8 CORPORATE AND COMMUNITY SERVICES

8.1 A & A SALINOVIC - RECONFIGURING A LOT - SUBDIVISION (1 INTO 9 LOTS) - LOT 100 ON SP202702 - 72-76 MASONS ROAD, KURANDA - RAL/18/0029

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Date Prepared:	6 N	ovember 2018
Author:	Plar	nning Officer
Attachments:	1.	Proposed Plan

2. Submissions \underline{J}

APPLICATION DETAILS

APPLICATION			PREMISES	
APPLICANT	A & A Salinovic	ADDRESS	72-	76 Masons Road,
			Kur	randa
DATE LODGED	26 September 2018	RPD	Lot	: 100 on SP202702
TYPE OF APPROVAL	Development Permit	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - S	Reconfiguring a Lot - Subdivision (1 into 9 Lots)		
FILE NO	RAL/18/0029	AREA		4.26 Ha
LODGED BY	Brazier Motti	OWNE	R	A & A Salinovic
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016			
ZONE	Rural Residential Zone (not within a subdivision precinct)			
LEVEL OF	Impact Assessment			
ASSESSMENT				
SUBMISSIONS	Nine (9) Submissions Received			

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Nine (9) properly made submissions were received during public notification of the application, all of which objected to the proposed development.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does conflict with a Performance Outcome contained within the Reconfiguring a Lot Code which discourages further subdivision of Rural Residential zoned allotments that are not situated within a subdivision "precinct". Despite this conflict, it is considered that the proposed development can comply with the higher order Overall Outcomes contained within both the Reconfiguring a Lot Code and the Planning Scheme's Strategic Framework. Specifically, the subject site is generally free from constraints (particularly environmental constraints) and the development can be serviced by all infrastructure typically conditioned for this scale of rural residential development, including sealed road access, town water and electricity.

It is considered that there are sufficient planning grounds to approve the development, despite the identified conflicts with the Planning Scheme.

Draft conditions were provided to the Applicant care of their consultant and have been agreed to.

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A & A Salinovic ADDRESS 72-76 Masons Ro		72-76 Masons Road,
			Kuranda
DATE LODGED	26 September 2018 RPD Lot 100 on SP202702		Lot 100 on SP202702
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 9 Lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does **not** consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 9 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
34579/001A	Proposed Reconfiguration Lots 1 - 9 & Emts A - D	Brazier Motti	26 July 2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) <u>Development assessable against the Planning Scheme</u>
- 1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
- 2. Timing of Effect

- 2.1 The conditions of the development permit for each stage of the development must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage of the development, except where specified otherwise in these conditions of approval.
- 3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
 - 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.6 Where approved existing buildings and structures are to be retained, setbacks to any <u>new</u> property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
 - 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.8 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

3.9 Bushfire Management (for Lots 2, 3 and 6 - 9 only)

A bushfire hazard management plan for the subject land and proposed allotments must be prepared by suitably qualified person, and submitted to Council prior to the endorsement of the plan of survey. All future development on the subject land must comply with the bushfire hazard management plan.

3.10 Slope Stability

For any new building work proposed on a slope of 15% or greater, the applicant/developer must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long-term stability of the development site; and
- that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site. 4. Infrastructure Services and Standards
- 3.11 Building Envelopes
 - (a) The approved building envelopes for proposed lots 1 4 and 6 9 are the building envelopes shown on Brazier Motti plan no. 34579/001A dated 26 July 2018.
 - (b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by markers set at each corner, to the satisfaction of Council's delegated officer.
 - (c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.
 - (d) No vegetation shall be cleared outside the approved building envelopes.

4. Infrastructure Services and Standards

- 4.1 Access
 - (a) Industrial/commercial grade access crossovers must be constructed (from the edge of the Mason Road kerbing to the commencement of each shared driveway required by 4.1 (b) below) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

An access crossover must be provided/constructed to each allotment from the shared access driveways required by 4.1 (b) below) to the boundary of each proposed lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The provision of layback kerb along the road/access easement frontages of each allotment will satisfy this condition.

An asphalt or concrete sealed driveway, including kerb and channel shall (b) be provided for the full length of the access handles of Lots 1 and 6 (covered by easements A and B), to the satisfaction of Councils delegated officer. Each driveway will: have a minimum formation width of 4 metres; be constructed generally in the centre of each access handle; be formed to cater for stormwater drainage such that any stormwater runoff is discharged to Masons Road or another approved legal point of discharge; service and utility conduits, including water supply pipes are to be provided for the full length of each driveway to service the benefited allotments. (c) A formed concrete wheelie bin set-down area capable of accommodating 4 wheelie bins must be constructed adjacent the Masons Road kerbing next to each access crossover required by 4.1 (a) above. (d) Reciprocal "access and services" easement must be established over the access handles of Lots 1 and 6 which benefit Lots 2 - 5 and Lots 7 - 9. Easement documents must be made available to Council for review prior to endorsement of a plan of survey creating any lots. Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for Operational Works. 4.2 Stormwater Drainage (a) The applicant/developer must take all necessary steps to ensure a nonworsening effect on surrounding land as a consequence of the development. Prior to operational works commencing, the applicant must submit a (b) Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer. Prior to works commencing the applicant must submit a Stormwater (c) Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer. (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and

Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
- 4.3 Water Supply
 - (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
 - (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- 4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on each lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development

Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of **underground** power reticulation.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes (to be included for the full length of the shared driveways required by 4.1 (b) above).

- 5. Additional Payment Condition/s (section 130 of the Planning Act 2016)
 - 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
 - 5.2 The developer must pay \$16,960.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
 - 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk transport network servicing the land (\$4,585.00 per additional allotment)
 - The trunk open space infrastructure servicing the land (\$4,585.00)
 - The trunk water supply infrastructure servicing the land (\$7,790.00 -Mason High Level Zone)
 - 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
 - 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;

- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation and Connection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(c) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(f) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered covenant (Lot 9 only)
- an approved building envelope plan (Lots 1 4 and 6 9 only)
- building on sloped land (greater than 15% grade)
- conditions regarding bushfire management (Lots 2, 3 and 6 9 only)
- an approved bushfire management plan (Lots 2, 3 and 6 9 only)
- a registered easement over the subject site (Lots 1, 2, 3 and 6 only)
- the standard of any future on-site effluent disposal system

(g) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(h) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

(i) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot- four (4) years (starting the day the approval takes effect);
- (F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
 - Development Permit for Operational Works
- (G) OTHER APPROVALS REQUIRED FROM COUNCIL
 - Access approval arising from condition number 4.1 (Not required if carried out at operational works stage).

THE SITE

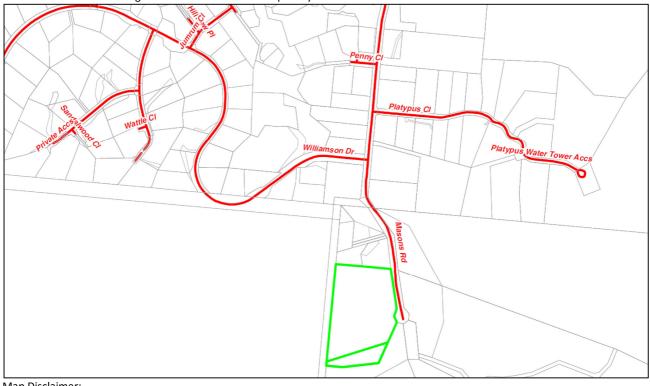
The subject site is situated at 72-76 Masons Road, Kuranda, and is described as Lot 100 on SP202702. The site is generally regular in shape with a total area of 4.426 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. The site is not mapped as being situated within subdivision precincts A, B or C. The site contains 150 metres of frontage to Masons Road which is constructed to a bitumen sealed standard for its entire length. The sites frontage to

Masons Road does include layback kerbing for its entire length and the site is accessed via an unsealed crossover in the north-east corner of the site.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.





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The site is improved by a dwelling house, shed and ancillary infrastructure situated towards the centre of the allotment on a slight ridge. The land slopes down from this ridge towards the north, east and southern sides of the allotment. The site has been cleared of all vegetation with the exception of approximately 5,000m² of land in the south-east corner of the site which remains covered by mature remnant vegetation. The majority of this remaining vegetation is covered by an environmental covenant (Cov G on SP202702) for conservation purposes.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

MC2005/2

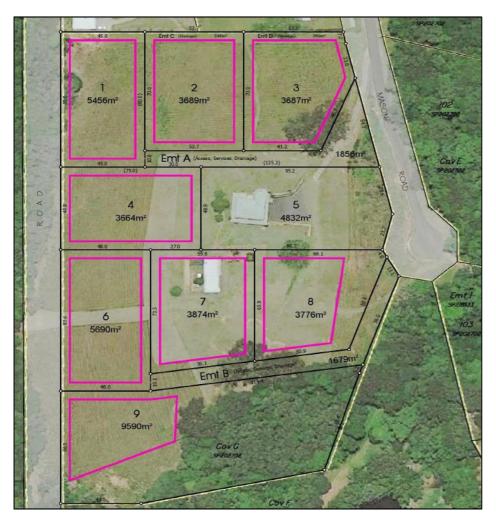
Council, at its Ordinary Meeting on 19 April 2005, approved an application made by Charles O'Neill Pty Ltd Surveyors on behalf of A & A Salinovic (the landowners) to rezone land described as then Lots 1 on RP732710 and Lot 101 on SP162915, situated at Mason Road, Kuranda from a Rural zoning to a Rural Residential zoning. This approval permitted the change of zone only, and a subsequent application to reconfigure the land was required to actually create the lots.

A further reconfiguration application was lodged over Lot 1 on RP732710 which was subdivided into the 4 rural residential lots situated immediately to the north of the land subject to this application.

Lot 101 on SP162915 was never developed in accordance with rezoning approval MC2005/2. Lot 101 on SP162915 is now described as Lot 100 on SP202702 (the subject land for this application).

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 9 Lots) in accordance with the plan shown below and included as **Attachment 1**.



As shown on the above plan, the nine (9) proposed lots will range in size from 3,664m² up to 9,590m². The development will be carried out in 2 stages as follows:

Stage 1

Stage 1 will create proposed Lots 1 - 5 with the existing dwelling house to be contained within proposed Lot 5. Access to all 5 lots will be gained via a 10m wide access handle to proposed Lot 1 which will be covered by an access and services easement in favour of Lots 2 - 5. 2 other easements are proposed along the northern boundary of Lots 2 and 3 for stormwater drainage purposes.

Stage 2

Stage 2 will create proposed Lots 6 - 9. Access to all 4 lots will also be gained via a 10 metre wide access handle to proposed Lot 6 which too will be covered by an access and services easement in favour of Lots 7 - 9.

Both Stage 1 and 2 access handles (covered by the easements) will contain sealed driveways and all lots will include building envelopes as well as electricity and telecommunications supplies and a connection to Council's town water supply.

The building envelope for proposed Lot 9 will ensure that no development will occur over the eastern half of the allotment which remains vegetated, most of which is protected by environmental covenant (Cov G on SP202702).

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031.

The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

• Strategic Rehabilitation Area

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	 Land Use Categories Rural Residential Area Natural Environment Elements Biodiversity Area
Zone:	Rural Residential Zone
Precinct:	N/A
Overlays:	Bushfire Hazard Overlay Environmental Significance Overlay Hill and Slope Overlay

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

(1) Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation or loss of agricultural areas or biodiversity areas.

- (2) Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.
- (3) No further subdivision of greater than anticipated density occurs within rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.
- (4) Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.

<u>Comment</u>

The subject site is in a rural residential area and is not agricultural land. The site has been cleared of nearly all vegetation with the exception of a portion of remnant vegetation in south-east corner of the site which is protected by an existing environmental covenant. The proposed reconfiguration will not lead to the fragmentation or loss of biodiversity areas.

The proposed development is infill development. The development will be serviced by all infrastructure typically conditioned for rural residential development. The site lies adjacent existing 4,000m² rural residential allotments and the size and configuration of the proposed allotments will maintain the existing rural living character.

The proposed development does not conflict with these specific outcomes.

3.3.14 Element-Natural hazard mitigation

3.3.14.1 Specific outcomes

- (1) The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.
- (2) Development in an area subject to a natural hazard incorporates appropriate siting and design measures that mitigate risks to infrastructure, buildings and the community.
- (3) Development considers the potential for increased occurrence of natural hazards as a result of climate change, including greater frequency of extreme weather events and increased rainfall intensities.
- (4) Development incorporates emergency response measures to ensure the impacts of natural hazards can be minimised.

<u>Comment</u>

The majority of the subject land is mapped as being situated within a "potential impact buffer" area for bushfire hazard, and a small portion of the land in the south-east corner is mapped as being situated within a "high potential bushfire intensity" area.

No future building work will occur within the area mapped as high potential bushfire intensity. Furthermore, each lot has a designated building envelope area free from vegetation and each lot

will be connected to Kuranda's town water supply. A condition of approval requires the preparation of a bushfire hazard management plan to be adhered to by future land owners.

Some parts of the subject site are also mapped as "hill and slope areas". Any future building works proposed on this sloped land will require further engineering input and subsequent building pad preparation and/or footings design measures to ensure land slip hazard is appropriately mitigated against.

The proposed development can be conditioned to comply with these specific outcomes.

3.4 Natural resources and environment

3.4.2 Element—Conservation areas

3.4.2.1 Specific outcomes

- (1) New development adjacent to conservation areas will:
 - (a) be compatible with natural values; and
 - (b) sensitively located and setback from conservation areas; and
 - (c) ensure no irreparable disturbances to the areas of ecological significance; and
 - (d) mitigate the cumulative impacts of development; and
 - (e) ensures contaminants do not impact conservation areas.

<u>Comment</u>

The subject site is situated almost immediately adjacent a conservation area, separated by a 20metre-wide undeveloped section of road reserve. The subject site has been cleared of nearly all vegetation and any approval will include conditions to ensure that no further clearing occurs on the land.

Through the implementation of building envelopes, future residential development on the proposed lots will be adequately separated from nearby conservation areas.

The proposed development is not likely to impact on nearby conservation areas and is therefore compliant with specific outcome 1.

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

- (1) Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.
- (2) Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.
- (3) Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.
- (4) The ecological values of biodiversity areas which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.

(6) Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.

<u>Comment</u>

The subject site is almost entirely cleared of vegetation with the exception of a small portion of vegetation remaining in the south-east corner of the site. The majority of this vegetation is protected by an existing environmental covenant (Cov G on SP202702). The remaining vegetation in the south-east corner of the site outside the covenant area will be protected from future clearing by condition of approval.

The proposed development is not likely to impact on the biodiversity values on or adjacent the subject site. The development therefore does not conflict with these specific outcomes.

Relevant Developments Codes

The following Development Codes are applicable to the assessment of the application:

- 6.2.10 Rural residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Residential Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and Slope Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Landscaping Code	
	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a Lot Code	 The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following: Acceptable Outcome AO1.1
	Performance Outcome PO13 (no acceptable outcome)
	The applicant has demonstrated compliance with the higher order Performance Outcome PO1 and in the case of PO13 and AO13, demonstrated compliance with the higher order Overall Outcomes of the Reconfiguring a Lot code.
	Further detail is provided in the planning discussion section of report.
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(E) Additional Trunk Infrastructure Condition

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The development, which will create three (8) additional rural residential lots, is predicted to place additional demand on Council's trunk water supply infrastructure, trunk transport infrastructure and trunk open space infrastructure.

The developer must pay a one-off payment of **\$16,960.00** (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development

approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land (\$4,585.00 per additional lot)
- The trunk water supply infrastructure servicing the land (\$7,790.00 per additional lot)
- The trunk open space infrastructure servicing the land (\$4,585.00 per additional lot)

REFERRAL AGENCIES

This application did not trigger referral to a any Referral Agencies.

Internal Consultation

Development Engineering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 11 October 2018 to 1 November 2018. The applicant submitted the notice of compliance on 2 November 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Nine (9) properly made submissions were received, all of which objected to the proposed development.

One (1) submission was received outside the public notification period and is therefore deemed "not properly made" and has not been considered.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
The size of the lots proposed is inconsistent with lots in the vicinity of the site and will impact on the residential character of the area.	The smallest of the 9 lots proposed has an area of 3,664m ² . Most lots in the nearby Kuranda Springs Estate are approximately 4,000m ² in size, however some lots are below 4,000m ² with some as small as 1,700m ² . The lots proposed are not inconsistent with existing nearby rural residential development and the proposal is not likely to impact on the residential character of the area.
Stormwater runoff from the proposed development will impact on adjoining properties.	A stormwater management plan designed by an RPEQ is required to be submitted to Council for review and approval prior to any operational works being carried out on site. Easements along the northern boundary of the land are proposed to convey overland flow from the site to Masons Road which is a legal point of discharge.
	All stormwater collected along the shared access driveways will also be discharged to Masons Road.
	The development has been designed so that stormwater discharge will not impact adjoining properties.
The proposed development is inconsistent with Performance Outcome PO13 of the	Refer to planning discussion section of report for commentary on non-compliance with PO13.

Reconfiguring a Lot Code which discourages the creation of new lots in the Rural Residential zone outside "subdivision precincts" A, B and C.	
There appears to be no reason why Council should allow the proposed development to occur given its zoning.	Refer to planning discussion section of report for commentary on non-compliance with PO13.
The subject land lies within a mapped ecological corridor and its protection from development is vitally important to the functioning of the corridor.	Although it is acknowledge that the site does lie within a mapped environmental corridor, its functionality as a portion of the corridor is questionable given the fact that the land is almost entirely cleared. At present, the landowner could erect boundary fencing around the perimeter of the site without the need for Council approval. The proposed development is not likely to impact on wildlife connectivity especially considering the presence of protected State land on either side of the site as well as surrounding large rural holdings that are likely to remain undeveloped due to environmental and slope constraints.
Despite the property being located in an environmentally sensitive area, no request for a supportive ecological assessment report has been made.	A supporting ecological assessment is not a mandatory requirement for development situated within an ecological corridor or habitat linkage (refer to Notation below Performance Outcome PO8 of the Environmental Significance Overlay Code). Council planning officers did not consider it necessary to request an ecological assessment given the lack of environmental constraints on the subject land.
Subdividing the property into two equally sized allotments would be more appropriate for the area.	Council officers are required to assess the scale of development applied for. In its current extent, it is considered that there are reasonable grounds to approve the development.
Council should condition the revegetation of the land as part of any approval in keeping with the Environmental Significance Overlay code which requires development to protect and enhance a development sites environmental values.	It is not considered reasonable to require future landowners to revegetate their allotments. Each proposed lot will contain a building envelope which will limit the siting of future improvements on each lot. It is likely that future landowners will carry out revegetation of their individual lots on their own accord.
The subject land is situated directly adjacent to known Cassowary and Kuranda Tree Frog habitat which makes the development a matter of National significance as Cassowaries and the Kuranda Tree Frog are threatened species under the EPBC Act.	The EPBC Act is administered by the Federal Department of Environment and Energy. The applicant/developer is required to determine whether the application requires referral under the EPBC Act (see Advice clause (h) in the Officer's Recommendation section of this report). This process occurs outside this development assessment process.
If approved, it is requested that conditions be attached to ensure that no fencing be erected except around building envelopes in order to promote wildlife movement.	This condition would be considered unreasonable. It is likely that the Estate proposed would be developed in a similar manner to surrounding rural residential estates with the majority of landowner not having installed boundary fencing.
If approved, it is requested that covenants be placed over the land to prohibit the keeping of domestic cats and dogs.	This is considered unreasonable.
The proposed development will set a precedent for future small lot subdivision in the area.	The subject site is unique in that it is almost entirely free from environmental constraint. It is unlikely that any further subdivision will occur in the area considering the constraints that exist over most lots in the area (environmental, slope).
The proposed development will increase the amount of traffic using an already strained road network.	Masons Road is constructed to a reasonable standard. The applicant/developer is required to pay a contribution towards road upgrades which will be used for future upgrades of Masons Road. That section of Masons Road fronting the subject land is

has been widened and kerbing has been installed on the
development side of the road.

Submitters

	Name of Principal submitter	Address
1.	Norman Guy & Pauline Taylor-Guy	66B Masons Road, Kuranda / PO Box 536 Kuranda QLD 4881
2.	Nadine O'Brien	345 Fantin Road, Koah QLD 4881
3.	Gaby Schierenbeck	PO Box 741 Kuranda QLD 4881
4.	Janet Dean	64-66 Masons Road, Kuranda QLD 4881
5.	Graham Fowles	66A Masons Road, Kuranda QLD 4881
6.	Kuranda Regional Planning Group C/- Jo Martin	ojo@ojoonline.com / info@kurandaregion.org
7.	Sarah Isaacs	345 Fantin Road, Koah QLD 4881
8.	Kuranda Envirocare C/- Cathy Retter	PO Box 494 Kuranda QLD 4881
9.	Kuranda Conservation Community Nursery C/- Jax Bergersen	1 Pademelon Lane, Kuranda QLD 4881

PLANNING DISCUSSION

Compliance with the Performance Outcomes and Purpose of the Reconfiguring a Lot Code is summarised as follows:

Reconfiguring a Lot Code

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;
- (b) allows the desired amenity of the zone to be achieved;
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;
- (d) allow the site to be provided with sufficient access;
- (e) considers the proximity of the land to:
 - (i) centres;
 - (ii) public transport services; and
 - (iii) open space; and
- (f) allows for the protection of environmental features; and
- (g) accommodates site constraints.

A01.1

Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.

<u>Comment</u>

Table 9.4.4.3B does not nominate a minimum area and frontage for rural residential allotments that are located outside a precinct.

Assessment is therefore necessary against PO1 and the criteria it nominates:

- (a) The proposed lots will be consistent with the design of lots in the surrounding area.
- (b) The proposed lots allow the desired amenity of the zone to be achieved.

- (c) Each of the proposed lots is of sufficient size and shape to be able to accommodate all buildings, structures and works associated with the intended land use;
- (d) Masons Road is constructed to a reasonable standard and with and includes layback kerbing for the full frontage of the site. The proposed lots will be accessed via 2 shared driveways which will be constructed to an asphalt/concrete standard and will also include kerbing. Each driveway will be covered by reciprocal access and services easements.
- (e) The subject land is situated immediately adjacent existing rural residential development and in proximity to the large "Kuranda Springs" Estate. The site is linked to Kuranda's urban centre by a reasonably constructed road network.
- (f) Building envelopes will ensure future development on site does not result in any further vegetation clearing. Minimal environmental impact is envisaged.
- (g) The proposed lot layout reasonably responds to the site's constraints.

The development complies with PO1.

PO13

New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1 hectare precinct or the 2 hectare precinct.

A013

No acceptable outcome is provided.

<u>Comment</u>

The proposed development conflicts with PO13 as the subject land is not located within a rural residential zone precinct.

An assessment of the development's consistency with the purpose and overall outcomes contained within the Reconfiguring a Lot Code is discussed below:

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

(a) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;

The site is already serviced by all infrastructure typically conditioned for rural residential development. This infrastructure will be upgraded and extended to service each proposed allotment and will include electricity and telecommunications connections and town water supply.

(b) Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct;

The size and shape of the proposed allotments are consistent with the Rural Residential zone - 4,000m² precinct. The subject land is within the Rural Residential zone, but outside the 4,000m² precinct.

The subject land is situated immediately adjacent existing 4,000m² rural residential development. Each lot proposed will be of a suitable size and shape to accommodate future residential development.

(c) Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;

The ultimate use of each lot is a single dwelling house with the potential for some ancillary domestic outbuildings. Proposed Lot 5 already contains a dwelling house.

All other proposed Lots have sufficient area and dimensions to accommodate a future dwelling house and avoid/protect environmental features. A building envelope is nominated for each lot to ensure future development is appropriately separated from any remaining environmental features.

(d) A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;

The proposed development would add to the range of lot sizes available.

(e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;

Not applicable. The proposed development does not require an extension to the road network.

(f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;

The subject site is situated immediately adjacent established rural residential estates and is connected to Kuranda's urban centre by a reasonable constructed road network.

(g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;

The subject land is located a short distance from existing parklands and areas of public open space which include the Barron Falls and Kuranda Recreation Centre. The subject land also has convenient access to existing local/district parks and facilities found throughout the Kuranda district.

Due to the proposed developments relatively small scale and the adequate supply of existing parkland and facilities, a monetary infrastructure contribution is considered to be appropriate.

(h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;

A riparian corridor exists in the south-east corner of the site which is currently protected by an Environmental Covenant. The site contains no other riparian corridors.

(i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;

Not applicable. The subject land is within the Rural Residential zone, not the Rural zone.

(j) Land in historical townships is not reconfigured to be used for urban purposes; and

Not applicable. The subject land is not within a historical township for the purpose of the planning scheme.

- (k) Residential subdivision and greenfield development is designed to consider and respect:
 - *i. topography;*
 - *ii. climate responsive design and solar orientation;*
 - *iii. efficient and sustainable infrastructure provision;*
 - iv. environmental values;
 - v. water sensitive urban design;
 - vi. good quality agricultural land; and
 - vii. the character and scale of surrounding development.

The proposed lot layout appropriately and efficiently responds to the relevant identified criteria.



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

72-76 Masons Road, Kuranda



From:Pauline TaylorSent:29 Oct 2018 15:00:22 +1000To:Info (Shared)Subject:RAL/18/0029 - Pauline Taylor Guy and Norman Guy submit objection to
development application - Lot 100 SP202702Attachments:response to Masons Road planning application.pdf

Dear Mr Ewin, please find attached our objection to the above planning application. Please can you acknowledge receipt of this email.

--Warm Regards

Professor Pauline Taylor-Guy www.linkedin.com/in/pauline-taylor-guy-23350423

66b Masons Road PO Box 536 Kuranda 4881 drpaulinettaylor@gmail.com normanguy@iprimus.com.au October 28 2018

Ref: RAL/18/0029 Attn: Mr Carl Ewin

Dear Mr Ewin

We are the owners of the abovementioned property adjoining the proposed development. We wish to submit our strong objection to the proposal as lodged with Mareeba Shire Council for 72-76 Masons Road Kuranda.

There are two main areas of objection/concern:

1. The size of the proposed lots in the subdivision

Specifically, our objection refers to the fact that the density of the proposed development in its current form with the majority of blocks (6/9 less than 4000m2) will significantly affect the residential character of the area, is not consistent with acceptable development of this area and is not of a scale and nature that contributes to the proper and orderly development of the locality.

Our purchase of land and subsequent build on Lot 120 (now 66b) was predicated on the fact that any subsequent development would be within the constraints and character of rural/residential land development. This was a significant factor in our purchase of Lot 120 (66b). The current proposal is of a density which is not consistent with the current character of the locality.

Further, this proposed number and area of the 9 blocks is not at all consistent with the four blocks subdivided by the owner in his first redevelopment of the land (66a, 66b, 66e and 66d) all of which exceed 4000m2. The current proposal sees \underline{six} of the nine blocks proposed less than 4000m2. This is clearly inconsistent not only with the immediate proximal area but also of all development around Williamson Drive, Platypus Close and Masons Road. Areas such as Williamson, as noted even in the application fall within the 4000m2, one and two hectare precincts. This makes the current proposal even more contrary to the current character of the entire area.

2. The lack of consideration in the planning proposal of known issues due to stormwater runoff on the current land profile.

We note that the water management plan for the development meets **minimal** standards only. This will not be appropriate to the development. We also note that no account whatsoever has been made in the proposal of a known significant stormwater runoff issue which runs across two proposed blocks (1 and 2) into Lot 120 (66b). This issue has required our cutting of a V drain and the digging of water runoff trenches to avoid serious erosion of the access road to 66a,b, c and d and flooding to block 66d in the rainy season. Any alteration to the profile of the land in the areas proposed for Lots 1 and 2 will impact adversely on blocks 66a, b, c and d. Storm water runoff in this area requires very careful management.

Yours Sincerely,

Norman Guy Pauline Taylor-Guy

From:	nadine O'Brien
Sent:	29 Oct 2018 22:43:24 +1000
То:	Info (Shared)
Subject:	RAL/18/0029 - New Submission - Lot 100 SP202702 - 72-76 Masons Road
Kuranda	
Attachments:	Submission RAL180029.pdf

To the assessment manager

Please find attached submission to RAL180029 reconfiguring a lot/subdivision of 1 lot into 9 lots - Lot 100 at SP202702 at 72-76 Masons Road, Kuranda.

regards Nadine O'Brien 345 Fantin Road Koah QLD 4881

Submission to RAL180029 Reconfiguring a lot/subdivision of 1 lot into 9 lots - Lot 100 at SP202702 at 72-76 Masons Road, Kuranda

To the assessment manager

The land proposed for subdivision is zones general rural residential land and lies outside the rural residential land zones A,B and C.

The near new MSC2016 planning scheme allows precinct A to be subdivided into 4000 square metre lots. Precinct B allows subdivision into 1 hectare lots and precinct C into 2 hectare lots. Those subdivisions only require code assessment.

The general rural residential zoned areas, not really intended to be further subdivided under the MSC2016 plan, require impact assessment, if an application for subdivision is made.

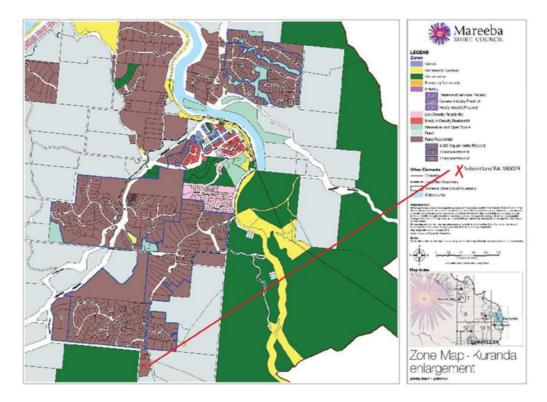
The subsequent land is bordered on the east by conservation land.

The south and west is bordered by rural zoned land.

While the north borders more general rural residential zoned land.

In fact 4 blocks of general rural residential zoned land lie between the subsequent land and the next rural zoned A and B lots.

There appears to be no logical reason why subdivision into small parcels, consistent with the rural residential A zoned land, should be allowed in the general rural residential zone.

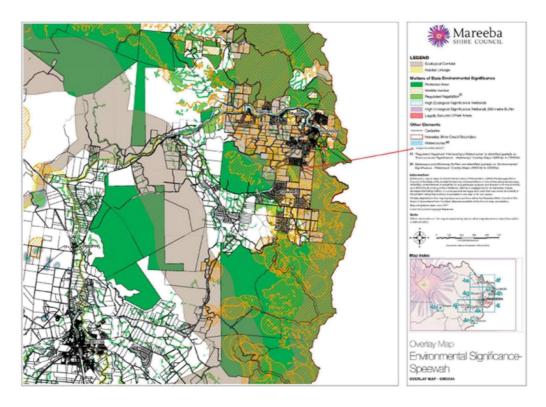




Enlarged section of MSC2016 zoning map with a red cross marking the subject land

The land proposed for subdivision, lies entirely in an ecological corridor, as per MSC2016 plan environmental significant overlay code mapping.

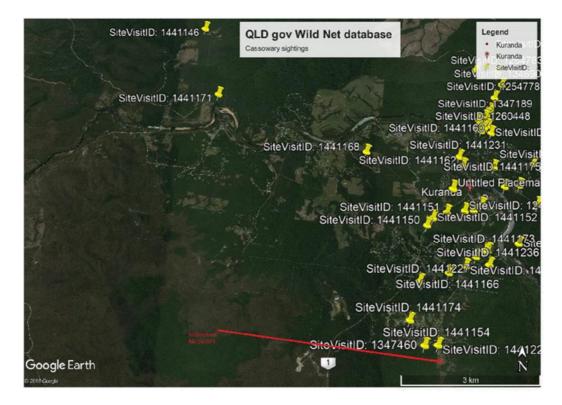
Due to its location and despite the property being cleared of trees, it is vitally important as a functioning ecological corridor.





Enlarged section of MSC2016 environmental significance map with a red cross marking the subject land

The property is bordered mostly by forested land, much of it mapped essential Cassowary habitat. The QLD gov WildNet mapping(see below), showing Cassowary sightings within a few hundred metres away from the property proves the above made points.



Despite the property being located in an environmentally sensitive area, no request for a supporting ecological assessment report has been made.

Under these circumstances, I request that at the most subdivision into two equally sized blocks be allowed.

This size is more appropriate for the general rural residential zoned land.

I also urge Council to use the opportunity and condition an approval with the re vegetation of the land.

Further conditions should include, fencing being limited to the building envelopes and no dogs and cats be allowed.

These conditions are consistent with the MSC2016 plan, which in the environmental significance overlay code requires that development in rural residential zoned land protects and enhances matters of environmental significance.

This includes ecological corridors and connectivity.

8.2.4 Environmental significance overlay code

8.2.4.1 Application

- (1) This code applies to assessing development where:
 - (a) land the subject of development is affected by a constraint category identified on the Environmental significance overlay maps (OM-004a-z); and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Biodiversity and Water quality are appropriately reflected in Overlay Map 4 and is required to be mapped by State Government in response to Environment and Heritage State Interests.

8.2.4.2 Purpose

(1) The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

The Environmental significance overlay code ensures that:

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and
- (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;
 - (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;
 - (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;
 - (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;
 - development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;
 - development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and
 - (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural

Perf	ormance outcomes	Acceptable outcomes
Eco	logical corridors and Habitat linkages	
PO8		AO8
Deve (a)	elopment located: in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and	No acceptable outcome is provided
(b)	within an 'Ecological corridor' or a 'Habitat linkage' identified on the Environmental Significance Overlay Maps (OM-004a-o)	
habi	a not compromise the provision of tat connectivity of the corridor/linkage,	
(a)	ng regard to: the environmental values of the area	
(a)	of the site identified in the 'Ecological corridor' or 'Habitat linkage';	
(b)	the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';	
(c)	the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;	
(d)	the location and design of proposed improvements that may impact on the functions of the 'Ecological corridor' or 'Habitat linkage' including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and	
(e)	the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity.	
prepa - Eco	–A supporting Ecological Assessment Report red in accordance with Planning Scheme Policy 2 logical Assessment Reports may be appropriate monstrate compliance with PO8.	

Nadine O'Brien 345 Fantin Road Koah QLD 4881 29 October 2018

nadine_obrien@yahoo.com.au

0 0

From:Gaby SSent:30 Oct 2018 11:29:15 +1000To:Info (Shared)Subject:RAL/18/0029 - New Submission - Gaby SchierenbeckAttachments:Submission RAL180029 Masons Road.pdf

Please find attached submission RAL180029

Regards

Gaby Schierenbeck

Submission to RAL180029 Reconfiguring a lot/subdivision of 1 lot into 9 lots - Lot 100 at SP202702 at 72-76 Masons Road, Kuranda

To the assessment manager

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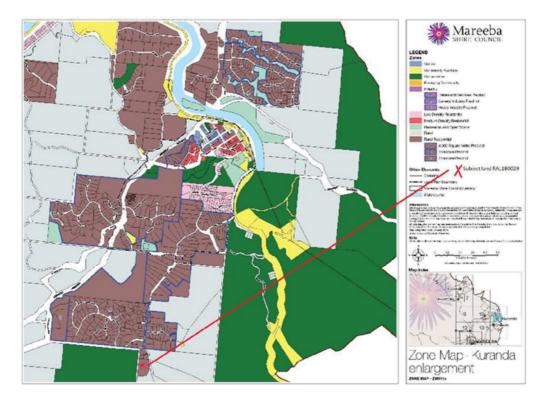
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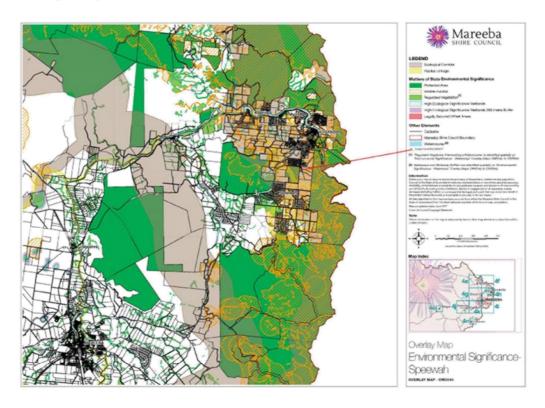




Enlarged section of MSC2016 zoning map with a red cross marking the subject land

The land proposed for subdivision, lies entirely in an ecological corridor, as per MSC2016 plan environmental significant overlay code mapping.

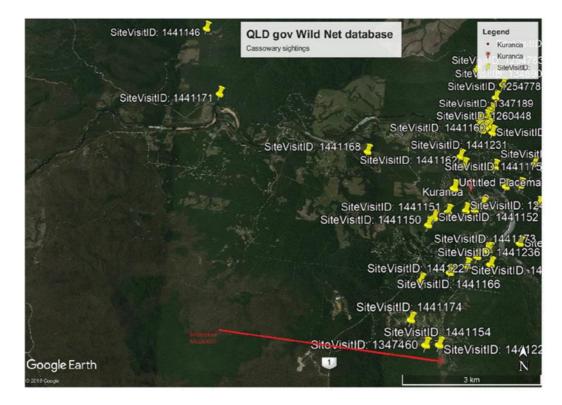
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Enlarged section of MSC2016 environmental significance map with a red cross marking the subject land

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This includes ecological corridors and connectivity.

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8.2.4.1 Application

- (1) This code applies to assessing development where:
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 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Biodiversity and Water quality are appropriately reflected in Overlay Map 4 and is required to be mapped by State Government in response to Environment and Heritage State Interests.

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 - (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;
 - development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;
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(c)	the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;	
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prepa – Eco	—A supporting Ecological Assessment Report red in accordance with Planning Scheme Policy 2 logical Assessment Reports may be appropriate monstrate compliance with PO8.	

Full name: Gaby Schierenbeck Address: PO Box Kuranda, 4881 Qld Date: 30.10.18

E-mail: gaschi21@hotmail.com

From:	Kuranda Library
Sent:	31 Oct 2018 11:07:26 +1000
To:	Info (Shared)
Subject:	RAL/18/0029 - Objection Submission from Janet Dean - 72-76 Masons Road
Kuranda	
Attachments:	201810311102.pdf

REF: RAL/18/0029

Please find attached Objection to subdivision 72 - 76 Masons Road Kuranda lodged by Jane Dean, 64 - 66 Masons Road Kuranda.

Thank you

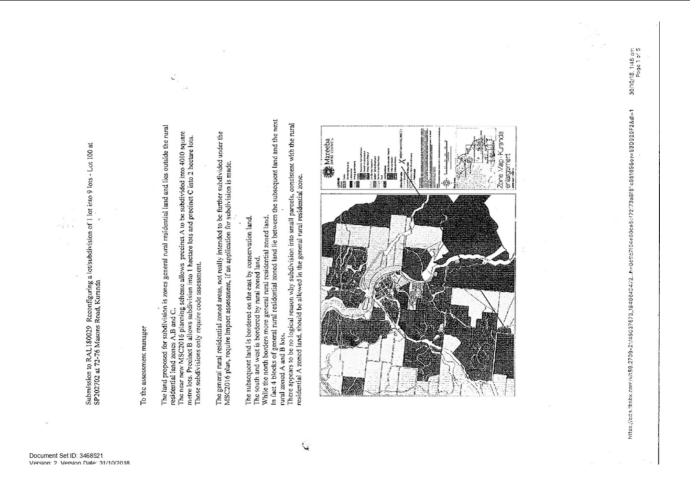
Kuranda Library

Mareeba Shire Council

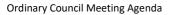
Phone: 1300 308 461 | Direct: 07 4093 9185 | Fax: 07 4093 9561 Email: kurandal@msc.qld.gov.au | Website: <u>www.msc.qld.gov.au</u> 65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880 -----Original Message-----From: ricohscans@msc.qld.gov.au <ricohscans@msc.qld.gov.au> Sent: Wednesday, 31 October 2018 11:03 AM To: Kuranda Library <KurandaL@msc.qld.gov.au> Subject: Message from "KUR-LIB-Ricoh-01"

This E-mail was sent from "KUR-LIB-Ricoh-01" (Aficio MP C3002).

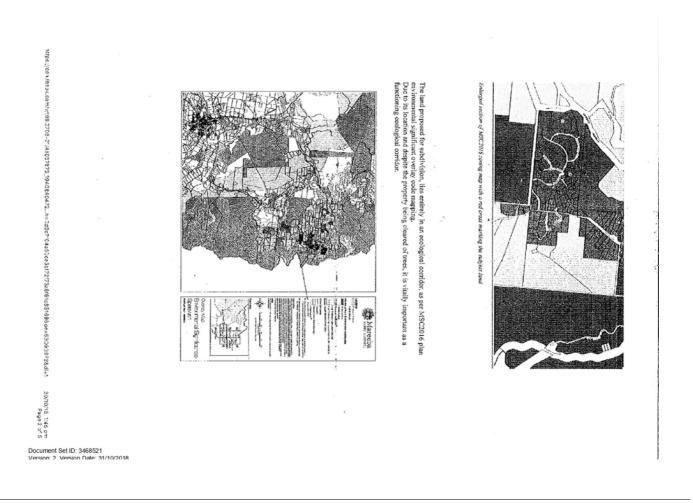
Scan Date: 31.10.2018 11:02:46 (+1000) Queries to: ricohscans@msc.qld.gov.au

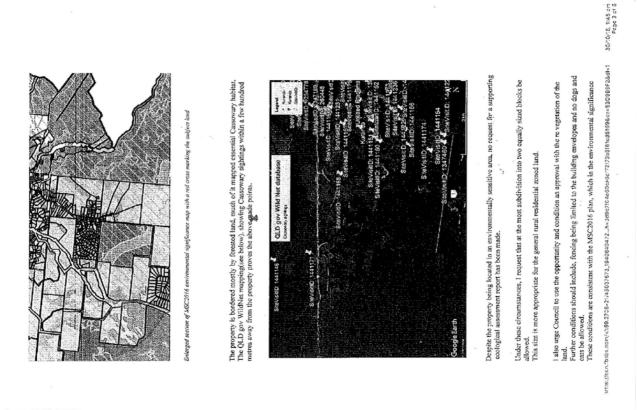


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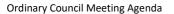
19 December 2018



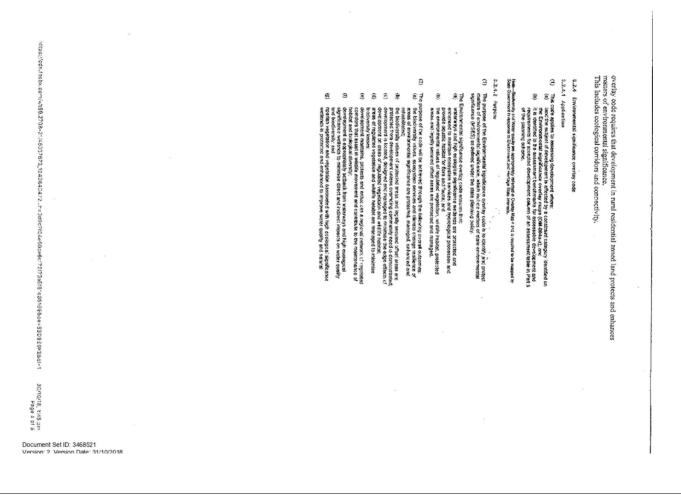


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19 December 2018



Page 49

Block being 3,000 guinter will be residended. (mapleprof lim yeek I'manuality cases of its a celeasester for Workhass 30/10/18, 1:45 pm Page 5 of 5 incologiant 30 Wellabies made been released ever last 24-445 all sites in the even are roral Residente + he https://cdn.fbsbx.com/vrt68.2708-21/4608787,940820472...n=0d9c7104c60ca6ct7217558167.c85165.5oe=560989F28c1u1 10 1 a Jery Small access llecess to the new development Adress Eur-66 Massers Rd. Kavanda ne is provided ex 1545 proposation target administration and fination proposation to the natural animometation and supportant and supp the environmental values of the area of the site identified in the "Ecological comdor" or "Habitat linkage". zone. Em Environmental Significance Overlay Maps (OM-004a-o) does not comprocrise the provision habitat connectivity of the corridoril having regard to: (3) the environmental values of t E-mail: Signature if possible: that the environmental val-and nearby land within corridor or Habitat [in the read is porting Ecological reportance with P Spment located. Note-A sup prepared in a housing D OFFICE ê (e) Å. ê (c) ٢ Document Set ID: 3468521 Version: 2: Version Date: 31/10/2018

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Ordinary Council Meeting Agenda

19 December 2018

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Document Set ID: 3468521 Version: 2: Version Date: 31/10/2018

Item 8.1 - Attachment 2

Page 51

From:Kuranda LibrarySent:31 Oct 2018 11:59:44 +1000To:Info (Shared)Subject:RAL/18/0029 - Graham Fowles submits objection to Development Application -Lot 100 SP202702 - 72-76 Masons Road Kuranda - Ante and Anica SalinovicAttachments:201810311156.pdf

Please find attached opposition to subdivision 72 - 76 Masons Road Kuranda lodged by Graham Fowles, 66a Masons Road, Kuranda.

Thank You

Kuranda Library

Mareeba Shire Council

Phone: 1300 308 461 | Direct: 07 4093 9185 | Fax: 07 4093 9561 Email: kurandal@msc.qld.gov.au | Website: <u>www.msc.qld.gov.au</u> 65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880 -----Original Message-----From: ricohscans@msc.qld.gov.au <ricohscans@msc.qld.gov.au> Sent: Wednesday, 31 October 2018 11:56 AM To: Kuranda Library <KurandaL@msc.qld.gov.au> Subject: Message from "KUR-LIB-Ricoh-01"

This E-mail was sent from "KUR-LIB-Ricoh-01" (Aficio MP C3002).

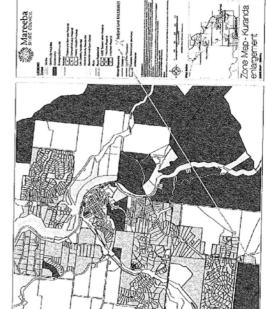
Scan Date: 31.10.2018 11:56:23 (+1000) Queries to: ricohscans@msc.qld.gov.au

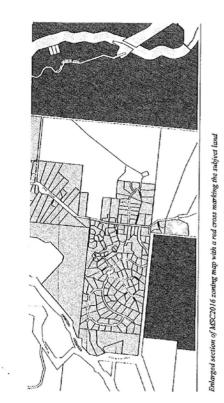
Much is written about wildlife corridors and conservation , all is pertinent in this subdivision, I can only urge that in applications such as this some consideration is given to encroachment into native habitat. Whilst I can recognise the desire to maximise the site into small allotments I think that two Our choice to live on acreage blocks between Kuranda village and the end of Masons road will be affected and from what I can read is not in keeping with the town plan. already Kuranda Springs and the Williamson drive exit to Masons rd causes heavy traffic issues at My Concern with the Proposal for this subdivision is that it will cause a precident in the immediate area for future small block divisions which is no way in keeping with the certain times of the day, extra traffic must surely attract road upgrades. Superission line of a going blocks would be a more reasonable outcome. 10001 12018 ambience or zoning of the area. 30 Graham Fowles 66A Masons rd grf@westnet.com.au Dear Sir ١. Document Set ID: 3468553 Version: 1. Version Date: 31/10/2018

Ordinary Council Meeting Agenda

19 December 2018

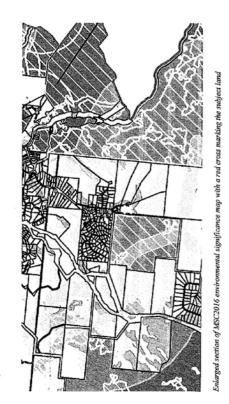
In fact 4 blocks of general nural residential zoned land lie between the subsequent land and the next The land proposed for subdivision is zones general rural residential land and lies outside the rural residential land zones A,B and C. The near new MSC2016 planning scheme allows precinct A to be subdivided into 4000 square metre lots. Precinct B allows subdivision into 1 hectare lots and precinct C into 2 hectare lots. There appears to be no logical reason why subdivision into small parcels, consistent with the rural residential A zoned land, should be allowed in the general rural residential zone. The general rural residential zoned areas, not really intended to be further subdivided under the MSC2016 plan, require impact assessment, if an application for subdivision is made. Mareeba Submission to RAL180029 Reconfiguring a lot/subdivision of 1 lot into 9 lots - Lot 100 at SP202702 at 72-76 Masons Road, Kuranda • • 1 Ы While the north borders more general rural residential zoned land. The subsequent land is bordered on the east by conservation land. The south and west is bordered by rural zoned land. Those subdivisions only require code assessment To the assessment manager rural zoned A and B lots.

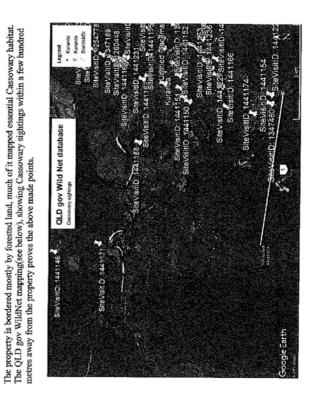




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The land proposed for subdivision, lies entirely in an ecological corridor, as per MSC2016 plan environmental significant overlay code mapping. Due to its location and despite the property being cleared of trees, it is vitally important as a functioning ecological corridor.





Despite the property being located in an environmentally sensitive area, no request for a supporting land. Further conditions should include, fencing being limited to the building envelopes and no dogs and cats be allowed. Under these circumstances, I request that at the most subdivision into two equally sized blocks be also urge Council to use the opportunity and condition an approval with the re vegetation of the These conditions are consistent with the MSC2016 plan, which in the environmental significance overlay code requires that development in rural residential zoned land protects and enhances The purpose of the code with be achieved through the following overall outcomes:

 (a) the bodiversity values, ecosystem services and olimate change realience of a new conventional significance are protected, managed, inthracted and the holdingsec.
 (b) the bodiversity values, provestem are protected, managed, inthracted and rehabilitisec.
 (b) the bodiversity values of protected areas and elimate change resulting the second from development unless overhiding nonmulty intel in the converted of the bodiversity values of protected areas and severe protection areas are concreted from development unless overhiding nonmulty intel is areas of regulated vegetation and wallelle habitit is the managed to minimize the edge effects of development maintains, protects and strates are areas are provide method.
 (c) areas of regulated vegetation and wallelle habitit is a the managed to minimize the edge effects of bodiversity insess.
 (e) development maintains, protects and strates are areas are provide effects of conclusion transmises the address of regulated vegetation and wallelle habitit is the managed to minimize the conclusion areas are provided and the maintensus of conclusion areas and explored to the maintensus of conclusion areas areas and the movement and contribute to the maintensus of conclusion and available movement and contribute to the maintensus of address and address and contribute to the maintensus of address and contribute to the maintensus of address and contribute to the maintensus of address and contribute to the maintensusce of address address address address and contribute to the maintensusce of address address This code spokes to assessing development where: (a) hand the subjert of evelopment is altected by a constraint cacegory identified on the Environmental significance overtay maps (OMAquac); and the Environmental sequencement banchmarks for assessment and requirements for excepted development solumn of an assessment table in Pert 5 of the planning scheme. Vote—Biodiresity and Ware quality are appropriately reflected in Overlay Map 4 and is required to be mapped by Size Government in resource to Environment and Heritage State Internets. The purpose of the Environmental significance overlay code is to Mentify and protest martlers of environmental significance, which include martlers of state environmental significance (MSES) as defined under the state planning policy. and biodiversity: and ripsrian vegebation and vegebation issociated with high ecological significance wetlands is protected and enhanced to improve water quality and resural development is appropriately settack from waterways and high ecobolical significance wetlands to minimise direct and indirect impacts on water quelity The Environmential significance overley code ensures that (a) waterways and they ecological significance webends and waterways and they ecological processes and enhanced to markets for ecorystem services and hydrological processes and enhanced to markets of regulated vegetation, wildlife habits, protected (b) provide equated vegetation vegetation, wildlife habits, protected areas and legally secured offset areas are protected and mangood. This size is more appropriate for the general rural residential zoned land 8.2.4 Environmental significance overlay code matters of environmental significance. This includes ecological corridors and connectivity. and biclogical diversity: ecological assessment report has been made. habitat s 2. 2. 1. . . . £ 3 ß allowed.

Ordinary Council Meeting Agenda

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19 December 2018

Vo acceptable outcome is provided · Com . av 202 Acc AO ő Habitat finkac 2000 does not compromise the provi habitat connectivity of the confi having regard to: (a) the environmental values It of any modification of the natural e cal conne ions of the 'Ecolog abitat linkage' included to buildings, str fing (but not limite nental va Hand with Habitat 6 and topox compliance with ocation and de mprove ecologi F dio E-mail: Signature if possibl B & B ê Ð (c) Ð (e) Full name: \ Address: [Document Set ID: 3468553 Version: 1. Version Date: 31/10/2018

From:Jo MartinSent:31 Oct 2018 12:27:51 +1000To:Info (Shared);'Kuranda Region Planning Group'Subject:RAL/18/0029 - Jo Martin submits Ecological Appraisal - 72-76 Masons RoadKuranda - Ante and Anica SalinovicECOLOGICAL-APPRAISAL-FOR-MSC-RAL180029.pdf

Hi MSC,

Please find attachment for RAL/18/0029.

I would appreciate if you could forward on to Councillors who may be interested in this information.

Thanks very much.

Kind regards,

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jo
Jo Martin
For Kuranda Region - Planning Group
p. 0401 423 573
e. <u>info@kurandaregion.org</u>
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Virus-free. www.avast.com

ECOLOGICAL APPRAISAL

PREPARED FOR MAREEBA SHIRE COUNCIL





FILING CODE: KRPG-MA072 SITE MAPPING SUPPLIED: MSC2016 ZM0011, ENVIRONMENTAL SIGNIFICANCE OVERLAY SITE PLAN EPBC species Matters of State Significance
• within 2700m of site

 Ecological Corridor
 Envirolink, site *central* in critical freehold corridor
 site within 2500m of Barron River

MSES Buffered Streams - yes, on site

COMMENTARY BY JO MARTIN

MAP 1 shows the site in relation to MSC2016 planning scheme zone map and shows the site outside of Zone A 4,000 sqm, Zone B 1 Hectare and Zone C 2 Hectares precincts. *The site is not zoned to be subdivided under MSC2016.

MAP 2 shows the submitted plan with proposed lot sizes of: PROPOSED LOT 1 AREA 6,505 sqm PROPOSED LOT 1 AREA 5,456m2 PROPOSED LOT 2 AREA 3,689m2 PROPOSED LOT 3 AREA 3,687m2 PROPOSED LOT 4 AREA 3,664m2 PROPOSED LOT 5 AREA 4,832m2 (EXISTING RESIDENCE) PROPOSED LOT 6 AREA 5,690m2 PROPOSED LOT 7 AREA 3,874m2 PROPOSED LOT 8 AREA 3,776m2 PROPOSED LOT 9 AREA 9,590m2 The proposed lot sizes are not in accordance with the MSC2016 zone.

MAP3 shows the site in relation to EPBC threatened species, in particular the Cassowary and Kuranda Tree Frog. The end of Mason Road is known habitat for local cassowaries as the rainforest has recovered on much on the rural freehold corridor in the past decades.

MAP4 and **MAP5** show the site in relation to Matters of State Significance (MSES) ESSENTIAL HABITAT and WILDLIFE HABITAT. The site is in a critical position in the Kuranda Envirolink corridor. Conservation efforts require less density/lots approved by council and native revegetation restored outside of building envelopes, in the best case scenario.

MAP6 shows the site in relation to the MSC 2016 Environmental Overlay. The site falls within the Ecological Corridor and defined Habitat Linkage route proximate.

RECOMMENDATION Site is general Rural Residential and lies outside Rural Residential land zones A,B and C. Due to the sensitive position in the freehold section of the Kuranda Envirolink corridor intensification of land use should *not be permitted* by council and the *application declined*.

Alternatively, the landowner could consider a design that is sympathetic to the high ecological values of the land, which borders forest reserve on one side and two sides bordered by conservation covenant (on MSES waterway –

see MAP 4 red shading). This design would reconfigure the lot into 2 lots and include revegetation outside described building envelopes. Revegetation can be provided by community nursery organisations. The land would be returned to 'Bush Blocks', as per the goals to enhance canopy cover through the Envirolink Corridor.

PIKK STAR: SITE

MAP 1 MAREEBA SHIRE COUNCIL PLANNING SCHEME ZONE MAP – KURANDA ZM0011 PINK STAR: SITE

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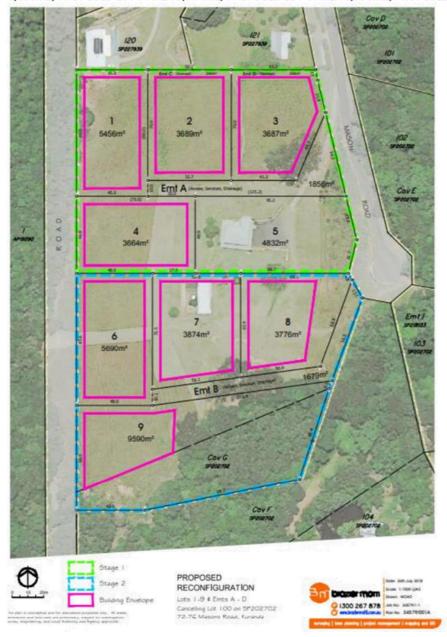
4,000 Square Metre Precinct

- 1 Hectare Precinct
- 2 Hectare Precinct

CONVERSION TABLE

PRECINCT	SQUARE METRES	HECTARES	
A	4,000	0.4	
В	10,000	1	
с	20,000	2	

MAP 2 PROPOSED LOT 1 AREA 5,456m2, PROPOSED LOT 2 AREA 3,689m2, PROPOSED LOT 3 AREA 3,687m2, PROPOSED LOT 4 AREA 3,664m2, PROPOSED LOT 5 AREA 4,832m2 (EXISTING RESIDENCE), PROPOSED LOT 6 AREA 5,690m2, PROPOSED LOT 7 AREA 3,874m2, PROPOSED LOT 8 AREA 3,776m2, PROPOSED LOT 9 AREA 9,590m2



MAP 3 PINK: SITE | YELLOW CIRCLES: CASSOWARY EXTENT 500M BUFFER | ORANGE CIRCLES: KURANDA TREE FROG RECORDS 100M BUFFER



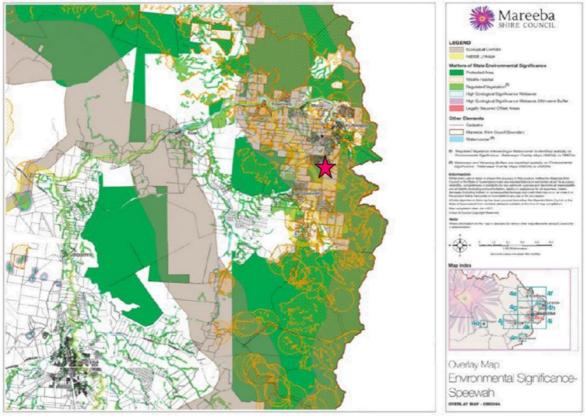
MAP 4 PINK: SITE | BLUE: BUFFERED STREAMS, CONSERVATION SIGNIFICANCE | BLUE HASH: ESSENTIAL HABITAT | ORANGE DOTS: MSES WILDLIFE HABITAT | GREEN: BARRON GORGE FOREST RESERVE/NATIONAL PARK





MAP 5 PINK: SITE | BLUE HASH: ESSENTIAL HABITAT | ORANGE DOTS: MSES WILDLIFE HABITAT

MAP 6 PINK: SITE | GREY SHADED: ECOLOGICAL CORRIDOR | YELLOW THICK LINE: HABITAT LINKAGE



From:Sarah IsaacsSent:31 Oct 2018 19:03:21 +1000To:Info (Shared)Subject:RAL/18/0029 - New Submission - Sarah Isaacs - Lot 100 SP202702 - 72-76Masons Road Kuranda

Submission to RAL180029 Reconfiguring a lot/subdivision of 1 lot into 9 lots - Lot 100 at SP202702 at 72-76 Masons Road, Kuranda

To the assessment manager

I object to this submission for the following reasons:

- The land proposed for subdivision lies entirely in an ecological corridor, as in MSC2016 plan environmental significant overlay code mapping. Due to its location, despite the property being cleared of trees, it is vitally important it remains as a functioning ecological corridor. Indeed the environmental significance overlay code in the 2016 planning scheme requires that development in rural residential zoned land protects and *enhances* matters of environmental significance. This includes ecological corridors and connectivity as in Environmental Significance Overlay 8.2.4.2.e below.
- There appears to be no logical reason why subdivision into small parcels, consistent with the rural residential A zoned land, should be allowed in the general rural residential zone especially as this land is not surrounded by development and lies at the end of a road.
- The property is bordered mostly by forested land, much of it mapped essential Cassowary habitat. The QLD gov WildNet mapping shows Cassowary sightings within a few hundred metres of the property.
- I understand that close neighbours object to the development and are putting in submissions

I am also disappointed that, despite the property being located in an environmentally sensitive area, there is no supporting ecological assessment report supplied.

Under these circumstances, I request that, at the most, subdivision into two equally sized blocks be allowed- and that it is conditioned:

- 1. to exclude fencing except around the house envelope
- 2. so no cats and dogs or any other domestic animals are allowed
- 3. to make revegetation of at least 75% of the blocks mandatory.

Full name: Sarah Isaacs Date: 31.10.2108

Address: 345 Fantin Rd Koah Qld 4881

E-mail: sarahi3451@gmail.com

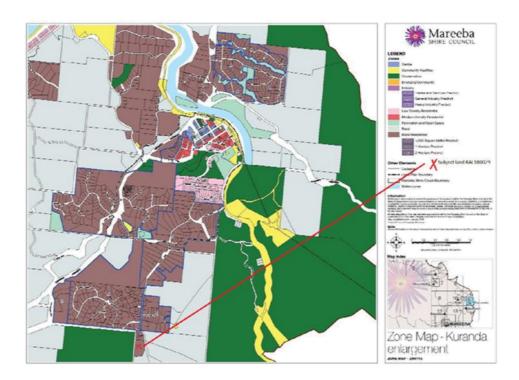
ph 07 4085 0054

From:cathy retterSent:31 Oct 2018 21:52:58 +1000To:Info (Shared)Subject:RAL/18/0029 - New Submission - Cathy Retter - Lot 100 SP202702 - 72-76Masons Road Kuranda2018 10 31 Submission RAL180029.doc

Good morning. Please accept my attached submission for RAL 180019. Cathy Retter Kuranda Envirocare 0419624 940

To the Assessment Manager, Mareeba Shire council

Re: Submission to RAL180029 - Reconfiguring a lot/subdivision of 1 lot into 9 lots - Lot 100 at SP202702 at 72-76 Masons Road, Kuranda



The land proposed for subdivision is zoned General Rural residential land, under the MSC 2016 Planning scheme, and lies outside the rural residential land zones A,B and C which would allow subdivision to the proposed level under code assessment.

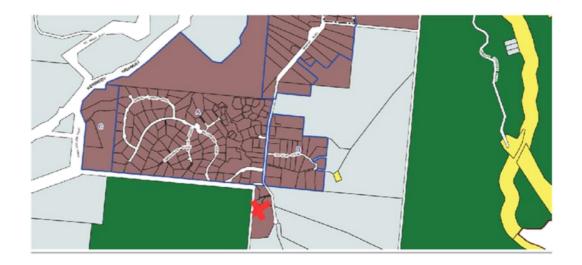
Hence this subdivision requires Impact assessment as there is no intention for this land to be further subdivided.

The proposed subdivision land was part of a larger undivided lot and had been already subdivided into 4 lots in recent years.

It is bordered on the west and east by Conservation land. To the south, over a ridge line, there is rural zoned land. In the north there is further General rural residential zoned land. In fact the subject block has 4 blocks of general rural residential zoned land between it and the nearest rural zoned A and B lots.

There does not appear to be any valid reason given why this small parcel subdivision should be allowed in the general rural residential zone. It would become inconsistent with surrounding land zoning.

Document Set ID: 3468791 Version: 1. Version Date: 01/11/2018

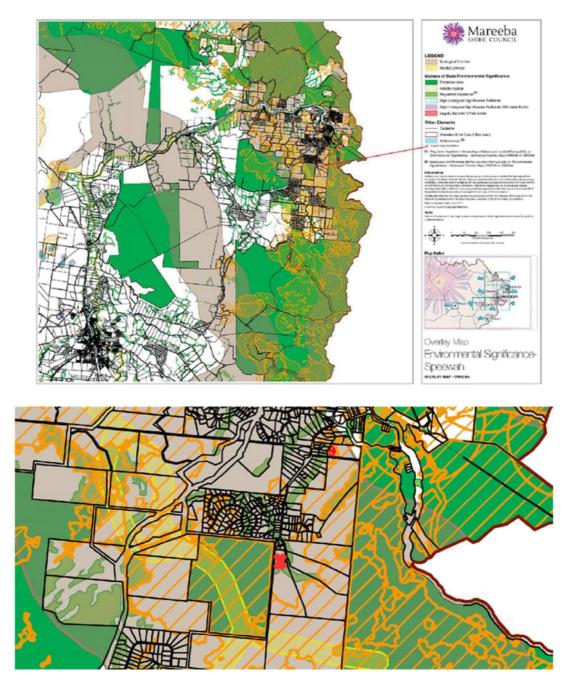


Enlarged section of MSC2016 zoning map with a red cross marking the subject land

The land proposed for subdivision, lies entirely in an ecological corridor, as per MSC2016 plan environmental significant overlay code mapping.

Despite the property being located in an environmentally sensitive area, within the environmental significant overlay code mapping, no request for a supporting ecological assessment report has been made and no reason has been given.

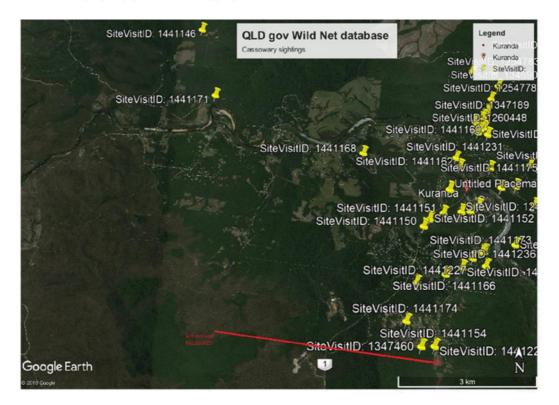
Due to its location and despite the property being cleared of trees, it is vitally important as part of a functioning ecological corridor.



Enlarged section of MSC2016 environmental significance map with a red cross marking the subject land

Document Set ID: 3468791 Version: 1. Version Date: 01/11/2018 The property is bordered mostly by forested land, much of it mapped essential Cassowary habitat.

The QLD gov WildNet mapping(see below), showing Cassowary sightings within a few hundred metres of the property proves the mapping of the area is correct.



In conclusion

Based on the above information, I request that the subdivision is restricted to two equally sized blocks as per the current zoning. This size is more appropriate for the general rural residential zoned land.

I also urge Council to use the opportunity and condition this approval to include re-vegetation of the land. Further conditions should include boundary fencing being limited to the building envelopes and no dogs and cats allowed.

These conditions are consistent with the MSC2016 plan, where the environmental significance overlay code requires that development in rural residential zoned land protects and enhances matters of State environmental significance. This includes ecological corridors and connectivity. Refer to 8.2.4 Environmental significance overlay code and P08 Ecological corridors and Habitat linkages.

In addition, the impact on threatened species in the area, namely Southern cassowary and the Kuranda tree frog will need to be assessed under the EPBC Act.

Full name: Address:

Cathy Retter PO Box 494, Kuranda Q4881 Date: 31/10/2018 E-mail: cathy.retter.kuranda@gmail.com

Signature if possible:

From: Sent: To: Subject: Attachments: Jax 1 Nov 2018 15:21:31 +1000 Peter Franks;Info (Shared) RAL/18/0029 - Objection to subdivision - Jax Bergersen Salinovic subdiv Mason Road Nov18.docx

Document Set ID: 3469026 Version: 1 Version Date: 02/11/2018



- 1 Pademelon Lane, Kuranda Qld 4881
- Phone: (07) 4093 8834
- email: kurandaconservation@hotmail.com
- ABN: 87 584 487 289
- www.kurandaconservation.org

Document Set ID: 3469026 Version: 1 Version Date: 02/11/2018



1 November 2018

Mareeba Shire Council Town Planning

RAL180029 RECONFIGURING A LOT AT SP202702, 72-76 MASON ROAD, KURANDA A SALINOVIC

I hereby submit my objection to the referenced subdivisional application on the following grounds:

The subject site does not fall within any of the nearby residential zones A, B or C. The land in which this lot lies has already been subdivided into rural lots. This occurred due to the rural nature of the large site and should not now be re-subdivided. To subdivide it into the smallest rural residential lot size of 4000m² is a further offence. It is also noted that 5 of the 9 lots are under the minimum 4000 m² which compounds the offence. I submit that while I do not support any re-subdivision of the subject land, no lot should be less than the minimum even taking into account the balance of larger lots. Just as a speed over a zone limit of 60kph is unlawful, so too is a lot size below the minimum prescribed and can be challenged in court.

The subject land is directly adjacent to known cassowary habitat. This makes subdivision a Matter of National Significance as cassowaries are a threatened species under the EPBC Act. I submit that for this reason, no further subdivision of this rural land should be allowed and if it is, it can then be challenged.

I trust these matters will be considered in relation to the application to subdivide.

Jax Bergersen Secretary/Co-ordinator

Innovators are leaders, not followers

Document Set ID: 3469026 Version: 1 Version Date: 02/11/2018