DELEGATED REPORT

SUBJECT: DBC RSA HOLDINGS PTY LTD - MATERIAL CHANGE OF

USE - RURAL INDUSTRY (OFFICE) & RURAL WORKERS' ACCOMMODATION - LOT 50 ON HG806701 - 130 LEADINGHAM CREEK ROAD, DIMBULAH - MCU/21/0008

DATE: 19 May 2021

REPORT OFFICER'S

TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION			PREMISES	3
APPLICANT	DBC RSA Holdings Pty Ltd	ADDRESS	130	Leadingham
			Creek	Road,
			Dimbula	ah
DATE LODGED	7 May 2021	RPD	Lot 50 c	n HG806701
TYPE OF	Development Permit			
APPROVAL				
PROPOSED	Material Change of Use - Rural Industry (Office) and Rural Workers'			
DEVELOPMENT	Accommodation			

FILE NO	MCU/21/0008 AREA 113.4 hectares		tares	
LODGED BY	wildPLAN Pty Ltd	OWNER	DBC	RSA
			Holdings F	Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016			
ZONE	Rural zone			
LEVEL OF	Code Assessment			
ASSESSMENT				
SUBMISSIONS	n/a			

ATTACHMENTS: 1. Proposal Plan/s

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:

AP	PLICATION		PREMISES	3
APPLICANT	DBC RSA Holdings Pty Ltd	ADDRESS	130	Leadingham
			Creek	Road,
			Dimbula	h
DATE LODGED	7 May 2021	RPD	Lot 50 or	n HG806701
TYPE OF	Development Permit			
APPROVAL				
PROPOSED	Material Change of Use - Rural Industry (Office) and Rural Workers'			
DEVELOPMENT	Accommodation			

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 Industry (Office) and Rural Workers' Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0095 LEAD PRES 1	Site	Designer First Homes	-
0095 LEAD PRES 0	Cover	Designer First Homes	-
0095 LEAD PRES 1	Site Plan	Designer First Homes	-
0095 LEAD PRES 2	Presentation Floor Plan	Designer First Homes	-
0095 LEAD PRES 4	Elevations	Designer First Homes	-
Lot 0210 ELEM PRES 0	Cover	Designer First Homes	-
Lot 0210 ELEM PRES 1	Site	Designer First Homes	-
Lot 0210 ELEM PRES 2	Presentation Floor Plan	Designer First Homes	-
Lot 0210 ELEM PRES 4	Elevations	Designer First Homes	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

- 1. 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.

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.

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 6m² 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

- (i) The rural workers' accommodation is located generally in accordance with the setbacks identified on the approved plans.
- (ii) The rural industry (office) is located generally in accordance with the setbacks identified on the approved plans.
- (iii) Prior to the occupation of the rural workers' accommodation, the land owner must obtain a Flood Emergency Evacuation Plan for the rural workers' accommodation 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 workers' accommodation at all times.
- 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 wage/s records.

Note: Providing a worker/s and their immediate family (if any) with rent free or discounted accommodation in lieu of providing labour on the subject property is acceptable by Council, provided evidence of such an agreement can be supplied upon Council's request.

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 nonworsening effect on surrounding land as a consequence of the development.

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

- The applicant/developer must ensure that all car parking for the rural workers accommodation and rural industry occurs on site and not on adjoining road reserves.
- All car parking spaces and trafficable areas must be at minimum gravel surfaced and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- All car parking spaces and internal driveways must be constructed in (c) 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.
- All parking spaces and trafficable areas must be maintained in good order (d) 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.

Non-Reticulated Water Supply 4.4

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.

ASSESSMENT MANAGER'S ADVICE (D)

- A number of other charges or payments may be payable as conditions of approval. (a) The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) Compliance with applicable codes/policies

Document Set ID: 3953836

Version: 1, Version Date: 20/05/2021

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) RELEVANT PERIOD

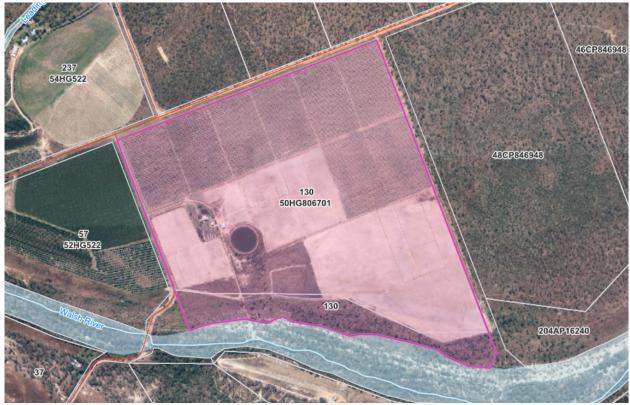
When approval lapses if development not started (s.85)

- Material Change of Use six (6) years (starting the day the approval takes effect);
- (F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
 - Development Permit for Building Work
- (G) OTHER APPROVALS REQUIRED FROM COUNCIL
 - Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject site is situated at 130 Leadingham Creek Road, Dimbulah and is described as Lot 50 on HG806701. The site is irregular in shape with a total area of 113.4 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The majority of the site is further mapped as Class A and Class B agricultural land.

The site contains 870 metres of frontage to Leadingham Creek Road which is constructed to bitumen sealed standard. Access is gained from Leadingham Creek Road via an established crossovers. The site also contains approximately 960 metres of frontage to Metzger Road and 1.3 kilometres of frontage to unnamed road reserve along the eastern boundary.



Map Disclaimer:

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



Map Disclaimer:

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

The Walsh River is located approximately 200 metres south of the site.

The site is currently improved by a dwelling house and ancillary structures associated with a citrus cropping enterprise established on the premises.

The locality of the site is predominantly rural. Two (2) dams are located on the site, which provide a water source to the benefit of the premises.

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 (Office) and Rural Workers' Accommodation in accordance with the plans shown in **Attachment 1**.

The applicant describes the proposed use as follows:

"The Applicant seeks a Development Permit for Material Change of Use to facilitate the establishment of Rural Workers' Accommodation and Rural Industry (in the form of an 'office') on the premises.

The development is proposed to be located in the south-west of the site, maintaining the agricultural efficiencies of the site to the benefit of the established cropping enterprise. A distance of approximately 20 metres separates the proposed buildings.

The Rural Workers' Accommodation is proposed in the form of a self-contained, single storey building reflective of a typical dwelling, featuring four (4) bedrooms and a double garage.

Consistent with the definition provided by the Planning Scheme, the Rural Workers' Accommodation will be used as quarters for staff employed in the use of land for rural purposes, conducted on the premises. The proposed Rural Workers' Accommodation will accommodate up to four (4) persons, which may comprise workers or the family of workers at any one time.

The proposed Rural Industry development has regard to the establishment of an 'office', which is ancillary to the rural use (cropping) undertaken on the site. The 'office' incorporates a boardroom, reception and office space, in the form of a single-story building that is complementary to the Rural Workers' Accommodation."

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:

• Wetland Area of General Ecological Significance

Terrestrial Area of General Ecological Significance

PLANNING SCHEME DESIGNATIONS

Strategic Framework:

Land Use Categories

Rural Agricultural Area

Rural other

Zone: Rural zone

Agricultural Land Overlay Bushfire Hazard Overlay Flood Hazard Overlay

Transport Infrastructure Overlay

Planning Scheme Definitions

Overlays:

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	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.	Packing shed	Intensive animal husbandry, intensive horticulture, roadside stall, wholesale nursery, winery, abattoir, agricultural supply store
Rural workers' accommodation	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.	Farm workers' accommodation	Short-term accommodation, caretaker's accommodation, dual occupancy, dwelling house, nature or rural based tourist accommodation, non- resident workforce accommodation, multiple dwellings

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 Bushfire hazard overlay code 8.2.3 8.2.6 Flood hazard overlay code 9.3.1 Accommodation activities code Rural activities code 9.3.6 9.4.2 Landscaping code Parking and access code 9.4.3
- 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Flood hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:
	AO10.1AO10.3
	The development has been conditioned to meet the higher order performance outcome PO10.
	Refer to planning discussion section of report.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Rural activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
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

Technical Services.

PLANNING DISCUSSION

Compliance with Performance Outcome PO10 of the Flood Hazard Ovelay Code is discussed below:

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.

AO10.1

Buildings, including extensions to existing buildings are:

- (a) elevated above the defined flood level; and
- (b) the defined flood event does not exceed a depth of 600mm; and
- (c) elevated above the defined flood level plus 0.3 metres freeboard where for habitable rooms within a dwelling.

AO10.3

All building work below the defined flood level must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.

Comment

The site is mapped as being within a Potential Flood Hazard Area and not within a modelled flood hazard area (therefore, the level of potential inundation on the site is not known).

The siting of proposed buildings is understood to be based on the Applicant's knowledge of the site and its history with respect to flooding.

The Rural Industry ('office') is proposed to have a Finished Floor Level (FFL) of 466.4 metres. The Worker's Accommodation is proposed to have a FFL of 466.7. For context, the Walsh River water line has been surveyed at 457.21m AHD (as at the date of survey / site plan preparation), with the Leadingham Creek Bridge deck at 460m AHD. The Walsh River is located approximately 216 metres from the proposed Rural Worker's Accommodation.

The FFL of the development is therefore approximately 6.4 metres above the height of the bridge and greater than 9 metres above the height of the water line.

The Applicant has advised that they will accept a condition of approval requiring the preparation of a Flood Emergency Evacuation Plan 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 will be conditioned to be prominently displayed at all times.

Date Prepared: 19 May 2021

DECISION BY DELEGATE

DECISION

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

Dated the 1974 day of MAY 2021

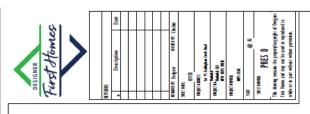
BRIAN MILLARD SENIOR PLANNER

ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS SITING TO BE CONFIRMED ONSITE BY CONTRACTOR AND CLIENT CONTRACT SET

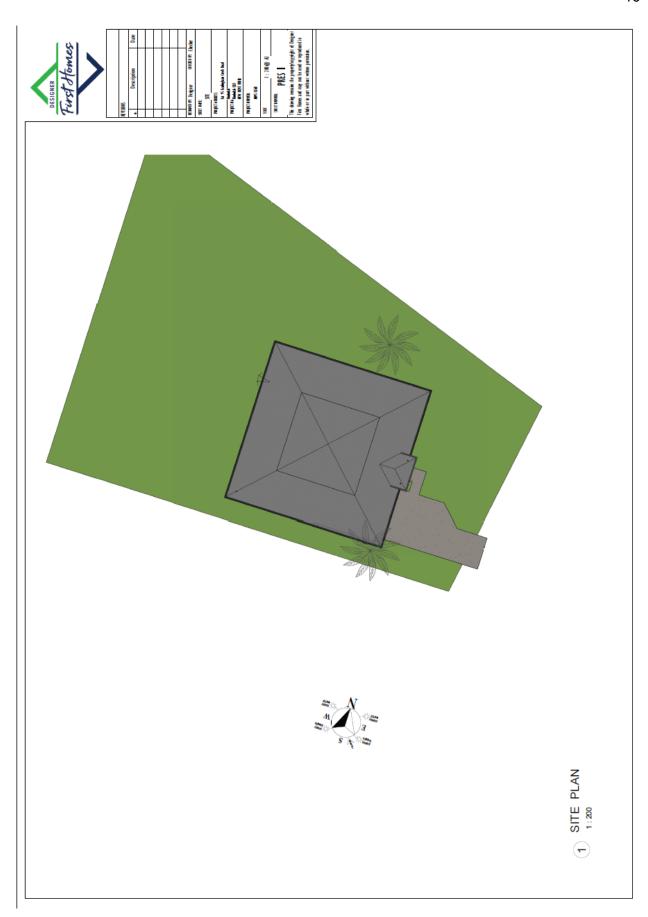


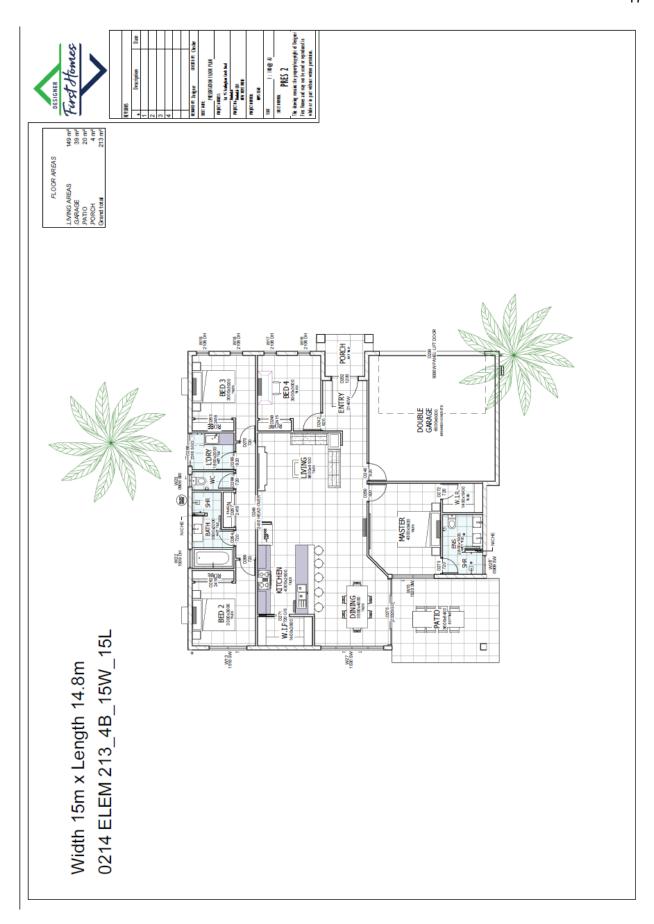


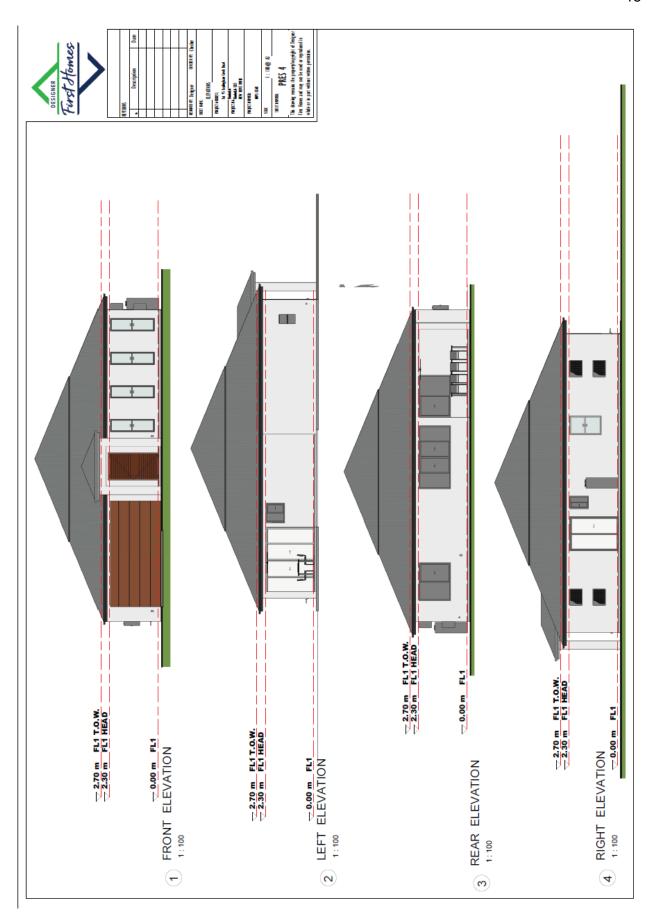
PROPOSED RESIDENCE

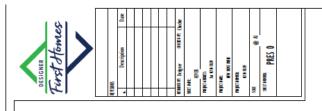
Wim Van Nierkerk

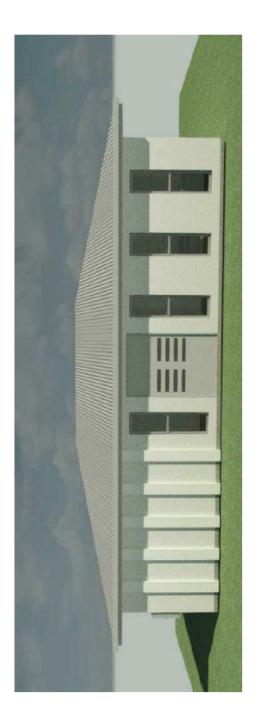
Lot 50 Leadingham Creek Road Dimbulah











RURAL INDUSTRY ('OFFICE')

Wim Van Niekerk

Lot 50 Leadingham Creek Road

Dimbulah

This drawing remains the property/copyright of Designer First Homes and may not be used or reproduced in whole or in part without written permission.

