

**8.2 R GORRY - RECONFIGURING A LOT - SUBDIVISION (1 INTO 6 LOTS) - LOT 1 ON SP218094 - 12 BARNWELL ROAD, KURANDA - RAL/23/0003****Date Prepared:** 10 July 2023**Author:** Planning Officer**Attachments:**  
1. Proposal Plan  
2. Submissions**APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	R Gorry	ADDRESS	12 Barnwell Road, Kuranda
DATE LODGED	9 March 2023	RPD	Lot 1 on SP218094
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 6 Lots)		
FILE NO	RAL/23/0003	AREA	7.9652 ha
LODGED BY	Scope Town Planning	OWNER	R Gorry
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	17 Submissions		

**EXECUTIVE SUMMARY**

Council is in receipt of an impact assessable development application described in the above application details. 17 submissions were received during the mandatory public notification period.

The application proposes the subdivision of the 7.96 hectare property into six (6) allotments. The six (6) allotments will range in size from 7000m<sup>2</sup> up to 2.7 hectares. Proposed Lots 1, 2 and 3 have areas of 7500m<sup>2</sup>, 7000m<sup>2</sup> and 8052m<sup>2</sup> respectively. The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with a Performance Outcome and Acceptable 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” which is the case in this instance.

Despite not being situated within a subdivision precinct, Council officers consider the land suitable for rural residential development consistent with that already enveloping the site. This suitability is supported within the Planning Scheme by higher order Overall Outcomes contained in both the Reconfiguring a Lot Code and the Strategic Framework. In particular, the subject site is centred within an existing cluster of approximately 49 rural residential lots, is almost entirely cleared of protected vegetation, and is easily serviceable with electricity, telecommunications, and well-constructed bitumen sealed road access. However, what is not present at this particular location is a town water supply, nor will it be feasible for the developer to connect into Kuranda’s existing water supply network which ends at the Kuranda Public Pool approximately 1.6 kilometres away. Given the unavailability of town water, Council officers do not consider the site suitable for

development creating lots significantly smaller than 2 hectares in area such as proposed Lots 1, 2 and 3.

Upon review of the 17 submissions received it was clear that there was a community expectation that Council would not allow the site to be overdeveloped to create rural residential lots inconsistent with the design and character of existing lots in the immediate vicinity of the site. When averaged over the 49 surrounding rural residential lots, the average lot size equates to approximately 2 hectares.

In consideration of the above, Council officer recommend that the application be approved **in part only**, limiting the development of the site to just four (4) lots, achieving an average lot size of 1.99 hectares, with a minimum lot size of 1.5 hectares. This outcome represents sensible and logical town planning, responsive to the available service infrastructure and physical constraints of the site as well as to the concerns of submitters. The development will allow for the continuation of some growth and additional land stock in the Kuranda Region whilst being considerate of the area's strong environmental values.

#### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

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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 part only** 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: **In Part Only** – Development Permit for Reconfiguring a Lot – Subdivision (**1 into 4 Lots only**)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
22003	Proposed Site Plan	Scope Town Planning	March 2023



(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This development permit authorises the subdivision of the site into **4 Lots only. Lots 1, 2 and 3 depicted on the approved plan must be amalgamated to form 1 single allotment.** The extent and location of lot boundaries for the 4 approved lots may vary 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 approved development may still occur in Stages. The conditions of this development permit relevant to 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 that Stage, 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 or the Adopted Infrastructure Charges Notice.
  - 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 or the Adopted Infrastructure Charges Notice 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 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

### 3.8 Lot Size & Configuration

Lots 1, 2 and 3 must be amalgamated to form 1 single allotment. Each of the 4 approved lots must achieve a minimum lot size of 1.5 hectares and an average lot size of at least 1.9 hectares when calculated over all 4 Lots.

3.9 In order to secure lawful access to Lots 4, 5 and 6, the lease on the section of road reserve adjacent Lot 1 on SP218094 (described as Lease A on AP20246) must be cancelled so that this land can revert back to publicly accessible road reserve.

### 3.10 Building Envelopes

(a) In order to provide protection to Cain Creek and its riparian environment, promote wildlife movement across the land and to ensure building flood immunity is achieved over each allotment, building envelopes are to be established on all 4 allotments that extend no further than 60 metres into each lot when measured from the eastern boundary of each lot.

(b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer. A building envelope plan must be produced and submitted to Council to be included on the rates notice for each allotment.

(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.

### 3.11 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.

### 3.12 Cain Creek

No clearing is to occur within 25 metres of the high bank of Cain Creek. Additionally, any fencing installed between any new lot within 25 metres of Cain Creek must be 3 strand wire fencing only so as to accommodate wildlife movement.

### 3.13 Charges

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

## 4. Infrastructure Services and Standards

### 4.1 Access

4.1.1 New or existing access crossovers must be upgraded/constructed (from the edge of Barnwell Road to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 In lieu of constructing a new road to service Lots 5 and 6, the driveways servicing these lots must be sealed for their entire length (from the edge of Barnwell Road to the property boundary of each lot). The driveways must be bitumen, concrete or asphalt sealed (including any necessary road base foundation) with a minimum width of 3 metres and constructed with one-way crossfall to ensure the driveways drain properly into the surrounding road reserve.

### 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 and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(b) All stormwater drainage must be discharged at a lawful point of discharge.

### 4.3 Water Supply

At the time of construction of a new dwelling on any lot, a water supply must be provided via:

(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or

(b) on-site water storage tank/s:

(i) with a minimum capacity of 90,000L; and

- (ii) which are installed and connected prior to the occupation of the dwelling.

#### 4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on any 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 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.

### (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) 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.

- (d) 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.

## (e) Notation on Rates Record

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

- An approved building envelope plan
- Conditions regarding on-site water supply applicable at time of dwelling construction of each lot.
- Conditions regarding on-site effluent disposal applicable at time of dwelling construction on each lot.
- Conditions relevant to any future building works on sloping land
- Conditions relevant to the protection of the Cain Creek riparian environment – clearing and fencing restrictions.

## (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)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

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

- Nil

## (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<b>\$ per Lot</b> (40% reduction of standard charge for no town water/sewer)	<b>Lots</b>		<b>Lots</b>	
<b>Residential</b>	<b>\$12,460.80</b>	<b>4 Lots</b>	\$49,843.20	1 lot (\$12,460.80)	<b>\$37,382.40</b>
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$37,382.40</b>

3. That Council has approved the application **in part only** due to part of the application (that part creating proposed Lots 1, 2 and 3 with areas of 7,500<sup>2</sup>, 7,000m<sup>2</sup> and 8,052m<sup>2</sup> respectively) conflicting with the following:

(a) *Strategic Framework*

*3.3 Settlement pattern and built environment*

*3.3.1 Strategic outcomes*

- (4) *Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.*

*3.3.10 Element – Rural residential areas*

*3.3.10.1 Specific outcomes*

- (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.*

(b) *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.*

And that there are not sufficient town planning grounds to approve the entire application despite these conflicts and Lots 1, 2 and 3 should be amalgamated to form a single allotment.

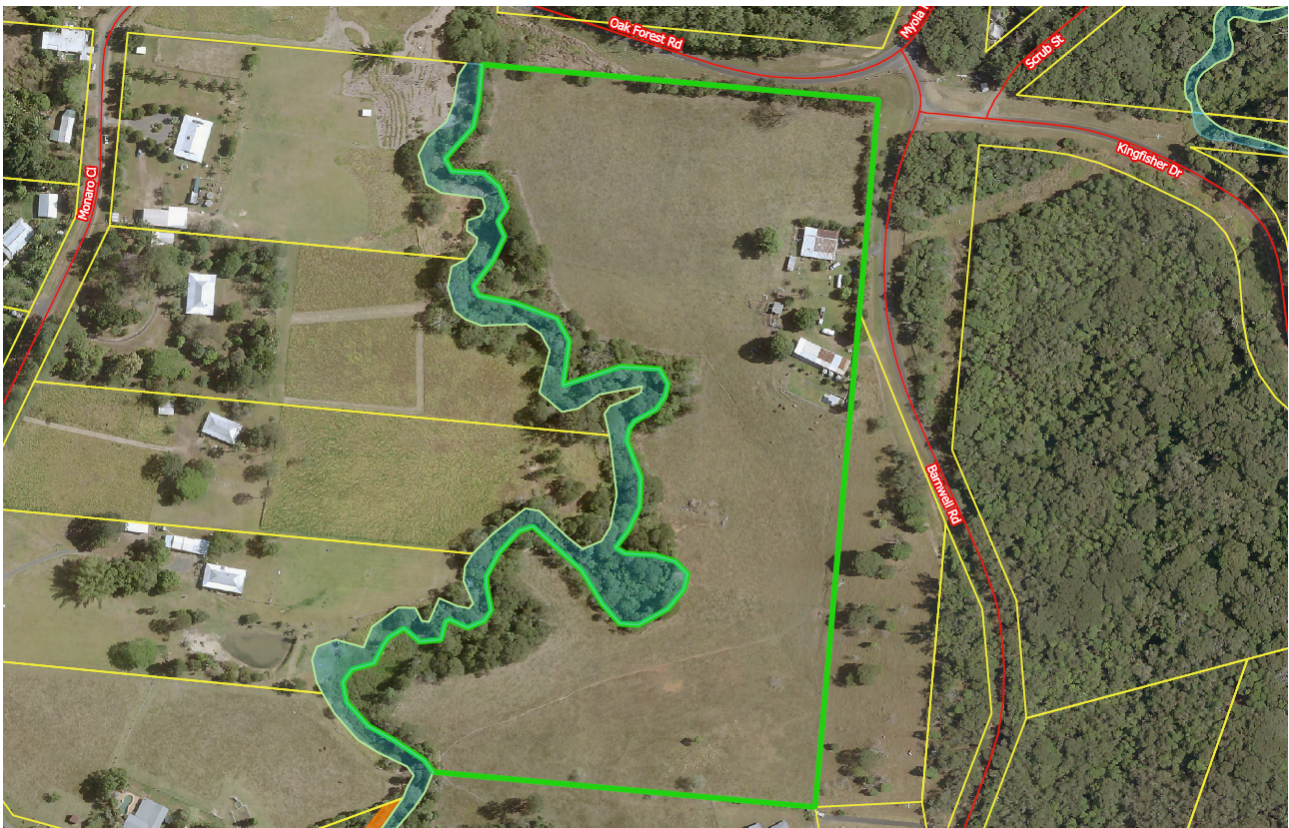
## **THE SITE**

The subject site is situated on the corner of Oak Forest Road and Barnwell Road, at 12 Barnwell Road, Kuranda and is more particularly described as Lot 1 on SP218094. The site is irregular in shape with an area of 7.9652 hectares and is zoned Rural residential under the Mareeba Shire Council Planning Scheme 2016.

The site includes 123 metres of frontage to Barnwell Road, and 230 metres of frontage to Oak Forest Road, both of which are constructed to bitumen sealed standards. Access is gained from Barwell Road via two existing crossovers, one being bitumen sealed, the other remaining grassed.

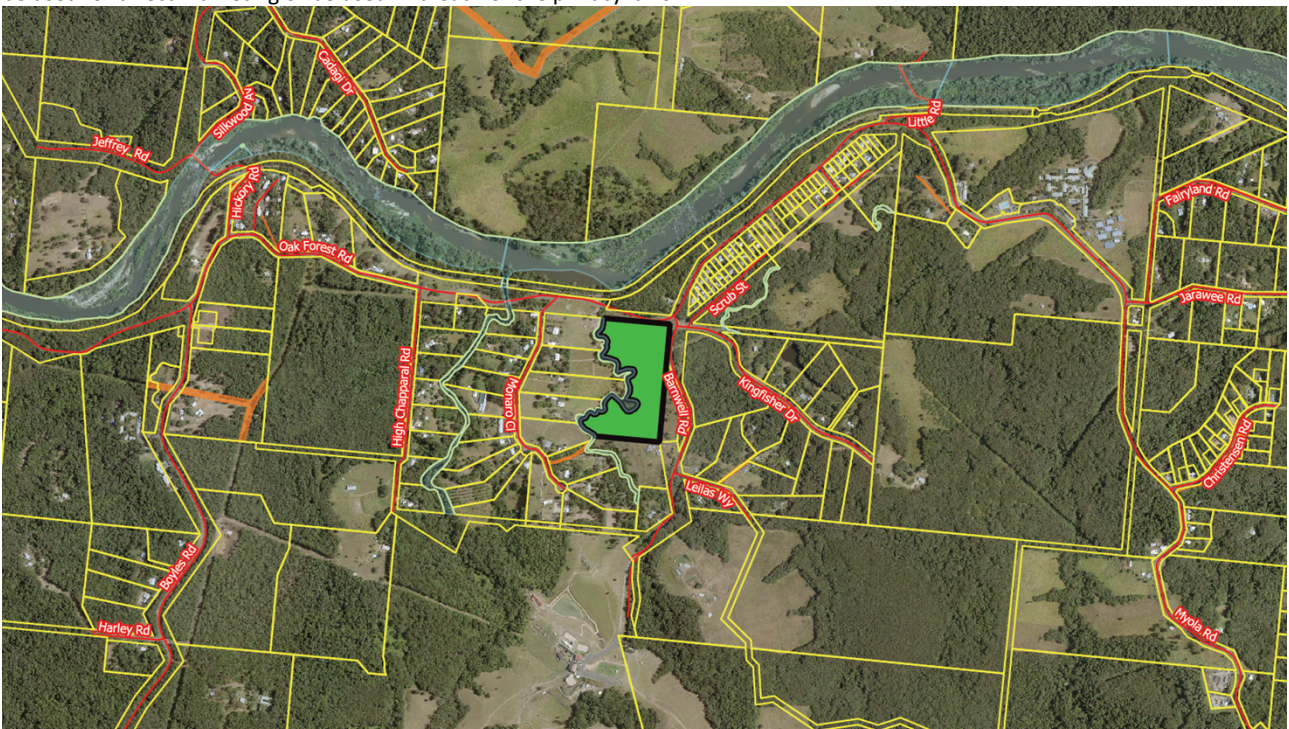
The site has been almost entirely cleared of vegetation with the exception of some riparian vegetation that remains along Cain Creek which spans the entire western boundary of the site. The site is improved by a dwelling and multiple outbuildings and is currently used for livestock grazing. All immediate surrounding lots are zoned Rural residential and are used as lifestyle lots and generally include single dwellings and outbuildings





**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

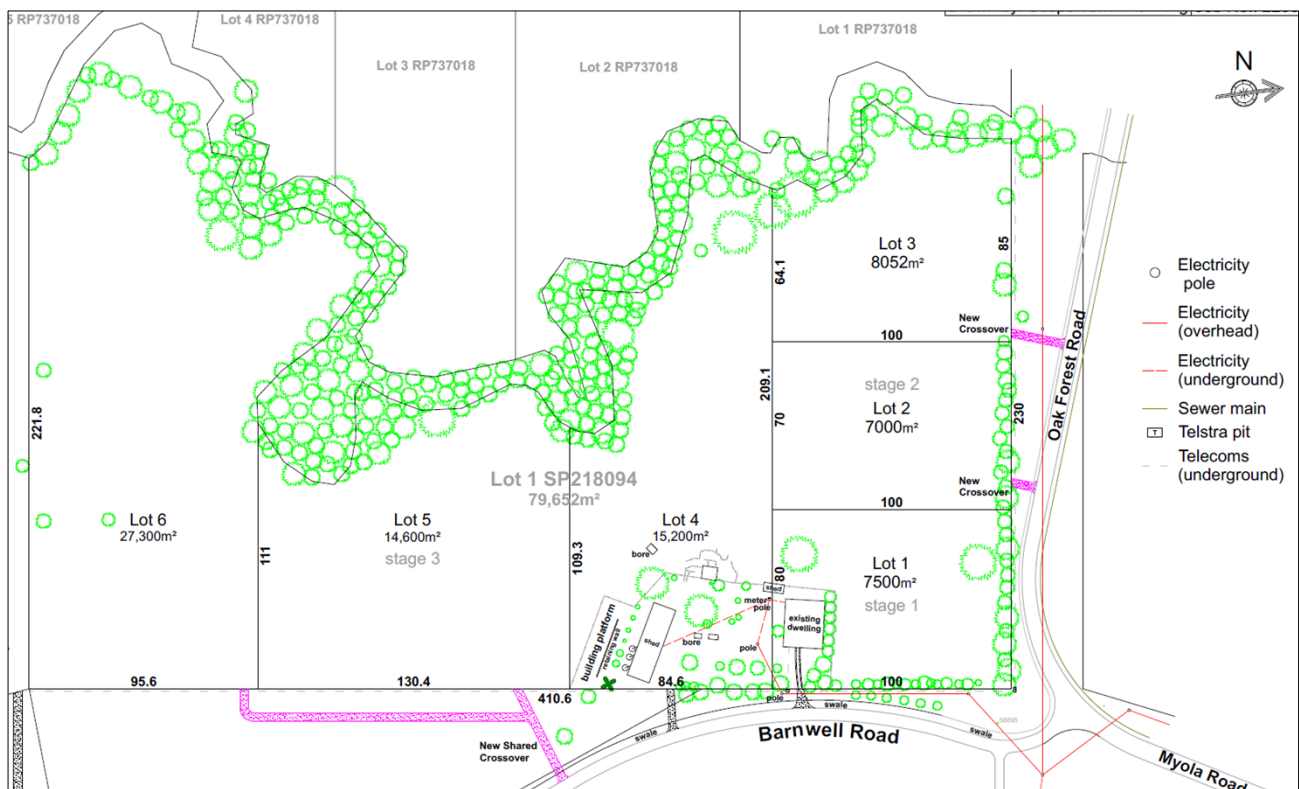
Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 6 Lots) in accordance with the plans shown below and included as **Attachment 1**.



## 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:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• Local Collector Road</li> <li>• Principal Cycle Route</li> </ul>
Zone:	- Rural Residential Zone
Overlays:	<ul style="list-style-type: none"> <li>- Bushfire Hazard Overlay</li> <li>- Flood Hazard Overlay</li> <li>- Hill and Slope Overlay</li> <li>- Residential Dwelling House and Outbuilding Overlay</li> <li>- Transport Infrastructure Overlay</li> </ul>

**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**3.3.1 Strategic outcomes*

- (4) *Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.*

### Comment

The subject site is situated within the Rural residential zone in the centre of a cluster of 49 established rural residential lots averaging two (2) hectares in size. The land is currently used for livestock grazing and has been cleared of nearly all vegetation with a small amount of riparian vegetation remaining along Cain Creek which borders the land to the west. The proposed reconfiguration will not further fragment or alienate a rural area, nor will the development lead to the fragmentation or loss of any established conservation or biodiversity areas.

The proposed development is considered to be infill development. Proposed Lots 4, 5 and 6 with areas of 1.52ha, 1.46ha and 2.73 hectares (averaging 1.9 hectares over the 3 Lots) are considered to be consistent in size and dimensions with existing lots in the surrounding area and will be serviced with all infrastructure typically conditioned for 2 ha rural residential development including sealed access, power, telecommunications and on-site water supply and wastewater disposal. Proposed Lots 4, 5 and 6 represent sensible and logical infill development that will maintain the desired character of the area consistent with the intent of Strategic Outcome (4).

Proposed Lots 1, 2 and 3 have areas of 7,500m<sup>2</sup>, 7,000m<sup>2</sup> and 8,052m<sup>2</sup> respectively. These three proposed lots are not considered to be consistent with surrounding development, nor will they be provided with a town water supply, which is typical and desirable service standard for rural residential lots of this size. Furthermore, Council cannot reasonably condition the provision of town water either which is not able to be cost-effectively provided at this location. Proposed Lots 1, 2 and 3 do not represent orderly or sensible infill development over the site and will not maintain the predominant character or amenity of the area and are therefore considered to be in conflict with Strategic Outcome (4).

It is recommended that the application be approved in part only, authorising the development of the site into four (4) lots only (instead of 6), maintaining proposed Lots 4, 5 and 6 in their current proposed configuration but amalgamating proposed Lots 1, 2 and 3 into a single allotment with an area of approx. 2.25 hectares. This will ensure the site is developed in accordance with Strategic Outcome (4), achieving an average lot size of 1.99 hectares over the 4 lots.

#### *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 situated within the Rural residential zone in the centre of a cluster of 49 established rural residential lots averaging two (2) hectares in size. The land is currently used for livestock grazing, however, is not considered a viable agricultural parcel. The land has been cleared of nearly all vegetation with a small amount of riparian vegetation remaining along Cain Creek which borders the land to the west. The proposed reconfiguration will not further fragment or alienate a rural agricultural area, nor will the development lead to the fragmentation or loss of any established conservation or biodiversity areas.

The development is considered to be infill development, locating in close proximity to the Kuranda Village as well as two (2) schools and the public swimming pool.

Proposed Lots 4, 5 and 6 with areas of 1.52ha, 1.46ha and 2.73 hectares (averaging 1.9 hectares over the 3 Lots) are considered to be consistent in size and dimensions with existing lots in the surrounding area and will be serviced with all infrastructure typically conditioned for two (2) ha rural residential development including sealed access, power, telecommunications and on-site water supply and wastewater disposal. Proposed Lots 4, 5 and 6 represent sensible and logical infill development that will maintain the desired character of the area consistent with the intent of Specific Outcomes (1) – (4).

Proposed Lots 1, 2 and 3 have areas of 7,500m<sup>2</sup>, 7,000m<sup>2</sup> and 8,052m<sup>2</sup> respectively. These three (3) proposed lots are not considered to be consistent with surrounding development, nor will they be provided with a town water supply, which is typical and desirable service standard for rural residential lots of this proposed size. Furthermore, Council cannot reasonably condition the provision of town water either which is not able to be cost-effectively provided at this location. Proposed Lots 1, 2 and 3 do not represent orderly or sensible infill development over the site and will not maintain the predominant character or amenity of the area and are therefore considered to be in conflict with Specific Outcomes (1) – (4).

It is recommended that the application be approved in part only, authorising the development of the site into 4 lots only (instead of 6), maintaining proposed Lots 4, 5 and 6 in their current proposed configuration but amalgamating proposed Lots 1, 2 and 3 into a single allotment with an area of approx. 2.25 hectares. This will ensure the site is developed in accordance with Specific Outcomes (1) – (4), achieving an average lot size of 1.99 hectares over the 4 lots.

#### *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.*

#### Comment

The majority of proposed Lot 3 is situated within the potential flood hazard area which could make it difficult to develop as a residential allotment. Furthermore, proposed Lots 1, 2 and 3 are all entirely situated within a bushfire hazard buffer area.

Due to conflicts with other aspects of the Planning Scheme, it is recommended that the application be approved in part only with just four (4) allotments approved. As part of this recommendation proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment which will contain an existing dwelling house outside the potential flood hazard area. Furthermore, this amalgamated allotment will contain an existing dwelling house so will not result in an increase in dwelling numbers within a bushfire hazard area.

The officer recommendation to reduce the number of lots from 4 to 6 will satisfy Specific outcomes 1 – 4.

### *3.4 Natural resources and environment*

#### *3.4.1 Strategic outcomes*

- (1) *Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within conservation areas and biodiversity areas, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of biodiversity areas, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed*
- (2) *Natural corridors through the landscape, including ecological corridors, and natural areas which provide linkages between areas of significant biodiversity and habitat value are protected and enhanced. Opportunities are realised to connect habitat fragments across the regional landscape through strategic rehabilitation and protection of potential habitat connection corridors, such as habitat linkages. The resilience of natural systems and wildlife to respond to climate change is strengthened by providing maximum connectivity across a range of habitats, allowing species to migrate and retreat.*
- (3) *The physical condition, ecological health, environmental values and water quality of surface water and groundwater systems, including but not limited to major waterbodies and major watercourses, is protected, monitored and improved. The impacts of Mareeba Shire's water quality, wetland and riparian health on the Great Barrier Reef and the Gulf of Carpentaria are recognised through integrating sustainable catchment management practices into land use planning. Riparian areas and areas surrounding ecologically significant wetlands will be enhanced as part of new development.*

#### *3.4.5 Element – Strategic rehabilitation and ecological corridors*

##### *3.4.5.1 Specific outcomes*

- (1) *Ecological corridors are major existing habitat corridors that link key biodiversity areas within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of ecological corridors.*

#### Comment

The subject site falls within a mapped ecological corridor. Although the majority of the site is cleared of vegetation, there is an important riparian corridor along Cain Creek which flows along the western boundary of the site and into the Barron River.

In order to ensure that this riparian vegetation is protected, and to provide protection to Cain Creek and its water quality, conditions have been included to ensure that building envelopes are established over the new allotments limiting any future building works and associated on-site effluent disposal areas to the eastern ends of each allotment, extending no further than 60 metres into each lot when measured from the eastern boundary of the land.

Once the development is complete, each of the three (3) additional allotments can support an additional dwelling and associated outbuildings, similar to the existing lot arrangement on the western side of Cain Creek. The balance of each lot is likely to remain either unused, revegetated to some extent, or maintained as livestock pasture which is not likely to have any more of an impact to the Cain Creek riparian environment than what occurs on site at present.

The application can be appropriately conditioned to ensure compliance with Strategic Outcomes (1) – (3) and Specific outcome (1).

#### *3.4.6 Element – Watercourses and wetlands*

##### *3.4.6.1 Specific outcomes*

- (1) *Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.*
- (3) *The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.*
- (5) *Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.*

#### Comment

The subject land includes a riparian boundary to Cain Creek on the western side of the allotment, which ultimately flows into the Barron River approximately 115 metres past the site to the north.

In order to ensure that the water quality and riparian environment of Cairn Creek is protected, conditions have been included to ensure that building envelopes are established over the new allotments limiting any future building works and associated on-site effluent disposal areas to the eastern ends of each allotment, extending no further than 60 metres into each lot when measured from the eastern boundary of the land.

Additionally, any future conventional on-site effluent disposal system will be required to achieve a 50 metre separation distance from Cain Creek. If this cannot be achieved, which may be the case for proposed lot 5 which has a reduced depth of less than 100 metres, then a more advanced secondary treatment system will be required to be installed, which will further help protect the water quality in Cain Creek.

Once the development is complete, each of the 3 additional allotments can support an additional dwelling and associated outbuildings, similar to the existing lot arrangement on the western side of Cain Creek. The balance of each lot is likely to remain either unused, revegetated to some extent, or maintained as livestock pasture which is not likely to have any more of an impact to the Cain Creek riparian environment than what occurs on site at present.

The application can be appropriately conditioned to ensure compliance with Specific outcome (1).

### 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
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard 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 is generally compliant with the Planning Scheme codes, however is in conflict with some assessment benchmarks as outlined in the table below.

Relevant Codes	Comments
Rural residential zone code	The application complies or 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 complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significant overlay code	The application complies or 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 complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

	where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application complies or 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 complies or 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 complies or 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: <ul style="list-style-type: none"> <li>• Acceptable Outcome AO1.1</li> <li>• Performance Outcome PO13 (no acceptable outcome provided)</li> </ul> Further commentary is provided in the planning discussion section of report.
Works, services and infrastructure code	The application complies or 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 upgraded in accordance with FNQROC Development Manual standards.

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

Adopted Infrastructure Charges Resolution (No. 1) of 2023 identifies a charge rate for residential development of \$20,768.00 per additional residential allotment created.

As the proposed allotments will not be serviced by reticulated water or sewerage infrastructure, the relevant charge rate is discounted by 40%. The applicable charge rate is therefore \$12,460.80 per additional allotment created.

The application is recommended for approval in part only, authorising the reconfiguration of the land to create 4 lots only (3 additional lots).

Infrastructure charges will therefore total **\$37,382.40**.



**REFERRAL AGENCY**

This application did not trigger referral to any Referral Agency.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 4 May 2023 to 24 May 2023. The applicant submitted the notice of compliance on 25 May 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

17 properly made submissions were received during the public notification period.

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

Grounds for objection /support	Comment
Proposed Lots 1, 2 and 3 are inconsistent in size with the average lot size in the surrounding rural residential area. The application should be amended to reduce the number of proposed Lots to 4 to ensure each lot is approximately 2 hectares in size consistent with the surrounding lot arrangement.	Noted – This issue is discussed throughout the body of the report. Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. These 4 lots will be consistent in size to existing rural residential lots in the immediate area.
Proposing new lots such as Lots 2 and 3 so close to Cain Creek will have a detrimental environmental impact on both Cain Creeks water quality as well as the riparian vegetation.	Noted – Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment.
Proposed Lot 3 will be almost entirely situated within the potential flood hazard area. This allotment should not be approved as any future resident may be subject to flood risk.	Noted – Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment.
Access to proposed Lots 2 and 3 via Oak Forest will be unsafe, particularly considering the poor sight distances and afternoon sun that affects drivers travelling in a westerly direction.	Noted – Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment.
Overland stormwater flow between Lots 1, 2 and 3 will detrimentally impact on residents of Lots 2 and 3.	Noted – Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment.
Cain Creek is mapped as a “stream order 2” watercourse in the Planning Scheme. A “Cain Creek Reserve” should be established along the riparian environment to help ensure water quality and vegetation is protected. This reserve should be established under environmental covenant or as a separate allotment and zoned Conservation.	Appropriate conditions have been included in the recommendation to ensure the Cain Creek environment is maintained and protected. The development, once complete, will essentially mimic the lot configuration on the western side of Cain Creek.  Council officers consider it unreasonable to require the establishment of an environmental covenant or the creation of a separate conservation allotment over the Cain Creek riparian area.
The site is situated within the Rural residential “2 hectare precinct”. The site should not be subdivided into anymore than 3 Lots in order to comply with the precinct intent.	Noted – Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment. The 4 approved lots will achieve an average lot size of 1.99 hectares between them. Although some lots are smaller, no

	lot will be smaller than 1.5 hectares which is generally consistent with existing lots in the surrounding rural residential area.
All lots should be accessed via Barnwell Road and not Oak Forest Road.	Noted – This will be achieved.
Lots 1, 2 and 3 are within the mapped bushfire hazard area (buffer).	Noted – Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment which contains an existing dwelling, therefore there will not be any change to the number of dwellings situated in the bushfire hazard area.
The small residential lots located to the north-east of the site along Myola Road and Scrub Street should not be used as precedent to approve smaller proposed Lots 1, 2 and 3.	Noted - Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment.
Proposed Lots 1, 2 and 3 essentially fall within the Rural residential “4,000m <sup>2</sup> precinct” these lots do not have access to town water and should not be created.	Noted - Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment.
The application does not include a stormwater quality management plan required for any development on land greater than 2,500m <sup>2</sup> or that would result in the creation of 5 or more lots or 5 or more dwellings.	Council officers do not believe that a stormwater management plan or a stormwater quality management plan are warranted in this instance given the type and scale of development recommended for approval (4 lots only) as well as the topography of the site which each lot draining naturally into Cain Creek to the west of the building envelope areas.
How will access to the lots be satisfied from Barnwell Road and Oak Forest Road.	Each lot will be provided with an access from Barnwell Road which complies with the standards set out in the FNQROC Development manual.
For lots less than 1 hectare in size, pedestrian infrastructure should be installed as per the code requirements. If Council was to approve Lots 1, 2 and 3 then pedestrian footpath infrastructure should be installed.	Council officers have recommended that the application be approved in part only, allowing the creation of only 4 lots. Proposed Lots 1, 2 and 3 will be amalgamated to form a single allotment. Pedestrian footpath infrastructure is not considered necessary in this instance.
The application suggests that reticulated town water and sewer “may” be available to the development – this is misleading and incorrect. All new lots will need to be provided with adequate water supply and on-site wastewater disposal.	Noted – This infrastructure is not available at this location. The sewer infrastructure located adjacent the site is a pressurised rising main that is not intended to be utilised to service rural residential development, particularly when on-site wastewater disposal is adequate and achievable. Town water is not available, nor is it feasible to extend town water to service the site.
2 individual submissions voiced their support for the proposed 6 lot reconfiguration.	Noted – The application has been recommended or approval in part.
The application is inconsistent with the FNQ Regional Plan which places the Myola Valley in the Regional Landscape and Rural Production Area (RLRPA). The Regional Plan protects these areas from encroachment by inappropriate development, particularly urban and rural residential development.	The current Mareeba Shire Council Planning Scheme appropriately integrates the FNQ Regional Plan. As discussed in the body of the report, despite the site not being situated within a subdivision precinct, sufficient planning grounds exist to at least allow the site to developed into 4 rural residential allotments averaging 1.99 hectares in size. This outcome represents sensible infill development consistent with the communities’ expectations for the allotment and consistent with those land uses and lot sizes immediately surrounding the land.
The FNQ Regional Plan Regulatory Provisions restrict further fragmentation of land holdings	The FNQ Regional Plan Regulatory Provisions have been repealed and no longer need to be considered.

and expansion of rural residential development in the RLRPA.	The current Mareeba Shire Council Planning Scheme appropriately integrates the FNQ Regional Plan. As discussed in the body of the report, despite the site not being situated within a subdivision precinct, sufficient planning grounds exist to at least allow the site to developed into 4 rural residential allotments averaging 1.99 hectares in size. This outcome represents sensible infill development consistent with the communities' expectations for the allotment and consistent with those land uses and lot sizes immediately surrounding the land.
The site is part of an essential wildlife habitat for endangered species such as the Kuranda Tree Frog and Myola Tree Frog. These species are predominately found in the tributaries and creeks flowing to and from the Barron River like Cain Creek which spans the western boundary of the site.	Appropriate conditions have been included to help protect the Cain Creek riparian environment.  The applicants/developers are required to ensure the development does not require referral under the EPBC Act.
Although most of the site is cleared, some native vegetation is still present and will be required to be cleared to carry out the subdivision.	Council officers do not believe that any mapped significant native vegetation, or any vegetation for that matter will be required to be cleared to complete the development.
Upgrades will be required to service infrastructure in the area to service the development	Noted – This has been appropriately conditioned.
The application does not comply with the Planning Schemes Strategic Framework.	Council officers' assessment of the relevant sections of the Strategic Framework is included in the body of this report.
The application may have triggered referral to SARA for vegetation clearing matters.	The application did not require referral to SARA.
The planning consultant's recommendation is biased and should be disregarded. The application did not include a full assessment against all relevant codes and sections of the Planning Scheme.	Council officers have undertaken an independent assessment of the application against all relevant section of the Planning Scheme to formulate the recommendation.
Approval of the application will increase the number of vehicle movements experienced on both Myola Road and Oak Forest Road as well as the Kuranda Range Road.	The recommendation is that the application be approved in part only, creating only 3 additional lots which would equate to an average of 30 additional vehicle movements per day on the surrounding road network (10 vehicle movements per allotment). This increase in vehicle movements is negligible.
The provision of additional water bores will place an unacceptable load on local aquifers, impacting on the provision of water supplies to both existing users and new installations alike.	Proposed Lot 4 will contain the sites 2 existing bores. So, there may be an additional 3 bores installed to service Lots 5, 6 and amalgamated lots 1, 2 and 3. The provision of 3 additional bores in such close proximity to the Barron River is not likely to significantly impact on local aquifers.

**Submitters**

<b>Name of Principal submitter</b>	<b>Address</b>
1. Raymond Ganley	Jajanti1@bigpond.com
2. Lucan Sinclair	Lucan.sinclair@gmail.com
3. Sarah Gibson	sarahgibson@y7mail.com
4. Shannon Clarke	Shannon.clarke104@gmail.com
5. Cathy Retter on behalf of Kuranda Envirocare and Friends of the Kuranda Tree Frog	Cathy.retter.kuranda@gmail.com info@envirocare.org.au
6. Robert Edwards & Nicola Gibbon	jandkedwards@bigpond.com
7. Laurie Moller	29 Monaro Close, Kuranda QLD 4881
8. Kuranda Conservation Community Nursery Inc.	kurandaconservation@hotmail.com
9. Ken Lee	Ken.lee@kurcowfarm.com.au
10. Neil & Julie McLaughlin	41 Monaro Close, Kuranda QLD 4881
11. John and Kathryn Edwards	Jandkedwards@bigpond.com
12. Kiera Sheppard	Kiera.sheppard@hotmail.com
13. Olav Groot	65 Barwell Road, Kuranda QLD 4881
14. Sarah Arrowsmith	11 Fairyland Road, Kuranda QLD 4881
15. John Dyer	23 Monaro Close, Kuranda QLD 4881
16. Brian & Bronwyn Parker	11 Monaro Close, Kuranda QLD 4881
17. Jo Martin for Kuranda Regional Planning Group	info@kurandaregion.org

**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.*

**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) Proposed lots 4, 5 and 6 will be generally consistent in design with surrounding rural residential allotments. Proposed Lots 1, 2 and 3 with areas of 7,500m<sup>2</sup>, 7,000m<sup>2</sup> and 8,052m<sup>2</sup> respectively are inconsistent in design.
- (b) Proposed Lots 4, 5 and 6 will allow the desired amenity of the zone to be achieved which is characterised by larger lifestyle allotments averaging 2 hectares in size that can contain semi-rural activity such as fruit tree orchards and small scale livestock grazing and animal keeping (pet horses/cattle). Lots 1, 2 and 3 will not allow this desired level of amenity to be achieved.
- (c) All 6 proposed lots are of an adequate size and shape to allow for future residential activity. There may be some issues with providing uncontaminated bore water supply to Lots 1,2 and 3 due to their size and the separation distances that must be achieved between bores and on-site wastewater disposal systems.
- (d) Both Oak Forest Road and Barnwell Road can provide reasonable vehicle access to all 6 proposed Lots. Some submitters have raised concerns about the safety of proposed Lots 2 and 3 accessing directly from higher order Oak Forest Road.
- (e) The subject land is situated within the centre of a large cluster of 49 rural residential lots. The site is linked to Kuranda's urban centre by a well-constructed road network. Two schools are situated within proximity of the site as well as the public pool.
- (f) Building envelopes will ensure future development on each allotment 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 with the exception of proposed Lot 3. The majority of proposed Lot 3 is situated within the potential flood hazard area which will hinder the future development of the allotment.

Proposed Lots 4, 5 and 6 are considered to comply with PO1. Proposed Lots 1, 2 and 3 hold significant conflict with some criteria contained within PO1.

It is recommended that the application be approved in part only, authorising the development of the site into 4 lots only (instead of 6), maintaining proposed Lots 4, 5 and 6 in their current proposed configuration but amalgamating proposed Lots 1, 2 and 3 into a single allotment with an area of approx. 2.25 hectares. This will ensure the development of the site is consistent with PO1, achieving an average lot size of 1.99 hectares over the 4 lots.

### **PO13**

*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 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 proposed development will achieve the efficient use of the land and will be conditioned to provide standard service infrastructure for the size of lots proposed.

- (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;*

See comments addressing the Strategic Framework provisions of the Planning Scheme. Proposed Lots 1, 2 and 3 are considered to be in conflict with overall outcome (b). The application is recommended for approval in part only which will ensure the development complies.

- (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 amongst established rural residential allotments 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 proposed development is in-fill development only and it is not considered necessary to provide parkland stock as part of the development.

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

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

- (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.*

See comments addressing the Strategic Framework provisions of the Planning Scheme. An approval in part only will ensure the development complies with overall outcome(k).

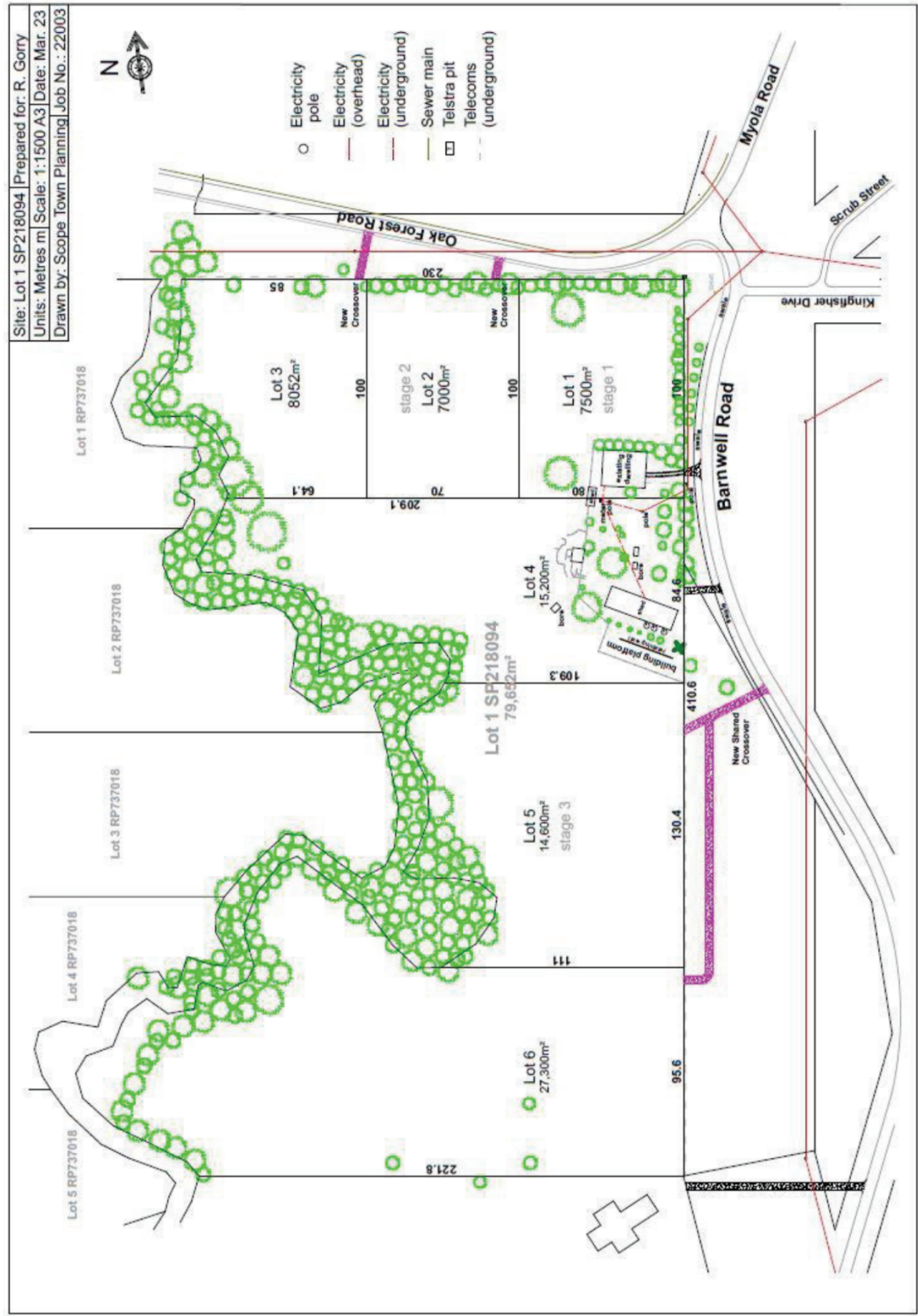


Figure 1: Proposed Site Plan (Scope Town Planning).



## Submission

Re: RAL/23/0003

Application for Development Permit for Reconfiguring a Lot Subdivision (1 into 6 Lots)

12 Barnwell Road, Kuranda

Attention: Assessment Manager

Mareeba Shire Council

PO Box 154 Mareeba QLD 4880

Dear Sir/Madam

As a local resident of the immediate area living for almost two decades within metres of the proposed lot reconfiguration I believe any changes to the existing population density and land distribution has the potential to impact on several aspects of the environment and residents in the region. While fully understanding that housing developments are inevitable, sensible planning can reduce the negative impacts.

Firstly to effectively plan to change the existing status quo then what is already existing must be recognised. I refer mostly to the Myola corridor that allows a connection for wildlife between Speewah and Black Mountain. Within this corridor there are creeks that are the last remaining habitat of the critically endangered Myola Tree Frog. Cain Ck is one such creek and forms the boundary of practically all of the proposed development blocks. The ecological importance of this location is recognised by local environment groups and revegetation of the riparian zone and some historically cleared areas have also been revegetated in an attempt to re-establish frog and other wildlife populations.

While residential development is currently existing almost entirely along the western boundary of Cain Ck the blocks are large at around 2 ha each and nutrients associated with animal husbandry and consequential runoff into Cain Ck is negated or filtered fairly well from the long overland flow and low stocking density of any farm or domestic animals.

The subdivision in its proposed configuration of some much smaller lots ie. Lots 1,2 and Lot 3 will create a much larger problem given the potential numbers of animals per area and especially the close proximity of Lot1 to Cain Creek. Contrary to the proponents assertion that animal ownership numbers would be of a similar scale as larger blocks I contend that this is not true in the case of horses with each family group owning likely as many horses as a larger block giving a much higher nutrient concentration per area.

While this development, especially Lots 1 and 2 has a potentially high impact on an emblematic amphibian species these particular blocks risk creating a really serious traffic hazard to users of Oak Forest Road by the proposed establishment of driveway entrances in this section of what is a busy road during peak times. Any resident or user of this road during the months of the year when the westerly sun is directly in the face of drivers heading west will attest to the extreme danger and complete loss of forward vision in these few hundred meters of road. For a temporarily blinded driver to encounter a vehicle entering or exiting either of the two blocks on the fairly steep downhill section mentioned is likely to be the cause of serious accidents. In this potential situation I believe council would be culpable if this hazard was allowed to be created.

On the matter of lot sizes as proposed by the proponent I can accept that there is a very occasional variation in the size of lots in nearby developments. I refer to Lot 10 on Oak Forrest Road and Lot 1 on High Chaparral Rd which would appear possibly smaller than the rest of that subdivision.. Otherwise lot sizes appear consistent across the board and the proposed development needs to maintain this consistency and not be part of some higgledy piggledy arrangement just to maximise the potential windfall to the owner of land-banked land. Of course the area of Myola township should not be considered as any precedent for smaller lot sizes given the historic nature of that subdivision, built to service the railway in an era of steam trains and very little private vehicle ownership condensing the population to within walking distance of the train station, which no longer exists. The township is signed and celebrated as being unique to the area.

Additionally and more importantly the Mareeba Shire Council Planning Scheme-Alignment Amendment 2017 at Section 6.2.10.2 Clause 3(a) clearly states that lots in the 2ha precinct will not be reconfigured below 2ha in size. *This reconfiguration sits squarely within a 2 ha precinct.* Any contention by the proponent that the reconfigured lots are not within a precinct is purely an argument of semantics. While it is true that the area applicable to the D.A. is not identified as part of a “precinct” “the equivalent classification by area exists in that the Planning Scheme differentiates between lots of 2 ha or larger, 1ha or larger and lots of 4000 sq. meters in the Rural Residential Zone.

Thank you for reading my submission which contains what I believe to be relevant facts that hopefully lead to a reduction in the number of lots being created by this reconfiguration.

Yours faithfully



Raymond Ganley

## Submission

Re: RAL/23/0003

Application for Development Permit for Reconfiguring a Lot Subdivision (1 into 6 Lots)

12 Barnwell Road, Kuranda

Attention: Assessment Manager

Mareeba Shire Council

PO Box 154 Mareeba QLD 4880

Dear Sir/Madam

As a local resident of the immediate area living for almost two decades within metres of the proposed lot reconfiguration I believe any changes to the existing population density and land distribution has the potential to impact on several aspects of the environment and residents in the region. While fully understanding that housing developments are inevitable, sensible planning can reduce the negative impacts.

Firstly to effectively plan to change the existing status quo then what is already existing must be recognised. I refer mostly to the Myola corridor that allows a connection for wildlife between Speewah and Black Mountain. Within this corridor there are creeks that are the last remaining habitat of the critically endangered Myola Tree Frog. Cain Ck is one such creek and forms the boundary of practically all of the proposed development blocks. The ecological importance of this location is recognised by local environment groups and revegetation of the riparian zone and some historically cleared areas have also been revegetated in an attempt to re-establish frog and other wildlife populations.

While residential development is currently existing almost entirely along the western boundary of Cain Ck the blocks are large at around 2 ha each and nutrients associated with animal husbandry and consequential runoff into Cain Ck is negated or filtered fairly well from the long overland flow and low stocking density of any farm or domestic animals.

The subdivision in its proposed configuration of some much smaller lots ie. Lots 1,2 and Lot 3 will create a much larger problem given the potential numbers of animals per area and especially the close proximity of Lot3 to Cain Creek. Contrary to the proponents assertion that animal ownership numbers would be of a similar scale as larger blocks I contend that this is not true in the case of horses with each family group owning likely as many horses as a larger block giving a much higher nutrient concentration per area.

While this development, especially Lots 2 and 3 has a potentially high impact on an emblematic amphibian species these particular blocks risk creating a really serious traffic hazard to users of Oak Forest Road by the proposed establishment of driveway entrances in this section of what is a busy road during peak times. Any resident or user of this road during the months of the year when the westerly sun is directly in the face of drivers heading west will attest to the extreme danger and complete loss of forward vision in these few hundred meters of road. For a temporarily blinded driver to encounter a vehicle entering or exiting either of the two blocks on the fairly steep downhill section mentioned is

likely to be the cause of serious accidents. In this potential situation I believe council would be culpable if this hazard was allowed to be created.

On the matter of lot sizes as proposed by the proponent I can accept that there is a very occasional variation in the size of lots in nearby developments. I refer to Lot 10 on Oak Forrest Road and Lot 1 on High Chaparral Rd which would appear possibly smaller than the rest of that subdivision.. Otherwise lot sizes appear consistent across the board and the proposed development needs to maintain this consistency and not be part of some higgledy piggledy arrangement just to maximise the potential windfall to the owner of land-banked land. Of course the area of Myola township should not be considered as any precedent for smaller lot sizes given the historic nature of that subdivision, built to service the railway in an era of steam trains and very little private vehicle ownership condensing the population to within walking distance of the train station, which no longer exists. The township is signed and celebrated as being unique to the area.

Additionally and more importantly the Mareeba Shire Council Planning Scheme- Alignment Amendment 2017 at Section 6.2.10.2 Clause 3(a) clearly states that lots in the 2ha precinct will not be reconfigured below 2ha in size. *This reconfiguration sits squarely within a 2 ha precinct.* Any contention by the proponent that the reconfigured lots are not within a precinct is purely an argument of semantics. While it is true that the area applicable to the D.A. is not identified as part of a “precinct” the equivalent classification by area exists in that the Planning Scheme differentiates between lots of 2 ha or larger, 1ha or larger and lots of 4000 sq. meters in the Rural Residential Zone.

Thank you for reading my submission which contains what I believe to be relevant facts that hopefully lead to a reduction in the number of lots being created by this reconfiguration.

Yours faithfully



Raymond Ganley

**From:** "L S" <lucan.sinclair@gmail.com>  
**Sent:** Wed, 24 May 2023 14:22:07 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission on the Gorry block subdivision (1 lot into 6) - cnr of Barnwell and Oakforest / Myola Road -  
**Attachments:** 2023 05 Gorry subdivision KDPG-12-Barnwell-Road-Subdivision.pdf  
**Categories:** Added to ECM

To Assessment manager, Mareeba Shire council

As of right this property is within the MSC Planning scheme Precinct C and as such the subdivision should only be allowed to divide into 3 lots .

This property is not within the Myola settlement plan and so all lots for precinct C should be 2 Ha or more.

For 4 lots one would need 8 Ha which is smaller than this block allows. However we concede that there is sufficient road frontage on Barnwell road for 4 lots to be established.

Access onto Barnwell road for the proposed Lots 2 and 3 would create negative and unsafe traffic conditions as there is poor visibility on this section of Oakforest road.

In addition, the overland flow of water from proposed Lot 1 across Lots 2 and 3 would introduce neighbour issues with the downslope neighbours with uncontrolled storm water runoff . Proposed Lot 3 would also be 75% in the flood overlay zone with little usable land for buildings, especially considering a 25m environmental buffer to the creek (see below).

In concession for approving 4 lots instead of 3 , we urge council to establish a 25m environmental reserve as per the buffer requirements in the Planning scheme tables for order 2 stream frontage, measured from the creek high bank, and secured with a council covenant and with a third party organisation as co-signatory such as the Wet Tropics Management Authority (to be negotiated).

Over 8000 trees have been planted on Cain creek in a revegetation effort and we would be able to successfully gain funds to fence and revegetate this council reserve.

The environmental buffer on this creek is 25m due to the stream at this point being order 2. The purpose of the environmental buffer revegetation is to connect the upstream small population of Kuranda tree frog with the Barron River population. All other wildlife such as Southern cassowary would be able to use this corridor. This type of connection has been successfully achieved on Owen creek in the past 30 years as the Kuranda Tree frog has established small populations all along Owen creek from the mouth for 1 km upstream as per Dr Conrad Hoskins Kuranda frog range survey 2018. (part of the report within the Kur World EIS documentation).

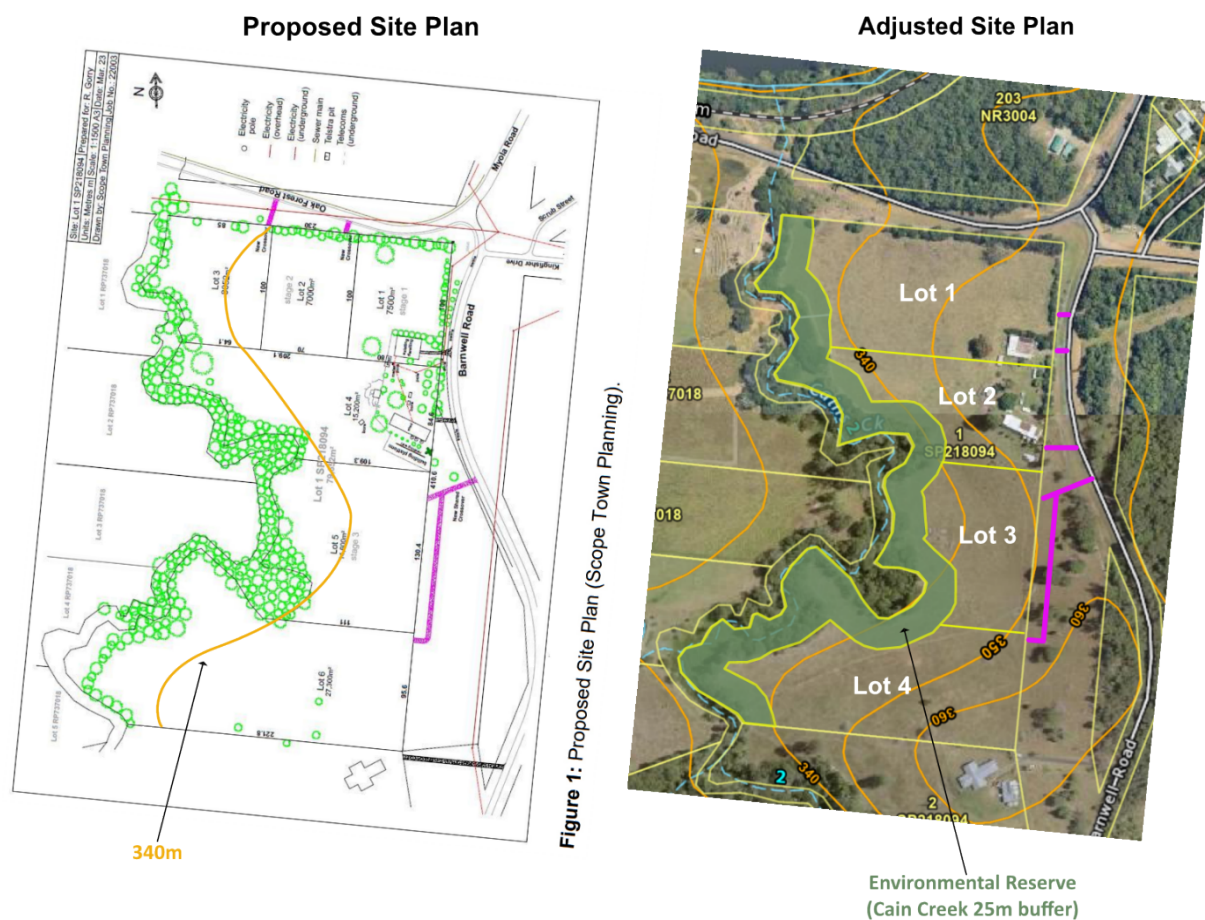
Work is underway with QRail on long term solutions for the railway bridge corridor section on Cain creek and the revegetation there in the next few years will connect to plantings already establishing since 2020.

Sincerely,

Lucan Sinclair

Document Set ID: 4222755  
Version: 1, Version Date: 24/05/2023

22003 – ROL – 12 Barnwell Road, Kuranda Qld. 4881



Item	Note	Solution
Planning Scheme	Rural Residential C - 2 Hectare Precinct	Reduce to 4 lots for Precinct C
Settlement Pattern	Lot 1, 2, 3 are not within the settlement pattern size, eg. adjoining Monaro, High Chapparral	Reduce to 4 lots for Precinct C
Threatened Species Habitat Protections and Local Corridors	Cains (Cairns) Creek, Stream Order 2 (Table 8.2.4.3B - Setback and buffer distances from waterways)	Vegetation buffered from high bank to 25m, Cain Creek and buffer retained as "Environmental Reserve" not sold as Freehold
New driveways on Myola Road	Main commuter road access for residents in Myola, Mantaka, Kowrowa, Green Forest, Oak Forest, Russett Park, Mona Mona	No new driveways on Myola Road. All access to new lots from Barnwell Road only.
340m contour (flood) line	Land below 340m not suitable for structures or permanent use, proposed Lot 1 is 75% underwater.	Reduce to 4 lots for Precinct C
'Bushfire hazard area' and 'Potential impact buffer (100 metres)'	Proposed smaller Lots 1,2,3 are wholly inside the potential impact buffer.	No new lots / dwellings should be allowed in the hazard area.

Document Set ID: 4222755  
Version: 1, Version Date: 24/05/2023



**From:** "Sarah Gibson" <sarahgibson@y7mail.com>  
**Sent:** Wed, 24 May 2023 14:05:25 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission for ROL 12 Barnwell and Oakforest / Myola Road - 1 lot into 6  
**Attachments:** 2023 05 Gorry subdivision KDPG-12-Barnwell-Road-Subdivision.pdf  
**Categories:** Added to ECM

To Mareeba Shire Council

As of right this property is within the MSC Planning scheme Precinct C and as such the subdivision should only be allowed to divide into 3 lots .

This property is not within the Myola settlement plan and so all lots for precinct C should be 2Ha or more.

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Document Set ID: 4222756  
Version: 1, Version Date: 24/05/2023

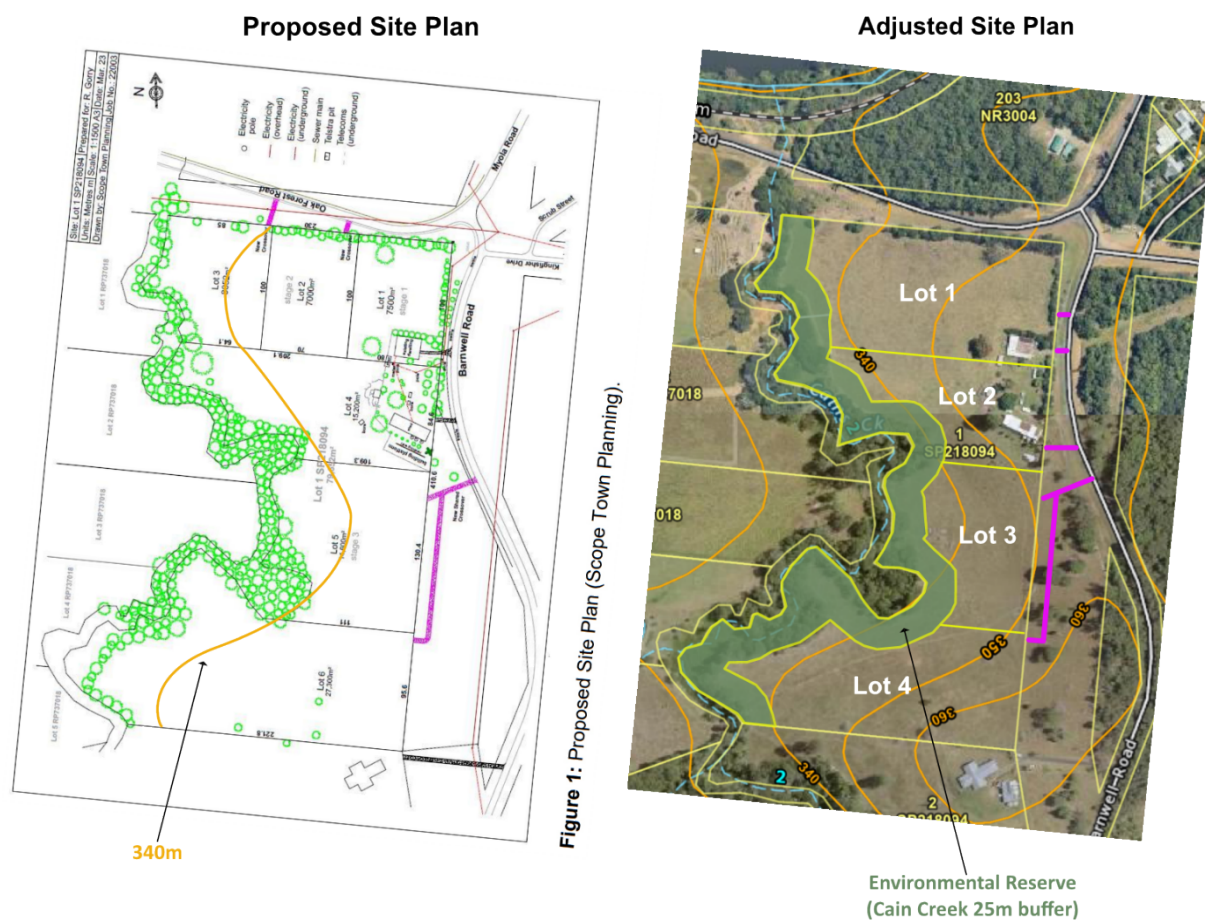
Kuranda Envirocare is currently working with QRail on long term solutions for the railway bridge corridor section on Cain creek and the revegetation there in the next few years will connect to plantings already establishing since 2020.

Kind regards  
Sarah Gibson

Document Set ID: 4222756  
Version: 1, Version Date: 24/05/2023



22003 – ROL – 12 Barnwell Road, Kuranda Qld. 4881



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Document Set ID: 4222756  
Version: 1, Version Date: 24/05/2023

**From:** "Shannon Clarke" <shannon.clarke104@gmail.com>  
**Sent:** Wed, 24 May 2023 15:52:48 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission for ROL 12 Barnwell and Oakforest / Myola Road - 1 lot into 6  
**Attachments:** 2023 05 Gorry subdivision KDPG-12-Barnwell-Road-Subdivision.pdf  
**Categories:** Added to ECM

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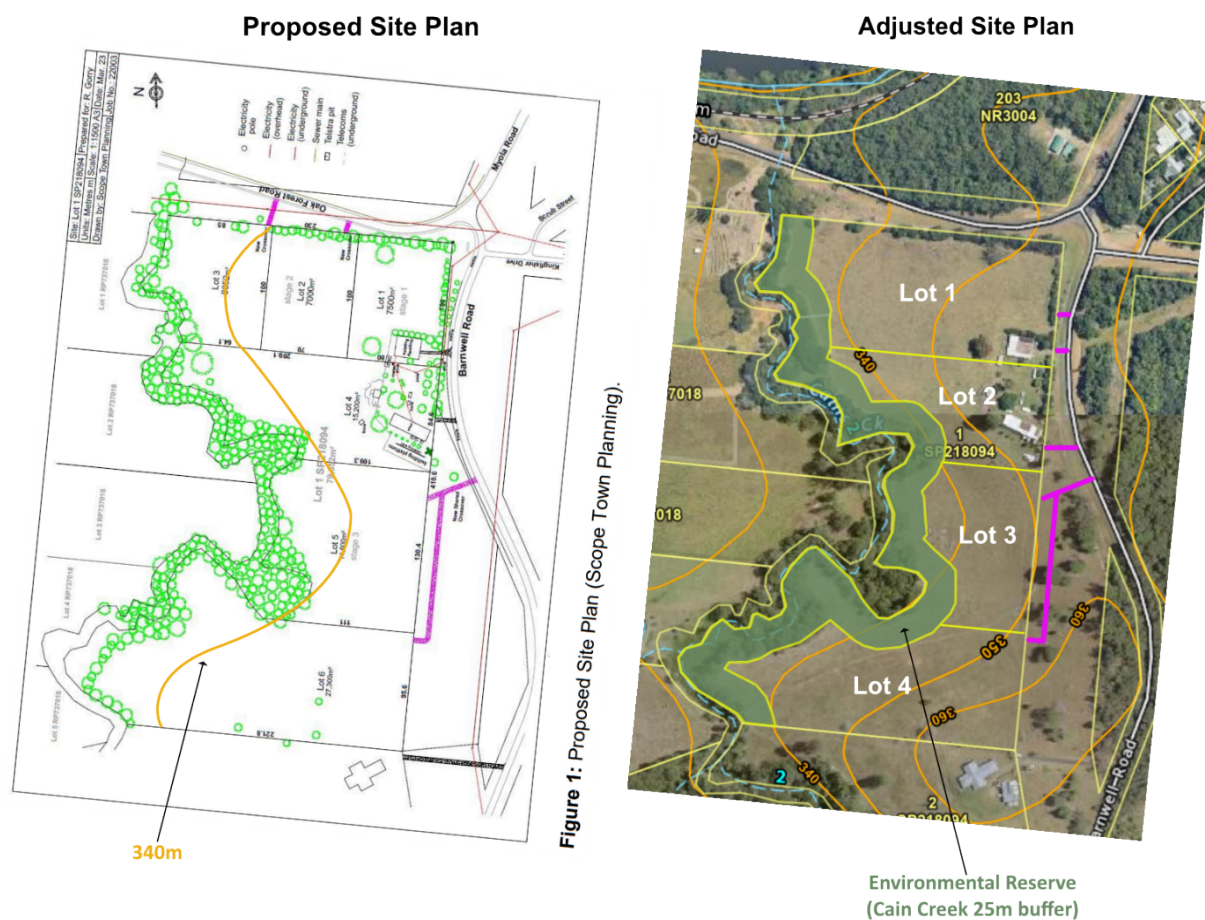
Document Set ID: 4222820  
Version: 1, Version Date: 24/05/2023

Barron River population. All other willdlife such as Southern cassowary would us this corridor. This type of connection has been successfully achieved on Owen creek in the past 30 years as the Kuranda Tree frog has established small populations all along Owen creek from the mouth for 1 km upstream as per Dr Conrad Hoskins Kuranda frog range survey 2018. (part of the report within the Kur World EIS documentation).

Kind regards  
Shannon Clarke

Document Set ID: 4222820  
Version: 1, Version Date: 24/05/2023

22003 – ROL – 12 Barnwell Road, Kuranda Qld. 4881



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Version: 1, Version Date: 24/05/2023



PO Box 494 Kuranda 4881

Phone: 07 4093 8989 (nursery)

0419 624 940 (Cathy)

Email: [info@envirocare.org.au](mailto:info@envirocare.org.au)Web Site: [www.envirocare.org.au](http://www.envirocare.org.au)

**Regarding Submission re RAL23003**  
**Application for Development Permit for Reconfigure a lot (1 lot to 6 lots)**  
**12 Barnwell Road - Lot 1 SP 218094**

To the Assessment Manager:

**About the submitter:**

Kuranda Envirocare has been a landcare group in the Kuranda region since 1994. We seek to repair and conserve biodiversity in our area. This involves advocacy for biodiversity and the environment in general. Besides planning trees in order to increase habitat and habitat linkages, this entails ensuring that vital habitat for threatened species is preserved and extended as adequately as possible. We review Development applications during periods of public submissions and often make submissions on behalf of the threatened and endangered flora and fauna in our area since they cannot advocate for themselves. Changes to the Planning processes and especially to the process for assessing Development applications is of vital interest in our advocacy role.

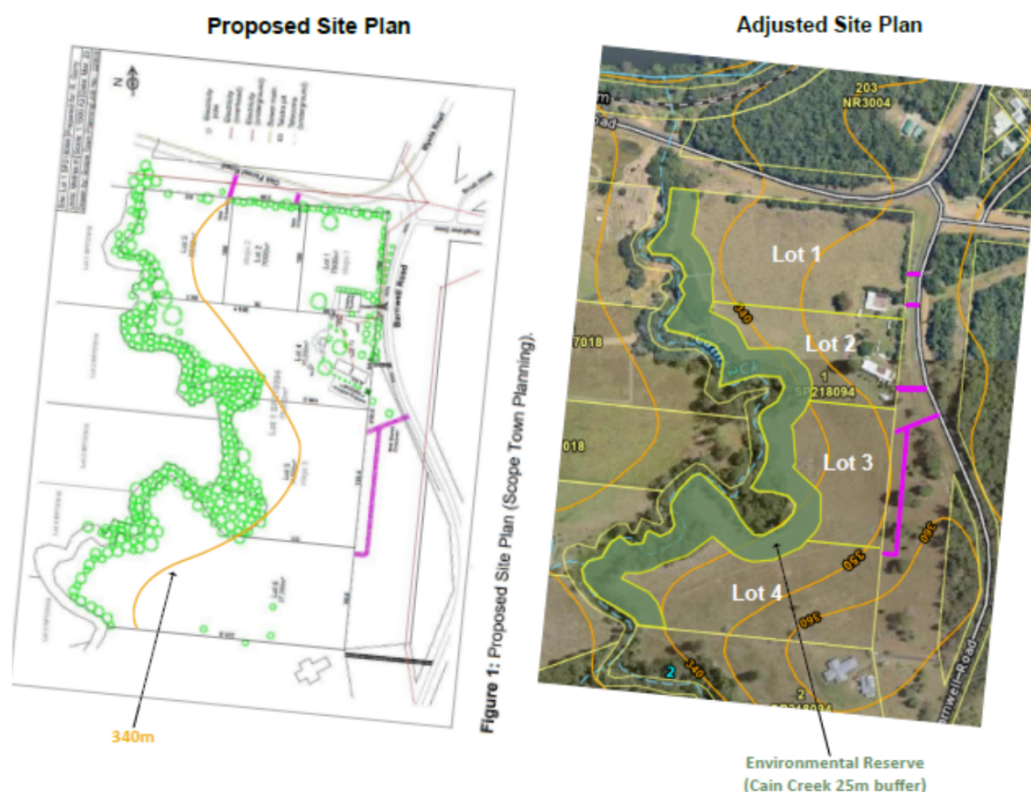
We note in particular that the matters of local environmental significance overlay - which was agreed by council around 2018 and drafted around 2019 - has not been put forward for public submission and inclusion in the Planning scheme, despite several requests from various Kuranda environment groups and several amendment cycles to the MSC Planning scheme 2016. Those local matters amendments do have relevance for this application.

**Summary of issues in the DA :-**

Item	Note	Solution
Planning Scheme	Rural Residential C - 2 Hectare Precinct	Reduce to 4 lots for Precinct C
Settlement Pattern	Lot 1, 2, 3 are not within the settlement pattern size, eg. adjoining Monaro, High Chapparal	Reduce to 4 lots for Precinct C
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### The significance of this Cain Creek area



### The significance of this Cain Creek area

Kuranda Envirocare has been receiving grants for the rehabilitation of the creek line and buffers on Cain Creek since 2020, through the Queensland Government Community Sustainability Action Program. This Cain Creek has been degraded due to clearing of vegetation right to the creek side during the 1960s and 1970s while being used as cattle property. This also occurred on Owen Creek prior to the subdivision of Monaro Close and High Chapparal. When subdivisions on Owen and Cain Creeks occurred in the late 1970s and early 80s, the creek line from low bank was excluded from the freehold titles at that time and the ownership vested in DNR with management oversight by local council.

The critically endangered Kuranda tree frog is present at the Cain Creek mouth to the Barron and there is a small population of Kuranda tree frog in the Barnwell road reserve and treed area in the two adjoining properties upstream, namely Lot 16 SP304952 and Lot 17 SP296830.

Our grant funded restoration works have included weeding and replanting the riparian and creek buffers to create a wildlife corridor for the Kuranda

tree frog to connect the Barron river population with the upper Cain Creek population and for travel by other keystone species such as the Southern cassowary, connecting across the landscape. To date we have planted over 8,000 trees on this creek on 3 private properties which adjoin the creek. We are also working with Queensland Rail during their replacement of the wooden railway bridge piers; future revegetation under the railway bridge corridor will allow immediate connection to our upstream plantings. QRail have recognised the corporate risk associated with inaction or negative actions regarding connectivity improvement for this critically endangered species.

#### **Detail of issues with the DA regarding the MSC Planning scheme**

As of right this property is within the MSC Planning Scheme Precinct C and as such the subdivision should only be allowed to divide into three lots.

This property is not within the Myola settlement plan and so all lots for precinct C should be 2Ha or more.

For four lots, one would need 8 Ha and this block is less than that, at 7.5 Ha. However, we concede that there is sufficient road frontage on Barnwell Road for four lots to be established.

Proposed access onto Barnwell Road for the proposed Lot 2 and 3 would create negative traffic conditions as there is poor visibility on this section of Oakforest Road.

The overland flow of water from proposed Lot 1 across Lots 2 and 3 would introduce neighbour issues with the downslope neighbours with uncontrolled storm water runoff. Also proposed Lot 3 would be 75% in the flood overlay zone with little usable land for buildings, especially considering a 25m environmental buffer to the creek (see below).

In concession for approving four lots instead of three, we urge council to establish a 25m environment reserve as per the buffer requirements in the Planning scheme tables for order 2 stream frontage, measured from the creek high bank, and secured with a council covenant and with a third party organisation as co-signatory such as WTMA (to be negotiated).

We have been revegetating on Cain Creek (more than 8,000 trees to date) and we would be able to successfully gain funds to fence and revegetate this council reserve.

The environmental buffer on this creek is 25m due to the stream at this point being order 2. The purpose of the environmental buffer revegetation is to connect the upstream small population of Kuranda tree frog with the Barron River population. All other wildlife such as Southern cassowary would use this corridor. This type of connection has been successfully achieved on Owen Creek in the past 30 years: the Kuranda tree frog has established small populations all along Owen Creek from the mouth for 1 km upstream as per Dr Conrad Hoskins' Kuranda frog range survey 2018 (part of the report within the Kur World EIS documentation).

We are currently working with QRail on long term solutions for the railway bridge corridor section on Cain Creek and the revegetation there in the next few years will connect to plantings already establishing since 2020.

**Conclusion**

We therefore urge council to only approve this application with conditions as outlined above, keeping within the current Planning Scheme.

**I make this submission on behalf of Kuranda Envirocare**

Yours respectfully,



Signed on behalf of Kuranda Envirocare



**SUBMISSION – from R. Edwards and No. Gibbon****RE IMPACT ASSESSABLE RAL230003**

A REVIEW OF MSCPS 2016 – and our comments in red form our submission re RAL230003

**6.2.10 RURAL RESIDENTIAL ZONE CODE****6.2.10.2 purpose**

1) The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.

(2) Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region.

(3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:

(a) The 2 hectare precinct

.....is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;

Proposed RAL230003 should reflect the same character and rural lifestyle of the established rural residential lots opposite the proposed lots on Cain Creek. Lots in Myola township and Scrub Street do not reflect the character of rural residential i.e. rural lifestyle, rural amenity, scenic values etc. These lots are urban in their size and activity.

(b) The 1 hectare precinct

.....is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and

(c) The 4,000sm precinct

.....is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000sm.

Proposed RAL230003 – Lots 1, 2 & 3 are sized at <10,000sm (1ha) and subsequently fall within this 4,000sm precinct. Urban standards of infrastructure are not currently provided in the adjacent Myola township area, eg. Footpaths, parks, reticulated water, sewerage with the Myola township and Scrub Street allotments being very old subdivision areas. They have no relationship to the current requirements of rural residential subdivision as described by MSCPS 2016.

**A REVIEW OF MSCPS 2016 SECTIONS BELOW**

**PROVIDE SUPPORT FOR LOTS IN THE 2HA RANGE (MINIMUM) AND DOES NOT SUPPORT LOTS <2HA.**

**6.2.10 RURAL RESIDENTIAL ZONE CODE****6.2.10.2 purpose**

(4) The purpose of the (Rural Residential Zone) code will be achieved through the following overall outcomes:

- (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;
- (b) Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;

Proposed RAL230003 – Lots 1,2, & 3 are not consistent with 2ha rural residential lots adjacent across Cain Creek. Lots 1,2 & 3 should be increased in size to be a minimum of 2ha.

- (c) Development avoids areas of ecological significance;

Proposed RAL230003 – Lots 1,2, & 3 increase the development density in an area of ecological significance, i.e. kuranda tree frog and Fairyland Environmental Corridor.

- (d) Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;

Proposed RAL230003 – The applicant excludes tourism and recreation from the application but does not address other significant concerns in MSCPS 2016 for the rural residential zone code. This seems to be unnecessary inclusion.

- (e) Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;

Proposed RAL230003 – The smaller sized lots in this submission are rejected because inadequate 'buffers' have been included to avoid septic wastewater impacts to Cain Creek. The proposed Lots 1, 2 & 3 will increase impacts by 3 times compared to the impacts from the surrounding 2ha lots.

- (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct;

The predominate lot size of the lots in the adjacent precinct across Cain Creek is 2ha. Lots 1,2, & 3 are too small to satisfy the established rural lifestyle of existing lot sizes in the area

- (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

The above MSCPS 2016 clause rejects lots <2ha because the surrounding precinct is an established >2ha area. Further subdivision in this area should be a minimum of 2ha.

**A REVIEW OF MSCPS 2016 SECTIONS STATE REQUIREMENTS FOR LOTS >2,500SM****9.4.5.3 Criteria for assessment****Table 9.4.5.3 - Works, services and infrastructure code – For accepted development subject to requirements and assessable development****AO10.2**

For development on land greater than 2,500m<sup>2</sup> or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared.

Reference to a stormwater quality management plan and report has not been included in the Planner's Report. The code requires this to be included as a condition of any approval.

**PO14**

Access to the premises (including driveways and paths) does not have an adverse impact on:  
(a) safety

Oak Forest Road is a major local road. Access from Lots 2 & 3 on to Oak Forest Rd occurs midway down an incline and after a curve around a bend near Barnwell Rd corner.

In winter, this section of road is very hazardous due to the setting sun. There is little to no visibility on this section of road between 4 and 5.30pm, which is one of the busiest parts of the day.

Driveway access (in or out) on to Oak Forest Road would present a major safety issue.

(b) be contained within the premises and not the road reserve

Access to the 6 proposed lots appears to be via road reserve along both Barnwell Road and Oak Forest Road. How will access to the lots be satisfied in this instance?

Please accept this as our submission to this impact assessable development.

With regards,

Robert Edwards and Nicola Gibbon

28 Monaro Close

Kuranda Qld 4881

c/- email: [jandkedwards@bigpond.com](mailto:jandkedwards@bigpond.com)

Date: 17 May 2023

**SUBMISSION RE IMPACT ASSESSABLE DEVELOPMENT APPLICATION TO MSC****REFERENCE: RAL230003 AT Lot 1 on SP218094, 12 BARNWELL ROAD, KURANDA.**

This submission asks that Council **not** approve Lots 1, 2 and 3 of this DA and limit the lot reconfiguration to a total of 4 lots < 2ha in size.

We believe that the amenity and lifestyle of the current rural residential lots will be adversely impacted by this increased density. The current lot sizes are supported by the MSCPS 2016 and should not be changed.

Approval of 4 lots with access onto Barnwell Road, a minor rural road, would be a safer option than access onto Oak Forest Road. Conditions on any DA approval for Lots 2 & 3 would require walkable access to join existing walkable access at the intersection of Barnwell/Myola & Oak Forest Roads Scrub in Myola township.

**Our comments re Planning Application information provided by Scope Town Planning on behalf of Roy Gorry (Part 2, New DA)**

	<b>Comment re MSC Planning Scheme</b>
1	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          6.2.10 Rural Residential Zone Code          The proposed lot to be subdivided is zoned rural residential and is not in a precinct A (&lt;2ha), B (&lt;1ha) or C (4,000sm). However, once the lot is reconfigured via this DA, precincts will be determined.          Lots adjoining and adjacent to the proposed subd. are all zoned Precinct A (2 ha) and have a density consistent with the lifestyle amenity expected in this zone.          The application includes 3 lots which are less than the requirement for both Precincts A &amp; B with the 3 lots 20% less in size than any surrounding lots.          The application suggests that the very old Myola township lots and lots in Scrub Street set a precedent for smaller lot development. This is not realistic with the current MSCPS 2016. If precedent was established, lots in Precincts A &amp; B in Kingfisher Drive and Leila's Way were further subdivided, it would destroy the well-established rural lifestyle amenity of a large area in Myola.  <b>This submission rejects the assumption of precedent and asks that all lots in the proposed subdivision be more than 2ha as per the current MSC Planning Scheme 2016 requirements.</b></p>
2	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          8.2.4 Environmental Significance Overlay Code          Cain Creek forms the western boundary of the land to be subdivided. The area has significant environmental importance and lots 1,2 &amp; 3 will create unacceptable increased density in the area close to the mouth of Cain Creek and the Barron River. For example: increased noise from vehicles and domestic animals.          It is also noted that Kuranda Envirocare have recently planted along Cain Creek and the proposed frontages of Lots 2 &amp; 3 in recognition of the environmental significance of this area.</p>
3	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          8.2.6 Flood Hazard Overlay Code          Cain Creek floods. The known flood height can be measured to the base of the iron railway tracks adjacent to lot 3. Much of the land in lot 3 will flood and there may be</p>

	access issues to the lot and environmental damage to the creek from overland waterflow with any increased density of development.
4	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Parking and Access Code</p> <p>Driveway infrastructure for Lots 2 &amp; 3 will access Oak Forest Road on a downhill curve to the dip in the road over Cain Creek. In addition, Oak Forest Road is classified as a major rural road with a high traffic count. These driveway accesses may create traffic safety issues, but traffic safety has been omitted from the planner's report.</p>
5	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Parking and Access Code</p> <p>For smaller lot sizes @ &lt; 1ha some pedestrian infrastructure is expected. No pedestrian access has been allocated along Oak Forest Rd with walking available only on the edge of this busy sealed road. The road verges have high grass and are not walkable. School bus access will be unsafe.</p> <p>Walking access was a major public complaint issue for Council when the Myola/Oak Forest Rd was resealed about 7 years ago because Council's design used the walking access area for road widening in front of the Myola township.</p> <p>If Council approves Lots 1, 2 &amp; 3, then connective infrastructure to join the Myola walking access is a necessary safer issue. This walking access is also in place in front of 279 Myola Rd, which is also a lot &lt;1ha.</p>
6	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Works, Services and Infrastructure Code</p> <p>The application suggests that reticulated sewerage and water connections 'may' be available (p.12 Part 2). This is incorrect and misleading.</p> <p>Whilst this DA is not for building, the lots are intended for rural residential living.</p> <p>Lot 3 has flood hazard issues from Cain Creek at its western boundary. Any bore location would need to be safe from flood.</p> <p>Lot 2 has no access to a water supply at Cain Creek.</p> <p>Building certification issues may arise with the required minimum building code distances between the locations of bore water and septic trenches.</p>

Signed by: \_\_\_\_\_

Name: Laurie Moller

Address: 29 Monaro Close, Kuranda. Qld. 4881.

Email: [c/-\\_jandkedwards@bigpond.com](mailto:c/-_jandkedwards@bigpond.com)

**From:** "Margaret Genever" <kurandaconservation@hotmail.com>  
**Sent:** Sun, 21 May 2023 17:50:06 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** SUBMISSION RE IMPACT ASSESSABLE DEVELOPMENT APPLICATION RAL230003, Lot 1 on SP218094, 12 BARNWELL ROAD, KURANDA.  
**Attachments:** 12 Barnwell Road subdiv to 6 lots May23.docx  
**Categories:** Added to ECM

Please find attached Kuranda Conservation's submission re 12 Barnwell Road proposed subdivision.



**KURANDA**  
**conservation**  
**COMMUNITY NURSERY Inc**

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

Donations \$2 and over to our Gift Fund are tax deductible and fund our program to preserve the Cassowary

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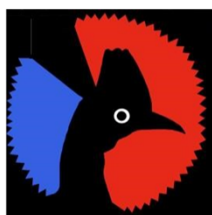
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**KURANDA**  
**conservation**  
**COMMUNITY NURSERY Inc**

21 May 2023

Mareeba Shire Council  
info@msc.qld.gov.au

**SUBMISSION RE IMPACT ASSESSABLE DEVELOPMENT APPLICATION  
RAL230003, Lot 1 on SP218094, 12 BARNWELL ROAD, KURANDA.**

This submission calls for:

- reduction of Development Approval from 6 lots to 4 to ensure that all lots are more than 2ha as required in the MSC Planning Scheme 2016, to be achieved by eliminating Lots 2 and 3 and bringing Lot 1 up to acceptable size;
- the Cain Creek environmental buffer be increased to 25m from the high bank. Cain Creek, as with all waterways, needs to be protected from human development. All creeks need to be protected by as much natural vegetation as possible. The creek is also under threat of pollution by increased runoff and land use including sewerage and grey water. Eliminating Lots 2 and 3 will lessen this impact. The environmental buffer to Cain Creek should be zoned "Conservation" where no human intrusion is allowed.

These adjustments solve the issues of:

- flooding (most of the proposed Lot 3 would be under water in the event of flooding, possibly annually)
- vehicle safety from property driveways onto Oak Forest Road (driveways on to Oak Forest Road from proposed Lots 2 and 3 would lead to vehicles entering at a dangerous, downhill sweep where speed limits are regularly abused on this increasingly busy road. Eliminating Lots 2 and 3 solve this issue.)
- pedestrian safety (There are no footpaths proposed at the locations where residents would access the area between their properties and the road side. Eliminating Lots 2 and 3 solve this issue.)
- bushfire hazards. (Eliminating Lots 2 and 3 would reduce loss and danger to property and people.. Council has a duty of care.)

.We trust these considerations will be taken into account.

Jax Bergersen  
Secretary

*Innovation in Conservation*

Innovators are leaders, not followers

**From:** "Ken Lee" <ken.lee@kurcowfarm.com.au>  
**Sent:** Tue, 23 May 2023 08:17:32 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Support of sub division application number RAL/23/0003  
**Categories:** Added to ECM

To Whom it may concern,

I am writing this e mail to support the sub division on Barnwell Road Kuranda, application number RAL/23/0003.

Best Regards,

Ken Lee

**KUR-Cow Barnwell Farm**

**+61416920423 : +617 42300580**

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



Document Set ID: 4222065  
Version: 1, Version Date: 23/05/2023



**From:** "Kathryn" <jandkedwards@bigpond.com>  
**Sent:** Wed, 10 May 2023 19:29:22 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission re RAL230003 AT Lot 1 on SP218094, 12 BARNWELL ROAD, KURANDA.  
**Attachments:** McLAUGHLIN SUBMISSION RE IMPACT ASSESSABLE DEVELOPMENT APPLICATION TO MSC.docx  
**Categories:** Added to ECM

Please find our submission re the planning DA for RAL 23003. We are currently holidaying and have asked our neighbour to submit this application on our behalf.

With regards,  
Neil and Julie McLaughlin  
41 Monaro Close,  
Kuranda.

Document Set ID: 4218768  
Version: 1, Version Date: 11/05/2023

**SUBMISSION RE IMPACT ASSESSABLE DEVELOPMENT APPLICATION TO MSC****REFERENCE: RAL230003 AT Lot 1 on SP218094, 12 BARNWELL ROAD, KURANDA.**

This submission asks that Council **not** approve Lots 1, 2 and 3 of this DA and limit the lot reconfiguration to a total of 4 lots < 2ha in size.

We believe that the amenity and lifestyle of the current rural residential lots will be adversely impacted by this increased density. The current lot sizes are supported by the MSCPS 2016 and should not be changed.

Approval of 4 lots with access onto Barnwell Road, a minor rural road, would be a safer option than access onto Oak Forest Road. Conditions on any DA approval for Lots 2 & 3 would require walkable access to join existing walkable access at the intersection of Barnwell/Myola & Oak Forest Roads Scrub in Myola township.

**Our comments re Planning Application information provided by Scope Town Planning on behalf of Roy Gorry (Part 2, New DA)**

	<b>Comment re MSC Planning Scheme</b>
1	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          6.2.10 Rural Residential Zone Code          The proposed lot to be subdivided is zoned rural residential and is not in a precinct A (&lt;2ha), B (&lt;1ha) or C (4,000sm). However, once the lot is reconfigured via this DA, precincts will be determined.          Lots adjoining and adjacent to the proposed subd. are all zoned Precinct A (2 ha) and have a density consistent with the lifestyle amenity expected in this zone.          The application includes 3 lots which are less than the requirement for both Precincts A &amp; B with the 3 lots 20% less in size than any surrounding lots.          The application suggests that the very old Myola township lots and lots in Scrub Street set a precedent for smaller lot development. This is not realistic with the current MSCPS 2016. If precedent was established, lots in Precincts A &amp; B in Kingfisher Drive and Leila's Way were further subdivided, it would destroy the well-established rural lifestyle amenity of a large area in Myola.  <b>This submission rejects the assumption of precedent and asks that all lots in the proposed subdivision be more than 2ha as per the current MSC Planning Scheme 2016 requirements.</b></p>
2	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          8.2.4 Environmental Significance Overlay Code          Cain Creek forms the western boundary of the land to be subdivided. The area has significant environmental importance and lots 1,2 &amp; 3 will create unacceptable increased density in the area close to the mouth of Cain Creek and the Barron River. For example: increased noise from vehicles and domestic animals.          It is also noted that Kuranda Envirocare have recently planted along Cain Creek and the proposed frontages of Lots 2 &amp; 3 in recognition of the environmental significance of this area.</p>
3	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          8.2.6 Flood Hazard Overlay Code          Cain Creek floods. The known flood height can be measured to the base of the iron railway tracks adjacent to lot 3. Much of the land in lot 3 will flood and there may be</p>

	access issues to the lot and environmental damage to the creek from overland waterflow with any increased density of development.
4	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Parking and Access Code</p> <p>Driveway infrastructure for Lots 2 &amp; 3 will access Oak Forest Road on a downhill curve to the dip in the road over Cain Creek. In addition, Oak Forest Road is classified as a major rural road with a high traffic count. These driveway accesses may create traffic safety issues, but traffic safety has been omitted from the planner's report.</p>
5	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Parking and Access Code</p> <p>For smaller lot sizes @ &lt; 1ha some pedestrian infrastructure is expected. No pedestrian access has been allocated along Oak Forest Rd with walking available only on the edge of this busy sealed road. The road verges have high grass and are not walkable. School bus access will be unsafe.</p> <p>Walking access was a major public complaint issue for Council when the Myola/Oak Forest Rd was resealed about 7 years ago because Council's design used the walking access area for road widening in front of the Myola township.</p> <p>If Council approves Lots 1, 2 &amp; 3, then connective infrastructure to join the Myola walking access is a necessary safer issue. This walking access is also in place in front of 279 Myola Rd, which is also a lot &lt;1ha.</p>
6	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Works, Services and Infrastructure Code</p> <p>The application suggests that reticulated sewerage and water connections 'may' be available (p.12 Part 2). This is incorrect and misleading.</p> <p>Whilst this DA is not for building, the lots are intended for rural residential living.</p> <p>Lot 3 has flood hazard issues from Cain Creek at its western boundary. Any bore location would need to be safe from flood.</p> <p>Lot 2 has no access to a water supply at Cain Creek.</p> <p>Building certification issues may arise with the required minimum building code distances between the locations of bore water and septic trenches.</p>

Signed by: \_\_\_\_\_

Name: Neil and Julie McLaughlin

Address: 41 Monaro Close, Kuranda. Qld. 4881.

Email: [outoftheblueduo@yahoo.com.au](mailto:outoftheblueduo@yahoo.com.au)

**SUBMISSION RE IMPACT ASSESSABLE DEVELOPMENT APPLICATION TO MSC****REFERENCE: RAL230003 AT Lot 1 on SP218094, 12 BARNWELL ROAD, KURANDA.**

This submission asks that Council **not** approve Lots 1, 2 and 3 of this DA and limit the lot reconfiguration to a total of 4 lots < 2ha in size.

We believe that the amenity and lifestyle of the current rural residential lots will be adversely impacted by this increased density. The current lot sizes are supported by the MSCPS 2016 and should not be changed.

Approval of 4 lots with access onto Barnwell Road, a minor rural road, would be a safer option than access onto Oak Forest Road. Conditions on any DA approval for Lots 2 & 3 would require walkable access to join existing walkable access at the intersection of Barnwell/Myola & Oak Forest Roads Scrub in Myola township.

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3	<p><b>Application Summary p.3</b>  <b>Applicable Planning Codes</b>          8.2.6 Flood Hazard Overlay Code          Cain Creek floods. The known flood height can be measured to the base of the iron railway tracks adjacent to lot 3. Much of the land in lot 3 will flood and there may be</p>

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 Version: 1, Version Date: 10/05/2023

	access issues to the lot and environmental damage to the creek from overland waterflow with any increased density of development.
4	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Parking and Access Code</p> <p>Driveway infrastructure for Lots 2 &amp; 3 will access Oak Forest Road on a downhill curve to the dip in the road over Cain Creek. In addition, Oak Forest Road is classified as a major rural road with a high traffic count. These driveway accesses may create traffic safety issues, but traffic safety has been omitted from the planner's report.</p>
5	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Parking and Access Code</p> <p>For smaller lot sizes @ &lt; 1ha some pedestrian infrastructure is expected. No pedestrian access has been allocated along Oak Forest Rd with walking available only on the edge of this busy sealed road. The road verges have high grass and are not walkable. School bus access will be unsafe.</p> <p>Walking access was a major public complaint issue for Council when the Myola/Oak Forest Rd was resealed about 7 years ago because Council's design used the walking access area for road widening in front of the Myola township.</p> <p>If Council approves Lots 1, 2 &amp; 3, then connective infrastructure to join the Myola walking access is a necessary safer issue. This walking access is also in place in front of 279 Myola Rd, which is also a lot &lt;1ha.</p>
6	<p><b>Application Summary p.3</b></p> <p><b>Applicable Planning Codes</b></p> <p>Works, Services and Infrastructure Code</p> <p>The application suggests that reticulated sewerage and water connections 'may' be available (p.12 Part 2). This is incorrect and misleading.</p> <p>Whilst this DA is not for building, the lots are intended for rural residential living.</p> <p>Lot 3 has flood hazard issues from Cain Creek at its western boundary. Any bore location would need to be safe from flood.</p> <p>Lot 2 has no access to a water supply at Cain Creek.</p> <p>Building certification issues may arise with the required minimum building code distances between the locations of bore water and septic trenches.</p>

Signed by: \_\_\_\_\_

Name: John and Kathryn Edwards

Address: 28 Monaro Close, Kuranda. Qld. 4881.

Email: jandkedwards@bigpond.com

**From:** "Kiera Sheppard" <kiera.sheppard@hotmail.com>  
**Sent:** Tue, 9 May 2023 18:26:38 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** RAL/23/0003  
**Categories:** Added to ECM

I am writing in support of the development at 12 Barnwell Road Kuranda- RAL/23/0003.  
I look forward to the development and expansion of our beautiful community.

With thanks,

Kiera Sheppard

Document Set ID: 4218455  
Version: 1, Version Date: 10/05/2023

23 May 2023, Kuranda  
Page 1 of 4

**Ref: Proposal Development Submission – Olav Groot**  
**Development Permit ref RAL/23/003**  
**12 Barnwell Road**  
**Lot 1 on SP218094**

**From: Olav Groot**  
**62 Barnwell Road**  
**4881 Kuranda**  
**m.0488351100**  
**e.olavgroot@mail.com**

**Attn: To whom it may concern**  
**Mareeba Shire Council**  
65 Rankin St. Mareeba Qld 4880  
[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)  
[deep@msc.qld.gov.au](mailto:deep@msc.qld.gov.au)  
[planning@msc.qld.gov.au](mailto:planning@msc.qld.gov.au)  
t. 1300 3308 461

Dear Sir/ Madam,

I reside in the Mareeba Shire Council and I welcome smart, sustainable and compliant developments. The proposed development submission relating to 12 Barnwell Road is not smart, it is not sustainable and it not compliant. Local residents, as am I, are consequently concerned about the proposal.

**I therefore hereby register the following objections in relation to reference application (12 Barnwell Road);**

- 1. The proposed development does not fit within the established character of the area and is considered out of context for the locality. It will result in further fragmentation of land holdings and it is designed to enable expansion of rural residential development which is inconsistent with planning instruments.**
- 2. The application is inconsistent with the Far North Queensland Regional Plan 2009-2031 which states that Myola Valley is a 'Rural Landscape and rural production area (RLRPA)', with non-urban values. The RLRPA protects these areas from encroachment by inappropriate development, particularly urban and rural residential development.**

*Objection- Development Permit ref RAL/23/003*

*O. Groot*

*23 May 2023*

**3. The FNQ Regulatory provisions restrict further fragmentation of land holdings and expansion of rural residential development in the RLRPA.**

The plan states that 'Myola is not considered necessary for urban development for the life of this regional plan' and that Kuranda region 'social aspirations' do not include urbanisation of the Myola Valley.

The sustainable planning act notes that if there is an inconsistency between a regional plan and a local planning instrument, the regional plan prevails. To the extend of any inconsistency; a regional plan applies instead of a local planning instrument.

**4. Further to this the area earmarked for the development is in part an essential wildlife habitat to endangered species.** Ranoidea myola, commonly known as the Kuranda tree frog or Myola tree frog, is a critically endangered species of frog in the subfamily Pelodyadinae. It is mainly found in tributaries and creeks flowing to/from the Barron river around Kuranda, Myola, Kowrowa and Oak Forest. **This species is threatened by habitat destruction and its habitat is on the proposed subdivision.**

**5. In addition; Enabling Infrastructure in the area, including Power (Electrical Network), Water supply, Wastewater disposal and Access to the proposed lots all require further, careful consideration.**

I would also like to note that, I received, on 8 May 2023, advice that a reconfiguration of the adjacent lot from 1 to 6 lots was subject to a proposed development. On 9 May I emailed a request for the application to the Mareeba Shire Council. On 12 May I followed up the request for the application. I only received the application and development details today 23 May 2023<sup>1</sup>; one day prior to the due date for submissions.

In the event therefore, that Mareeba Council requires a more detailed submission, I request an extended timeline. Noting that it is 23 May, with submissions closing 24 May.

**Notwithstanding this I hereby register (in addition to those noted above) the following objections to the documents posted online.**

<b>Application reference</b>	<b>Objection</b>	<b>Notes</b>
Cover page	The cover page notes 'planning for locals'; this is misleading and so are the applicant's details, because the applicant is, to my knowledge not a local resident.	Noted
Page 3, Applicable Planning Codes	The planning codes list provided is incomplete.	Noted

<sup>1</sup> Attached for reference

Objection- Development Permit ref RAL/23/003

O. Groot

23 May 2023



Page 5, 1.2.1 development staging	The development brings into question the applicants resources in properly executing a proposed development.	Noted
Page 5, 1.3, 'the site is cleared of native vegetation'	Although largely cleared there is native vegetation on the property and subdivision will require clearing.	Assessment required
Page 9, 1.4.1 Electrical Network	The current network is unreliable, and upgrades will be required.	Assessment required
Page 12, 1.4.3 Water supply	All proposed lots will require bores or alternative supplies according to the document- suggesting insufficient infrastructure is available.	Assessment required
Page 12, 1.4.4 waste water disposal	Wastewater disposal- insufficient infrastructure is in place and existing septic pit is referenced (to be assessed for compliance).	Assessment required
Page 13, 1.4.5 Access	Access will require clearing in way of additional culverts referenced.	Assessment required
Page 15, 2.2 Strategic Framework.	The proposed development DOES NOT meet the MSPS Strategic Framework.	Not compliant
Page 17, 2.2.1, 3.3.10.1 (1)	The very nature of this application results in fragmentation AND loss of biodiversity areas. The suggestion is that 6 lots (5 additional lots) can support similar 'small scale' rural activities; this is not correct.	Not compliant
Page 17, 2.2.1, 3.3.10.1 (2)	The existing rural living character cannot be maintained with 5 additional new developments. Appropriate levels of infrastructure requires assessment.	Not compliant
Page 17, 2.2.1, 3.3.10.1 (3)	The development increases density and it has no proximate activity centres/ social infrastructure in the direct vicinity (Kuranda is several kms)	To be verified
Page 17, 2.2.1, 3.3.10.1 (4)	The development suggests that by applying differing sizes that the arrangement accommodate the varying scale, however this is a historic lot size and further subdivision is therefore inconsistent with historic sizes.	To be assessed
Page 18, 2.2.1, 3.3.10.1 (5)	The amenity expectation is adversely effected by the proposed development	Not compliant

Objection- Development Permit ref RAL/23/003

O. Groot

23 May 2023

Page 18, 2.3, stage agency referral items	The site has native vegetation and the suggestion it does not trigger SARA should be assessed by a suitably qualified professional.	To be assessed
Page 18, 4, Recommendation	The scope town planning recommendation is biased and the report cannot be relied upon. It was commissioned with the objective to develop the site.	Noted
DA form ;4, in or adjacent to a water body or watercourse or in or above an aquifer	Ticked as 'unknown' ; however several of the proposed lots border the watercourse.	Noted
DA form 23; Does this development application involve clearing native vegetation	Ticked as 'NO'; however clearing will be required;	To be assessed
Appendix 1; Code assessment	There are several specific references to codes with are stated to be compliant and /or n/a, which are in fact non compliant and/ or applicable; a thorough independent review of code compliance is subsequently recommended.	Independent verification required

I look forward to your advise in relation to RAL/23/003.

If you require any additional information, or clarifications, please contact me,

Yours Sincerely,



Olav Groot

*Objection- Development Permit ref RAL/23/003*

*O. Groot*

*23 May 2023*

**From:** [sarah.arrowsmith@bigpond.com](mailto:sarah.arrowsmith@bigpond.com)  
**To:** [Planning](#)  
**Subject:** SUBMISSION RE: APPLICATION FOR DEVELOPMENT PERMIT RAL/23/0003 - BARNWELL ROAD, KURANDA - RECONFIGURATION OF LOT  
**Date:** Wednesday, 24 May 2023 12:18:19 PM

---

Dear Sir/Madam,

**SUBMISSION RE: APPLICATION FOR DEVELOPMENT PERMIT RAL/23/0003 – BARNWELL ROAD, KURANDA - RECONFIGURATION OF LOT**

Please accept the following submission in opposition to the development application referred to above.

The proposed reconfiguration of lot is opposed as it is not appropriate for the area, does not meet requirements of the Far North Queensland Regional Plan 2009-2031 and the Mareeba Shire Council Planning Scheme 2016, and would have impacts that are not compatible with Matters of State Environmental Significance.

Myola is an area of ecological significance with a range of important environmental values that are reflected in various overlays at both the State and local government level.

As outlined below, the proposed development:

- is not appropriate for rural residential zoning areas and the limited services provided to these areas;
- is not consistent with the size of lots in the surrounding area or its visual amenity;
- does not allow for the protection of environmental features;
- does not contribute to housing affordability or respect the nature and density of surrounding land uses; and
- would set a dangerous precedent for future applications for inappropriate developments in the area.

The application also seeks to avoid addressing the impacts of the intended use of the proposed new lots. The application continuously states that the purpose of the reconfiguration of lot is for future dwelling construction, but takes no responsibility for the associated impacts of the purpose of the subdivision and does not take the intended usage into account in addressing the assessable codes.

RURAL RESIDENTIAL ZONING

The application seeks to create 6 lots out of 1 existing lot in rural residential zoning.

The Far North Queensland Regional Plan 2009-2031 (FNQRP) identifies the lot as within Regional Landscape and Rural Production Area, and protects these areas from encroachment by inappropriate development (including rural residential development). The FNQRP Regulatory Provisions specifically restrict fragmentation of landholdings and the expansion of rural residential development.

The FNQRP also specifically ruled out residential development in the Myola area for a number of reasons, including:

- the intent to consolidate population growth around urban centres that provide employment and services;
- the need to avoid increasing the load on the Kuranda Range Road; and
- the need to avoid increasing traffic due to fuel prices and oil supply vulnerability.

Local employment opportunities are limited and a large number of residents are already required to travel to Cairns or Mareeba, placing further load on these already stretched roads.

In addition to the rapidly increasing traffic load on the Kuranda Range, there is already significant pressure on Myola Road and Oak Forest Road, which is experiencing severe wear and requiring increasingly regular repairs. Increasing rural residential lots in Myola will add a further burden on the local roads, and increase the already problematic amount of speeding and wildlife deaths on both Myola and Oak Forest Roads.

#### MAREEBA SHIRE COUNCIL PLANNING SCHEME

The Mareeba Shire Council Planning Scheme 2016 (MSCPS) requires that proposed lot sizes are consistent with other similar lots in the vicinity. The proposed lot sizes of this application (particularly lots 1, 2 and 3) are not consistent with other rural residential lots in the vicinity.

Where the application refers to smaller lots in the vicinity, it must be noted that the smaller lots referred to are on Myola Road preceding the lot in question and are within a different zone (Low Density Residential). The proposed reconfiguration of lot site is not in the Low Residential Density area and that area should have no bearing on this application.

It must also be noted that offering different sized lots will not address the accommodation crisis, as based on current land and housing construction prices, these lots will be priced out of the majority of existing local family's financial reach.

The application agrees that it does not comply with rural residential zone Performance Outcome PO13 which does not allow the creation of new lots (except in specific precincts). The application proposes that this non-compliance be ignored due to previous similar approvals in the surrounding area. Such an approach to development applications would be unacceptable and highly inappropriate, and of extreme concern in relation to precedent setting, and cumulative impacts of continued failure to comply with the planning scheme and various other protective regulations and requirements, etc.

#### SERVICES

The application does not address issues around the lack of reticulated town water or sewerage, proposing that the provision of these services will be the responsibility of future owners who will need to install bores and on-site sewerage systems.

The installation of an additional 5 bores over the small area on which the lots are situated will place an unacceptable load on the local aquifer, impacting on the provision of water supplies to both existing users and new installations alike.

The installation of on-site sewerage treatment systems will also be problematic due to the

regular monsoon rainfall experienced by the area, and the proximity of the watercourse (Cains Creek) at the bottom of the sloping lots which feeds directly into the Barron River and hence the Great Barrier Reef (defined watercourse under Matter of State Significance).

#### ENVIRONMENTAL IMPACTS

The proposed development is situated in an ecological corridor, in a small, partly-cleared pocket between extensive areas of Regulated Vegetation (Essential Habitat) and Wildlife Habitat (endangered or vulnerable). As such, the existing lot is open space across which wildlife move between these more vegetated areas. Allowing such a significant increase in lots (and associated dwellings) within the space would further fragment connectivity in this area and compromise habitat integrity, including by increasing the potential for predation on wildlife through the introduction of more domestic animals (cats and dogs). As Mareeba Shire currently has no regulations requiring that cats must be kept indoors, roaming cats (both feral and domestic) are severely impacting native wildlife in the area. Domestic dogs continue to roam outside of their residences and are regularly witnessed attacking and killing native wildlife.

As well as the place-based values of Myola itself (including endemic and other protected species), the wider environmental values of the Myola area provide valuable support and enhancement of connectivity adjacent to the narrowest part of the Wet Tropics World Heritage Area.

Proposed lots 3, 4, 5, and 6 back onto the watercourse (Cains Creek) at the bottom of the lot, which is a defined watercourse under Matter of State Environmental Significance – Regulated Vegetation and under category R – Great Barrier Reef riverine. As mentioned previously, given the high degree of slope on the blocks and the extremely high rainfall experienced during the annual monsoon season, there would be an increased risk of high stormwater flows from increased hard surfaces and leakage of sewerage from on-site systems, causing detrimental impacts on Cains Creek and hence the Barron River and Great Barrier Reef.

#### INTENDED USE OF PROPOSED LOTS (CONSTRUCTION OF DWELLINGS)

The purpose for reconfiguring the lot is clearly and continually stated in the application to be for the future construction of dwellings on each new lot. Any impacts expected to stem from construction of dwellings (ie. clearing of native vegetation, run-off of sediment from excavations/earthworks, etc) as well as the impacts associated with increased rural residential population in the Myola area, must therefore be considered as well. It is disingenuous of the application to state that any impacts caused by the intended use of the lots are not to be taken into consideration. The key intention of restricting development of rural residential lots (such as the proposed development) is to limit the known impacts, especially in ecologically significant areas such as Myola.

In conclusion, based on the above, this submission requests that the development application NOT be approved.

Should this submission require additional information or need to be properly submitted via another means, please advise as soon as possible.

Yours faithfully,

Sarah Arrowsmith  
11 Fairyland Road  
Kuranda QLD 4881  
0410 637281



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**From:** "john.dyer23@bigpond.com" <john.dyer23@bigpond.com>  
**Sent:** Tue, 23 May 2023 17:58:30 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Development Submission against RAL230003 (12 Barnell Road)  
**Attachments:** Development Submission against RAL230003 (12 Barnell Road).pdf  
**Categories:** Added to ECM

Sir / Madam,

Please find attached a PDF copy of our submission against the application for reconfiguration of Lot 1 on SP218094, at 12 Barnwell Road, Kuranda.

This joint submission has been made by ;

John Dyer owner of Lot 2 on RP737018 and  
Brian & Bronwyn Parker owners of Lot 1 on

RP737018

Regards

John Dyer



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Document Set ID: 4222671  
Version: 1, Version Date: 24/05/2023

23.05.2023

Mr. J. Dyer  
Mr. B. Parker & Mrs. B. Parker

## Development Submission

23 Monaro Close, Kuranda QLD 4881  
11 Monaro Close, Kuranda QLD 4881

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

Via Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam

**SUBMISSION AGAINST APPLICATION FOR RECONFIGURATION  
12 BARNELL ROAD, KURANDA – LOT 1 ON SP218094  
RAL230003**

We, Mr. J. Dyer, Mr. B. Parker and Mrs. B. Parker are the respective owners of 23 Monaro Close, and 11 Monaro Close, (Lots 2 & 1 on RP737018), directly adjoining the development site.

With reference to the aforementioned matter, we hereby provide a formal submission against the proposed development for Reconfiguring a Lot (1 Lot into 6 Lots) at the above site. This submission is made in accordance with *Schedule 2 of the Planning Act 2016* and is to be considered a properly made submission. For clarity, it is noted that this submission is based upon the description provided within the supplied Planning Report, rather than the description provided within the applicable DA Form (1 Lot into 7 Lots).

We object to the above development with regard to the following matters:

- Zoning & Local Amenity (Reconfiguration outside of a Rural Residential Precinct);
- Flood immunity and safety within Proposed Lot 3; and
- Service Provision.

Under the Mareeba Shire Council Planning Scheme 2016, the subject land is located within the Rural Residential Zone, not included within any Precinct. Section 6.2.10.2 (4) (h) of the Scheme states that:

*"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."*

The proposed reconfiguration is completely contrary to the Planning Scheme's intent for the land. Our view is that upon consideration of the environmental, physical and social infrastructure constraints of the site and





surrounding locality, the reconfiguration is not appropriate for implementation. In particular, Lots 1 through 3 pose great concern for the ongoing safety of users and form the basis of concern for the application. It is noted that the majority of Proposed Lot 3 is depicted as containing risk of flooding, raising questions about the future viability of development on site, the potential negative implications of earthworks for flood proofing, and the displacement of flood waters thereof. It is further objected that the lot sizes are considered 'appropriate for the local area', with no new lots in the immediate vicinity (or basic Rural Residential zone) containing a size in comparison to the reduced proposed Lots 1 through 3 (between 7,000 and 8,000m<sup>2</sup>).

It is also submitted (in consideration of local knowledge), that the sewerage infrastructure contained within Oak Forest Road (depicted as eligible for connection by Lots 1 through 3) in fact do not offer capacity for connection. Infrastructure therefore must be upgraded to suit demand in this case. The provision of water through on-site bores and storage will also place an increase in demand on natural water supplies, that is considered entirely excessive for such reduced lot sizes in an underserved area. It is surmised that reconfiguration within the proposed context is entirely characteristic of development contained within the *Rural Residential Zone Precinct A & Precinct B*, for which reticulated water and wastewater infrastructure is provided. The lack of Council service provision to lots yielding greater residential density is not considered appropriate in an environmental or economic sense.

In closing we object strongly to the largely reduced lot sizes proposed within the plan of reconfiguration. While proposed Lots 4 through 6 present manageable ongoing impacts (provision of onsite services, impact upon the receiving environment and rural residential amenity), proposed Lots 1 through 3 are not considered appropriate in any way. As adjoining landowners, we foresee great impacts upon many elements of amenity, safety and preservation that will yield inconsistent and unwarranted development. We submit that the design of the reconfiguration is completely inappropriate and the application should be refused as it is contrary to the Planning Scheme's intent for the land.

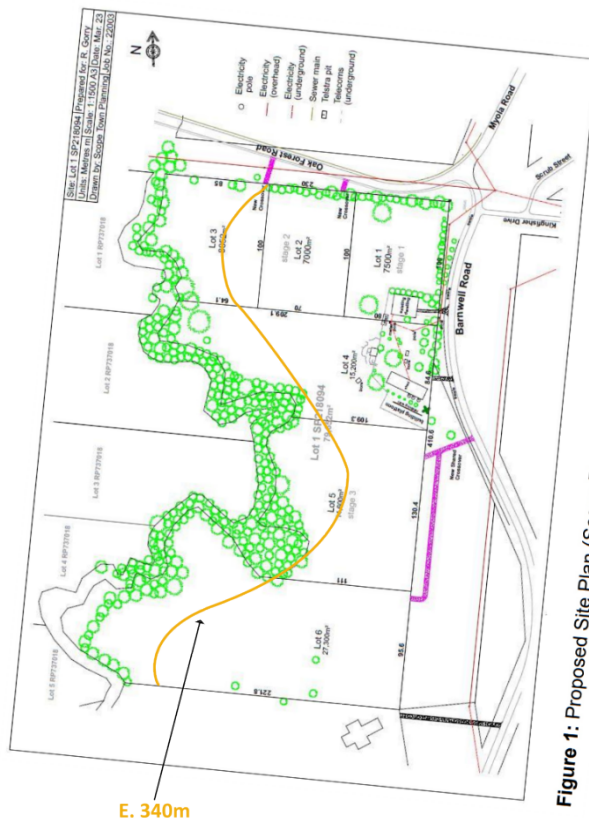
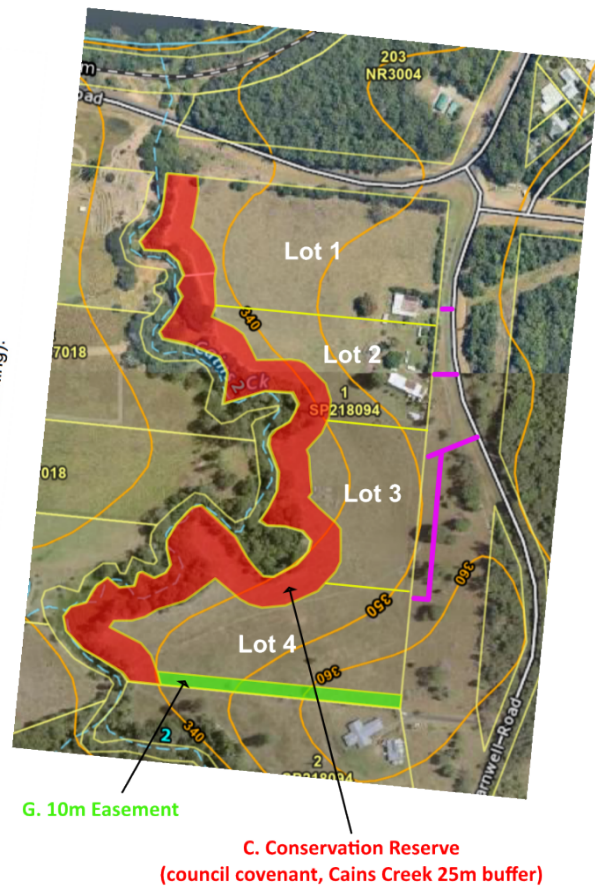
  
Mr. J. Dyer  
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[https://websync.msc.qld.gov.au/development\\_applications/files/331/RAL230003%20-%20New%20DA%20Part%203.pdf](https://websync.msc.qld.gov.au/development_applications/files/331/RAL230003%20-%20New%20DA%20Part%203.pdf)**Proposed Site Plan****Adjusted Site Plan****Figure 1: Proposed Site Plan (Scope Town Planning).**

	Item	Note	Solution
A	Planning Scheme	Rural Residential C - 2 Hectare Precinct	Reduce to 4 lots for Precinct C
B	Settlement Pattern	Lot 1, 2, 3 are not within the settlement pattern size, eg. adjoining Monaro, High Chapparral	Reduce to 4 lots for Precinct C
C	Threatened Species Habitat Protections and Local Corridors	Cains (Cairns) Creek, Stream Order 2 (Table 8.2.4.3B - Setback and buffer distances from waterways)	Vegetation buffered from high bank to 25m, Cain Creek and buffer retained as "Conservation Reserve" for threatened frog species not sold as Freehold, pet exclusion fencing on buffer for each lot
D	New driveways on Myola Road	Myola Road is the main commuter road access for residents in Myola, Mantaka, Kowrowa, Green Forest, Oak Forest, Russett Park, Mona Mona	No new driveways on Myola Road. All access to new lots from Barnwell Road only.
E	340m contour (flood) line	Land below 340m not suitable for structures or permanent use, proposed Lot 3 is 75% underwater.	Reduce to 4 lots for Precinct C
F	'Bushfire hazard area' and 'Potential impact buffer (100 metres)'	Proposed smaller Lots 1,2,3 are wholly inside the potential impact buffer.	No new lots / dwellings should be allowed in the hazard area.
G	Contribution to pedestrian movement network	MSCPS - PO9 Development includes design features with regard to: b) the existing and intended pedestrian movement network	10m easement reserved on southern end for future development of neighbourhood walking network (complete pedestrian access High Chapparral, Monaro, Barnwell, Leila's Way)

Submitted by Jo Martin, for Kuranda Region Planning Group, [info@kurandaregion.org](mailto:info@kurandaregion.org)

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