

**DELEGATED REPORT**

**SUBJECT:** ONTARIO MANGOES PTY LTD - MATERIAL CHANGE OF USE - RURAL WORKERS' ACCOMMODATION (INCREASED CAPACITY WITHIN EXISTING FACILITY) - LOT 107 ON RP749635 - 105 INVERADI ROAD, DIMBULAH - MCU/21/0007

**DATE:** 13 April 2021

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Ontario Mangoes Pty Ltd	<b>ADDRESS</b>	105 Inveradi Road, Dimbulah
<b>DATE LODGED</b>	12 April 2021	<b>RPD</b>	Lot 107 on RP749635
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Rural Workers' Accommodation (increased capacity within existing facility)		

<b>FILE NO</b>	MCU/21/0007	<b>AREA</b>	30.163 hectares
<b>LODGED BY</b>	Gilvear Planning Pty Ltd	<b>OWNER</b>	Tengarra Farms Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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

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**EXECUTIVE SUMMARY**

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

*The application is code assessable and was not required to undergo public notification.*

*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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Ontario Mangoes Pty Ltd	<b>ADDRESS</b>	105 Inveradi Road, Dimbulah
<b>DATE LODGED</b>	12 April 2021	<b>RPD</b>	Lot 107 on RP749635
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Rural Workers' Accommodation (increased capacity within existing facility)		

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 - Rural Workers' Accommodation (increased capacity within existing facility)

(B) **APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
0440-2 DA02 B	Site Plan Proposed	-	-
0440-2 DA03 A	Elevations & Plan	-	-
0440-2 DA04 A	Elevations & Plan	-	-
0440 WD02 H	Site Plan Proposed	Gregory G Terzi	Sept 2017
0440 WD03 H	Packing Shed: Site Layout	Gregory G Terzi	Sept 2017
0440 WD04 G	Workers accommodation: Site Layout	Gregory G Terzi	Sept 2017

(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.

### 3.6 Signage

Any advertising devices relating to the development must be wholly sited on the subject site and be limited to a cumulative sign face area of 6m<sup>2</sup> and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

### 3.7 Flood Immunity

All buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above 100 ARI year level.

### 3.8 The rural workers accommodation shall not be used for any other purpose, including rental to any person who is not employed on the farm.

Upon request by Council, the applicant/owner shall be responsible for providing an annual return to Council, which demonstrates that the occupants of the rural workers accommodation have been employed in accordance with the conditions of this approval, to the satisfaction of Council's delegated officer. The return shall include the names of staff employed, and, employment and wages records.

### 3.9 The rural workers accommodation facility shall accommodate a maximum of 230 rural workers, including supervisors, at any one time.

## 4. Infrastructure Services and Standards

### 4.1 Access

All access crossovers servicing the approved use must be maintained (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 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.

### 4.3 Car Parking/Internal Driveways

- (a) The applicant/developer must ensure that all car parking for the rural workers accommodation occurs on site and not on adjoining road reserves.
- (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.

#### 4.4 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) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

#### (b) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

#### (c) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the “cultural heritage duty of care”). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

## THE SITE

The subject site is situated at 105 Inveradi Road, Dimbulah and is described as Lot 107 on RP749635. The site is irregular in shape with a total area of 30.163 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 site contains 991 metres of frontage to Leadingham Creek Road which is constructed to single lane bitumen sealed standard. Access is gained from Leadingham Creek Road via two (2) FNQROC compliant crossovers. The site also contains 290 metres of frontage to an undeveloped section of road reserve to the south. This section of road reserve contains a gravel driveway used solely to access an adjoining property.

The site is used, in part, for the cropping of mangoes, which are located to the north west of the site and cover approximately one third of the site. The balance of the site is currently improved by structures used for the purpose of a Rural Industry (Packing Shed) and Rural Workers Accommodation (112 beds and 3 supervisors).

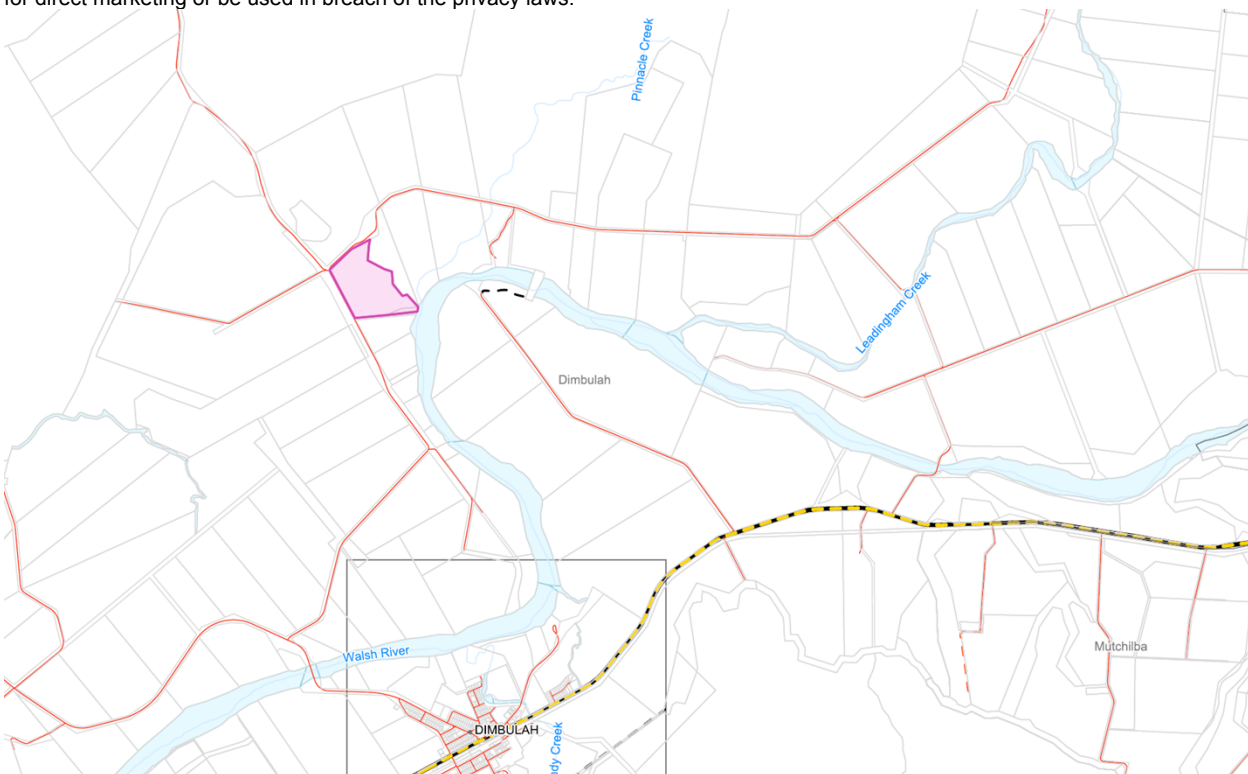
The site has an easement that traverses the site from the north to south for water supply purposes in favour of Lot 109 on SP171866.

The site is serviced by water supply from a large irrigation pond (turkeys nest) located to the northwest on Lot 193 on SP171866.



**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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The area surrounding the site is predominantly used for the purpose of agriculture, with the township of Dimbulah located approximately 4.4 kilometres to the south. The most notable natural feature in the area is the Walsh River, which is located immediately adjacent the south-eastern boundary of the site. To the east is a minor creek that traverses from the north and flows into the Walsh River. The nearest residential land use to the subject site is a two storey dwelling located on the adjoining premises to the south on the opposite side of the unnamed road reserve.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

### MCU/17/0002 - Rural Industry (Packing Shed) and Rural Workers' Accommodation

On 6 September 2017, Council, under delegated authority, approved an application made by Gilvear Planning Pty Ltd on behalf of Ontario Mangoes Pty Ltd for a development permit for material change of use - rural industry (packing shed) and rural workers' accommodation on land described as Lot 107 on RP749635, situated at 105 Inveradi Road, Dimbulah. The Decision Notice was issued on 6 September 2017.

This approval authorised the accommodation of up to 96 rural workers.

### MCU/18/0018 - Rural Workers' Accommodation (expansion)

On 2 August 2018, Council, under delegated authority, approved an application made by Gilvear Planning Pty Ltd on behalf of Ontario Mangoes Pty Ltd for a development permit for material change of use - rural workers' accommodation (expansion) on land described as Lot 107 on RP749635, situated at 105 Inveradi Road, Dimbulah. The Decision Notice was issued on 2 August 2018.

This approval authorised the accommodation of up to 112 rural workers and 3 managers.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Rural Workers' Accommodation (increased capacity within existing facility) in accordance with the plans shown in **Attachment 1**.

The applicant's description of the proposed development is as follows:

*"The existing business farms in excess of 400 hectares of mangoes.*

*In order to improve the efficiency of the business and the quality of the product reaching the market, in 2017 the applicant applied for the development of a 5,352sqm packing shed, including office, to allow for the mangoes to be processed and packaged closer to the source, and for on-farm accommodation for up to 96 seasonal workers engaged in the farm. The proposed packing shed and workers accommodation were approved on 6 September 2017 (Ref: MCU17/0002) and construction of these facilities is understood to be complete. At full operating capacity in the peak period, the farm would ordinarily employ in excess of 100 seasonal farm workers to pick and pack the mangoes. As Council would be aware, management of staff to service farms has been greatly impacted by Covid 19 with associated health directives and border closures leading to significant problems sourcing and securing seasonal staff in particular.*



*Given this situation, together with increased demand for workers as a result of the expansion of the farm and the operational requirements of the packing shed, it is proposed to extend the existing workers accommodation by increasing capacity within the existing seven (7) accommodation clusters. Specifically, it is proposed to double bed numbers in each cluster (taking bed numbers from 16 beds per cluster to 32 beds per cluster), and increase capacity to accommodate supervisors on site, from three (3) supervisors currently to six (6) supervisors. Again, these increases are managed within the existing structures on site.*

*The total facility would provide accommodation for 230 rural workers, including supervisors.*

*As noted above, no new structures will be constructed to facilitate the expansion in capacity proposed; however, it is noted that improvements to the effluent disposal system capacity will be provided to comply with applicable standards and requirements. This increase will require amendment to the existing Environmental Authority (EA0001076) which currently permits treatment systems with peak design capacity of up to 100EP. That application process, pursuant to the Environmental Protection Act, will be pursued contemporaneous with the land use approval process.*

*The existing building arrangement, which provides accommodation within 4x4 ensuite bed transportable buildings that are configured such that two transportable buildings, or 8 bedrooms, create a single living unit. Each living unit would be provided with a kitchen and minor laundry facilities with a larger communal laundry also provided. Each living unit is self-contained with separate wastewater treatment systems.*

*The proposed supervisor accommodation (also seasonal workers) are located to the west of the existing accommodation between the Rural Industry (Packing Shed) and the accommodation. They comprise three separate units, each containing an office bedroom, living area and large verandah. Each of the units would be self-contained.*

*The water supply for the proposed development is provided from an existing turkey nest located within the overall farm and on Lot 193 SP171866, which is connected to the site. Electricity is provided by an existing connection.*

*Proposal plans are included in Attachment 1 – please note no change to the previously approved plans is proposed, given increases in capacity will be accommodated within existing structures on 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' also identifies the site as containing:

- *Wetland Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

	<b>Land Use Categories</b>
Strategic Framework:	<ul style="list-style-type: none"> <li>• <i>Rural Agricultural Area</i></li> <li>• <i>Rural other</i></li> </ul>
Zone:	Rural
Overlays:	Agricultural Land Overlay

### 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>
<b><i>Rural workers' accommodation</i></b>	<i>Any premises used as quarters for staff employed in the use of land for rural purposes, such as agriculture, intensive animal husbandry and forestry, conducted on a lot in the same ownership whether or not such quarters are self-contained.</i>	<i>Farm workers' accommodation</i>	<i>Short-term accommodation, caretaker's accommodation, dual occupancy, dwelling house, nature or rural based tourist accommodation, non-resident workforce accommodation, multiple dwellings</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
- 9.3.1 Accommodation activities 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 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 relevant acceptable outcomes contained within the code apart from the following: <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO3.1</li> </ul> Refer to planning discussion section of report.
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Accommodation activities 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"> <li>▪ Acceptable Outcome AO13.1</li> </ul> Refer to planning discussion section of report.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

#### (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works to be designed and constructed in accordance with FNQROC Development Manual Standards.

#### REFERRALS

This application did not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

#### Internal Consultation

Nil

## PLANNING DISCUSSION

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

### Rural zone code

#### **PO3**

*The density of Accommodation activities:*

- (a) *respects the nature and density of surrounding land use;*
- (b) *is complementary and subordinate to the rural and natural landscape values of the area; and*
- (c) *is commensurate to the scale and frontage of the site.*

#### **AO3.1**

*Residential density does not exceed one dwelling house per lot.*

#### **AO3.2**

*Residential density does not exceed two dwellings per lot and development is for:*

- (a) *a secondary dwelling; or*
- (b) *Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m<sup>2</sup>; or*
- (c) *Rural worker's accommodation.*

### Comment

The proposed development is for the expansion of the existing 115 bed (including 3 managers) rural workers accommodation complex to 230 beds (including 6 managers).

The expansion will occur by doubling the number of beds within the existing accommodation buildings. No new buildings are being proposed.

The increase in rural workers accommodation is due to expanding production and also allows for the necessary quarantine provisions brought about by the COVID19 emergency.

The larger rural workers accommodation developments are considered to be a regular element of a modern, labour intensive, farming enterprise. The development is not considered to be of a scale or design that would adversely affect the rural amenity of the area and is considered allied with and ancillary to the primary rural land use (fruit tree orchard).

The proposed development is considered to comply with PO3.

### Accommodation activities code

#### **PO13**

*The Rural workers' accommodation is directly associated with an agricultural based rural activity on the same premises and is commensurate with the scale of agricultural operations.*

#### **AO13.1**

*A Rural workers' accommodation building is limited to the accommodation of:*

- (a) *one rural worker for every 50 hectares; and*

(b) *a maximum of ten rural workers in total.*

Comment

Larger scale rural workers accommodation is considered to be appropriate where located in association with modern, labour intensive farming enterprises such as the fruit cropping on the subject site and adjacent rural properties (also owned by the applicant).

The proposed accommodation is considered to be consistent with the nature and scale of the Ontario Mango farming operation.

The accommodation will not be used to house workers not associated with the Ontario Mango farming operations.

The proposed development is considered to comply with PO13.

**Date Prepared:** 13 April 2021

## 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.

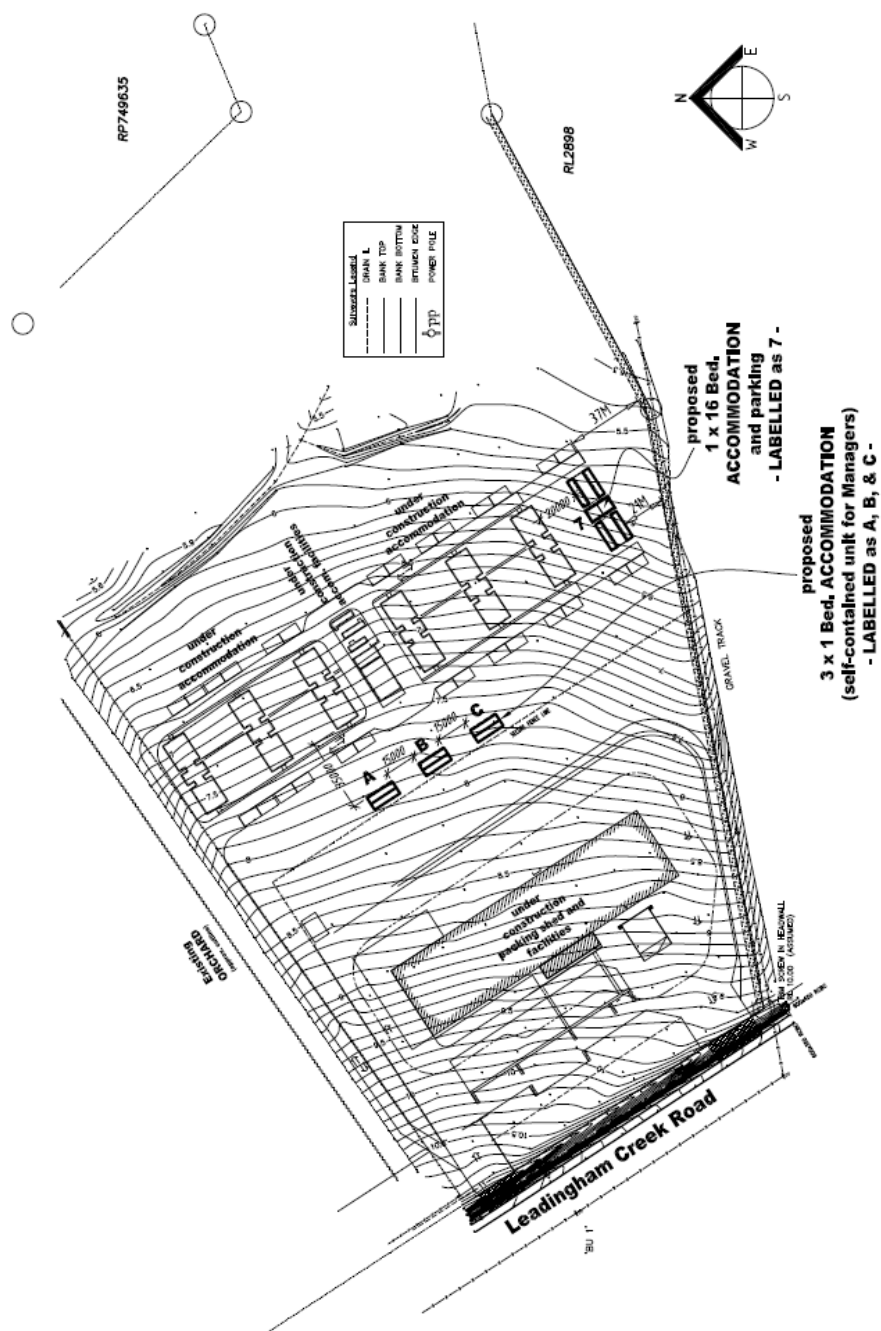
Dated the *13TH* day of *APRIL* 2021



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

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

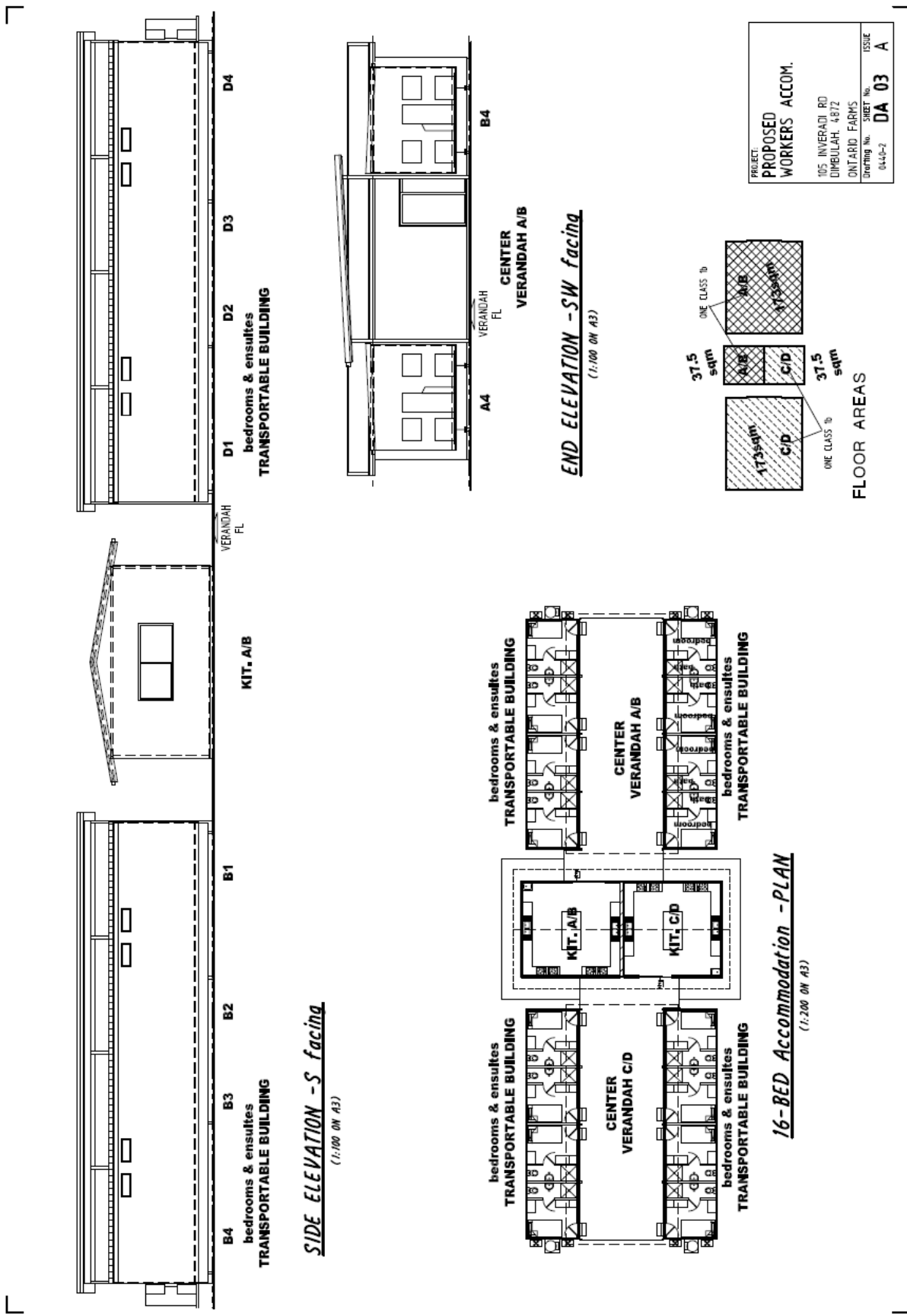
## PROPOSAL PLANS

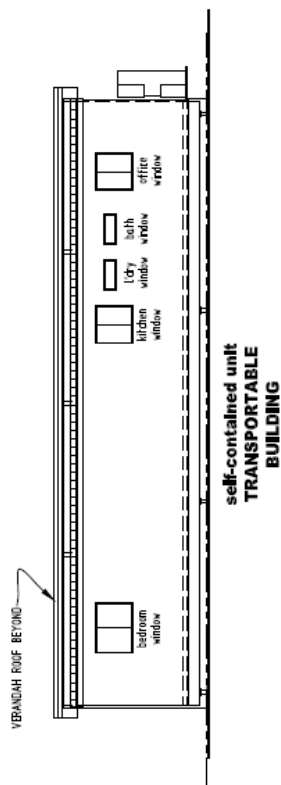


**SITE PLAN PROPOSED**  
(1:2000 ON A3)

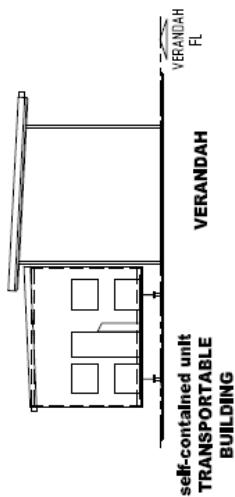
PROJECT	PROPOSED WORKERS ACCOM.
105 INVERADI RD DIMBULAH, 48172	
ONTARIO FARMS	
Drawing No.	SHEET No.
04-01-2	04 02
	ISSUE
	B



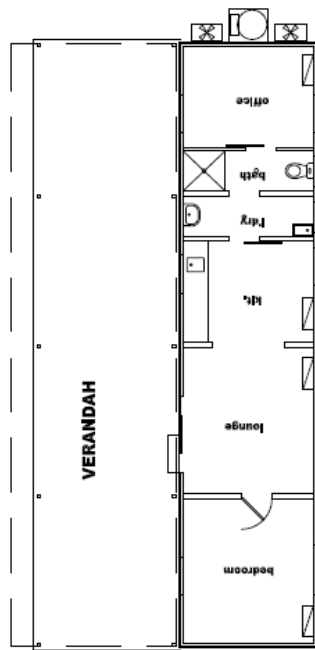




**REAR ELEVATION -SW facing**  
(1:100 ON A3)

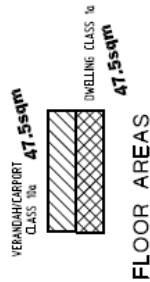


**END ELEVATION -SE facing**  
(1:100 ON A3)



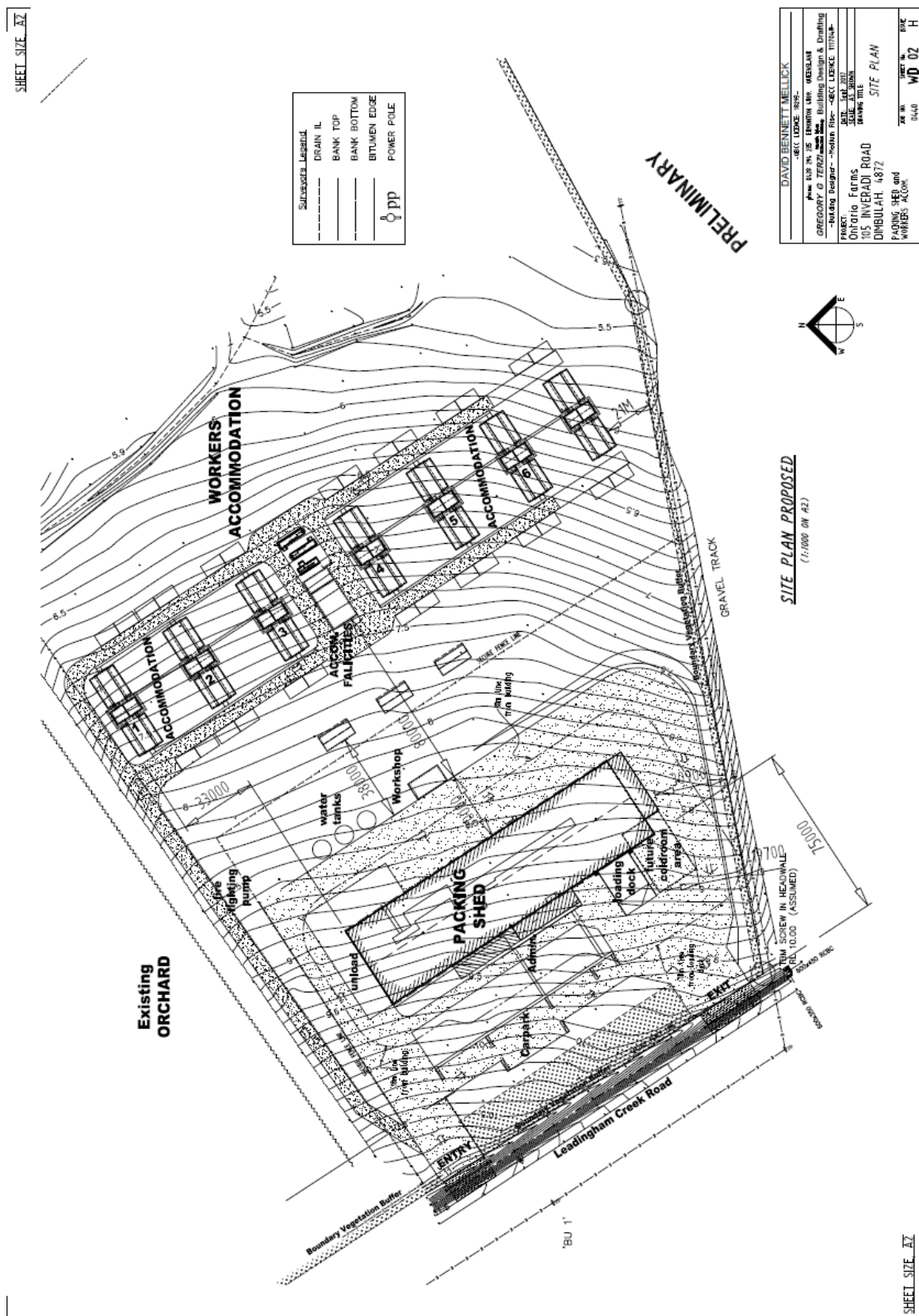
**self-contained unit TRANSPORTABLE BUILDING**

**1-BED Accommodation -PLAN**  
(1:100 ON A3)



**FLOOR AREAS**

PROJECT:	PROPOSED WORKERS ACCOM.
105 INVERADI RD	
DIMBULAH 4872	
ONTARIO FARMS	
Drawing No.	SHEET No.
0445-2	DA 04 A
ISSUE	





**PACKING SHED: Site Layout**  
(1:500 ON A2)

SHEET SIZE, A2

[illegible]

