

DELEGATED REPORT

SUBJECT: KVN AUSTRALIA TRUST - MATERIAL CHANGE OF USE -
RURAL INDUSTRY (PACKING SHED) LOT ON HG293 - 3727
MAREEBA-DIMBULAH ROAD, MUTCHILBA - MCU/19/0013

DATE: 3 October 2019

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

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	KVN Australia Trust	ADDRESS	3727 Mareeba-Dimbulah Road, Mutchilba
DATE LODGED	22 August 2019	RPD	Lot 225 on HG293
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Rural Industry (Packing Shed)		

FILE NO	MCU/19/0013	AREA	54.096 hectares
LODGED BY	Planz Town Planning	OWNER	DBC RSA Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 27 September 2019

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.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

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

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	
APPLICANT	KVN Australia Trust	ADDRESS	3727 Mareeba-Dimbulah Road, Mutchilba
DATE LODGED	22 August 2019	RPD	Lot 225 on HG293
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Rural Industry (Packing Shed)		

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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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 - Rural Industry (Packing Shed)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0507 DA01, Issue D	Location Plan	Gregory G Terzi	19/08/2019
0507 DA02, Issue E	Site Plan Proposed	Gregory G Terzi	02/09/2019
0507 DA03, Issue E	Shed Facilities Layout - Proposed	Gregory G Terzi	19/08/2019
0507 DA04, Issue E	Shed Facilities Layout - Proposed Detail	Gregory G Terzi	19/08/2019
0507 DA05, Issue C	Part Floor Plan	Gregory G Terzi	19/08/2019
0507 DA06, Issue C	Part Floor Plan	Gregory G Terzi	19/08/2019
0507 DA07, Issue C	Cold Room Shed - typical cross section	Gregory G Terzi	19/08/2019
0507 DA08, Issue B	Road Elevation	Gregory G Terzi	19/08/2019
0507 DA09, Issue C	Trucks Operation - Proposed	Gregory G Terzi	19/08/2019
0507 DA10, Issue B	Ground Heights	Gregory G Terzi	19/08/2019
0507 DA1-01 A	Site Plan	Gregory G Terzi	Nov 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 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 must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.3 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.

3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates 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.

3.6 Flood Immunity

Note: This approval is issued on the basis that the applicant/developer accepts that the cost of flood impact is an operational cost of the rural industry.

Prior to the commencement of the use, the applicant/developer must obtain a Flood Emergency Evacuation Plan for the rural industry (packing shed) prepared by suitably qualified persons having regard to Floodplain Management in Australia: Best Practice Principles and Guidelines (2000), prepared by Standing Committee on Agriculture and Resource Management (SCARM), CSIRO. The Flood Emergency Evacuation Plan must be prominently displayed in the rural industry.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage

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

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

4.2 Car Parking/Internal Driveways

- (a) The applicant/developer must ensure the development is provided with on-site car parking spaces in accordance with the approved plans, which are available solely for the parking of vehicles associated with each use of the premises.
- (b) All car parking spaces and trafficable areas must be concrete, bitumen or asphalt sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- (c) All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:
 - Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
 - Australian Standard AS1428:2001 – Design for Access and Mobility.
- (d) All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

4.3 Landscaping

- (a) Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The plan is to include landscaping generally in accordance with the approved site layout plan.
- (b) Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- (c) The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy 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).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.5 On-Site Wastewater Management

All on site effluent disposal associated with the approved use 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.

(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) 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.

- (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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 27 September 2019.

(F) 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);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

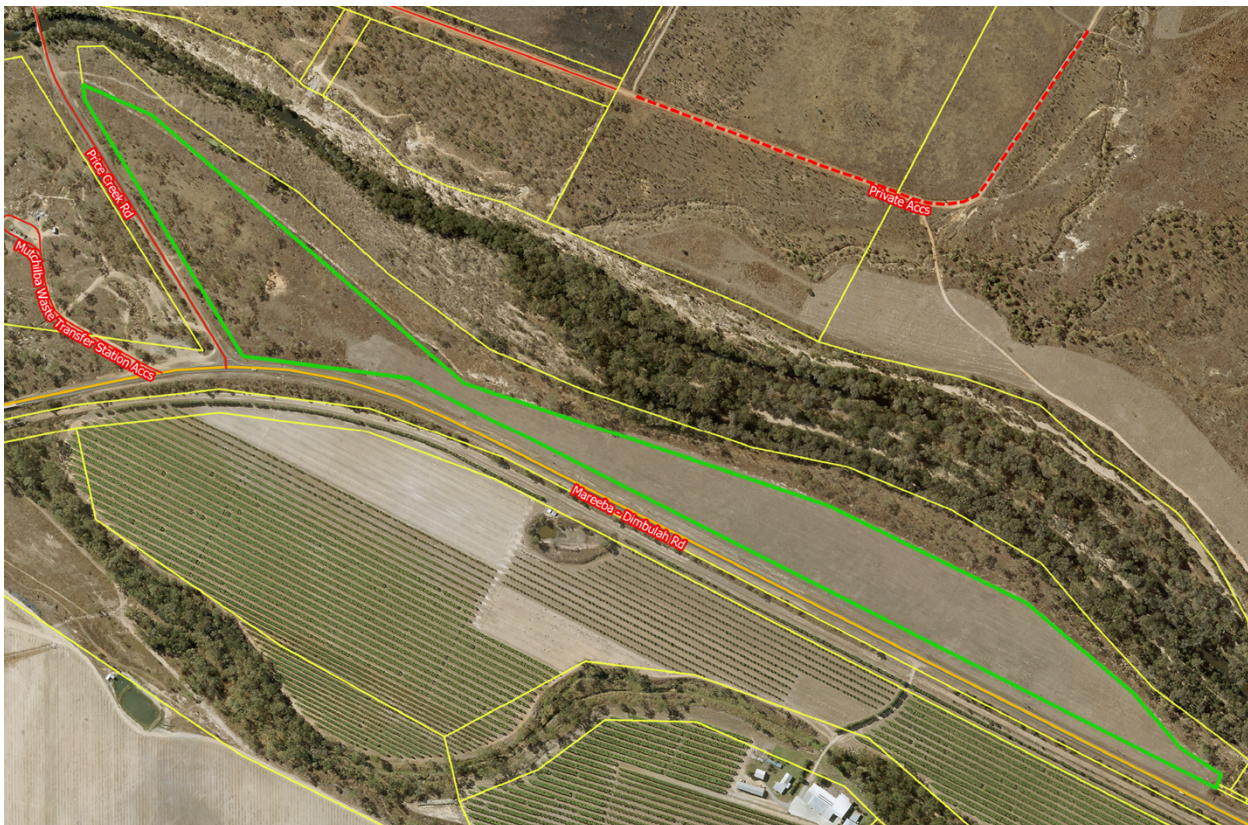
THE SITE

The subject site is situated at 3727 Mareeba Dimbulah Road, Mutchilba and is described as part of Lot 225 on HG293. The site is irregular in shape with a total area of 13.967 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The majority of the site is further mapped as Class A agricultural land.

The subject site contains approximately 1.3 kilometres of frontage to the Mareeba Dimbulah Road which is a State controlled road constructed to dual lane bitumen sealed standard. Access to the Mareeba Dimbulah Road will be provided via a new bitumen sealed crossover which will be located opposite the existing farm access. A secondary frontage of approximately 400 metres exists to Price Creek Road.

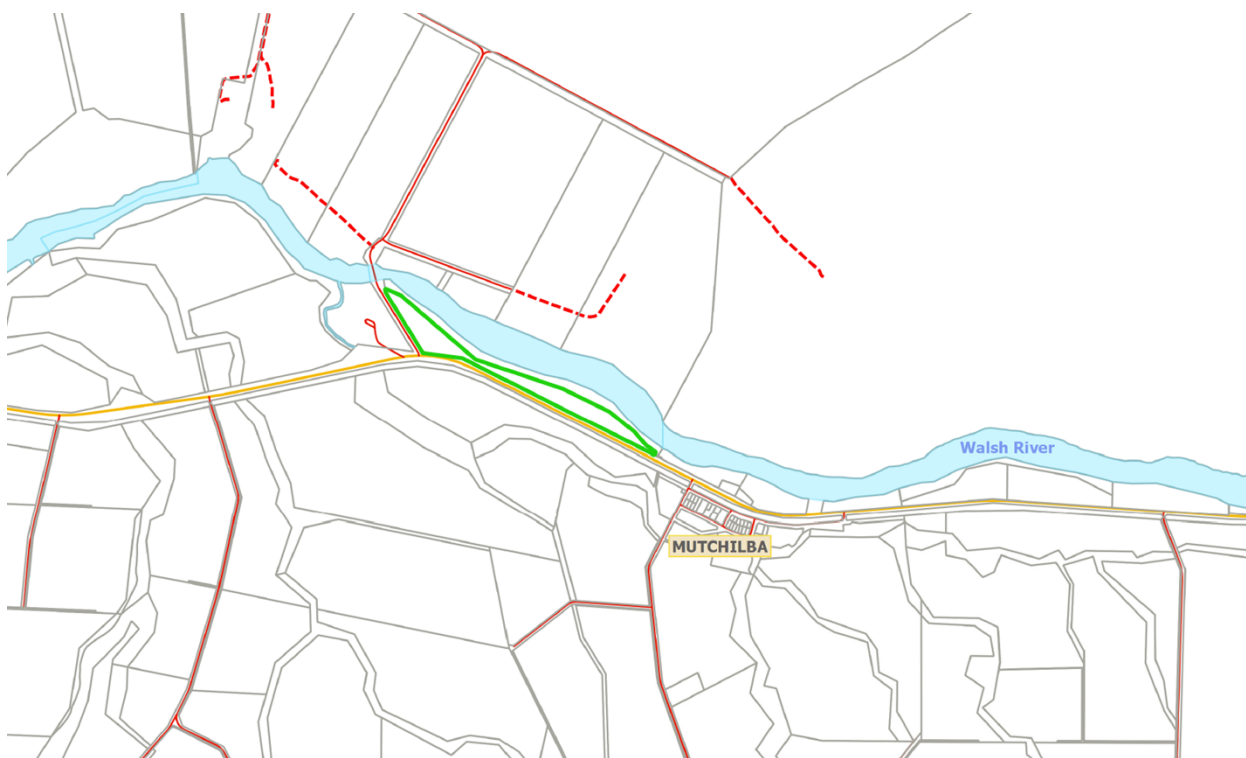
The subject site is located on the northern side of Mareeba Dimbulah Road approximately 300 metres north-west of the Mutchilba township. The land is zoned Rural and is presently unused for rural/agricultural purposes.

The Mutchilba waste transfer station is located immediately to the west.



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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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Rural Industry (Packing Shed) in accordance with the plans shown in **Attachment 1**.

The application includes the following information about the proposed development:

"This application is to facilitate a new packing shed on land located at 3727 Mareeba-Dimbulah Road, Mutchilba, described as Lot 225 HG293. The site was recently approved for subdivision (RAL/19/0001 dated 20 May 2019). The proposed packing shed will be on proposed Lot B, which is 13, 9678 m².

The proposed use includes:

- *Packing shed 3,771m² GFA; and*
- *Associated cold rooms, administration and workshop areas.*

The use is defined as:

Rural Industry: Premises used for storage, processing and packaging of products from a rural use. The use includes processing, packaging and sale of products produced as a result of a rural use where these activities are ancillary to a rural use on or adjacent to the site. Examples include: Packing shed.

The packing shed will pack mangoes, citrus and avocados from neighbouring and nearby farms, stored in onsite refrigerated storage prior to being exported to both local and national markets. The packing shed is intended to operate all year round. The packing shed will have a staff of approx. 30 people onsite, most of whom will be backpackers getting to/from the site via a bus provided by the backpacker hostels.

The new packing shed has been designed specifically for the site and the building is a practical, modern design which has the majority of the buildings located towards the south eastern portion of the site. There are no significant assessment considerations for this development.

Building Height

The proposed packing shed will slightly exceed the maximum acceptable building height required in the Rural zone. AO1.2 requires buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height. The proposed packing shed will be 10.6m. The proposed building can satisfy the performance outcomes sought for the Rural zone, and given the location of the site, the development will not adversely affect surrounding properties, nor cause a visual impact.

Building Setback

AO2.1 of the Rural zone code requires buildings and structures be setback a minimum of 40 metres from a frontage to a State-controlled road; and 10 metres from a boundary to an adjoining lot. The packing shed has a setback of:

- 30.5m from the frontage to the State-controlled road; and
- 7m from the rear boundary; and
- 290m from the eastern side boundary.

The proposed front setback has been accepted by the Department of Transport and Main Roads, in relation to the State-controlled road.

The lot is not near to other development, and therefore will not adversely affect neighbouring properties. The proposed development can achieve the performance outcomes sought for the Rural zone.

Bushfire Hazard

The site is cleared of vegetation, and adjoins State Land (Lot 431 on HG293), which is between the subject site and bushfire hazard area. The layout of the development provides for adequate access for fire-fighting and other emergency vehicles. The proposed development can achieve the performance outcomes sought in this regard.

Carparking

The proposed packing shed is anticipated to pack a variety of fruits grown in the Region. Packing is automated with sensors and cameras undertaking much of the fruit grading, sorting and packing.

Advancements in agronomics, fruit characteristics, and technology have significantly changed the nature and scale of fruit growing and packing in the Region. It is now viable to pack and grade fruit at a scale and volume that is over 10 times more than what was feasible 10 years ago.

The applicant anticipates the shed will operate on a 9 hour shift with staff primarily being workers on rural visas. The staff will arrive at the site primarily by buses operated by local hostels in Mareeba, who currently drop pickers/packers to various packing shed across the Tablelands.

Flood Hazard

AO2 of the Flood Hazard overlay code requires buildings to have a flood immunity of 1%AEP. The proposed development will be designed and constructed at existing ground level, which is approx. 476mAHD. The site has no known history of ever flooding. An assessment of the flood risk was provided at the time of the reconfiguring a lot. The proposed development can achieve the performance outcomes sought for the Flood Hazard code and maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.

Access to State-controlled Road

AO16.3 of the State Code 1 states: Development does not require new or changed access between the premises and the state-controlled road, and AO21.1 requires that traffic generated by the development is directed to the local road network.

The proposed packing shed requires a new access to the Mareeba-Dimbulah Road, as the local road access is not suitable for the proposed development. The location and design of the access will not create a safety hazard for users of the road or result in a worsening of existing conditions of the road. The proposed access can achieve the performance outcomes sought for the location and design of vehicular access to a State-controlled road.

Effluent Disposal

Sanitary plumbing and drainage systems from the fixtures will be by gravity feed drainage pipework under the ground floor slab to external of the building. External drainage from this point will run to on-site wastewater treatment systems.

Two separate drainage systems are proposed at this stage:

- Administration Building and Workers Facilities - the on-site waste water treatment system for the sewerage fixtures from the Admin Building is anticipated to be less than 4000 lit/day.*
- Processing and production floor - the on-site waste water treatment system for the processing and production area is expected to use up to 20,000 lit/day and will trigger the need for an ERA63 and discharge licence with DERM – PALM.*

Tradewaste

The production and processing areas will rely on recycling process water systems, and trade waste interceptor and pre-treatment devices.

A variety of types are expected to be needed depending on the type and quantities of chemicals or contaminants used.

These devices will treat the contaminants in the wasted process water prior to be discharged into a nominated wastewater treatment system.

Wastewater and Wastewater Disposal:

Similar to the separation of the wastewater treatment systems, disposal of the treated effluent water will be into separate land application areas. Sewerage treated effluent water from the Staff areas will be disposed of on-site through absorption trenches or subsurface irrigation.

An area of approx. 400m² of sub-surface irrigation (largest type of disposal area) may be required for this 4000 lit/day volume of effluent. Spatial area exists on site to the east of the proposed building to cater for this amount of land application area including the allowance for 100% replacement if ever required.

Effluent disposal for the processing and production floor wastewater is proposed through sub-surface irrigation or Wisconsin mounds techniques. The Wisconsin mounds have been used along the boundary perimeters of the properties to provide vegetation buffering to reduce the view of the large shed from the roadways.

It is expected that a processing and production wastewater disposal area of 2000 – 2500m² for the expected volumes from this area associated with this facility.

Water Supply

Water supply to this site will be sourced from the Sun Water Channel system. This site has an allocated water volume made available to it from Sun Water, and the intention is to use it across the annual billing period. There is sufficient water allocation to the site for the proposed development. Water obtained from the Sun Water Channel supply will either be stored on site in water storage tanks ready for when required, or utilised directly from the channel system.

Domestic use / potable water that is used on site may require further treatment for consumption to ensure the health and amenity of the staff at the facility.

Water Supply for Fire-fighting Purposes

Due to the size and class of the proposed buildings on this site, fire hydrants and fire hose reels are a requirement of the NCC. Approximately 8 dual headed pillar hydrants will be required to installed around the perimeter of the building either against a fire wall or a minimum of 10m from it. Approximately the same number of fire hose reels will be required to control the floor areas of the proposed development.

The fire water demand is 20 lit/sec for 4 hours for the fire hydrants so onsite fire water storage tanks containing a volume of 288,000 litres will be required. The tanks will be filled at the end of the construction of the project prior to occupation and will remain 100% full over the life of the property.

Due to the presence of the fire water tanks, two fire booster pumps (minimum 1 x diesel and 1 x electric) and a fire brigade connection point will also be needed to satisfy QFES fire-fighting requirements. It is envisaged that the fire water storage tanks, fire pump room and booster assembly will be located on the right hand side of the proposed entry point to the site."

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' does not identify the site as being of any significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories
Zone:	<ul style="list-style-type: none"> Rural Agricultural Area
Overlays:	Rural zone Agricultural Land Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Rural industry	<p><i>Premises used for storage, processing and packaging of products from a rural use.</i></p> <p><i>The use includes processing, packaging and sale of products produced as a result of a rural use where these activities are ancillary to a rural use on or adjacent to the site.</i></p>	<i>Packing shed</i>	<i>Intensive animal husbandry, intensive horticulture, roadside stall, wholesale nursery, winery, abattoir, agricultural supply store</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

Relevant Development 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
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access 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
Rural Zone Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1.2 ▪ Acceptable Outcome AO2.1 ▪ Acceptable Outcome AO6 <p>In each case, compliance with the higher order performance outcomes can be achieved. Refer to planning discussion section of report.</p>
Agricultural Land Overlay Code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Bushfire Hazard Overlay Code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Environmental Significance Overlay Code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Flood Hazard Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Performance Outcome PO10 <p>In each case, compliance with the higher order performance outcomes can be achieved. Refer to planning discussion section of report.</p>

Transport Infrastructure 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).
Rural 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 relevant acceptable outcomes contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcome AO1 In each case, compliance with the higher order performance outcomes can be achieved. Refer to planning discussion section of report.
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).

(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.

(f) 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.

Access to and from the site is via the State controlled Mareeba Dimbulah Road. As such, an additional trunk infrastructure condition is not appropriate.

REFERRALS

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency (State controlled roads).

That Department advised in a letter dated 27 September 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Non-compliance with the relevant acceptable outcomes contained within the relevant development codes are summarised below. Where the development does not comply with an acceptable outcome, compliance with the higher order performance outcome can be achieved.

Rural Zone Code

PO1 *Building height takes into consideration and respects the following:*

- (a) *the height of existing buildings on adjoining premises;*
- (b) *the development potential, with respect to height, on adjoining premises;*
- (c) *the height of buildings in the vicinity of the site;*
- (d) *access to sunlight and daylight for the site and adjoining sites;*
- (e) *privacy and overlooking; and*
- (f) *site area and street frontage length.*

AO1.2

Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.

Comment

The 122.5 metre long packing shed has a height of 10 metres at the roof ridge. The 30.5 metre long cold room will have a height of 10.6 metres at the roof ridge. Notwithstanding the additional 600mm in height, the overall development complies.

PO2 *Development is sited in a manner that considers and respects:*

- (a) *the siting and use of adjoining premises;*
- (b) *access to sunlight and daylight for the site and adjoining sites;*
- (c) *privacy and overlooking;*
- (d) *air circulation and access to natural breezes;*
- (e) *appearance of building bulk; and*
- (f) *relationship with road corridors.*

AO2.1

Buildings and structures include a minimum setback of:

- (a) *40 metres from a frontage to a State-controlled road; and*
- (b) *10 metres from a boundary to an adjoining lot.*

Comment

The administration and ablutions component of the packing shed will be setback approximately 30.5 metres from the Mareeba Dimbulah Road. The balance of the development comprising the main cold room and packing shed buildings will achieve a 40 metre setback. A 7 metre setback is provided to the rear boundary. The rear boundary adjoins a State owned drainage area associated with the Walsh River.

The development is generally in accordance with AO2.1 and satisfies Performance Outcome PO2.

PO6 *Development must not detract from the amenity of the local area, having regard to:*

- (a) *noise;*
- (b) *hours of operation;*
- (c) *traffic;*

- (d) *advertising devices;*
- (e) *visual amenity;*
- (f) *privacy;*
- (g) *lighting;*
- (h) *odour; and*
- (i) *emissions.*

AO6 *No acceptable outcome is provided.*

Comment

The proposed development is for a large packing shed and is considered to be appropriately located in a rural area proximate to the large fruit orchard that it will service.

Noise & hours of operation - The packing shed will operate as and when required to pack the respective produce.

The nearest sensitive land use (dwelling) is situated to the south, on the opposite side of the Mareeba Dimbulah Road, approximately 270 metres from the packing shed.

Traffic - The packing shed will pack mangoes, citrus and avocados from neighbouring and nearby farms, stored in onsite refrigerated storage prior to being exported to both local and national markets. The packing shed is intended to operate all year round. The packing shed will have a staff of approx. 30 people onsite, most of whom will be backpackers getting to/from the site via a bus provided by the backpacker hostels.

Advertising devices - Can be conditioned to minimise impact.

Visual amenity - The development will include landscaping treatment between the packing shed and the Mareeba Dimbulah Road to reduce visual impact. This will be secured by condition of approval.

Privacy - The development is sufficiently separated from neighbouring sensitive land uses. The development will not impact on privacy.

Lighting - A condition will be attached to any approval ensuring any lighting does not cause nuisance to adjoining properties.

Odour & Emissions - The proposed development is not likely to produce significant amounts of odour or other emissions such as dust and smoke. All trafficable areas will be surface treated to remove dust nuisance.

With appropriate conditioning, the development is likely to achieve compliance with PO6.

Flood Hazard Overlay Code

PO10 Development, where involving a Material change of use or Building work, is located and designed to:

- (a) maintain hydrological function of the premises;
- (b) not increase the number of people calculated to be at risk from flooding;
- (c) minimises the flood impact on adjoining premises;
- (d) ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;
- (e) reduce the carriage of debris in flood waters;
- (f) reduce property damage; and

- (g) provide flood immune access to buildings.

Comment

The proposed development is located on land mapped as being within a Potential Flood Hazard Area.

The planning scheme includes the following notation relevant to the Potential Flood Hazard Area mapping:

*"(2) In areas outside the limits of the specific flood modelling undertaken in (1) above Flood Hazards Areas are sourced from the State Wide Queensland Floodplain Overlay mapping. These maps have been derived from various state-wide datasets and the result is a spacial extent of where flooding has previously or has the potential to occur. **These maps are not based on any flood model and do not represent a particular flood event.**"*

There is no defined flood level or defined flood event available for the subject land.

A surface level survey of the site was undertaken by Terra Modus Surveying. The surface level plan shows the site levels at the location of the packing shed.

The plan indicates the approximate 1986 flood level at the Mutchilba Store which is approximately 1.1km to the east.

The 1986 flood level at the store is approximately 1.5m higher than the level of packing shed site. The applicant advises that anecdotal advice is that the packing shed site has never flooded.

The surveyer has advised that the 1986 store flood level would not be applicable to the location of the proposed packing shed site as:

- the Store is on the opposite side of the highway and railway line;
- the Store is in close proximity to Price Creek and two other tributaries that also converge in that area.
- there are a site specific factors that may have contributed to the one-off flooding of the Store in 1986.

The proposed development can achieve the performance outcomes sought for the Flood Hazard code and maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property.

A Flood Emergency Evacuation Plan will be conditioned.

Car Parking Code

Car Parking Spaces

PO1 *Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) *nature and scale of the use;*
- (b) *location of the site;*
- (c) *proximity of the use to public transport services;*
- (d) *availability of active transport infrastructure; and*

(e) *accessibility of the use to all members of the community.*

AO1 *The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3.B.*

Comment

The proposed development includes twenty (20) designated car parking spaces and multiple truck loading bays.

The 20 car parking spaces is less than the one (1) space per 90m² GFA nominated in Table 9.4.3.3B

The 20 car parking spaces proposed is considered acceptable due to the intended staff arriving at the site primarily by buses operated by local hostels/labour suppliers.

The subject site also contains ample undeveloped land to accommodate overflow car parking should demand unexpectedly increase.

The proposed development is able to satisfy the performance outcome.

Date Prepared: 2 October 2019

DECISION BY DELEGATE

DECISION

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

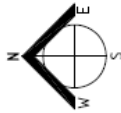
Dated the 3RD day of OCTOBER 2019



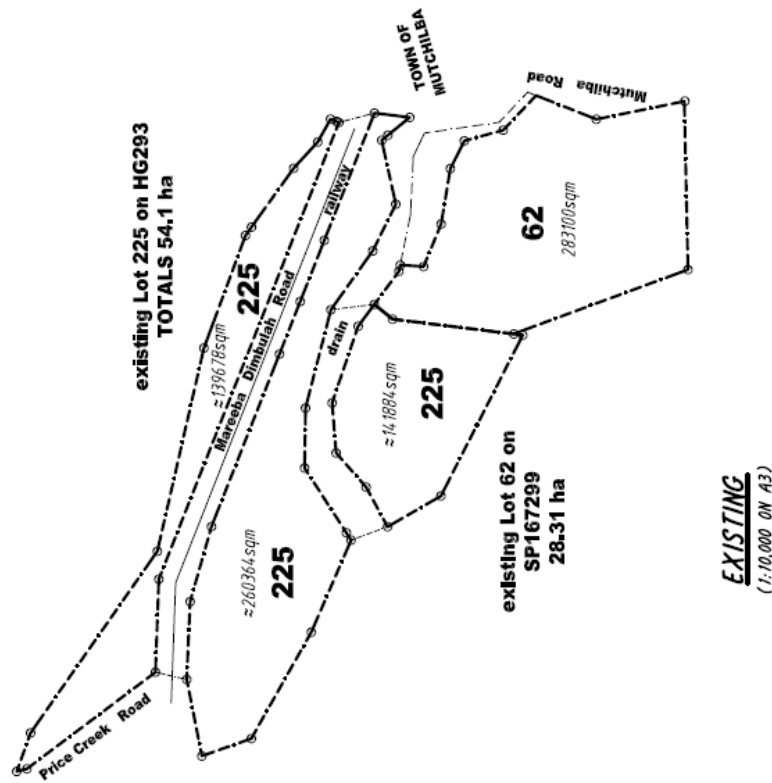
BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

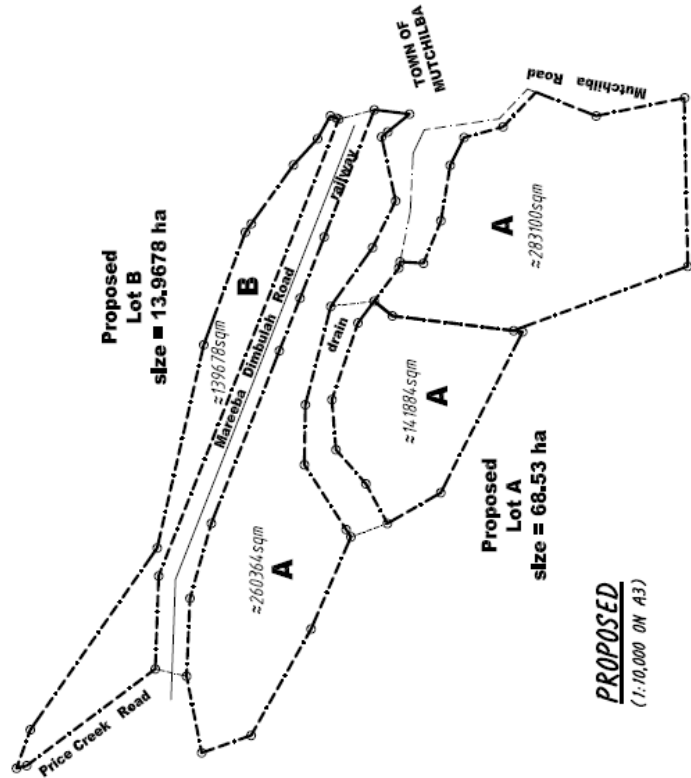
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existing AERIAL VIEW
QLD GLOBE EXTRACT
(approx. 1:20,000 ON A3)



EXISTING
(1:10,000 ON A3)

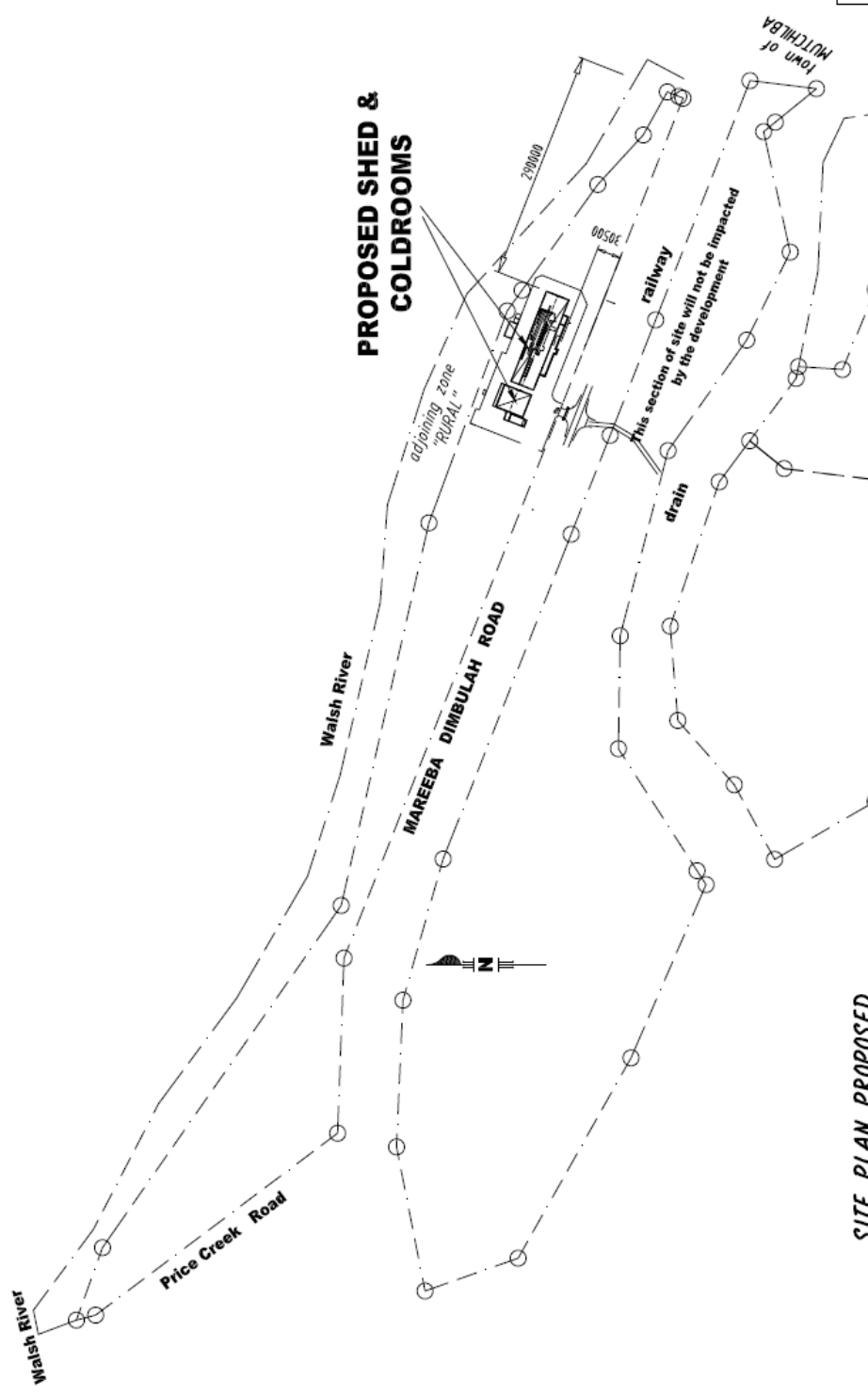


PROPOSED
(1:10,000 ON A3)

phone: 0428 704 735 EDMONTON 4889 QUEENSLAND	
GREGORY G TERZIAN <small>Architect</small> Building Design & Drafting	
- Building Designer - - Medium Risk - - QBCC LICENCE 1170248 -	
PROJECT:	DATE: NOV 2018
3227	SCALE: AS SHOWN ON 'A3' SHEET
DRAWING TITLE:	
MAREEBA DIMBULAH Rd	
MUTCHILBA 4872	
SITE PLAN	
- RURAL - PROPERTY BOUNDARIES RE-ALIGNMENT	JAB NO: 0507
SHEET NO: DA1-01	ISSUE: A

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PROPOSED SHED & COLDROOMS

SITE PLAN PROPOSED
(1:5000 ON A3)

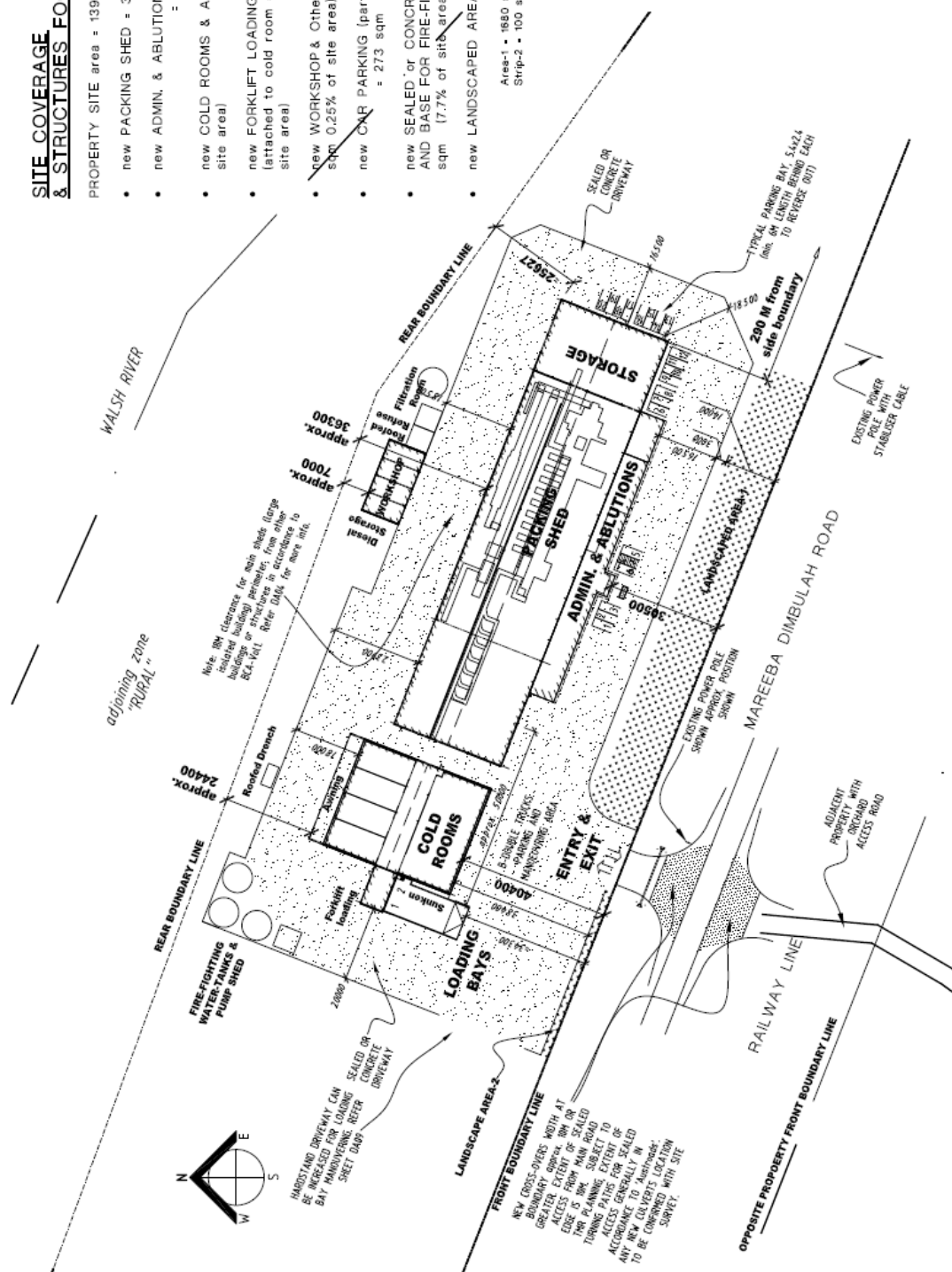
date: 02/09/2019	
PROJECT:	PROPOSED PACKING SHED
3777 MAREEBA - DIMBULAH RD MUTCHILBA, 4872	
Drafting No.	0597
ISSUE	DA 02 E
phone: 0428 234 235 EDMONTON 4885, QUEENSLAND GREGORY G TERZIDRAFTING -Building Designer- -Medium Rise- -QBCC LICENCE: 1177048-	

SITE COVERAGE & STRUCTURES FOOTPRINT:

PROPERTY SITE area = 139,678 sqm

- new PACKING SHED = 3771 sqm (2.6% of site area)
- new ADMIN. & ABLUTIONS (attached) = 580.5 sqm (0.4% of site area)
- new COLD ROOMS & Awning = 1237 sqm (0.9% of site area)
- new FORKLIFT LOADING and DOCKING BAYS (attached to cold room building) = 289 sqm (0.2% of site area)
- new WORKSHOP & Other Misc. roofed areas = 342 sqm (0.25% of site area)
- new CAR PARKING (part of driveway) = 273 sqm (0.2% of site area)
- new SEALED 'or CONCRETE for DRIVEWAYS, PATHS, AND BASE FOR FIRE-FIGHTING FACILITY = 10,860 sqm (7.7% of site area)
- new LANDSCAPED AREAS = 1790 sqm total (1.3% of site area)

Area-1 = 1860 sqm
Strip-2 = 100 sqm

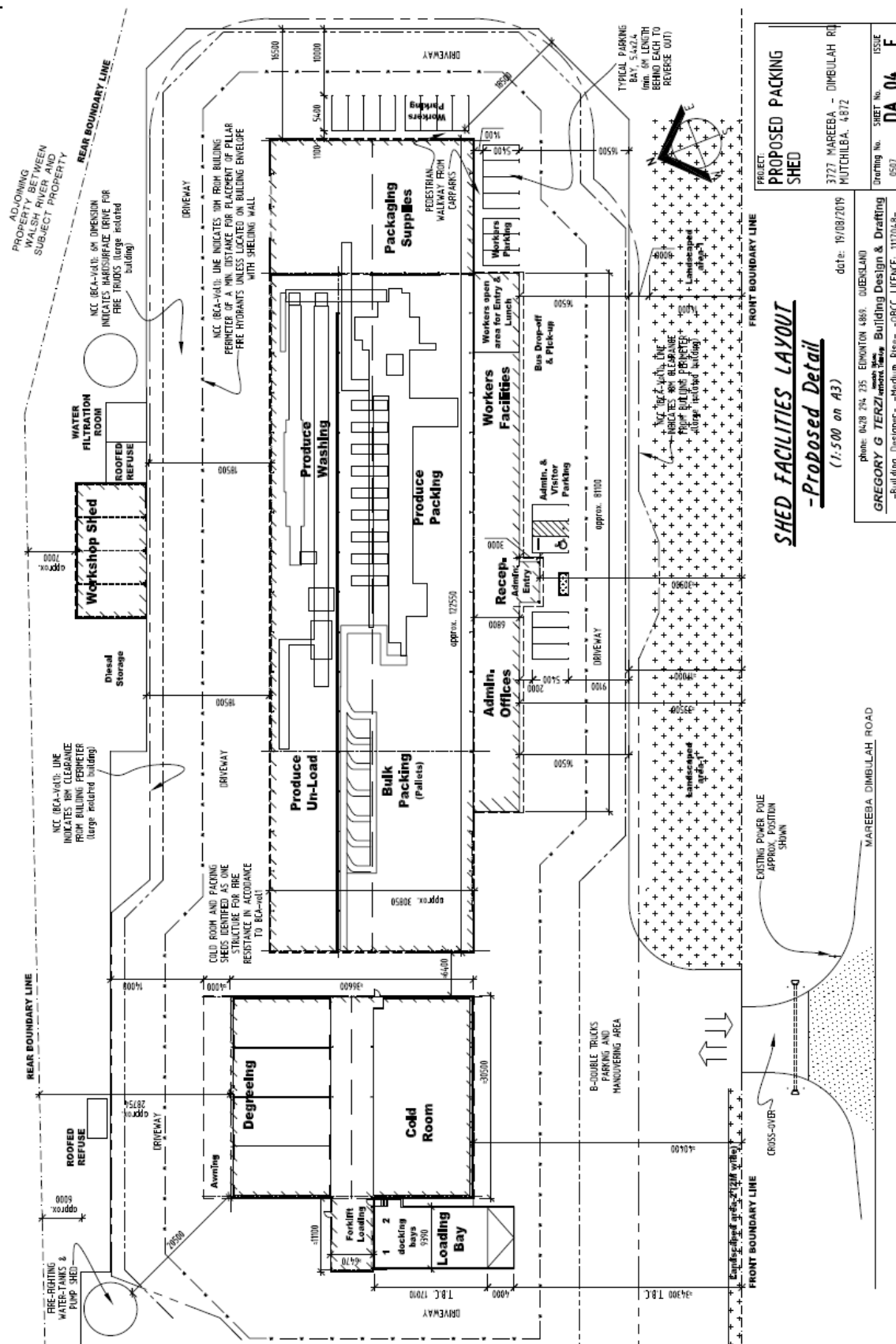


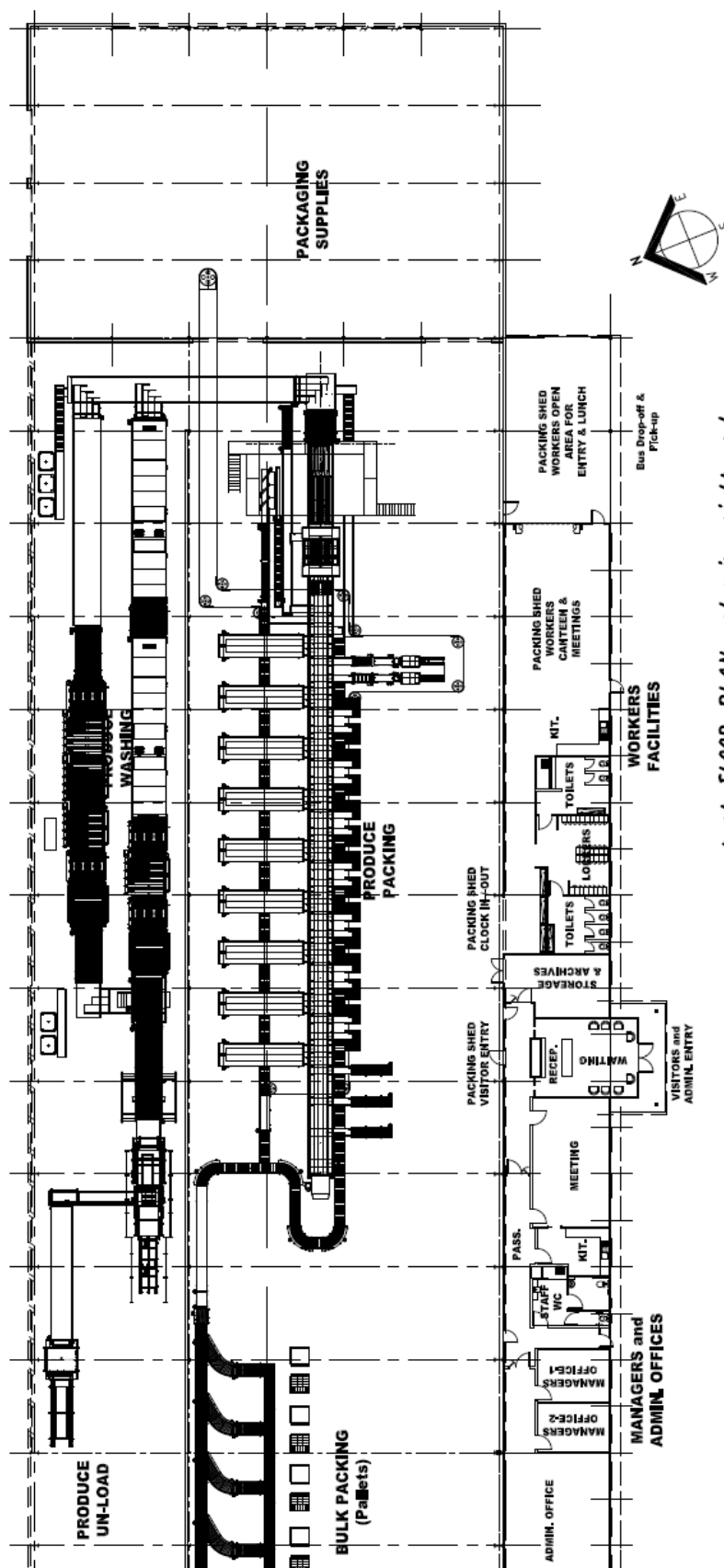
date: 19/08/2019

PROJECT:	PROPOSED PACKING SHED
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Drawing No.	SHEET No.
0597	DA 03
ISSUE	E

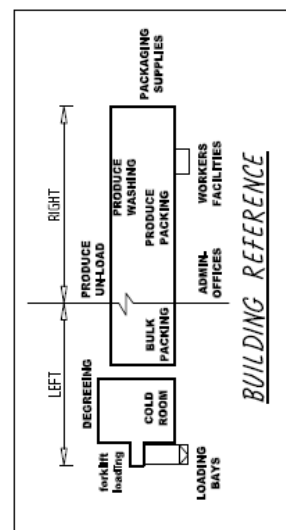
phone: 0428 254 235 EDMONTON 4889, QUEENSLAND
GREGORY G TERZIDesign Pty Ltd Building Design & Drafting
-Building Designer- -Medium Rise- -BCC LICENCE: 1177049-

SHED FACILITIES LAYOUT - Proposed
(1:1000 on A3)

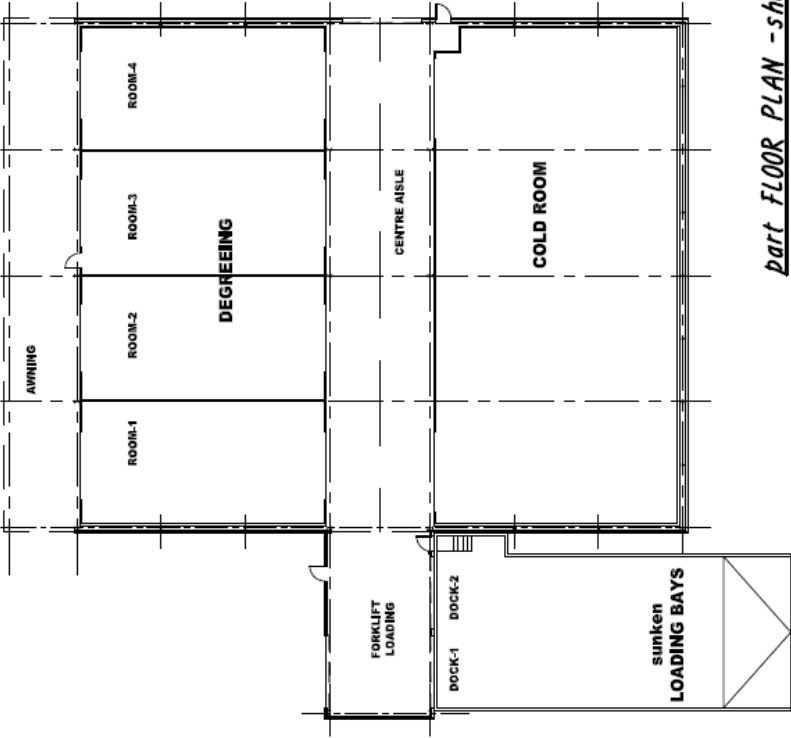




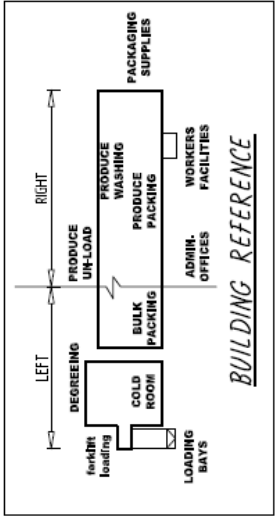
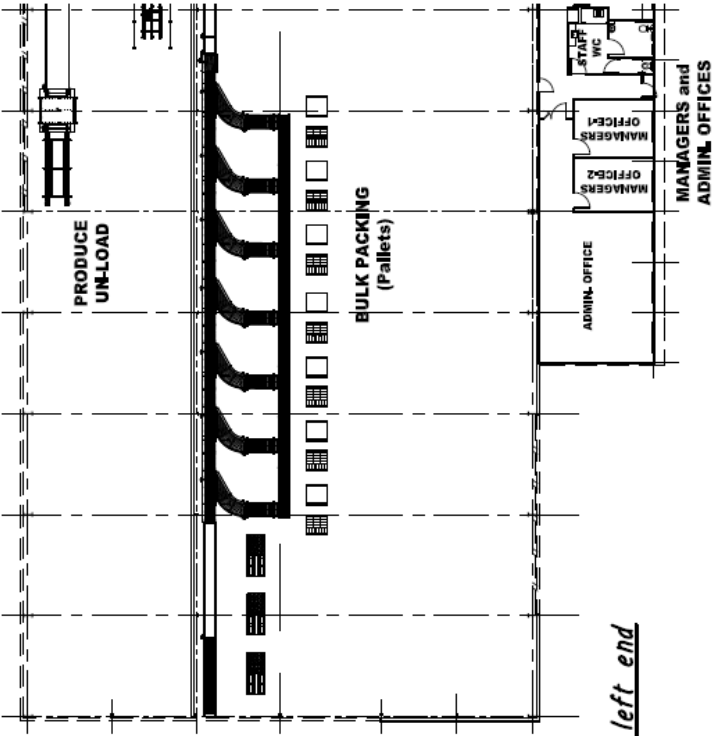
part FLOOR PLAN -showing right end
(1:250 ON A3)



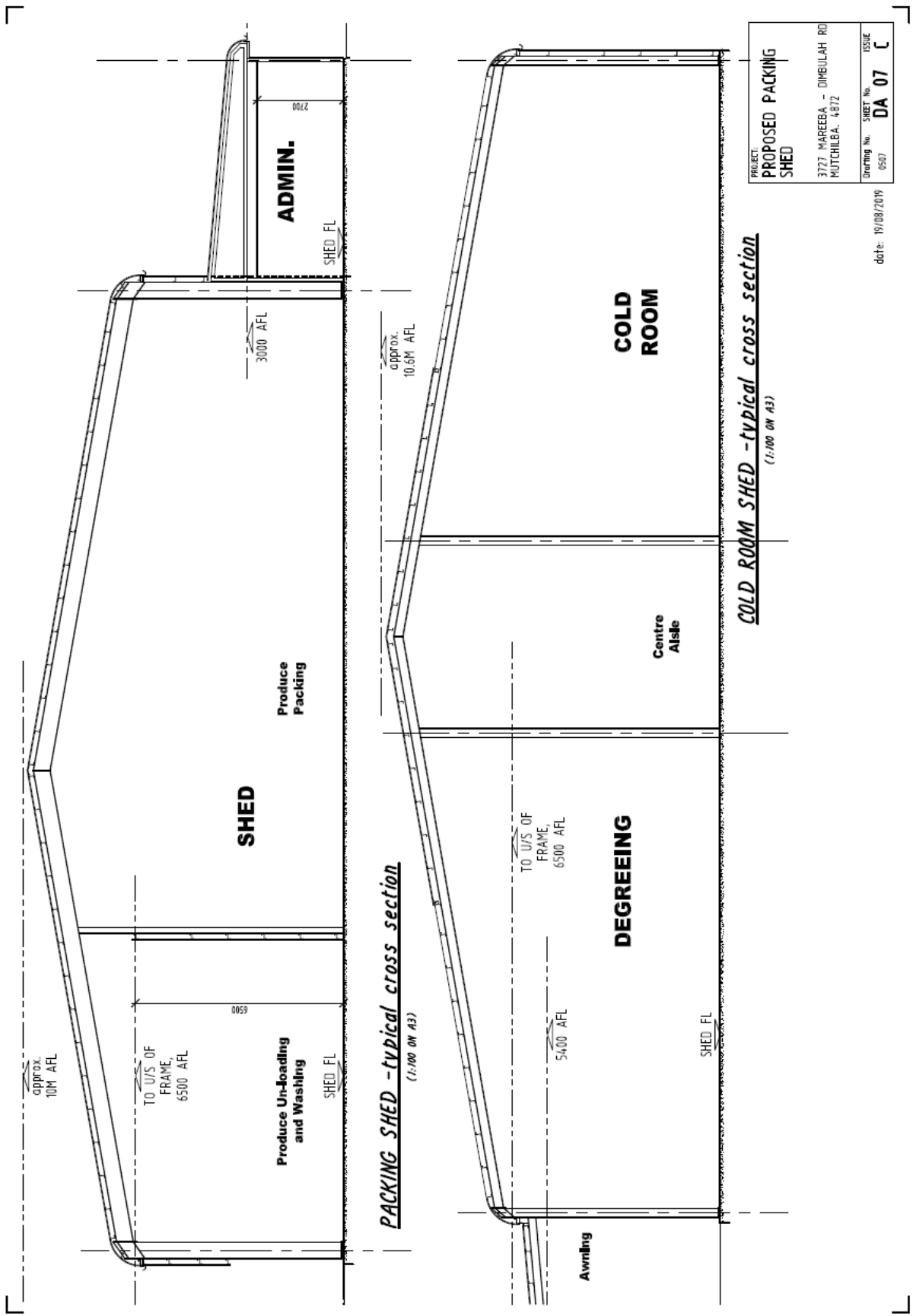
PROJECT: PROPOSED PACKING SHED	3777 MAREEBA - DIMMULAH RD MUTCHILBA, 4872	
	date: 19/09/2019	phone: 0428 294 235 EDMONTON 4889, QUEENSLAND
DRAWING No. SHEET No. ISSUE		DA 05 C
GREGORY G TERZIO Building Design & Drafting		
-Building Designer - Medium Rise - QBCC LICENCE: 1177049-		

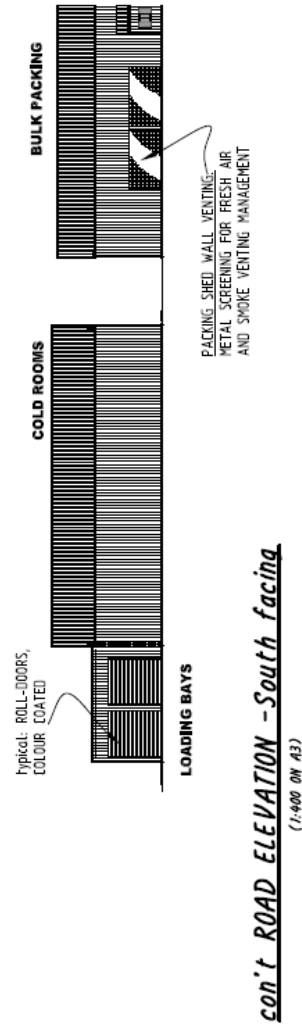
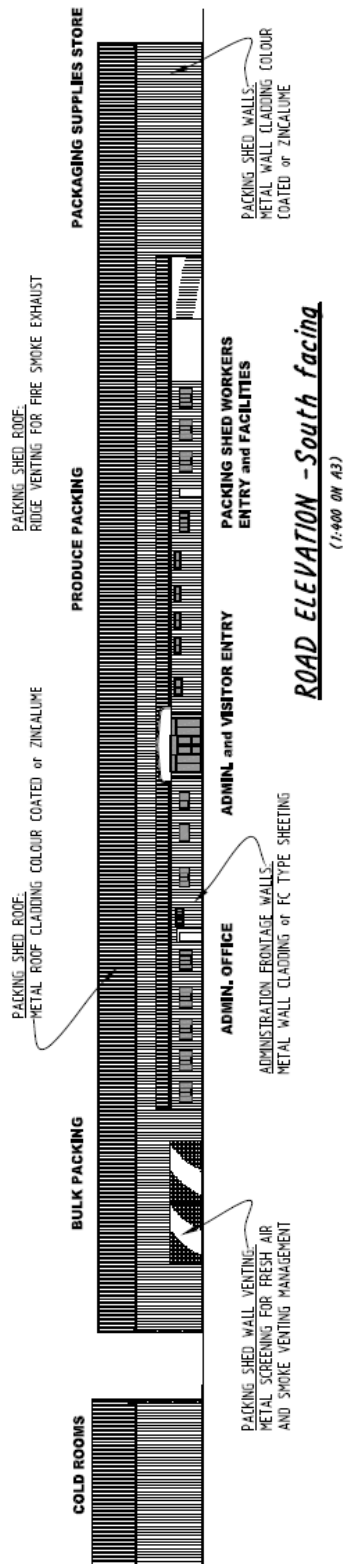


part FLOOR PLAN - showing left end
(1:250 ON A3)



PROJECT: PROPOSED PACKING SHED	
3777 MAREEBA - DIMMULAH RD MITCHILBA, 4872	
date: 19/09/2019	phone: 0428 234 235 EDMONTON 4883, QUEENSLAND
GREGORY G TERZIO <small>ARCHITECT</small> Building Design & Drafting	
-Building Designer- -Medium Rise- -BCC LICENCE: 1177049-	
Drawing No. 0597	SHEET No. DA 06 ISSUE C





date: 19/08/2019

PROJECT:	PROPOSED PACKING SHED
37771 MAREEBA - DIMBULAH RD MITCHILBAH, 4872	
Drawing No.	0597
SHEET No.	ISSUE DA 08 B
phone: 0428 254 235 EDMONTON 4889, QUEENSLAND	
email: info@terzi.com.au	
GREGORY G TERZI	Building Design & Drafting
-Building Designer - Medium Rise-	-QBCC LICENCE: 1177048-



PROJECT: PROPOSED PACKING SHED

3727 MAREEBA - DIMBULAH RD
MUTCHILBA. 4872

Drafting No. 0507 SHEET No. DA 09 ISSUE C

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND
GREGORY G TERZI Architect & Planner **Building Design &**
-Building Designer- -Medium Rise- -QBCC LICENCE: 11

TRUCKS OPERATION - Proposed
(1:1000 on A3)



SURVEYED SPOT LEVELS TO OBTAIN SOME EXISTING GROUND HEIGHTS COMBINED WITH AERIAL VIEW USING 'OLD GLOBE'. THIS PLAN AS AN OVERLAY WITH THE PROPOSED DRAWN SITE PLANS.

date: 19/08/2019

PROJECT: **PROPOSED PACKING
SHED**

3727 MAREBA - DIMBULAH RD
MUTCHILBA, 4872

Drafting No. 0507 SHEET No. DA 10 ISSUE B

phone: 0428 294 235 EIMONTON 4869. QUEENSLAND
GREGORY G TERZI South West
 EIMONTON 4869 **Building Design &
 -Building Designer- -Medium Rise- -QBCC LICENCE: 11**

GROUND HEIGHTS
(1:1000 on A3)

ATTACHMENT 2

RA6-N



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

SARA reference: 1908-12907 SRA
 Council reference: MCU/19/0013
 Applicant reference: P71880

27 September 2019

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba Qld 4880
 planning@msc.qld.gov.au

Attention: Susie Lord

Dear Sir/Madam

SARA response—3727 Mareeba Dimbulah Road, Mutchilba

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 2 September 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	27 September 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for MCU Rural Industry (Packing Shed)
SARA role:	Referral Agency.	
SARA trigger:	10.9.4.2.4.1 - State transport corridors and future State transport corridors (Planning Regulation 2017)	

Page 1 of 7

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

1908-12907 SRA

SARA reference: 1908-12907 SRA

Assessment Manager: Mareeba Shire Council

Street address: 3727 Mareeba Dimbulah Road, Mutchilba

Real property description: Lot 225 on HG293

Applicant name: KVN Australia

Applicant contact details: C/- Susie Lord
PO Box 181
Edge Hill QLD 4870
info@planztp.com

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR19-028190 (500-1322)
- Date: 26 September 2019

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads
ron.p.kaden@tmr.qld.gov.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc KVN Australia, info@planztp.com

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.4.1 — State transport corridors and future state transport corridors - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) Road access locations are to be located generally in accordance with TMR Layout Plan (664 – 37.27km) prepared by Queensland Government Transport and Main Roads, dated 20/09/2019, File Reference TMR19-28180 (500-1322), Issue A.</p> <p>(b) Road access works comprising of a sealed Basic right (BAR) turn treatment and a Rural basic left-turn treatment (BAL) must be provided at the road access location to proposed Lot B.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossing – General and Part 4A: Unsignalised and Signalised Intersections; specifically:</p> <ul style="list-style-type: none"> • Figure A28 Basic right (BAR) turn treatment on a two-lane rural road; and • Figure 8.2 Rural basic left-turn treatment (BAL). 	<p>(a) At all times</p> <p>(b) and (c) Prior to the commencement of use and to be maintained at all times.</p>
2.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the state-controlled road; interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; surcharge any existing culvert or drain on the state-controlled road; reduce the quality of stormwater discharge onto the state-controlled road. 	<p>(a) and (b) At all times</p>

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.5]. If a word remains undefined it has its ordinary meaning.
Road Works Approval	
2.	Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads' 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the Department of Transport and Main Roads' as soon as possible to ensure that gaining approval does not delay construction.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The department carried out an assessment of the development application against the State Development Provisions, version 2.5, State code 1: Development in a state-controlled road environment and has found that with conditions, the proposed development complies with the relevant performance outcomes.
- The proposed development is significantly set back from the state-controlled road (Mareeba Dimbulah Road) and unlikely to create a distraction to drivers, nor create a safety hazard.
- The location of the new access is considered appropriate and the Department of Transport and Main Roads has issued a Decision Notice – Permitted Road Access Location under s62(1) of the *Transport Infrastructure Act 1994*.
- To ensure the safe and efficient operation of the access, a condition has been included requiring access works to be undertaken.
- The development will result in a greater impervious area, but with conditions, increased stormwater runoff will be managed in an appropriate manner.
- The premises is not impacted by planned upgrades or future state transport corridors.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

Planning Act 2016 – Change representations provisions.

Chapter 3 Development Assessment

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

75 Making change representations

- 1) The applicant may make representations (***change representations***) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - i. a matter stated because of a referral agency's response; or
 - ii. a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- 2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- 3) Only 1 notice may be given.
- 4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - i. the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - ii. the applicant receives notice that the assessment manager does not agree with the change representations; or
 - iii. the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- 5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- 1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.
- 2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - i. each principal submitter; and
 - ii. each referral agency; and
 - iii. if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - iv. if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - v. another person prescribed by regulation.
- 3) A decision notice (*a negotiated decision notice*) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- 4) A negotiated decision notice replaces the decision notice for the development application.
- 5) Only 1 negotiated decision notice may be given.
- 6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

