8.3 N DERAKHSHAN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS) - LOT 1 ON RP743970 - 2-6 BLACK MOUNTAIN ROAD, KURANDA - RAL/18/0025

Date Prepared: 10 October 2018

Author: Senior Planner

Attachments:
1. **Proposal Plans** ⇩
2. **Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response - 28 August 2018** ⇩
3. **Submitter letters** ⇩
4. **Applicant's response to submitter concerns** ⇩

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	N Derakhshan	**ADDRESS**	2-6 Black Mountain Road, Kuranda
DATE LODGED	31 August 2018	**RPD**	Lot 1 on RP743970
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 lot into 4 lots)		

FILE NO	RAL/18/0025	**AREA**	3.036 hectares
LODGED BY	Elizabeth Taylor Town Planner	**OWNER**	N Derakhshan
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone - No precinct		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Three (3) properly made		

EXECUTIVE SUMMARY

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

The application is impact assessable and three (3) properly made submissions were received in response to public notification of the application. A fourth, not properly made submission was received the day after the close of the public notification period.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme. Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.

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

OFFICER'S RECOMMENDATION

It is recommended that:

1. In relation to the following development application:

APPLICATION		**PREMISES**	
APPLICANT	N Derakhshan	**ADDRESS**	2-6 Black Mountain Road, Kuranda
DATE LODGED	31 August 2018	**RPD**	Lot 1 on RP743970
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 lot into 4 lots)		

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), referral agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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 - Subdivision (1 lot into 4 lots)

(B) APPROVED PLANS:

• **Plan/Document Number**	• **Plan/Document Title**	• **Prepared by**	• **Dated**
• -	• Proposal Plan of Reconfiguration	• -	• July 2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

1. Development must be carried out generally 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

2.1 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 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 or bonds required to be made to the Council 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. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.

3.7 All development 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 prior to the endorsement of a plan of survey.

3.9 Building Envelopes

(a) The approved building envelopes for proposed Lots 1, 2, 3 and 4 are the building envelopes as defined on the Proposal Plan of Reconfiguration July 2018.

(b) Prior to 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.

(c) All future buildings must be located within the approved building envelopes.

4. Infrastructure Services and Standards

4.1 Access

(a) Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(b) A bitumen, asphalt or concrete driveway shall be provided within the access easements to the satisfaction of Councils delegated officer. The driveway will:

- have a minimum formation width of 3 metres;
- be constructed for the full length of the access handle;
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle;
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

4.2 Roadworks – External Construction - Black Mountain Road for full frontage of Lot 1 on RP743970

The development side of Black Mountain Road must be widened from the existing centreline to an overall sealed width of 4.5 metres, with barrier kerb constructed on the development side. This widening must be blended into the existing seal to avoid sharp transitions in the sealed pavement.

The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

The new section of barrier kerb must connect to the existing kerb at the intersection of the Kennedy Highway and Black Mountain Road.

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

4.3 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.

(b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

(c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

(d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

(e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

(f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.

(g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.

(h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

(i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

4.4 Water Supply

(a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

(b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.5 On-Site Wastewater Management

Any future on-site effluent disposal system on each lot 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.

4.6 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 to each lot.

4.7 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.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay $10,155.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk water supply infrastructure servicing the land ($5,570.00 per additional lot)
- The trunk open space infrastructure servicing the land ($4,585.00 per additional lot)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of $20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(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) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water

Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(c) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) 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.

(e) 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.

(f) 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
- a registered easement over the subject site

(g) 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.

(h) 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.

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 28 August 2018.

(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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site is described as Lot 1 on RP743970, situated at 2-6 Black Mountain Road, Kuranda.

The site has an area of 3.036 hectares with a frontage of approximately 151 metres to Black Mountain Road and 168 metres to the Kennedy Highway. The frontage section of Black Mountain Road is formed to bitumen sealed standard with the width varying between 6 metres and 7.5 metres.

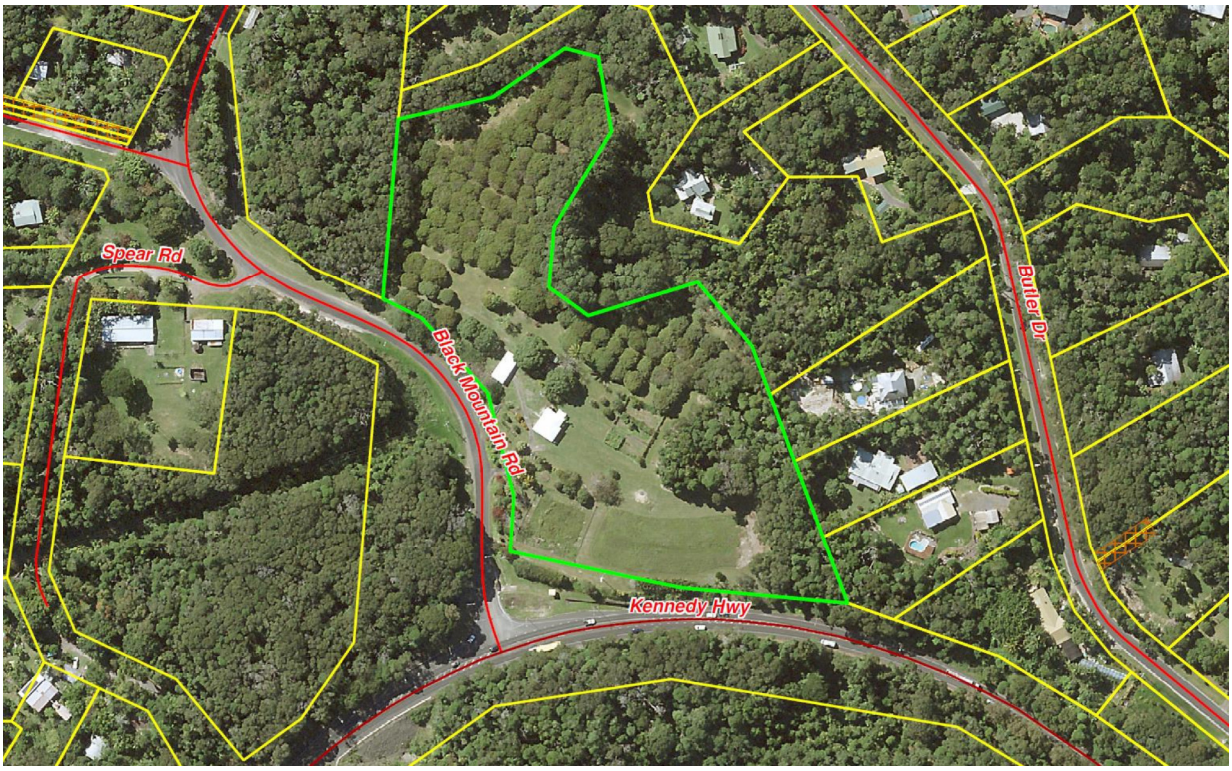
The subject site is irregular in shape and gently undulating. Improvements comprise of a dwelling house, domestic outbuildings, water bore and other agricultural elements. Approximately 80 percent of the site has been cleared of original vegetation, with approximately 30 percent of this area comprising an old lychee orchard.

Limited regrowth/regulated/riparian vegetation remains along a creek which meanders along part of the site's northern and eastern boundary. A further area of approximately 4,900m2 of regrowth/regulated/riparian vegetation remains in the site's south-eastern corner.

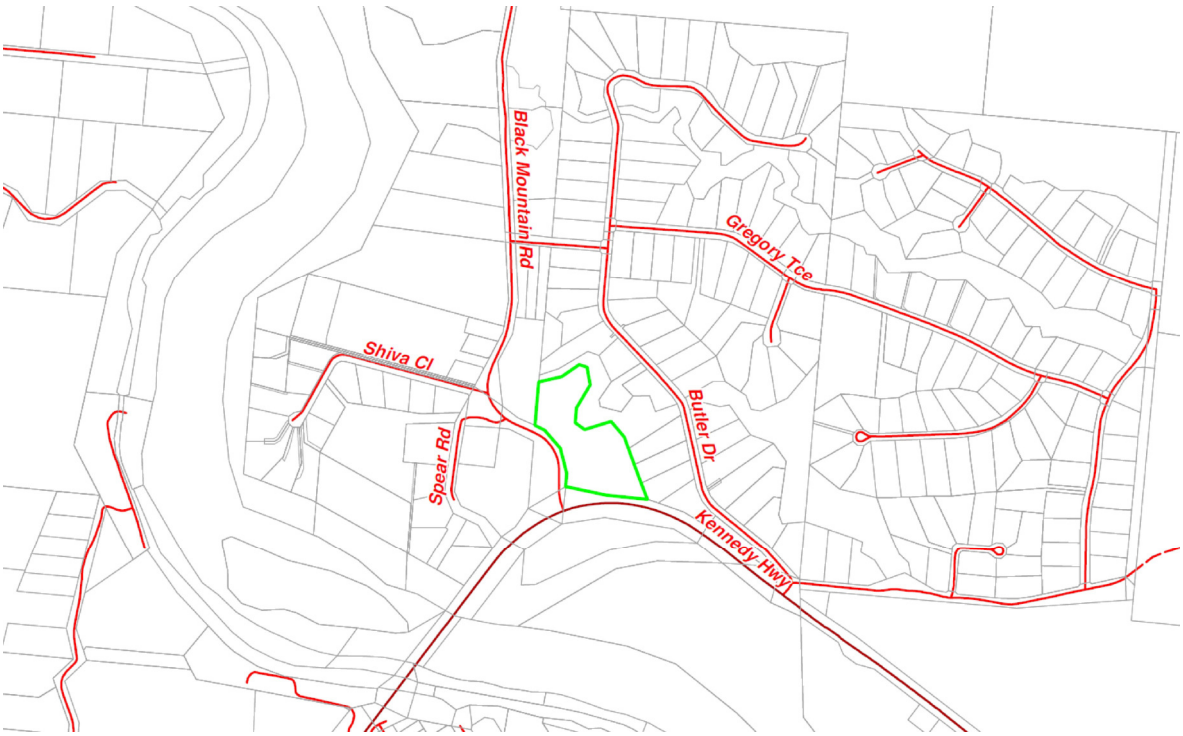
Access to the subject land is obtained directly off Black Mountain Road via an existing driveway located approximately 80 metres north of the Kennedy Highway/Black Mountain Road intersection. There is no direct access from the subject land onto the Kennedy Highway.

The site is serviced with reticulated electricity, telecommunications, town water and garbage collection and the existing house has a septic disposal system.

The site is located approximately 850 metres to the north of the Kuranda township. The immediate local area is developed with well - established rural residential housing, with surrounding rural residential lots averaging between 4,000m2 and 6,000m2.



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.



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.

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 lot into 4 lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 1 - area of 6,505m2, access to Black Mountain Road via 8 metre wide easement;
- Lot 2 - area of 4,418m2, 62 metres frontage to Black Mountain Road;
- Lot 3 - area of 6,432m2, 44 metres frontage to Black Mountain Road;
- Lot 4 - area of 13,006m2, 30 metres frontage to Black Mountain Road.

Access to the proposed allotments will be obtained via two shared driveways off Black Mountain Road. The existing site access will be upgraded to serve proposed Lots 3 and 4. A new FNQROC standard access will be constructed adjacent to the western boundary to serve proposed Lots 1 and 2.

Proposed Lot 3 will contain the established dwelling house, shed and associated onsite effluent disposal system.

Proposed Lots 1, 2 and 4 will be created vacant with each lot having the potential to accommodate a single dwelling house in the short term. A building envelope has been identified for each allotment in order to maintain appropriate setbacks from the neighbouring waterway, regulated vegetation and the Kennedy Highway.

Each proposed lot will be provided with access to the established urban services, with the exception ot reticulated town sewerage which in not available on the northern side of the Barron River.

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:	**Land Use Categories** • Rural Residential Area **Natural Environment Elements** • Biodiversity Areas **Transport Elements** • Local Collector Road
Zone:	Rural Residential zone - No precinct
Overlays:	Airport environs overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Scenic amenity overlay 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

Strategic Framework

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 in a rural residential area and is not agricultural land. The site has previously been cleared and the proposed reconfiguration will not lead to the fragmentation or loss of biodiversity areas.

The proposed development is infill development. The site is serviced by all infrastructure typically conditioned for rural residential development. The size and configuration of the proposed allotments will maintain the existing rural living character.

The site is approximately 850 metres north of the Kuranda township and roughly 1.2 kilometres walking distance.

The proposed development does not conflict with these specific outcomes.

3.4.4 Element - Biodiversity areas

3.4.4.1 Specific outcomes

(1) Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.

(2) Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.

(3) Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.

(4) The ecological values of biodiversity areas which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.

(6) Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.

Comment

The applicant considers that the development complies as it is only proposed in the cleared areas and in the area containing the old Lychee orchard.

The subject land includes mapped areas of wildlife habitat area along the eastern boundary.

Building envelopes are proposed for each lot to ensure future development will be sited outside the wildlife habitat area.

The proposed development does not conflict with these specific outcomes.

3.5.4 Element - Scenic amenity

3.5.4.1 Specific outcomes

(1) Areas of high scenic amenity (such as scenic routes) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. Scenic routes include:

(a) Great Tropical Drive;
(b) Savannah Way;
(c) Wheelbarrow Way;
(d) Black Mountain Road;
(e) Barron Falls Road;
(f) The Great Inland Way;
(g) Kuranda Range; and
(h) Rex Range.

(2) Development ensures scenic amenity values are maintained through sensitive location, design, materials, colour schemes, scale, minimising earthworks and retention of native vegetation.

Comment

The subject land is elevated above the Kennedy Highway with limited visibility of the proposed development from this section of the Shire scenic route.

The proposed development is in keeping the established settlement pattern and would not reduce the scenic attributes.

The proposed development does not conflict with these specific outcomes.

Relevant Development Codes

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

6.2.10 Rural residential zone code
8.2.2 Airport environs overlay code
8.2.4 Environmental significance overlay code
8.2.6 Flood hazard overlay code
8.2.8 Hill and slope overlay code
8.2.11 Scenic amenity 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 residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Scenic amenity overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following: ▪ Acceptable Outcome AO1.1 ▪ Performance Outcome PO13, Acceptable Outcome AO13 The applicant has demonstrated compliance with the higher order Performance Outcome PO1 and in the case of PO13 and AO13, demonstrated compliance with the higher order Overall Outcomes of the Reconfiguring a Lot code. Further details are provided as the end of this report.

Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable 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.

The development, which will create three (3) additional rural residential lots, is predicted to place additional demand on Council's trunk water supply infrastructure and trunk open space infrastructure.

The developer must pay a one off payment of **$10,155.00** (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

- The trunk water supply infrastructure servicing the land ($5,570.00 per additional lot)
- The trunk open space infrastructure servicing the land ($4,585.00 per additional lot)

REFERRALS
The application triggered a referral to the State Referral Agency for state transport infrastructure.

That Department advised in a response dated 28 August 2018 that they require the conditions to be attached to any approval **(Attachment 2**).

Internal Consultation
Technical Services

PUBLIC NOTIFICATION
The development proposal was placed on public notification from 27 August 2018 to 14 September 2018. The applicant submitted the notice of compliance on 17 September 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Three (3) properly made submissions were received and two (2) of those objected to the proposed development. A fourth submission, objecting to the development, was received outside the public notification period.

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

Grounds for objection/support	Comment
Submitter (Paterson) expresses support for the development.	Noted.
Development application seeks to override the planning scheme. Submitter does not support overriding the planning scheme withould demonstrated community or environmental benefit.	The application is not a variation request and does not seek to change the Mareeba Shire Council Planning Scheme 2016 or the way it applies to the subject land. The proposed development is impact assessable development, not prohibited development. Being impact assessable, Council is required to assess the proposed development against all relevant provisions of the Mareeba Shire Council Planning Scheme 2016. Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016. Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.
Development will directly impact on environment, specifically the adjoining watercourse which is habitat to endangered species, such as cassowary, turtle and other fauna.	A building envelope is shown for each proposed lot. These building envelopes are sited to ensure they avoid the areas of regulated vegetation and wildlife habitat mapped by the environmental significance overlay. The environmental significance overlay will continue to have effect for all future assessable development within the subject land. The environmental significance overlay does map a waterway traversing the subject land, however it is acknowledged that this mapped waterway is misaligned and the actual waterway is within the adjoining Council owned land. The proposed building envelopes achieve the planning scheme's nominated waterway setback.

	All future on site effluent disposal systems will be required to meet the latest standards applicable at the time of their installation.
The proposal plan shows two (2) shared accesses off Black Mountain Road for the four (4) proposed lots. Development should be limited to two (2) lots only.	The shared access arrangement is a sound planning outcome and does give justification to reduce lot numbers. The easements proposed will be conditioned to require a sealed driveway within each.
Development does not meet the community standards of supporting sensitive and sustainable urban development.	Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016. Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.
The subject land is not located within a rural residential precinct. The planning scheme should not be amended.	The subject land is not within a rural residential precinct. The application is not a variation request and does not seek to change the Mareeba Shire Council Planning Scheme 2016 or the way it applies to the subject land. The proposed development is impact assessable development, not prohibited development. Being impact assessable, Council is required to assess the proposed development against all relevant provisions of the Mareeba Shire Council Planning Scheme 2016. Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016. Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.
The building envelope on proposed Lot 4 is too small and too close to the	The proposed building envelopes allow for the reasonable development of each lot.

dwelling on proposed Lot 3, losing the rural residential feel.	Any prospective purchaser of Lots 3 and 4 can make the determination as to whether they accept the level of amenity offered by each allotment.
Too much reliance is placed on the developer to inform Council where the creek boundary is.	The environmental significance overlay does map a waterway traversing the subject land, however it is acknowledged that this mapped waterway is misaligned and the actual waterway is within the adjoining Council owned land.
Development cannot be supported due to conflicts with the planning scheme.	The proposed development is impact assessable development, not prohibited development. Being impact assessable, Council is required to assess the proposed development against all relevant provisions of the Mareeba Shire Council Planning Scheme 2016. Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016. Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.
An ecologic appraisal was submitted as the fourth (4) not properly made submission.	Noted. The development has been assessed against the applicable planning instruments.

The applicant has provided their response to the submissions (**Attachment 4**).

Submitters

Name of principal submitter	**Address**
1. John & Michele Paterson **(support)**	57 Butler Drive, Kuranda QLD 4881
2. Jenny Jensen	61 Butler Drive, Kuranda QLD 4881
3. Steven Nowakowski	PO Box 4761, Cairns QLD 4870
Not properly made submission	

4. Jo Martin, for Kuranda Region Planning Group	Recreation Centre, Kuranda QLD 4881

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) The proposed lots will be consistent with the design of lots in the surrounding area.

(b) The proposed lots allow the desired amenity of the zone to be achieved.
(c) Each of the proposed lots is of sufficient size and shape to be able to accommodate all buildings, structures and works associated with the intended land use;

(d) The existing site access will be upgraded to provide shared access to Lots 3 and 4. A new shared access adjacent to the western boundary will provide access to proposed Lots 1 and 2. A sealed driveway will be required within the proposed access handle;

(e) The subject land is conveniently located at approximately 1,000 metres (walking distance) from the Kuranda town centre;

(f) Future buildings will be sited away from the waterway and remaining vegetation; and

(g) The proposed lot layout reasonably responds to site's constraints.

The development complies with PO1.

PO13
New lots are only created in the Rural residential zone where land is located within the 4,000m^2 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 of 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 site is already serviced by all infrastructure typically conditioned for rural residential development.

(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;

The size and shape of the proposed allotments are consistent with the Rural Residential zone - 4,000m2 precinct. The subject land is within the Rural Residential zone, but outside the 4,000m2 precinct.

Part of the subject land's eastern boundary adjoins the Rural Residential zone - 4,000m2 precinct (Top of the Range Estate).

(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 3 already contains a dwelling house and shed.

Proposed Lots 1, 2 and 4 all 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 keep structures away from the 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 site is approximately 850 metres north of the Kuranda township and roughly 1.2 kilometres walking distance. An established pedestrian path links the northern side of the Barron River back to the Kuranda township.

(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 'top of the range estate' area is already serviced by 3 hectares of park and recreation reserve on Gregory Terrace. The subject land also has convenient access to existing local/district parks and facilities found throughout the Kuranda district.

Due to the proposed developments relatively small scale and the adequate supply of existing parkland and facilities, a monetary infrastructure contribution is considered to be appropriate.

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

Council already holds title over the waterway/riparian corridor adjoining the subject land.

(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

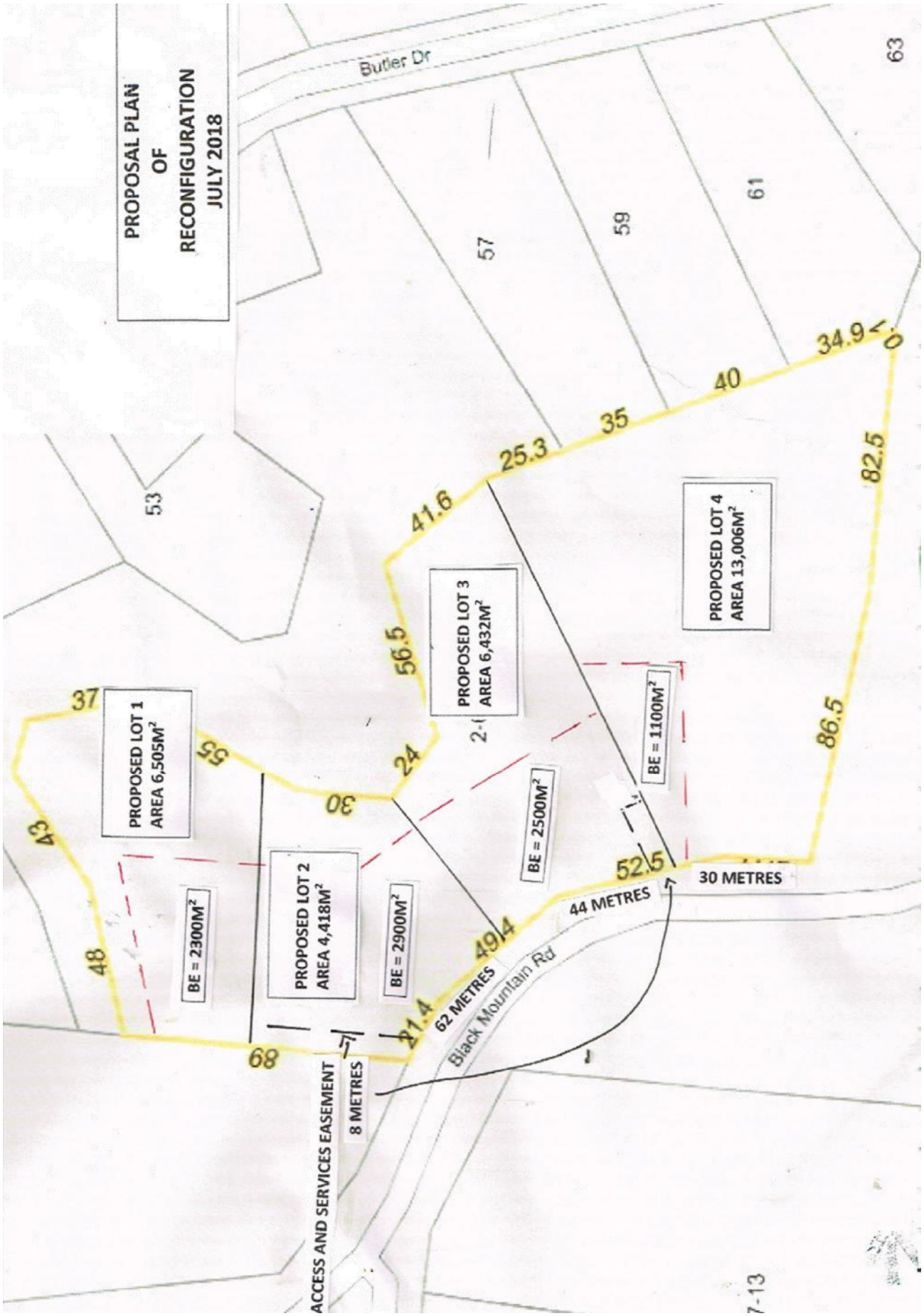
Not applicable. The subject land is not within a historical township for the purpose of the planning scheme.

(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.

The proposed lot layout appropriately and efficiently responds to the relevant identified criteria.


PROPOSAL PLAN
OF
RECONFIGURATION
JULY 2018
Butler Dr
63
61
59
57
53
34.9
40
35
25.3
41.6
82.5
86.5
56.5
37
55
24
30
43
48
68
21.4
49.4
52.5
PROPOSED LOT 1
AREA 6,505M²
PROPOSED LOT 2
AREA 4,418M²
PROPOSED LOT 3
AREA 6,432M²
PROPOSED LOT 4
AREA 13,006M²
BE = 2300M²
BE = 2900M²
BE = 2500M²
BE = 1100M²
8 METRES
ACCESS AND SERVICES EASEMENT
62 METRES
44 METRES
30 METRES
Black Mountain Rd

7/24/2018
4 BLOCK. AERIAL
2-6 Black Mountain Rd - Google Maps
Butler Dr
Butler Dr
2-6 Black Mountain Road
Black Mountain Rd
Black Mountain Rd
Black Mountain Rd
Google
https://www.google.com.au/maps/place/2-6+Black+Mountain+Rd,+Kuranda+QLD+4881/@-16.8120657,145.6373777,295m/data=!3m1!1e3!4m5!3m4!1s0x6978704f8c47f6a5:0xdca300358a8b1c1a!8m2!3d-16.812127,... 2/3

RA6-N

Queensland Government

Department of
State Development, Manufacturing, Infrastructure and Planning

Our reference: 1808-6718 SRA
Your reference: RAL/18/0025

28 August 2018

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

Attention: Brian Millard

Dear Mr Millard

Referral agency response—with conditions
Development Application seeking a Development Permit for Reconfiguring a Lot – One (1) Lot into Four (4) Lots on land located at 4-6 Black Mountain Road, Kuranda, more specifically Lot 1 on RP743970
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 9 August 2018.

Applicant details

Applicant name:	Mr N Derakhshan
Applicant contact details:	23 Vallely Street Freshwater QLD 4870 liz@elizabethtaylor.net.au

Location details

Street address:	2-6 Black Mountain Road, Kuranda
Real property description:	Lot 1 on RP743970
Local government area:	Mareeba Shire Council

Application details

Development Permit	Reconfiguring a Lot - One (1) Lot into Four (4) Lots

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

North and North West regional office
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

- 10.9.4.2.1.1 State transport corridors and future State transport corridors
- 10.9.4.2.3.1 State transport corridors and future State transport corridors

Conditions
Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions
The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Proposal Plan of Reconfiguration	-	July 2018	-	-

A copy of this response has been sent to the applicant for their information.

For further information please contact Javier Samanes, A/ Principal Planning Officer, on 47583416 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Graeme Kenna
Manager (Planning)

cc Mr N Derakhshan, liz@elizabethtaylor.net.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

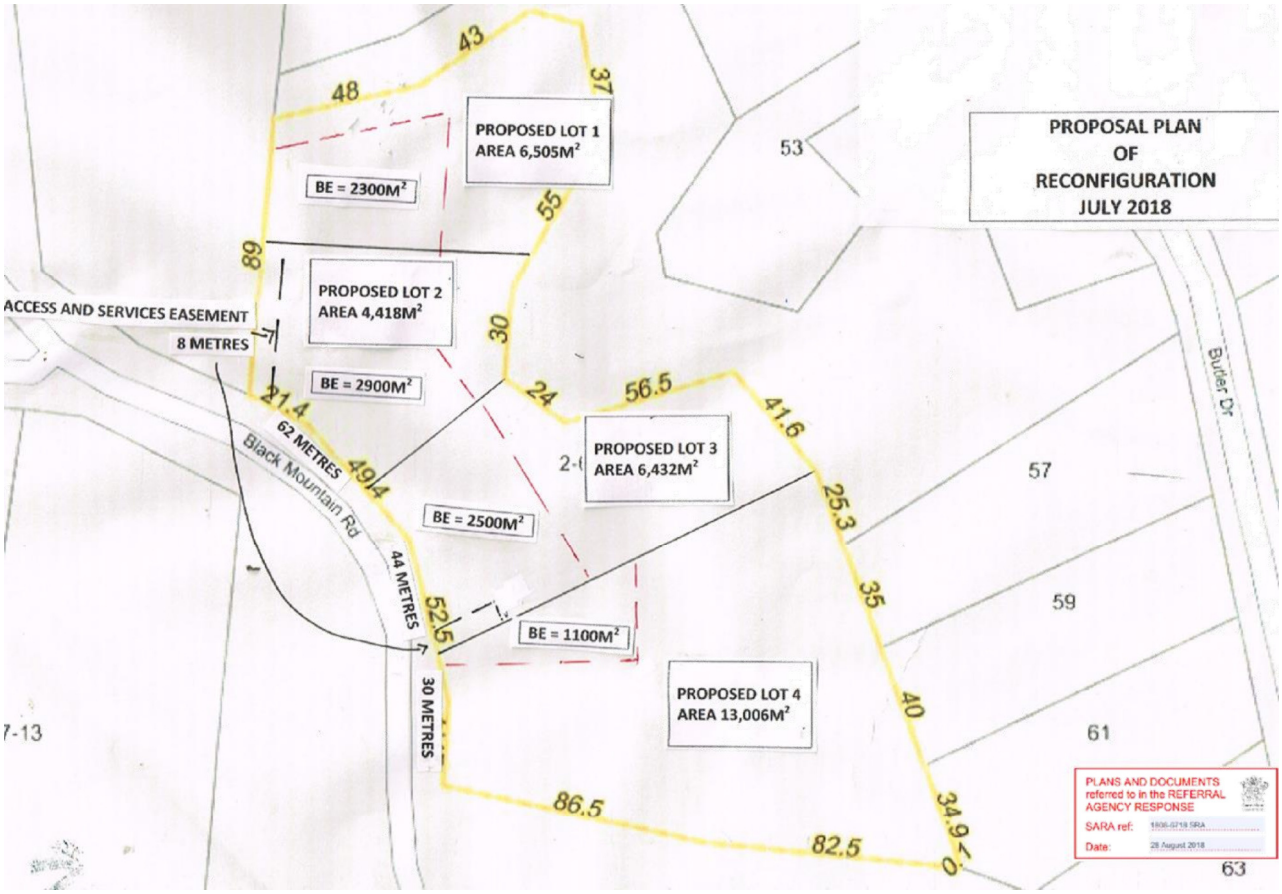
No.	Conditions	Condition timing
Reconfiguring a Lot – One (1) Lot into Four (4) Lots		
10.9.4.2.1.1 and 10.9.4.2.3.1 – State transport corridor—The chief executive administering the *Planning Act 2016* nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Road access to the development must be provided generally in accordance with Proposal Plan of Reconfiguration, dated July 2018.	Prior to submitting the Plan of Survey to the local government for approval
2.	Direct access is not permitted between Kennedy Highway and the subject site.	At all times

1808-6718 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure direct access to the state-controlled road is prohibited where not required.


PROPOSAL PLAN
OF
RECONFIGURATION
JULY 2018
PROPOSED LOT 1
AREA 6,505M²
BE = 2300M²
PROPOSED LOT 2
AREA 4,418M²
BE = 2900M²
PROPOSED LOT 3
AREA 6,432M²
BE = 2500M²
BE = 1100M²
PROPOSED LOT 4
AREA 13,006M²
ACCESS AND SERVICES EASEMENT
8 METRES
62 METRES
Black Mountain Rd
44 METRES
30 METRES
Butler Dr
53
57
59
61
63
43
48
37
55
89
30
24
56.5
41.6
25.3
35
40
21.4
49.4
52.5
86.5
82.5
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE
SARA ref:
Date:

From: Jenny Jensen
Sent: 9 Sep 2018 20:07:50 +1000
To: Info (Shared);Brian Millard
Subject: RAL/18/0025 - Objection submission - Jenny Jensen
Attachments: Submission from Jenifer J Jensen in response to.pdf, Submission MSC from JJ Jensen Sept18 001 (2).jpg

ATT: Brian Millard
RE: Submission to Development Application RAL/18/0025 at 2-6 Black Mt Rd

I wish to submit an objection to this Development Application.
My submission is attached.

Thank You

Please Note: If required with signature, please note that a scanned copy with original signature is also attached

Jenifer (Jenny) Jensen

Mobile: 0414262040

Document Set ID: 3438055
Version: 1, Version Date: 10/09/2018

Submission from Jenifer J Jensen in response to:

Development Application: Reconfiguration of a Lot – One (1) Lot into four (4) Lots

2- 6 Black Mountain Rd, Kuranda

On: Lot 1 RP743970

Application: RAL/18/0025

I wish to make a submission to OBJECT to the Development Application.

I own a property at (Lot 77) 61 Butler Drive Kuranda, which immediately adjoins the proposed Lot 4 of the Development Application.

My concerns are as follows:

1. **This Development Application seeks to override the MSC Planning Scheme which was adopted recently after extensive consultation and considerable drafting. Whilst Council has the ability to override the Planning Scheme, I do not support contravening the Planning Scheme unless there is clear evidence of a significant reason to do so.** In the case of this Development Application, no significant evidence has been provided to warrant overriding the current Planning Scheme, other than economic gain. No community or environmental benefit has been demonstrated.
2. **This proposed Development would impose direct impacts on the environment**, given that there is a water course along the boundary area of my property and the proposed Lot 4. This is habitat to highly endangered species including cassowaries, as well colonies of freshwater turtles and other fauna.
3. **In terms of sound planning principles, the proposed division into 4 lots is deficient** as the proposed plan shows only two access points, each of which would each provide access for two properties. It would seem that if the Development were to be approved, only two (2) not four (4) lots should be allowed.
4. Overall**, this Development does not meet the community standards of only supporting sensitive and sustainable urban development in such a sensitive ecological area.**

Signed:

Date:

Document Set ID: 3438055
Version: 1, Version Date: 10/09/2018

Submission from Jenifer J Jensen in response to:

Development Application: Reconfiguration of a Lot – One (1) Lot into four (4) Lots

2- 6 Black Mountain Rd, Kuranda

On: Lot 1 RP743970

Application: RAL/18/0025

I wish to make a submission to OBJECT to the Development Application.

I own a property at (Lot 77) 61 Butler Drive Kuranda, which immediately adjoins the proposed Lot 4 of the Development Application.

My concerns are as follows:

1. **This Development Application seeks to override the MSC Planning Scheme which was adopted recently after extensive consultation and considerable drafting. Whilst Council has the ability to override the Planning Scheme, I do not support contravening the Planning Scheme unless there is clear evidence of a significant reason to do so.** In the case of this Development Application, no significant evidence has been provided to warrant overriding the current Planning Scheme, other than economic gain. No community or environmental benefit has been demonstrated.
2. **This proposed Development would impose direct impacts on the environment,** given that there is a water course along the boundary area of my property and the proposed Lot 4. This is habitat to highly endangered species including cassowaries, as well colonies of freshwater turtles and other fauna.
3. **In terms of sound planning principles, the proposed division into 4 lots is deficient** as the proposed plan shows only two access points, each of which would each provide access for two properties. It would seem that if the Development were to be approved, only two (2) not four (4) lots should be allowed.
4. Overall**, this Development does not meet the community standards of only supporting sensitive and sustainable urban development in such a sensitive ecological area.**

Signed: J Jensen

Date: 9th September 2018.

From: First National Kuranda - John
Sent: 6 Sep 2018 12:59:43 +1000
To: Info (Shared)
Subject: RAL/18/0025 - John and Michele Paterson submits support for Development Application

Good Afternoon

We would like to lodge our agreement for this development on Black Mountain Road, Kuranda to proceed.

Regards

John and Michele Paterson
57 Butler Dv
Kuranda

Document Set ID: 3436664
Version: 1, Version Date: 07/09/2018

From: Steven Nowakowski
Sent: 4 Sep 2018 18:48:20 +1000
To: Info (Shared)
Subject: RAL/18/0025 - Objection submission - Steven Nowakowski
Attachments: Objection to RAL180025.pdf

Hello Mareeba Shire Council,

Please find attached an objection to the reconfiguration of a Lot on Black Mountain Road Kuranda.

Kind Regards,
Steven Nowakowski

Document Set ID: 3436033
Version: 1, Version Date: 05/09/2018

Steven Nowakowski
PO Box 4761
CAIRNS QLD 4870

3rd September 2018

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir/Madam,

RE: RAL/18/0025

I wish to object to the reconfiguration of a Lot at 2-6 Black Mountain Road, Kuranda.

The subject property falls outside Precinct A of the Rural Residential Zone.

The Planning Scheme was developed with public participation and consultation and reflects the desires and aspirations of the community. Therefore, the subject property was excluded from Precinct A as an outcome from community consultation at the time of the development of the Planning Scheme. The Planning Scheme should not be amended because one developer wishes to maximise profits from an investment.

Issues I have highlighted thus far are:

i) The allowable building envelope for the Proposed New Lot 4 is too small and constrained. If a dwelling is built on Lot 4 it will be too close to the existing structure on Proposed Lot 3. This will diminish the rural residential 'feel' for these proposed blocks and does not meet the intent of the rural residential lifestyle.

ii) Too much reliance is placed on the developer to inform council where the actual creek boundary is. Mention is made that the creek is mapped wrong so where is the correct boundary? Does the creek setbacks reflect this?

iii) Further development of the subject Lot cannot be supported due to a conflict with The Mareeba Shire Planning Scheme 2016

Yours truly,

Steven Nowakowski

Document Set ID: 3436033
Version: 1, Version Date: 05/09/2018

From: Jo Martin
Sent: 15 Sep 2018 10:51:01 +1000
To: Info (Shared);'Kuranda Region Planning Group'
Subject: RAL/18/0025 - submission - ecological appraisal by Kuranda Region Planning Group
Attachments: ECOLOGICAL-APPRAISAL-FOR-MSC-RAL180025.pdf

Hi MSC,

Please find attached the submission for RAL 180025.

Kind regards,

jo

For Kuranda Region Planning Group

Virus-free. www.avast.com

Document Set ID: 3439509
Version: 1, Version Date: 17/09/2018

ECOLOGICAL APPRAISAL

PREPARED FOR MAREEBA SHIRE COUNCIL

DATE: 14 SEPTEMBER 2018

MSC CODE: RAL/18/0025 APPLICANT: N Derakhshan C/- Elizabeth Taylor Town Planner DESCRIPTION: ROL (1 into 4 Lots) ADDRESS: 2-6 Black Mountain Road KURANDA DOCUMENTS: RAL180025 - Confirmation Notice 3.84 MB RAL180025 - New DA - N Derakhshan 4.88 MB	**FILING CODE: KRPG-BM026** SITE MAPPING SUPPLIED: ▪ MSC2016 ZM0011 ▪ SITE PLAN ▪ EPBC species ▪ Matters of State Significance

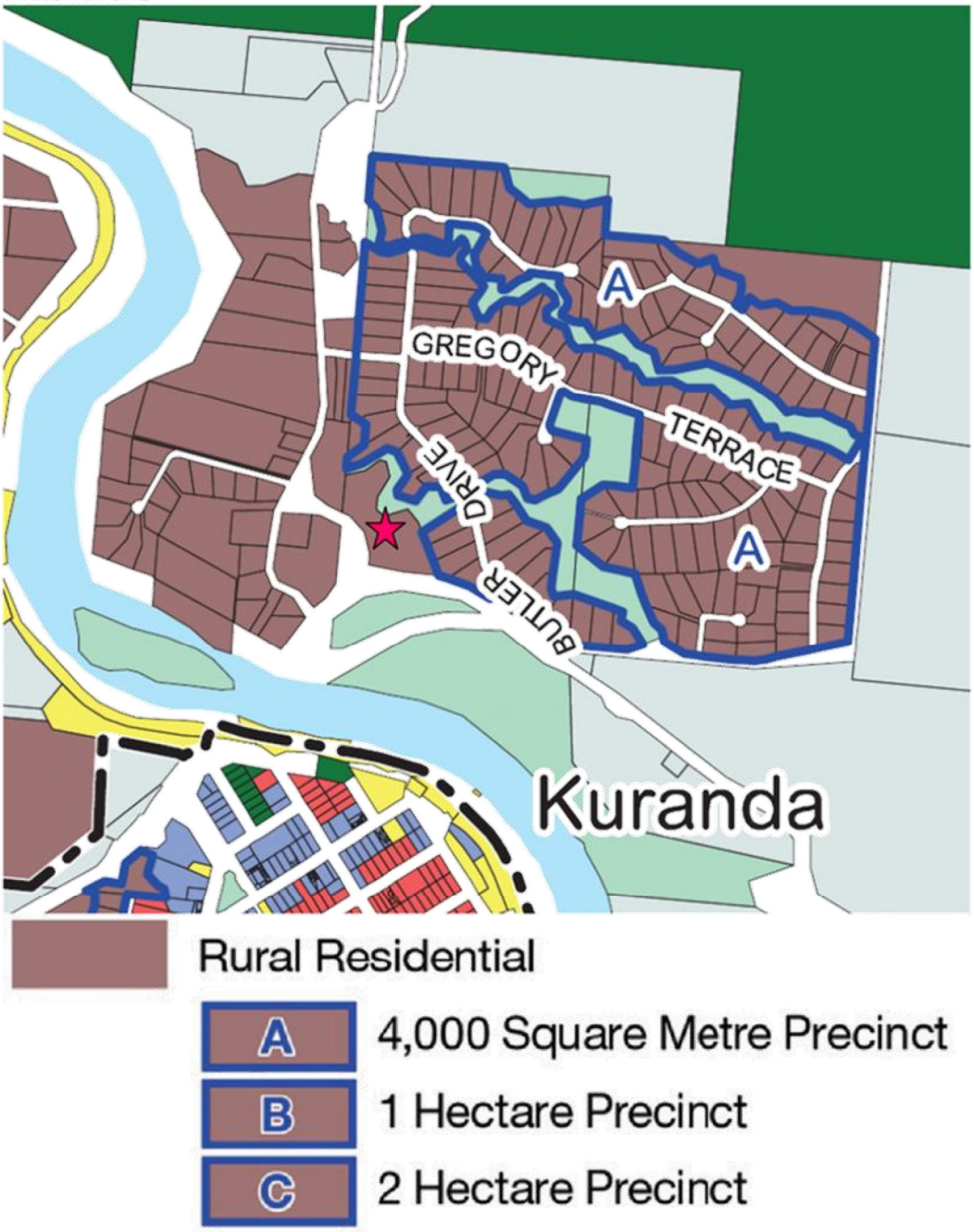
	Cassowary Sightings - four sightings within 1000m of site		**Kuranda Tree Frog records** - within 500m of site
	Ecological Corridor - Fairyland Link - site within 300m of Barron River		**MSES Buffered Streams** - yes, on site

COMMENTARY BY JO MARTIN

MAP 1 shows the site in relation to MSC2016 planning scheme zone map and shows the site outside of **Zone A 4,000** sqm precinct.
MAP 2 shows the submitted plan shows proposed lot sizes of: PROPOSED LOT 1 AREA **6,505** sqm PROPOSED LOT 2 AREA **4,418** sqm PROPOSED LOT 3 AREA **6,432** sqm PROPOSED LOT 4 AREA **13,006** sqm The proposed lot sizes are *not in accordance with the MSC2016 zone*. Minimum lot size for the site is **10,000** sqm (1ha).
MAP3 shows the site in relation to EPBC threatened species, in particular the Cassowary and Kuranda Tree Frog. Black Mountain subdivisions are home to the highest density of Cassowary in Kuranda and will require lower human densities to preserve essential habitat on freehold land.
MAP4 and **MAP5** show the site in relation to Matters of State Significance (MSES) ESSENTIAL HABITAT and WILDLIFE HABITAT. The site currently forms one of the few *deadzones* in canopy cover in the Black Mountain area. Conservation efforts would require less density/lots approved by council and native revegetation restored outside of building envelopes, in the best case scenario.

Document Set ID: 3439509
Version: 1, Version Date: 17/09/2018

MAP 1 MAREEBA SHIRE COUNCIL PLANNING SCHEME ZONE MAP – KURANDA ZM0011
PINK STAR: SITE

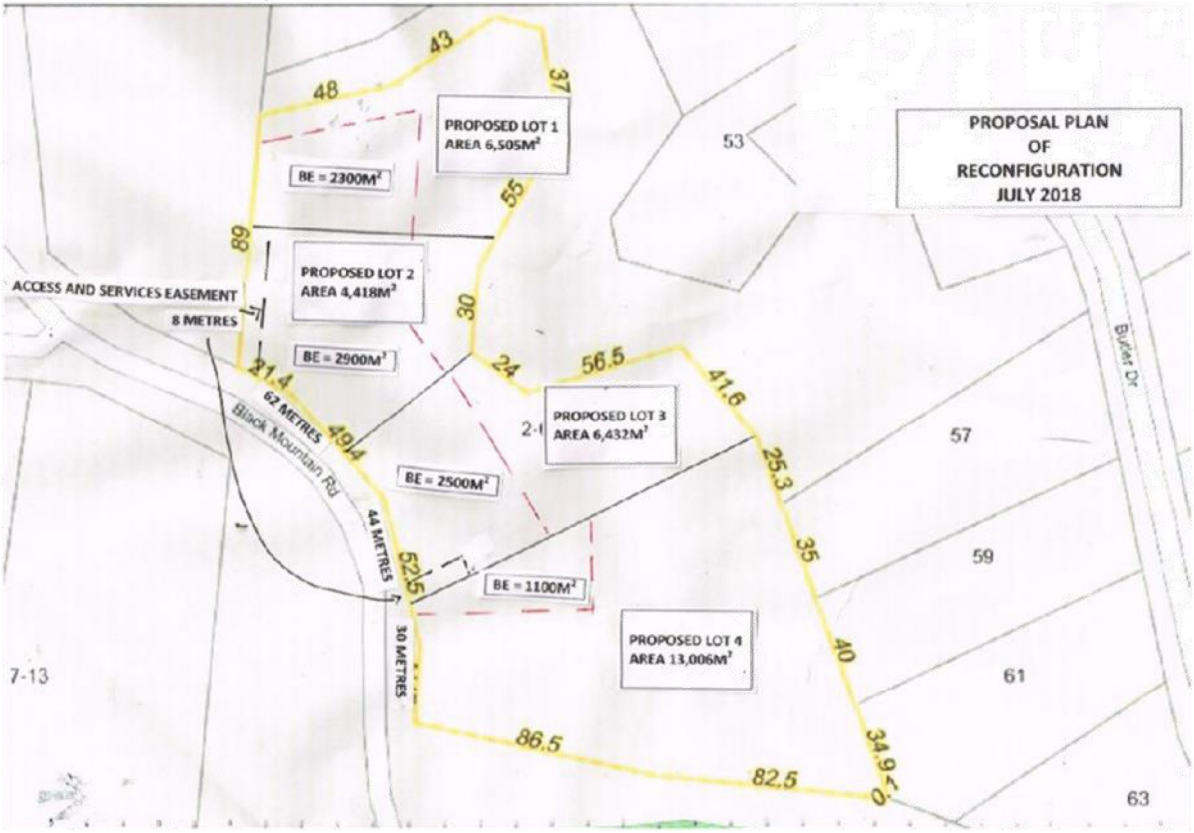


Document Set ID: 3439509
Version: 1, Version Date: 17/09/2018

CONVERSION TABLE

PRECINCT	SQUARE METRES	HECTARES
A	4,000	0.4
B	10,000	1
C	20,000	2

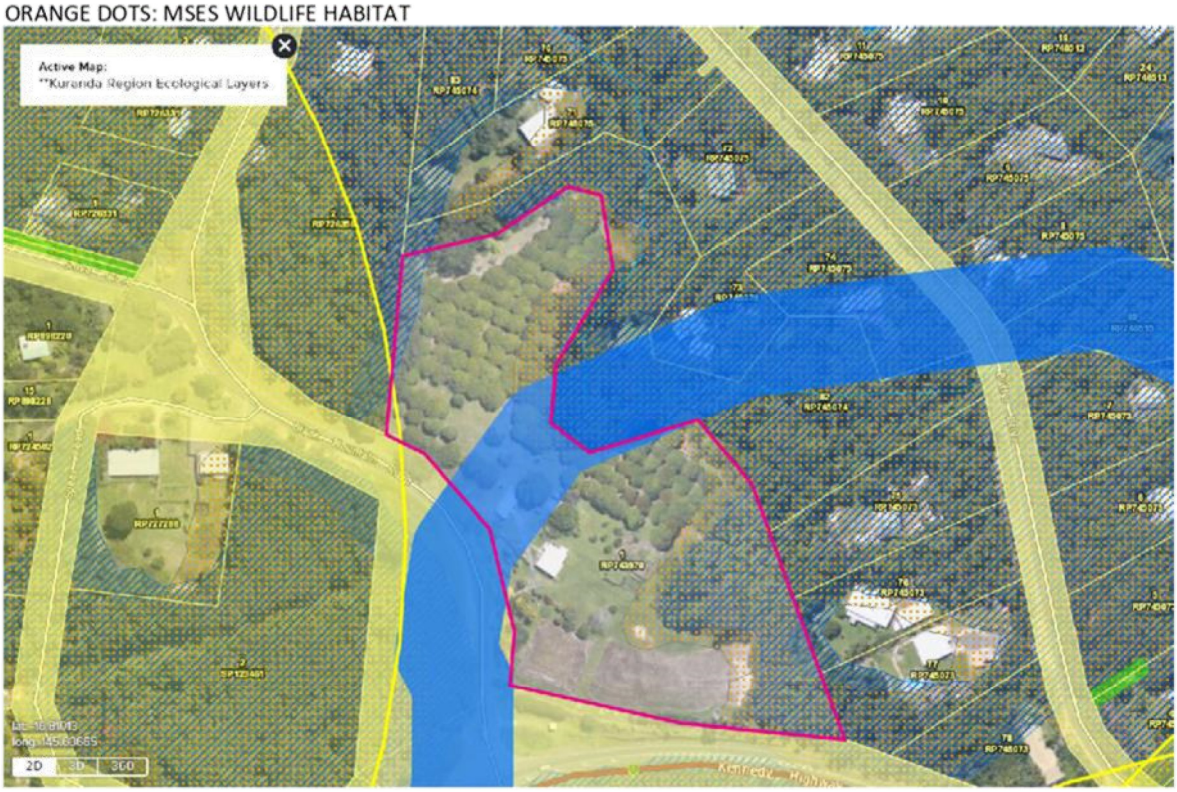
MAP 2 PROPOSED LOT 1 AREA **6,505M2**, PROPOSED LOT 2 AREA **4,418M2**, PROPOSED LOT 3 AREA **6,432M2**, PROPOSED LOT 4 AREA **13,006M2**



Document Set ID: 3439509
Version: 1, Version Date: 17/09/2018

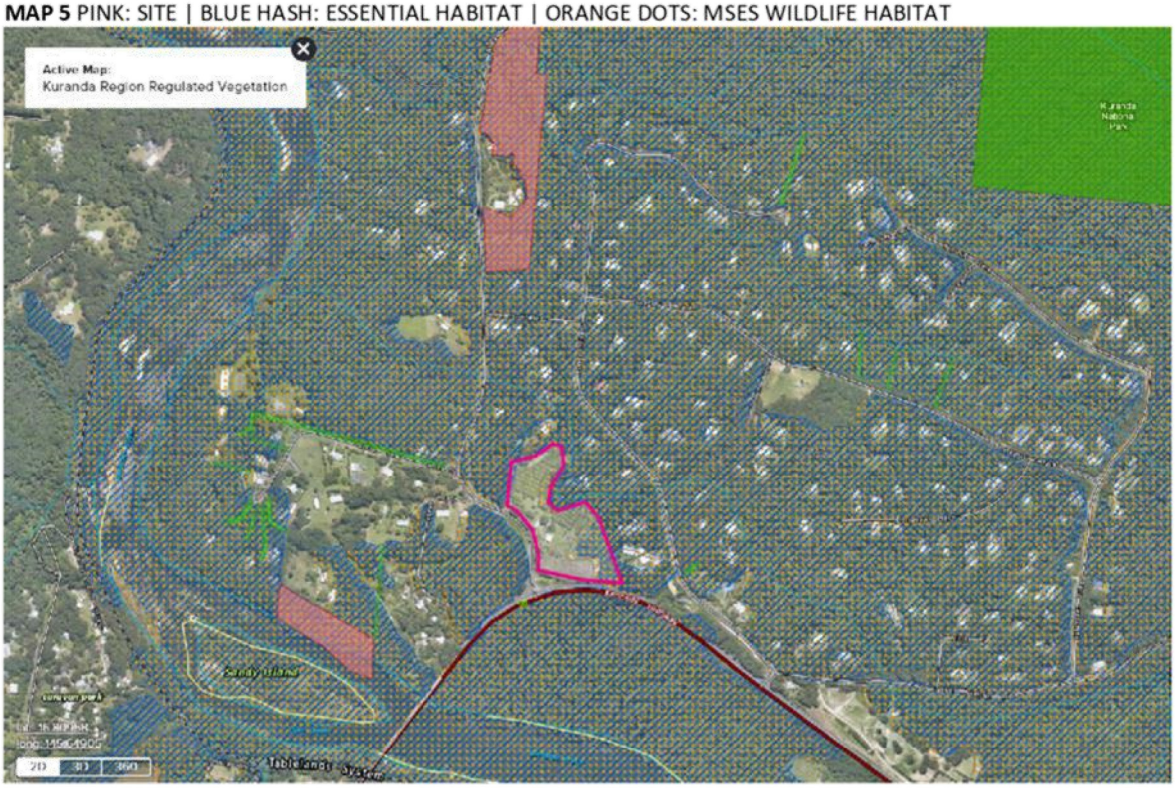
MAP 3 PINK: SITE | YELLOW CIRCLES: CASSOWARY EXTENT 500M BUFFER | ORANGE CIRCLES: KURANDA TREE FROG RECORDS 100M BUFFER

MAP 4 PINK: SITE | BLUE: BUFFERED STREAMS, CONSERVATION SIGNIFICANCE | BLUE HASH: ESSENTIAL HABITAT | ORANGE DOTS: MSES WILDLIFE HABITAT



Document Set ID: 3439509
Version: 1, Version Date: 17/09/2018

MAP 5 PINK: SITE | BLUE HASH: ESSENTIAL HABITAT | ORANGE DOTS: MSES WILDLIFE HABITAT



Document Set ID: 3439509
Version: 1, Version Date: 17/09/2018

Brian Millard

Subject: FW: Submissions for ROL (1 into 4 Lots) 2-6 Black Mountain Road, Kuranda - N Derakhshan - RAL/18/0025

From: Navid Derakshan <navidd@hotmail.com>
Sent: Tuesday, 18 September 2018 4:53 PM
To: Liz Taylor <liz@elizabethtaylor.net.au>
Subject: Re: Submissions for ROL (1 into 4 Lots) 2-6 Black Mountain Road, Kuranda - N Derakhshan - RAL/18/0025

Many thanks, Liz.

I offer the following comments in relation to each of the points raised within each submission:

1) Objection received from Jo Martin, representing the Kuranda Region Planning Group:

- First and foremost, the submission was emailed to the Council a day after the closing date - not sure if this is acceptable or not?
- Points 1 and 2 are one and the same, yes the property is outside the 4000m^2 precinct, this is why the application is Impact Assessable.
- For point 3, the objector's own maps show that the property is outside the buffer zones required for Cassowary and tree frog habitats.
- Point 4, all proposed building envelopes are well outside any relevant buffer zones, including those listed by the objector. Furthermore, the property is currently a disused Lychee orchard and open paddock with little-to-no prospect of EVER being re vegetated with native trees. If, however the property is divided into four smaller lots, individual property owners are more likely to plant native vegetation to create privacy and seclusion for themselves thereby increasing areas of native vegetation/habitat areas.

2) Objection received from Steven Nowankowski:

- The comment about "the Planning Scheme should not be amended because one developer wishes to maximise profits from an investment" is ridiculous and irrelevant. The reason the application has been made is because Council's mapping is incorrect and the site has been proven to have further development potential, which if Council had known at the time the Planning Scheme was prepared would have probably resulted in the site being included in Precinct A to allow further subdivision.
- Point 1 is not relevant as any potential buyer will make up their own mind about rural residential amenity and, in any event, it can be easily addressed with planting/screening along the boundary between Lots 3 and 4 and the Building Envelope in Lot 4 has an area of 1,100m^2- which is nearly double the area of a standard residential lot, providing plenty of options for the siting of a new dwelling.
- Point 2 has already been addressed in the submission, and yes the required creek set-backs have been taken into account.
- Point 3 is a repeat of the objector's earlier comment, albeit with better reasoning. Again, this is why we are submitting an application to show that the mapping errors in the Planning Scheme suggested the site had no development potential but ground-truthing on site has proven the opposite and that is why the application has been made; to show there are no insurmountable

conflicts between the proposed development and the Planning Scheme when the on- site opportunities and constraints are accurately mapped and assessed.

3) Objection received from Jenny Jensen:

- Point 1 - the development application directly benefits the community (with no detrimental environmental impacts) in providing much needed housing accommodation in the Kuranda region.
- Point 2 - all proposed lots and building envelopes are outside all relevant buffer zones, as required.
- Point 3 - is contradictory to the objector's first 2 points. There is no difference between having 4 lots or having 2 lots - either the development goes against the Planning Scheme and has 'direct impacts' on the environment OR it doesn't. Only two vehicular accesses to four lots are proposed to limit vehicular access to and from Black Mountain Road, surely this is a good outcome?
- Point 4 - the objector's comment is subjective and inaccurate based on ideology rather than a logical or factual argument. This development has been designed following ground-truthing and an opportunities and constraints exercise, surely this is sensitive and sustainable development.

Happy to chat further on any of the above.

Talk with you soon.

Navid