

DELEGATED REPORT

SUBJECT: E & T IACUTONE - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) – LOT 258 ON RP903072 – 4079 KENNEDY HIGHWAY, MAREEBA - MCU/25/0018

DATE: 13 November 2025

REPORT OFFICER'S TITLE: Coordinator Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	E & T Iacutone	ADDRESS	4079 Kennedy Highway, Mareeba
DATE LODGED	10 November 2025	RPD	Lot 258 on RP903072
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/25/0018	AREA	49.574 hectares
LODGED BY	Northern Building Approvals	OWNER	G & T Iacutone
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	E & T Iacutone	ADDRESS	4079 Kennedy Highway, Mareeba
DATE LODGED	10 November 2025	RPD	Lot 258 on RP903072
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

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
25015 Sheet 02 Rev 5	Site Plan	Stratus Design	Building	25/10/2025
25015 Sheet 03 Rev 5	Floor Plan	Stratus Design	Building	25/10/2025
25015 Sheet 04 Rev 5	Elevations	Stratus Design	Building	25/10/2025
25015 Sheet 05 Rev 5	Elevation	Stratus Design	Building	25/10/2025
25015 Sheet 06 Rev 5	Perspective Views	Stratus Design	Building	25/10/2025

(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.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) 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

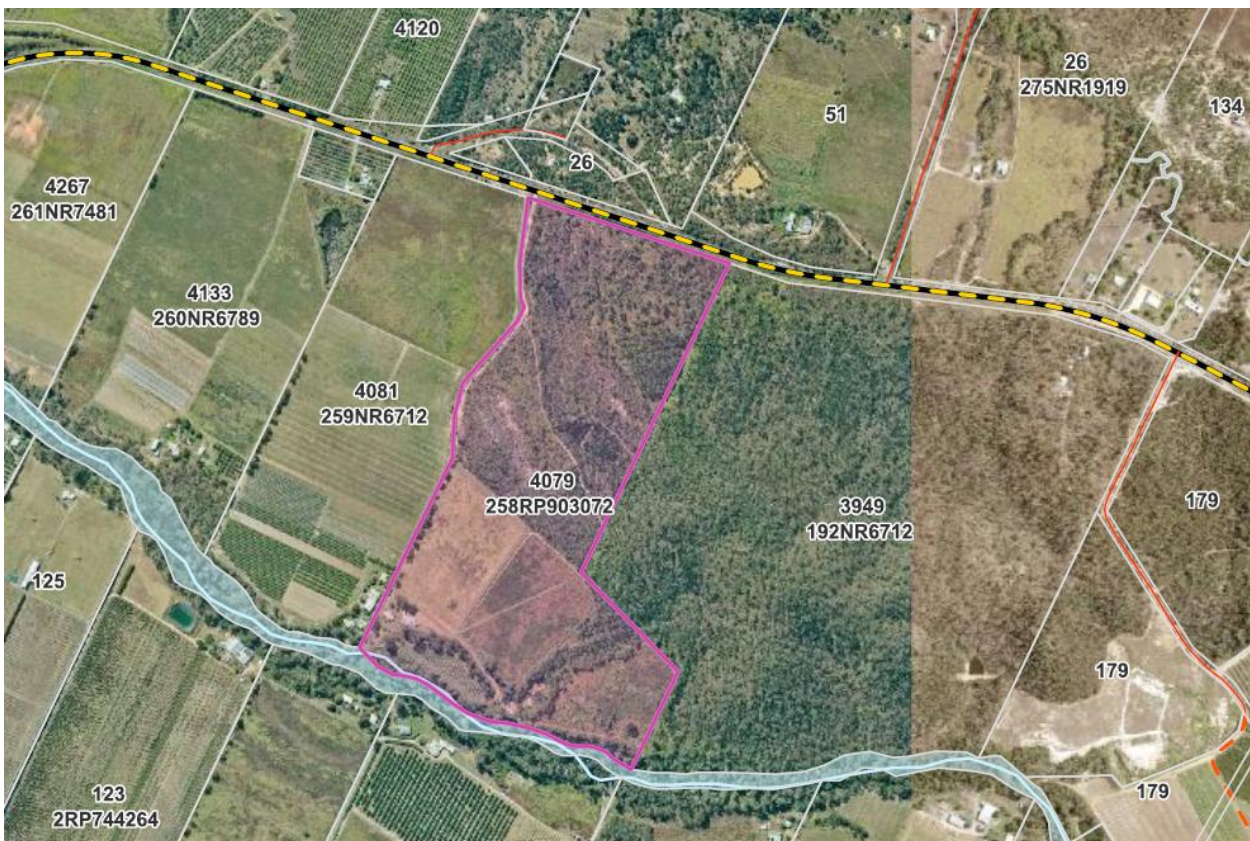
- Compliance Permit for Plumbing and Drainage Work

THE SITE

The site is situated at 4079 Kennedy Highway, Mareeba and is described as Lot 258 on RP903072. The site is irregular in shape with an area of 49.574 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

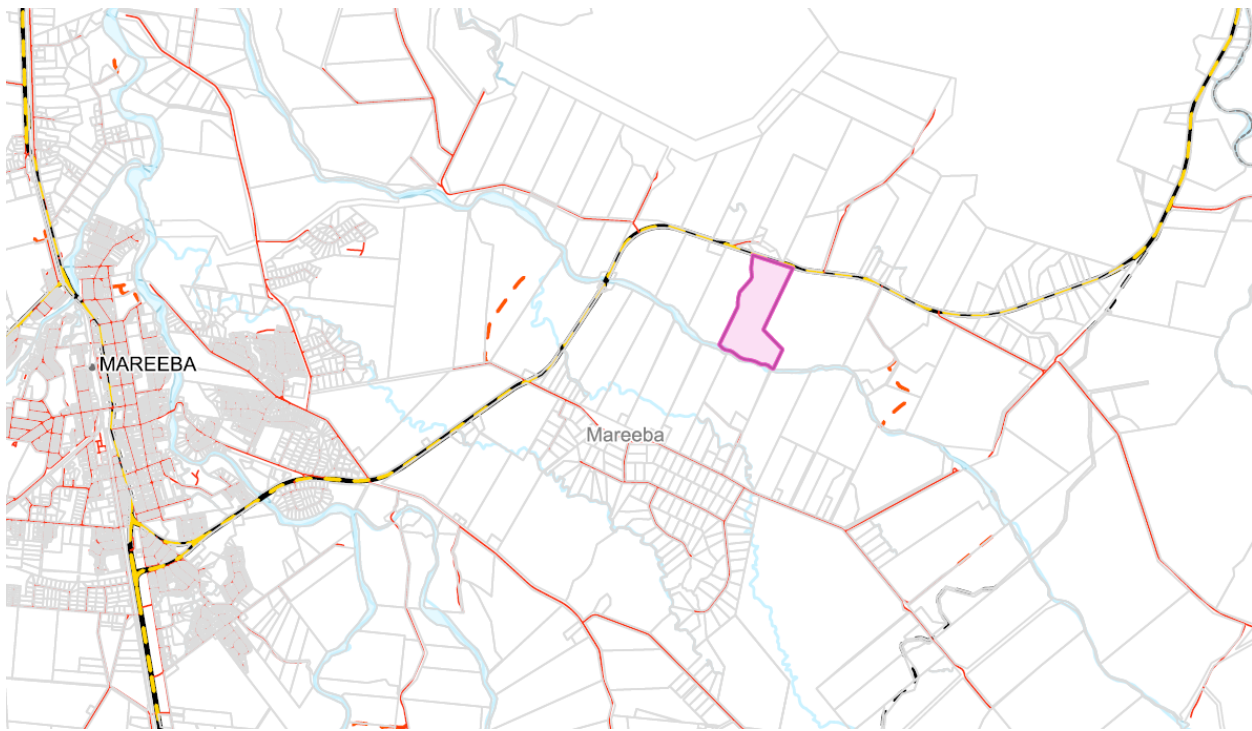
The site contains approximately 460 metres of frontage to the Kennedy Highway, which is constructed to a 2 lane bitumen sealed standard. Access is obtained to the Kennedy Highway via a turnout sited at the north-western corner.

The southern half of the site is developed for agricultural purposes, with the northern half containing regrowth vegetation. An existing farm dwelling and sheds are located in a cluster in the south-western corner overlooking Emerald Creek, which also forms the sites southern boundary.



Map Disclaimer:

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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 applicants propose the construction of a new primary dwelling house and use of the existing farm dwelling house as a secondary dwelling.

The existing farm dwelling house has a gross floor area (GFA) of approximately 160m² and is located approximately 360 metres south of the proposed primary dwelling house. Accordingly, the development exceeds the Accommodation Activities Code acceptable outcomes of 100m² GFA and 20 metres separation distance. The level of assessment is increased to Code Assessment against the relevant performance outcome PO6.

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:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
	• <i>Rural Area</i> ▪ Rural Agricultural Area ▪ Rural Other
Strategic Framework:	Natural Environment Elements
	• <i>Biodiversity Area</i>
	Transport Elements
	• <i>State Controlled Road</i> • <i>Principal Cycle Route</i>
Zone:	Rural
	Agricultural Land Overlay
	Airport Environs Overlay
Overlays:	Bushfire Hazard Overlay
	Environmental Significance 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	<i>A residential use of premises for one household that contains a single dwelling.</i> <i>The use includes domestic outbuildings and works normally associated with a dwelling and may include a <u>secondary dwelling</u>.</i>		<i>Caretaker's accommodation, dual occupancy, rooming accommodation, short-term accommodation, student accommodation, multiple dwelling</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
- 8.2.1 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
- 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.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:

	- 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 secondary dwelling will be sited approximately 360 metres from 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 also exceeds the 100m² set by AO6.2 by 60m².

The secondary dwelling will share the same access as the primary dwelling, with the occupants having to drive by the proposed primary residence to gain access. For this reason, it is likely the secondary dwelling will remain subservient to the primary dwelling.

The development will remain consistent with the established local area character.

The proposed development complies with PO6.

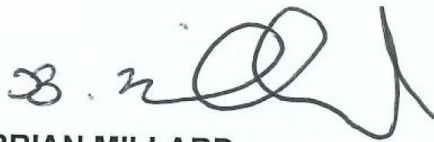
Date Prepared: *13 November 2025*

DECISION BY DELEGATE

DECISION

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

Dated the 13TH day of NOVEMBER 2025



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

ITEMS FOR SUBJECT BUILDING TO SATISFY AS 3959-2018: BAL 12.5

NOTE: AUTHORISED BUILDING CERTIFIER TO VERIFY WITH THEIR FINAL ASSESSMENT THE REQUIRED CONSTRUCTION EXTENT TO SATISFY AS3959-2018.

SECTION 5.4.1 & 5.4.2: WALLS AND WALL JOINTS

ALL JOINTS IN THE EXTERNAL CLADDING OF 6mm FIBRE-CEMENT SHALL BE BUTT-JOINTED TO PREVENT GAPS GREATER THAN 3mm.

SECTION 5.5.1A: SCREENS FOR WINDOWS AND DOORS

2mm. FRAMES MADE FROM METAL.

SECTION 5.5.2: WINDOWS

- WINDOW ASSEMBLIES MADE OF METAL WITH THE OPENABLE PORTIONS TO BE SCREENED INTERNALLY OR EXTERNALLY WITH COMPLIANT SCREENING.

SECTION 5.5.3: SIDE-HUNG EXTERNAL DOORS

INSTALL AT BASE A WATERSTOP DRAUGHT EXCLUDER OR DRAUGHT SEAL.
WHEN GLAZING IS IN DOOR, FRAME TO BE METAL AND BE TIGHT-FITTING WITH IN METAL FRAME OR TIMBERED FRAME WITH BUSINESS-
COMPLIANT CERTIFICATE.
GLAZING WITHIN 400mm OF GROUND/OUTSIDE FLOOR TO BE OF Grade A SAFETY GLASS (MIN. 4mm) OR BE ANNEALED GLASS.
OR
PROTECTED EXTERNALLY BY A COMPLIANT SCREEN.

SECTION 5.5.4: SLIDING EXTERNAL DOORS - METAL, FRAMED GLAZED TYPE

SECTION 3.34: SLIDING EXTERIOR DOORS—METAL FRAMED GLAZED TYPE
 - BOTH THE DOOR FRAME SUPPORTING THE SLIDING DOOR AND THE FRAMING SURROUNDING ANY GLAZING TO BE METAL
 - GLAZING TO BE OF GRADE-A SAFETY GLASS, COMPLYING WITH A S1288.

SECTION 5.61: ROOFS GENERAL

- ROOF COVERING AND ACCESSORIES SHALL BE NON-COMBUSTIBLE
- THE ROOF/WALL JUNCTION SHALL BE SEALED TO PREVENT OPENINGS GREATER THAN 3/16"

SECTION 5.6.3: SHEET ROOFS

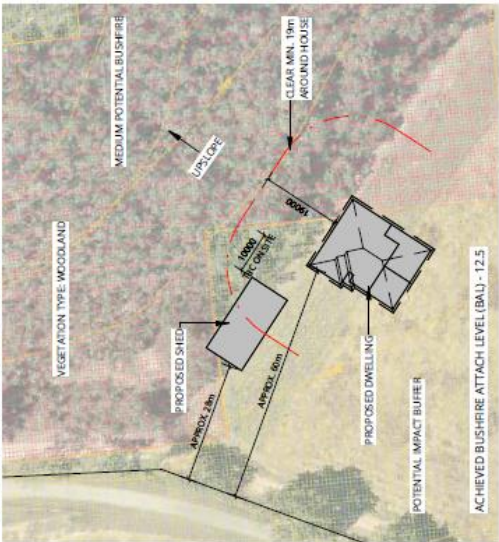
• BE FULLY SARKED AND ACCEPTED FOR FOIL BACKED INSULATION BLANKETS BE INSTALLED OVER BATTENS;
AND

SECTION 5.6.5: ROOF PENETRATIONS
- REFER TO AIAA STANDARD AS 30/36-2009 FOR PARTICULAR TRADES AND SKYLIGHTS.

SECTION 5.6.6: ROOF GABLES

- COMPLY WITH SECTION 5.4.1 & 5.4.2

- WAVES PENETRATIONS SHALL



BUSHFIRE PLAN

SCALE- 1:1000

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STRATUS
BUILDING DESIGN

SITE PLAN

PRELIMINARY

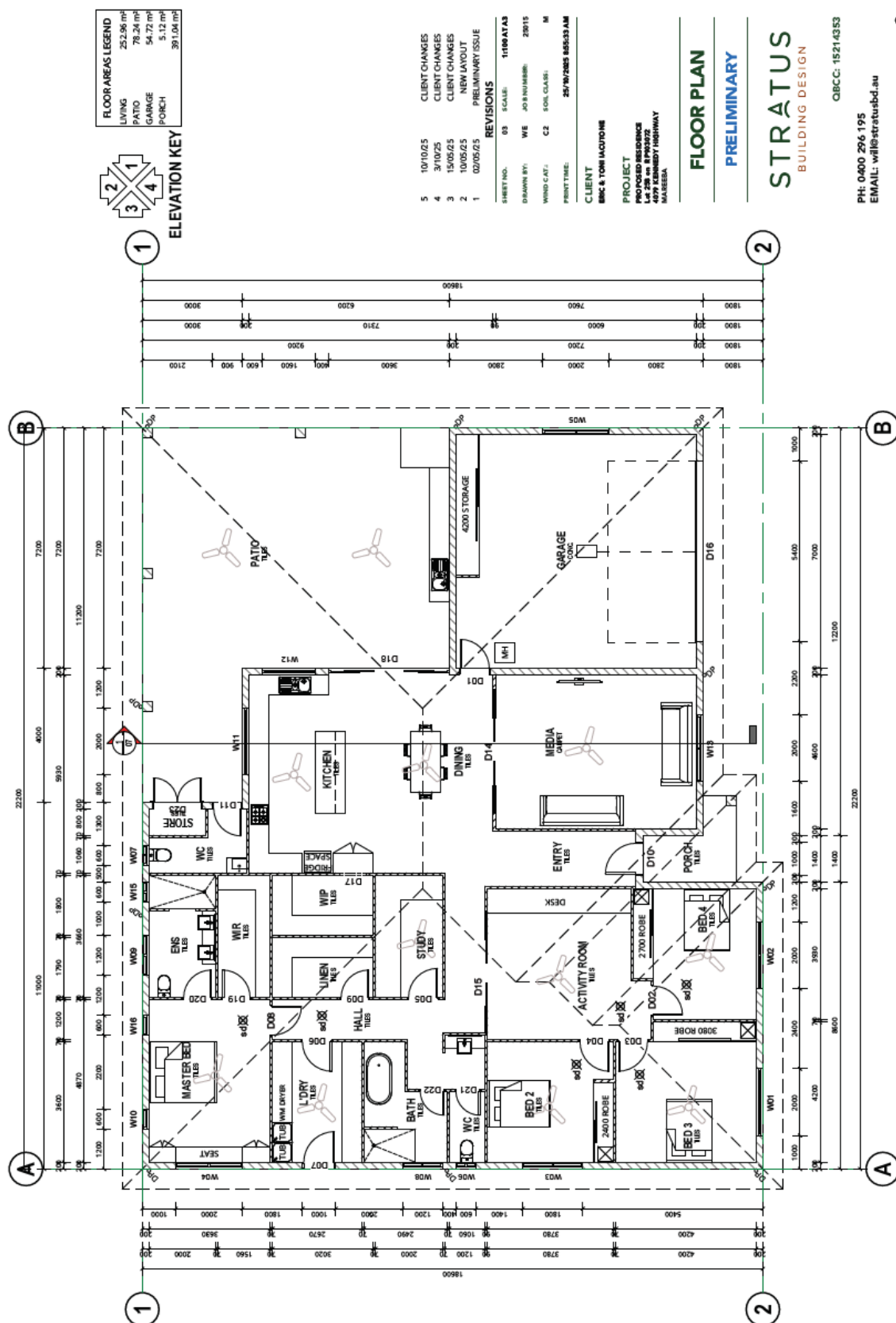
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BUILDING DESIGN

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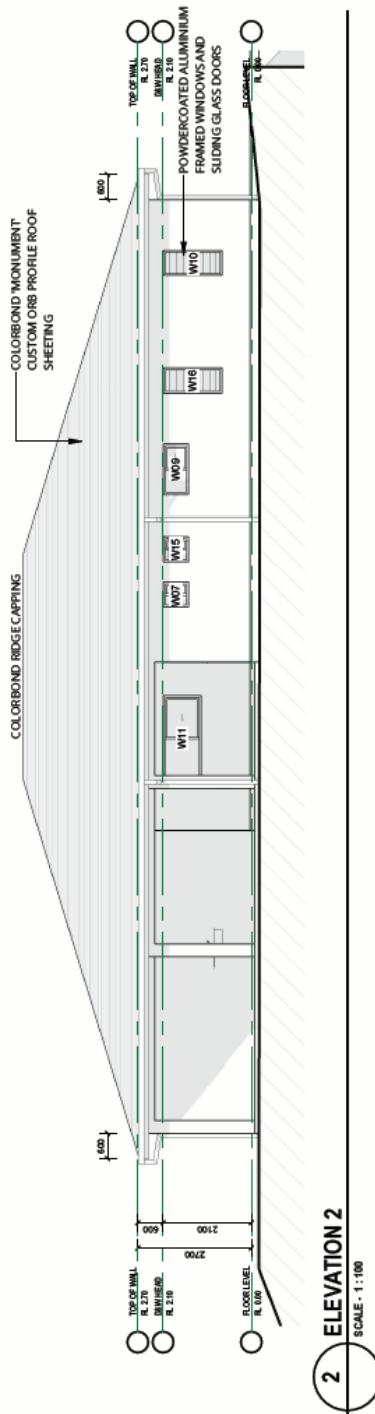
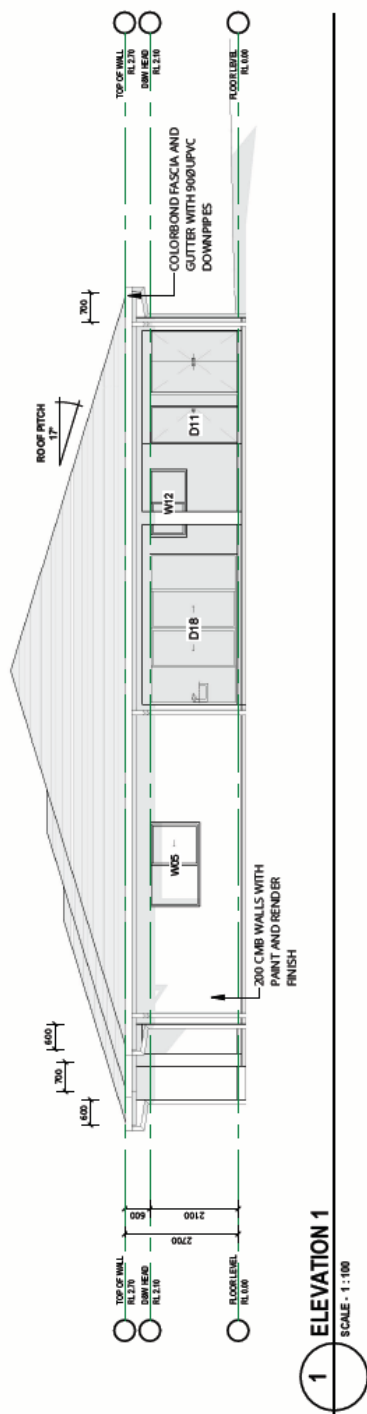
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Version 1, Version Date: 05/11/2025



5	10/10/25	CLIENT CHANGES
4	3/10/25	CLIENT CHANGES
3	15/05/25	CLIENT CHANGES
1	02/05/25	PRELIMINARY ISSUE

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CLIENT
BANC & TOMI LACUTONE

PROJECT
PROPOSED RESIDENCE
Lot 238 on R 1903072
1079 KENNEDY HIGHWAY
MAAREBA

ELEVATIONS

PRELIMINARY

STRATUS
BUILDING DESIGN

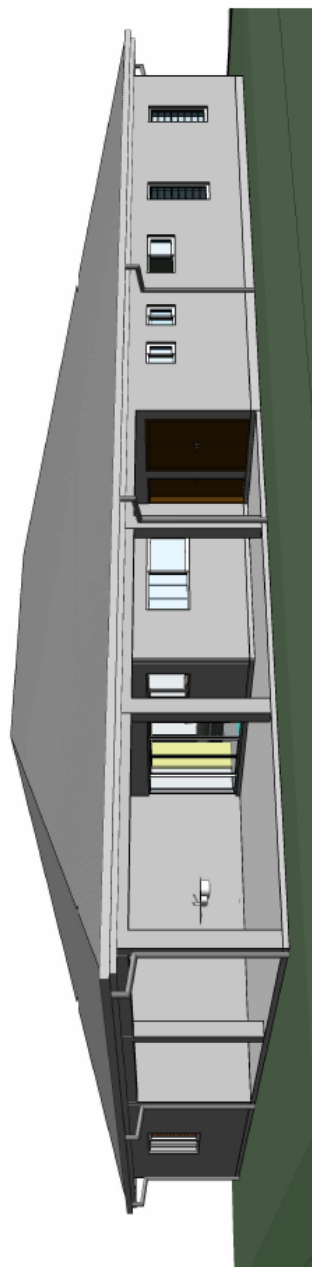
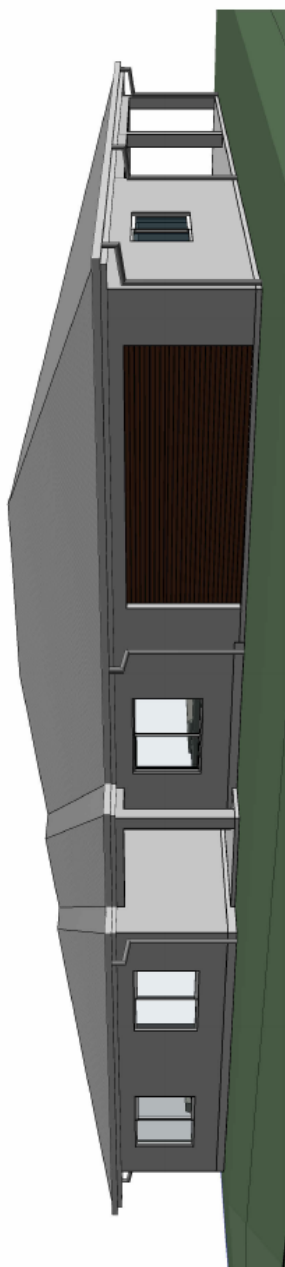
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Work	Room	Window Schedule			Description
		Height	Width	Head Height	
W01	BED3	1500 mm	2100 mm		NO SLIDING GLASS WINDOW
W02	BED4	1500 mm	2000 mm		NO SLIDING GLASS WINDOW
W03	BED5	1500 mm	2000 mm		NO SLIDING GLASS WINDOW
W04	BED6	1500 mm	2000 mm		NO SLIDING GLASS WINDOW
W05	MATR BED1	1400 mm	2100 mm		NO SLIDING GLASS WINDOW
W06	GARAGE	1300 mm	2000 mm		NO SLIDING GLASS WINDOW
W07	WC	600 mm	2100 mm		NO SLIDING GLASS WINDOW
W08	BATH	600 mm	2100 mm		NO SLIDING GLASS WINDOW
W09	ENS	600 mm	1200 mm		NO SLIDING GLASS WINDOW
W10	MATR BED2	1400 mm	2000 mm		NO SLIDING GLASS WINDOW
W11	KITCHEN	900 mm	2000 mm		1 PANE GLASS LOUVRES
W12	W11	900 mm	2000 mm		NO SLIDING GLASS WINDOW
W13	W12	900 mm	2000 mm		NO SLIDING GLASS WINDOW
W14	MEBA	1500 mm	2000 mm		NO SLIDING GLASS WINDOW
W15	ENS	600 mm	2100 mm		NO SLIDING GLASS WINDOW
W16	W15	1400 mm	2000 mm		1 PANE GLASS LOUVRES

[illegible]

Mark	Room	Height	Width	Opening Size	Description
D15	ACTIVITY ROOM	2640 mm	3720 mm		DOUBLE 500 CAVITY SLUR
D16	ROOM	2100 mm	5400 mm		PANEL LIFT DOOR
D17	WIP	2100 mm	600 mm		SQUARED GLASS DOOR
D18	DINING	2100 mm	3600 mm		GLASS SLIDING GLASS DOOR
D19	WIP	2100 mm	600 mm		GLASS SLIDING GLASS DOOR
D20	WC	2640 mm	830 mm		820 SINGLE SWING DOOR
D21	WC	2640 mm	830 mm		820 SINGLE SWING DOOR
D22	BATH	2640 mm	720 mm		720 SINGLE SWING DOOR
D23	STORE	2640 mm	720 mm		720 SINGLE SWING DOOR

PERSPECTIVE

VIEWS

STRATUS
BUILDING DESIGN

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(3) FIGURED DIMENSIONS TO TAKE 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 ORIGINATIONS TO ANY PART OF THE DESIGN WILL VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.

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5	10/10/25	CLIENT CHANGES
4	3/10/25	CLIENT CHANGES
3	15/05/25	CLIENT CHANGES
1	02/05/25	PRELIMINARY ISSUE

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CLIENT
ERIC & TONI LACUTONE

PROJECT
PROPOSED RESIDENCE
Lot 25B on R1903072
4079 KENNEDY HIGHWAY
MARIETTA