

DELEGATED REPORT

SUBJECT: K PENN & J BARHAM – RECONFIGURING A LOT –
SUBDIVISION (1 LOT INTO 2 LOTS) – LOT 204 ON M3561 –
13 BYRNES STREET, MAREEBA – RAL/26/0013

DATE: 7 July 2026

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

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	K Penn & J Barham	ADDRESS	13 Byrnes Street, Mareeba
DATE LODGED	22 June 2026	RPD	Lot 204 on M3561
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 lot into 2 lots)		

FILE NO	RAL/26/0013	AREA	1,012m ²
LODGED BY	Aspire Town Planning and Project Services	OWNER	K Penn & J Barham
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium density residential		
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 has been assessed against the relevant statutory planning instruments, including the Far North Queensland Regional Plan and Infrastructure Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

Draft conditions were provided to the Applicant, care of their consultant and have been agreed to. 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	K Penn & J Barham	ADDRESS	13 Byrnes Street, Mareeba
DATE LODGED	22 June 2026	RPD	Lot 204 on M3561
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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 Reconfiguring a Lot – Subdivision (1 lot into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Plan of Proposed Reconfiguration (1 Lot into 2 Lots)	Aspire Town Planning and Project Services	-

(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, and subject to any alterations:

- found necessary by the 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 endorsement of the plan of survey for the development, 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 or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.3 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.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewer mains on non-standard alignments), or inter-allotment private connections traverse lots to service another lot, easements must be created for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 3.7 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.8 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.9 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

4.1 Access

Access crossovers must be upgraded/constructed to both Lots 1 and 2 (from the edge of Byrnes Street to the property boundaries of both lots) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Lot 2 must include a minimum 3m wide reinforced concrete or asphalt driveway (no bitumen) to be constructed for the full length of the access handle of the lot and connecting with the access crossover. The driveway must be designed so that the water collected on the driveway drains to a legal point of discharge and not into Lot 1.

4.2 Stormwater Drainage

- (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 collected from the site must be discharged to an approved legal point of discharge.

4.3 Water Supply

- (a) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer
- (b) 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).

4.4 Sewerage Connection

- (a) 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.
- (b) 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).

4.5 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

- (c) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

- (d) 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.

- (e) 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.

- (f) 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.

(g) 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)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$23,252.00	2 Lots	\$23,252.00	1 lot	\$23,252.00
TOTAL CURRENT AMOUNT OF CHARGE					\$23,252.00

THE SITE

The subject site is situated at 13 Byrnes Street, Mareeba, and is more particularly described as Lot 204 on M3561. The site is regular in shape with an area of 1,012m² and is zoned Medium density residential under the Mareeba Shire Council Planning Scheme 2016.

The site includes 20 metres of frontage to Byrnes Street which is constructed to a bitumen sealed standard with kerbing on the development side of the road only. A single unsealed crossover provides access to the site off the street.

The site is currently unimproved. All adjoining lots are zoned Medium density residential and contain single detached 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 Reconfiguring a Lot – Subdivision (1 lot into 2 lots) in accordance with the plan shown below and included as **Attachment 1**.



REGIONAL PLAN DESIGNATION

Far North Queensland Regional Plan and Infrastructure Plan 2026	
Potential Agricultural Expansion Area	No
Priority Agricultural Area	No
Priority Agricultural Area – Extractive Resources Precinct	No
Regional Biodiversity Corridor	No
Regional Land Use Category	Urban Footprint
Strategic Environmental Area	No
Wet Tropics WHA	No

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories - Residential Area Transport Elements - Future State Controlled Road - Principal Cycle Route
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Zone:	Low density residential zone
Precinct:	N/A
Overlays:	Bushfire hazard overlay Airport environs overlay Transport infrastructure overlay

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:

(a) Far North Queensland Regional Plan and Infrastructure Plan 2026 (FNQ Regional Plan 2026)

The FNQ Regional Plan 2026 commenced on May 2026 and is not adequately addressed within the Planning Scheme. The Themes, Policy outcomes and Strategies contained within this Regional Plan, relevant to the proposed development, are as follows:

Theme 1 – Housing

Policy Outcome 1 – Regional growth pattern

Ensure adequate residential land supply in well-located areas where land is supported by appropriate infrastructure.

Strategies

- 1.1 *Maximise the efficient use of land within the Urban Footprint.*
- 1.2 *Ensure new residential development is serviced by appropriate infrastructure and services, having regard to infrastructure resilience and whole-of-life-cycle costs.*
- 1.3 *New residential development is responsive to the tropical and sub-tropical climates of the region and avoids areas of intolerable risk.*

Comment

The site is located within the Urban Footprint. The development will maximise the efficient use of the land and ultimately help to increase housing stock in Mareeba.

The development complies.

Policy Outcome 2 – Housing supply

Ensure housing supply meets the full spectrum of housing demand within the region to respond to the needs of current and future residents.

Strategies

- 2.1 *Plan for and achieve the dwelling supply targets in Figure 2.*
- 2.2 *Achieve a mix of housing types appropriate to local context and need, in both new and established communities, through a range of housing typologies shown in Figure 3.*

- 2.3 *Increase medium-density residential development in proximity to public and active transport corridors, Major Regional Activity Centres (MRACs) and/or regional precincts shown on Maps 10, 11 and 13.*
- 2.5 *Promote dwelling and neighbourhood design that is responsive to local climate and resilient to natural hazards.*
- 2.6 *Enable new models and forms of housing including dwelling type, size and modern methods of construction in both new and established communities.*
- 2.16 *Facilitate infill development to increase the supply of a range of housing typologies, focusing on the Mareeba town centre.*

Comment

The development will maximise the efficient use of the land and ultimately help to increase housing stock in Mareeba. Further, the development will provide a smaller lot/dwelling option in the Mareeba Township which is traditionally characterised by larger residential lots.

The development complies.

(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:

- 6.2.7 Medium density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot 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 (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Medium density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) 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.

(f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2026, a standard charge of \$23,252.00 applies to each additional residential allotment created.

The development proposes the creation of 1 additional allotment, therefore the charge is **\$23,252.00.**

REFERRALS

This application did not trigger referral to a referral agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

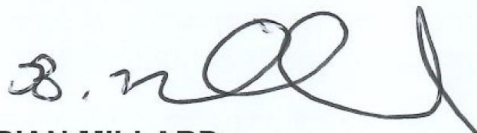
Date Prepared: 7 July 2026

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 8TH day of AUGUST 2026



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSAL PLANS

Plan of Proposed Reconfiguration (1 Lot into 2 Lots)

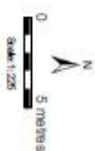
13 Bymes Street, Mareeba



16/09/10/6 14/02/01/27E
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Not available for statistical re-examination.
Proprietors: (Webb Research Co., 201-301-3307).



 **Queensland
Government**
Department of Natural Resources and Mines, Manufacturing, and Regional
and Rural Development