

DELEGATED REPORT

SUBJECT: C & C BERTOLDO - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) – LOT 2 ON RP715838 – 62 VENTURE ROAD, MAREEBA - MCU/24/0024

DATE: 7 January 2025

REPORT OFFICER'S TITLE: Planning Technical Support Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	C & C Bertoldo	ADDRESS	62 Venture Road, Mareeba
DATE LODGED	5 December 2024	RPD	Lot 2 on RP715838
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/24/0024	AREA	25.091 hectares
LODGED BY	L Bertoldo	OWNER	C & C Bertoldo
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:

APPLICATION		PREMISES	
APPLICANT	C & C Bertoldo	ADDRESS	62 Venture Road, Mareeba
DATE LODGED	5 December 2024	RPD	Lot 2 on RP715838
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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), referral agency advice in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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 No. 02a	Site Plan	Superior Steel Homes	28/11/2024
Sheet No. 03	Floor Plan	Superior Steel Homes	28/11/2024
Sheet No. 04	Elevations	Superior Steel Homes	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, 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 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

(e) 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](http://Electric_ants_in_Queensland_Business_Queensland) or contact Biosecurity Queensland 13 25 23.

(E) REFERRAL AGENCY CONDITIONS

Ergon Energy Referral Agency response (advice only) dated 30 December 2024.

(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 62 Venture Road, Mareeba and is described as Lot 2 on RP715838. The site is irregular in shape with a total area of 25.091 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 87 metres of frontage to the Venture Road reserve, however the road itself terminates at the site entrance which is right in the north-west corner. Venture Road is constructed to a formed gravel standard for its entire length.

**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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The site is improved by a dwelling house and multiple outbuildings. The largest outbuilding accommodates a home-based firearms and hunting business known as “Spring Loaded Gun Shop”.

The site backs onto the Barron River to the east.

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**.

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 as containing:

- *Local conservation corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

	Land Use Categories <ul style="list-style-type: none"> • <i>Rural Area</i> <ul style="list-style-type: none"> ▪ Rural Agricultural Area ▪ Rural Other
	Natural Environment Elements <ul style="list-style-type: none"> • <i>Biodiversity Area</i> • <i>Habitat Linkage</i>
	Infrastructure Elements <ul style="list-style-type: none"> • <i>Major Electrical Infrastructure</i>
	Other Elements <ul style="list-style-type: none"> • <i>Major Watercourse (Barron River)</i>
Strategic Framework:	
Zone:	Rural
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay

Regional Infrastructure Corridors &
Substations 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
- 8.2.1 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
- 8.2.6 Flood hazard overlay code

- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations 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 complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
Agricultural land overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
Airport environs overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
Flood hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
Hill and slope overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code, or performance outcomes where no acceptable outcome is provided.
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

	It is considered that the development can comply with higher order Performance Outcome PO6. Refer to Planning Discussion section for commentary.
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

Accommodation Activities Code

Performance outcomes	Acceptable outcomes
If for Dwelling house	
PO6 Where a Dwelling house involves a secondary dwelling, it is designed and located to: (d) not dominate the site; (e) remain subservient to the primary dwelling; and (f) be consistent with the character of the surrounding area;	AO6.1 The secondary dwelling is located within: (c) 10 metres of the primary dwelling where on a lot that has an area of 2 hectares or less; or (d) 20 metres of the primary dwelling where on a lot that has an area of greater than 2 hectares.
	AO6.2 A secondary dwelling has a maximum gross floor area of 100m ² .

Comment

The proposed secondary dwelling will be sited approximately 142 metres from the primary dwelling and is therefore non-compliant with AO4.1 (b), exceeding the setback requirement by approximately 122 metres. The internal GFA of the secondary dwelling also exceeds the 100m² set by AO6.2 by 1m².

The proposed secondary dwelling exceeds the size limit by a mere 1m². The secondary dwelling will share the same access as the primary dwelling, with the occupants having to drive in between the existing dwelling and outbuilding to gain access. For this reason, it is likely the secondary dwelling will remain subservient to the primary dwelling. The proposed development complies with PO4.

Date Prepared: 7 January 2025

DECISION BY DELEGATE

DECISION

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

Dated the 7th day of January 2025

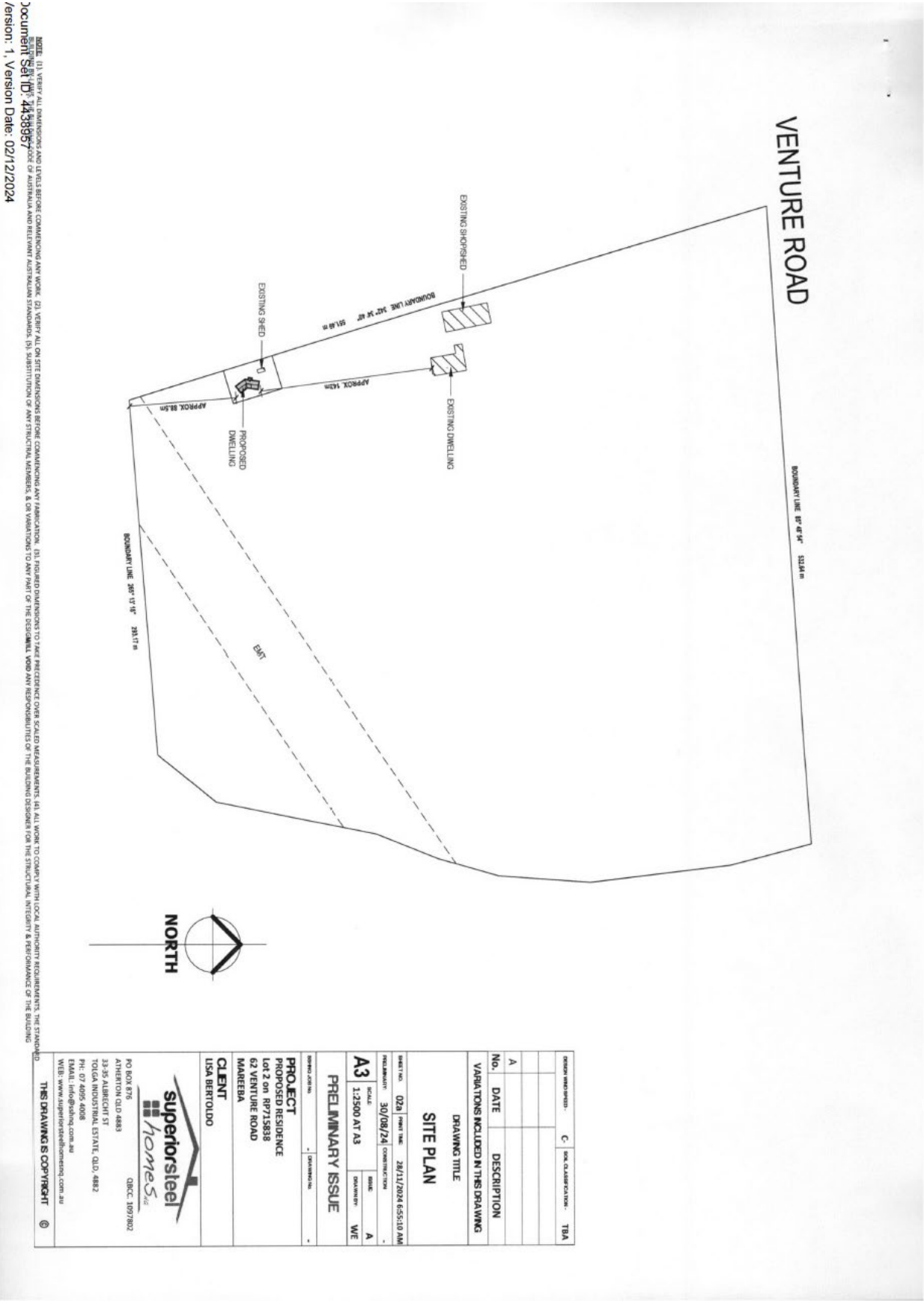


For **BRIAN MILLARD**
COORDINATOR PLANNING SERVICES

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

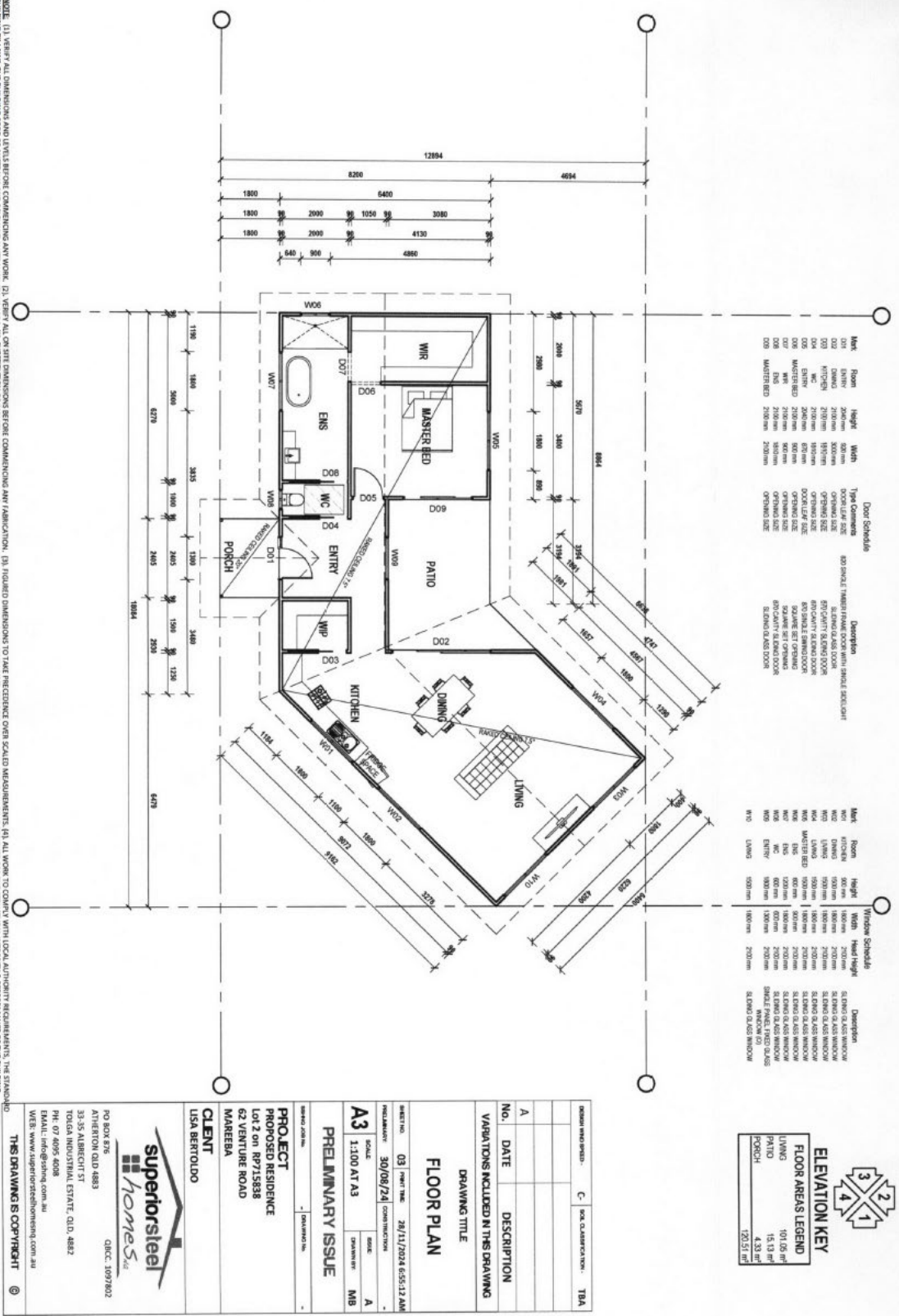
ATTACHMENT 1

PROPOSAL PLANS



NOTE: (1) VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2) VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY FABRICATION. (3) FLOOR DIMENSIONS TO FACE PRECEDENCE OVER SCALED MEASUREMENTS. (4) ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (5) SUBSTITUTION OF ANY STRUCTURAL MEMBERS, & OR VARIATIONS TO ANY PART OF THE DESIGN, VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.

Document Set ID: 4438957
Version: 1, Version Date: 02/12/2024



Door Schedule			Description	
Mark	Room	Height	Width	Door Schedule
D01	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D02	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D03	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D04	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D05	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D06	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D07	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D08	ENTRY	2100mm	800mm	DOOR LEAF SIZE
D09	ENTRY	2100mm	800mm	DOOR LEAF SIZE

Window Schedule			Description	
Mark	Room	Height	Width	Window Schedule
W01	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W02	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W03	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W04	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W05	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W06	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W07	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W08	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W09	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW
W10	KITCHEN	1800mm	1200mm	SLIDING GLASS WINDOW

3
2
1
4

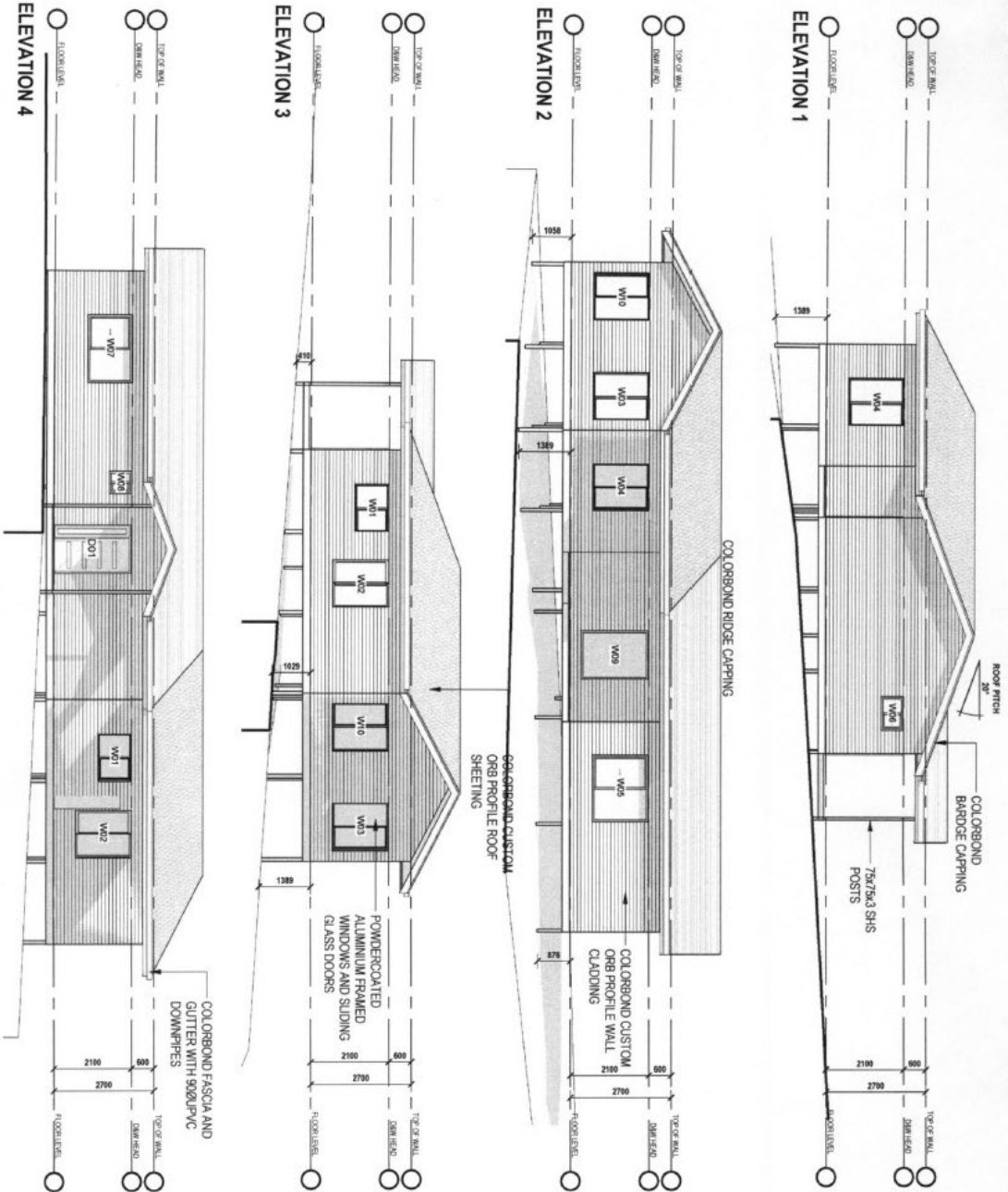
ELEVATION KEY
FLOOR AREAS LEGEND
LIVING 101.06 m²
KITCHEN 15.13 m²
PORCH 4.33 m²
TOTAL 120.52 m²

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DRAWN BY	MB		
CHECKED BY			
PROJECT	PROPOSED RESIDENCE		
CLIENT	USA BERTOLDO		
LOCATION	LOT 2 ON RPT15838 62 VENTURE ROAD MAREEBA		
STATUS	PRELIMINARY ISSUE		
REVISIONS			
NO.	DATE	DESCRIPTION	
A			
VARIATIONS INCLUDED IN THIS DRAWING			
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SHEET TOTAL 03			
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SHEET PROJECT MAINTENANCE			
SHEET PROJECT CLOSURE			
SHEET PROJECT ARCHIVE			
SHEET PROJECT REUSE			
SHEET PROJECT DISPOSITION			
SHEET PROJECT RECORDS			
SHEET PROJECT LEGACY			
SHEET PROJECT FUTURE			
SHEET PROJECT END			

supersteel
home

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Revision: 1, Version Date: 02/12/2024

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PROJECT				
PROPOSED RESIDENCE				
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62 VENTURE ROAD				
MAREEBA				
CLIENT				
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PO BOX 439				
ATHERTON QLD 4883				
33 AS ALBERT ST				
TOLICA INDUSTRIAL ESTATE, QLD 4882				
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