ON SITE BEFORE STARTING CONSTRUCTION

IN AREAS WHERE Q100 FLOOD LEVEL IS PROVIDED, ALL HABITABLE F.L.'S TO BE BUILT MIN. ABOVE Q100 FLOOD LEVEL OR 300mm ABOVE TOP OF ROAD OR 300mm ABOVE FINISHED GROUND WHICHEVER IS HIGHEST. WHERE Q100 FLOOD LEVEL IS NOT PROVIDED, ALL HABITABLE F.L.'S TO BE BUILT MIN. 300mm ABOVE CROWN OF ROAD OR 300mm ABOVE FINISHED GROUND LEVEL OR 300mm ABOVE HIGHEST FLOOD LEVEL, WHICHEVER IS HIGHEST

NOTE: EXISTING & NEW TREES TO BE KEPT MIN. 1.0 TIMES THE FULL HEIGHT OF MATURITY AWAY FROM ANY STRUCTURE ON 'S' SITES

NOTE: REFER TO GEOTECHNICAL REPORT FOR SITE PREPARATION NOTES, PRIOR TO CONSTRUCTION

SEWER DRAIN TO BE DESIGNED FOR TRAFFIC LOAD CONDITIONS (MINIMUM CLASS B)

LEGEND:


*MFL	MAIN FLOOR LEVEL
*TOR	TOP OF RETAINING WALL
*TOP	TOP OF PIT
*PI	PIT INVERT
*NPL	NEW PAVEMENT LEVEL
*NSL	NEW SURFACE LEVEL
*EIL	EXISTING INVERT LEVEL
*ECR	EXISTING CROWN OF ROAD

NOTE: ALL LEVELS TO BE CONFIRMED ON SITE BEFORE STARTING CONSTRUCTION

NOTE - CONTRACTOR TO ACCURATELY LOCATE SEWER LINE/JUMP-UP CONNECTION & CONFIRM SEWER DEPTH BEFORE STARTING CONSTRUCTION. IF ANY DAMAGE TO THE SEWER OCCURS, REIFICATION COSTS WILL BE PAID BY CONTRACTOR

DATUM MARKED BY BRAZIER MOTTI WITH SCREW IN FOOTPATH ESL=0.0124HD) VERIFY ALL LEVELS ON SITE BEFORE STARTING CONSTRUCTION

SITE ANALYSIS	
LOT RP AREA	2 709667 1012.62 SQM
PROPOSED AREAS: UNITS 1 TO 4 TOTAL UNIT AREA	123.60SQM EACH 494.40SQM TOTAL
BIN HIDE AREA	12.6SQM
SITE COVER INCLUDING BIN HIDE AREA	50%
4/COVERED CARPARKS 1/UNCOVERED VISITOR PARK	

THESE DRAWINGS ARE NOT FOR CONSTRUCTION UNTIL THEY ARE APPROVED BY A BUILDING CERTIFIER		NOTE: 1. VERIFY ALL DIMENSIONS AND LEVELS 2. USE DIMENSIONS GIVEN IN P1 3. VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING WORK 4. IF REQUIRED DIMENSIONS TO TAKE PRECEDENCE OVER SCALE MEASUREMENTS 5. ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS		DRAWN: TRM CHECKED: Checker APPROVED:		CLIENT: MALAS CONSTRUCTIONS PROJECT: NEW UNITS AT: 64 WILMINGTON STREET Ayr		TITLE: VEHICLE MOVEMENT LAYOUT DRAWINGS JOB NO.: UDS-24020 SHEET NO.: 1 ISSUE: P1		 Ph: 07 4783 7727 Mob: 0408 878 390 8 Nina Drive Ayr QLD 4807 ABN 75 618 111 470	
AMENDMENTS P1 PRELIMINARY 9/06/25 KJM		DO NOT SCALE OFF DRAWING - IF IN DOUBT ASK THIS DRAWING IS COPYRIGHT ©									

Attachment 5

Residential Development

64 Wilmington Street, Ayr

This Schedule of Works (SOW) has been prepared for the sole purpose of calculating Council application fees.

It is based on assessment of the works detailed on the drawings and Northern Consulting Engineers and its officers and employees assume no responsibility for interpretations made or use of the information.

Reviewed & Approved by



JOHN SINGLE - RPEQ 24378

ESTIMATE OF COSTS - SUMMARY - OPW

SECTION A - GENERAL	\$ 900.00
SECTION B - CIVIL WORKS - OPW	\$ 7,920.00
1 TOTAL ESTIMATE OF COSTS (OPW) EXCLUDING GST	\$ 8,820.00
2 TOTAL ESTIMATE OF COSTS (OPW) INCLUDING GST	\$ 9,702.00

ESTIMATE OF COSTS - SUMMARY - PRIVATE

SECTION C - CIVIL WORKS - PRIVATE	\$ 46,950.00
3 TOTAL ESTIMATE OF COSTS (PRIVATE) EXCLUDING GST	\$ 46,950.00
4 TOTAL ESTIMATE OF COSTS (PRIVATE) INCLUDING GST	\$ 51,645.00
5 TOTAL PROJECT ESTIMATED CIVIL CONSTRUCTION COSTS EXCL GST	\$ 55,770.00
6 TOTAL PROJECT ESTIMATED CIVIL CONSTRUCTION COSTS INCL GST	\$ 61,347.00

Item	Description	Unit	Quantity	Rate	Amount
SECTION A - GENERAL					
1	Site establishment	Item		\$	400
2	Insurance in accordance with contract provisions	Item		\$	300
3	Implement provisions of the Workplace, Health & Safety Act	Item		\$	200
TOTAL SECTION A - GENERAL				\$	900

Item	Description	Unit	Quantity	Rate	Amount
SECTION B - CIVIL WORKS - OPW					
1	Driveway crossover (Commercial/Industrial) to Local Authority standards.	each	1	3000.00 \$	3,000
2	Concrete driveway slab (Commercial/Industrial), and car parking areas to Local Authority standards.	m ²	18	140.00 \$	2,520
3	Supply & lay galvanised RHS stormwater outlet drains, incl. Excavation, backfill, cutting into existing kerb & channel, construction of end structures in accordance with Council standard details & disposal of spoil for the following sections:- 100x150x4.0	m	24.0	100.00 \$	2,400
TOTAL SECTION B - CIVIL WORKS - OPW					\$ 7,920

Item	Description	Unit	Quantity	Rate	Amount
SECTION C - CIVIL WORKS - PRIVATE					
1	Concrete driveway slab (Commercial/Industrial), and car parking areas to Local Authority standards.	m ²	220	120.00 \$	26,400
2	Supply & lay galvanised RHS stormwater outlet drains, incl. Excavation, backfill, cutting into existing kerb & channel, construction of end structures in accordance with Council standard details & disposal of spoil for the following sections:- 150x200x4.0	m	26.0	100.00 \$	2,600
3	Supply, lay & joint uPVC pipes, including trench excavation, sand bedding & surround to trenches, trench stops, pipe fittings as required & disposal of spoil as specified for pipes:- 100 dia 150 dia 200 dia	m m m	38.0 10.0 50.0	100.00 \$ 110.00 \$ 120.00 \$	3,800 1,100 6,000
4	Installation of 300x300 Poly Field Inlet Pit including Class B Grate with DN150 PVC out let	each	13	450.00 \$	5,850
5	Installation of 600x600 Poly Field Inlet Pit including Class B Grate	each	2	600.00 \$	1,200
TOTAL SECTION C - CIVIL WORKS - PRIVATE					\$ 46,950