

DELEGATED REPORT

SUBJECT: J & C ELDRED – MATERIAL CHANGE OF USE –
CARETAKER'S ACCOMMODATION – LOT 20 ON SP342262
– 397 SPEEWAH ROAD, SPEEWAH - MCU/24/0025

DATE: 10 February 2025

**REPORT OFFICER'S
TITLE:** Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	J & C Eldred	ADDRESS	397 Speewah Road, Speewah
DATE LODGED	4 February 2025	RPD	Lot 20 on SP342262
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Caretaker's Accommodation		

FILE NO	MCU/24/0025	AREA	49.99 hectares
LODGED BY	Scope Town Planning	OWNER	J & C Eldred
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.

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

Draft conditions were provided to the Applicant/ care of their consultant and have been agreed.

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	J & C Eldred	ADDRESS	397 Speewah Road, Speewah
DATE LODGED	4 February 2025	RPD	Lot 20 on SP342262
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Caretaker's Accommodation		

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 – Caretaker's Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 1	Existing Dwelling House on Speewah Rd frontage	-	-

(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 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 commencement of the use and at the rate applicable at the time of payment.
- 3.3 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.
- 3.4 The caretaker's accommodation shall not be used for any other purpose, including rental to any person who is not engaged in caretaker activities on the property.

Upon request by Council, the applicant/owner shall be responsible for providing an annual return to Council, which demonstrates that the occupants of the caretaker's residence have been employed in accordance with the conditions of this approval, to the satisfaction of Council's delegated officer. The return shall include the names of staff employed, and, employment and wage/s records.

Note: *Providing a caretaker and their immediate family (if any) with rent free or discounted accommodation in lieu of providing caretaking services on the subject site is acceptable by Council, provided evidence of such an agreement can be supplied upon Council's request.*

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.
- (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) 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.

(e) 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.

(f) 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.

(g) 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://ElectricantsinQueensland.com.au) or contact Biosecurity Queensland 13 25 23.

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1
2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Dwelling (40% reduction of standard charge for no town water/sewer)	Dwellings			
Caretaker's accommodation	\$13,084.80	1	\$13,084.80	Nil	\$13,084.80
TOTAL CURRENT AMOUNT OF CHARGE					\$13,084.80

THE SITE

The subject site is situated at 397 Speewah Road, Speewah and is described as Lot 20 on SP342262.

The site is irregular in shape with an area of 49.99 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

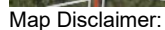
The site contains approximately 1 kilometre of frontage to Speewah Road Harper Road and 720 metres of frontage to Stoney Creek Road. Both frontage roads are constructed to rural bitumen sealed standard.

Access to the subject site is obtained via an existing crossover on the Speewah Road frontage. No access is available off the Stoney Creek Road frontage.

The site is improved by a dwelling house and outbuildings which are grouped together and located approximately 600 metres to the south of the Speewah Road/Stoney Creek Road intersection.

The subject site remains mostly vegetated, apart from a 10 hectare clearing around the dwelling house and fronting Speewah Road.

Surrounding properties are zoned rural or rural residential and are primarily used for rural living purposes.



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 – Caretaker's Accommodation in accordance with the plans shown in **Attachment 1**.

The applicant describes the proposed development as follows:

"The proposed development is the classification of the existing Dwelling as Caretakers Accommodation. As illustrated in Figure 1 below, the existing dwelling is a long established dwelling house accessed via the Spewah Road frontage.

The proposed Caretakers Accommodation will provide accommodation for permanent occupants who will perform management duties of the site and it's Rural activities including paddock maintenance, equestrian related activities, site maintenance and other site related work.

The proposal does not involve the construction or demolition of any buildings or structures. The existing Dwelling and Outbuildings will be retained and maintained by the occupants of the Caretakers Accommodation."



Approval of the existing dwelling house as caretaker's accommodation will allow the land owner to construct a new dwelling house as accepted 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
<i>Caretaker's accommodation</i>	<i>A dwelling provided for a caretaker of a non-residential use on the same premises.</i>		<i>Dwelling house</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
- 8.2.4 Environmental significance overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access 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 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 (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) 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.

(f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2024, a standard charge of \$21,808.00 applies to Caretaker's accommodation, where serviced by the following five (5) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network;
- Sewerage network; and
- Stormwater network

Part 4.1(d) of Council's Adopted Infrastructure Charges Resolution (No. 1) 2024, a 40% discount will be applied to development charges where no connection to Council's reticulated water and sewer network exists.

$\$21,808.00 - 40\% = \$13,084.80$ per caretaker's accommodation.

Therefore, the applicable charge is **\$13,084.80**.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Nil

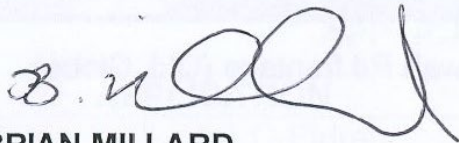
Date Prepared: 10 February 2024

DECISION BY DELEGATE

DECISION

Having considered the Supervisor Planning & Building report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

Dated the 10TH day of FEBRUARY 2025



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



Figure 1: Existing Dwelling House on Speewah Rd frontage (Qld. Globe).