

**DELEGATED REPORT**

**SUBJECT:**                    **A & A ZUGNO - MATERIAL CHANGE OF USE - DWELLING HOUSE (SECONDARY DWELLING) - LOT 23 ON SP219118 - COUNTRY ROAD, MAREEBA - MCU/18/0010**

**DATE:**                      12 April 2018

**REPORT OFFICER'S TITLE:**                      Planning Officer

**DEPARTMENT:**              Corporate and Community Services

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**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	A & A Zugno	<b>ADDRESS</b>	Country Road, Mareeba
<b>DATE LODGED</b>	28 March 2018	<b>RPD</b>	Lot 23 on SP219118
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Dwelling House (Secondary Dwelling)		

<b>FILE NO</b>	MCU/18/0010	<b>AREA</b>	7,374m <sup>2</sup>
<b>LODGED BY</b>	Northern Building Approvals	<b>OWNER</b>	A & A Zugno
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code assessment		
<b>SUBMISSIONS</b>	N/A - Code assessment only		

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

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**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 Mareeba Shire Council Planning Scheme 2016 and does not conflict with any 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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	A & A Zugno	<b>ADDRESS</b>	Country Road, Mareeba
<b>DATE LODGED</b>	28 March 2018	<b>RPD</b>	Lot 23 on SP219118
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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:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
2340 Sheet S2	Site Plan	PD Designs	March 2018
2340 Sheet S1	Floor Plans & Elevations	PD Designs	March 2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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.
- 3.5 The approved secondary dwelling must not be used to accommodate anyone other than the family of those persons residing in the primary dwelling.

## 4. Infrastructure Services and Standards

### 4.1 Access

An access crossover must be upgraded/constructed (from the edge of the road pavement to the property boundary) in accordance with the FNQROC Development Manual, 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) Water Access Charge

The property is within the benefited area for town water, as such, a second water access charge will be applied to the property upon completion of construction of the approved secondary dwelling. This ongoing water access charge will be applied to the general rates for the property.

(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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(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

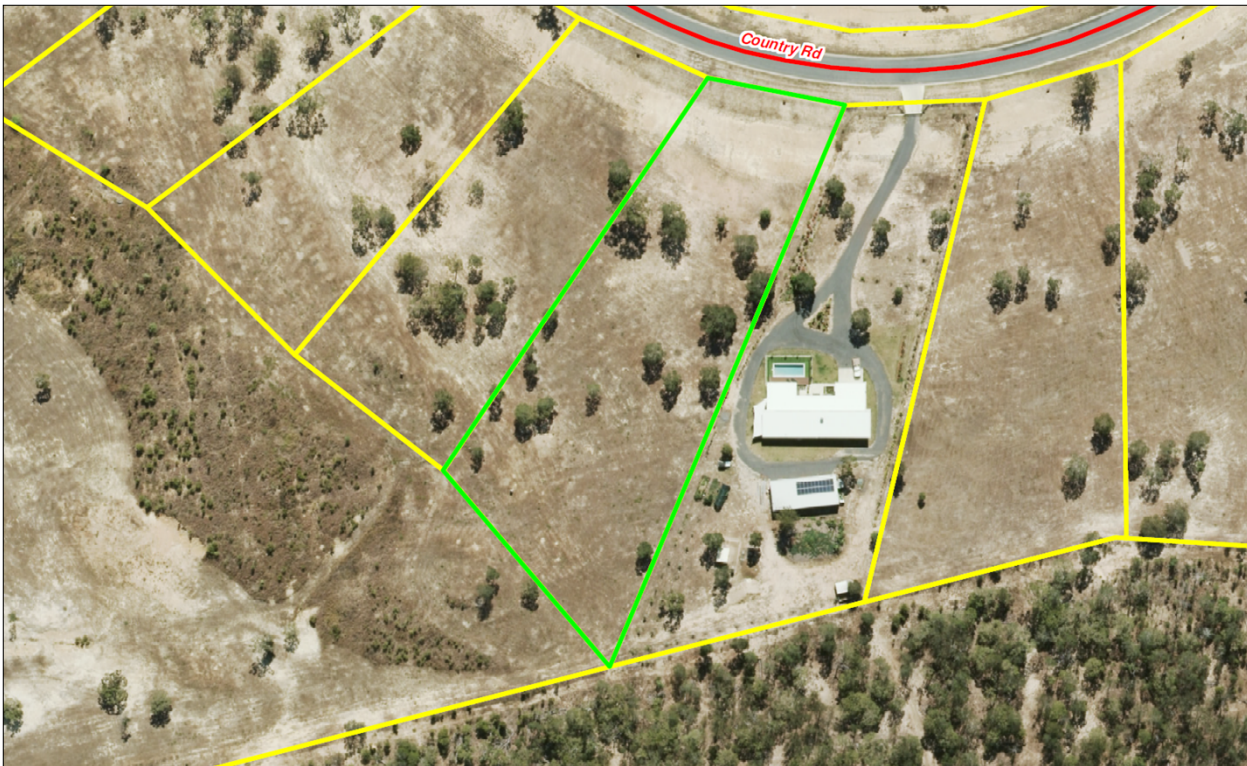
- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

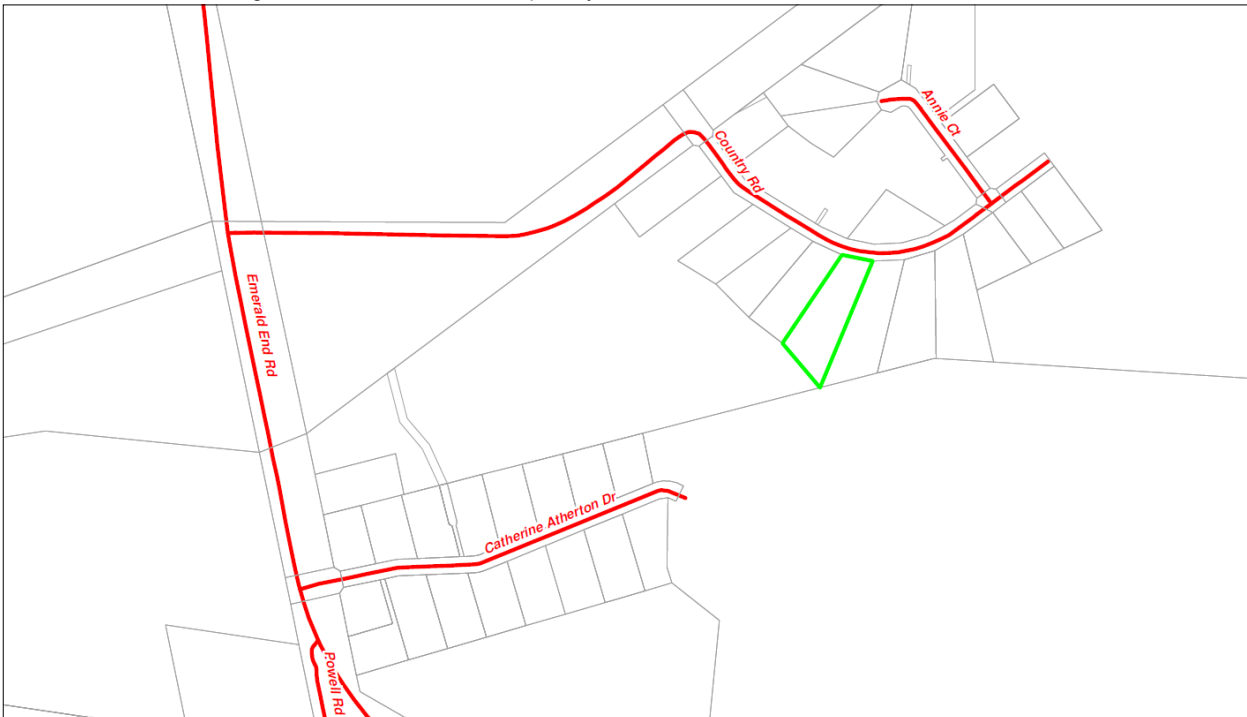
## THE SITE

The subject site is situated at Country Road, Mareeba and is more particularly described as Lot 23 on SP219118. The site is generally regular in shape with an area of 7,374m<sup>2</sup> and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 38 metres of frontage to Country Road which is constructed to a bitumen/asphalt standard, including kerb and channel for its 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 currently vacant and has been cleared of most vegetation with limited mature trees scattered over the lot. The site is connected to all urban services except town sewer. All immediate surrounding lots are zoned Rural Residential.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Secondary Dwelling (granny flat) in accordance with the plans shown in **Attachment 1**.

## 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. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:

### Land Use Categories

- *Rural Residential Area*

Zone:

Rural Residential

Overlays:

Agricultural Land Overlay  
Bushfire Hazard Overlay  
Environmental Significance Overlay  
Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:-

***"Dwelling house:*** *A residential use of premises for one household that contains a single dwelling. The use includes domestic outbuildings and works normally associated with an dwelling and may include a secondary 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:

6.2.10	Rural residential zone code
8.2.3	Bushfire hazard overlay code
8.2.10	Residential dwelling house and outbuilding overlay code
9.3.1	Accommodation activities 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
Rural residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Residential dwelling house and outbuilding overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> <li>Acceptable Outcomes AO4.1 (a)</li> </ul> Refer to planning discussion section of report.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

**(e) Planning Scheme Policies**

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 a referral.

**Internal Consultation**

Nil

**PLANNING DISCUSSION**

Noncompliance with the relevant acceptable outcome of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

**Residential dwelling house and outbuilding overlay code***Secondary Dwellings***PO4**

*Where a Dwelling house involves a secondary dwelling, it is designed and located to:*

- (a) not dominate the site;*
- (b) remain subservient to the primary dwelling; and*
- (c) be consistent with the character of the surrounding area;*

**AO4.1**

*The secondary dwelling is located within:*

- (a) 10 metres of the primary dwelling where on a lot that has an area of 2 hectares or less; or*
- (b) 20 metres of the primary dwelling where on a lot that has an area of greater than 2 hectares.*

**Comment**

The proposed secondary dwelling will be sited approximately 23 metres from the primary dwelling and is therefore non-compliant with AO4.1 (a).

Despite this non-compliance, considering the size of the site and size of the proposed secondary dwelling (under 100m<sup>2</sup>), the development will not dominate the site and will not compromise the character of the surrounding area. Considering the proposed design of the secondary dwelling (1 bedroom, 1 carport) Council officers are satisfied that the proposed secondary dwelling will remain subservient to the primary dwelling moving forward.

The proposed development is considered to comply with PO4.

**Date Prepared:** 12 April 2018



## DECISION BY DELEGATE

## DECISION

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

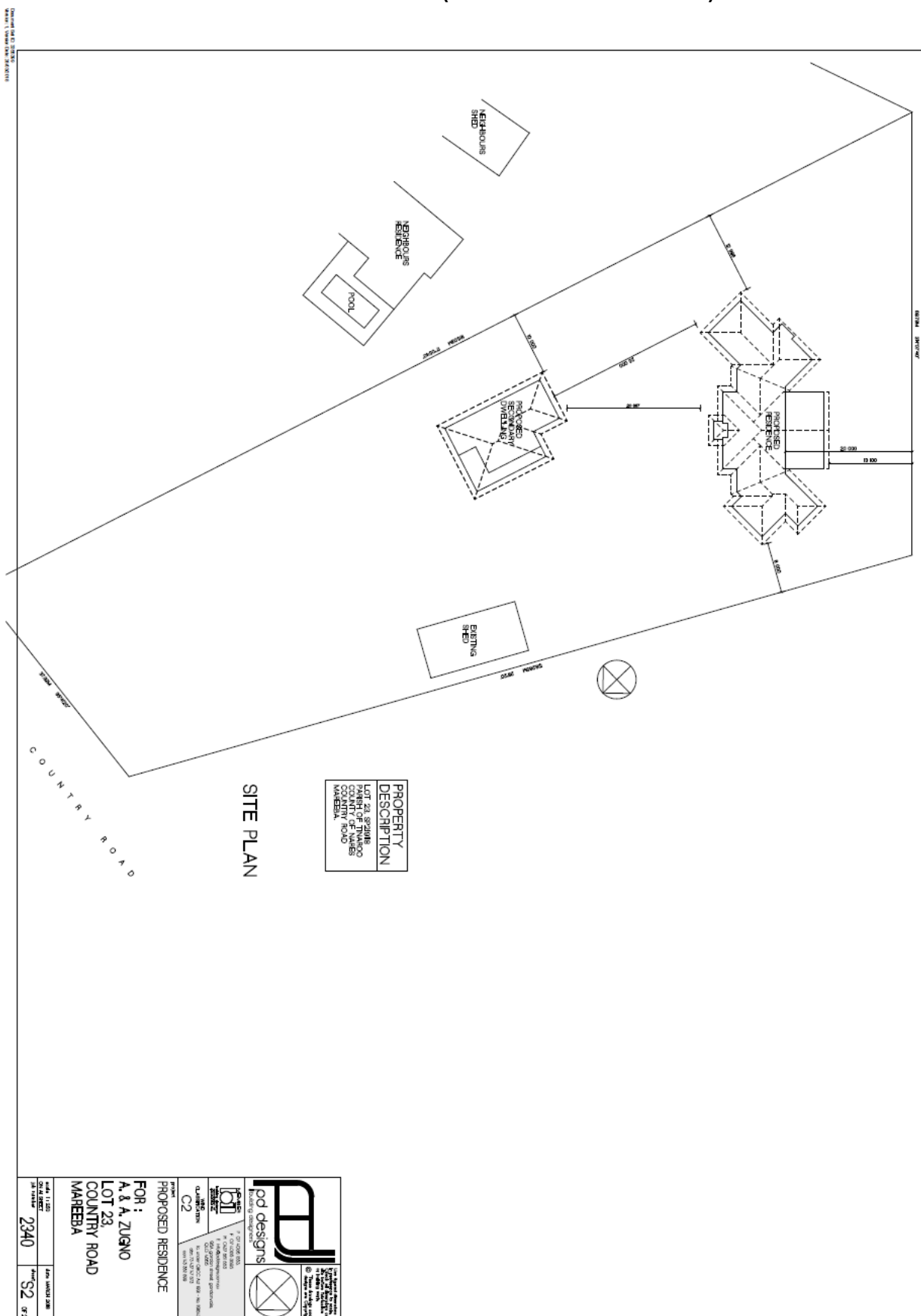
Dated the 12<sup>TH</sup> day of APRIL 2018

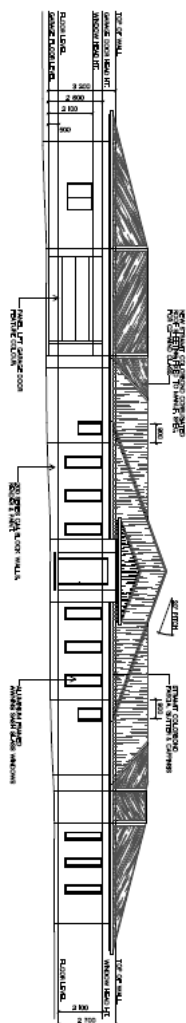
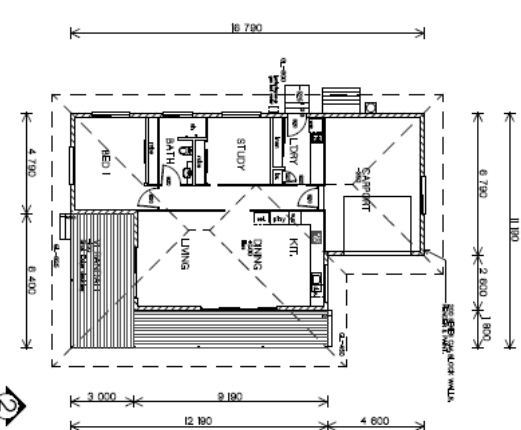
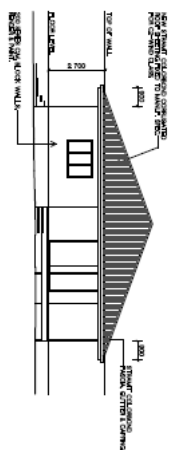


**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS (ECM Doc Set ID 3355399)



ELEVATION 

ELEVATION ②



## SECONDARY FLOOR PLAN

[illegible]