

**8.3 MAREEBA SHIRE COUNCIL - MATERIAL CHANGE OF USE - CEMETERY AND RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP730337 - 70 KURANDA HEIGHTS ROAD, KURANDA - MCU/22/0009****Date Prepared:** 4 January 2023**Author:** Senior Planner**Attachments:** 1. Proposal Plans

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	70 Kuranda Heights Road, Kuranda
<b>DATE LODGED</b>	23 May 2022	<b>RPD</b>	Lot 2 on RP730337
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots)		
<b>FILE NO</b>	MCU/22/0009	<b>AREA</b>	13.07 hectares
<b>LODGED BY</b>	Kelly Reaston	<b>OWNER</b>	Mareeba Shire Council
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

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**EXECUTIVE SUMMARY**

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

It is recommended that the application be approved in full with conditions.

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	70 Kuranda Heights Road, Kuranda
<b>DATE LODGED</b>	23 May 2022	<b>RPD</b>	Lot 2 on RP730337
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 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 Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2106 SKA-05 A	Staging Plan - Stage 1 - Alternative	Mareeba Shire Council	10/02/2022
ARO0071-SK01	Kuranda Cemetery Residential Land Development Lot 2 on RP730337 Proposed Lot Layout	ARO Industries Pty Ltd	25 October 2022

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

#### Reconfiguring a Lot aspect

- Development must be carried out generally 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.
- Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for 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/contributions 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 new 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 Building Envelope - Proposed Lot 1 only

- (a) Prior to the endorsement of the survey plan the approved building envelope area for proposed Lot 1 must be defined by markers set at each corner, to the satisfaction of Council's delegated officer.
- (b) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelope.
- (c) No native vegetation shall be cleared outside the approved building envelope.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

- 4.1.1 An access crossover must be constructed (from the edge of the road pavement of Kuranda Heights Road to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

##### 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 proposed Lot 1, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS 1547) 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 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.

### **Material Change of Use aspect**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by 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 must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 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.

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 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.
- 3.4 Waste Management  
On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.
- 4. Infrastructure Services and Standards
  - 4.1 Access  
  
A commercial access crossover must be constructed (from the edge of Kuranda Heights Road to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
  - 4.2 Stormwater Drainage
    - (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
    - (b) As part of a subsequent application for operational works, the applicant must submit a 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.
    - (c) Prior to works commencing the applicant must submit a Stormwater 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 drainage collected from the site must be discharged to an approved legal point of discharge.
- (h) For any underground stormwater infrastructure installed, the applicant (at their cost) must video these 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.

#### 4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.5 Landscaping

Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

The landscape plan must use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

#### 4.6 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.

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.8 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

(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) 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.dcceew.gov.au](http://www.dcceew.gov.au).

(g) 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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

(E) RELEVANT PERIOD

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

- Material Change of Use aspect – six (6) years (starting the day the approval takes effect).
- Reconfiguring a Lot aspect – four (4) years (starting the day the approval takes effect).

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work
- Development Permit for Operational Works

## (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<b>\$ per Lot</b> (20% reduction of standard charge for no town sewer)	<b>Lots</b>		<b>Lots</b>	
<b>Residential</b>	\$16,208.00	2 Lots	\$32,416.00	1 lot	\$16,208.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$16,208.00</b>

**THE SITE**

The subject site is situated at 70 Kuranda Heights Road, Kuranda, and is more particularly described as Lot 2 on RP730337. The site is irregular in shape with an area of 13.07 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 415 metres of frontage to Kuranda Heights Road which is constructed to a bitumen sealed rural road standard, without kerb and channel. Multiple unsealed crossovers provide access to the site off Kuranda Heights Road.

The site is improved by a single dwelling house and multiple outbuildings.

The site is undulating, quite steep in places and slopes generally to the east downwards from Kuranda Heights Road. The site consists of one central ridge and two (2) deep gullies on either side. The gradient of the land in the central ridge area is between 1:8 and 1:20, while the gradient elsewhere is steeper than 1V:8H or 12.5%.

Approximately 30 percent of the site has been cleared of vegetation from past uses. Approximately 40 percent of the site has mapped Category B vegetation that is a least concern regional ecosystem. Two (2) minor waterways are located within the vegetated area.

The existing dwelling house is connected to town water, the electricity grid and telecommunication services.

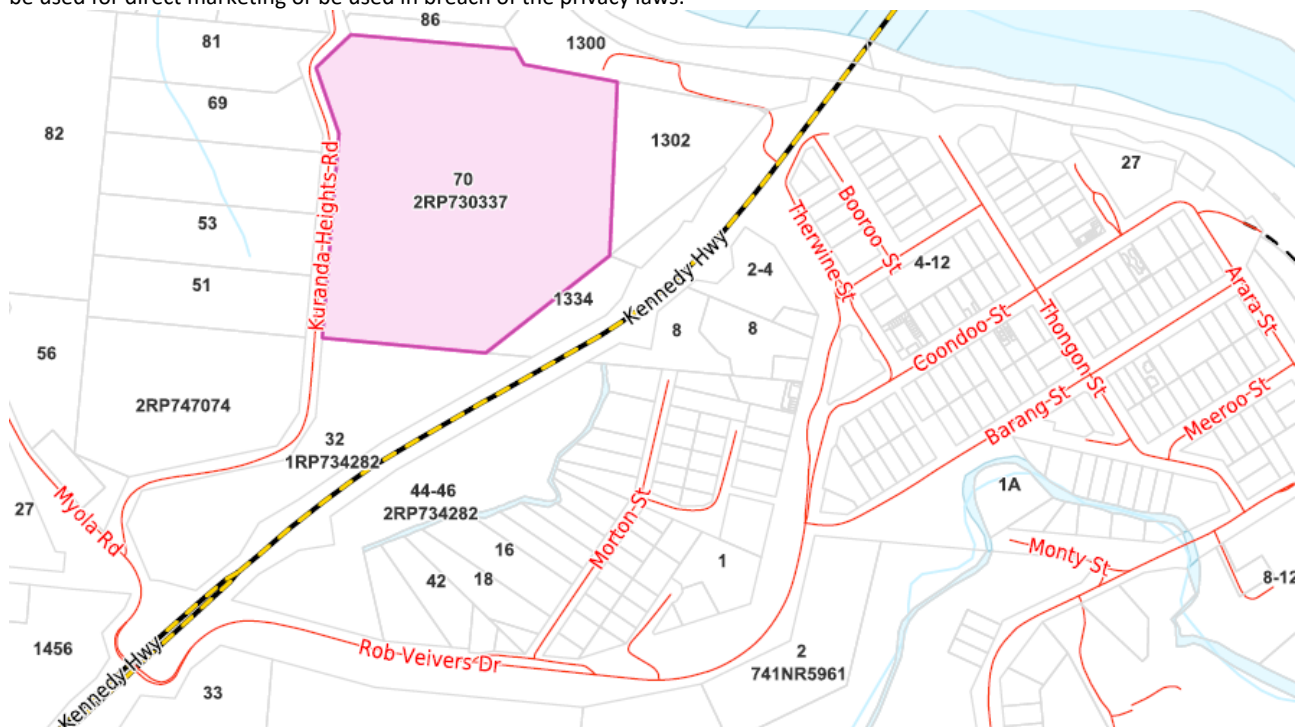
Neighbouring lots are generally zoned either rural or rural residential. The existing Kuranda cemetery adjoins the north-eastern corner.





## 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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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Cemetery and Reconfiguring a Lot - Subdivision (1 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The application comprises of the following two aspects:

**1. Material Change of Use - Cemetery**

There is a demonstrated need for a new Kuranda Cemetery as the existing Kuranda Cemetery reaches capacity.

This site has been specifically selected based on feedback as to what the community value about the existing cemetery (its natural setting and peaceful place for reflection) and also due to its proximity to the existing Kuranda Cemetery to accommodate pedestrian access between the two sites in time.

The proposed new cemetery will provide an essential service for the Kuranda community for approximately 50-100 years into the future (based on current growth and burial trends).

The cemetery is to be developed over time in three stages as funding permits and demand requires.

A geotechnical assessment of the site has been undertaken which indicates the site is suitable for burials.

An amenities building will be constructed on the site for use by visitors.

Parking for attendance at graves will be provided on the constructed road verges. Traffic impact associated with the use is expected to be inconsequential with the exception of days when large community services are held. Based on current burial trends, this is expected to average <11 days of the year.

The site will be landscaped according to the plans of development. The mapped regulated vegetation will be avoided and retained by the development.

The vehicle access is proposed to be provided from Kuranda Heights Road immediately to the south of the existing dwelling on the property.

The site is able to be connected to a reticulated water supply, telecommunications and electricity services. There is no reticulated sewerage service at the site.

All stormwater will be directed to a lawful point of discharge.

**2. Reconfiguring a Lot - Subdivision (1 into 2 lots)**

The applicant proposes the subdivision of the subject site into the following allotments:

- Proposed Lot 1 - area of approximately 1.13 hectares, frontage of approximately 150.6 metres to Kuranda Heights Road;



- Proposed Lot 2 - area of approximately 11.92 hectares, frontage of approximately 260 metres to Kuranda Heights Road.

Proposed Lot 1 will be vacant and contain a building envelope adequate to accommodate a future dwelling house and domestic outbuildings. Access will be via a new crossover to Kuranda Heights Road.

Proposed Lot 2 will contain the existing dwelling house and the proposed new cemetery. A new internal sealed road will provide access off Kuranda Heights Road.

Both lots will be connected to a reticulated water supply, telecommunications and electricity services. On site effluent disposal is required for both lots.

## 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 is:

- Strategic Rehabilitation Area*
- State & Regional Conservation Corridors*
- Terrestrial Area of High Ecological Significance*
- Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Rural Residential Area</li> </ul> <b>Natural Environmental Elements</b> <ul style="list-style-type: none"> <li>Biodiversity Areas</li> </ul>
Zone:	Rural Residential zone
Overlays:	Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Residential Dwelling House and Outbuilding Overlay Scenic Amenity Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Cemetery	Premises used for interment of bodies or ashes after death.	Burial ground, crypt, columbarium, lawn cemetery, pet cemetery, mausoleum	Crematorium, funeral parlour

## 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.*

#### Comment

The subject site is in a rural residential area and does not result in the fragmentation or loss of agricultural land. The biodiversity areas (wildlife habitat) within proposed Lot 2 is avoided.

The non-remnant vegetation on proposed Lot 1 is avoided by the designation of a building envelope to accommodate the future dwelling house.

The proposed development is infill and does not require additional infrastructure. The development is consistent in character with the existing rural and rural residential lots along Kuranda Heights Road. The locality has convenient access to Kuranda township, school and other community facilities.

The proposed lot sizes are consistent with existing lots along Kuranda Heights Road.

The proposed development does not conflict with these specific outcomes.

##### 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.*

Comment

Complies. The proposed cemetery avoids the mapped wildlife habitat area and the wildlife habitat area is remaining in Council's ownership.

- (2) *Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.*

Comment

Complies. The proposed cemetery avoids the mapped wildlife habitat area and the wildlife habitat area is remaining in Council's ownership.

- (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.*

Comment

Complies. The proposed cemetery avoids the mapped wildlife habitat area and the wildlife habitat area is remaining in Council's ownership.

**3.5.4 Element—Scenic amenity**

**3.5.4.1 Specific outcomes**

- (1) *Areas of high scenic amenity (such as scenic routes) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. Scenic routes include:*
- (a) *Great Tropical Drive;*
  - (b) *Savannah Way;*
  - (c) *Wheelbarrow Way;*
  - (d) *Black Mountain Road;*
  - (e) *Barron Falls Road;*
  - (f) *The Great Inland Way;*
  - (g) *Kuranda Range; and*
  - (h) *Rex Range*

Comment

The subject land is not visible from the Kennedy Highway.

**3.5.6 Element—Community facilities**

**3.5.6.1 Specific outcomes**

- (1) *The development and reuse of cultural facilities and precincts is:*
- (a) *compatible with the surrounding area;*
  - (b) *provided with a high level of amenity and safety for users of the site;*
  - (c) *located to be easily accessible to the majority of residents.*

Comment

The proposed site for the new Kuranda cemetery complies.

**Relevant Developments Codes**

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

- 6.2.10 Rural residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity 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 outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone code	<p>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.</p> <p>The proposed development is not consistent with Overall Outcomes (g) and (h) contained within the code which seek to discourage the creation of additional lots in Rural residential zoned areas that lie outside a precinct. Despite this non-compliance, the application is considered to comply with the higher order Strategic Framework provisions contained within the Planning Scheme. Further commentary is provided in the Planning Discussion section of the report.</p>
Airport environs 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.
Flood 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.

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.
Scenic amenity 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	<p>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:</p> <ul style="list-style-type: none"> <li>• Acceptable Outcome AO1.1</li> <li>• Performance Outcome PO13 (no acceptable outcome)</li> </ul> <p>In the case of AO1.1, it is considered the development can comply with the higher order Performance Outcome PO1. In the case of PO13 and AO13 compliance with the higher order Overall Outcomes of the Reconfiguring a Lot code can be achieved.</p> <p>Further commentary is provided in the planning discussion section of report.</p>
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 to be designed and constructed in accordance with FNQROC Development Manual Standards.

#### **(E) Adopted Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, a standard charge of \$20,260.00 applies to each additional residential allotment created, where serviced by the following five (5) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;

- Water supply network;
- Sewerage network; and
- Stormwater network

Part 4.1(d) of Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, a 20% discount will be applied to development charges where no connection to Council's reticulated sewer network exists.

\$20,260.00 - 20% = \$16,208.00 per additional allotment.

The application proposes the creation of 1 additional residential lot; therefore, the applicable charge is \$16,208.00.

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, no charge is applied for a cemetery.

### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

### **Internal Consultation**

Technical Services

### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 11 November 2022 to 5 December 2022. The applicant submitted the notice of compliance on 6 December 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

### **PLANNING DISCUSSION**

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

#### Rural Residential Zone Code

The proposed reconfiguring a lot aspect generally complies with the Overall Outcomes contained within the Rural Residential zone code apart from the following:

- (g) *Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and*
- (h) *Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

#### Comment

Despite not complying with overall outcomes (g) and (h), the application is impact assessable and can therefore be assessed against the Planning Scheme's Strategic Framework which is the highest order assessment provisions contained within the Planning Scheme. It is considered that the proposed development achieves compliance with the Strategic Framework provisions relating to settlement pattern and built environment, specifically for rural residential areas. See the Strategic Framework section of this report for further commentary.

#### Reconfiguring a Lot Code

#### ***PO1 Area and frontage of lots***

*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.*

#### ***AO1.1***

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

#### Comment

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 are consistent with the design/size of adjoining lots on Kuranda Heights Roads.
- (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 future land use;
- (d) Kuranda Heights Road is constructed to a bitumen sealed rural road standard sufficient to provide each proposed lot with good access. Individual access will be conditioned in accordance with FNQROC Development Manual standards.

- (e) The lots are located approximately 2km (walking distance) by road from the Kuranda Town Centre. The future walking path to the Old Kuranda Cemetery will reduce this distance substantially.
- (f) The lots and building envelope are designed to avoid clearing of native vegetation.
- (g) Both proposed lots reasonably accommodate all constraints.

The development complies with PO1.

***PO13 Rural residential zone***

*New lots are only created in the Rural residential zone where land is located within the 4,000m<sup>2</sup> precinct, the 1 hectare precinct or the 2 hectare precinct.*

***AO13***

*No acceptable outcome is provided.*

Comment

The proposed reconfiguring a lot aspect 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 higher order purpose and overall outcomes contained within the Reconfiguring a Lot Code is therefore required and 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 subject site has convenient access to established infrastructure. No significant increase in external infrastructure is required to service the proposed lots.

- (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 lots is consistent with the established lots on Kuranda Heights Road.

- (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 proposed lots comply. Proposed Lot 2 will contain and protect all mapped wildlife habitat, in addition to containing sufficient cleared area adequate for the staged development of the new Kuranda cemetery.



Proposed Lot 1 has a designated building envelope which is already cleared of vegetation and an overall area in excess of 1 hectare.

- (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 in the local area.

- (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;*

Both proposed lots will have frontage to Kuranda Heights Road.

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

These opportunities are already available along Myola Road and Kuranda Heights Road.

- (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;*

Future residents of the subject land will have access to existing local/district parks and facilities found throughout the Kuranda area.

Further, the future stages of the proposed cemetery will include walking paths/tracks and potentially a pedestrian link to the current Kuranda Cemetery.

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

The site contains two minor waterways which are within vegetated areas. These areas are not disturbed by the development.

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

The subject land is not within the Rural Zone.

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

Not applicable.

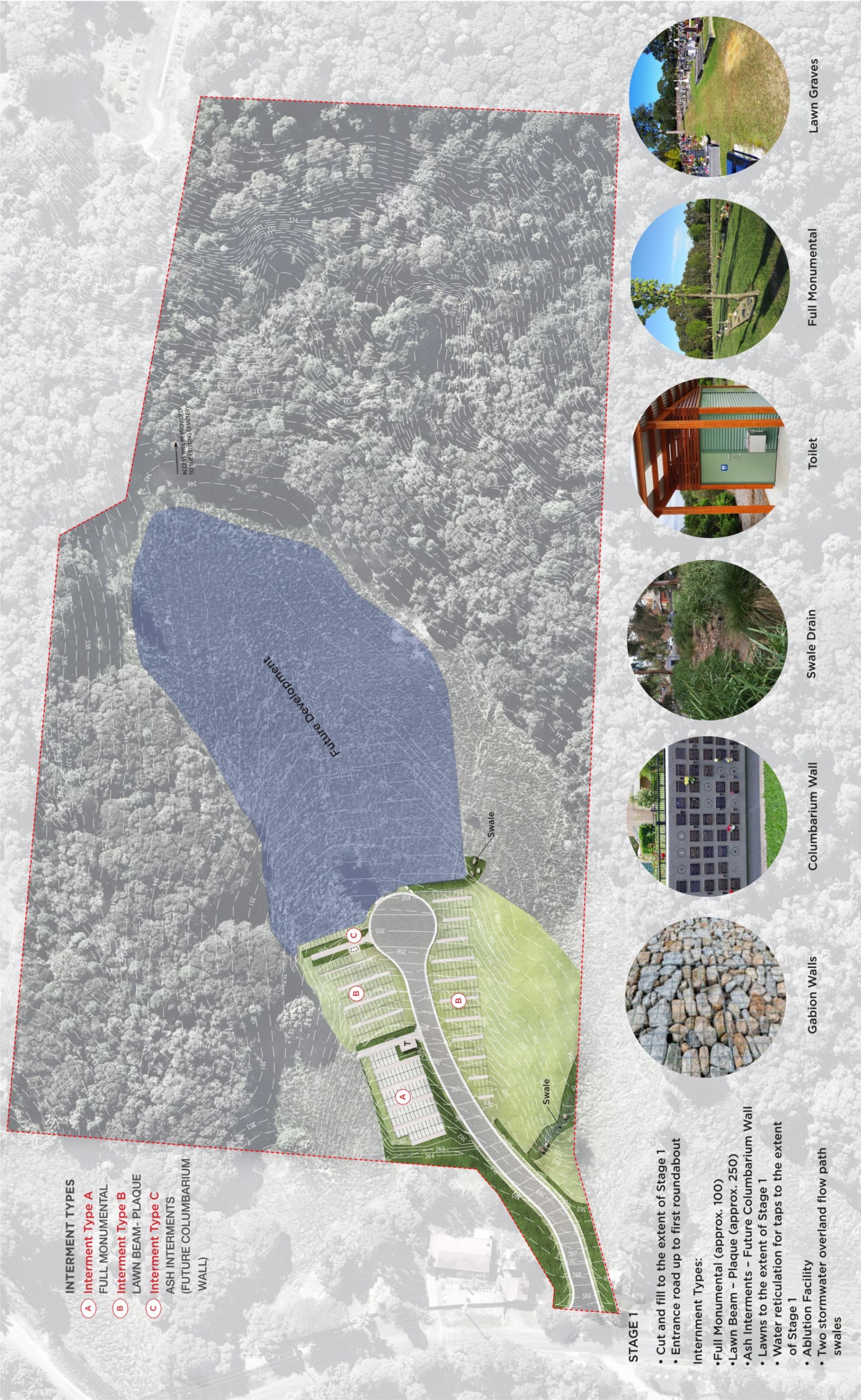
- (k) *Residential subdivision and greenfield development is designed to consider and respect:*

- 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 has been appropriately designed taking account of the above factors.





ISSUE

APPR.

APPR.

DESCRIPTION

COUNCIL

COUNCIL

DATE

22/12/2021

10/02/2022

REVISION

A

CLIENT:

MAREEBA SHIRE COUNCIL

TITLE:

STAGING PLAN- STAGE 1- Alternative

DRAWING NO:

SKA-05

DATE:

10/02/2022

PROJECT NO:

2106

PROJECT NAME:

NEW KURANDA CEMETERY

SCALE:

1:1000 @ A3

DRAWN BY:

SpM

SHEET NO:

05

At: 65 Rankin St, Mareeba  
QLD 4880  
E: info@msc.qld.gov.au  
P: 1300 308 461

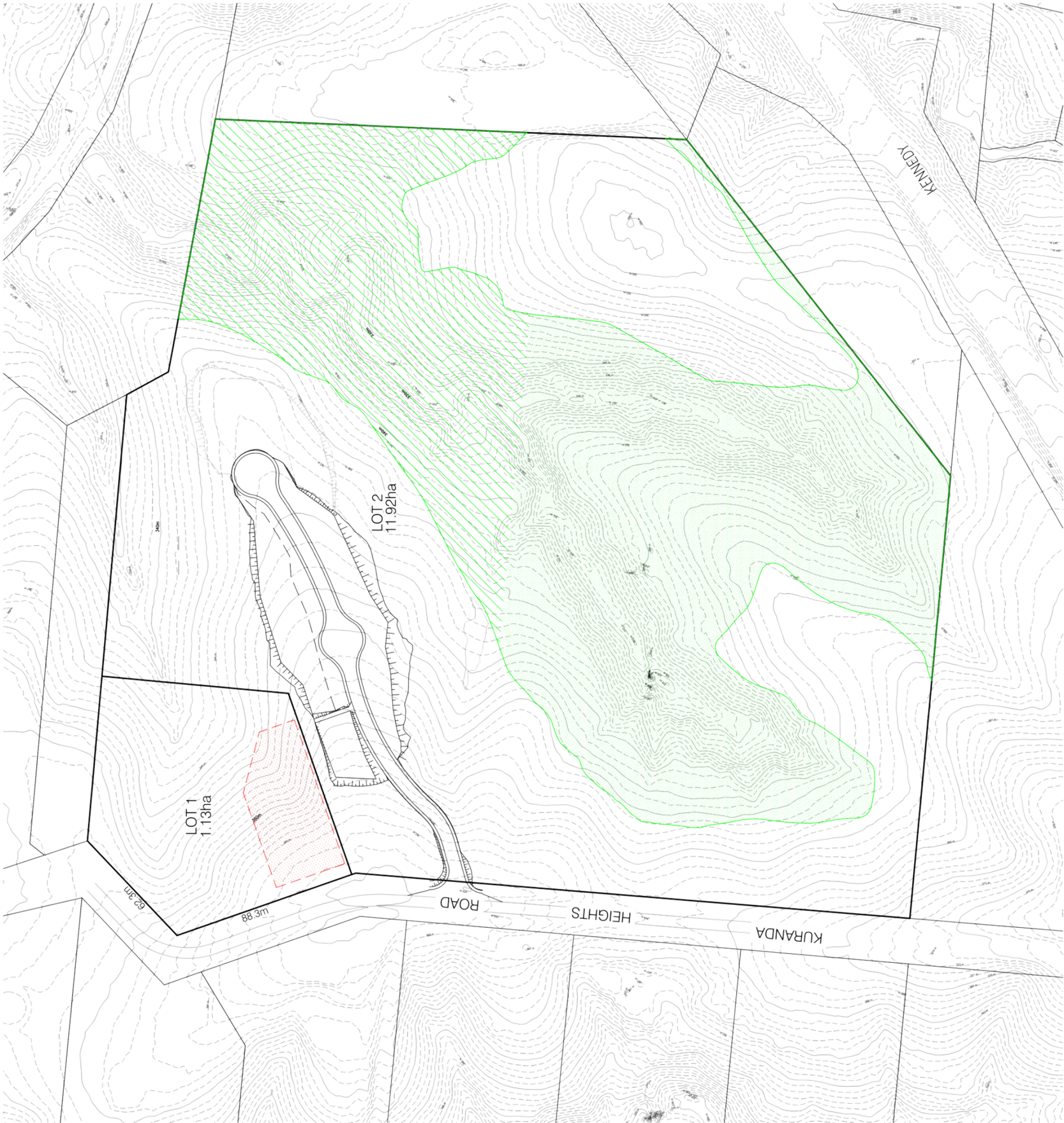
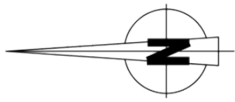
**Mareeba**  
SHIRE COUNCIL



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LEGEND

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44 Macleod Street  
Cairns QLD 4870  
T (07) 4291 6897  
E [admin@aroproperties.com.au](mailto:admin@aroproperties.com.au)  
W [www.aroproperties.com.au](http://www.aroproperties.com.au)  
ABN: 49 641 461 296

KURANDA CEMETERY  
RESIDENTIAL LAND DEVELOPMENT  
LOT 2 ON RP730337

PROPOSED LOT LAYOUT

ARO0071-SK01	1:1000
	A1 Full Size
Acad No. ARO0071-SK01(6)	25th October 2022