

**PLANNING REPORT**

**SUBJECT:** REEVER AND OCEAN PTY LTD - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 16 ON N157227 & LOT 22 ON SP296830 - 77 & 112 BARNWELL ROAD, KURANDA - RAL/18/0015

**MEETING:** Ordinary

**MEETING DATE:** 16 May 2018

**REPORT OFFICER'S TITLE:** Senior Planner

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

| APPLICATION                 |  | PREMISES       |  |
|-----------------------------|--|----------------|--|
| <b>APPLICANT</b>            | Reever and Ocean Pty Ltd                   | <b>ADDRESS</b> | 77 & 112 Barnwell Road, Kuranda        |
| <b>DATE LODGED</b>          | 27 April 2018                              | <b>RPD</b>     | Lot 16 on N157227 & Lot 22 on SP296830 |
| <b>TYPE OF APPROVAL</b>     | Development Permit                         |                |  |
| <b>PROPOSED DEVELOPMENT</b> | Reconfiguring a Lot - Boundary Realignment |                |  |

|                            |  |              |   |
|----------------------------|--|--------------|---|
| <b>FILE NO</b>             | RAL/18/0015                                | <b>AREA</b>  | Lot 16 - 57.617 ha<br>Lot 22 - 107.3 ha                               |
| <b>LODGED BY</b>           | Cardno                                     | <b>OWNER</b> | Lot 16 - A & A Easton & B Martin<br>Lot 22 - Reever and Ocean Pty Ltd |
| <b>PLANNING SCHEME</b>     | Mareeba Shire Council Planning Scheme 2016 |              |   |
| <b>ZONE</b>                | Rural zone                                 |              |   |
| <b>LEVEL OF ASSESSMENT</b> | Code Assessment                            |              |   |
| <b>SUBMISSIONS</b>         | n/a  |              |   |

**ATTACHMENTS:** 1. Proposal Plan/s

**EXECUTIVE SUMMARY**

*Council is in receipt of a development application described in the above application details.*

*The application is code assessable and was not required to undergo public notification.*

*It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.*

*It is recommended that the application be approved in full with conditions.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

| APPLICATION                 |  | PREMISES       |  |
|-----------------------------|--|----------------|--|
| <b>APPLICANT</b>            | Reever and Ocean Pty Ltd                   | <b>ADDRESS</b> | 77 & 112 Barnwell Road, Kuranda        |
| <b>DATE LODGED</b>          | 27 April 2018                              | <b>RPD</b>     | Lot 16 on N157227 & Lot 22 on SP296830 |
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| <b>PROPOSED DEVELOPMENT</b> | Reconfiguring a Lot - Boundary Realignment |                |  |

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 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: Development Permit for Reconfiguring a Lot - Boundary Realignment

(B) APPROVED PLANS:

| Plan/Document Number         | Plan/Document Title   | Prepared by          | Dated      |
|------------------------------|-----------------------|----------------------|------------|
| 18005/ROL/01<br>Sheet 1 of 2 | Proposed Lots 16 & 22 | Ausnorth Consultants | 13/03/2018 |
| 18005/ROL/01<br>Sheet 2 of 2 | Proposed Lots 16 & 22 | Ausnorth Consultants | 13/03/2018 |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, 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

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, 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/contributions contained within the conditions of approval.
- 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 required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior 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 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 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 Charges

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) 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.

(b) 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.

(c) 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.

(d) 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.environment.gov.au](http://www.environment.gov.au).

(e) 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.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

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

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

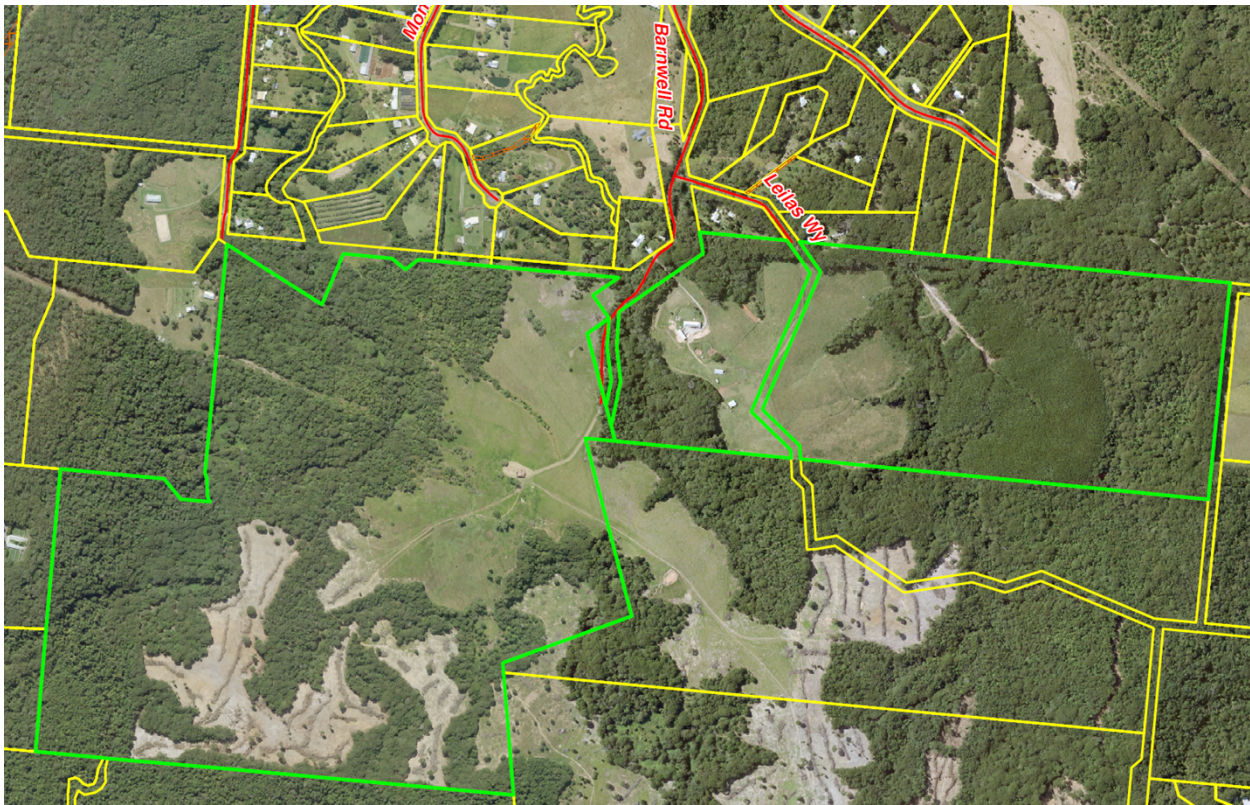
The subject site comprises the following allotments:

- Lot 16 on N157227, area of 57.617 hectares, extensive frontages to Barnwell Road and Leilas Way;
- Lot 22 on SP296830, area of 107.3 hectares, frontage to Barnwell Road and unnamed road reserve.

Lot 16 is currently used for rural activities and is improved by a dwelling house and associated outbuildings.

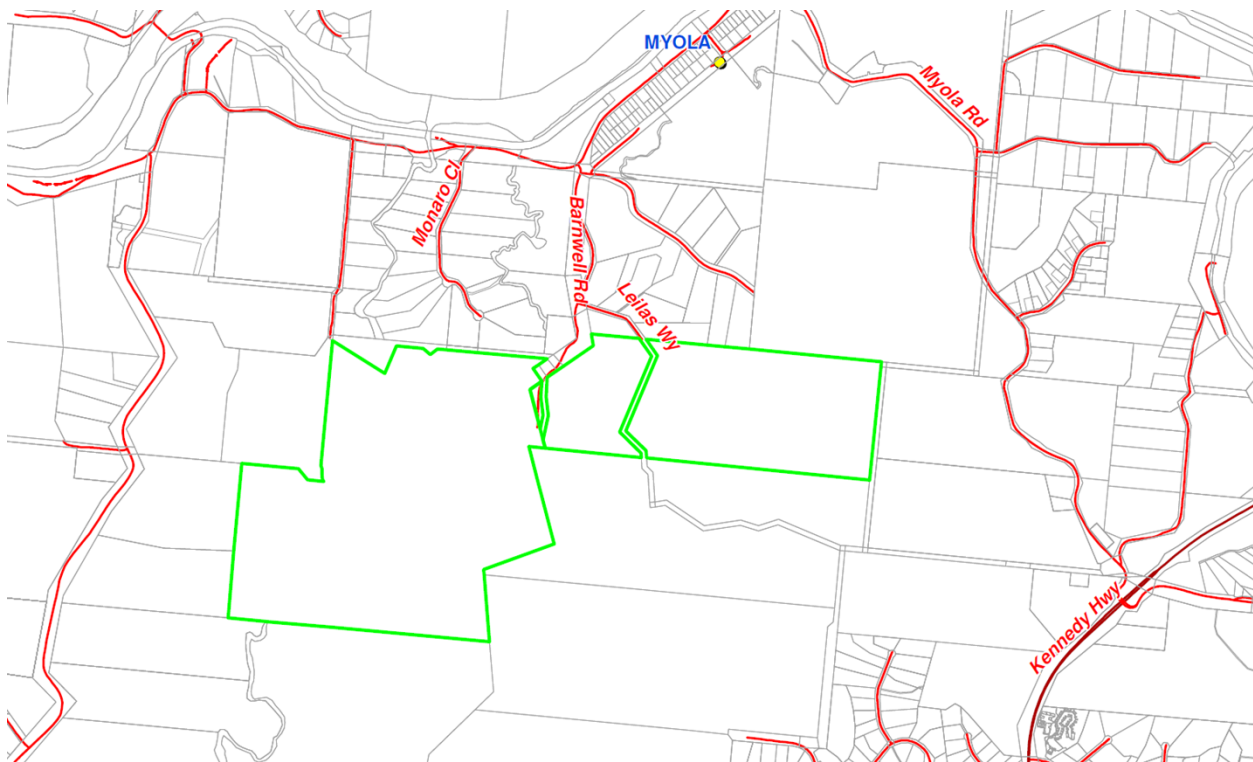
Lot 22 is utilised for a range of primarily rural land uses and is improved by a number of buildings and structures that support the existing land uses.

Both allotments are zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Land immediately to the north is zoned Rural Residential and used predominantly for rural lifestyle purposes.



**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**

### OW/16/0001 - Operational Works - Earthworks (Water Storage Dam)

Council, at its Ordinary Meeting on 20 July 2016 approved an application made by Civil Walker on behalf of the landowners, Reever and Ocean Pty Ltd, seeking a development permit for operational works - earthworks (water storage dam) on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 26 July 2016.

On 9 June 2017, Council, under delegated authority, approved a minor amendment to development approval OW/16/0001.

The water storage dam subject to development approval OW/16/0001 has been constructed in accordance with the conditions of approval and is considered to be lawfully established.

### DA/16/0065 - Material Change of Use - Animal Keeping

On 9 February 2017, Council, under delegated authority, approved an application made by Cardno on behalf of the landowners, Reever and Ocean Pty Ltd, seeking a development permit for material change of use - animal keeping on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 9 February 2017.



Development approval DA/16/0065 has been acted upon and it is considered that the use is occurring in compliance with the conditions of approval.

#### MCU/17/0012 - Material Change of Use - Nature Based Tourism

On 27 November 2017, Council, under delegated authority, approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as Lot 16, 17, 18, 22 on N157227, Lot 19 on N157452 and Lots 1 & 2 on RP703984 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 November 2017.

The use authorised under development approval MCU/17/0012 has not commenced at this time.

#### MCU/18/0006 - Material Change of Use - Tourist Attraction

On 15 March 2018, Cardno on behalf of Reeve and Ocean Pty Ltd, made application for a development permit for material change of use - nature based tourism on land described as part of Lot 16 on N157227, Lot 17 on SP296830, Lot 18 on SP296830, Lot 19 on SP296830 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda.

This application has not been decided by Council.

#### RAL/18/0001 - Reconfiguring a Lot

On 18 January 2018, Cardno on behalf of A & A Easton and B Martin, made application for a development permit for reconfiguring a lot - subdivision (1 into 48 lots in 2 stages) on land described as Lot 16 on N157227, situated at 77 Barnwell Road, Kuranda.

This application is awaiting the applicant's response to Council's information request and has not been decided by Council.

#### RAL/18/0002 - Reconfiguring a Lot

On 18 January 2018, Cardno on behalf of Reeve and Ocean Pty Ltd, made application for a development permit for reconfiguring a lot - subdivision (12 into 191 lots in 8 stages) on land described as 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, situated at 112 Barnwell Road, Kuranda.

This application is awaiting the applicant's response to Council's information request and has not been decided by Council.

#### KUR-World Coordinated Project

The subject land is also the site of the proposed KUR-World Integrated Eco-Resort. This proposal is currently being investigated by the Queensland Coordinator General.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment in accordance with the plans shown in **Attachment 1**.

The proposed allotments are:

- Lot 16 - area of 57.245 hectares, existing property access to continue via Barnwell Road;
- Lot 22 - area of 107.672 hectares, existing property access to continue via Barnwell Road.

The realignment would move approximately 3,720m<sup>2</sup> from existing Lot 16 and include this area as part of proposed Lot 22. The boundary realignment resolves an existing encroachment where part of the access to Lot 22 present traverses Lot 16.

## 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 is:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

|                      |   |
|----------------------|---|
| Strategic Framework: | Rural other   |
| Zone:                | Rural   |
| Overlays:            | Airport environs overlay<br>Bushfire hazard overlay<br>Environmental significance overlay<br>Hill and slope overlay<br>Transport infrastructure overlay |

## 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



## Relevant Development Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.12 Transport infrastructure 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 satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

| Relevant Codes                          | Comments  |
|---|---|
| Rural zone code                         | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Bushfire hazard overlay code            | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Environmental significance overlay code | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Hill and slope overlay code             | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Transport infrastructure overlay code   | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Landscaping code                        | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Parking and access code                 | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Reconfiguring a lot code                | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |
| Works, services and infrastructure code | The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code. |

### (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

**(f) Additional Trunk Infrastructure Condition**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

As the proposed development is for boundary realignment only, no infrastructure charges/contributions are payable.

**REFERRALS**

This application did not trigger a referral to a State Referral Agency.

**Internal Consultation**

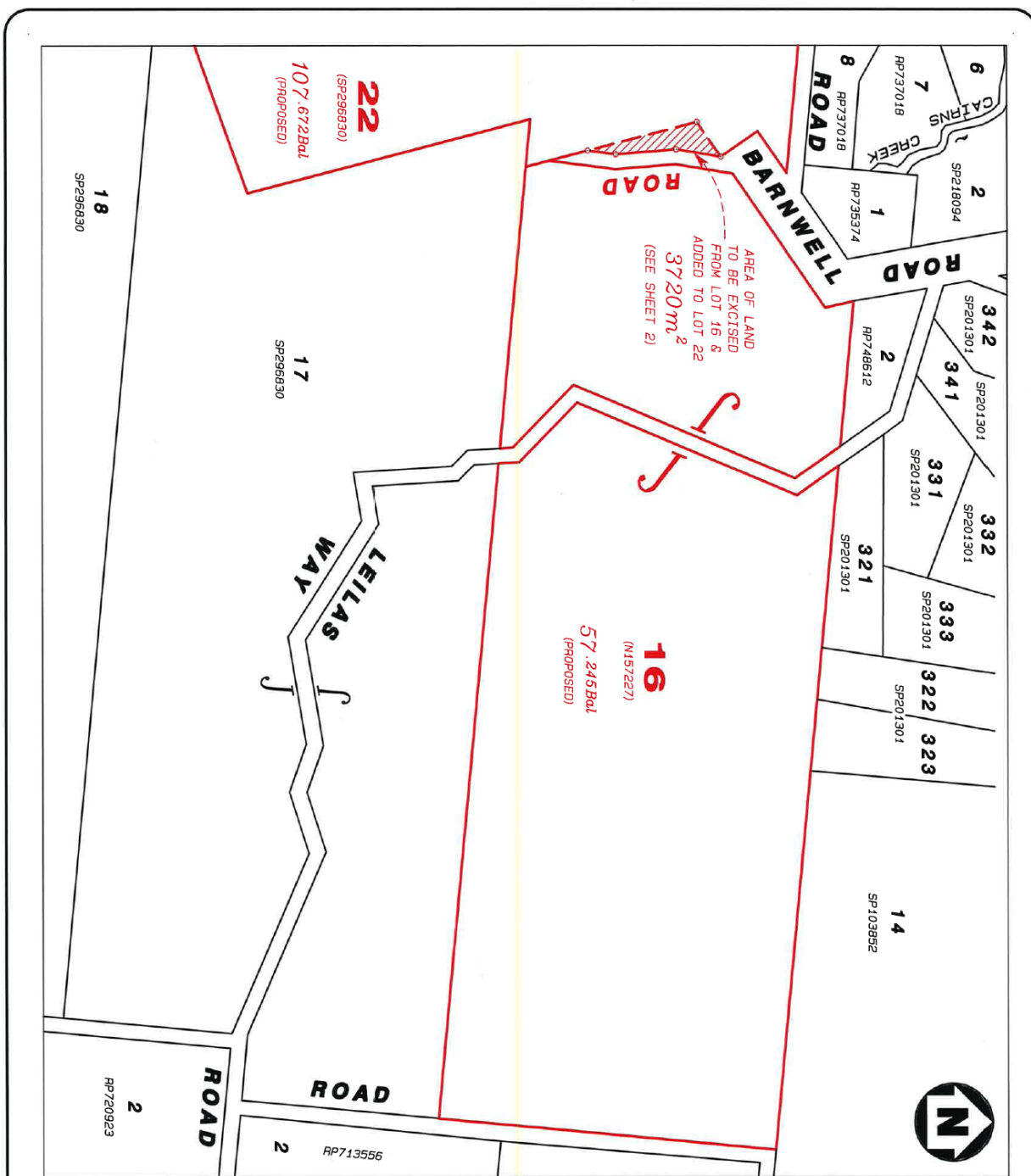
Technical Services

**PLANNING DISCUSSION**

Nil

**Date Prepared:** 1 May 2018

PROPOSAL PLANS



**EXPLANATORY NOTES:**

1. Boundaries shown hereon are approximate only and are shown here for planning purposes only.
2. Final bearings, distances and areas subject to field survey.
3. This plan has been prepared to aid in the Local Government evaluation of a Development Application and must not be used for any other purpose.

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**SURVEYING  
 PLANNING  
 MAPPING  
 PROPERTY  
 ENGINEERING**

This plan depicts a proposed subdivision design only and as such is not registered. Subsequent registered or other surveys in the area may affect the boundary definition shown on the plan. Any such boundary definition differences are beyond the control of Ausnorth Consultants Pty Ltd who can accept no responsibility or liability for such differences.



**PROPOSED LOTS 16 & 22**  
**CANCELLING LOT 16 on N157227**  
**& LOT 22 on SP296830**  
**KURANDA**

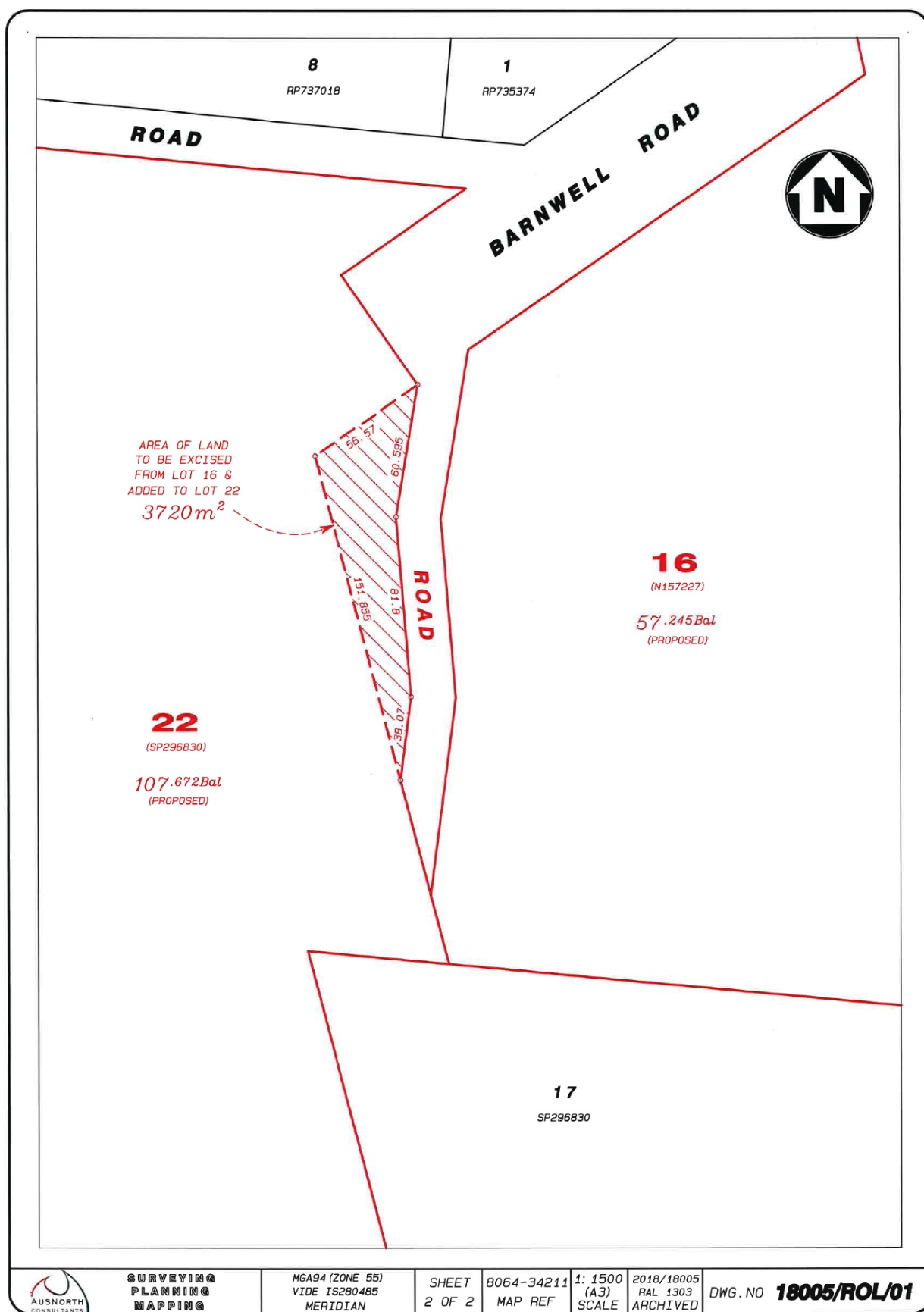
Parish FORMARTINE  
 County NARES  
 Locality KURANDA  
 LGA MAREEBA S.C.

Dwg. No  
**18005/ROL/01**

13/03/2018 *Boye*  
 Date Cadastrol Surveyor/  
 Director

|  |                 |                            |                       |                          |                                    |
|--|-----------------|----------------------------|-----------------------|--------------------------|------------------------------------|
| MGA94 (ZONE 55)<br>VIDE IS280485<br>MERIDIAN | 1 OF 2<br>SHEET | CONTOUR<br>INTERVAL<br>N/A | 8064-34211<br>MAP REF | 1: 5000<br>(A3)<br>SCALE | 2018/18005<br>RAL 1303<br>ARCHIVED |
|--|-----------------|----------------------------|-----------------------|--------------------------|------------------------------------|

Rev.



|  |   |  |                 |                       |                          |                                    |                             |
|--|---|--|-----------------|-----------------------|--------------------------|------------------------------------|-----------------------------|
|  | <b>SURVEYING<br/>PLANNING<br/>MAPPING</b> | MGA94 (ZONE 55)<br>VIDE IS280485<br>MERIDIAN | SHEET<br>2 OF 2 | 8064-34211<br>MAP REF | 1: 1500<br>(A3)<br>SCALE | 2018/18005<br>RAL 1303<br>ARCHIVED | DWG. NO <b>18005/ROL/01</b> |
|--|---|--|-----------------|-----------------------|--------------------------|------------------------------------|-----------------------------|