

DELEGATED REPORT

SUBJECT: P WHIPP - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) - LOT 2 ON RP725851 – 47 MASONS ROAD, KURANDA - MCU/23/0013

DATE: 19 July 2023

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	P Whipp	ADDRESS	47 Masons Road, Kuranda
DATE LODGED	17 July 2023	RPD	Lot 2 on RP725851
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/23/0013	AREA	54.734 hectares
LODGED BY	Northern Building Approvals	OWNER	P & K Whipp
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 code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

It is recommended that the application be approved in full, subject to 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
0642 WD01 Issue B	Site Plan	Gregory G Terzi	April 2021
0642 WD03 Issue B	Floor Plan	Gregory G Terzi	April 2021
0642 WD40 Issue A	Elevations – External	Gregory G Terzi	April 2021

(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.

2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, 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 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 to commencement of the use and at the rate applicable at the time of payment.

3.4 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, in future, direct access is proposed to the secondary dwelling from Masons Road, an access crossover must be constructed (from the edge of Masons Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

Note: This condition is not applicable while access is gained via the sites existing access crossover.

4.2 On-site Sewerage Disposal

Any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) 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 47 Masons Road, Kuranda and is described as Lot 2 on RP725851. The site is irregular in shape with a total area of 54.734 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 176 metres of frontage to Masons Road which is constructed to bitumen sealed standard for its entire length. Access is gained from Masons Road via a single unsealed crossover situated in the north-west corner of the site.

The site is predominantly vegetated with thick mature rainforest vegetation and includes an undulating topography. The site is improved by a dwelling and multiple outbuildings.



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 Material Change of Use - Dwelling House (Secondary Dwelling) in accordance with the plans shown in **Attachment 1**.

The secondary dwelling will have a gross floor area of 144m² and will be setback approximately 230 metres from the primary dwelling.

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 site does not contain any areas of regional ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • <i>Rural Area</i> <ul style="list-style-type: none"> ▪ <i>Rural Other</i> <p>Natural Environment Elements</p> <ul style="list-style-type: none"> • <i>Biodiversity Areas</i> <p>Transport Elements</p> <ul style="list-style-type: none"> • <i>Local Collector Road</i>
Zone:	Rural
Overlays:	Bushfire Hazard Overlay Environmental Significance Overlay Hill and 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	<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
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.1 Accommodation activities code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme (codes listed below). An officer assessment has found that the application satisfies the relevant acceptable outcomes contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Bushfire hazard 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.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Accommodation activities code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO6.1(b) ▪ Acceptable Outcome AO6.2 <p>It is considered that the development can comply with higher order Performance Outcome PO6. Refer to code document for commentary.</p>
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

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.

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

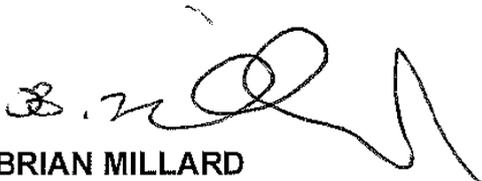
Date Prepared: *19 July 2023*

DECISION BY DELEGATE

DECISION

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

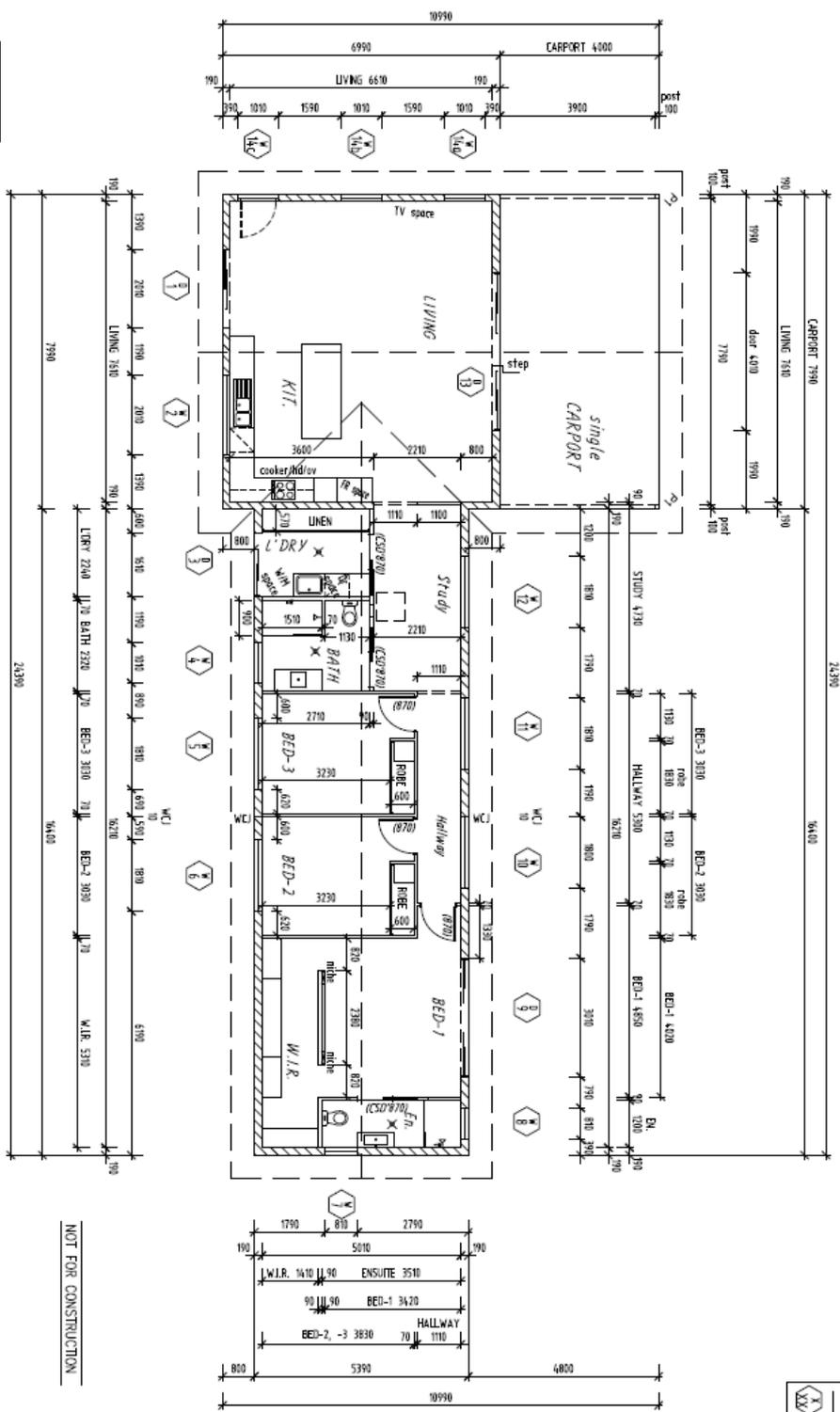
Dated the 19TH day of JULY 2023



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

FOR INFORMATION
 FOR SETOUT
 PLAN & floor
 areas measure
 REFER SHEET
 WOODS.

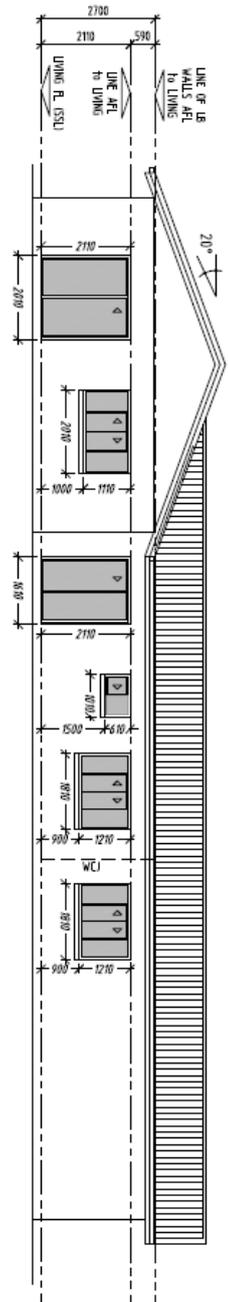


**DETAIL
 FLOOR PLAN**
 (1:100 ON A3)

PROJECT: 47 MASONS RD KURANDA	DATE: APRIL 2021
SCALE: AS SHOWN ON 'A3' SHEET	
DRAWING TITLE: DETAIL FLOOR PLAN	
JOB NO. 0642	SHEET No. WD 04
	ISSUE B

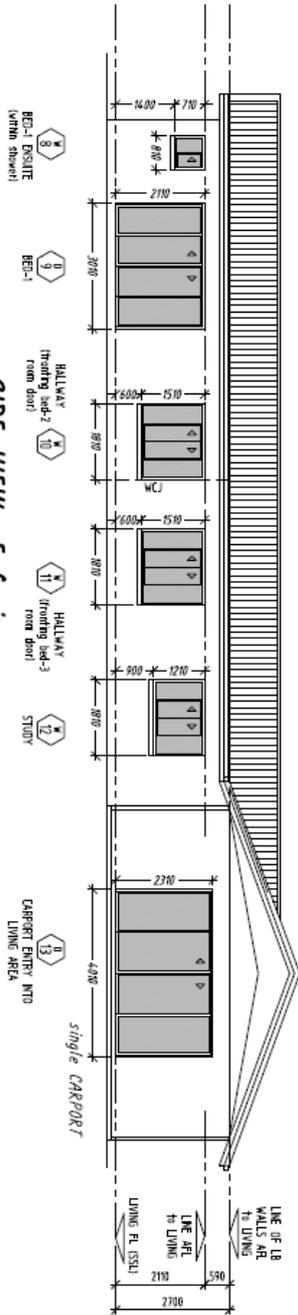
CM.G. CONSULTING 208 BUCHAN ST. CAIRNS QLD 4870
 A.C.N. 011 085 575
 phone: 0428 294 235 EDMONTON 4869. QUEENSLAND
GREGORY G TERZI Building Design & Drafting
 -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-

W.C.I. WALL CONTROL JOINT
 DOOR LEAF SIZE
 CAVITY SLIDING DOOR
 LEAF SIZE unless noted otherwise
 EXTERIOR DOOR / INTERNAL WINDOW

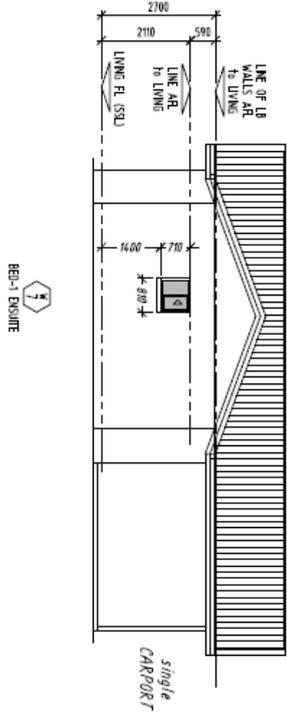


SIDE VIEW facing road - W facing (1:100 ON A3)

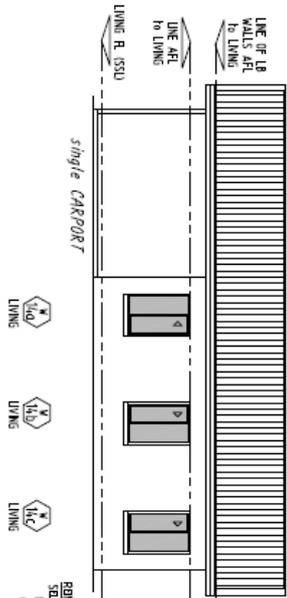
NOT FOR CONSTRUCTION



SIDE VIEW - E facing (1:100 ON A3)



REAR/END VIEW - S facing (1:100 ON A3)



FRONT/END VIEW - N facing (1:100 ON A3)

ROOF DRAINING - METAL.
REFER ROOF-DRAINING PLAN & external cladding / finishes specifications noting insulation or other membranes used under cladding.
CLITTERS & JOINT SPECIFICATION REFER ROOF-DRAINING PLAN (colour coated metal).
GLAZED SLATES FRAME.
COLOUR COATED METAL.
ROOF ON BLOCK WALLS FINISH SELECTED TEXTURE COAT WITH MULTI-COAT PLANT FINISH (refer external cladding & finishes spec notes).

PROJECT: 47 MASONS RD KURANDA	DATE: APRIL 2021
-RESIDENTIAL- PROPOSED HOUSE	SCALE: AS SHOWN ON 'A3' SHEET
JOB NO. 0642	SHEET No. WD 40
	ISSUE A
ELEVATIONS -EXTERNAL	

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 -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-