

MSC Ref RAL/18/0001
Our Ref HRP16295
Contact Dominic Hammersley

Cardno (Qld) Pty Ltd
ABN 57 051 074 992

14 June 2018

15 Scott Street
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Australia

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

P.O. Box 1619
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Australia

**Attention: Brian Millard,
Senior Planner**

Phone: 61 7 4034 0500

Delivery via email: BrianM@msc.qld.gov.au

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Dear Brian,

**CHANGE TO DEVELOPMENT APPLICATION PURSUANT TO SECTION 52 OF THE
PLANNING ACT 2016**

**SUPERSEDED PLANNING SCHEME APPLICATION SEEKING A DEVELOPMENT
PERMIT FOR RECONFIGURING A LOT (ONE (1) INTO 48 LOTS) OVER LAND AT
77 BARNWELL ROAD, KURANDA MORE PROPERLY DESCRIBED AS LOT 16 ON
N157227 (MSC REF: RAL/18/0001)**

We act for Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin ('the Applicants') in relation to the abovementioned superseded planning scheme application ('the application').

On behalf of the Applicant, please accept this correspondence as written notice, pursuant to Section 52 of the *Planning Act 2016* ('the PA'), of a change to the application.

The following sections document the change and the applicable statutory town planning framework.

1. CHANGES TO APPLICATION

The Applicant has made a number of minor modifications to the layout of the proposed subdivision to which the application relates. These changes are reflected in new proposal plans included as part of the **attachment** to this correspondence. The changes undertaken primarily relate to the relationship between the proposed development and regulated vegetation. The following changes have been undertaken¹:

- Alteration of the proposed lot boundaries to reflect updates to the regulated vegetation mapping undertaken since the lodgement of the application; and
- Removal of all proposed building envelopes.

¹ All lot numbers refer to those shown in the changed application

The changes to the lot layout maintain the number of proposed non-urban residential lots (47) and the number of drainage reserves (1). The changed application therefore continues to seek approval to subdivide the site into 48 lots.

2. APPLICABLE STATUTORY TOWN PLANNING FRAMEWORK

The PA provides, in Section 52(3), that where a change is a minor change, the change does not affect the development assessment process. A minor change, for a development application, is defined in Schedule 2 of the PA as a change that:

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

Schedule 1 of the Development Assessment Rules defines “substantially different development” as:

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

The change to the application is a minor change as the changed application:

- does not involve substantially different development, as the change:
 - does not involve a new use or type of development, the proposed development continues to seek approval to subdivide the site;
 - does not result in the application applying to a new parcel of land;
 - does not dramatically change the scale and nature of the proposed development, noting that it continues to propose 48 lots, including 47 non-urban residential lots;
 - does not change the ability for the proposed development to operate as intended, noting that the overall layout of the proposed development remains unchanged (i.e. the modifications made are minor in nature);

- does not remove a component that is integral to the operation of the development;
- does not significantly impact on traffic flow or the transport network, noting that the same number of non-urban residential, drainage and balance lots are proposed;
- does not introduce new impacts or increase the severity of known impacts;
- does not remove an incentive or offset component that would have balanced a negative impact of the development; and
- does not impact on infrastructure provisions;
- does not involve prohibited development; and
- does not require public notification.

In relation to matters regarding referral agencies (as discussed in Schedule 1 of the DA Rules), we note that recent advice received from the Department of State Development, Manufacturing, Infrastructure and Planning outlines that the application, as it existed prior to this change, triggered referral to DSDMIP for vegetation clearing matters under the PA, despite Council's Amended Confirmation Notice dated 21 February 2018. The change documented in this notice does not alter the referral requirements relevant to the application.

On the basis of the above, the change to the application is a minor change, as defined by the PA.

3. CONCLUSION

We trust the information provided in this correspondence is sufficient for Council to consider the changed application. If you have any queries in relation to this matter, please contact me.

Yours faithfully



Dominic Hammersley
Business Unit Manager – Northern Australia
Principal, Planning
For Cardno
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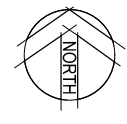
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Updated Proposal Plans

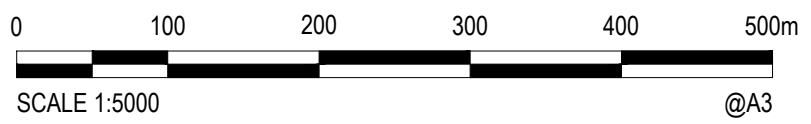
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PRECINCT C	
TOTAL LOT AREA	49.57ha
AVERAGE LOT SIZE	10 547m ²
TOTAL LOTS	47

LEGEND	
	NON-URBAN RESIDENTIAL LOT
	DRAINAGE RESERVE
	ROAD RESERVE
	SITE BOUNDARY
	STAGE BOUNDARY



LEILAS WAY ESTATE - NON URBAN RESIDENTIAL PROPOSED LOT LAYOUT AND STAGING PLAN

ANDREW EASTON
 LOT 16 ON N157227

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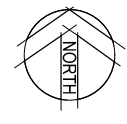
This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering and Local Authority and Agency approvals.

Date	Sketch/Figure Number	Revision
19th APRIL 2018	HRP16295-004-MP-008	F

DATE PLOTTED: 19 April 2018 10:36 AM
 CAD FILE: H:\2017\HRP\16295 - KJR World Rural Residential Subdivision\002 - Town Planning\Drafting\Acad\HRP16295-004-MP-008.dwg

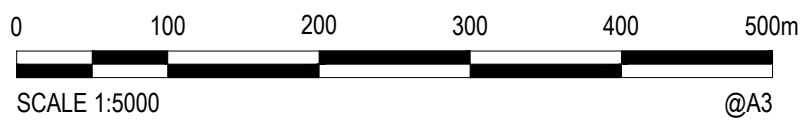
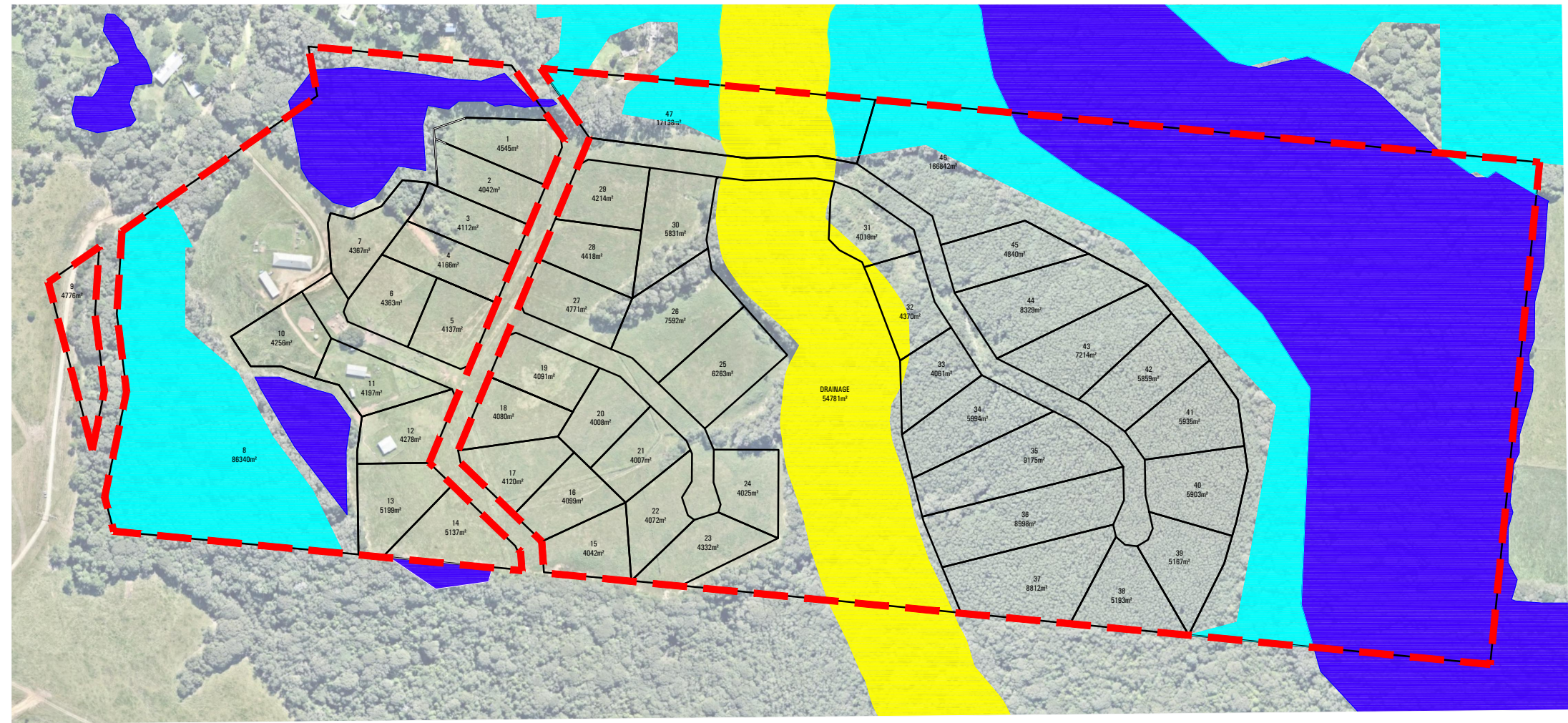
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LEGEND

- DRAINAGE RESERVE
- ROAD RESERVE
- REGULATED VEGETATION - CATEGORY B
- REGULATED VEGETATION - CATEGORY C
- REGULATED VEGETATION - CATEGORY R
- SITE BOUNDARY



LEILAS WAY ESTATE - NON URBAN RESIDENTIAL VEGETATION PLAN

ANDREW EASTON
LOT 16 ON N157227

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Date	Sketch/Figure Number	Revision
13th JUNE 2018	HRP16295-004-MP-012	B

DATE PLOTTED: 13 June 2018 5:45 PM
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