

DELEGATED REPORT

SUBJECT: N & C WILKINS - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) - LOT 14 ON RP880992 - 141 MARTIN ROAD, CHEWKO - MCU/22/0012

DATE: 7 June 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|-------------------------|
| APPLICANT | N & C Wilkins | ADDRESS | 141 Martin Road, Chewko |
| DATE LODGED | 26 May 2022 | RPD | Lot 14 on RP880992 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Dwelling House (Secondary Dwelling) | | |

| | | | |
|----------------------------|--|--------------|----------------|
| FILE NO | MCU/22/0012 | AREA | 9.956 hectares |
| LODGED BY | Emergent Building Approvals | OWNER | N & C Wilkins |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Rural zone | | |
| LEVEL OF ASSESSMENT | Code Assessment | | |
| SUBMISSIONS | 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 | |
|-----------------------------|--|----------------|----------------------------|
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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 Material Change of Use - Dwelling House (Secondary Dwelling)

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|---------------------|-------------------------------|----------|
| S001 | Site Plan | Marksman Construction Company | - |
| - | Google Earth plan | - | - |
| 21082-1 | Jasper 2.0 Home | Marksman Construction Company | 12/08/21 |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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 commencement of the use except where specified otherwise in these conditions of approval.

3. General

- 3.1 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.
- 3.2 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(c) 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.

(d) 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.

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

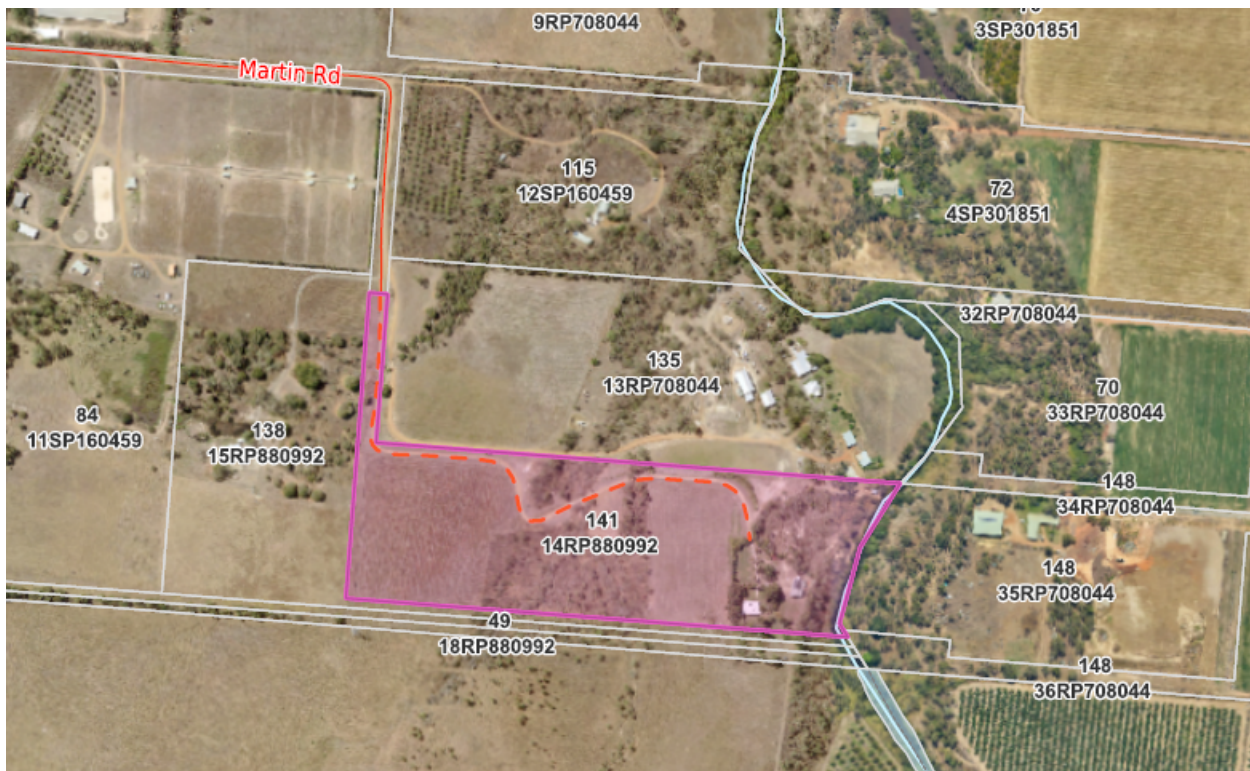
THE SITE

The subject site is situated at 141 Martin Road, Mareeba and is described as Lot 14 on RP880992, having an area of 9.956 hectares.

The site is an axe handle allotment with a 20 metre wide access handle connecting to the very end of Martin Road. The main body of the site is regularly shaped, with the eastern boundary adjoining Atherton Creek.

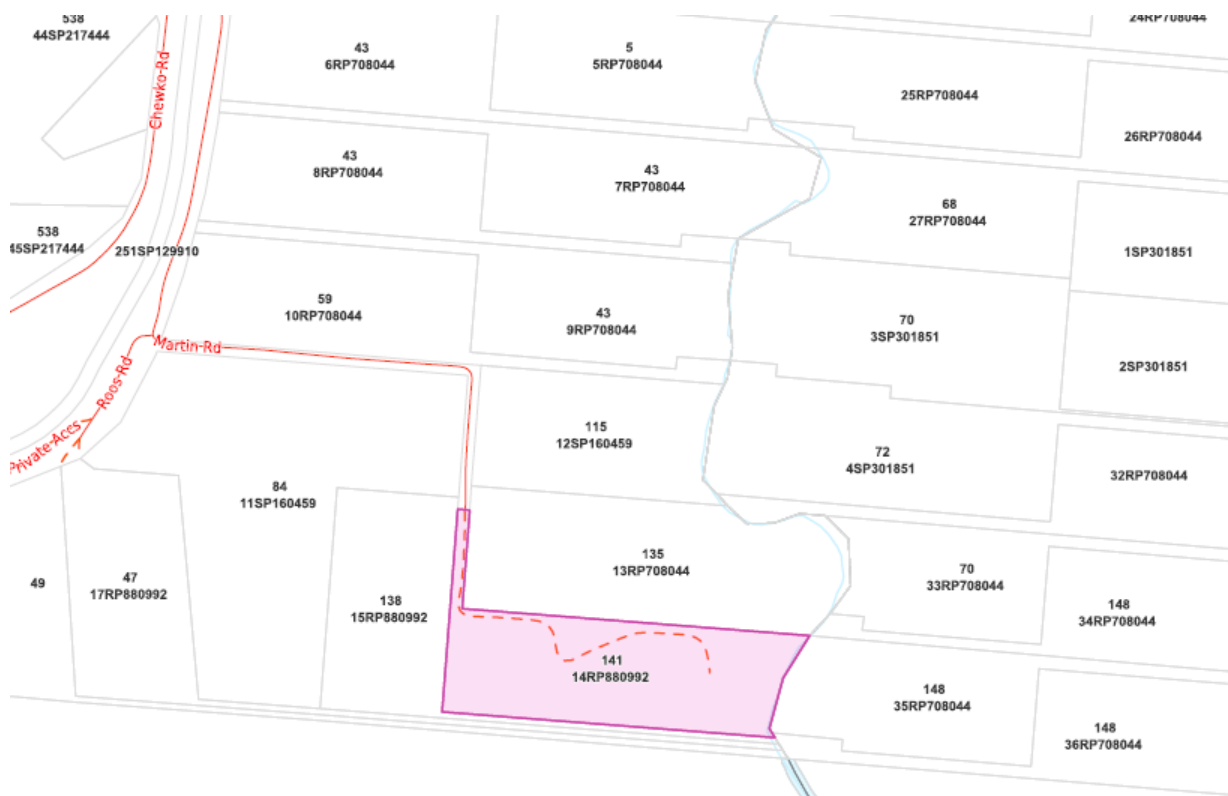
The site has 20 metres of frontage to Martin Road which is constructed to a rural gravel standard for the final 490 metres leading up to the site.

The site is improved by a single dwelling and farm shed and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. All surrounding lots are zoned Rural.



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

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Dwelling House (Secondary Dwelling) in accordance with the plans shown in **Attachment 1**.

The level of assessment for the proposed development has increased from *Accepted development, subject to requirements*, to Code Assessable, due to non compliance with Acceptable Outcome AO6.1(b) of the Accommodation Activities code.

All other requirements for accepted development can be met by the proposed development.

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:

- *Wetland Area of General Ecological Significance*

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|--|
| Strategic Framework: | Land Use Categories <ul style="list-style-type: none"> • <i>Rural Area</i> <ul style="list-style-type: none"> ▪ <i>Rural Agricultural Area</i> ▪ <i>Rural other</i> Infrastructure Elements <ul style="list-style-type: none"> • <i>Major electrical infrastructure</i> |
| Zone: | Rural zone |
| Overlays: | Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay |

Planning Scheme Definitions

The proposed use is defined as:-

| Column 1 Use | Column 2 Definition | Column 3 Examples include | Column 4 Does not include the following examples |
|-------------------------|--|--------------------------------------|--|
| Dwelling House | <p><i>A residential use of premises for one household that contains a single dwelling.</i></p> <p><i>The use includes domestic outbuildings and works normally associated with a dwelling and may include a <u>secondary dwelling</u>.</i></p> | | <p><i>Caretaker's accommodation, dual occupancy, rooming accommodation, short-term accommodation, student accommodation, multiple dwelling</i></p> |

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
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 9.3.1 Accommodation activities code
- 9.4.5 Works, services and infrastructure code

Pursuant to sub-section 5.3.3(4)(b) of the Mareeba Shire Council Planning Scheme 2016, this application is assessed against the assessment benchmarks for the development application, limited to the subject matter of the required acceptable outcomes that were not complied with or were not capable of being complied with under sub-section 5.3.3(2).

Specifically, Performance Outcome PO6 of the Accommodation Activities code.

An officer assessment has found that the application satisfies the relevant performance outcome of the Accommodation Activities code.

| Relevant Codes | Comments |
|---|--|
| Rural zone code | The application will satisfy the requirements for accepted development. |
| Agricultural land overlay code | The application will satisfy the requirements for accepted development. |
| Airport environs overlay code | The application will satisfy the requirements for accepted development. |
| Bushfire hazard overlay code | The application will satisfy the requirements for accepted development. |
| Environmental significance overlay code | The application will satisfy the requirements for accepted development. |
| Accommodation activities code PO6 <i>Where a Dwelling house involves a secondary dwelling, it is designed and located to:</i> <i>(a) not dominate the site;</i> <i>(b) remain subservient to the primary dwelling;</i> <i>and</i> | <p>The subject site has an area in excess of 2 hectares and the secondary dwelling will be sited approximately 35m away from the primary dwelling.</p> <p>The development does not satisfy AO6.1(b) and must therefore be assessed against PO6.</p> <p>The floor area of the secondary dwelling will be 17.28m² which will not dominate the site and will be used for relatives' accommodation subservient to the primary dwelling.</p> <p>The proposal will not impact the character of the area as the secondary dwelling will not be visible from adjoining allotments or the road and surrounding allotments.</p> <p>The development complies with PO6.</p> |

| | |
|--|---|
| (c) <i>be consistent with the character of the surrounding area;</i> | |
| Works, services and infrastructure code | The application will satisfy the requirements for accepted development. |

(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

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRALS

Nil

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

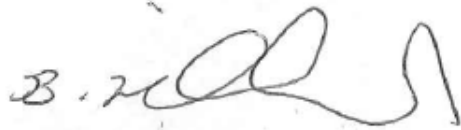
Date Prepared: 7 June 2022

DECISION BY DELEGATE

DECISION

Having considered the Planning Officer's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

Dated the 7TH day of JUNE 2022



**BRIAN MILLARD
SENIOR PLANNER**

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

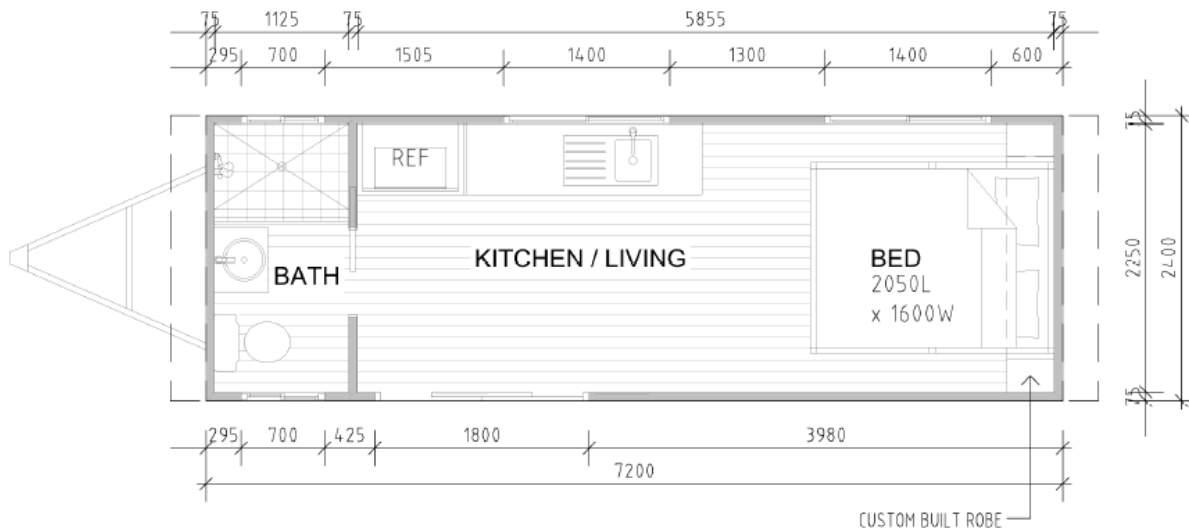
| | | |
|--|---------------------|--|
| Address- 141 Martin Road, Chewko, QLD 4880 | Site Plan | Project: Proposed Secondary Dwelling |
| Property Description- Lot 14 on RP 880992 | DWG No: S001 | Drawn By: Maksimen Construction Company QBCC Lic: 15105921 |



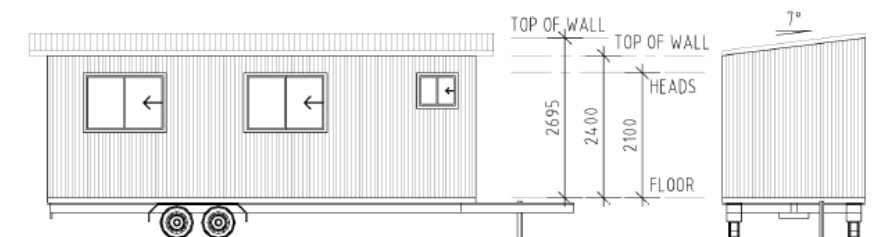
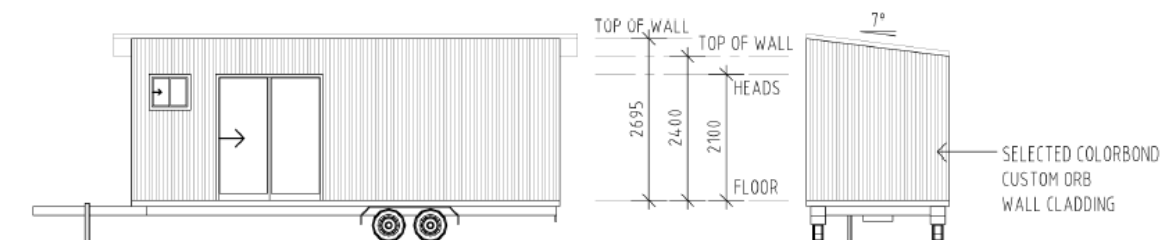




2.4 x 7.2m TINY HOME - SKILLION ROOF
CONSTRUCTION DRAWINGS FOR PERMANENT HOLD DOWN



FLOOR PLAN
SCALE 1:50



ELEVATIONS
SCALE 1:100

JASPER 2.0 HOME

| | |
|-------------------------------|------------------------|
| ROBERT F COLEFAX RPEQ. 993 | |
| | |
| DATE: 12/08/21 | DRAWING NO: 21082-1 |

