

DELEGATED REPORT

SUBJECT: P COCKRAM - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) - LOT 1 ON RP729475 - 611 SPEEWAH ROAD, SPEEWAH - MCU/22/0020

DATE: 4 October 2022

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	P Cockram	ADDRESS	611 Speewah Road, Speewah
DATE LODGED	16 September 2022	RPD	Lot 1 on RP729475
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/22/0020	AREA	20.86 hectares
LODGED BY	The Building Approval Company	OWNER	P Cockram
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:

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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
-	Site Plan	Qld Globe	-
WIL-1	Elevations	Kwik Built	7-05-2016
WIL-2	Floor Plan	Kwik Built	7-05-2016

(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.

4. Infrastructure Services and Standards

4.1 Access

If direct access is proposed to the secondary dwelling from Hoey Road, an access crossover must be constructed (from the edge of Hoey Road to the property boundary) in accordance with FNQROC Development Manual standards, 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.dcceew.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.dsdsatsip.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 1 on RP729475 and is situated at 611 Speewah Road, Speewah.

The subject site has an area of 20.86 hectares with frontages of approximately 500 metres to Speewah Road and 660 metres to Hoey Road. Both road frontages are formed to a rural road gravel standard. Access to the land is currently obtained via a single crossover off Speewah Road.

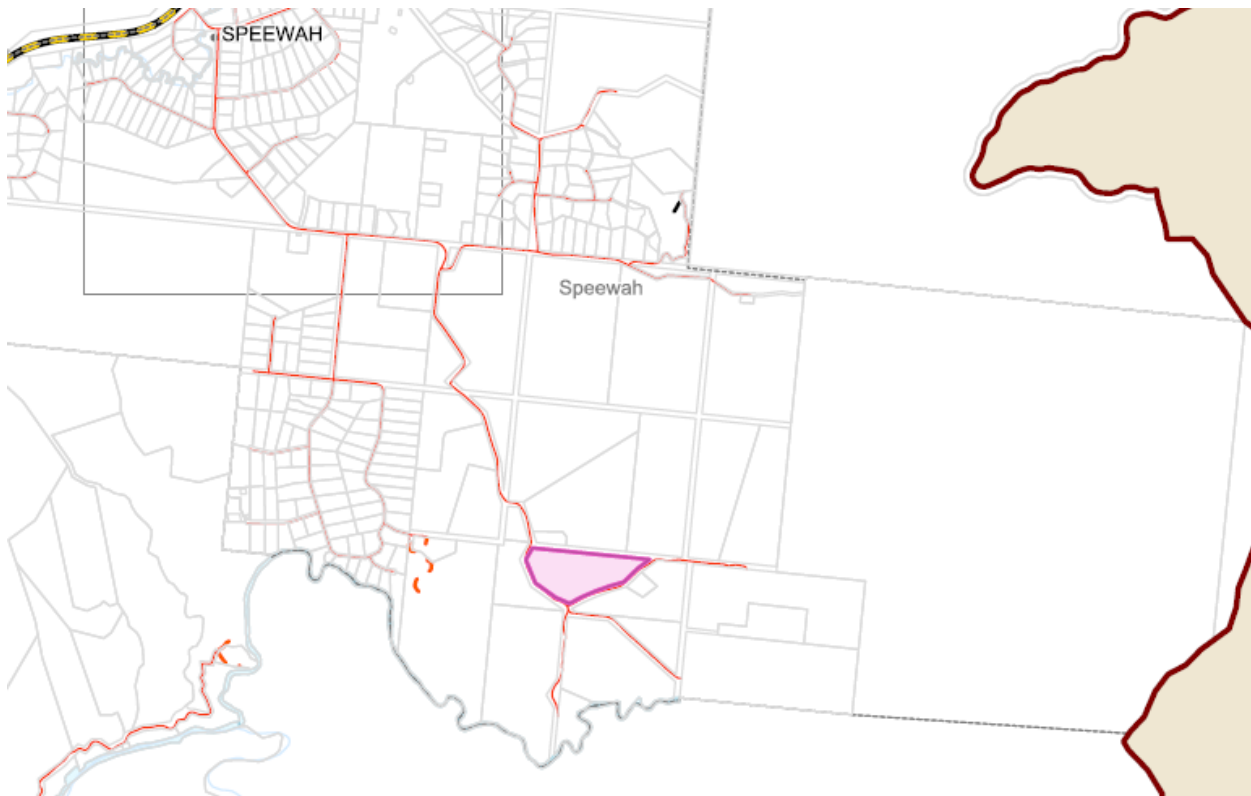
The subject land contains an established dwelling house which is located within a central cleared area. The balance of the subject site remains covered by remnant vegetation.

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



Map Disclaimer:

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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:

- *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 other</i> Natural Environmental Elements <ul style="list-style-type: none"> • <i>Biodiversity Areas</i> • <i>Habitat linkage</i>
Zone:	Rural zone
Overlays:	Bushfire hazard overlay Environmental significance 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
- 8.2.3 Bushfire hazard 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.
Bushfire hazard 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 145m 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 48m² which remains a modest size and will not dominate the site. The secondary dwelling 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 frontage by 10 metres and somewhat screened by the areas vegetation.</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

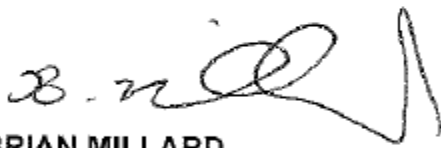
Date Prepared: *4 October 2022*

DECISION BY DELEGATE

DECISION

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

Dated the *4TH* day of *OCTOBER* 2022



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS



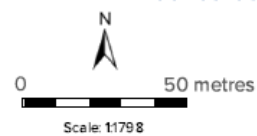
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 Department of Resources

