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25 October 2022

Our Ref: Kuranda

Chief Executive Officer
Mareeba Shire Council
PO BOX 154
MAREEBA QLD 4880

To: brianm@msc.qld.gov.au (By Email)

Dear Brian,

Minor Change Notice: s52 of the *Planning Act 2016* (MCU/22/0009)

Kelly Reaston Development and Property Services on behalf of Mareeba Shire Council (the Applicant) hereby gives notice of a changed application in accordance with s52(1) of the *Planning Act 2016* (the Act) to Mareeba Shire Council as the assessment manager for development application MCU/22/0009 over land addressed as 70 Kuranda Heights Road, Kuranda and more particularly described as Lot 2 on RP730337. This change is also made in accordance with Part 6 of the Development Assessment Rules (DARs) and is considered to be a minor change.

The changes to the development application relate to a change to the Reconfiguring a Lot component of the Application only to reduce the lot yield from 1 lot into 6 lots to 1 lot into 2 lots. The proposed change is directly in response to SARA's information request dated 17 June 2022. Given the time required to resolve the items raised in this request, Council is proposing to reduce the lot yield to enable the cemetery proposal to progress and notes a subsequent application will be made to develop the balance of the site. As this proposal does not alter the boundaries or propose any development adjacent to or within the setback areas of the mapped vegetation, it is considered that no additional assessment is required by SARA and the conditions imposed on the development should be limited.

A copy of the revised plan is provided as **Attachment 1**. The proposed change is considered to meet the requirements of a minor change (see discussion below).

We note the application fee for a minor change request has previously been paid by Council.

Council relies on the supporting information/common material previously submitted in support of this application.



Minor Change Assessment

We consider that the proposed change to the conditions meets the requirements of a Minor Change as defined by the *Planning Act 2016*.

For the sake of completion, an assessment of the Minor Change provisions is provided below.

Schedule 2 Dictionary, *Planning Act 2016*

minor change means a change that(b) (for a development approval—

- (i) *would not result in substantially different development; and*
- (ii) *if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than to the chief executive; or*
 - (D) *a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application.*

(i) Would not result in substantially different development

To determine whether the change would result in “substantially different development” guidance is provided in the Development Assessment Rules V 1.3.

In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.

A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

- (a) involves a new use; or*
- (b) results in the application applying to a new parcel of land; or*
- (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
- (d) changes the ability of the proposed development to operate as intended; or*
- (e) removes a component that is integral to the operation of the development; or*
- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) introduces new impacts or increase the severity of known impacts; or*
- (h) removes an incentive or offset component that would have balanced a negative impact of the development; or*

(i) impacts on infrastructure provisions.

Substantially Different development - Development Assessment Rules V 1.3

Criteria	Comment
a) Involves a new use	The change does not involve a new use.
b) Results in the application applying to a new parcel of land	The change does not include a new parcel of land.
c) Dramatically changes the built form in terms of scale, bulk and appearance	The change does not dramatically change the built form of the development.
d) Changes the ability of the proposed development to operate as intended	The change does not materially change how the development will operate.
e) Removes a component that is integral to the operation of the development	An integral component is not removed from the development.
f) Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	The change will not significantly impact on traffic flow or the transport network.
g) Introduces new impacts or increase the severity of known impacts	The change does not introduce new impacts or increase the severity of known impacts.
h) Removes an incentive or offset component that would have balanced a negative impact of the development	The change does not remove an incentive or offset component that would have a negative impact on the development.
i) Impacts on infrastructure provisions	There is minor change to the impact on infrastructure (stormwater and lighting) provision as a result of the minor change request.

AND

The change application is made would not cause—

Criteria	Comment
A) The inclusion of prohibited development in the application	The Change Application does not include prohibited development.
B) Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application	No agency referral is caused by the proposed changes.
C) referral to extra referral agencies, other than to the chief executive	The Change Application does not trigger a referral to an extra referral agency.
D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made	The triggered assessment is native vegetation clearing. The change does not cause SARA to have regard to any other matter other than that contained in the original application.

E) public notification if public notification was not required for the development application.	The original application required Public Notification. The changed application requires Public Notification.
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Assessment of Proposed Changes

Section 81(2) of the *Planning Act 2016* guides the assessment of a change application involving a minor change.

(2) When assessing the change application, the responsible entity must consider—

- (a) the information the applicant included with the application; and*
- (b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
- (c) any pre-request response notice or response notice given in relation to the change application; and*
- (d) if the responsible entity is, under section 78(3)(ba) or (bb), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
- (da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*
- (e) another matter that the responsible entity considers relevant.*

The proposed changes are limited to a reduction in the number of lots proposed and do not affect compliance with the current planning framework.

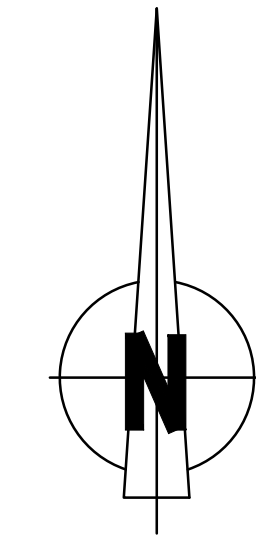
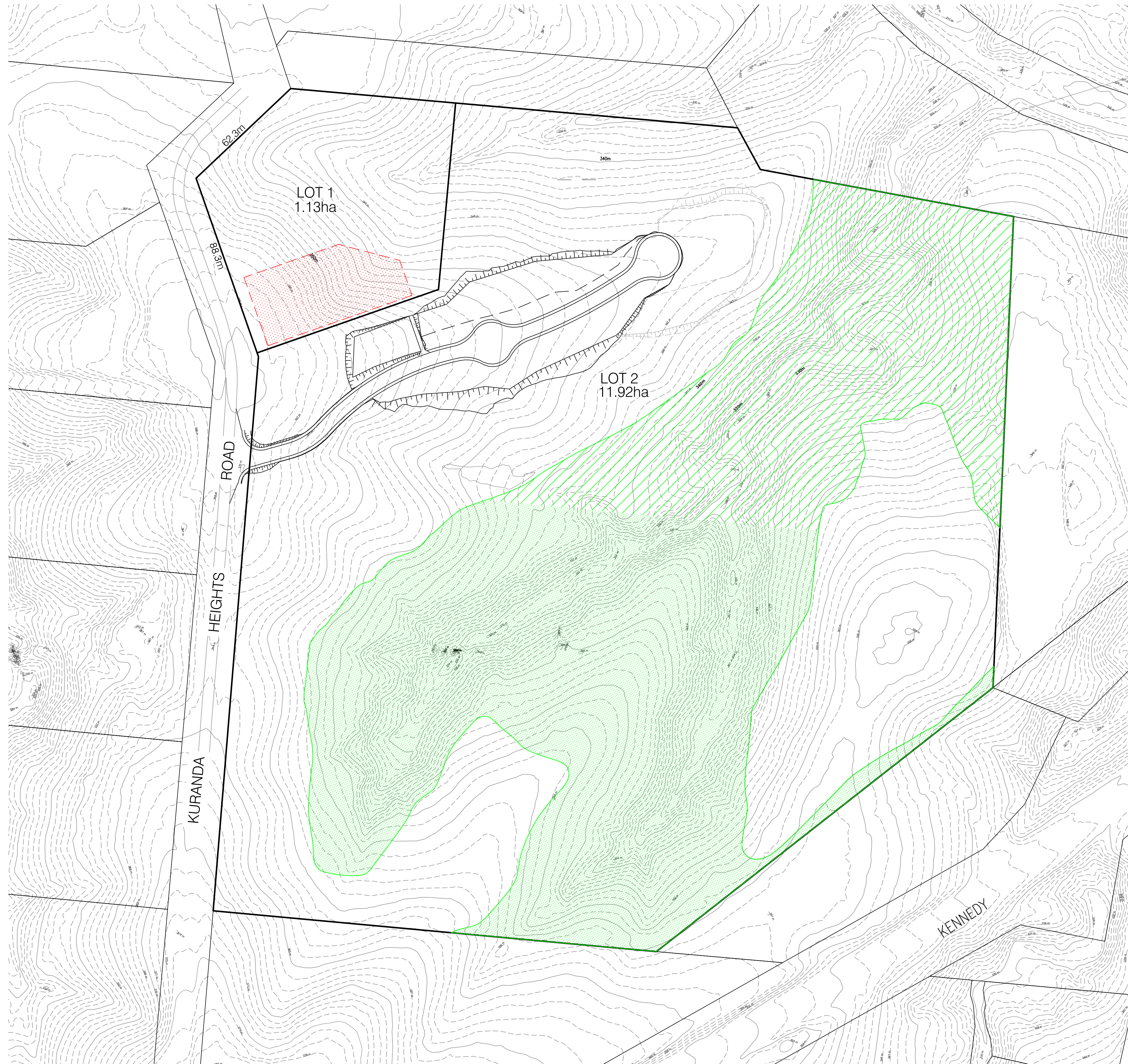
We believe that the above information substantiates the minor change request, and we look forward to Council's favourable consideration of the change request.

Should you require any further information, please do not hesitate to contact Kelly Reaston on 0400 974 688 or at kelly@kellyreaston.com.au

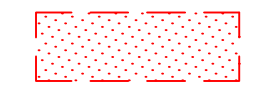
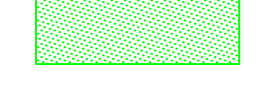



Kelly Reaston | Director

Attachment 1



LEGEND

-  BUILDING ENVELOPE
-  VEGETATION COVENANT
-  FUTURE VEGETATION COVENANT



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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