

DELEGATED REPORT

SUBJECT: J PARKES & M RAYMOND - MATERIAL CHANGE OF USE DWELLING HOUSE (SECONDARY DWELLING) - LOT 5 ON RP907660 - 89 MCLEANS BRIDGE ROAD, JULATTEN - MCU/18/0020

DATE: 24 July 2018

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	J Parkes & M Raymond	ADDRESS	89 McLeans Bridge Road, Julatten
DATE LODGED	10 July 2018	RPD	Lot 5 on RP907660
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

FILE NO	MCU/18/0020	AREA	2.547 hectares
LODGED BY	Darren Heatley	OWNER	J Parkes & M Raymond
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential 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, public notification was not required.

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:

APPLICATION		PREMISES	
APPLICANT	J Parkes & M Raymond	ADDRESS	89 McLeans Bridge Road, Julatten
DATE LODGED	10 July 2018	RPD	Lot 5 on RP907660
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dwelling House (Secondary Dwelling)		

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	10/07/2018
1 - 6 - 18	Sheet 1	Clarkeville Designs Custom Building Designs	-
1 - 6 - 18	Sheet 2	Clarkeville Designs Custom Building Designs	-

(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

The existing 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) 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) 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

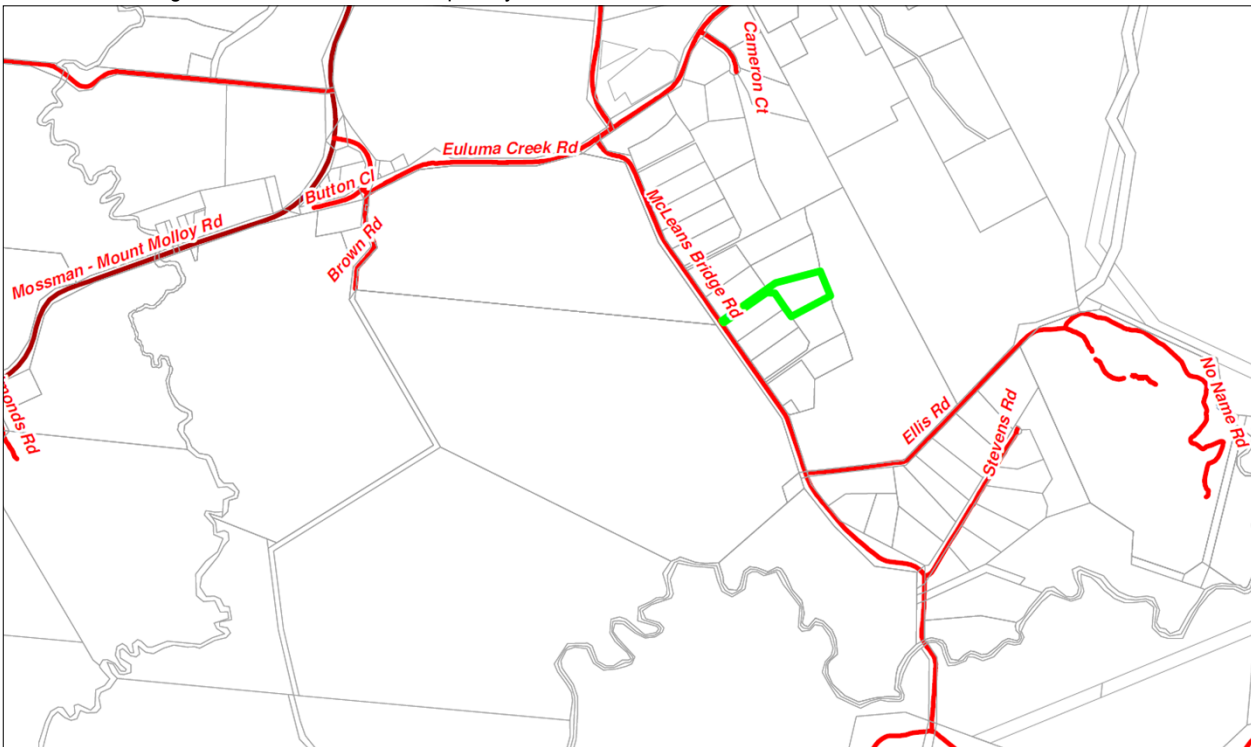
(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- 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).



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.



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.

THE SITE

The subject site is situated at 89 McLeans Bridge Road, Julatten and is more particularly described as Lot 5 on RP907660. The site has an area of 2.547 hectares, is a rear access lot and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. The site contains 10 metres of frontage to McLeans Bridge Road which is constructed to a bitumen sealed standard. A gravel access crossover and driveway exist along the lot's access handle.

The site currently contains a dwelling house and shed with mature gardens and vegetation to the rear of the lot. All immediate surrounding lots are zoned Rural Residential. All surrounding lots are zoned Rural residential and are used as lifestyle lots.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living 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 as containing:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none">• <i>Rural Residential Area</i>
	Natural Environmental Elements <ul style="list-style-type: none">• <i>Biodiversity Areas</i>
Zone:	Rural Residential
Overlays:	Environmental Significance Overlay
	Flood Hazard Overlay
	Hill and Slope Overlay
	Residential dwelling house and outbuilding overlay code
	Accommodation activities code

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
8.2.4	Environmental significance overlay code
8.2.6	Flood hazard overlay code
8.2.8	Hill and slope overlay code
8.2.10	Residential dwelling house and outbuilding overlay code
9.3.1	Accommodation activities code

The application did not include a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcomes 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
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.
Environmental significance 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.

Flood 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.
Hill and slope 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"> Acceptable Outcomes AO4.1 (a) 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 28 metres from the primary dwelling and is therefore non-compliant with AO4.1 (a).

The proposed secondary dwelling is being sited as close as practically possible to the existing primary dwelling due to physical constraints on site. The non-compliance is considered only minor in this instance and the assessing officer is 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: 24 July 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 24TH day of JULY 2018



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSAL PLANS (ECM Doc Set ID 3423208)



