

DELEGATED REPORT

SUBJECT: ROMEO FARMS PTY LTD - MATERIAL CHANGE OF USE -
RURAL WORKERS' ACCOMMODATION - LOT 234 ON HG279
- 132 FUMAR ROAD, MUTCHILBA - MCU/21/0010

DATE: 28 May 2021

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Romeo Farms Pty Ltd	ADDRESS	132 Fumar Road, Mutchilba
DATE LODGED	24 May 2021	RPD	Lot 234 on HG279
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Rural Workers' Accommodation		

FILE NO	MCU/21/0010	AREA	40.241 hectares
LODGED BY	Planning Plus	OWNER	Romeo Farms 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

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	Romeo Farms Pty Ltd	ADDRESS	132 Fumar Road, Mutchilba
DATE LODGED	24 May 2021	RPD	Lot 234 on HG279
TYPE OF APPROVAL	Development Permit		
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and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Rural Workers' Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan	Queensland Globe	20/5/2021
21-016 BD.02 A	Proposed Floor Plan	Thirkell	22/04/2021
21-016 S.04 P1	Section - A	Thirkell	01/04/2021
21-016 S.05 A	Section - B	Thirkell	01/04/2021
21-016 S.06 A	Section - C	Thirkell	01/04/2021
21-016 S.09 B	Elevations	Thirkell	22/04/2021
21-016 S.10 B	Elevations	Thirkell	22/04/2021
21-016 S.11 B	Footing and Roof Framing Plans	Thirkell	22/04/2021
21-016 S.12 A	BBQ Area - Sections & Details	Thirkell	22/04/2021
204281/HS002/A	Hydraulic Services Site Plan	Gilboy Hydraulic Solutions	18/05/21

(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 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.

- 3.8 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.*

- 3.9 The rural workers accommodation facility shall accommodate a maximum of 49 rural workers at any one time.

4. Infrastructure Services and Standards

4.1 Access

The access crossover/s servicing the development must be upgraded/constructed (from the edge of Fumar Road to the property boundary) in accordance with FNQROC Development Manual standards, 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 at minimum gravel surfaced 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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural

heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(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 132 Fumar Road, Mutchilba and is described as Lot 234 on HG279. The site is irregular in shape with a total area of 40.241 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site contains 570 metres of frontage to Fumar Road which is constructed to bitumen sealed standard. Fumar Road bisects the site into a eastern and western portion. Access is gained from Fumar Road via established crossovers.

The majority of the site is mapped as Class A agricultural land and is generally flat and cleared of vegetation. Horse Creek is located adjacent to the western boundary of the site.

The site is currently improved by a dwelling, several small sheds and a large barracks which was historically used for the drying of tobacco but has been fitted out for workers accommodation. An ablutions block exists to the south of the barracks. All structures are located on the western portion of the site.

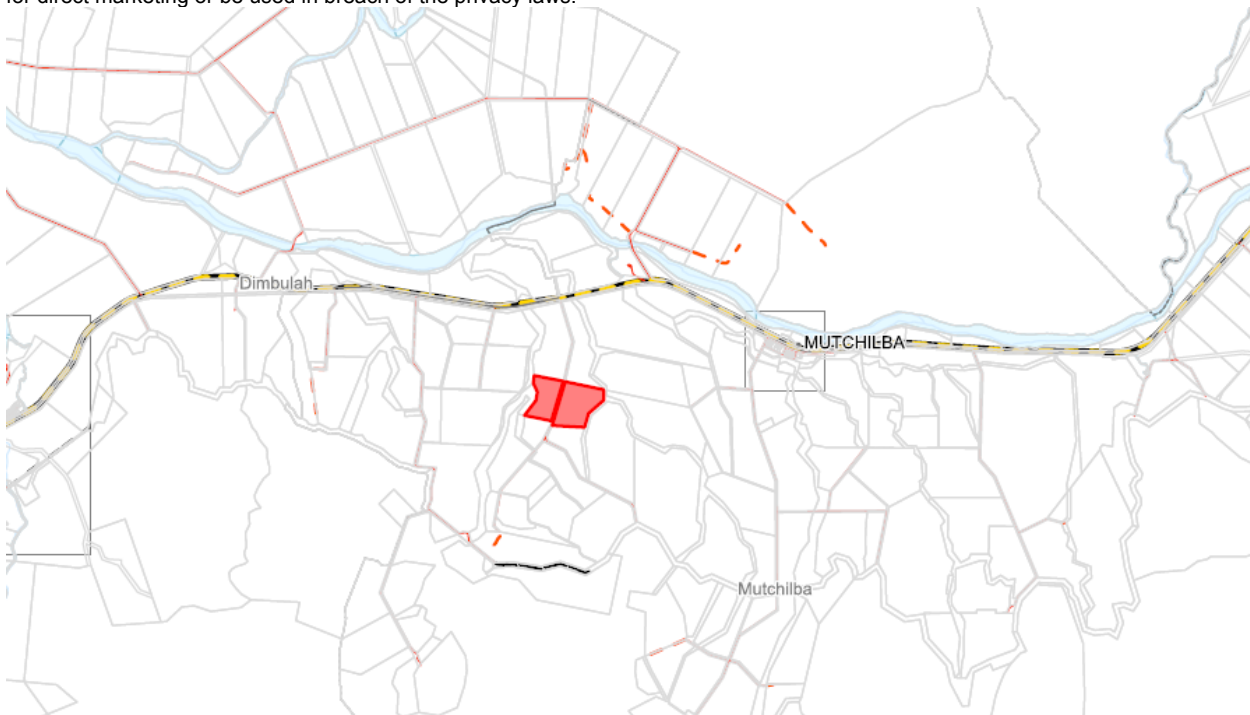
The site is used for grape production, together with the adjoining lots to the north and south, which are also owned by the applicant.

The locality of the site is predominantly rural.



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 Workers' Accommodation in accordance with the plans shown in **Attachment 1**.

The proposal seeks to establish a living quarters for 49 rural workers within a renovated barracks structure of approximately 800m² GFA, comprising:

- Four (4) bedrooms comprising double beds;
- 17 bedrooms comprising double bunk beds;
- Seven (7) bedrooms comprising single beds;
- 16 toilets and 16 showers;
- Communal kitchen and indoor dining and recreation areas;
- Gym and church; and
- Outdoor BBQ area.

The applicant confirms that workers residing onsite will work exclusively at Romeo Farms' table grapes farming operations on the subject site and nearby properties.

Onsite effluent disposal has been addressed as part of a hydraulic design package prepared by Gilboy Hydraulic Solutions. Based on the proposed system design, which includes separate greywater and blackwater systems, the daily peak design capacity of sewerage treatment works remains under 21 equivalent persons (EP), meaning referral to the Department of Environment and Science (DES) for ERA 63 is not required.

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:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories
	<ul style="list-style-type: none"> • Rural Agricultural Area • Rural other
Zone:	Rural zone
	Agricultural Land Overlay
	Bushfire Hazard Overlay
Overlays:	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 workers' accommodation	<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
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard 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"> ▪ Acceptable Outcome AO3.1 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.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Flood hazard 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"> ▪ Acceptable Outcome AO13.1 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

Technical Services

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 100m²; or*
- (c) *Rural worker's accommodation.*

Comment

The proposed development is for the conversion of an established farm shed/barracks to rural workers' accommodation. The rural workers' accommodation will accommodate up to 49 rural workers.

The rural workers' accommodated by this facility will also service the applicant's other farms, some of which adjoin the subject site.

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 (grape growing).

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 grape growing 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 Romeo Farms farming operation.

The accommodation will not be used to house workers not associated with the Romeo Farms farming operations.

The proposed development is considered to comply with PO13.

Date Prepared: 28 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 28TH day of MAY. 2021



BRIAN MILLARD
SENIOR PLANNER



ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS

A product of
Queensland Globe



Legend located on next page



Scale: 1:6666

Printed at: A3

Print date: 20/01/2021

Datum: Geocentric Datum of Australia 1984

Projection: Web Mercator EPSG:3857

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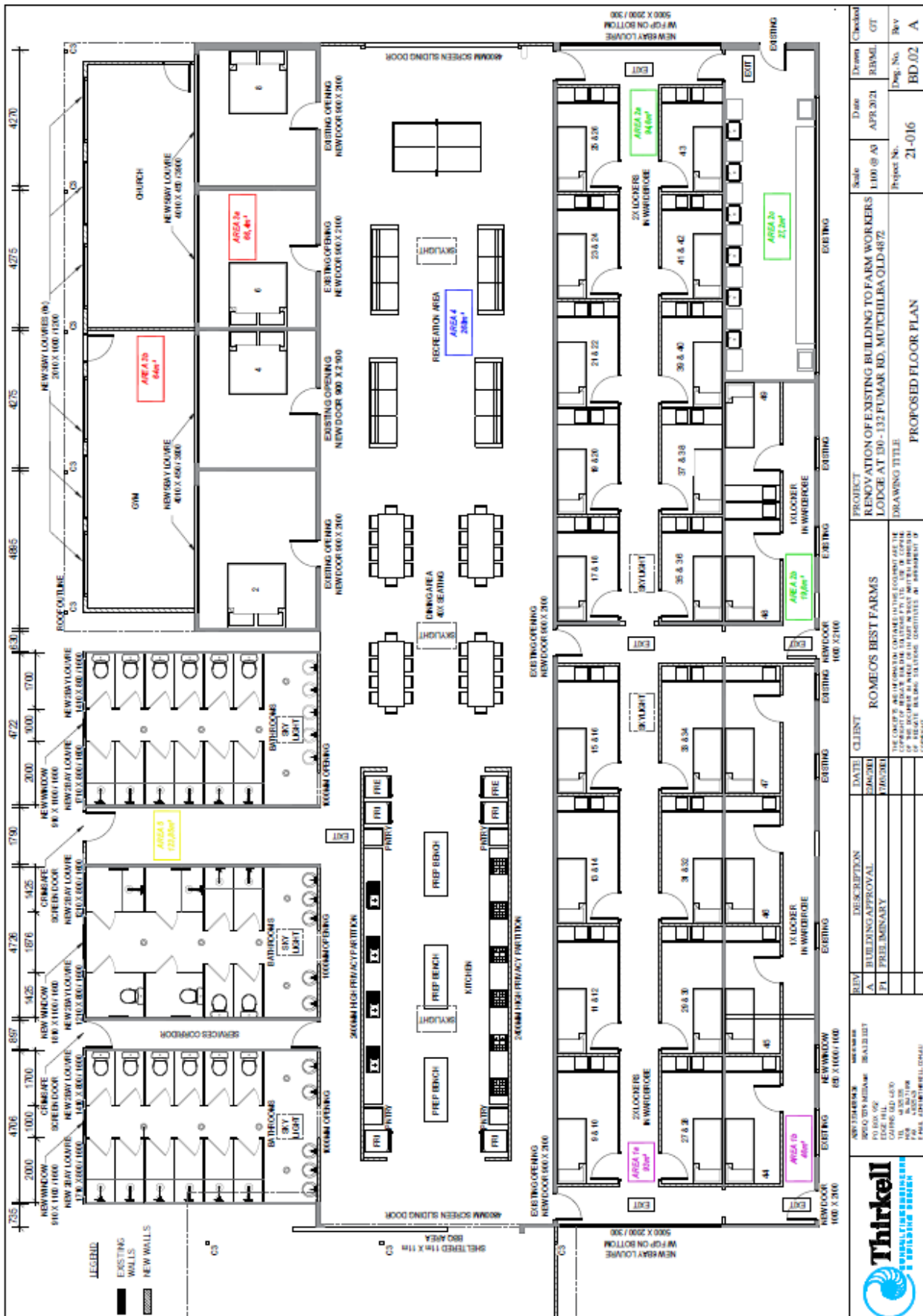
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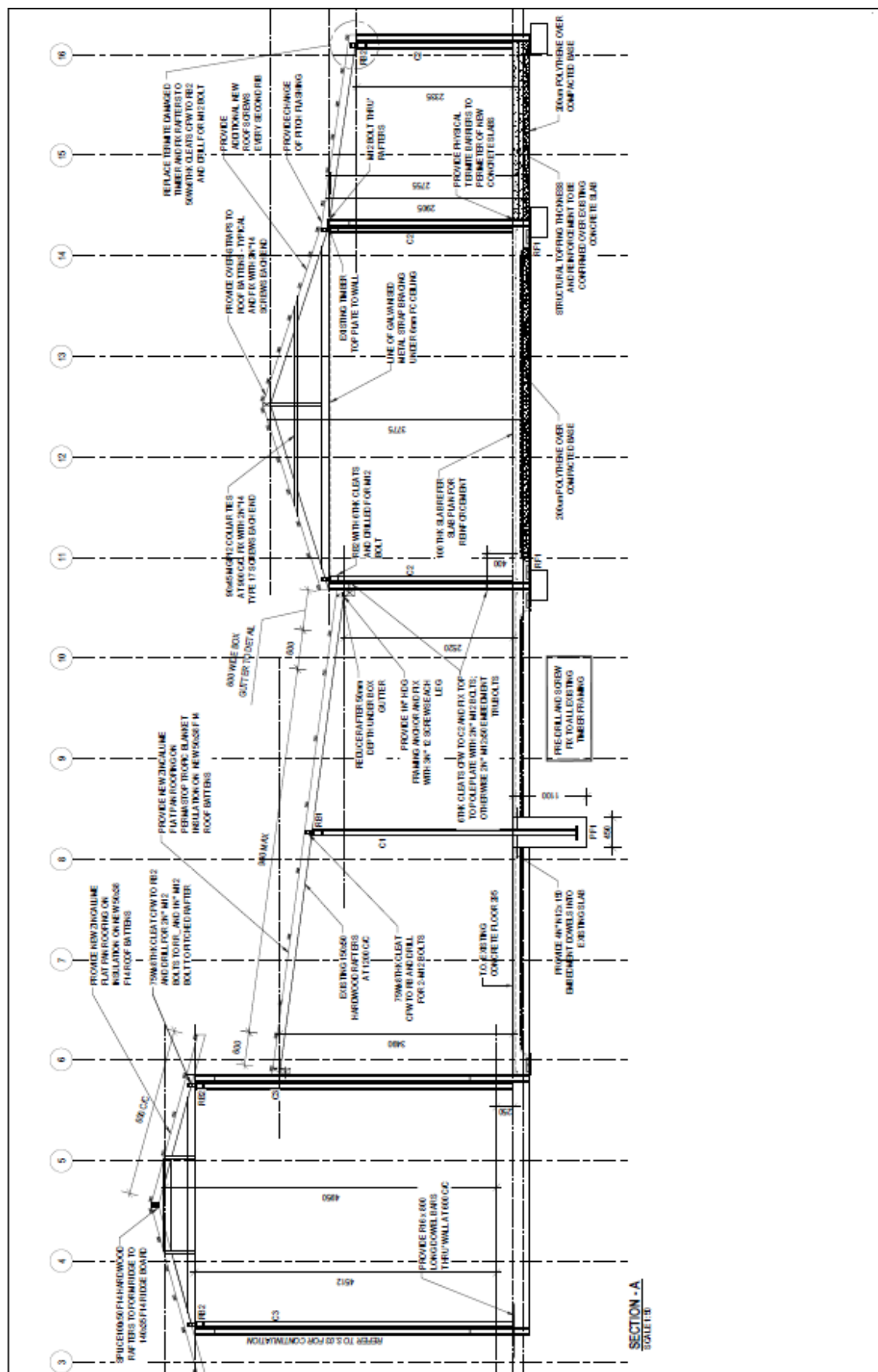
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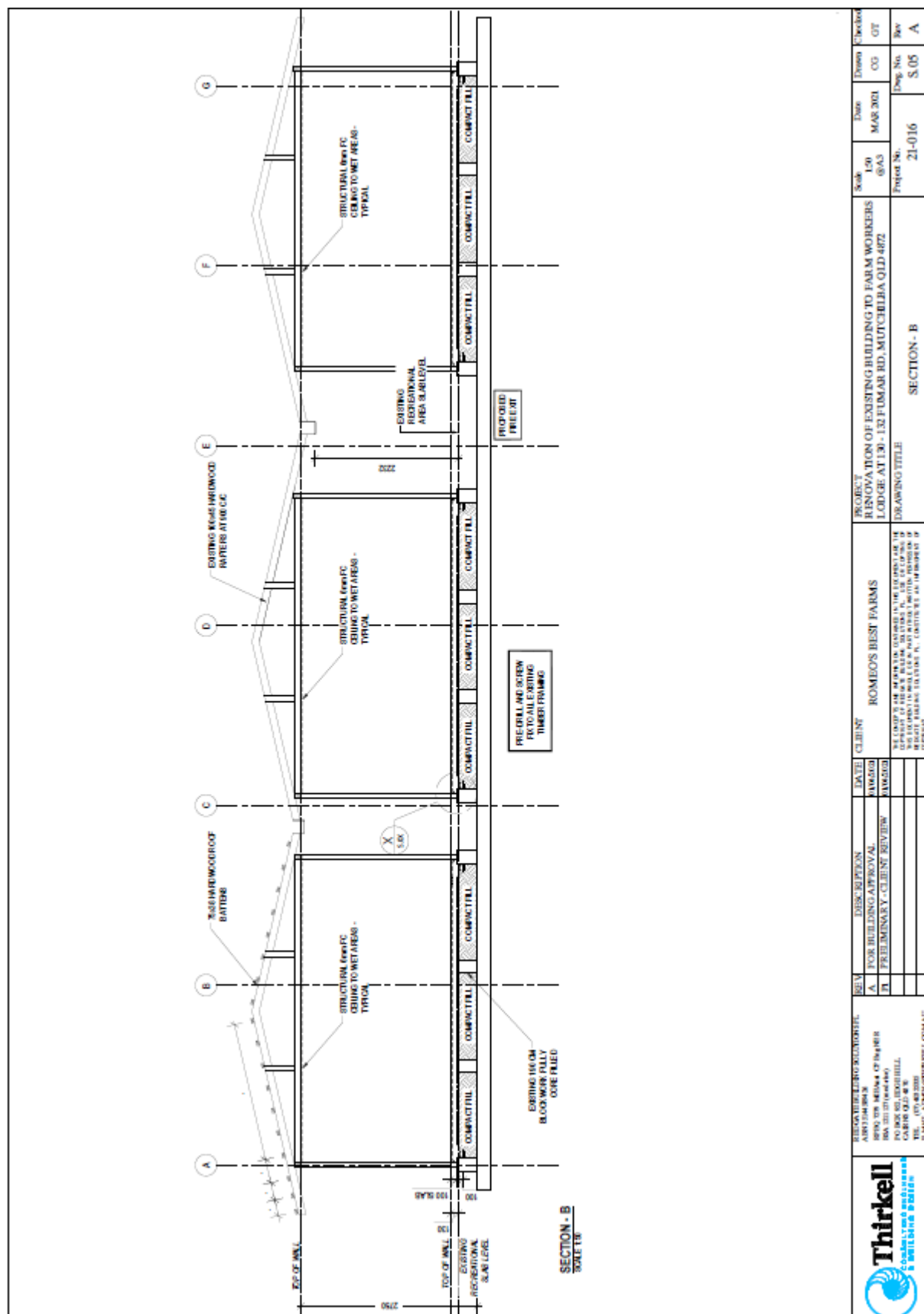
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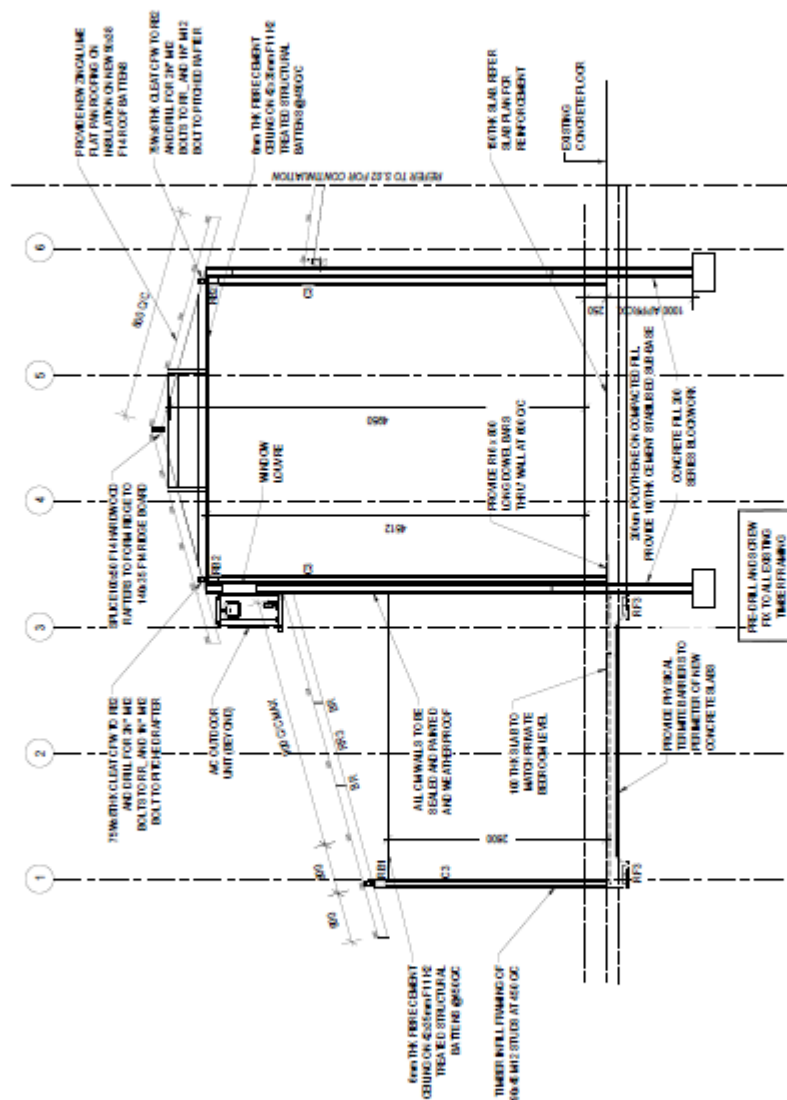







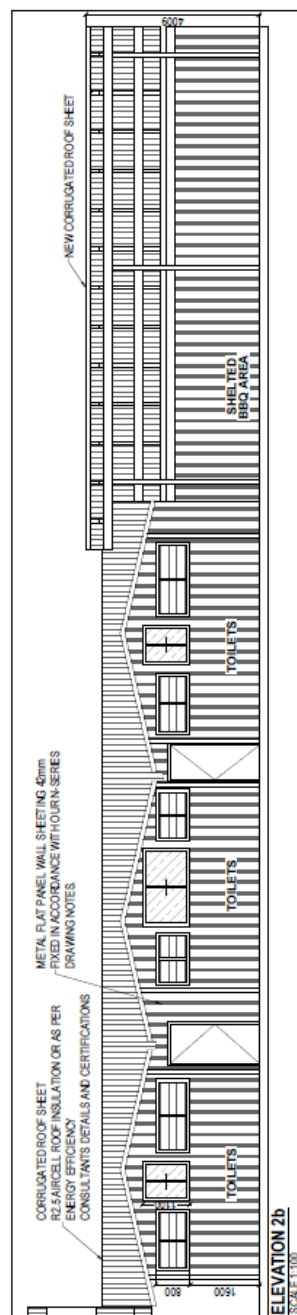
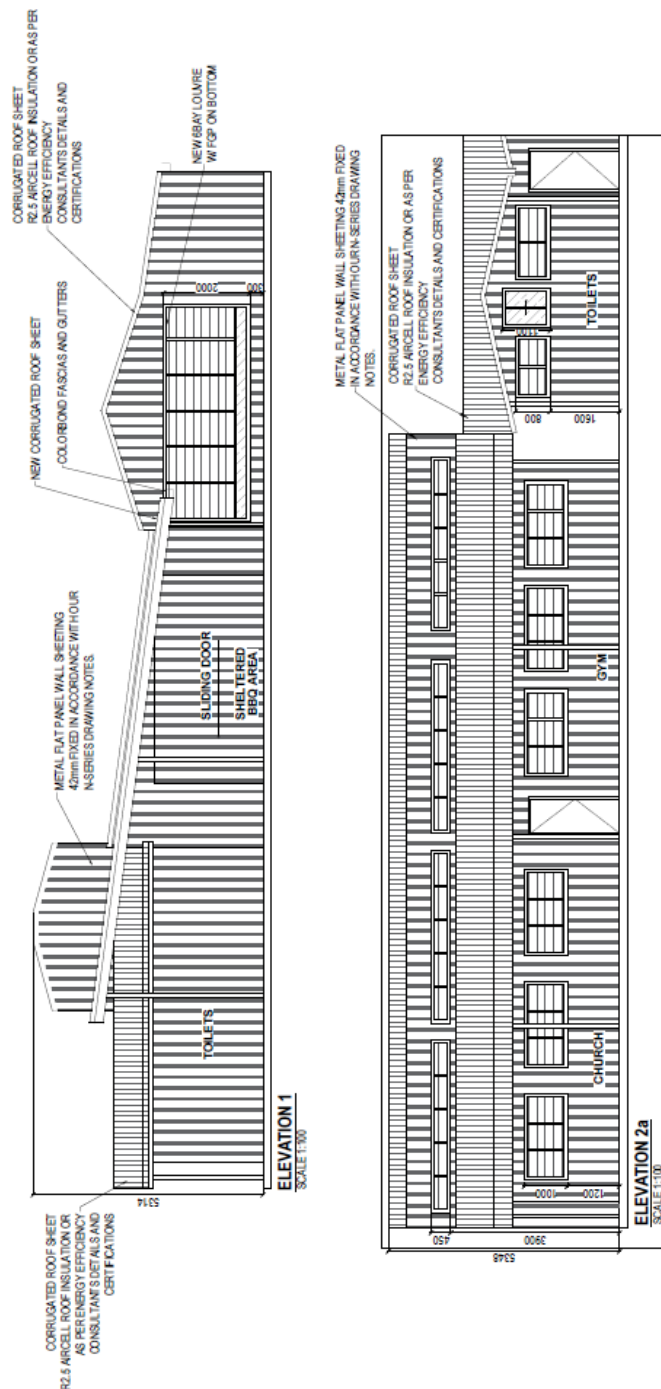



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C2: 254 C36 B18 POST
C3: 84 C36 B18 POST
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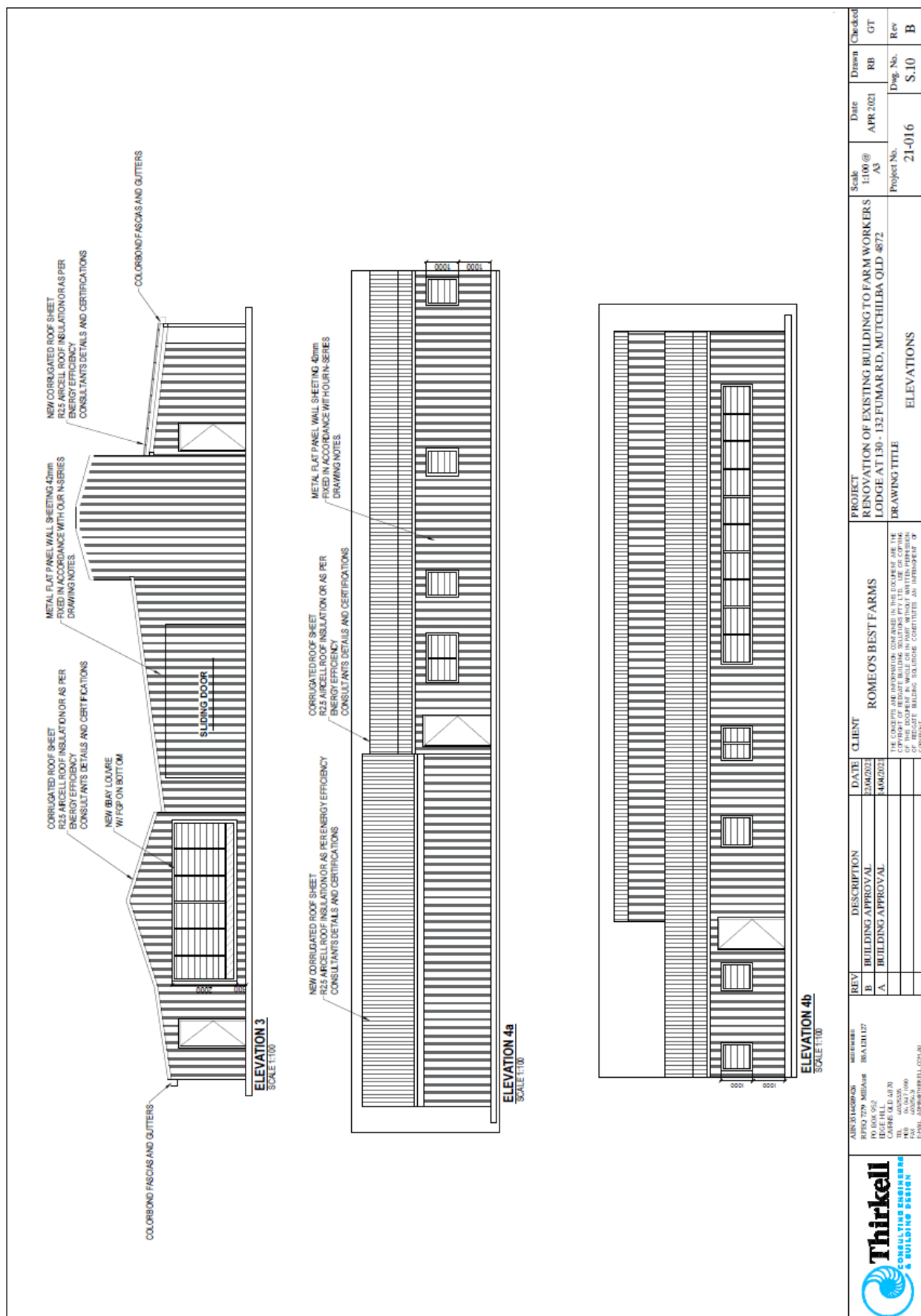


SECTION - C
SCALE 1:50

 Thirkell A subsidiary of Architects & Engineers 5 MILL LANE • B2512B	RINGDALE BUILDING MATERIALS 40011-204 804-8 35100 27th MEADOW of the MEER PO BOX 278 MEDINA (w) 50348 PO BOX 651, DODGEVILLE CARROLL COUNTY, IA TEL: (715) 401-2330		ITEM A. FOR BUILDING APPROVAL P. PRELIMINARY CLIENT REVIEW	DESCRIPTION FOR BUILDING APPROVAL PRELIMINARY CLIENT REVIEW	DATE 1/14/2018 1/14/2018	CLIENT ROMEO'S BEST FARMS	PROJECT RENOVATION OF EXISTING BUILDING TO FARM WORKERS LODGE AT 130 - 132 FUMAR RD, MUTCHILBA QLD 4072	Scale AS SHOWN @AS	Date MAR 2021	Drawn CG	Checked GT
	PROJECT TITLE SECTION - C		Project No. 21-016	Drawg No. S.06	Rev A						



 Thirkell CONSULTING ENGINEERS & BUILDING DESIGN		AUBUS 25/10/2020 12:26 RPTD 27/09 2020/AUS PO BOX 952 EGG HILL GARRIB (AUBUS) TEL 06 455 3330 FAX 06 455 3333 EMAIL thirkell@thirkell.com.au		REV	DESCRIPTION	DATE	CLIENT	PROJECT RENOVATION OF EXISTING BUILDING TO FARM WORKERS LODGE AT 130 - 132 FUMAR RD, MUTCHILBA QLD 4872		Scale 1:100 @ A3	Date APR 2021	Drawn RB	Checked GT
		B	BUILDING APPROVAL	23/04/2020			ROMEOS BEST FARMS THE CONCEPT AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE PROPERTY OF THIRKELL CONSULTING ENGINEERS & BUILDING DESIGN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT WRITTEN PERMISSION OF THIRKELL CONSULTING ENGINEERS & BUILDING DESIGN.	PROJECT No. 21-016	DRAWING TITLE ELEVATIONS				Rev B
		A	BUILDING APPROVAL	14/02/2021									



LEGEND

C3: 100x4 C350RHS

RB1: 200x100x4 RHS

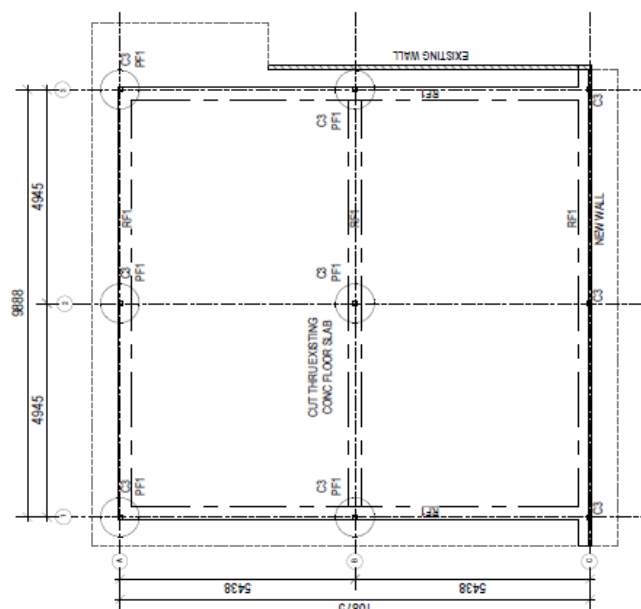
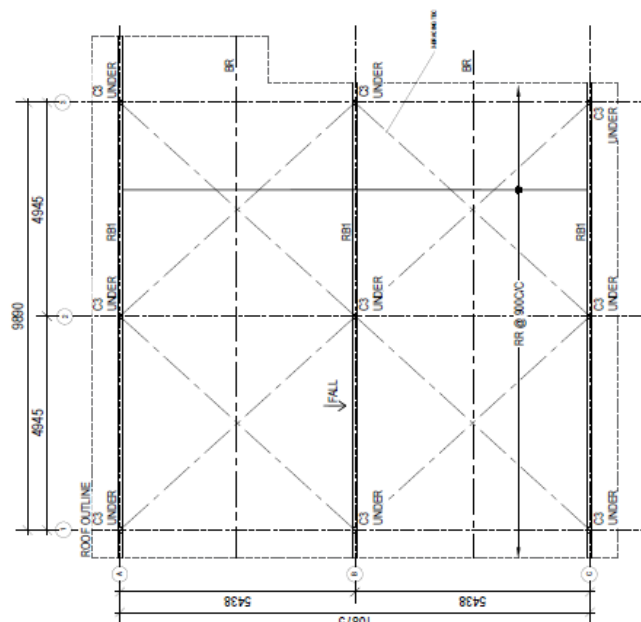
RR: 200x15 ROOF RAFTER
W/ 1 ROW OF BRIDGING

BR: BRIDGING

PF1: 450Dx500 DP PER FOOTING

RF1: 300x300x600 DP FOOTING

NOTE:

ALL DIMENSIONS MUST BE
CONFIRMED ON SITE BEFORE
ORDERING MATERIALS OR THE
COMMENCEMENT OF CONSTRUCTIONBBQ AREA FOOTING + COLUMNS PLAN
SCALE 1:100BBQ AREA ROOF FRAMING PLAN
SCALE 1:100

AKIN STAGROGAN
RFD 729 MELBOURNE
VIC 3048
TEL 03 9555 0000
FAX 03 9555 0000
EMAIL: AKIN@THIRKELL.COM.AU

REV DESCRIPTION

B BUILDING APPROVAL
A BUILDING APPROVAL

DATE

23/04/2021
4/04/2021

CLIENT

ROMEO'S BEST FARMS
THE CLIENTS ARE ADVISING THAT THE USE OF THE DRAWING FOR THE
CONSTRUCTION OF THE BUILDING IS THE SOLE RESPONSIBILITY OF THE
CLIENT. THE CLIENTS ARE ADVISED THAT THE DRAWING IS NOT TO BE
USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION
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PROJECT
RENOVATION OF EXISTING BUILDING TO FARM WORKERS
LODGE AT 130 - 132 FUMAR RD, MUTHILBA QLD 4872

Scale AS
SHOWN
@ A3

Date
APR 2021

Checked
GT

Drawn
RB

Project No.
21-016

Dwg. No.
S.11

Rev
B

Drawing Title
FOOTINGS AND ROOF FRAMING PLANS

