

**8 CORPORATE AND COMMUNITY SERVICES**

**8.1 R PATANE - MATERIAL CHANGE OF USE - NON-RESIDENT WORKFORCE ACCOMMODATION, CARETAKER'S ACCOMMODATION & RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 1 TO 3 ON RP711195 - 49 FICHERA ROAD, MAREEBA - MCU/19/0008**

**Date Prepared:** 23 July 2019  
**Author:** Senior Planner  
**Attachments:** 1. Proposal plans [↓](#)

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	R Patane	<b>ADDRESS</b>	49 Fichera Road, Mareeba
<b>DATE LODGED</b>	19 June 2019	<b>RPD</b>	Lots 1, 2 and 3 on RP711195
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Non-resident Workforce Accommodation (45 beds) & Caretaker's Accommodation and Reconfiguring a Lot - Boundary Realignment & Access Easement		
<b>FILE NO</b>	MCU/19/0008	<b>AREA</b>	Lot 1 - 3.245ha Lot 2 - 2.039ha Lot 3 - 20.973ha
<b>LODGED BY</b>	U&i Town Plan	<b>OWNER</b>	R Patane
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	n/a		

**EXECUTIVE SUMMARY**

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

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

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.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

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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<b>DATE LODGED</b>	19 June 2019	<b>RPD</b>	Lots 1, 2 and 3 on RP711195
<b>TYPE OF APPROVAL</b>	Development Permit		
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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 - Non-resident Workforce Accommodation (45 beds) & Caretaker's Accommodation and Reconfiguring a Lot - Boundary Realignment and Access Easement

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0527 DA 01 A	Existing Site Plans	Gregory G Terzi	Nov 2018
0527 DA 02 D	Site Plan Proposed	Gregory G Terzi	Nov 2018
0527 DA 03 B	Building Identification	Gregory G Terzi	Nov 2018
0527 DA 04 A	Lot-1 Accom. Site Layout	Gregory G Terzi	Nov 2018
0527 DA 05 A	Lot-1 Accom. Floor Plans	Gregory G Terzi	Nov 2018
0527 DA 06 A	Lot-1 Accom. Floor Plans	Gregory G Terzi	Nov 2018
0527 DA 07 A	Lot-1 Accom. Floor Plans	Gregory G Terzi	Nov 2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

**Material Change of Use aspect**

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 demonstrate to 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 or the additional payment condition/s within these 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 for each stage 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 Waste Management
    - 3.5.1 On site refuge storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.5.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

3.6 Length of Stay

The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.

3.7 Accommodation Capacity

No more than 45 individual farm workers shall be accommodated on-site at any given time.

3.8 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, and on each accommodation building advising residents that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

*"Guests should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

3.9 Residents accommodated by the approved use must be farm workers only.

The applicant/developer or any subsequent landowner/operator must keep a logbook of all residents accommodated at the approved use which must include the dates of accommodation and the farm/s in which they were employed.

Any person not employed as a farm worker is not permitted to stay at the approved use.

4. Infrastructure Services and Standards

4.1 Access

The access crossover identified on the approved plan/s must be upgraded/constructed in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

Access to the approved development is limited to the abovementioned access only. No guests, visitors or service vehicles are permitted to access the approved use via any other site access point.

#### 4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

4.3.1 Prior to the commencement of the use, the applicant/developer must ensure the development is provided with five (5) minibus/van parking spaces which are available solely for the parking of vehicles associated with the approved use.

The parking spaces must be constructed to a compacted gravel standard, delineated and appropriately drained prior to the commencement of the use and must be maintained to this standard for the life of the development, to the satisfaction of Council's delegated officer.

4.3.3 All internal driveways servicing the development must be upgraded/constructed to a compacted gravel standard and maintained for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.4 Water Supply

4.4.1 The development must be provided with a potable water supply that satisfies the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4.2 All non-potable water supplied to the development must be clearly labelled at each tap - Non-Potable Water - not safe for Human Consumption.

#### 4.5 On-Site Wastewater Management

All on site effluent disposal associated with the approved uses must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

**Note:** Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

5. Additional Payment Condition

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 Prior to the commencement of the use, the applicant/developer must pay a one-off payment of \$4,700.00 toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (roads)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payments.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

**Reconfiguring a Lot aspect**

6. 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.

7. Timing of Effect

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, except where specified otherwise in these conditions of approval.

8. General

- 8.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.
- 8.2 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.
- 8.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 8.4 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.
- 8.5 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.
- 8.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with the Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.
- 8.7 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.

### 8.8 Charges

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

## 9. Infrastructure Services and Standards

### 9.1 Access

The access crossover identified on the approved plan/s must be upgraded/constructed in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

### 9.2 Access/Services/Drainage Easement

To provide for the shared access driveway, an easement/s must be established for the purposes of access, drainage, maintenance and servicing for Lots 1, 2 and 3.

The approved easement documents must be submitted at the same time the applicant/developer seeks endorsement of the plan of survey for the respective stage of the development and must be lodged and registered in the Department of Natural Resources, Mines and Energy in conjunction with the plan of survey.

## (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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

- (c) Endorsement Fees

Council charges a fee for the endorsement of 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) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.



(e) 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.

(f) 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.

(g) 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).

(h) 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 aspect – six (6) years (starting the day the approval takes effect);
- Reconfiguring a Lot aspect – four (4) 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 site is located at 49 Fichera Road, Mareeba and encompasses three (3) freehold allotments with a combined area of 26.257 hectares.

The particular details of the lots are as follows:

- Lot 1 on RP711195, area of 3.245 hectares, frontage of approximately 10 metres to Fichera Road;
- Lot 2 on RP711195, area of 2.039 hectares, frontage of approximately 46 metres to Fichera Road;
- Lot 3 on RP711195, area of 20.973 hectares, frontage of approximately one (1) kilometre to Fichera Road.

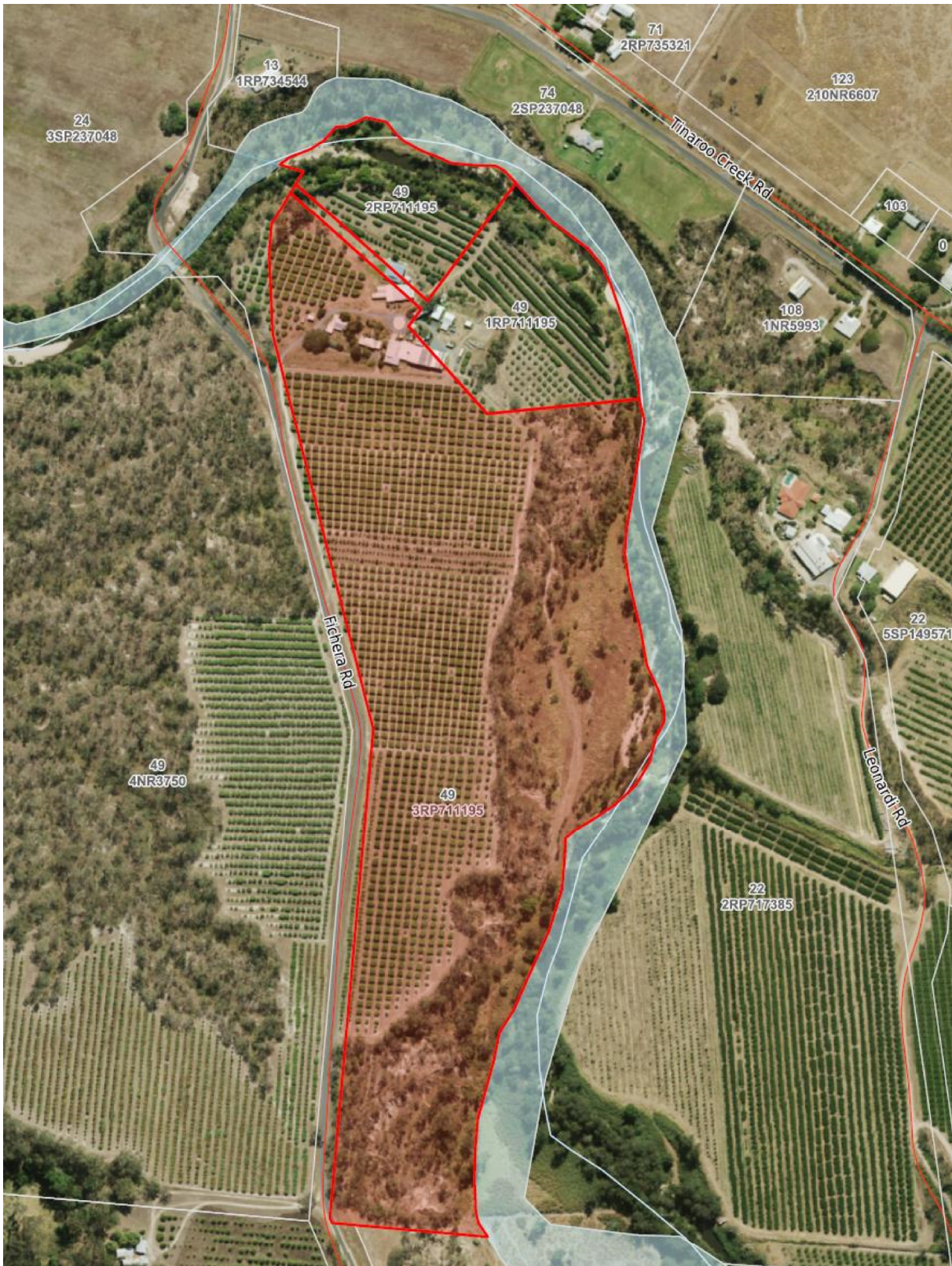
The site is improved by several dwelling houses, multiple farm worker accommodation buildings and numerous farm sheds all sited in a large cluster at the northern end of the site. A mature mango plantation covers the majority of the site.

Historically, the three (3) lots have been developed as a single farm holding with little regard to the actual lot boundaries. As a consequence, there are numerous instances where farm buildings are sited across lot boundaries.

Access to Fichera Road is via a bitumen sealed access and internal driveway within Lot 3. Lots 1 and 2 do not have a constructed access to Fichera Road. Fichera Road is formed to a bitumen sealed standard for the entire frontage of the site.

All three (3) lots contain frontage and access to Tinaroo Creek which adjoins the northern and eastern boundaries.

All surrounding lots are zoned Rural, varying in size and use with some being small rural lifestyle allotments and others being larger rural holdings containing established orchards and other cropping activities.



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 combined development application seeks a Development Permit for Material Change of Use - Non-resident workforce accommodation (45 beds) & Caretaker's accommodation and Reconfiguring a Lot - Boundary Realignment & Access Easement in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following description of each aspect of the proposed development:

***Material Change of Use aspect***

*The impact assessable Material Change of Use component of this development seeks to obtain approval for a Non-resident Workforce Accommodation comprising of four (4) separate buildings with a total of 45 beds and a separate Caretaker's Residence located towards the entrance to the property. The buildings contained within this component of the development are proposed to be located within entirely within proposed Lot 1, with suitable setbacks provided to the new boundaries. This allotment will also contain the mango packing and machinery storage shed associated with the mango plantation and the primary dwelling. Proposed Lot 2 will contain another primary dwelling and a large farm shed, while proposed Lot 3 will contain no structures. All three (3) properties contain frontage and access to the Tinaroo Creek to the North and East which provides water to the properties all year round. The proposed eight (8) metre wide internal access easement from Fichera Road extends into the property to provide access to all three (3) allotments, with a five (5) metre wide access and water easement extending through to Tinaroo Creek.*

*The accommodation facilities associated with the non-resident workforce accommodation have been established on-site since 2012 providing accommodation initially for up to 30 or so workers. The purpose initially was to provide accommodation to the applicant's own workforce. The applicant was then approached to provide accommodation to seasonal workers being part of the Seasonal Worker Program. Accommodation is pre-arranged by Jobs Australia Enterprises Ltd prior to the workers arriving to Australia, of which the standard of accommodation is enforced by the Department of Employment. Recent developments on-site include modifications to an existing building being constructed to cater for the demand bringing the total up to 45 beds.*

*The site has been used as an accommodation facility for workers employed by Jobs Australia Enterprises Ltd under the Seasonal Worker Program. The applicant was not aware of the requirement to obtain a development approval for the accommodation use until recently when they were made aware of the new Labour Hire Licensing legislation requirements and the future Fair Farms initiative. This has prompted the push to bring the current facilities up to standards to ensure our client can continue to provide short-term accommodation/rooming accommodation to seasonal workers.*

*The demographic of the workforce is best described as all being very fit and able-bodied males and females from the South Pacific Islands (Vanuatu). This eliminates the requirement for*

*handicap access and separate male/female living quarters, however, the site does contain 2 worker rehabilitation shower/toilet facilities. Transport for the workers staying on the premises is provided with up to five (5) minibuses each containing 12 seats as required by Jobs Australia Enterprises Ltd to transport them to and from the place of work. Parking for five (5) vehicles is provided within the machinery shed. Additional vehicle parking is not required as the workers do not own vehicles.*

*The demand for non-resident workforce accommodation is surpassing supply. The proposal demonstrates that the use is appropriate for the site and locality.*

### **Reconfiguring a Lot aspect**

*The proposed development for a Reconfiguration of a Lot – Boundary Realignment and Access Easement is sought to rectify the current arrangement of the three (3) existing allotments which currently run through buildings, and at the same time formalise the access to all three (3) allotments via an access easement from Fichera Road to provide formal access to all newly aligned allotments. The subject land is designated within the Rural zone of the Mareeba Shire Planning Scheme and no change to the zoning is proposed as part of this development.*

*The minimum lot size in the Rural Zone is 60 hectares with a minimum road frontage of 400 metres. The existing areas of the allotments are listed as follows:*

- *Lot 1 – 3.245 hectares;*
- *Lot 2 – 2.039 hectares; and*
- *Lot 3 – 20.973 hectares.*

*The proposed boundary realignment proposed the new lots to be described as Lot 1, 2 and 3 with the following lot areas proposed:*

- *Proposed Lot 1 – 4.08 hectares;*
- *Proposed Lot 2 – 3.31 hectares; and*
- *Proposed Lot 3 – 18.80 hectares.*

*In terms of the services provided as part of this development, we have proposed the following to be provided as part of this development:*

- *Access: In light of the pre-lodgement advice received from Council, the existing shared/combined access crossover may need to be upgraded to ensure it complies with relevant FNQROC Standard Drawing S1105e for rural property accesses. Response: Currently the access crossover has a Council installed culvert measuring 8.6 metres and it is bitumen sealed;*
- *Access Easement: In light of the pre-lodgement advice received from Council, we expect that a condition of approval will require the shared access easement area to be sealed to remove any impacts associated with dust;*
- *Water: All proposed allotments and infrastructure will be contained within each new allotment. Each allotment has Riparian access to the water from Tinaroo creek and will also provide water tanks for additional water storage near the dwelling at the time of building approval for a dwelling;*
- *Sewerage: Existing on-site sewerage systems are located within proposed lots 1 and 2 to service the existing dwellings and buildings provided on-site. A condition of approval will require the system on proposed lot 1 to require and Environmentally Relevant Activity*

*(ERA) approval and license for the systems as the property will generate waste over 21 equivalent persons (EP). A new on-site effluent disposal system will have more than adequate area on proposed lot 3 and will be provided as part of subsequent development application for building and plumbing works. A condition of approval on this development will specify this requirement;*

- *Power: Proposed lot 1, 2 and 3 all have existing connections to power, and power to lot 1 can be readily made available from the existing power infrastructure;*
- *Telecommunications: Not considered applicable to this development as it is within the rural zone and there are various avenues available via the NBN for the site to be connected to the internet which is used to provide home phone services.*

*Based on the various reasons listed above and the proposed controls to be implemented, we consider that this development certainly has merit based on sound planning grounds that justify and support the realignment of the boundaries and creation of the access easement."*

**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:

- *Local Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<p><b>Land Use Categories</b></p> <ul style="list-style-type: none"> <li>• Rural Agricultural Area</li> <li>• Rural other</li> </ul> <p><b>Natural Environment Elements</b></p> <ul style="list-style-type: none"> <li>• Biodiversity Area</li> </ul> <p><b>Transport Elements</b></p> <ul style="list-style-type: none"> <li>• Principal Cycle Routes</li> </ul>
Zone:	Rural zone
Overlays:	<p>Agricultural land overlay</p> <p>Airport environs overlay</p> <p>Bushfire hazard overlay</p> <p>Environmental significance overlay</p> <p>Flood hazard overlay</p> <p>Hill and slope overlay</p>

**Planning Scheme Definitions**

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<i>Caretaker's accommodation</i>	<i>A dwelling provided for a caretaker of a non-residential use on the same premises.</i>		<i>Dwelling house</i>
<i>Non-resident workforce accommodation</i>	<i>Premises used to provide accommodation for non-resident workers.  The use may include provision of recreational and entertainment facilities for the exclusive use of residents and their visitors.</i>	<i>Contractor's camp, construction camp, single person's quarters, temporary workers' accommodation</i>	<i>Relocatable home park, short-term accommodation, tourist park</i>

**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**

**Strategic Framework**

**3.3 Settlement pattern and built environment**

*3.3.11 Element - Rural areas*

*3.3.11.1 Specific Outcomes*

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.*

Comment

The material change of use aspect of the proposed development is for a non-resident workforce accommodation complex to accommodate a maximum of 45 farm workers for short-medium term periods and is considered an agricultural support use. The development is not considered to be an inconsistent land use within the Rural zone.

The proposed development is not likely to detrimentally impact on adjoining uses and is considered complementary to the Rural zone by meeting some of the demand for farm worker accommodation.

The proposed development is not likely to compromise Specific Outcome 1.

**3.7 Economic Development****3.7.2 Element - Rural and Agricultural land****3.7.2.1 Specific outcomes**

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*
- (3) *Urban and rural residential development provides a buffer to adjacent rural areas in accordance with best practice.*

Comment

The proposed development does not result in a greater level of fragmentation beyond what currently exists. The boundary realignment will resolve multiple instances where buildings are built over lot boundaries.

All land currently developed for mango orchards will continue to be available after the development occurs.

The non-resident workforce accommodation is considered to be a rural support use and is appropriately distant/screened from surrounding rural activities. Given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity.

The proposed development is not likely to compromise Specific Outcomes 1 and 3.

- (4) *Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.*

Comment

All of the existing buildings are co-located and clustered at the northern end of the development site. Mature orchards are developed around this infrastructure.

- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*



Comment

The proposed development does not result in a greater level of fragmentation beyond what currently exists. The boundary realignment will resolve multiple instances where buildings are built over lot boundaries.

All land currently developed for mango orchards will continue to be available after the development occurs.

The non-resident workforce accommodation is considered to be a rural support use and is appropriately distant/screened from surrounding rural activities. Given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity.

The proposed development is not likely to compromise Specific Outcomes 5.

**Relevant Developments 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
- 8.2.2 Airport environs overlay 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
- 9.3.1 Accommodation activities 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 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 zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Accommodation activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

**(D) 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.

**(E) Additional Trunk Infrastructure Condition**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The proposed development will further add to the expected daily vehicle movements on Council's transport network.

The non-resident workforce accommodation (5 mini-bus) equates to 10 vehicle movements per day. The caretaker's accommodation is considered a replacement for the former farm barracks and will not alter vehicle movements.

- 1 (10 vmpd) x \$4,700.00 = **\$4,700.00**

This contribution has been applied in Condition 5 of the Officer Recommendation.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical services

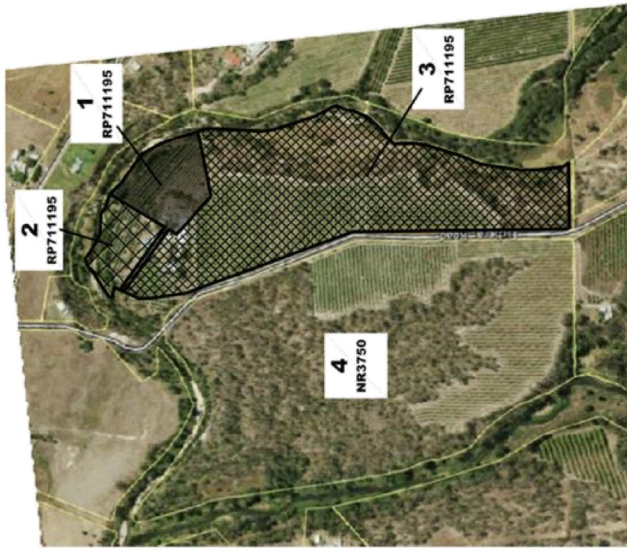
**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 26 June 2019 to 17 July 2019. The applicant submitted the notice of compliance on 17 July 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

Nil

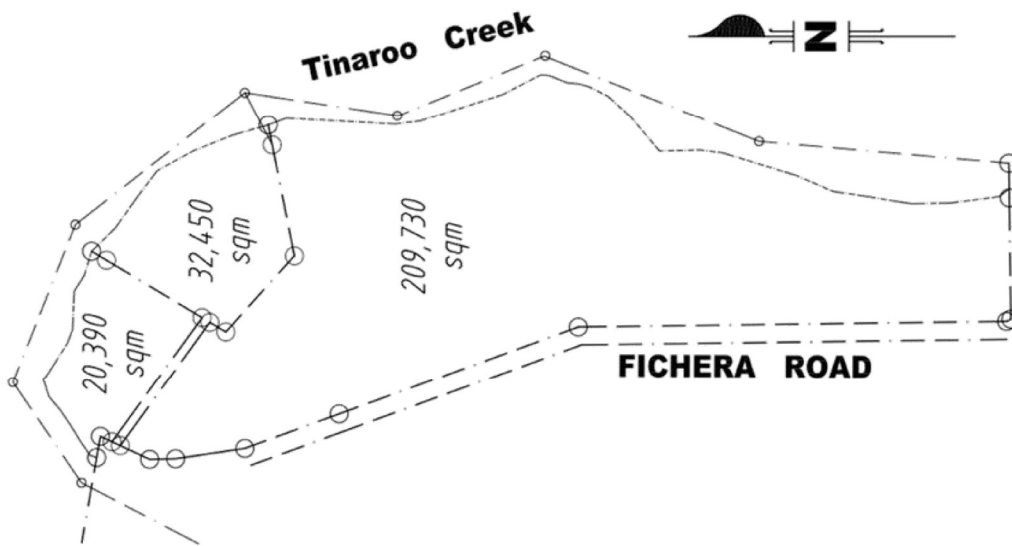


*existing SITE*  
**AERIAL VIEW**  
CURRENT QLD GLOBE  
EXTRACT  
(approx. 1:10,000 ON A3)

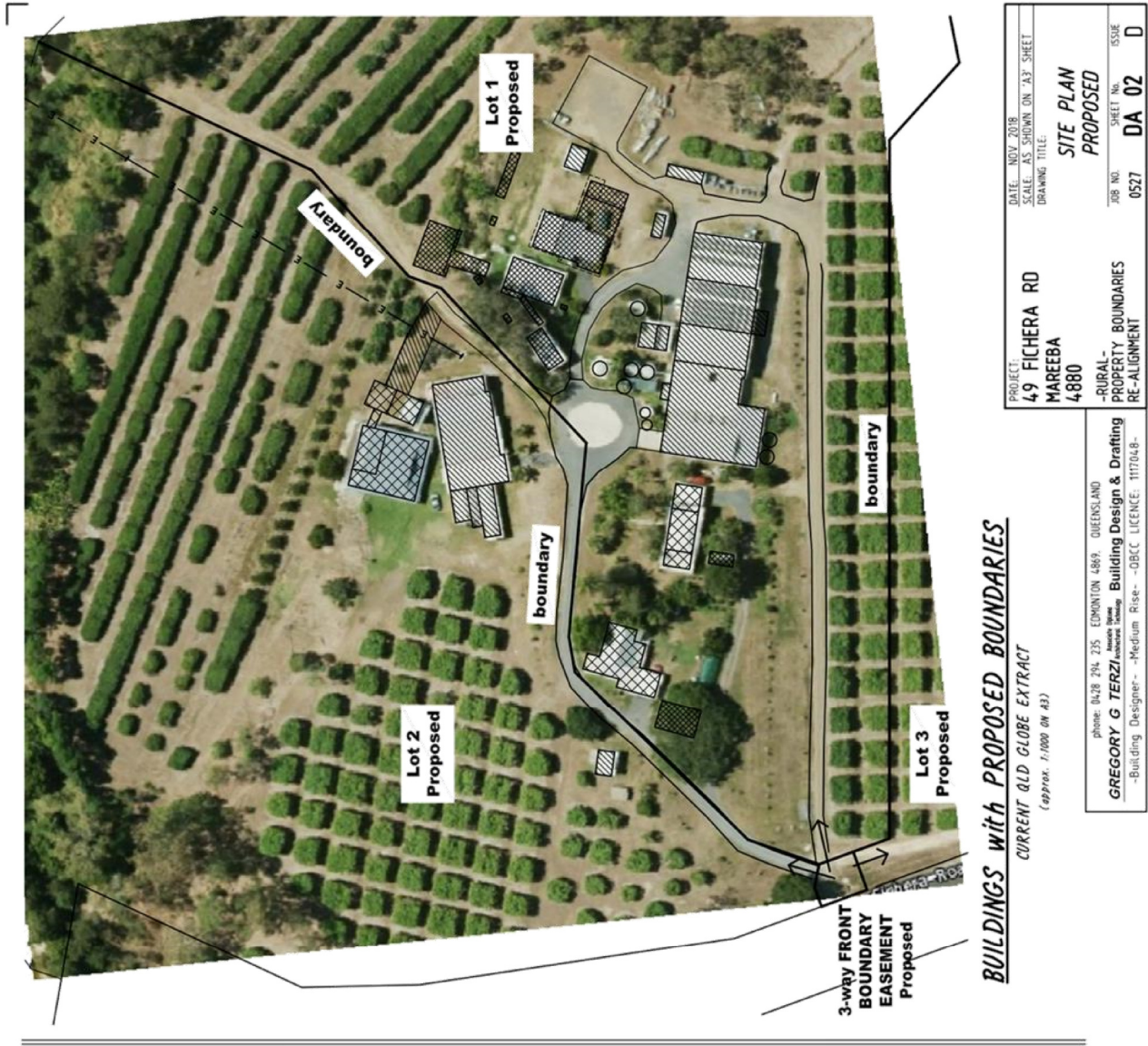


*existing BUILDINGS*  
**AERIAL VIEW**  
CURRENT QLD GLOBE EXTRACT  
(approx. 1:2,000 ON A3)

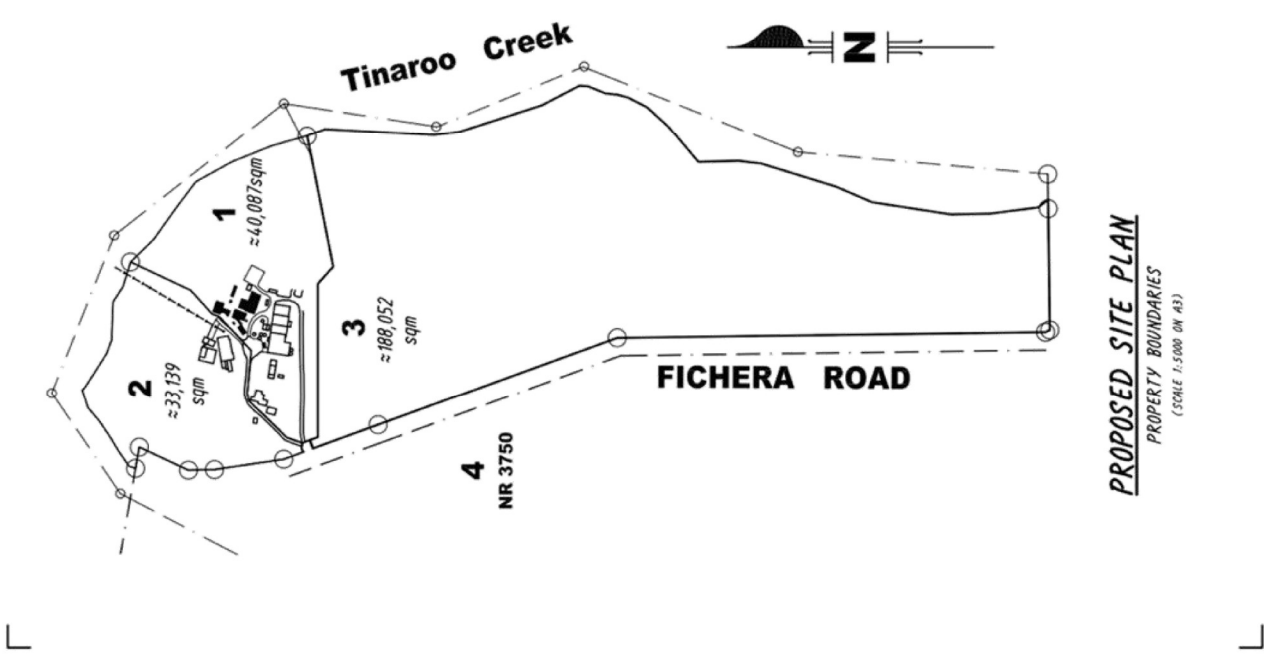
phone: 0428 294 235, EDMONTON 4869, QUEENSLAND	<b>GREGORY G TERZI</b> -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-
PROJECT: 49 FICHERA RD MAREEBA 4880	DATE: NOV 2018 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: <b>existing SITE PLANS</b>
-RURAL- PROPERTY BOUNDARIES RE-ALIGNMENT	JOB NO: 0527 SHEET NO: <b>DA 01</b> ISSUE: <b>A</b>



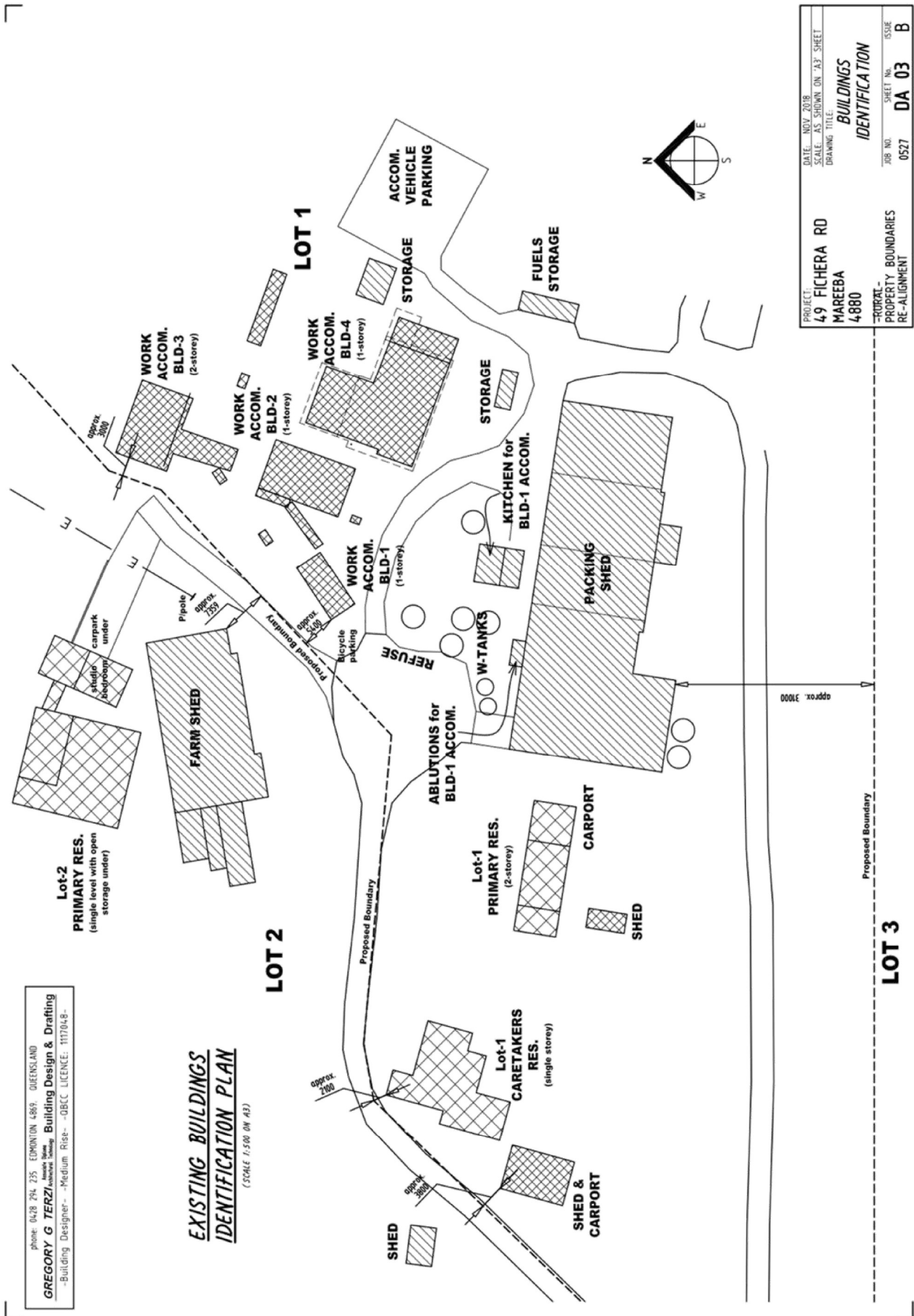
*existing SITE PLAN*  
PROPERTY BOUNDARIES  
(SCALE 1:5000 ON A3)



**BUILDINGS with PROPOSED BOUNDARIES**  
 CURRENT OLD GLOBE EXTRACT  
 (approx. 1:1000 ON A3)

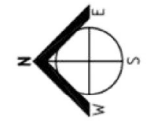


**PROPOSED SITE PLAN**  
 PROPERTY BOUNDARIES  
 (SCALE 1:5,000 ON A3)

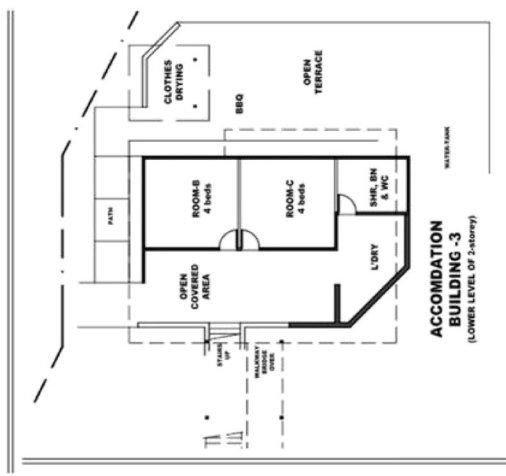


phone: 0428 794 235 EDMONTON 4869, QUEENSLAND  
**GREGORY G TERZI** Architectural Services  
 Building Design & Drafting  
 Building Designer - Medium Rise - QBCC LICENCE: 1117048-

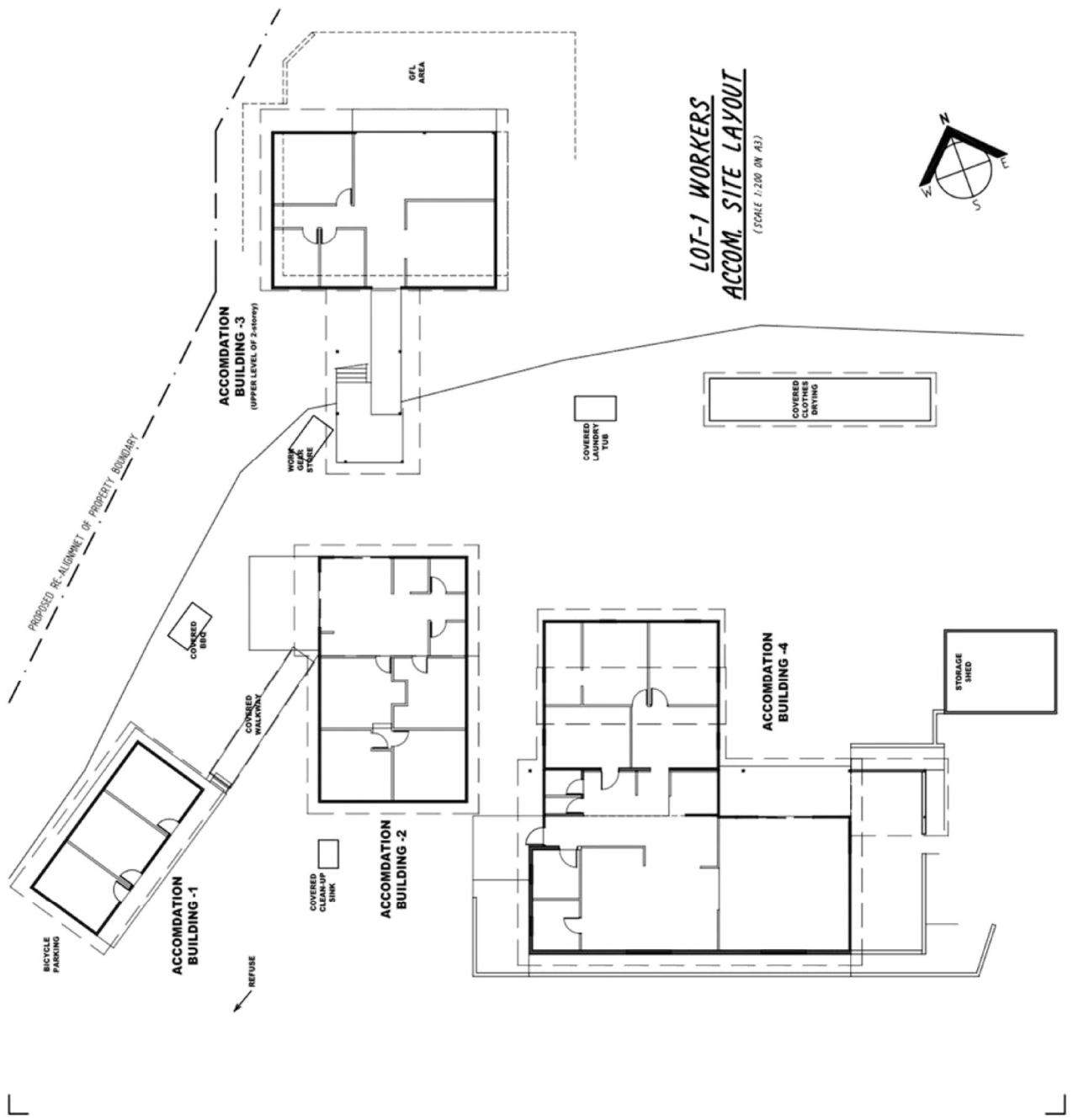
**EXISTING BUILDINGS IDENTIFICATION PLAN**  
 (SCALE 1:500 @N 43)

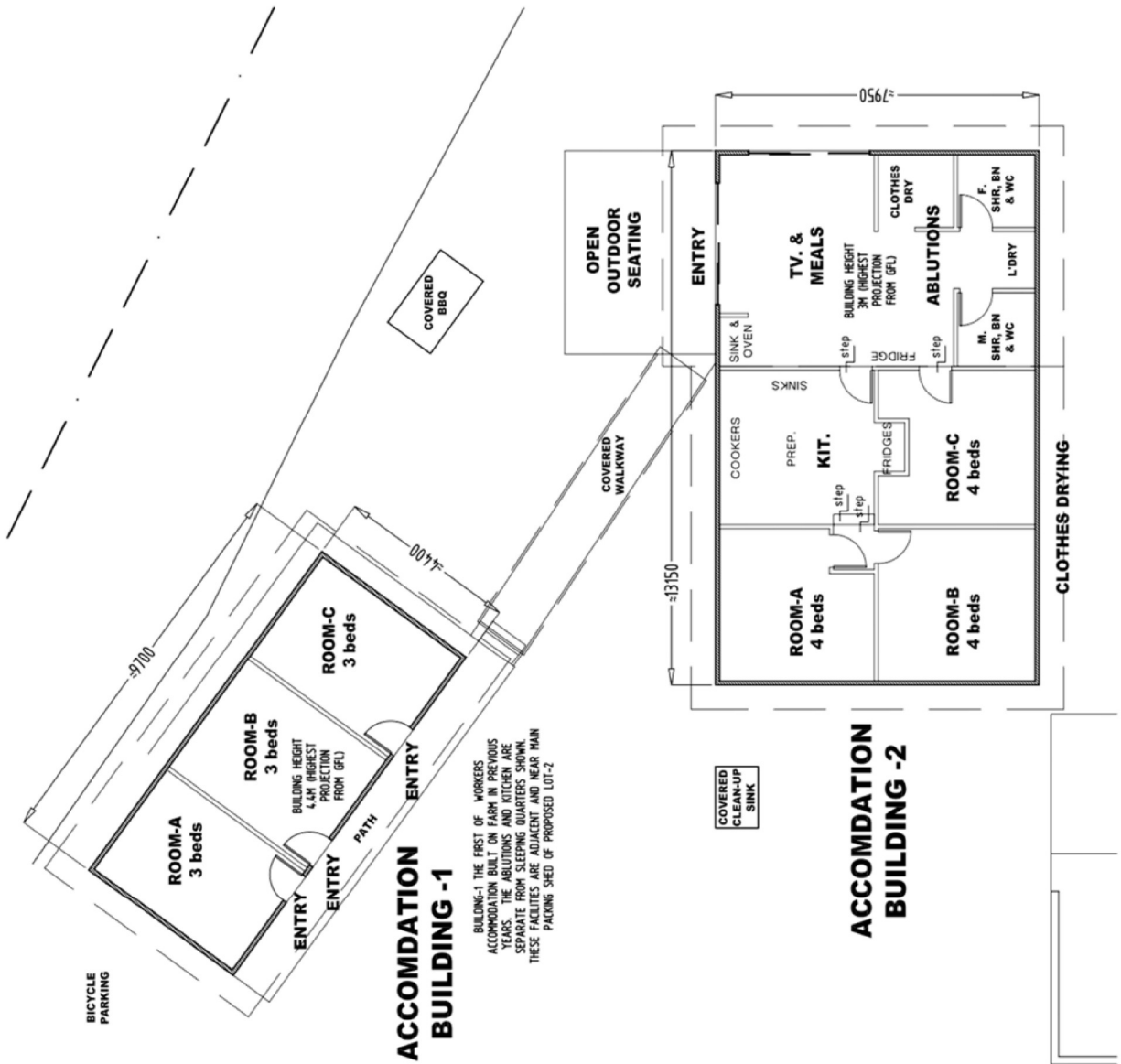


PROJECT	DATE	NOV 2018
49 FICHERA RD	SCALE	AS SHOWN ON 'A3' SHEET
MAREEBA	DRAWING TITLE	BUILDINGS IDENTIFICATION
4880	JOB NO.	0527
PROPRAL - PROPERTY BOUNDARIES	SHEET NO.	DA 03
RE-ALIGNMENT	ISSUE	B



phone: 0428 294 235, EDMONTON 4869, QUEENSLAND	<b>GREGORY G TERZI</b> <small>Architect &amp; Drafting</small>
PROJECT: 49 FICHERA RD MAREEBA 4880	<b>Building Design &amp; Drafting</b>
DATE: NOV 2018	—Building Designer— -QBCC LICENCE: 1117048—
SCALE: AS SHOWN ON 'A3' SHEET	DRAWING TITLE:
JOB NO: 0527	<b>LOT-1 ACCOM SITE LAYOUT</b>
SHEET NO: DA 04	ISSUE: A

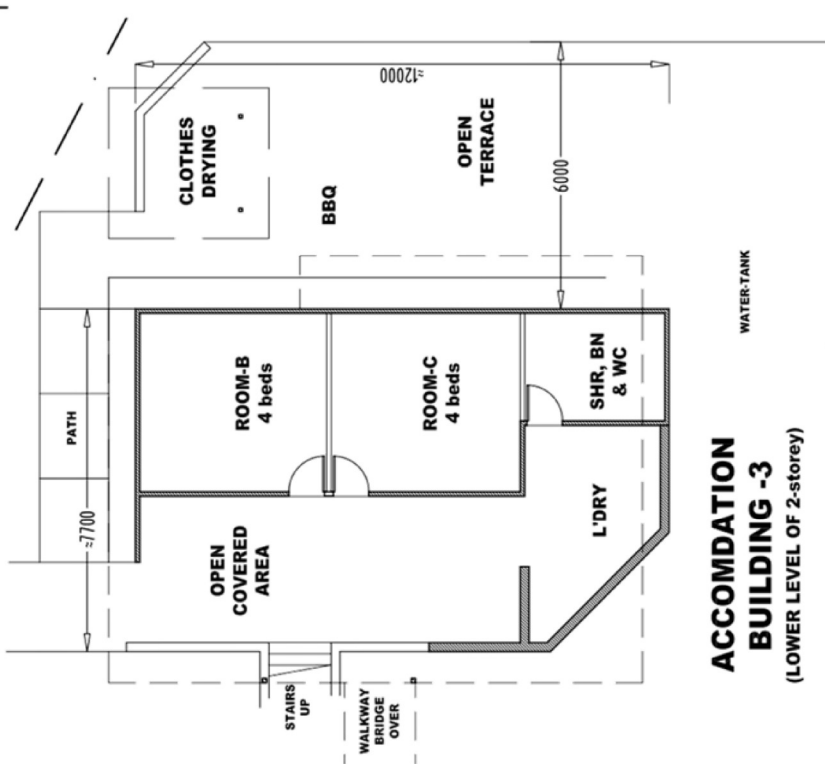




**FLOOR PLANS**  
(SCALE 1:100 ON A3)

phone: 0428 294 235	EDMONTON 4669	QUEENSLAND
<b>GREGORY G TERZI</b> Architect & Drafting		
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		
PROJECT	DATE: NOV 2018	DRAWING TITLE
49 FICHERA RD	SCALE: AS SHOWN ON 'A3' SHEET	LOT-1 ACCOM
MAREEBA		FLOOR PLANS
4880		
-RURAL- PROPERTY BOUNDARIES	JOB NO. 0527	SHEET NO. DA 05
RE-ALIGNMENT		ISSUE A

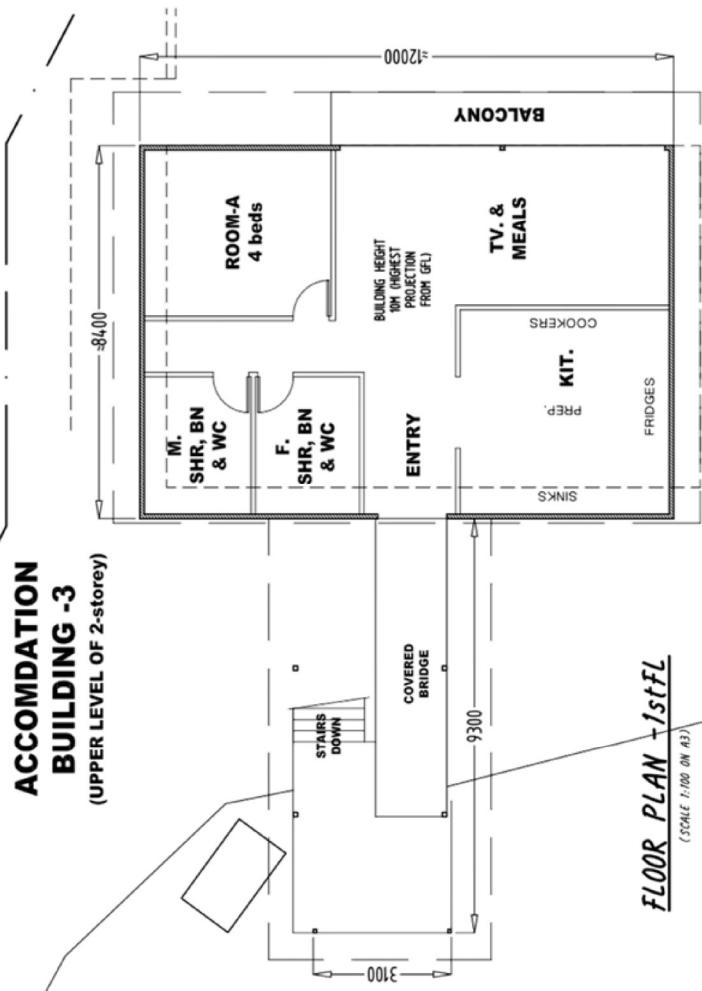




**ACCOMMODATION BUILDING -3**  
(LOWER LEVEL OF 2-storey)

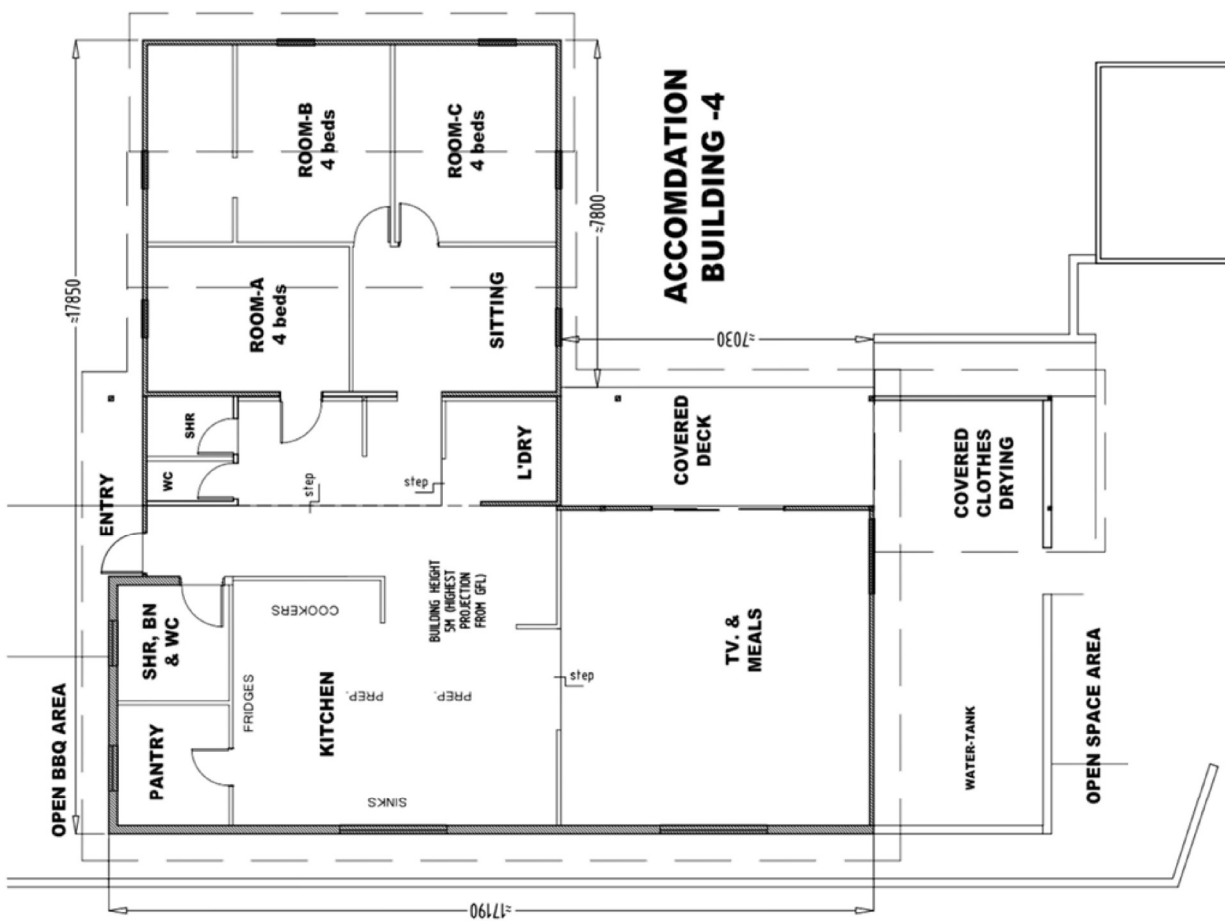
**FLOOR PLAN -GFL**  
(SCALE 1:100 ON A3)

phone: 0428 294 235, EDMONTON 4869, QUEENSLAND	<b>GREGORY G TERZI</b> Architect & Drafting
PROJECT: 49 FICHERA RD	Building Design & Drafting
MAREEBA 4880	—Building Designer— -QBCC LICENCE: 1117048-
DATE: NOV 2018	DATE: NOV 2018
SCALE: AS SHOWN ON 'A3' SHEET	SCALE: AS SHOWN ON 'A3' SHEET
DRAWING TITLE: LOT-1 ACCOM FLOOR PLANS	DRAWING TITLE: LOT-1 ACCOM FLOOR PLANS
JOB NO: 0527	JOB NO: 0527
PROPERTY BOUNDARIES	PROPERTY BOUNDARIES
RE-ALIGNMENT	RE-ALIGNMENT
SHEET NO: DA 06	SHEET NO: DA 06
ISSUE: A	ISSUE: A



**ACCOMMODATION BUILDING -3**  
(UPPER LEVEL OF 2-storey)

**FLOOR PLAN -1st FL**  
(SCALE 1:100 ON A3)



**FLOOR PLAN**  
(SCALE 1:100 ON A3)

phone: 0428 294 235, EDMONTON 4669, QUEENSLAND	<b>GREGORY G TERZI</b> <small>Architect &amp; Designer</small>	<b>Building Design &amp; Drafting</b>
	-Building Designer-	-Medium Rise-
	-Building Designer-	-Medium Rise-
PROJECT	DATE: NOV 2018	SCALE: AS SHOWN ON 'A3' SHEET
49 FILCHERA RD		DRAWING TITLE
MAREEBA		LOT-1 ACCOM
4880		FLOOR PLANS
-RURAL-	JOB NO. 0527	SHEET NO. DA 07
PROPERTY BOUNDARIES		ISSUE A
RE-ALIGNMENT		