

**DELEGATED REPORT**

**SUBJECT:** SCHILLING GROUP PTY LTD - MATERIAL CHANGE OF USE - DUAL OCCUPANCY - LOT 46 ON SP321490 – 17 ANDRE STREET, MAREEBA - MCU/26/0002

**DATE:** 23 February 2026

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Schilling Group Pty Ltd C/- Baker Building Certification	<b>ADDRESS</b>	17 Andre Street, Mareeba
<b>DATE LODGED</b>	9 February 2026	<b>RPD</b>	Lot 46 on SP321490
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Dual Occupancy		
<b>FILE NO</b>	MCU/26/0002	<b>AREA</b>	835m <sup>2</sup>
<b>LODGED BY</b>	Baker Building Certification	<b>OWNER</b>	Schilling Group Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:** 1. Proposal Plan/s

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**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 with conditions.

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Schilling Group Pty Ltd	<b>ADDRESS</b>	17 Andre Street, Mareeba
<b>DATE LODGED</b>	9 February 2026	<b>RPD</b>	Lot 46 on SP321490
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Dual Occupancy		

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 - Dual Occupancy

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2509 – W00 Rev. 1	Cover Sheet	MAC Constructions	15/01/2026
2509 – W01 Rev. 1	Site Plan	MAC Constructions	15/01/2026
2509 – W02 Rev. 1	Floor Plan	MAC Constructions	15/01/2026
2509 – W06 Rev. 1	Elevations	MAC Constructions	15/01/2026

(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.
- 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.

#### 3.5 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

#### 3.6 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

#### 3.7 Letterbox

Each dwelling is to be provided with an individual letter box.

#### 3.8 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the dwellings and is to be appropriately screened from view of adjoining properties and the street.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

An access crossover must be constructed (from the kerbing of the Andre Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

(a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

(b) All stormwater drainage must be discharged to an approved legal point of discharge.

(c) Any works undertaken within Easement R must not interrupt the flow of stormwater through the easement and must comply with the requirements of the easement, to the satisfaction of Council's delegated officer.

(d) Where the existing concrete drain is to be removed and replaced with driveway, the applicant/developer must ensure that the driveway finished surface levels and grades ensures water continues to flow to the stormwater inlet within Easement R and that these works do not direct any flow down the driveway to Andre Street, to the satisfaction of Council's delegated officer.

##### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 2 undercover car parking spaces (1 per dwelling) which are available solely for the parking of vehicles associated with the use of the premises.

In lieu of a designated visitor parking space, each unit has been provided with a double garage.

All car parking spaces and internal driveways must be concrete sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

##### 4.4 Fencing

4.4.1 Prior to the commencement of the use, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

The landscape plan must include a one (1) metre wide landscape strip along the frontages of the site, excluding the access driveway, and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 (i) Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the full extent of all side and rear boundaries.
- (ii) Prior to the commencement of the use, solid 1.8 metre high timber or 1.8 metre high colorbond fencing of neutral colour is to be erected between each dwelling, separating areas of private open space.
- (iii) The abovementioned fencing is to be erected and maintained in good order and safe repair, for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

Where outdoor lighting is required, the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### 4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Each dwelling is required to be **separately metered**.

#### 4.7 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient

capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

(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) 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.

- (c) 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.

- (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.

**(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
- Access approval arising from condition number 4.1

**THE SITE**

The subject land is described as Lot 46 on SP321490, situated at 17 Andre Street, Mareeba.

The land is near rectangular in shape with an area of 835m<sup>2</sup> and is zoned Low density residential under the Mareeba Shire Council Planning Scheme 2016. The site has a frontage of approximately 24.5 metres to Andre Street which is constructed to a bitumen sealed standard with kerbing.

The site remains unimproved and is cleared and grassed. Being an urban allotment, connections to all urban services are available. All surrounding allotments are also zoned Low Density Residential and generally contain single dwellings.

**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

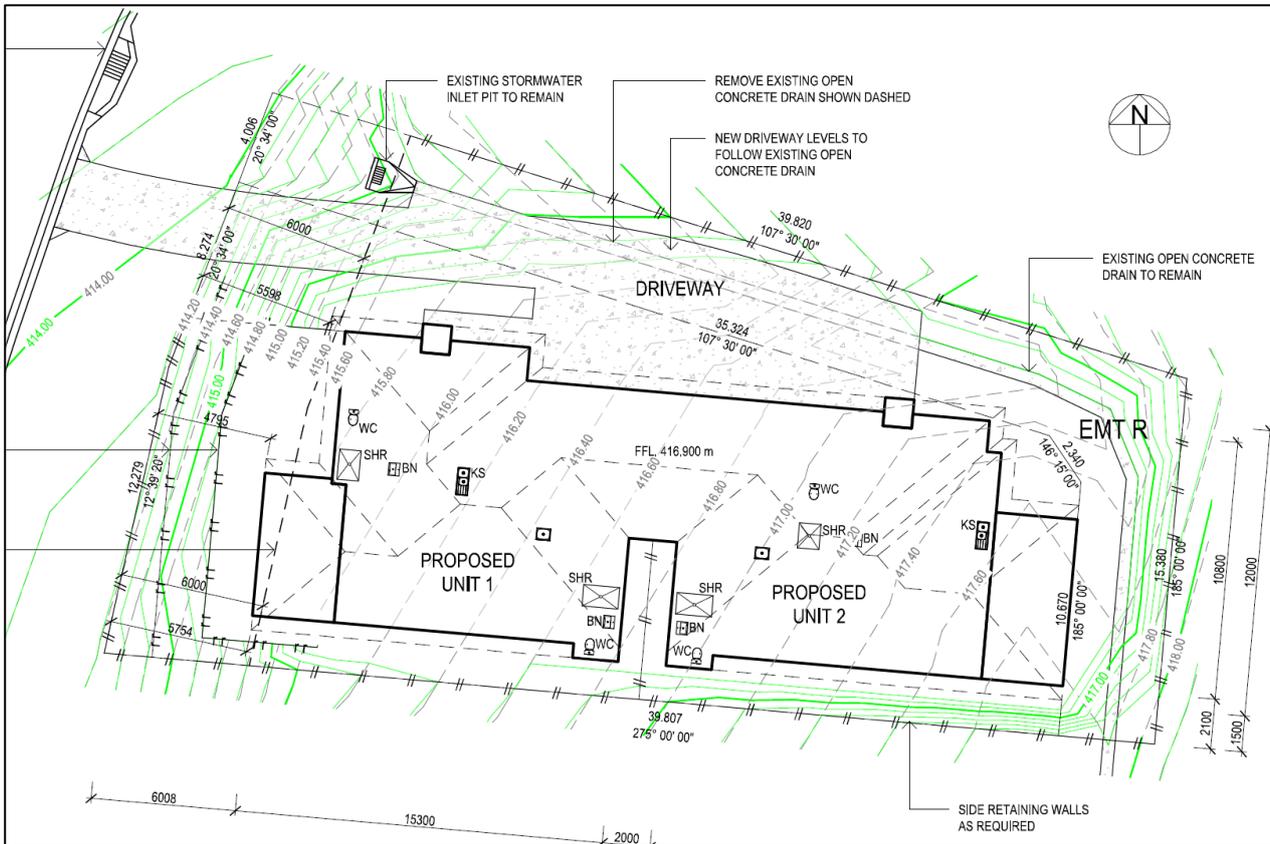
**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Dual Occupancy in accordance with the plans shown below and included as **Attachment 1**.

The proposed development is made code assessable by the fact that the site does not meet the minimum required size of 1,000m<sup>2</sup> as outlined in the tables of assessment for the Low density residential zone.



**REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Category</b> • Residential Area
Zone:	Low Density Residential zone
Overlays:	Airport environs overlay code Residential Dwelling House and Outbuilding Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Dual occupancy	Premises containing two dwellings, each for a separate household, and consisting of: <ul style="list-style-type: none"> <li>• a single lot, where neither dwelling is a secondary dwelling or</li> <li>• two lots sharing common property where one dwelling is located on each lot.</li> </ul>	Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the <i>Body Corporate and Community Management Act 1997</i> , two dwellings within the one body corporate to which the Building Units and Group Title Act 1980 continues to apply	Dwelling house, multiple dwelling

## 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:

- 6.2.6 Low density residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.10 Residential dwelling house and outbuilding 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 solutions (or

probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Low density residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).  Further discussion is warranted in relation to Acceptable Outcome AO3.1 and AO3.2 – refer to code document for further commentary.
Airport environs overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).  Refer to code document for full commentary.
Accommodation activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).  Refer to code document for full commentary.
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).  Refer to code document for full commentary.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).  Refer to code document for full commentary.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).  Refer to code document for full commentary.

### (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

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

### (f) Adopted Infrastructure Charges Notice

The subject land is in the Low density residential zone and dual occupancy is accepted development on land with an area of 1,000m<sup>2</sup> or greater.

As the subject land has an area of 835m<sup>2</sup>, the level of assessment moves from accepted development to code assessment.

The planning scheme's accepted density for dual occupancy is one unit per 400m<sup>2</sup> of site area and the proposed development complies.

As the density of the proposed development is consistent with PO4 of the Low Density Residential Zone code, it is not proposed to apply additional infrastructure charges.

## **REFERRALS**

This application did not trigger referral to a Referral Agency.

## **Internal Consultation**

Not applicable.

## **PLANNING DISCUSSION**

Refer to separate code document for full commentary on code compliance.

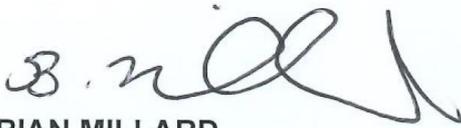
***Date Prepared:***      *23 February 2026*

## DECISION BY DELEGATE

## DECISION

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

Dated the 23<sup>RD</sup> day of FEBRUARY 2026



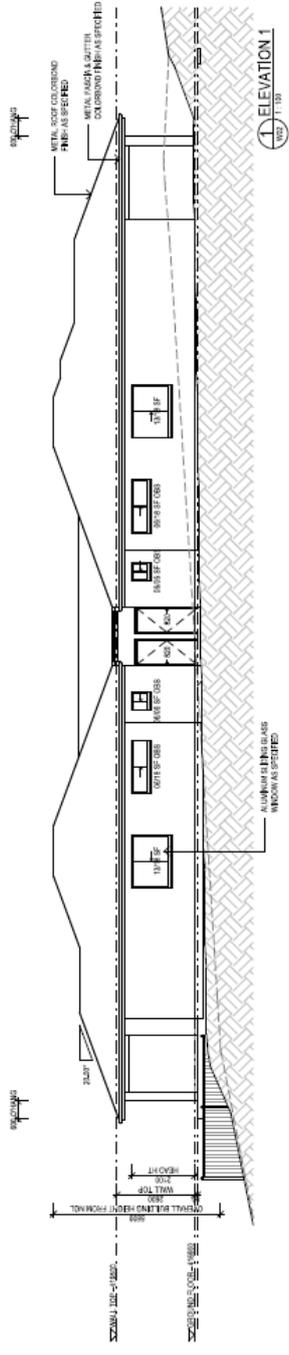
**BRIAN MILLARD**  
**COORDINATOR PLANNING & BUILDING**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

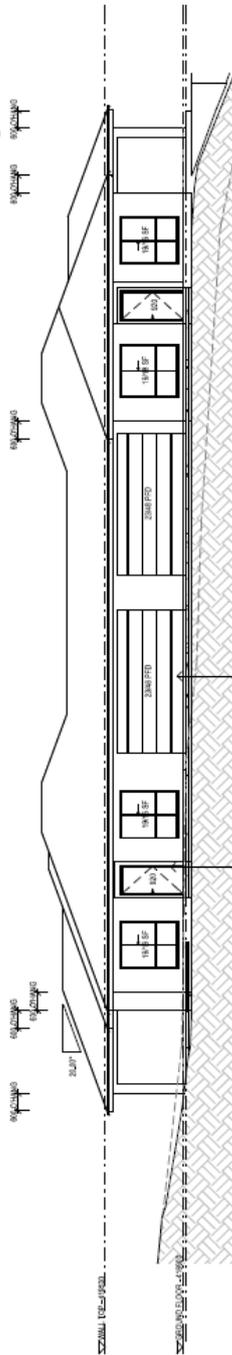




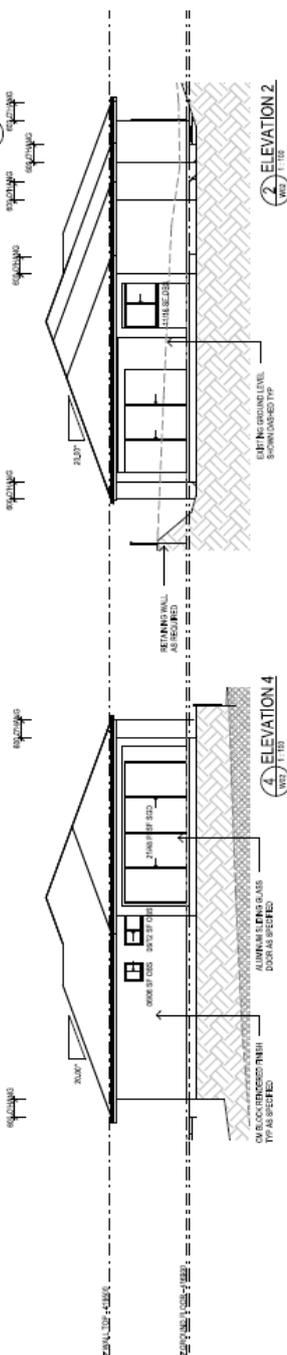




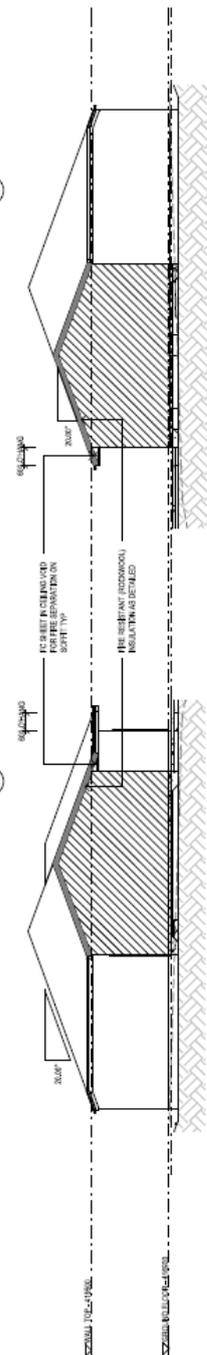
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5 ELEVATION 5  
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6 ELEVATION 6  
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WE HEREBY CERTIFY THAT THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION.

**C.M.G. CONSULTING** Pty Ltd  
 24/02/2025  
 2025-01-01  
 2025-12-31

Date	24/02/2025	Scale	1:100 @ A2
Drawn	W. J. J. J.	Checked	J. S. J.
Category	M	Class	M
Project No.	2025-01-01	Revision No.	1

**MAC CONSTRUCTIONS**

Schilling Group Pty Ltd  
 15/08/2022  
 3 Scott Street, Parramatta Park, NSW, 2150  
 Email: info@schillinggroup.com.au

Site Address:  
 LOT 46 ANDRE STREET  
 MAREEBA 4880

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Version: 1, Version Date: 01/02/2025