

DELEGATED REPORT

SUBJECT: P SKINNER – MATERIAL CHANGE OF USE – DWELLING HOUSE (SECONDARY DWELLING) – LOT 3 ON RP732519 – 3 MOUNT LEWIS ROAD, JULATTEN - MCU/26/0004

DATE: 12 March 2026

REPORT OFFICER'S TITLE: Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|--|-----------------|------------------------------|
| APPLICANT | P Skinner | ADDRESS | 3 Mount Lewis Road, Julatten |
| DATE LODGED | 9 March 2026 | RPD | Lot 3 on RP732519 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use – Dwelling House (Secondary Dwelling) | | |

| | | | |
|----------------------------|--|--------------|----------------|
| FILE NO | MCU/26/0004 | AREA | 4.044 hectares |
| LODGED BY | P Skinner | OWNER | D & P Skinner |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Rural zone | | |
| LEVEL OF ASSESSMENT | Code Assessment | | |
| SUBMISSIONS | n/a | | |

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is code assessable and was not required to undergo public notification.

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

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 | |
|----------------------|--|----------|---------------------------------|
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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 |
|----------------------|---------------------|-------------|--------|
| Sheet No. 1 of 6 D | Site Plan | Des Skinner | 9.2.26 |
| Sheet No. 2 of 6 D | Floor Plan | Des Skinner | 9.2.26 |
| Sheet No. 3 of 6 D | Elevations | Des Skinner | 9.2.26 |

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

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

THE SITE

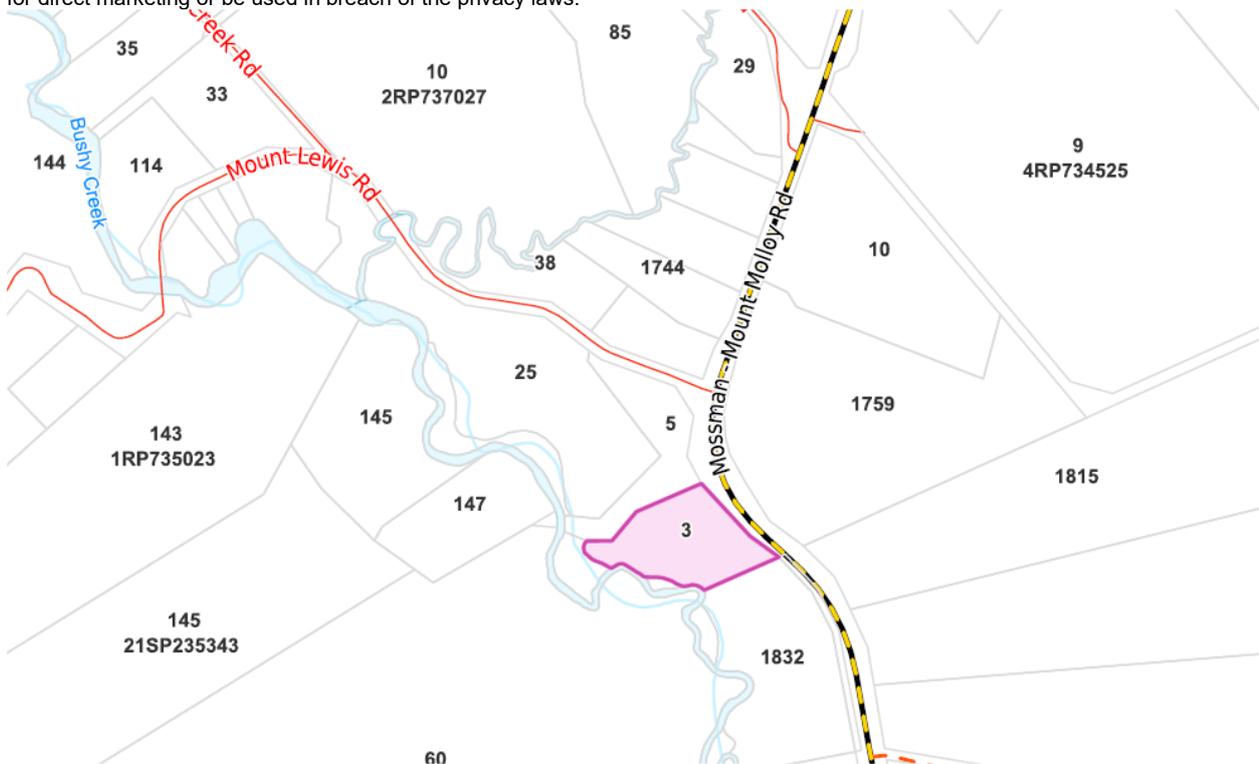
The site is situated at 3 Mount Lewis Road, Julatten and is described as Lot 3 on RP732519. The site is irregular in shape with an area of 4.044 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 200 metres of frontage to the Mossman-Mount Molloy Road, which is constructed to a 2 lane bitumen sealed standard. Access is obtained via Mount Lewis Road, with a private driveway within the Mossman-Mount Molloy Road road reserve extending approximately 170 metres between the site and Mount Lewis Road. Direct access between the site and Mossman-Mount Molloy Road is prevented by topography and vegetation.



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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The site is used for rural residential living purposes with a centrally located cluster of buildings, including a dwelling house and multiple outbuildings.

Surrounding land uses comprise of rural and rural residential living purposes.

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 mature aged owners are in their later years and are finding the stairs of the high set dwelling more challenging to access on a regular bases. The proposed development is to construct a secondary low set dwelling.

The owners son and his wife will take residence in the highset dwelling with the intent to assume the roll of maintaining the property and in the longer term act as “carers” for their parents.

The proposed secondary dwelling has a gross floor area (GFA) of approximately 130m2 and is located approximately 25 metres north-west of the existing 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 is:

- *State & Regional Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

| | |
|-----------------------------|---|
| <p>Strategic Framework:</p> | <p>Land Use Categories</p> <ul style="list-style-type: none"> • <i>Rural Agricultural Area</i> • <i>Rural Other</i> <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • <i>Biodiversity Areas</i> <p>Transport Elements</p> <ul style="list-style-type: none"> • <i>State Controlled Road</i> • <i>Principal Cycle Route</i> |
|-----------------------------|---|

| | |
|-----------|---|
| Zone: | Rural Zone |
| Overlays: | Agricultural Land Overlay Environmental Significance Overlay Hill and Slope Overlay Scenic Amenity 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
- 8.2.4 Environmental significance overlay code

- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity 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.

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. |
| 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. |
| 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. |
| Scenic amenity 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) ▪ Acceptable Outcome AO6.2 <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 | 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. |

(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.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

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 25 metres from the proposed primary dwelling and is therefore non-compliant with AO4.1 (b), exceeding the setback requirement by approximately 5 metres. The internal GFA of the secondary dwelling also exceeds the 100m² set by AO6.2 by 30m².

The secondary dwelling will share the same access as the primary dwelling and is clustered together with the site’s established buildings. 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.

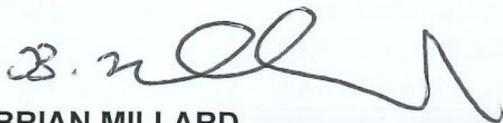
Date Prepared: 12 March 2026

DECISION BY DELEGATE

DECISION

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

Dated the 12TH day of MARCH 2026



BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

