

DELEGATED REPORT

SUBJECT: S GIRGENTI - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) – LOT 3 ON RP744263 – 1013 MAREEBA-DIMBULAH ROAD, PADDYS GREEN - MCU/25/0013

DATE: 28 July 2025

REPORT OFFICER'S TITLE: Planning Technical Support Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	S Girgenti	ADDRESS	1013 Mareeba-Dimbulah Road, Paddys Green
DATE LODGED	22 July 2025	RPD	Lot 3 on RP744263
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/25/0013	AREA	30.338 hectares
LODGED BY	Northern Building Approvals	OWNER	Fonzii Pty Ltd
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	S Girgenti	ADDRESS	1013 Mareeba-Dimbulah Road, Paddys Green
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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
24045 A-01	Perspective Views	EDR Building Designs	21/05/2025
24045 A-06	Site Plan	EDR Building Designs	21/05/2025
24045 A-07	Floor Plan	EDR Building Designs	21/05/2025
24045 A-09	Elevations	EDR Building Designs	21/05/2025
24045 A-10	Elevations	EDR Building Designs	21/05/2025

(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.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.

(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](#) or contact Biosecurity Queensland 13 25 23.

(E) 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);

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

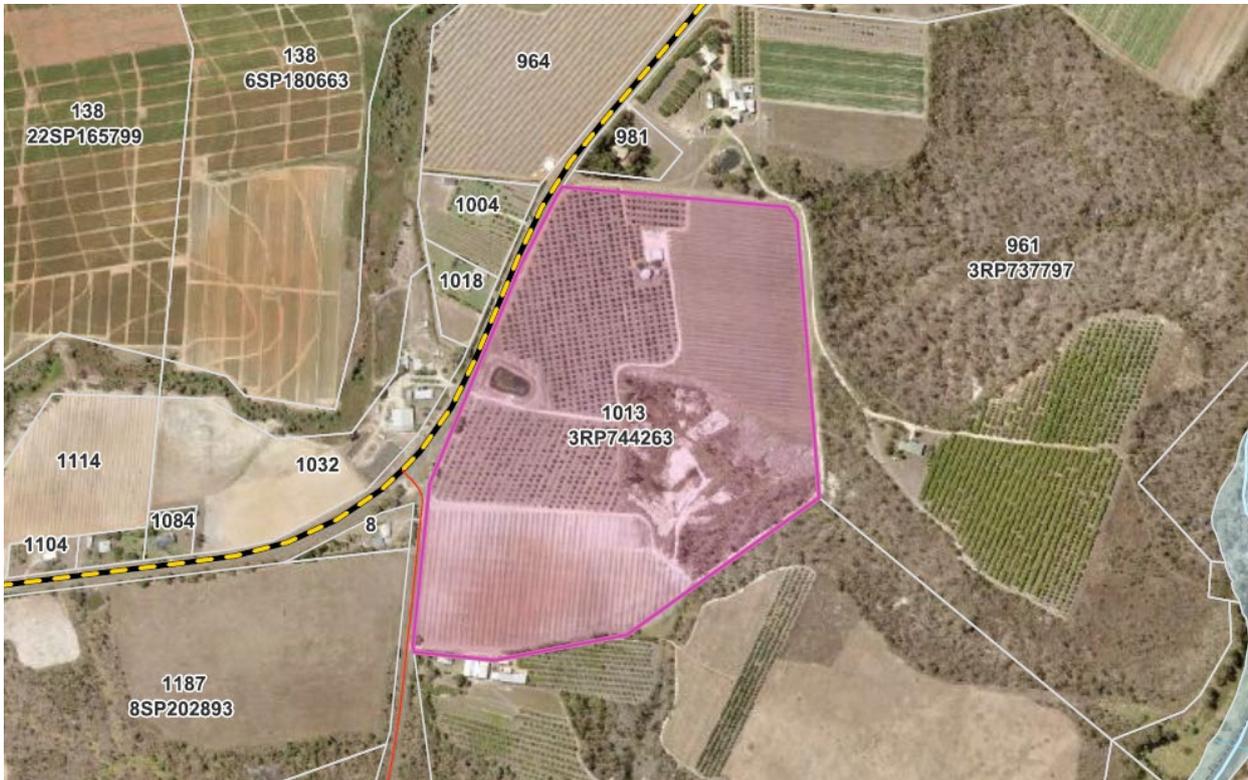
- Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject site is situated at 1013 Mareeba-Dimbulah Road, Paddys Green and is described as Lot 3 on RP744263. The site is irregular in shape with a total area of 30.338 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

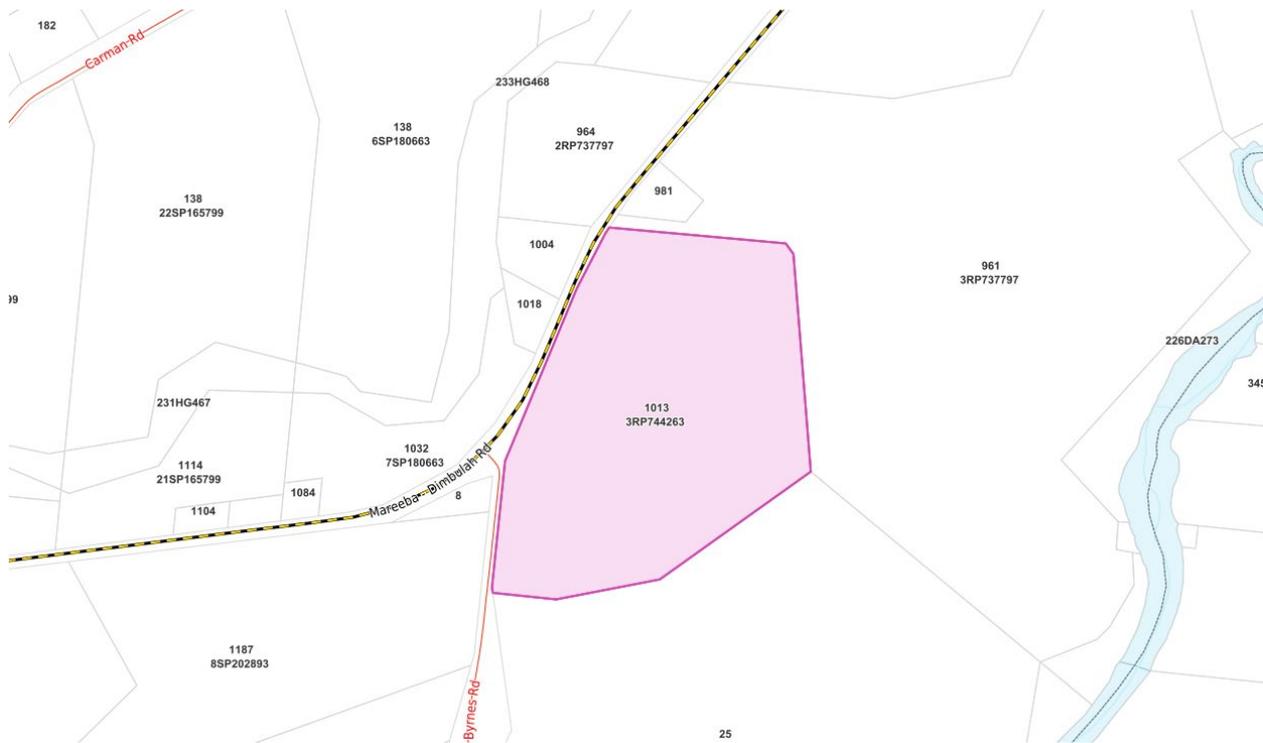
The site contains approximately 475 metres of frontage to the Mareeba-Dimbulah Road and 250 metres of frontage to Byrnes Road. Both roads are bitumen sealed for their respective frontages. Access is obtained off both road frontages.

The site is improved by a dwelling house and multiple outbuildings. The majority of the site is planted with orchards of varying ages.



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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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 existing farm residence will become the secondary dwelling with the proposed 546.5m² new dwelling becoming 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 Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework: **Land Use Categories**

- *Rural Area*
 - Rural Agricultural Area
 - Rural Other

Zone: **Transport Elements**

- *State Controlled Road*
- *B-double Route*

Overlays: Rural

Agricultural Land Overlay
 Airport Environs Overlay
 Bushfire Hazard 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
- 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) <p>It is considered that the development can comply with higher order Performance Outcome PO6. Refer to Planning Discussion section for commentary.</p>
Works, services and infrastructure code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.</p>

(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	
<p>PO6 Where a Dwelling house involves a secondary dwelling, it is designed and located to:</p> <ul style="list-style-type: none"> (d) not dominate the site; (e) remain subservient to the primary dwelling; and (f) be consistent with the character of the surrounding area; 	<p>AO6.1 The secondary dwelling is located within:</p> <ul style="list-style-type: none"> (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. <p>AO6.2 A secondary dwelling has a maximum gross floor area of 100m².</p>

Comment

The secondary dwelling will be sited approximately 360 metres north of the proposed primary dwelling and is therefore non-compliant with AO4.1 (b), exceeding the setback requirement by approximately 340 metres. The internal GFA of the secondary dwelling is substantial compliant with AO6.2.

The secondary dwelling setback from the road frontages and side boundaries and somewhat screened by the orchard plantings. The small GFA of the secondary dwelling will result in it remaining subservient to the primary dwelling.

The proposed development is consistent with the surrounding area and complies with PO6.

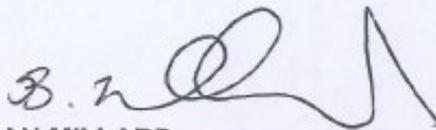
Date Prepared: 28 July 2025

DECISION BY DELEGATE

DECISION

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

Dated the 28th day of July 2025



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

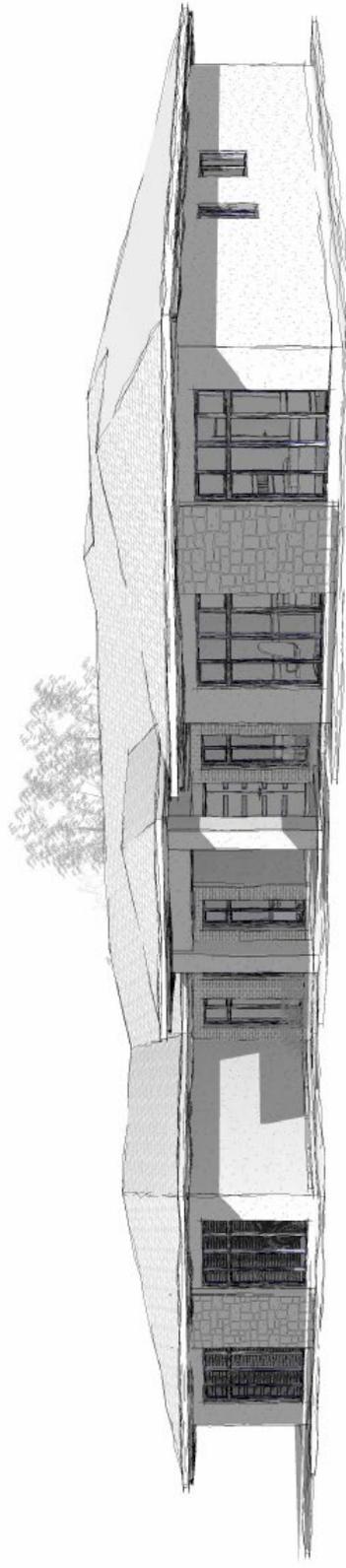
DESIGN WIND CLASSIFICATION C2

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EDR BUILDING DESIGNS
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Perspective 1



Perspective 2

CONSTRUCTION ISSUE

ISSUES/REVISIONS

Document Set ID: 4527380
Version: 1, Version Date: 22/07/2015

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Australian Institute of Architects
2016



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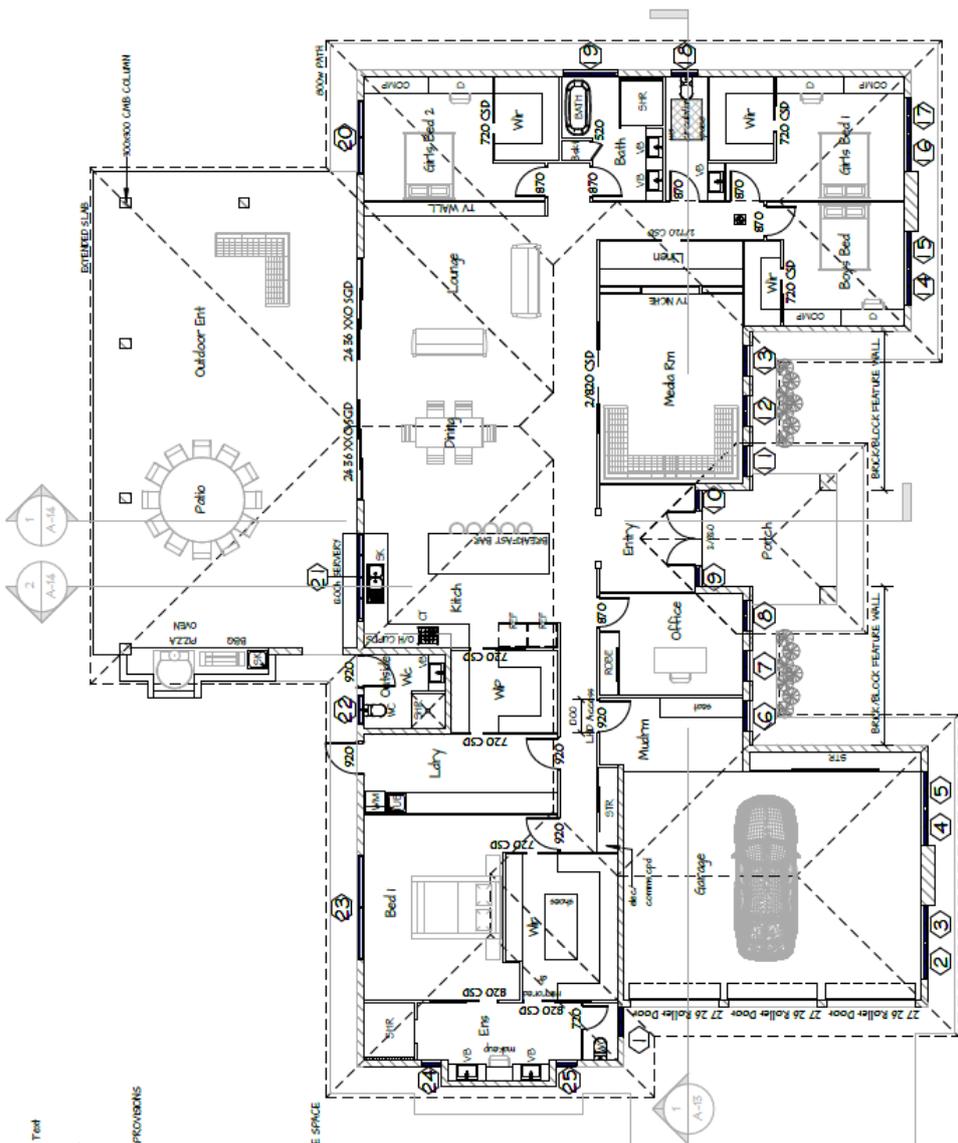
PROJECT TYPE: Proposed Residence
CLIENT NAME: S L C 6thyrnth
PROJECT ADDRESS: Lot 9 Bynrose Rd
Naremburn

PERSPECTIVE VIEWS
Project Number: 240495
Drawn By: EDR
Scale: A1 A3
Sheet Number: A-C1

DESIGN WIND CLASSIFICATION C2

Keynote Legend

Key Value	Keynote Text
BATH	BATHUB
COMP	COMPUTER NOCK
CT	COOKTOP
D	DESK
REF	REFRIGERATOR PROVISIONS ONLY
ROBE	ROBE
SHK	SHOWER
SK	SINK
STR	STORE
TUB	LAUNDRY TUB
VB	VANITY BASIN
WC	WATER CLOSET
WH	WASHING MACHINE SPACE



Ground Floor
SCALE 1:125

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31/05/2025 5:40:05 AM



ELEVATION KEY

Floor Area	Value
Living	3465 m ²
Patio	64.0 m ²
Garage	672 m ²
Porch	14 m ²
	51465 m ²

GENERAL JOINERY NOTES & STANDARDS

CHECK ALL DIMENSIONS AND COMMENTS ON SITE BEFORE COMMENCEMENT OF ANY BUILDING WORKS AND/OR COMMENCEMENT OF JOINERY SHOP DRAWINGS

CONTRACTOR TO REPORT ANY DISCREPANCIES (ON DRAWING OR ON SITE) BEFORE COMMENCEMENT OF ANY BUILDING WORKS AND/OR COMMENCEMENT OF JOINERY SHOP DRAWINGS

SPECIFIED JOINERY ITEMS DOES NOT APPLY TO THE FOLLOWING: DOORS, WINDOWS, ARCHITECTURAL ARCHITECTURE, ANY SUBSTITUTIONS ARE BY APPROVAL ONLY

CONFORM NOMINATED APPLIANCES' MANUFACTURER'S RECOMMENDATIONS SPECIFICATION REQUIRED SPATIAL REQUIREMENTS AND INSTALLATION REQUIREMENTS WARE SPECIFIED AS PART OF JOINERY UNIT AND / OR LOCATED ADJACENT TO REFER JOINERY DRAWINGS AND FLOOR PLAN

JOINERY TO BE SURE ALL APPLIANCES AND EQUIPMENT FITS IN ALLOCATED SPACES AND TO ADJUST AND ACCORDING FOR ADJUSTMENTS FOR APPROVED SUBSTITUTIONS

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EDR BUILDING DESIGNS
PO BOX 1330 ATHONTON QLD 4803 ABN 75 121 588 052 GBSA 104 2586 ernest@edrbldgconcepts.com.au

PROJECT INFORMATION
Project Title: FLOOR PLAN
Project Number: 14045
Proposed Residence: Edr
Client Name: S & C Grogan
Project Address: Lot 9 Byrnes Rd Maranoa
Drawing Title: FLOOR PLAN

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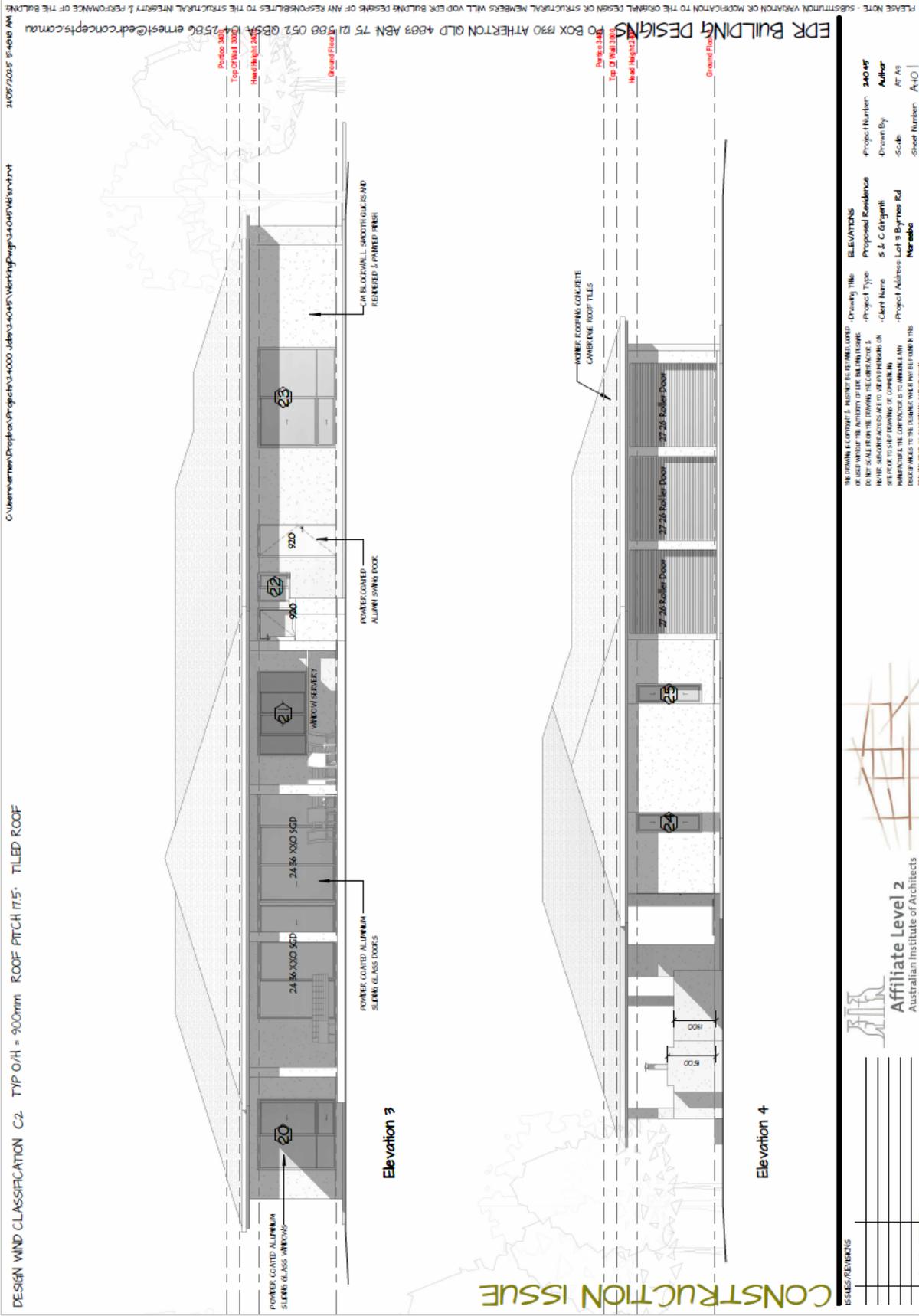
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Document Set ID: 4527398
Version: 1, Version Date: 22/07/2025

CONSTRUCTION ISSUE

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DESIGN WIND CLASSIFICATION C2 TYP O/H = 900mm ROOF PITCH 17.5° TILED ROOF



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ELEVATIONS
 Drawing Title: Proposed Residence
 Project Type: S & C Cottage
 Client Name: Marnie
 Project Address: Lot 9 Byrnes Rd
 Scale: As Shown
 Sheet Number: A1(1) of 1

Document Set ID: 4527388
 Version 1, Version Date: 22/07/2025