

**8.3 REQUEST FOR FURTHER PERIOD (APPLICANT'S RESPONSE) - A & A EASTON AND B MARTIN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 48 LOTS IN 2 STAGES) - LOT 16 ON SP304952 - 77 BARNWELL ROAD, KURANDA - RAL/18/0001**

**Date Prepared:** 3 July 2019

**Author:** Senior Planner

**Attachments:** 1. Applicant's Request for Further Period [↓](#)  
2. Proposed Lot Layout [↓](#)

APPLICATION		PREMISES	
APPLICANT	A & A Easton and B Martin	ADDRESS	77 Barnwell Road, Kuranda
DATE REQUEST FOR FURTHER PERIOD LODGED	27 June 2019	RPD	Lot 16 on SP304952 (formerly Lot 16 on N157227)
PROPOSED DEVELOPMENT	Application for a Development Permit for Reconfiguring a Lot - Subdivision (1 lot into 48 lots in 2 stages)		
FILE NO	RAL/18/0001	OWNER	A & A Easton and B Martin
LODGED BY	Develop North		
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment no. 01/11)		
ZONE	Myola zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

### EXECUTIVE SUMMARY

Develop North acting on behalf of A & A Easton and B Martin ("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 for the related application 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/18/0001 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/landowners consent is provided for the proposed alignment.*

**5. Traffic Impact Assessment**

*Provide a supporting Traffic Impact Assessment, prepared by an RPEQ, that assesses the impact of the proposed development on the local area traffic network, and which includes recommendations for any required road upgrading and intersection treatments.*

**6. 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.*

**7. 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.*

**8. 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.*

**9. 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.*

Develop North 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.

This development application (RAL/18/0001) is related to development application RAL/18/0002 over the adjoining KUR-Cow site. A similar information request has been issued for RAL/18/0002 and Council has also been requested to extend this information request response period to 2 September 2019.

The State Assessment and Referral Agency is yet to provide its concurrence agency response for RAL/18/0002 and have extended their concurrence agency response due date to 2 September 2019.

The decision making period of both development applications 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: 77 Barnwell Road, Kuranda (Council ref: RAL/18/001)

**From:** Mark Lawson - Develop North <[mark@developnorth.com.au](mailto:mark@developnorth.com.au)>

**Date:** 27 June 2019 at 13:43:51 GMT+10

**To:** Brian Millard <[BrianM@msc.qld.gov.au](mailto:BrianM@msc.qld.gov.au)>

**Cc:** "[berrylea@bigpond.com](mailto:berrylea@bigpond.com)" <[berrylea@bigpond.com](mailto:berrylea@bigpond.com)>

**Subject:** 77 Barnwell Road, Kuranda (Council ref: RAL/18/001)

Dear Brian,

**RE: Development Application regarding Reconfiguring a Lot development at 77 Barnwell Road, Kuranda (Council ref: RAL/18/001)**

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

On behalf of the Applicant, Andrew Easton, Adrienne P Easton & Barbara C Martin and pursuant to section 13.1 of the Development Assessment Rules, I write seeking an extension to the Applicant's Information Request response period to **2 September 2019**.

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

Kind Regards

Mark Lawson  
Director

**M** 0417 712 300 | **E** [mark@developnorth.com.au](mailto:mark@developnorth.com.au) | **W** [www.developnorth.com.au](http://www.developnorth.com.au)



