

DELEGATED REPORT

SUBJECT: **S & J CARNEY - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) - LOT 2 ON SP292871 - 475 PINNACLE ROAD, JULATTEN - MCU/22/0013**

DATE: 7 June 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	S & J Carney	ADDRESS	475 Pinnacle Road, Julatten
DATE LODGED	3 June 2022	RPD	Lot 2 on SP292871
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/22/0013	AREA	35.54 hectares
LODGED BY	Emergent Building Approvals	OWNER	R Terry & E Carney
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	
APPLICANT	S & J Carney	ADDRESS	475 Pinnacle Road, Julatten
DATE LODGED	3 June 2022	RPD	Lot 2 on SP292871
TYPE OF APPROVAL	Development Permit		
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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
Sheet 02	Site Plan	Superior Steel Homes	30/03/2022
Sheet 03	Floor Plan	Superior Steel Homes	30/03/2022
Sheet 04	Elevations	Superior Steel Homes	30/03/2022
Sheet 05	3D Views	Superior Steel Homes	30/03/2022

(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 described as Lot 2 on SP292871 and is situated at 475 Pinnacle Road, Julatten.

The site has an area of 35.54 hectares with a frontage of approximately 308 metres to Pinnacle Road. Pinnacle Road is formed to a rural road gravel standard for the subject land's frontage. Access to the land is currently obtained via a single crossover located at the very end of the constructed Pinnacle Road formation.

The subject land contains an established dwelling house and several sheds. A small orchard and multiple small grassed pasture areas exist over the eastern half of the site. The western half of the site retains a dense coverage of remnant vegetation. Flin Creek forms the western boundary of the land, and several unnamed creeks traverse the site.

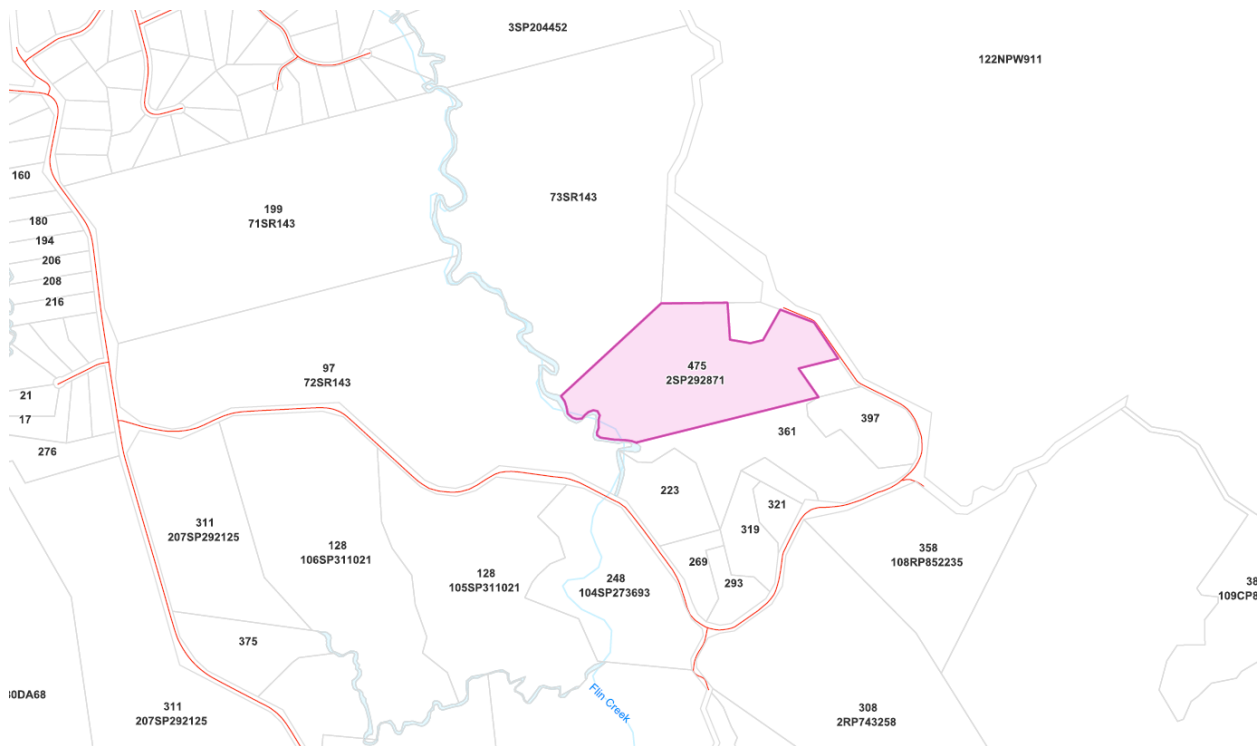
The Wet Tropics World Heritage Area (National Park) adjoins the northern boundary of the subject land and is also situated immediately to the east on the opposite side of Pinnacle Road.

The subject land is zoned Rural under the Mareeba Shire Planning Scheme. Adjoining allotments are zoned Rural and Conservation zone.



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) and AO6.2 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:

- *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 <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> Natural Environmental Elements <ul style="list-style-type: none"> • <i>Biodiversity Areas</i>
Zone:	Rural zone
Overlays:	Agricultural land overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill & Slope overlay Transport infrastructure 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	<i>A residential use of premises for one household that contains a single dwelling. The use includes domestic outbuildings and works normally associated with a dwelling and may include a <u>secondary dwelling</u>.</i>		<i>Caretaker's accommodation, dual occupancy, rooming accommodation, short-term accommodation, student accommodation, multiple dwelling</i>

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
- 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.
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> <i>(c) be consistent with the character of the surrounding area;</i>	<p>The subject site has an area in excess of 2 hectares and the secondary dwelling will be sited approximately 99m away from the primary dwelling.</p> <p>The GFA of the secondary dwelling is 143m².</p> <p>The development does not satisfy AO6.1(a) and (b) and must therefore be assessed against PO6.</p> <p>The floor area of the secondary dwelling will be 143m² which remains a modest size and will not dominate the site. The secondary dwelling will be occupied by the parents of the land owners and will be subservient to the primary dwelling.</p> <p>The proposal will not impact the character of the area as the secondary dwelling will be setback from site boundaries and visually screened by dense vegetation in most directions.</p> <p>The development complies with PO6.</p>
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

This application did not trigger referral to a referral agency.

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.

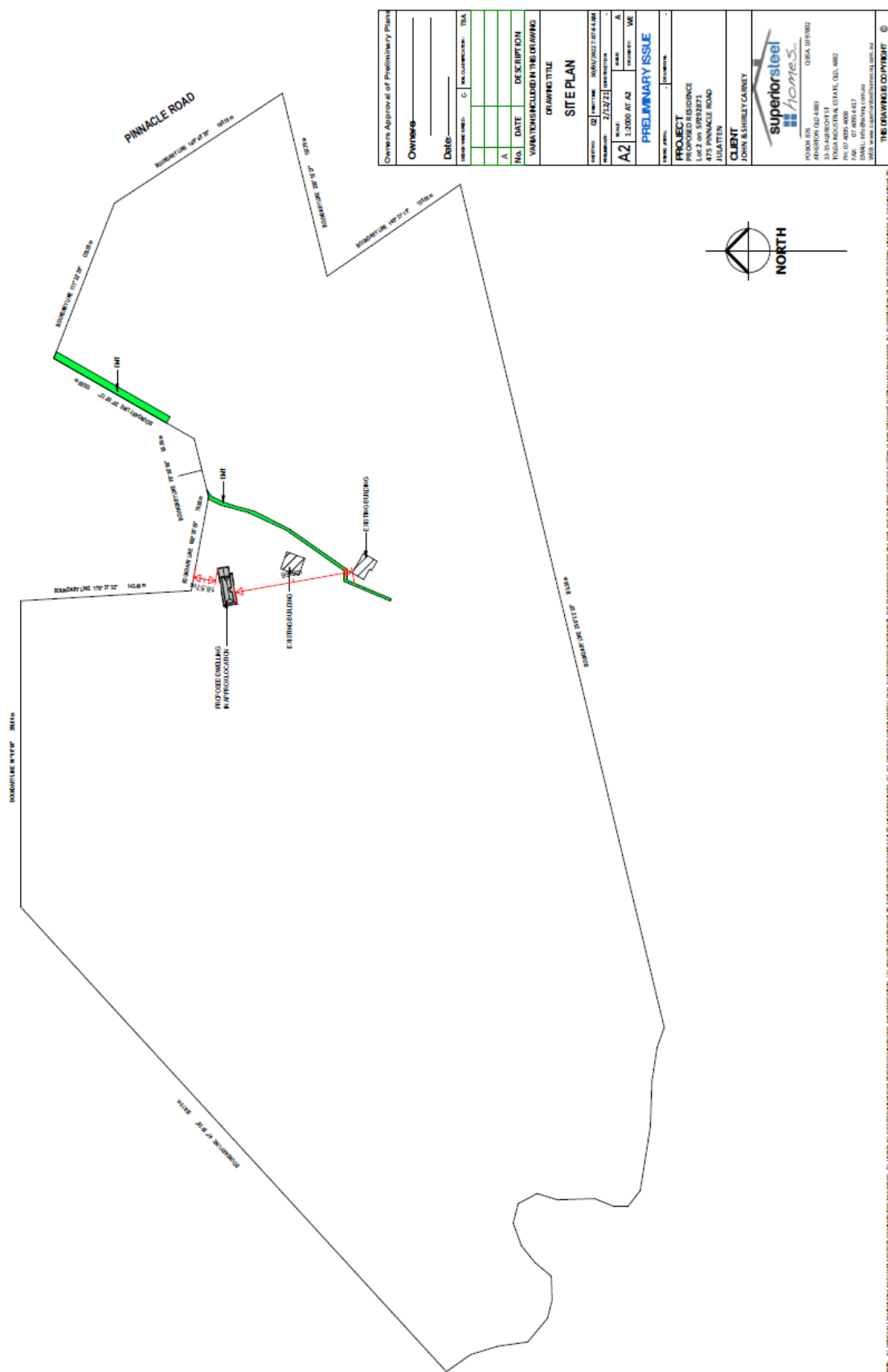
Dated the 7TH day of JUNE 2022



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



FLOOR AREA LEGEND	
WING	14.43 m ²
DECK	10.68 m ²
DOUBLE	65.88 m ²
SUPPORT	34.67 m ²



date_____

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Q.	DATE	DESCRIPTION
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DRAWING TITLE

FLOOR PLAN

12/15/2007	12/15/2007	12/15/2007
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SCALE	1:100 AT A2	DATE
1:100 AT A2		

PRELIMINARY ISSUES

PROJECT

Printed on 5/29/2017

1008

JOHN & SYBILLE JOHNSON

superior steel

Q 95A

9-35 ALBRIGHT ST
SUGAR HILL ESTATE, OKLA 73080

WE: 07 6095 4417

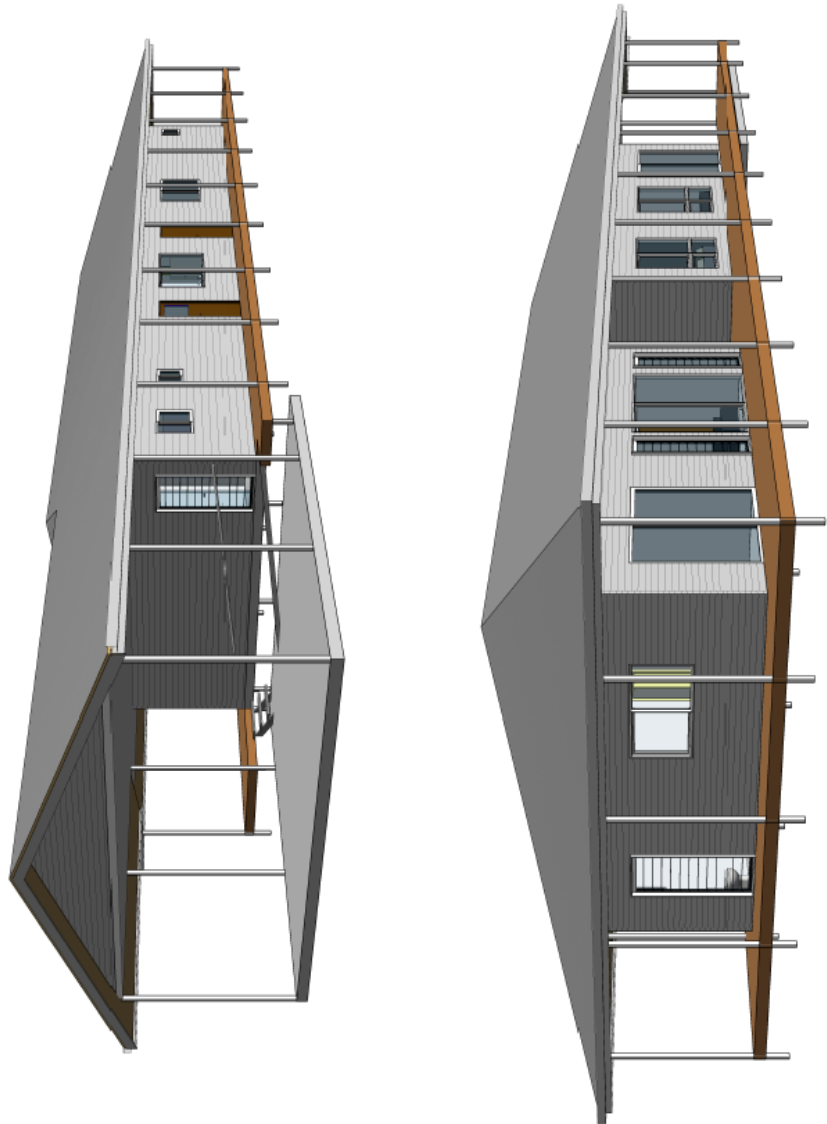
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Year	Place	Height	Weight	Competition
1982	USA	204 cm	85 kg	1982-1983
1983	USA	204 cm	85 kg	1983-1984
1984	USA	204 cm	85 kg	1984-1985
1985	USA	204 cm	85 kg	1985-1986
1986	USA	204 cm	85 kg	1986-1987
1987	USA	204 cm	85 kg	1987-1988
1988	USA	204 cm	85 kg	1988-1989
1989	USA	204 cm	85 kg	1989-1990
1990	USA	204 cm	85 kg	1990-1991
1991	USA	204 cm	85 kg	1991-1992
1992	USA	204 cm	85 kg	1992-1993
1993	USA	204 cm	85 kg	1993-1994
1994	USA	204 cm	85 kg	1994-1995
1995	USA	204 cm	85 kg	1995-1996
1996	USA	204 cm	85 kg	1996-1997
1997	USA	204 cm	85 kg	1997-1998
1998	USA	204 cm	85 kg	1998-1999
1999	USA	204 cm	85 kg	1999-2000
2000	USA	204 cm	85 kg	2000-2001
2001	USA	204 cm	85 kg	2001-2002
2002	USA	204 cm	85 kg	2002-2003
2003	USA	204 cm	85 kg	2003-2004
2004	USA	204 cm	85 kg	2004-2005
2005	USA	204 cm	85 kg	2005-2006
2006	USA	204 cm	85 kg	2006-2007
2007	USA	204 cm	85 kg	2007-2008
2008	USA	204 cm	85 kg	2008-2009
2009	USA	204 cm	85 kg	2009-2010
2010	USA	204 cm	85 kg	2010-2011
2011	USA	204 cm	85 kg	2011-2012
2012	USA	204 cm	85 kg	2012-2013
2013	USA	204 cm	85 kg	2013-2014
2014	USA	204 cm	85 kg	2014-2015
2015	USA	204 cm	85 kg	2015-2016
2016	USA	204 cm	85 kg	2016-2017
2017	USA	204 cm	85 kg	2017-2018
2018	USA	204 cm	85 kg	2018-2019
2019	USA	204 cm	85 kg	2019-2020
2020	USA	204 cm	85 kg	2020-2021
2021	USA	204 cm	85 kg	2021-2022
2022	USA	204 cm	85 kg	2022-2023
2023	USA	204 cm	85 kg	2023-2024
2024	USA	204 cm	85 kg	2024-2025
2025	USA	204 cm	85 kg	2025-2026
2026	USA	204 cm	85 kg	2026-2027
2027	USA	204 cm	85 kg	2027-2028
2028	USA	204 cm	85 kg	2028-2029
2029	USA	204 cm	85 kg	2029-2030
2030	USA	204 cm	85 kg	2030-2031
2031	USA	204 cm	85 kg	2031-2032
2032	USA	204 cm	85 kg	2032-2033
2033	USA	204 cm	85 kg	2033-2034
2034	USA	204 cm	85 kg	2034-2035
2035	USA	204 cm	85 kg	2035-2036
2036	USA	204 cm	85 kg	2036-2037
2037	USA	204 cm	85 kg	2037-2038
2038	USA	204 cm	85 kg	2038-2039
2039	USA	204 cm	85 kg	2039-2040
2040	USA	204 cm	85 kg	2040-2041
2041	USA	204 cm	85 kg	2041-2042
2042	USA	204 cm	85 kg	2042-2043
2043	USA	204 cm	85 kg	2043-2044
2044	USA	204 cm	85 kg	2044-2045
2045	USA	204 cm	85 kg	2045-2046
2046	USA	204 cm	85 kg	2046-2047
2047	USA	204 cm	85 kg	2047-2048
2048	USA	204 cm	85 kg	2048-2049
2049	USA	204 cm	85 kg	2049-2050
2050	USA	204 cm	85 kg	2050-2051
2051	USA	204 cm	85 kg	

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Version: 1, Version Date: 08/06/2022

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Owner's Approval of Preliminary Plans		
Owner: _____		
Date: _____		
Drawn: _____	Rev. _____	
Check: _____	Rev. _____	
Title: _____		
No.	Date	Description
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VARIATIONS INCLUDED IN THE DRAWING		
DRAWING TITLE		
3D VIEWS		
Project: _____	Sheet: _____	Scale: _____
Drawn: _____	Check: _____	Rev. _____
A2		
PRELIMINARY ISSUE		
PROJECT		
PROPOSED RESIDENCE		
475 PINNACLE ROAD		
JULIETT		
CLIENT		
JOHN & SHIRLEY CARNEY		
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