

8 July 2024

Our Ref: 55838-005-02

Assessment Manager  
Burdekin Shire Council  
145 Young Street  
AYR QLD 4807

Attention: Development Assessment

Dear Sir/Madam,

DEVELOPMENT APPLICATION: DEVELOPMENT PERMIT FOR RECONFIGURING A LOT  
(ONE LOT INTO TWO LOTS) at 74 FERGUSON ROAD, AYR

We act on behalf of the Applicant, John Grasso, in relation to the  
abovementioned  
application.

Please find enclosed a Development Application seeking a Development Permit for  
Reconfiguring a (One Lot into Two Lots) at 74 Ferguson Road, Ayr on land  
formally

described as Lot 7 on SP270760.

The application follows an earlier assessment and is informed by additional  
information on water supply and soils.

Purpose

The subject land comprises one title with an existing total area of 3.209  
Hectares. A

dwelling house has been established on it and the balance land is fallow land.

The land has been retained in a Rural Zone, notwithstanding surrounding  
development that has emerged in the immediate locality that has created an  
identifiable and cohesive pattern of development.

Locality

Source: Qld Globe

595 Flinders Street, Townsville Q 4810 P 07 4772 1144 W [braziermotti.com.au](mailto:braziermotti.com.au)

The proposal is to accommodate the existing house on one title and have the balance contained on a separate lot for continued agricultural use. The house was in existence prior to the introduction of the Scheme. Given the existing allotment size, the house allotment will be 1.123 Hectares and the balance lot will be 2.086 Hectares.

Proposal

Source: Extract Brazier Motti Proposal Plan 55838/8B

#### Assessment Benchmarks

The Burdekin Shire Council Planning Scheme is a performance based Scheme that sets out assessment benchmarks that are to be considered when deciding an application. The Scheme includes a range of provisions, including an ability to subdivide land to create a title for a house that was in existence before the adoption of the Scheme, together with a balance lot that can continue to be used for agricultural use. The Scheme nominates an area of 30 hectares as typically expected for the balance lot.

#### Relevant Matters

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

Section 45 (5) (b) of the Planning Act 2016 identifies that, together with consideration of assessment benchmarks, assessment may also be carried out against, or having regard to, any other relevant matter. These are matters that are particular to the specifics of the application and they would be identified in the formal Decision Notice to explain why the approval was given, and to be able to be used to differentiate the proposal from others to avoid establishing an open precedent.

Relevant matters are often relied upon by a Local Authority to assist in determining an Application on merit. We note that Council has appropriately recognised merits at other locations recently (E.G. Council Reference: 234 – VMK Holdings).

At this location, a number of relevant matters exist that allow distinguishment of the proposal.

These include that:

- a) The subject land existed its current form, size, and dimension ahead of introduction of the current Planning Scheme.
- b) A dwelling house has been constructed and existed at the time of commencement of the Scheme and the balance area has been fallow land capable of continued agricultural production.
- c) In this respect, the balance land (proposed Lot 2) will be of an area that is capable of continuing to support a small-scale rural activity and/or any other land use prescribed in table 3.4.9 of the Scheme. Assessments from Nutrien Ag Solutions, Canegrowers and Rapisarda Enterprises speak to this, and they are included in the attached application. Other established market farms in the locality also exemplify this. Reconfiguration of the site will allow utility of rural land.
- d) The proposed layout is consistent with the pattern of development that has been established in the immediate locality.
- e) The development is capable of accommodating required services without burden and it offers an improved function of the site.
- f)

The proposal aligns with the stated outcomes of the North Queensland Regional Plan, as it does not alter or conflict with the objectives of the Plan, nor does it introduce any incompatible non-agricultural land uses.

#### Fees

In accordance with Burdekin Shire Council's Schedule of Fees and Charges, the development application fee is \$2,720.00. This fee includes the additional fee associated where a reconfiguration application triggers impact assessment. The fee will be paid directly to council by the applicant upon receipt of Council's application reference number.

We look forward to working with Council to secure a final decision. Please do not hesitate in contacting the undersigned should you require further information.  
Yours faithfully

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Stephen Motti  
Senior Principal  
Brazier Motti Pty Ltd  
Cc. Development Application for Reconfiguring a Lot

DEVELOPMENT APPLICATION  
DEVELOPMENT PERMIT FOR:

SEEKING A

Reconfiguring a Lot - (One Lot into Two Lots)  
on behalf of  
JOHN GRASSO  
at  
74 FERGUSON ROAD, AYR  
on  
LOT 7 ON SP270760

Brazier Motti have prepared this report for the sole purposes of John Grasso for the specific purpose of a Development Application seeking a Development Permit for Reconfiguring a Lot (One Lot into Two Lots) at 74 Ferguson Road, Ayr.

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

Signed on behalf of Brazier Motti Pty Ltd

Stephen Motti  
Senior Principal  
Brazier Motti  
8 June 2024  
Reviewed

ANNE ZAREH  
Senior Town Planner  
Brazier Motti  
8 June 2024

BRAZIER MOTTI  
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Final: July 2024  
Prepared by: SRM  
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Job No: 55838-005-02

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Agricultural Capability: Nutrien Agricultural Solutions (including water and soils analysis),

Canegrowers, and Rapisarda Enterprises.

## INTRODUCTION

This town planning report has been prepared on behalf of the Applicant, John Grasso, in support of a Development Application seeking a Development Permit for Reconfiguring a Lot (One Lot into Two Lots) on land at 74 Ferguson Road, Ayr, being formally described as Lot 7 on SP270760.

The development application is made in accordance with section 51 of the Planning Act 2016 and contains the mandatory supporting information specified in the applicable development application form, included in Appendix

A.

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

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

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

Section 2:-

A site description including the site characteristics and its immediate surrounds.

Section 3:-

A detailed description of the development proposal.

Section 4:-

A review of the relevant legislation provisions.

Section 5:-

A review of the planning framework.

Section 6:-

An assessment of the proposal against the Burdekin Shire Council Planning Scheme 2022.

Section 7:-

Conclusion and recommendation.

John Grasso | 55838-005-02



## 2.0

### THE SITE

The subject site is located at 74 Ferguson Road, Ayr approximately 2 kilometres east of the Ayr town centre. It has an area of 3.209ha and is predominantly vacant land, improved by a single detached dwelling and associated outbuildings. It does not contain any cropping or other farming activities. Figure 1 below shows an aerial of the site and its immediate surrounds. The certificate of title confirming ownership of the site by John Joseph Grasso is included Appendix B.  
Figure 1: Aerial image of the site and immediate surrounds

Source: Queensland Globe, 2023

The site has generally even topography and is bound by Ferguson Road to the north-east and rural land to the south and west. It shares a boundary with Lot 6 on SP270760 to the north, which is also improved by a single detached dwelling. Access is afforded to the site directly off Ferguson Road via an existing crossover and driveway. The site is burdened by Easement E on SP270760 which traverses the site separating the house and the shed. The purpose of the easement is to provide access rights to the adjoining lot. The Smart Map and Survey Plan are included in Appendix B which shows the site and surrounding cadastre. The site is currently connected to Council's reticulated water infrastructure, there is a watermain that runs adjacent to the property. The water meter is located to the south of Easement B which services the house. The site is also serviced by an onsite sewerage system that is located directly south of the house. Electricity infrastructure is included within the road corridor and the existing dwelling is connected to the nbn network.

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### 3.0

#### THE PROPOSAL

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

Specifically, the proposal seeks to create one additional lot which contains a dwelling house that existed at the commencement of this planning scheme. The balance will be a rural sized allotment which is of a size and shape which can support a small-scale rural activity. The resultant lots are of a size to support the existing land uses and ensures the character and density intended for in the rural zone remains. The proposed reconfiguration is identified on the proposal plan included in Appendix C and is summarised in Table 1 below.

Table 1: Proposed Reconfiguration  
Council's Acceptable Solution

Proposed Lot 1

Proposed Lot 2

Lot Size

30ha

1.123ha

2.086ha

Road Frontage

200m

110.2m

267.3m

The resultant lots are inconsistent with the recommended area for lots in the Rural Zone, for the purposes of the Planning Scheme, despite the subject site having been historically below the recommend lot size dimensions.

However, the shortfall is insignificant at this location given the availability of reticulated water infrastructure and established road network.

Traffic Impact, Access & Parking

No new roads or access easements are required to service the new lot given adequate frontage to Ferguson Road is provided. Access is adequately afforded to the existing dwelling on proposed Lot 1 via a constructed crossover and driveway directly off Ferguson Road. A separate crossover and driveway will be required to be constructed for proposed Lot 2 and established prior to the commencement of any future use on the lot.

Given the size of the proposed lots, sufficient area is provided to accommodate manoeuvring of the anticipated traffic demand and servicing requirements safely and efficiently.

Water, Sewer & Stormwater

The newly created allotment will require a separate connection to Council's watermain. Preliminary engineering investigation suggests that a simple connection to the existing road crossing should be achievable, alternatively a

separate road crossing may be required. If the existing network cannot accommodate the additional demand, a reliable on-site water supply will be required to ensure the development is appropriately serviced.

An on-site wastewater management system will also be required to service the new lot given the subject site is not included within Council's sewerage service area. Given adequate area is available for on-site treatment, a hydraulic permit can be obtained prior to any building work being carried out on site. Prospective purchasers of the land will also be notified of the on-site sewage disposal system requirements. No earthworks are proposed as part of this application that would otherwise result in changes to the existing stormwater discharge flow path. The development application is for the reconfiguration of a lot only.

#### Electricity & Telecommunications

The existing dwelling located on proposed Lot 1 is already connected to electricity and telecommunications. The balance lot will require new connections which is achievable given the service is existing in the road corridor.

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#### 4.0

#### RELEVANT LEGISLATION

#### 4.1

#### COMMONWEALTH LEGISLATION

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

#### 4.2

#### THE PLANNING ACT 2016

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

#### 4.3

#### STATE ASSESSMENT AND REFERRALS

The Development Assessment Rules incorporates a referral process, established through the Planning Regulation 2017, enabling relevant State agencies to have input in the assessment process. Consideration of the proposed development against Schedule 10 of the Planning Regulation 2017 determined that the proposal does not trigger referral to the State Assessment and Referral Agency.

#### 4.4

#### STATE PLANNING POLICY

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

#### 4.5

#### NORTH QUEENSLAND REGIONAL PLAN

The subject land is located within a Priority Agricultural Area (PAA) as defined by the North Queensland Regional Plan ("NQRP"). The NQRP identifies that with increases in market demand expected to grow with global population growth, opportunities to expand agricultural production should be acted upon. The proposal aligns with the regional outcome and the regional policies for PAAs of the NQRP, as it does not alter or conflict with the objectives of the NQRP nor does it introduce any incompatible non-agricultural land uses. The proposed layout is consistent with the assessment benchmarks particularly noting that:

- Development does not result in, or contribute to, a net loss to overall agricultural productivity within the

PAA; and

- Development does not result in widespread or irreversible impacts to the future use of a PAA for agricultural activities.

4.6

#### ASSESSMENT MANAGER AND PLANNING SCHEME

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

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The Burdekin Shire Council Planning Scheme is a performance-based Scheme that sets out assessment benchmarks that are to be considered when deciding an application. The Scheme includes a range of provisions, including an ability to subdivide land to create a title for a house that was in existence before the adoption of the Scheme, together with a balance lot that can continue to be used for agricultural use.

The Scheme nominates an area of 30 hectares as typically expected for the balance lot.

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

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

These are matters that are particular to the specifics of the application and they would be identified in the formal

Decision Notice to explain why the approval was given, and to be able to be used to differentiate the proposal from others to avoid establishing an open precedent.

4.7

#### PUBLIC NOTIFICATION

Under the provisions of the Planning Act 2016, the proposed development at this location is subject to Public Notification.

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## 5.0

### THE PLANNING FRAMEWORK

The Planning Scheme seeks to achieve outcomes through the identification of a number of overall outcomes, performance outcomes and acceptable outcomes. However, it should be noted that the Planning Scheme is performance based. That means that the acceptable solutions are to be read as offering one way of achieving compliance with a code but do not prohibit alternate solutions where the performance outcomes can be shown to be met. Land identified within the Planning Scheme is categorised by a number of zones and precincts to guide development across the region. The Planning Scheme further identifies a range of overlays that may impact the land, these are governed by overlay codes.

## 5.1

### LAND DESIGNATION

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

- Acid Sulfate Soils Overlay Map (5 – 20m contour);
- Agricultural Overlay Map (Priority Agricultural Area and Land Classification (Classes A and B)); and
- Flood Hazard Overlay Map – Local rain events (Low and medium hazard).

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

## 5.2

### LEVEL OF ASSESSMENT, ASSESSMENT BENCHMARKS AND APPLICABLE CODES

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

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

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

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## BURDEKIN SHIRE COUNCIL PLANNING SCHEME 2020

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

## 6.1

## STRATEGIC FRAMEWORK

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

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

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

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

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

The proposed development is in proximity to an existing water main, electricity supply and able to connect to the nbn network. The proposed lot is also of a size which can accommodate on-site wastewater supply therefore ensuring the safe, efficient and cost-effective provision and operation of existing infrastructure networks (S 2.3.5

(1)). The proposed development is also of a scale commensurate with the capacity of the existing road network which ensures ongoing safety and efficiency (S 2.3.5 (4)).

The subject site is historically below the recommended size for lots in the rural zone. This application creates one

lot that contains a dwelling house that existed at the commencement of this planning scheme and an additional regular shaped allotment which ensure fragmentation is avoided. (S 2.4.1 (3)) and is still of a size that can

accommodate small scale rural activities, tourism or recreation (S 2.4.1 (11)).

The proposed development is for the reconfiguration of a lot only and does not comprise any earthworks that would

worsen the severity of, or exposure to, the hazard on-site or to other properties (S 2.5.1 (4)). The subject is identified in a flood hazard area; however, the resultant layout creates one large lot with ample area outside the hazard to

avoid risk. No changes to the impermeable nature of the site are proposed as part of this application to ensure flood

flow conveyance paths and flood storage volumes of the floodplain are maintained. (S 2.5.2 (1 and 5)).

The proposal further satisfies the lower order components of the Planning Scheme, i.e. zone codes, development

codes, overlay codes and planning scheme policies. The assessment below demonstrates this.

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

Scheme:• The proposed development ensures cost-effective provision and operation of existing infrastructure networks;



- The resultant layout will not impact on the road network and retains access to maintained roads;
- The capacity of productive rural land will not be impacted upon;
- The smaller lot created contains a dwelling house that existed at the commence of the current Planning Scheme;

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- 

## 6.2

The proposed reconfiguration adequately accommodates the existing residential dwelling and outbuildings and achieves separation distances to adjoining rural zoned land; and The proposal does not increase the exposure of risk to people and property to natural hazards.

### ZONE CODE PROVISIONS

#### 6.2.1 Rural Zone Code

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

The purpose of the Rural zone is to—

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

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

- (a) rural land will be used sustainably to ensure the viability of the primary production base;
- (b) other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, residential and accommodation uses in the rural zone include:
  - (i) dwelling houses generally limited to a single dwelling house on a lot;
  - (ii) caretaker's accommodation, small scale rural workers' accommodation and non-resident workforce accommodation where they directly support primary production activities in the locality; and
  - (iii) small scale tourist accommodation in the form of bed and breakfasts, farm stay, cabins and camping;
- (c) in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts, development is limited to a dwelling house on an existing lot;
- (d) land in the rural zone is not used or subdivided for urban residential or rural residential purposes;
- (e) other than as provided for under (f), reconfiguration does not result in the creation of:
  - (i) any new lots in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts; or
  - (ii) lots less than 30ha in priority agricultural areas or agricultural land classification class A and B areas shown on overlay map OM2; or
  - (iii) lots less than 100ha elsewhere;
- (f) reconfiguration to create a smaller lot than the minimum set out in (e)(ii) and (iii) may occur where:
  - (i) consolidating the balance of the farmed lot, which is a minimum of 30ha, and the single lot created contains a dwelling house that existed at the commencement of this planning scheme; or
  - (ii) rearranging lot boundaries in a way that demonstrates a substantial improvement in the management of the land or the protection of its environmental values, without increasing the number of lots;
- (g) agricultural land classification class A and B and priority agricultural areas shown on overlay map OM2 are protected from encroachment of uses that may impact on the opportunity to enable

increased agricultural  
production;

(h) other than for public infrastructure, non-agricultural development within  
priority agricultural areas does

not result in a net loss in agricultural production;

(i) intensive animal industries and aquaculture occur in the rural zone (other  
than in the Groper Creek,

Jarvisfield, Jerona or Wunjunga village precincts) where they are sufficiently  
separated from existing

sensitive land uses to ensure significant impacts are avoided;

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(j) industries which may establish in the rural zone (other than in the Groper Creek, Jarvisfield, Jerona or Wunjunga village precincts) include only:

- (i) rural industries;
- (ii) industries processing agricultural products which require a rural location:
  - A. for proximity to the produce being processed; or
  - B. to ensure a clean environment separate from general industrial activities; or
  - C. to secure a lot size larger than lots available within industrial zoned land;
- (iii) industries associated with the use or processing of commodities grown in the region, such as sugar cane and grain, or their biproducts;
- (iv) extractive industries and other industries that require separation from urban or rural residential areas; and
- (v) renewable energy facilities;

(k) other than within the KRA shown on overlay map OM6, any expansion of an existing extractive industry is limited to development that will not increase impacts to the priority agricultural area or nearby sensitive land uses, the visual amenity of the locality or matters of environmental significance;

(l) development for small scale tourism and recreational activities, such as nature- based tourism, outdoor sport and recreation, environment facilities or similar cultural attractions occur where they have a limited building footprint and do not involve significant modification of the natural landform;

(m) home based businesses occur at a scale consistent with the amenity and character of the surrounding area;

(n) development does not prejudice or detract from existing and intended rural activities in the surrounding area, or on the functionality of the stock route network shown on overlay map OM2;

(o) development does not significantly impact on:

- (i) water and soil quality;
- (ii) the amenity of nearby sensitive land uses;
- (iii) the landscape and natural values of the locality; and
- (iv) the capacity of the road network on which it relies;

(p) development minimises impacts on the natural environment and maintains habitat areas and corridors;

(q) development is sited, designed and managed to avoid or reduce any risk of landslide to an acceptable or tolerable level;

(r) sensitive land uses and other forms of inappropriate development do not occur in proximity to former mining activities and related hazards (e.g. abandoned mines, tunnels and shafts), which may cause risk to people and property.

#### Response

The proposed development is consistent with the purpose and overall outcomes of the Rural zone code, specifically noting that there will be no changes to the existing use established on the site. The dwelling and associated outbuildings on Lot 1 will remain unchanged and the agricultural land on Lot 2 will remain unchanged.

The proposal provides a layout consistent with adjacent land uses and ensures lot sizes which continue to accommodate the existing residential dwelling whilst achieving separation distances to adjoining rural zoned land.

The capacity of productive rural land will not be impacted upon as a result of the proposed reconfiguration and there will be no net decrease of cropping land as no improvements are proposed as part of this application.

Consideration has been given to continued rural utility of the allotment to be

created and assessments from Nutrien Agricultural Solutions; Canegrowers; and Rapisarda Enterprises identify that the land is capable of continued rural use (refer Appendix D). Nutrien has also further tested water and soils on-site and the results are also included in Appendix D.

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The water analysis undertaken by Nutrien shows that the water quality on Lot 2 Ferguson Rd is good (water sample number 7679810 taken on the 3rd June 2024 from the bore on Lot 2 Ferguson Rd). It is optimum for growing a wide variety of horticultural crops.

The soil test conducted by Nutrien on the 3rd June 2024 (Number 768232236) confirms that the soil type and fertility on the block are very suitable for growing a wide variety of horticultural crops.

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

P01 – The location of the proposed boundary ensures the existing structure on proposed lot 1 is set back more than 50m.

P03 – The existing dwelling on proposed Lot 1 is already provided with a level of infrastructure that allows for the efficient functioning of the established land uses, including water, on-site sewer and access. Proposed Lot 2 is capable of connection to Council's water main, telecommunications and electricity and is also of sufficient size to allow for the provision of an on-site sewerage treatment and disposal system. A new access crossover and driveway will also be required to service proposed Lot 2 however there is ample road frontage for this to occur.

P04 – The proposed development does not create any lots within proximity of any approved land uses that generate impacts.

P016 – The proposed development is for reconfiguring a lot that is vacant land and does not contain any cropping or other farming activities. The proposed layout is considerate of the adjoining crop and no clearing will be required as a result of the reconfiguration.

P017 – The proposed development is for reconfiguring a lot only. Any future development on site will be subject to separate approvals.

P018 – The proposed layout does not prejudice the existing operation of the surrounding agricultural land.

P019 – The proposed layout ensures sufficient space for the existing dwelling on proposed Lot 1 and any future dwelling on proposed Lot 2 to be adequately separated from adjoining farming activities.

P024 – The proposed layout ensures land in the rural zone is protected from fragmentation as a result of the creation of the proposed lot below the minimum size. The smaller lot created contains a dwelling house that existed at the commencement of this Planning Scheme and the balance lot is of a sufficient size to accommodate a smallscale rural use.

P039 – No improvements are proposed as part of this development application. It is not anticipated the reconfiguration will negatively impact on the visual amenity and landscape character of the locality as proposed Lot 2 has a road frontage of more than 250m which ensure adequate setbacks from existing structures can be achieved.

P040 – No vegetation clearing, or earthworks are proposed as part of this development application.

P041 – The proposed layout is sympathetic of the natural environment and maintains habitat areas and corridors established on land within the vicinity of the site.

P042 – No additional landscaping is proposed as part of this development application. All existing vegetation will be retained.



P043 – Screening of non-residential structures and outbuildings can be established at the discretion of the future purchaser.

P044 – The proposed development is for the reconfiguration of land only. No changes to the existing land uses are anticipated.

P045 – The proposed layout is reflective of the existing land uses and does not result in any built form or other land uses that would impact on public health and safety.

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

6.3

## DEVELOPMENT CODES

### 6.3.1 Development Works Code

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

#### Response

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

P013 – All infrastructure required to service the development will be provided in accordance with relevant approvals, permits and Planning scheme codes and policies.

P014 – The newly created allotment will require a separate connection to Council's watermain. Preliminary engineering investigation suggests that a simple connection to the existing road crossing should be achievable, alternatively a separate road crossing may be required. If the existing network cannot accommodate the additional demand, a reliable on-site water supply will be required to ensure the development is appropriately serviced.

P015 – An on-site wastewater management system will also be required to service the new lot given the subject site is not included within Council's sewerage service area. Given adequate area is available for on-site treatment, a hydraulic permit can be obtained prior to any building work being carried out on site. Prospective purchasers of the land will also be notified of the on-site sewage disposal system requirements.

P016 – The provision of on-site wastewater and water (if required) will be carried out in accordance with the Australian Standards, and Council's codes and policy direction.

P017 – The existing dwelling located on proposed Lot 1 is already connected to electricity and telecommunications.

The balance lot will require new connections which is achievable given the service is existing in the road corridor.

P018 – 22 – The proposed development is for the reconfiguration of land only and will not result in any change to the impermeable nature of the site which would otherwise impact on stormwater management. The character and amenity, environmental values and flooding and drainage of the site and surrounding locality will not be impacted upon as a result of the proposed development.

P023 – The scale of the proposed development is sympathetic to the existing road network and its characteristics.

It is not anticipated one additional lot will impact on the safety and efficiency of the network.





P025 – Access is adequately afforded to the existing dwelling on proposed Lot 1 via a constructed crossover and driveway directly off Ferguson Road. A separate crossover and driveway will be required to be constructed for proposed Lot 2 and established prior to the commencement of any future use on the lot.

Given the size of the proposed lots, sufficient area is provided to accommodate manoeuvring of the anticipated traffic demand and servicing requirements safely and efficiently.

P033 – 34 – No additional landscaping is proposed as part of this development application. The amenity and environmental values of the site will not be impacted upon.

The proposed development is consistent with the purpose and overall outcomes of the Development works code.

#### 6.3.2 Reconfiguring a Lot Code

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

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

#### Response

The proposal is consistent with the purpose and overall outcomes of the Reconfiguring a lot code, however, will

result in lots inconsistent with the minimum requirements for the Rural zone.

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

for their intended use and are responsive to land constraints. The lots have adequate road frontage and adequate

servicing arrangements. The reconfiguration ensures lawful access is provided to site and it will not affect the ecological and physical functions of the site.

The smaller lot created contains a dwelling house that existed at the commencement of this Planning Scheme and

the balance lot is of a size capable of accommodating a small-scale rural activity.

The proposed development is consistent with the purpose and overall outcomes of the Reconfiguring a lot code, a

detailed assessment against the code is not warranted.

#### 6.4

### OVERLAY CODES

#### 6.4.1 Flood Hazard Overlay Code

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

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

(a) in an urban zone or rural residential zone, reconfiguration of land does not result in additional lots on land

subject to high or extreme flood hazard;

(b) elsewhere, reconfiguration is designed to ensure each lot is provided with:

(i) a building envelope to accommodate a dwelling house with floor levels above the defined flood

level; and

(ii) vehicular access from a public road to the building envelope that is free of high or extreme flood

hazard;

(c) in the rural, low density residential, township or emerging community zones, new dual occupancies or more

intensive residential uses, or worker or tourist accommodation uses are not established on land subject to



medium, high or extreme flood hazard, and any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site;

(d) unless necessary to meet a significant community need:

(i) new critical or vulnerable uses are not established in a flood hazard area; and

(ii) any redevelopment of an existing use does not substantially increase the number of people accommodated or requiring evacuation from the site;

(e) development in a flood hazard area otherwise occurs in the way intended in the relevant zone;

(f) development in a flood hazard area is designed to ensure the safety of people, reduce vulnerability to the hazard and, for critical uses, minimise disruption to services;

(g) development involving the bulk storage or manufacture of hazardous materials does not increase the risk to public safety or the environment in a flood hazard event;

(h) development does not worsen the severity of, or exposure to, the hazard on other properties;

(i) flood flow conveyance paths and flood storage volumes of the floodplain are maintained;

(j) the cost to the public of measures to mitigate flood risks is minimised;

(k) development supports effective and efficient disaster management capacity and capabilities.

#### Response

The subject site is identified in the low-medium hazard flood area (local rain flood event). The hazard is dispersed across the subject site and predominantly contained to the southern portion of the site. The reconfiguration provides a layout that is responsive to the natural features of the site and ensures each resultant lot is provided with adequate access arrangements for safe evacuation, response and recovery during a flood event.

The location of future buildings on site will be designed in accordance with Australian Standards and above the defined flood event.

Given no earthworks, filling or excavation is proposed, the development will not change inundation characteristics

within or outside the subject site in ways that would:

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

The proposed development is consistent with the purpose and overall outcomes of the Flood hazard overlay code, a detailed assessment against the code is not warranted.

John Grasso | 55838-005-02

## CONCLUSION

This proposal details a development application to Burdekin Shire Council seeking a Development Permit for a Reconfiguring a Lot (One Lot into Two Lots), on land located at 74 Ferguson Road, Ayr.

The proposal aligns with the provisions prescribed by the Planning Scheme and the objectives of the NQRP given the proposed layout avoids further fragmentation of the land and does not impact the successful functioning of adjoining agricultural land.

As identified within the Report, the Burdekin Shire Council Planning Scheme is a performance-based Scheme that sets out assessment benchmarks that are to be considered when deciding an application.

The Scheme includes a range of provisions, including an ability to subdivide land to create a title for a house that was in existence before the adoption of the Scheme, together with a balance lot that can continue to be used for agricultural use.

The Scheme nominates an area of 30 hectares as typically expected for the balance lot.

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

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

These are matters that are particular to the specifics of the application and they would be identified in the formal

Decision Notice to explain why the approval was given, and to be able to be used to differentiate the proposal from others to avoid establishing an open precedent.

Relevant matters are often relied upon by a Local Authority to assist in determining an Application on merit. We note that Council has appropriately recognised merits at other locations recently (E.G. Council Reference: 234 – VMK Holdings).

At this location, a number of relevant matters exist that allow distinguishment of the proposal.

These include that:

a) The subject land existed its current form, size, and dimension ahead of introduction of the current Planning Scheme.

b) A dwelling house has been constructed and existed at the time of commencement of the Scheme and the balance area has been fallow land capable of continued agricultural production.

c) In this respect, the balance land (proposed Lot 2) will be of an area that is capable of continuing to support a small-scale rural activity and/or any other land use prescribed in table 3.4.9 of the Scheme.

Assessments from Nutrien Ag Solutions, Canegrowers and Rapisarda Enterprises speak to this, and

they are included in the attached application. Other established market farms in the locality also

exemplify this. Reconfiguration of the site will allow utility of rural land.

d) The proposed layout is consistent with the pattern of development that has been established in the immediate locality.

e) The development is capable of accommodating required services without burden

and it offers an  
improved function of the site.

John Grasso | 55838-005-02

f)

The proposal aligns with the stated outcomes of the North Queensland Regional Plan, as it does not alter or conflict with the objectives of the Plan, nor does it introduce any incompatible nonagricultural land uses.

Given the above facts and circumstances, we submit the proposal can be favourably considered and approved subject to reasonable and relevant conditions.

John Grasso | 55838-005-02

APPENDIX A  
Development Application Form 1 & Landowner's Consent



## DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) 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)

John Grasso c/- Brazier Motti Pty Ltd

Contact name (only applicable for companies)

Stephen Motti

Postal address (P.O. Box or street address)

595 Flinders Street

Suburb

Townsville City

State

Queensland

Postcode

4810

Country

Australia

Contact number

4772 1144

Email address (non-mandatory)

Stephen.motti@braziermotti.com.au

Mobile number (non-mandatory)

Fax number (non-mandatory)

Applicant's reference number(s) (if applicable)

55838-005-02

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

Yes - the written consent of the owner(s) is attached to this development application

No - proceed to 3)

## 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).

Unit No.

a)

b)

Street No.

Street Name and Type

Suburb

74

Ferguson Road

Ayr

Postcode

Lot No.

Plan Type and Number (e.g. RP, SP)

Local Government Area(s)

4806

7

SP270760

Burdekin Shire Council

Unit No.

Street No.

Street Name and Type

Suburb

Postcode

Lot No.

Plan Type and Number (e.g. RP, SP)

Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land

e.g. channel dredging in Moreton Bay)

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

Coordinates of premises by longitude and latitude

Longitude(s)

Latitude(s)

Datum

Local Government Area(s) (if applicable)

WGS84

GDA94

Other:

Coordinates of premises by easting and northing

Easting(s)

Northing(s)

Zone Ref.

Datum

54

55

56

Local Government Area(s) (if applicable)

WGS84

GDA94

Other:

### 3.3) Additional premises

Additional premises are relevant to this development application and the details of these premises have been

attached in a schedule to this development application

Not required

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

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

Name of water body, watercourse or aquifer:

On strategic port land under the Transport Infrastructure Act 1994

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

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

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

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

Name of airport:

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Listed on the Environmental Management Register (EMR) under the Environmental Protection Act 1994

EMR site identification:

Listed on the Contaminated Land Register (CLR) under the Environmental Protection Act 1994

CLR site identification:

5) Are there any existing easements over the premises?

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

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

No

### PART 3 – DEVELOPMENT DETAILS

#### Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

Material change of use

Reconfiguring a lot

Operational work

Building work

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

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment (requires public notification)

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

Reconfiguring a Lot – 1 Lot into 2 Lots

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide:

Relevant plans.

Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

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

Material change of use

Reconfiguring a lot

Operational work

Building work

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

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment (requires public notification)

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

e) Relevant plans

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

Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects

that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

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## Section 2 – Further development details

7) Does the proposed development application involve any of the following?  
Material change of use

Yes – complete division 1 if assessable against a local planning instrument

Reconfiguring a lot

Yes – complete division 2

Operational work

Yes – complete division 3

Building work

Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use  
Provide a general description of the proposed use

Provide the planning scheme definition  
(include each definition in a new row)

Number of dwelling  
units (if applicable)

Gross floor  
area (m<sup>2</sup>)  
(if applicable)

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

Yes

No

Division 2 – Reconfiguring a lot

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

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

1

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)  
Subdivision (complete 10))

Dividing land into parts by agreement (complete 11))

Boundary realignment (complete 12))

Creating or changing an easement giving access to a lot  
from a constructed road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created

Residential

Commercial

Industrial

Other, please specify:

Rural

Number of lots created

1

10.2) Will the subdivision be staged?

Yes – provide additional details below

No

How many stages will the works include?

What stage(s) will this development application  
apply to?

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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

Lot on plan description

Proposed lot

2

Area (m )

Lot on plan description

Area (m2)

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?

Road work

Drainage work

Landscaping

Stormwater

Earthworks

Signage

Water infrastructure

Sewage infrastructure

Clearing vegetation

Other – please specify:

14.2) Is the operational work necessary to facilitate the creation of new lots?  
(e.g. subdivision)

Yes – specify number of new lots:

No

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

\$

#### PART 4 – ASSESSMENT MANAGER DETAILS

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

Burdekin Shire Council

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

Yes – a copy of the decision notice is attached to this development application

The local government is taken to have agreed to the superseded planning scheme request – relevant documents

attached

No

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## PART 5 – REFERRAL DETAILS

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

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

No, there are no referral requirements relevant to any development aspects identified in this development

application – proceed to Part 6

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

Clearing native vegetation

Contaminated land (unexploded ordnance)

Environmentally relevant activities (ERA) (only if the ERA has not been devolved to a local government)

Fisheries – aquaculture

Fisheries – declared fish habitat area

Fisheries – marine plants

Fisheries – waterway barrier works

Hazardous chemical facilities

Heritage places – Queensland heritage place (on or near a Queensland heritage place)

Infrastructure-related referrals – designated premises

Infrastructure-related referrals – state transport infrastructure

Infrastructure-related referrals – State transport corridor and future State transport corridor

Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels

Infrastructure-related referrals – near a state-controlled road intersection

Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas

Koala habitat in SEQ region – key resource areas

Ports – Brisbane core port land – near a State transport corridor or future State transport corridor

Ports – Brisbane core port land – environmentally relevant activity (ERA)

Ports – Brisbane core port land – tidal works or work in a coastal management district

Ports – Brisbane core port land – hazardous chemical facility

Ports – Brisbane core port land – taking or interfering with water

Ports – Brisbane core port land – referable dams

Ports – Brisbane core port land – fisheries

Ports – Land within Port of Brisbane's port limits (below high-water mark) SEQ development area

SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity

SEQ regional landscape and rural production area or SEQ rural living area – community activity

SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation

SEQ regional landscape and rural production area or SEQ rural living area – urban activity

SEQ regional landscape and rural production area or SEQ rural living area – combined use

SEQ northern inter-urban break – tourist activity or sport and recreation activity

SEQ northern inter-urban break – community activity

SEQ northern inter-urban break – indoor recreation

SEQ northern inter-urban break – urban activity

SEQ northern inter-urban break – combined use

Tidal works or works in a coastal management district

Reconfiguring a lot in a coastal management district or for a canal

Erosion prone area in a coastal management district

Urban design

Water-related development – taking or interfering with water

Water-related development - removing quarry material (from a watercourse or lake)

Water-related development - referable dams

Water-related development - levees (category 3 levees only)

Wetland protection area

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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 Part 3 of 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 of the DA Rules will still apply if the application is an application

listed under section 11.3 of the DA Rules.  
Further advice about information requests is contained in the DA Forms Guide.

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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

Assessment manager

Date

Approval

Development application

Approval

Development application

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

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

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

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

Amount paid

Date paid (dd/mm/yy)

QLeave levy number (A, B or E)

\$

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

Yes – show cause or enforcement notice is attached

No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an

Environmentally Relevant Activity (ERA) under section 115 of the Environmental Protection Act 1994?

Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://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 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

No

Note: See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

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#### 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](http://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.des.qld.gov.au](http://www.des.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 Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- 
- 
- 

Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1

Taking or interfering with water in a watercourse, lake or spring: complete DA Form1 Template 2  
Taking overland flow water: complete DA Form 1 Template 3.

#### Waterway barrier works

23.7) Does this application involve waterway barrier works?

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

No

DA templates are available from <https://planning.dsdmip.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](http://www.daf.qld.gov.au) for further information.

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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 Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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 and Science at [www.des.qld.gov.au](http://www.des.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.dnrme.qld.gov.au](http://www.dnrme.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.des.qld.gov.au](http://www.des.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.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:

Place ID:

Brothels

23.14) Does this development application involve a material change of use for a brothel?

Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the Prostitution Regulation 2014

No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) 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

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DA Form 1 - Development application details

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

23.16) 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.dsdmip.qld.gov.au](http://www.planning.dsdmip.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

##### 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.

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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

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DA Form 1 – Development application details

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APPENDIX B  
Current Title Search and Smart Map

Current Title Search  
Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101  
Title Reference:

50974518

Search Date:

06/09/2023 10:33

Date Title Created:

16/12/2014

Request No:

45585699

Previous Title:

21133105, 50947270

ESTATE AND LAND  
Estate in Fee Simple  
LOT 7

SURVEY PLAN 270760  
Local Government: BURDEKIN

REGISTERED OWNER  
Dealing No: 722211583

04/01/2023

JOHN JOSEPH GRASSO  
EASEMENTS, ENCUMBRANCES AND INTERESTS  
1.

Rights and interests reserved to the Crown by  
Deed of Grant No. 10369205 (POR 281)

2.

EASEMENT No 716102937 28/10/2014 at 12:31  
burdening the land to  
LOT 1 ON SP257296 OVER  
EASEMENT E ON SP270760

3.

EASEMENT No 716102952 28/10/2014 at 12:32  
burdening the land to  
LOT 2 ON SP257296 OVER  
EASEMENT E ON SP270760

4.

EASEMENT No 716102954 28/10/2014 at 12:34  
burdening the land to  
LOT 62 ON RP702289 OVER  
EASEMENT E ON SP270760

5.

MORTGAGE No 722211584 04/01/2023 at 10:09  
SUNCORP-METWAY LIMITED A.C.N. 010 831 722

ADMINISTRATIVE ADVICES

Dealing  
714505249

Type  
VEG NOTICE  
VEGETATION MANAGEMENT ACT 1999

Lodgement Date  
08/06/2012 14:06

Status  
CURRENT

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority  
\*\* End of Current Title Search \*\*

COPYRIGHT QUEENSLAND TITLES REGISTRY PTY LTD [2023]  
Requested by: D-ENQ GLOBALX

[www.titlesqld.com.au](http://www.titlesqld.com.au)

54

48

46

147°25'29".935

147°25'30"

50

52

147°25'53".789

4

SP257296

FH

19°34'11".208

19°34'11".208

1.231ha

C

3

SP332234

RP894275

15

RP894275

783

783

FH

60

2827m<sup>2</sup>

60

D

RP

894275

T

AEMT

RP

RP

RP

725954B

U

894275

713529

RP

RP725954

3

SP332234

894275

10  
SP283205  
FH  
8478m<sup>2</sup>

6  
SP322876  
6  
FE  
FH  
SP270760  
RG F  
1  
USP322876  
7826m<sup>2</sup>  
FH  
S0  
SP300777  
N  
7  
FH  
R0  
5044m<sup>2</sup>  
SP322876  
4532m<sup>2</sup>  
A  
E  
D  
FH  
SP

58

7  
SP270760

270760

B

FH  
58

4532m<sup>2</sup>

AD

SP

R0

257296  
B

N

RP  
719617

RG

US

FH

725955

0

156.23ha

V  
RP

FE

FH  
56

56

3.209ha

W  
RP  
725955

19°34'30"

19°34'30"

A  
SP  
257296

783

54

54 00 m N

156.23ha  
X  
RP

19°34'37".887

19°34'37".887

725955

147°25'29".935  
147°25'30"  
54  
00m

46

147°25'53".789

E

STANDARD MAP NUMBER  
8358-11311

54

48

0

100

200

50

300

52

400

500

m

HORIZONTAL DATUM:GDA94

ZONE:55

SCALE 1 : 5000

SUBJECT PARCEL DESCRIPTION

CLIENT SERVICE STANDARDS

147°25'41".862

19°34'24".547

AYR

2.27 KM

GDA

SmartMap

An External Product of

SmartMap Information Services

MAP WINDOW POSITION &

NEAREST LOCATION

PRINTED 26/09/2023

DCDB

Lot/Plan

7/SP270760

Area/Volume

3.209ha

Tenure

FREEHOLD

Local Government

BURDEKIN SHIRE

Locality

AYR

Segment/Parcel

62489/168

DCDB

Based upon an extraction from the  
Digital Cadastral Data Base

25/09/2023

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

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(c) The State of Queensland,  
(Department of Resources) 2023.





PROPOSED  
RECONFIGURATION  
Lots 1 & 2  
Cancelling Lot 7 on SP270760

W  
at  
er

Shed

.4

56

.8

42

0

Shed

M

25m

et  
er  
11  
0.  
2

20  
.2

FE

RG  
US

96.5

House  
Septic

1

12.5

ON

1.123ha

R0

55

.8

AD

11  
2.

78

.9

7

2

2.086ha

26

7

.3

24

3.

6

Date: 4th September, 2023

A3

Scale: 1:1250

Job No: 55838/005-01

Plan No:

24.9

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

55838/008 B

braziermotti.com.au

S U R V E Y I N G

TOWNPLANNING

P R O J E C T M A N A G E M E N T

MAPPING&GIS

Y E A R S

65

.

3

Drawn: MJM

## APPENDIX D

Agricultural Capability: Nutrien Agricultural Solutions (including water and soils analysis), Canegrowers, and Rapisarda Enterprises

25.06.2024  
Nutrien ag Solutions  
39-57 Home Hill Rd  
Ayr 4807  
To Ms Emma Staines,

My name is Grant Whitney I have been employed as an Agronomist at Nutrien Ag Solutions in Ayr for the past 12 years, prior to that I worked for 15 years in the same role in central NSW. My role here in Ayr covers a wide range of activities from soil testing and interpretation to assess what type of cropping can be grown in different soil types, on farm consulting with growers as to chemical requirements in certain crops, irrigation scheduling, fertiliser recommendations as required for reef regulations etc.

I have been approached by John Grasso to access the block of land Lot 2 Ferguson Rd Ayr with an area of (2 ha) as to its viability in size and soil type and fertility to be suitable to undertake agricultural practices.

I inspected the block on the 09.02 2024 I found the block has ample underground water to successfully grow any of the crops mentioned below. The Burdekin has access to markets North and South there is also access to labour with a large volume of overseas travellers passing through Ayr throughout the season.

#### WATER

The water quality on Lot 2 Ferguson Rd is good this is verified from the water sample number 7679810 taken on 03.06.2024 from the bore on Lot 2 Ferguson Rd and is optimum for growing a wide variety of horticultural crops.

#### SOIL

The soil type and fertility on the block are very suitable for growing a wide variety of crops this is demonstrated by the fact that there are many viable small farm enterprises already sustainably operating near Lot 2 Ferguson Rd.

(Please find the attached soil test taken on 03.06 2024 Number 76823236 that verifies the suitability of the soil in Lot 2 Ferguson road for growing the below mentioned crops).

The cropping practices that would be undertaken on this field fall within the current Great Barrier Reef regulations and are sustainable without causing any potential damage to the local environment.

Some examples of the type of crops already successfully being grown in the area are.

Fresh Herbs (Basil),  
Vegetables, (Zucchini, pumpkin, tomatoes),  
Specialised hay production (Rhodes grass, Oaten, Lucerne hay),  
Seed crop production (Mung beans, Soyabeans)  
Tree crops (Mango, Lychee).

I also believe the block could also support a dwelling suitable for housing agricultural employees with no detrimental effect on the overall productivity of the block along with helping with current housing shortage.

Sincerely Grant Whitney  
Nutrien Ag Solutions  
39-57 Home Holl Road  
AYR QLD 4807



















14.02.2024

Nutrien ag Solutions

39-57 Home Hill Rd

Ayr4807

To Ms Emma Staines

Town Planner, Brazier Motti

595 Flinders Street. Townsville

My name is Grany Whitney I have been employed as an Agronomist at Nutrien Ag Solutions in Ayr

for the past 12 years, prior to that I worked for 15 years in the same role in central NSW.

My role here in Ayr covers a wide range of activities from soil testing and interpretation to assess

what type of cropping can be grown in different soil types, on farm consulting with growers as to

chemical requirements in certain crops, irrigation scheduling, fertiliser recommendations as required

for reef regulations etc.

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area of (2 ha) as to its viability in size and soil type and fertility to be suitable to undertake

agricultural practices.

I inspected the block on the 09.02.2024 I found the block has ample underground water to

successfully grow any of the crops mentioned below. The Burdekin has access to markets North and

South there is also access to labour with a large volume of overseas travellers passing through Ayr

throughout the season.

The soil type and fertility on the block are very suitable for growing a wide variety of crops. This is

demonstrated by the fact that there are many viable small farm enterprises already sustainably

operating in close proximity to Lot 2 Ferguson Rd.

Some examples of the type of crops already successfully being grown in the area are.

Fresh Herbs (Basil),

Vegetables, (Zucchini, pumpkin, tomatoes),

Specialised hay production (Rhodes grass, Oaten Hay, Lucerne hay),

Seed crop production (Mung beans, Soyabeans)

Tree crops (Mango, Lychee).

I also believe the block could also support a dwelling suitable for housing agricultural employees

with no detrimental effect on the overall productivity of the block along with helping with current

housing shortage.

Grant Whitney

Agronomist

Nutrien Ag Solutions

39 - 57 Home Hill Rd, AYR, QLD. Australia

| M: +61 0477 347 621 E: keith.whitney@nutrien.com.au

W: NutrienAgSolutions.com.au







