

**DELEGATED REPORT**

**SUBJECT:** A FIDANZA – RECONFIGURING A LOT – BOUNDARY REALIGNMENT – LOTS 37 & 38 ON RP708032 – 48 BLACKS ROAD & BLACKS ROAD, MAREEBA – RAL/24/0021

**DATE:** 17 December 2024

**REPORT OFFICER'S TITLE:** Senior Planner

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	A Fidanza	<b>ADDRESS</b>	48 Blacks Road & Blacks Road, Mareeba
<b>DATE LODGED</b>	10 December 2024	<b>RPD</b>	Lots 37 & 38 on RP708032
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Boundary Realignment		

<b>FILE NO</b>	RAL/24/0021	<b>AREA</b>	Lot 37 – 4.049 ha Lot 38 – 4.047 ha
<b>LODGED BY</b>	A Fidanza	<b>OWNER</b>	Lot 37 – S & C Fidanza Lot 38 – A Fidanza
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Emerging community zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	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, subject to conditions.

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	A Fidanza	<b>ADDRESS</b>	48 Blacks Road & Blacks Road, Mareeba
<b>DATE LODGED</b>	10 December 2024	<b>RPD</b>	Lots 37 & 38 on RP708032
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Boundary Realignment		

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 Reconfiguring a Lot – Boundary Realignment

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Ref: 9746 – Rev A	Development Plan – Plan of Lots 37 & 38 Cancelling Lots 37 & 38 on RP708032	Twine Surveys Pty Ltd	28/11/2024

(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, and subject to any alterations:

- found necessary by the 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 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.

3.3 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.

3.4 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.

3.5 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.

3.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

(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) 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.

(c) 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.

(d) 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](http://www.dcceew.gov.au).

(e) 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](http://www.dsdsatsip.qld.gov.au).

(f) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject site comprises of the following allotments:

- Lot 37 on RP708032, situated at 48 Blacks Road, Mareeba, having an area of 4.049 hectares and a frontage of 149 metres to Blacks Road.
- Lot 38 on RP708032, situated at Blacks Road, Mareeba, having an area of 4.047 hectares and a frontage of 137 metres to Blacks Road.

Blacks Road is constructed to a 3-3.5m wide bitumen seal with wide gravel shoulders.

Lot 37 contains a dwelling and various outbuilding while Lot 38 is improved by an outbuilding only. Both blocks back onto Granite Creek.

The subject land and all immediate surrounding lots are zoned emerging communities.



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

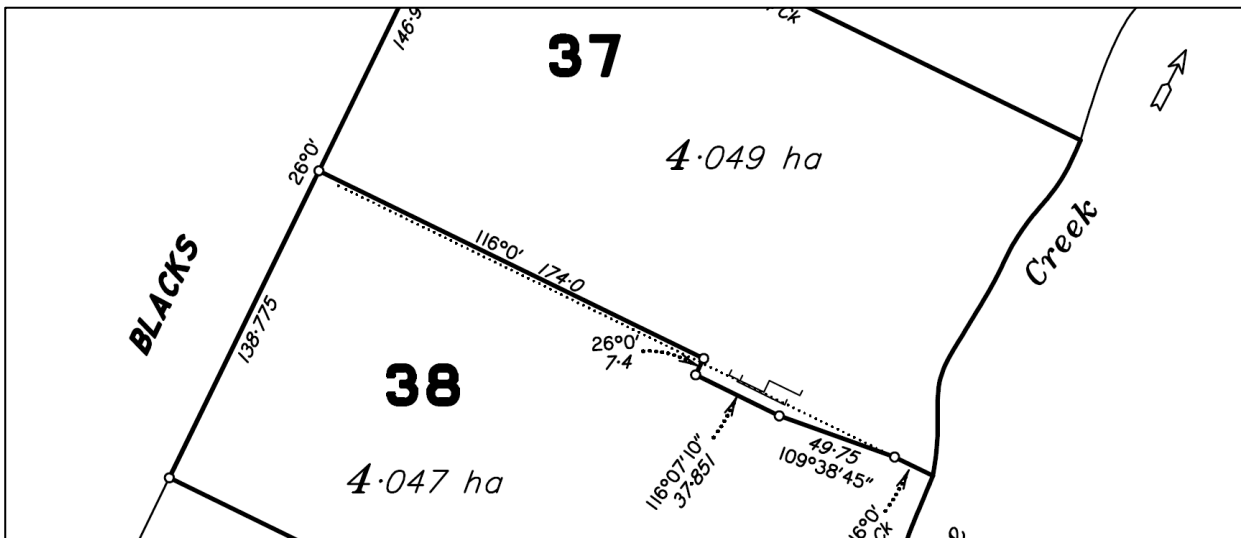
Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot – Boundary Realignment in accordance with the plans shown in **Attachment 1**. The proposed boundary realignment will rectify a minor building encroachment issue as shown on the below plan:



**REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint 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:	<b>Land Use Categories</b> • Investigation Area
Zone:	Emerging community zone
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill and slope 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****Relevant Development Codes**

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

- 6.2.4 Emergency community zone code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.12 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 outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Emerging community zone code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Airport environs overlay code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Bushfire hazard overlay code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Environmental significance overlay code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes

	where an acceptable outcome is not provided or cannot be satisfied.
Flood hazard overlay code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Hill and slope overlay code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Transport infrastructure overlay code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Landscaping code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Parking and access code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Reconfiguring a lot code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.
Works, services and infrastructure code	The application is for a minor boundary realignment to rectify an existing building encroachment. The development complies or can be conditioned to comply with the relevant accepted outcomes contained within the code, or performance outcomes where an acceptable outcome is not provided or cannot be satisfied.

**(e) Planning Scheme Policies/Infrastructure Charges Plan**

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.



**(f) Adopted Infrastructure Charges Notice**

Not applicable as the proposed development is for a boundary realignment and no additional vacant allotment will be created.

**REFERRALS**

This application did not trigger referral to a referral agency.

**Internal Consultation**

Not applicable.

**PLANNING DISCUSSION**

Nil

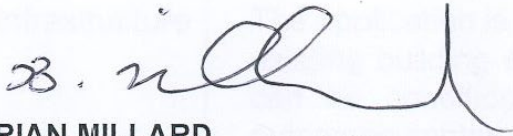
**Date Prepared:** 17 December 2024

## 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.

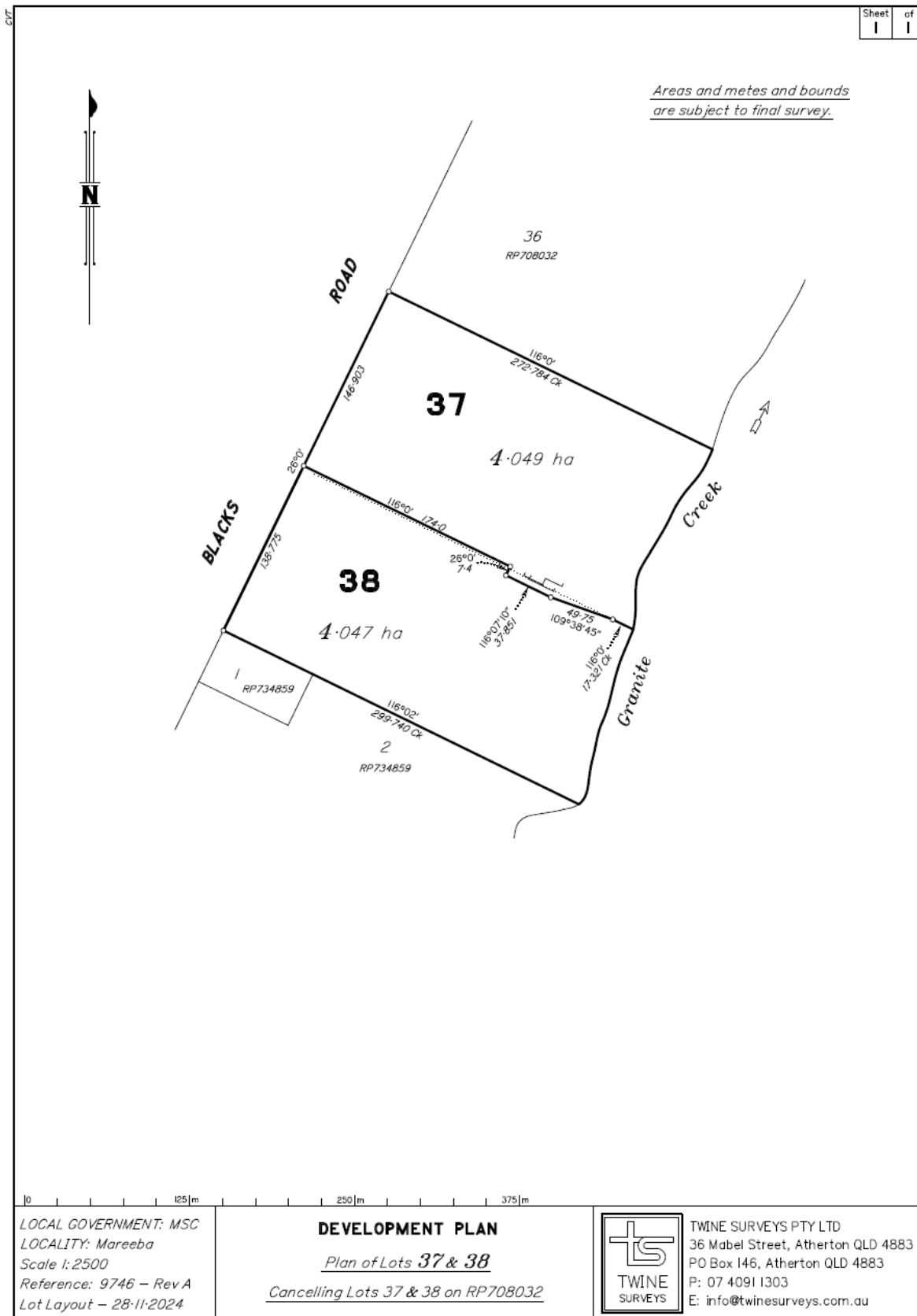
Dated the 17TH day of DECEMBER 2024



**BRIAN MILLARD**  
**COORDINATOR PLANNING SERVICES**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

PROPOSAL PLANS



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