

**8.2 REQUEST FOR FURTHER PERIOD (APPLICANT'S RESPONSE) - REEVER AND OCEAN PTY LTD - RECONFIGURING A LOT - SUBDIVISION (12 INTO 191 LOTS IN 8 STAGES) - LOT 22 ON SP304952 & OTHERS - 112 BARNWELL ROAD, KURANDA - RAL/18/0002**

**Date Prepared:** 3 July 2019

**Author:** Senior Planner

- Attachments:**
1. Applicant's Request for Further Period [↓](#)
  2. Proposed Lot Layout [↓](#)
  3. Department of State Development, Manufacturing, Infrastructure and Planning Notice of Further Agreed Period - 19 June 2019 [↓](#)

| APPLICATION                                   |  | PREMISES       |  |
|---|--|----------------|--|
| <b>APPLICANT</b>                              | Reever and Ocean Pty Ltd   | <b>ADDRESS</b> | 112 Barnwell Road, Kuranda   |
| <b>DATE REQUEST FOR FURTHER PERIOD LODGED</b> | 25 June 2019   | <b>RPD</b>     | Lots 17, 18, 19 on SP296830, Lot 22 on SP304952, Lot 95 on N157452, Lot 20 on N157423, Lot 131 on N157491, Lot 129 on NR456, Lot 290 on N157480 and Lot 43 on N157359 <small>(formerly Lot 1 on RP703984, Lot 20 on N157423, Lot 43 on N157359, Lot 95 on N157452, Lot 129 on NR456, Lot 131 on N157491, Lot 290 on N157480, Lot 17 on N157227, Lot 18 on N157227, Lot 19 on N157452, Lot 22 on N157227, Lot 2 on RP703984 and Road reserves (Barnwell Road and unnamed roads) adjoining Lots 17, 18 and 22 on N157227), Lots 1 and 2 on RP703984 and Lot 19 on N157452)</small> |
| <b>PROPOSED DEVELOPMENT</b>                   | Application for a Development Permit for Reconfiguring a Lot - Subdivision (12 lots into 191 lots in 8 stages) |                |  |
| <b>FILE NO</b>                                | RAL/18/0002  | <b>OWNER</b>   | Reever and Ocean Pty Ltd   |
| <b>LODGED BY</b>                              | wildPLAN Pty Ltd   |                |  |
| <b>PLANNING SCHEME</b>                        | Mareeba Shire Planning Scheme 2004 (Amendment no. 01/11)   |                |  |
| <b>ZONE</b>                                   | Myola zone   |                |  |
| <b>LEVEL OF ASSESSMENT</b>                    | Code Assessment  |                |  |
| <b>SUBMISSIONS</b>                            | n/a  |                |  |

**EXECUTIVE SUMMARY**

wildPLAN Pty Ltd acting on behalf of Reever and Ocean Pty Ltd ("the applicants") have requested that Council agree to an extension of time for the applicants to provide a response to Council's information request issued for the development application described in the above application details.

Under Development Assessment Rule 13.1, the applicants currently have until 18 July 2019 to provide a response to Council information request. The applicants have requested an extension to

2 September 2019. This is in line with the extension granted by the State and it would be unreasonable to refuse.

The information requested by Council includes matters that ought to be addressed for the benefit of all parties prior to Council making its decision. Council officers are of the opinion that the application cannot be adequately assessed without the requested information.

It is recommended that the applicants response period be extended to 2 September 2019.

### **OFFICER'S RECOMMENDATION**

That Council in accordance with Development Assessment Rule 13.1 agree to an extension of time to the Applicant's Information Request Response period for Development Application RAL/18/0002 to 2 September 2019.

### **BACKGROUND AND CONTEXT**

The applicants have been requested to provide Council with the following information to assist Council in determining the development application:

**1. Myola Zone Code - Section 4.125 Building Siting, Scale and Amenity**

*Provide a detailed assessment of the proposed development against the Specific Outcomes and Probable Solutions (S1 to S4) contained in Section 4.125 of the Myola Zone Code. In particular, the subject land contains ridgelines (S2 and PS2.2) as identified on Planning Scheme Map N1.*

**2. Far North Queensland Regional Plan 2009-2031**

*Provide an additional detailed assessment of the proposed development against all the relevant provisions (applicable desired regional outcomes and land use policies) of the Far North Queensland Regional Plan 2009-2031. This additional assessment must include, but not be limited to, DRO1.1 Biodiversity Conservation.*

**3. Ecological Assessment Report**

*Provide a supporting Ecological Assessment Report prepared generally in accordance with the methodology outlined within Planning Scheme Policy 2 - Ecological Assessment Reports of the Mareeba Shire Council Planning Scheme 2016.*

**4. Water Supply Reticulation Analysis**

*Provide a supporting Water Supply Reticulation Analysis, prepared by a RPEQ, to determine the extent of works/upgrading required to reticulation mains, trunk mains, pumping facilities and storage capacity to facilitate connection of the proposed development to Council's reticulated water infrastructure.*

*The analysis must identify the proposed alignment of connection infrastructure and demonstrate that necessary tenure/land owners consent is provided for the proposed alignment.*

**5. Stormwater Analysis**

*Provide an analysis of the anticipated quantity and quality of stormwater drainage associated with the development and provide a provisional/conceptual Stormwater Management Plan (prepared by an RPEQ) for the proposed development. Through the implementation of water*

*sensitive urban design principles, this plan must demonstrate no net increase in the discharge rate of stormwater from the developed site. Stormwater drainage should be incorporated and designed as a landscape feature within the open space corridors/areas. Any minor stormwater drainage corridors not part of open space areas will be required to be incorporated into the individual allotments and restricted from development by way of easements.*

**6. On-site Effluent Disposal**

*Provide a site and soil evaluation report, prepared by a registered site and soil evaluator demonstrating the ability of the proposed development to accommodate on-site effluent disposal in accordance with AS/NZS1547:2000.*

**7 Geotechnical Report**

*Parts of the subject land have mapped slopes greater than 15 percent. Provide a supporting Geotechnical Report prepared generally in accordance with the methodology outlined within Planning Scheme Policy 5 - Geotechnical Reports of the Mareeba Shire Council Planning Scheme 2016.*

**8. Draft Infrastructure Agreement**

*The subject land is outside the Priority Infrastructure Area boundary for Kuranda. Provide a draft infrastructure agreement for the proposed development covering all relevant infrastructure networks.*

WildPLAN Pty Ltd acting on behalf of the applicants have requested that Council agree to an extension of time for the applicants to provide a response to Council's information request (**Attachment 1**).

The proposed extension would give the applicants until 2 September 2019 to provide a response.

The information requested by Council includes matters that ought to be addressed for the benefit of all parties prior to Council making its decision. Council officers are of the opinion that the application cannot be adequately assessed without the requested information.

The State Assessment and Referral Agency is yet to provide its concurrence agency response for this development application and have extended their concurrence agency response due date to 2 September 2019 (**Attachment 3**).

The decision making period for this development application is unlikely to commence before the 2 September 2019, therefore allowing additional time for further information to be provided is recommended.

Assessment and Decision Requirements

**Assessment Rules**

**DEVELOPMENT ASSESSMENT RULES 13 AND 14 ARE RELEVANT TO THIS REQUEST:**

**13. Applicant's response**

*13.1. The period for the applicant to respond to an information request is three months from the date the information request was made or a further period agreed between the applicant and the assessing authority that made the information request.*

- 13.2. *The applicant may respond by giving the assessing authority that made the information request, within the period stated under section 13.1-*
- (a) all of the information requested; or*
  - (b) part of the information requested; or*
  - (c) a notice that none of the information will be provided.*
- 13.3. *For any response given in accordance with sections 13.2(b) or (c), the applicant may also advise the assessing authority that it must proceed with its assessment of the application.*
- 13.4. *An applicant must provide a copy of any response to an information request made by a referral agency to the assessment manager.*

**14. End of the applicant's response period**

- 14.1. *The applicant's response period in section 13.1 ends if-*
- (a) the applicant has responded under section 13.2(a); or*
  - (b) the applicant has responded under sections 13.2(b) or (c) and the applicant has advised the assessing authority to proceed with the assessment of the application.*
- 14.2. *If an applicant does not respond to the information request in accordance with section 13.2 and 13.3 if applicable within the period stated under section 13.1, the assessing authority's assessment continues from the day after the day on which the period under section 13.1 would have otherwise ended.*

Unlike the former Sustainable Planning Act 2009 where an application would lapse if an applicant failed to respond to an information request, under the Planning Act 2016, an application simply moves in the decision making period.

Allowing the applicant every reasonable opportunity to respond to Council's information request can only assist Council in being well informed when making its ultimate decision.

**Brian Millard**

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**Subject:** FW: RAL/18/002 - Change of Applicant Representative to Wildplan  
**Attachments:** WP19 002 DEV 004 - Updated DA Form 1 Rural Res.PDF

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**From:** Dominic Hammersley <[dominic@wildplan.com.au](mailto:dominic@wildplan.com.au)>  
**Sent:** Tuesday, 25 June 2019 2:08 PM  
**To:** Brian Millard <[BrianM@msc.qld.gov.au](mailto:BrianM@msc.qld.gov.au)>  
**Cc:** [mark@developnorth.com.au](mailto:mark@developnorth.com.au)  
**Subject:** 112 Barnwell Road, Kuranda (Council ref: RAL/18/002)

Dear Brian,

**RE: Development Application regarding Reconfiguring a Lot development at 112 Barnwell Road, Kuranda (Council ref: RAL/18/002)**

*Change of Applicant’s Representative*

I write to advise that Mark Lawson of Development North (on behalf of Reeve and Ocean Pty Ltd) seeks to change the Applicant’s Representative in respect of the above-referenced application to wildPLAN (previously Cardno).

An updated DA Form 1 is attached identifying this change for Council’s records.

*Request for Further Period (Applicant’s Response)*

Pursuant to section 13.1 of the Development Assessment Rules, I also write seeking an extension to the Applicant’s Information Request response period to **2 September 2019**.

I understand that this timeframe is in alignment with the Applicant’s SARA Information Request response period.

If you have any questions please don’t hesitate to call.

Regards,  
 Dom



**DOMINIC HAMMERSLEY**  
 DIRECTOR | PRINCIPAL PLANNER  
 wildPLAN Pty Ltd | ABN 26 629 367 933

P: + 61 487 967 533 E: [dominic@wildplan.com.au](mailto:dominic@wildplan.com.au)  
 PO Box 8028 Cairns, QLD 4870  
[www.wildplan.com.au](http://www.wildplan.com.au)

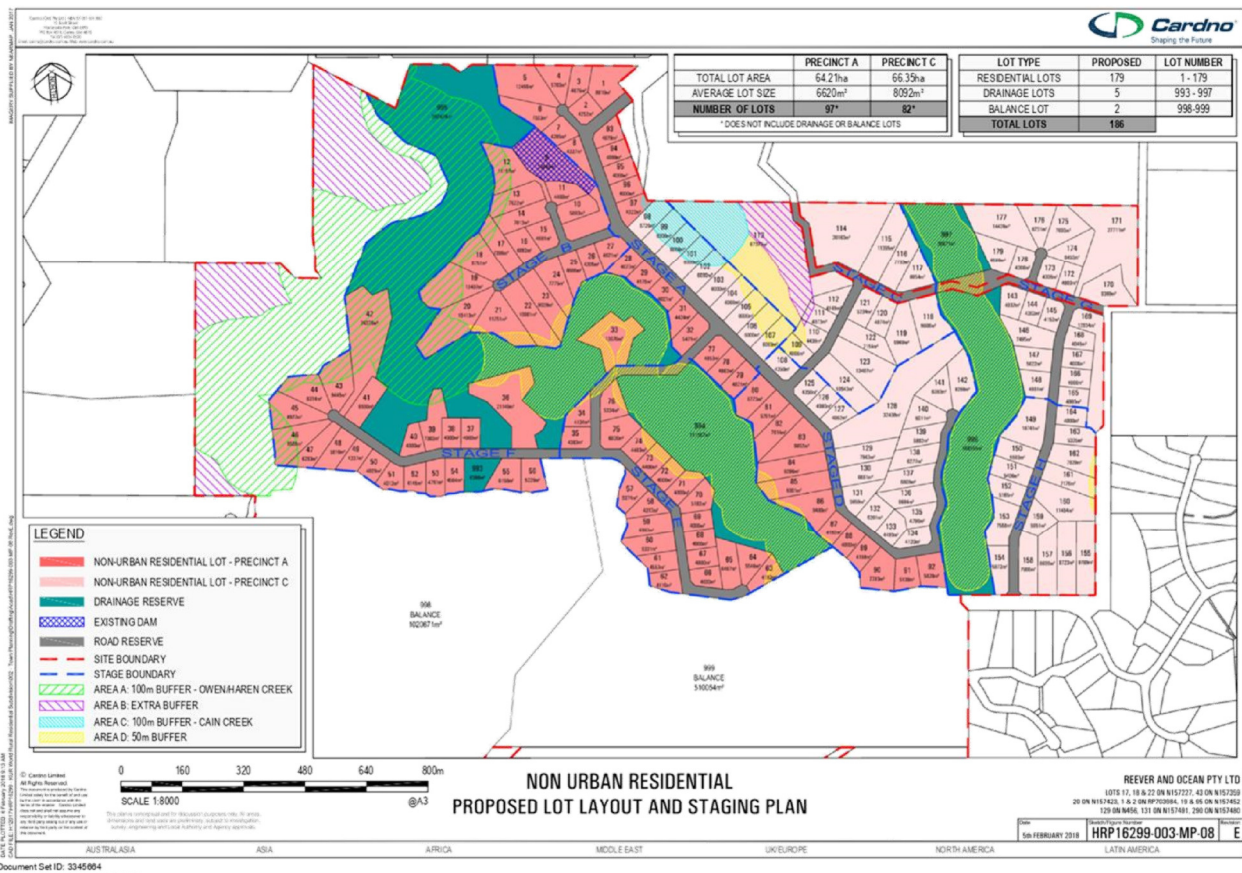
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Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: 1802-4193 SRA  
Your reference: RAL/18/0002

19 June 2019

The Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba Qld 4880  
planning@msc.qld.gov.au

Attention: Brian Millard

Dear Mr. Millard

**Notice of further agreed period—referral agency assessment period**  
(Given under section 33.1 of the Development Assessment Rules)

The applicant has agreed to extend the Department of State Development, Manufacturing, Infrastructure and Planning's referral agency assessment period for the development application described below.

The applicant has agreed to extend the Department of State Development, Manufacturing, Infrastructure and Planning's referral agency assessment period for the development application described below.

**Applicant details**

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|                            |  |
|----------------------------|--|
| Applicant name:            | Reever and Ocean Pty Ltd   |
| Applicant contact details: | c-/ Cardno, PO Box 1619<br>CAIRNS QLD 4870<br>stephen.whitaker@cardno.com.au |

**Location details**

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|                            |  |
|----------------------------|--|
| Street address:            | 301 Boyles Road, Kuranda   |
| Real property description: | 129NR456; 131N157491; 17SP296830; 18SP296830; 19SP296830;<br>20N157423; 22SP296830; 290N157480; 43N157359; 95N157452 |
| Local government area:     | Mareeba Shire Council  |

**Application details**

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|                    |  |
|--------------------|--|
| Development permit | Reconfiguring a lot for 12 into 191 lots |
|--------------------|--|

DA Advisory Team (DAAT)  
Level 13, 1 William Street  
BRISBANE QLD 4000  
PO Box 15009 CITY EAST QLD 4002

1802-4193 SRA

The agreed date by which the department must give its referral agency response is 2 September 2019.

For further information please contact Duncan Livingstone, Principal Planner, on 34527180 or via email [DAAT@dsdmip.qld.gov.au](mailto:DAAT@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Livingstone', with a long horizontal flourish underneath.

Duncan Livingstone  
Principal Planner