

DELEGATED REPORT

SUBJECT: B & T SHOREY - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) – LOT 269 ON NR1918 – 179 KOVACIC ROAD, MAREEBA - MCU/25/0016

DATE: 17 September 2025

REPORT OFFICER'S TITLE: Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	B & T Shorey	ADDRESS	179 Kovacic Road, Mareeba
DATE LODGED	10 September 2025	RPD	Lot 269 on NR1918
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/25/0016	AREA	42.618 hectares
LODGED BY	B & T Shorey	OWNER	B & T Shorey
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:

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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
-	Site Plan	Applicant	2/09/2025
771KOV Sheet 2 of 11	Floor Plan	Austart Homes	22/06/2025
771KOV Sheet 3 of 11	Elevations-1	Austart Homes	22/06/2025

(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 An access crossover to service the new dwelling must be upgraded/constructed (from the edge of Kovacic Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.
- 4.2 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

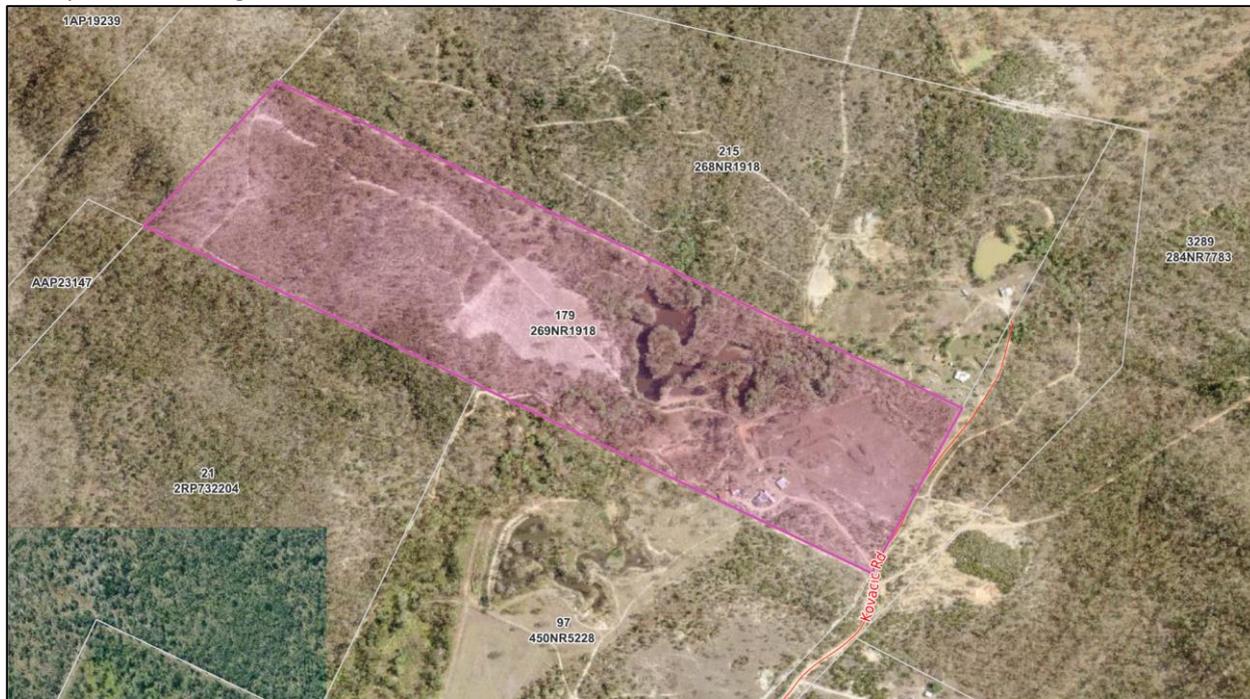
- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval required to satisfy Condition 4.1

THE SITE

The subject site is situated at 179 Kovacic Road, Mareeba and is described as Lot 269 on NR1918. The site is irregular in shape with a total area of 42.618 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 321 metres of frontage to the Kovacic Road which is constructed to a formed gravel standard. The site is improved by a dwelling house and multiple outbuildings.



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 - Dwelling House (Secondary Dwelling) in accordance with the plans shown in **Attachment 1**.

The existing smaller residence (internal GFA of approximately 80m²) will become the secondary dwelling with the proposed 196m² new dwelling becoming the sites 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:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • <i>Rural Area</i> <ul style="list-style-type: none"> ▪ Rural Agricultural Area ▪ Rural Other <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • <i>Biodiversity Area</i>
Zone:	Rural
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Hill and 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
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
- 8.2.8 Hill and slope 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>
Parking and access 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 AO2.3 <p>It is considered that the development can comply with higher order Performance Outcome PO2. Refer to Planning Discussion section for commentary.</p>
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 new ‘primary dwelling’ be sited approximately 150 metres to the east of the existing ‘secondary dwelling’ and is therefore non-compliant with AO4.1 (b), exceeding the setback requirement by approximately 130 metres.

Despite not complying with A06.1(b), the development proposed will not dominate the allotment, and the existing secondary dwelling is still likely to remain subservient to the proposed primary dwelling. The scale of development proposed is not inconsistent in character with development in the surrounding area. The proposed development will comply with PO6.

Parking and Access Code

Performance outcomes	Acceptable outcomes
Vehicle crossovers	
PO2 Vehicle crossovers are provided to: (d) ensure safe and efficient access between the road and premises; (e) minimize interference with the function and operation of roads; and (f) minimise pedestrian to vehicle conflict.	AO2.1 Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.
	AO2.2 Development on a site with two or more road frontages provides vehicular access from: (a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or (b) from the lowest order road in all other instances.
	AO2.3 Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E .

Comment

The proposed new ‘primary residence’ will not share the same driveway as the existing ‘secondary dwelling’ and is therefore non-compliant with AO2.3 (Table 9.4.3.3E) which requires the two to share a driveway.

Despite not sharing the same access, the development is still considered to comply with PO2. A condition of approval will ensure the new driveway is constructed to FNQROC Development Manual standards.

Date Prepared: 17 September 2025

DECISION BY DELEGATE

DECISION

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

Dated the day of 2026

BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

NOTE: Fixing brackets, (Additional bracing and nogginns will be required)

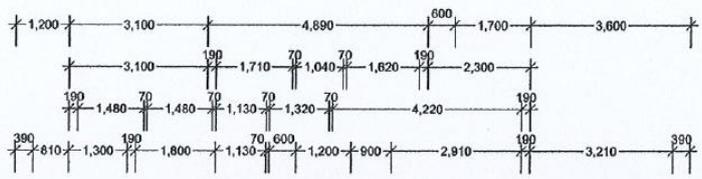
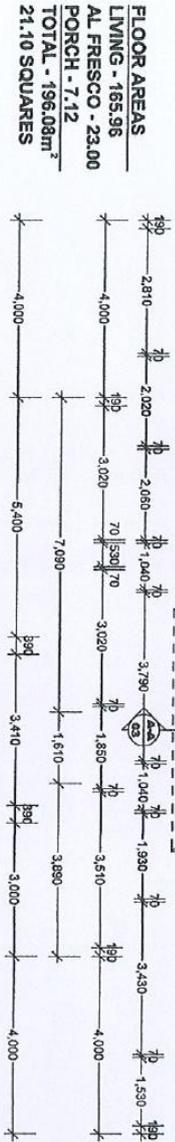
NOTE: "WATERPROOFING" TO ALL WET AREAS, REFER SHEET 3 & 4 FOR DETAILS

ALL DIMENSIONS SHOWN ARE TO FRAME AND BLOCKWORK, EXCLUDES GYPOCK

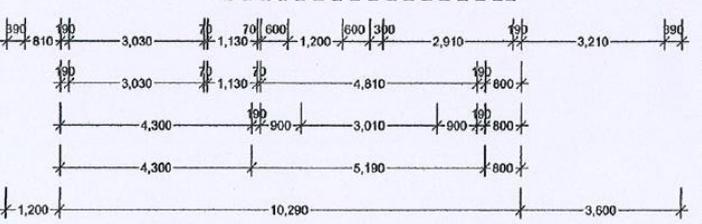
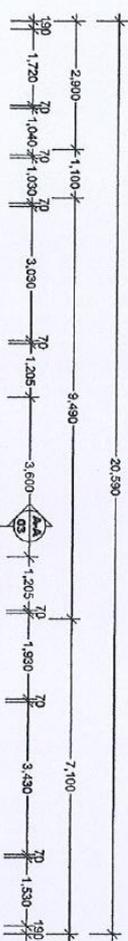
FLOOR AREAS
 LIVING - 165.96
 AL FRESCO - 23.00
 PORCH - 7.12
TOTAL - 196.08m²
21.10 SQUARES

NOTE: ALL HOT and COLD WATER PIPING TO GO THROUGH CEILING DOWN TO STUD WALLS. OTHER THAN PIPING (IF APPLICABLE) TO RUN THROUGH CEILING and STUD WALLS.
 Show the access to the entry level and distribution spaces (ie. 1M clear width to hallways and 820mm clear openings into doors) through the dwelling must be provided in accordance with the NCC Standard for Livable Housing Design. Install wall reinforcement as per the Livable Housing Design.

NOTE: WATERPROOFING WET AREAS - Wet areas within the building must be waterproofed or water resistant in accordance with NCC Vol 2 Section H specifically AS3545 Housing Provisions Standard 2022 Part 11.2 of AS3545-2021 and finished by a QBCO approved installer.



ELEVATION KEY



ENERGY EFFICIENCY NOTES:
 : ALL TAPWARE & SHOWERS TO BE 3 STAR min.
 : ALL TOILETS TO BE 4 STAR min.
 : ELECTRIC HOT WATER SYSTEM TO BE INSTALLED.

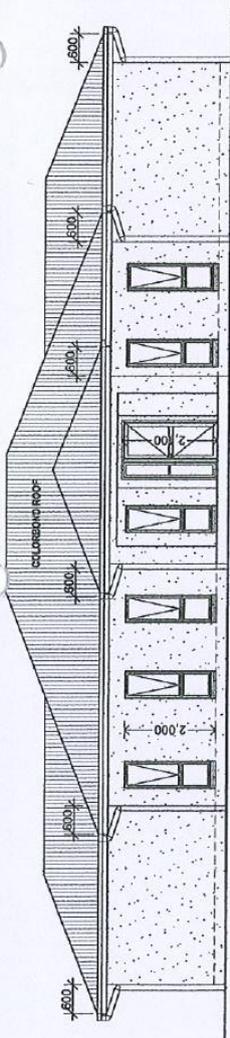
GENERAL NOTES:
 : Tinted glass to all alum. framed glass doors and windows.
 : Dishwasher prov. with SPP and cold water plumbing.
 : Lift off hinges to wc.
 : Mechanical exhaust to wc with no external opening.
 : Niches - 800H base with a 2100H head U.N.O.
 : Hampers and Openings - 2100H head U.N.O.
 : Bulkheads - 2200H U.N.O.

PRELIMINARY

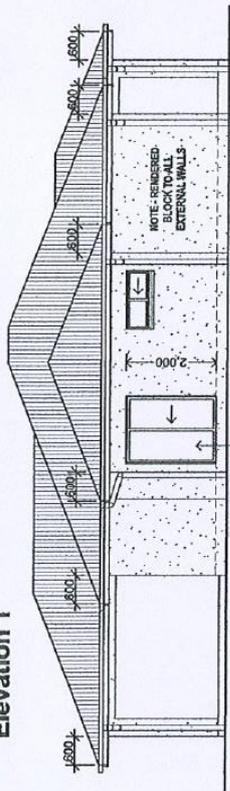
FLOOR PLAN

WIND-'C2'

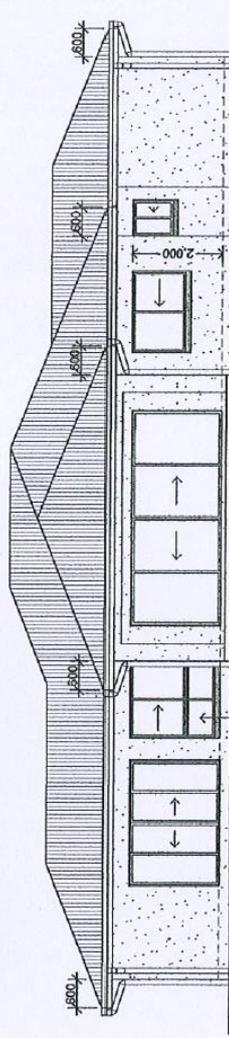
AUSTART HOMES Austart Homes Pty. Ltd. QBSA Act, Licence No. 1200115 Address: P.O. Box 27, SMITHFIELD, 4878 Phone: 0746383858 Fax: 0746383899	C. M. SHOREY and L. J. NICHOLSON LOT 269 - KOVACIC ROAD, MAREEBA		Design: Custom TURN KEY 241LH	Drawn By: TRADITIONAL	Amendments: Job Number: 771KOV
	N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SEALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF AUSTART HOMES AUSTRALIA Pty. Ltd.		Facade: TURN KEY RANGE	Date: 22/06/2025	Sheet Number: 2 of 11



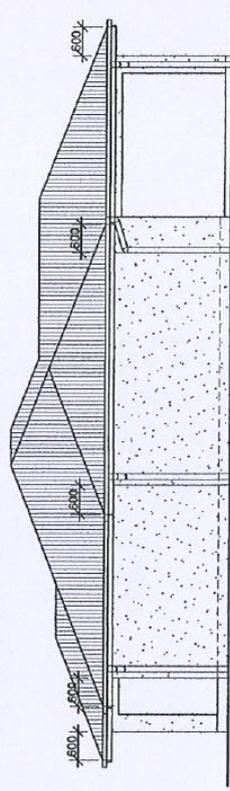
Elevation 1



Elevation 2



Elevation 3



Elevation 4

PRELIMINARY

FLY SCREENS ONLY TO ALL
OPENING WINDOWS AND
SLIDING GLASS DOORS,
INCLUDING FRONT DOOR.
(EXCLUDES GARAGE DOORS)

* GRADE SITE AWAY FROM THE BUILDING AT A MINIMUM SLOPE OF 1:20 FOR A MINIMUM DISTANCE OF 1000mm TO PERIMETER, SO THAT THE WATER DRAINS TO THE ROAD or UNDERGROUND DRAINAGE, NOT ONTO NEIGHBOURING PROPERTIES

AUSTART HOMES <small>CRSA Act License No. 1200115 Address : P.O. Box 1077, SMITHFIELD, 4878 Phone: 0740383555 Fax: 0740383589</small>	ELEVATIONS-1	Design: Custom TURN KEY 241LH Finish: TRADITIONAL Inclusions: TURN KEY RANGE	Drawn By: Date: 22/06/2025 Scale: 1:100	Amendments: Job Number: 771KOV Sheet Number: 3 of 11
	WIND-'C2' C. M. SHOREY and L. J. NICHOLSON LOT 269 - KOVACIC ROAD, MAREEBA	N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES-THIS DESIGN IS THE EXCLUSIVE PROPERTY OF AUSTART HOMES AUSTRALIA Pty. Ltd.		