

**DELEGATED REPORT**

**SUBJECT:** **D PIANEDA & M COMERFORD – RECONFIGURING A LOT – SUBDIVISION (1 INTO 2 LOTS) – LOT 74 ON SP325396 – 1 MATILDA CLOSE, MAREEBA - RAL/26/0015**

**DATE:** 6 July 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>            | D Pianeda & M Comerford                           | <b>ADDRESS</b>  | 1 Matilda Close, Mareeba |
| <b>DATE LODGED</b>          | 25 June 2026                                      | <b>RPD</b>      | Lot 74 on SP325396       |
| <b>TYPE OF APPROVAL</b>     | Development Permit                                |                 |                          |
| <b>PROPOSED DEVELOPMENT</b> | Reconfiguring a Lot – Subdivision (1 into 2 lots) |                 |                          |

|                            |                                            |              |                         |
|----------------------------|--------------------------------------------|--------------|-------------------------|
| <b>FILE NO</b>             | RAL/26/0015                                | <b>AREA</b>  | 1,032m2                 |
| <b>LODGED BY</b>           | Freshwater Planning Pty Ltd                | <b>OWNER</b> | D Pianeda & M Comerford |
| <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.

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       |                          |
|-----------------------------|---------------------------------------------------|----------------|--------------------------|
| <b>APPLICANT</b>            | D Pianeda & M Comerford                           | <b>ADDRESS</b> | 1 Matilda Close, Mareeba |
| <b>DATE LODGED</b>          | 25 June 2026                                      | <b>RPD</b>     | Lot 74 on SP325396       |
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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 into 2 lots)

(B) **APPROVED PLANS:**

| Plan/Document Number | Plan/Document Title | Prepared by | Dated     |
|----------------------|---------------------|-------------|-----------|
| -                    | Pianeda RAL Plan    | -           | 16/6/2026 |

(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, 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 a Form 18B, except where specified otherwise in these conditions of approval.

3. General

- 3.1 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.
- 3.2 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 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/served where required by the relevant authority, unless approved by Council's delegated officer.
- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.5 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.
- 3.6 Charges

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

#### (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) 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) 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](http://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

- Nil

## THE SITE

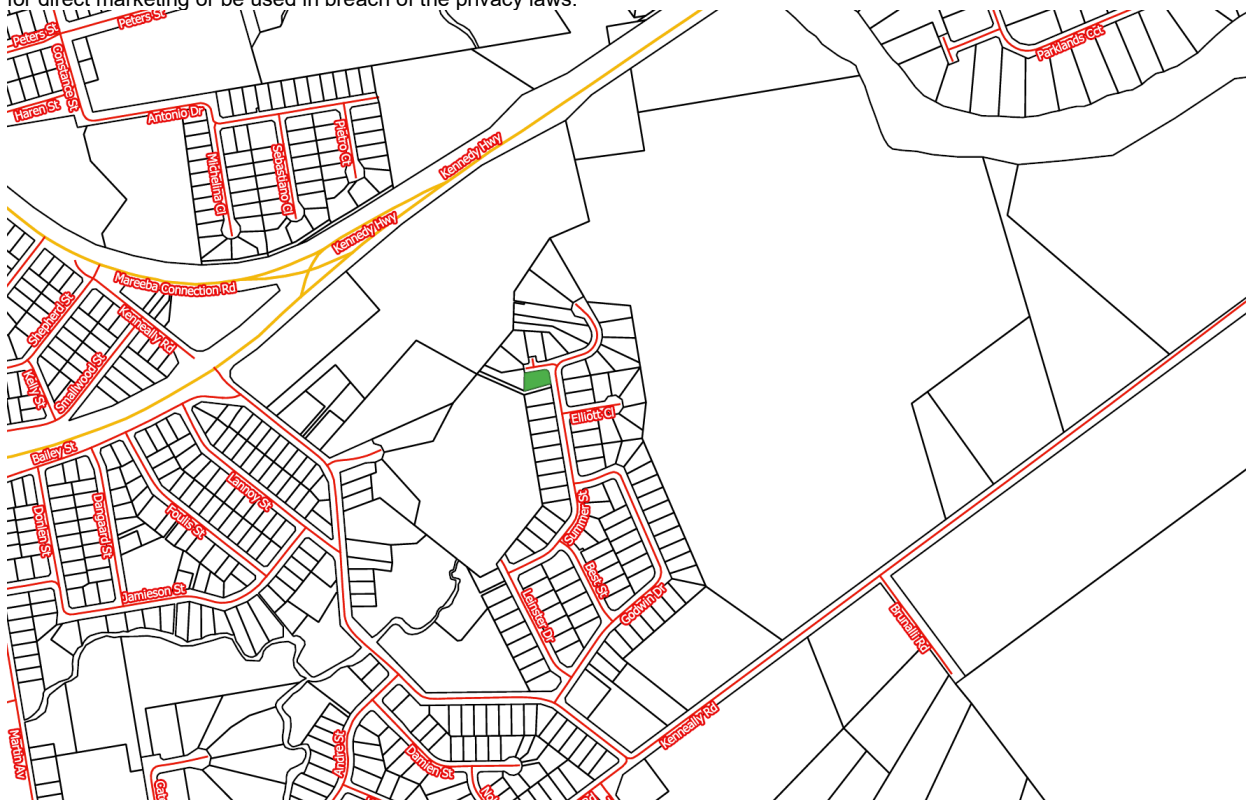
The site is located at 1 Matilda Close, Mareeba and is described as Lot 74 on SP325396. The site has an area of 1,032m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is reasonably regular in shape with approximately 37 metres of frontage to Matilda Close and 23 metres of frontage to Summer Street. Both frontage roads are asphalt sealed (kerb to kerb) for their entire length.



**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 improved by two existing dwelling houses (Dual Occupancy). Both dwellings are three bedroom, two bathroom with covered garages. Each dwelling is accessed off separate frontage.

The site is provided with all available and necessary services, being power, water, sewerage, and telecommunications.

All adjoining properties are zoned Low Density Residential and are improved with single dwelling houses.

## **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 into 2 lots) in accordance with the plans shown in **Attachment 1**.

The application describes the proposed development as follows:

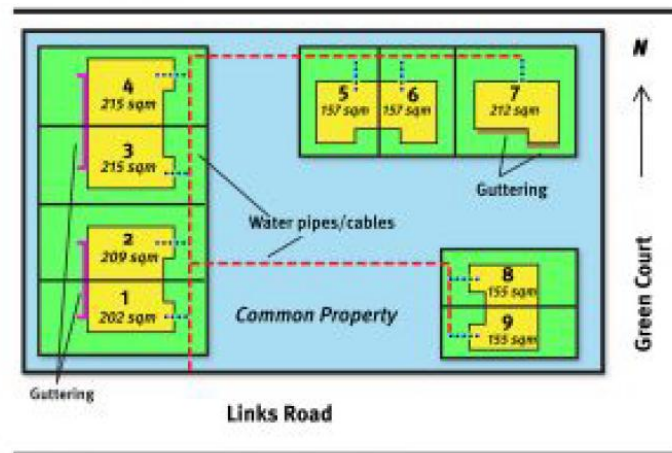
*“A Development Permit is sought to subdivide Lot 74 on SP325396 creating an additional Low Density Residential Allotment within the existing Mareeba Residential Area in the form of Standard Format Plan Allotments. No change to the existing Residential nature or character of the Zone is envisaged with the Reconfiguration. The proposal will provide for an additional Residential Allotment while maintaining the existing amenities and aesthetics of the site.*

*The proponent has informed Freshwater Planning Pty Ltd that the purpose of the type of Subdivision is due to the location of the existing services to the property. Twine Surveys Pty Ltd have provided Freshwater Planning Pty Ltd with the following in relation to the provision of servicing in relation to Standard Format Plans. ‘The Queensland Government’s Utility Infrastructure Maintenance provide for the following:*

### **Standard format plan**

*This diagram gives an example of utility infrastructure responsibilities in a standard format plan.*





### Standard format plan diagram

The body corporate is responsible for the:

- Water pipes or cables shown as dashed lines (red) as they supply the service to more than 1 lot.
- Guttering and associated downpipes shown with the solid (pink) spanning 2 lots (1 and 2 and 3 and 4) supplying a service to more than 1 lot.
- Any television antenna that services 2 or more lots.

The lot owner is responsible for the:

- Water pipes or cables shown as dotted lines (blue) as they are located within the lot boundary and service 1 lot only.
- Guttering and associated downpipes shown as solid shading above lot 7 (brown).

See [body corporate maintenance](#) for more information on scheme boundaries, common property and lots.

The Reconfiguring a Lot proposes two (2) Residential Standard Format Allotments described as proposed Lots 1 and 27 and Common Property. The proposed areas of the allotments are:

- Proposed Lot 1 510m<sup>2</sup>
- Proposed Lot 27 521m<sup>2</sup>
- Common Property 1m<sup>2</sup>.

The site gains access from the existing Road Network, being Matilda Close and Summer Street, via existing crossovers with no change to the existing proposed. The site is connected to all available services with the proposed two (2) Residential Standard Format Allotments not changing any of the existing servicing arrangements or improvements.

It is not considered that the proposed Reconfiguration will be detrimental to the adjacent sites or adversely impact on the surrounding area. It is considered that the Performance Outcomes of the both the Low Density Residential Zone Code and the Reconfiguring a Lot Code can be met in this instance."

## 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: | <b>Land Use Categories</b> <ul style="list-style-type: none"> <li><i>Residential Area</i></li> </ul>                          |
| Zone:                | Low Density Residential Zone                                                                                                  |
| Overlays:            | Airport Environs Overlay<br>Bushfire Hazard Overlay<br>Environmental Significance Overlay<br>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 application provides for alternative ownership of each dwelling house.

#### **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 site is located within the Urban Footprint. The application provides for alternative ownership of each dwelling house.

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:

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code

- 8.2.3 Bushfire hazard 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                                                                                                                                                                        |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Low 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. |
| 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. |
| 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. |
| 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**

The site contains a dual occupancy established as Accepted development, subject to requirements.

This reconfiguration will separate the two established dwellings onto individual lots.

As no additional vacant lot will be created, an infrastructure charge will not be applied.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Not applicable.

**PLANNING DISCUSSION**

Nil

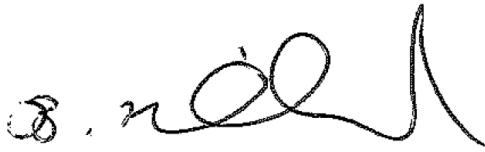
**Date Prepared:** 6 July 2026

## 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 6<sup>TH</sup> day of JUL 2026

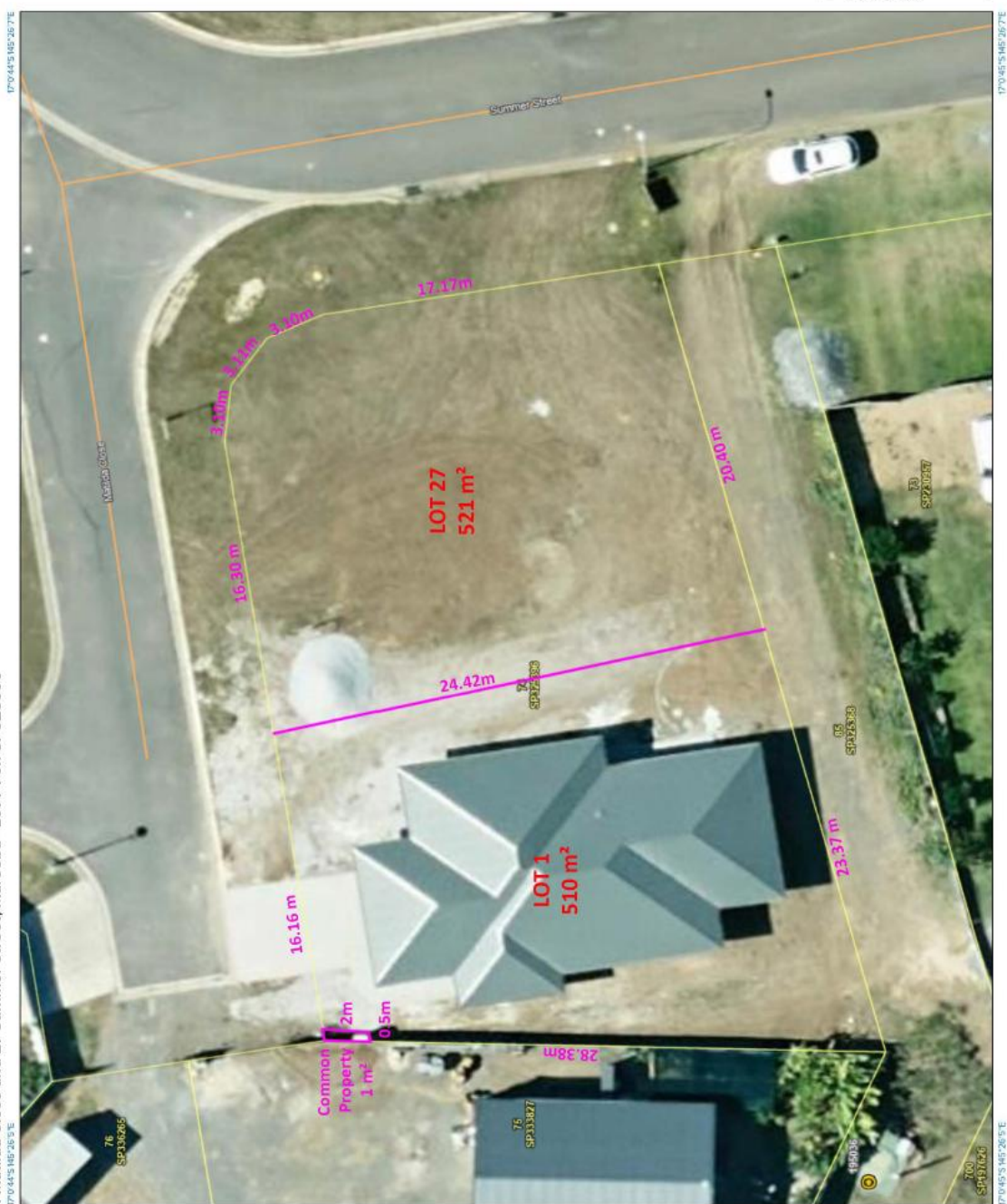


**BRIAN MILLARD**  
**COORDINATOR PLANNING & BUILDING**

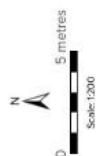
MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## ATTACHMENT 1

## PROPOSED PLANS



Areas and Meets and Bounds are subject to final survey



Printed on: A3  
Print date: 16/6/2016  
Not suitable for accurate measurement.  
Projection: Web Mercator EPSG:10200 (8857)  
For more information, visit <https://epi.cdc.gov/information/qid.gov/help-ai/Contact-us.html>  
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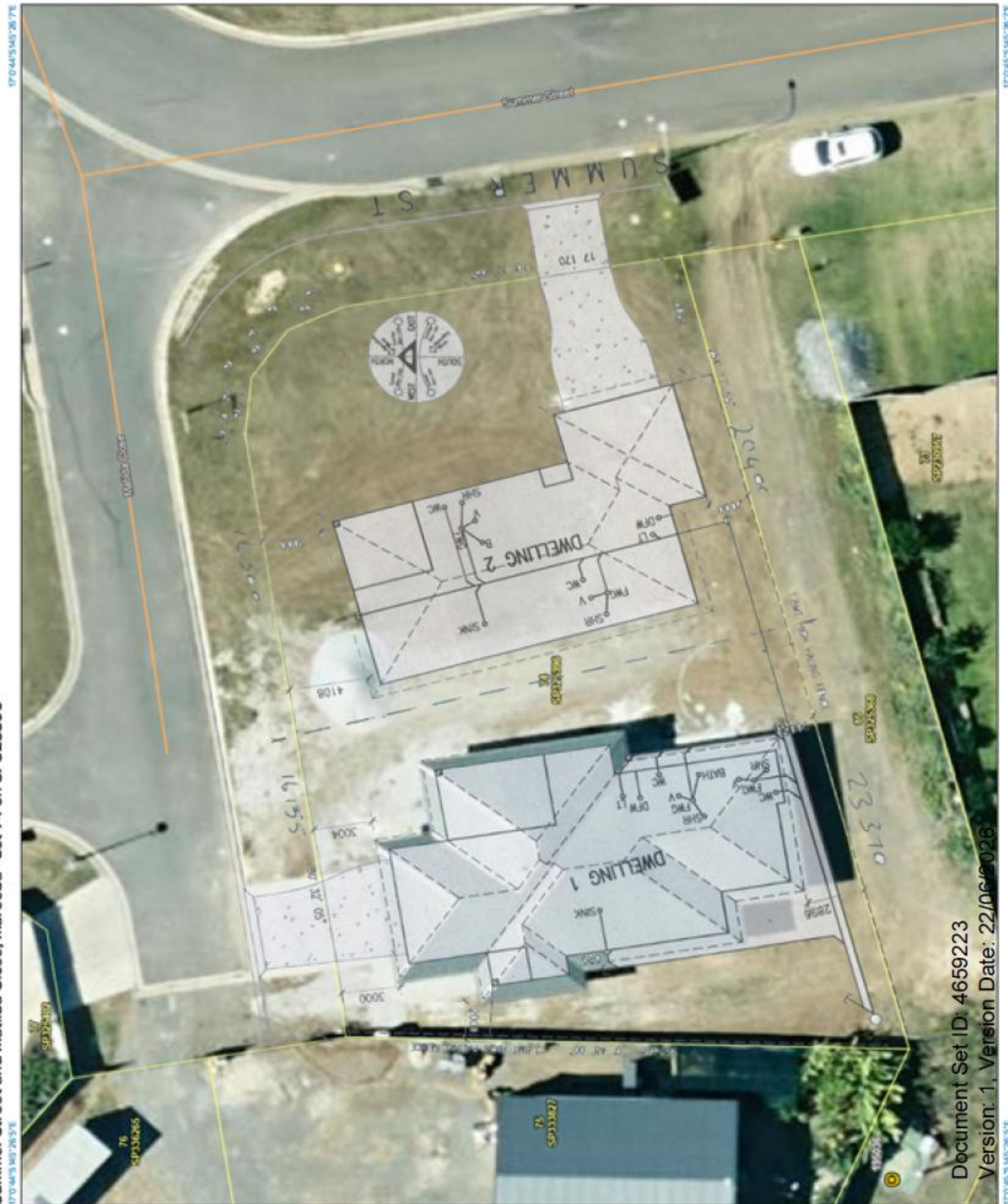
**Queensland  
Government**

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



# PIANEDA

Summer Street and Matilda Close, Mareeba - Lot 74 on SP325396



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