

DELEGATED REPORT

SUBJECT: **G & D NUCIFORA - MATERIAL CHANGE OF USE - RURAL WORKERS' ACCOMMODATION - LOT 42 ON SP188097 - 304 BOWER ROAD, PADDYS GREEN - MCU/21/0016**

DATE: 3 August 2021

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	G & D Nucifora	ADDRESS	304 Bower Road, Paddys Green
DATE LODGED	26 July 2021	RPD	Lot 42 on SP188097
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Rural Workers' Accommodation		

FILE NO	MCU/21/0016	AREA	1.797 hectares
LODGED BY	TS Adil & Associates	OWNER	G Nucifora
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	G & D Nucifora	ADDRESS	304 Bower Road, Paddys Green
DATE LODGED	26 July 2021	RPD	Lot 42 on SP188097
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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	-	-
8011 Sheet 1 of 18 A	Site Plan Pre_Development Contours	TS Adil & Associates	-
8011 Sheet 2 of 18 A	Bulk Earthworks Plan Sheet 1 of 2	TS Adil & Associates	-
8011 Sheet 3 of 18 A	Buildings Layout Plan Sheet 2 of 2	TS Adil & Associates	-
8011 Sheet 4 of 18 A	Accommodation Units Plan Sheet 1 of 5	TS Adil & Associates	-
8011 Sheet 5 of 18 A	Accommodation Units - Elevations & Sections Sheet 2 of 5	TS Adil & Associates	-
8011 Sheet 6 of 18 A	Accommodation Units - Elevations & Sections Sheet 3 of 5	TS Adil & Associates	-
8011 Sheet 7 of 18 A	Accommodation Units - Elevations & Sections Sheet 4 of 5	TS Adil & Associates	-
8011 Sheet 8 of 18 A	Accommodation Units - Elevations & Sections Sheet 5 of 5	TS Adil & Associates	-

8011 Sheet 9 of 18 A	Ablution Facilities - Plan Sheet 1 of 5	TS Adil & Associates	-
8011 Sheet 10 of 18 A	Ablution Facilities - Elevations Sheet 2 of 5	TS Adil & Associates	-
8011 Sheet 11 of 18 A	Ablution Facilities - Elevations Sheet 3 of 5	TS Adil & Associates	-
8011 Sheet 12 of 18 A	Ablution Facilities - Elevations Sheet 4 of 5	TS Adil & Associates	-
8011 Sheet 13 of 18 A	Water Supply Stormwater Drainage Plan Sheet 1 of 1	TS Adil & Associates	-
8011 Sheet 14 of 18 A	Dining/Rec Facilities - Plan Sheet 1 of 5	TS Adil & Associates	-
8011 Sheet 15 of 18 A	Dining/Rec Facilities - Elevations Sheet 2 of 5	TS Adil & Associates	-
8011 Sheet 16 of 18 A	Dining/Rec Facilities - Elevations Sheet 3 of 5	TS Adil & Associates	-
8011 Sheet 17 of 18 A	Dining/Rec Facilities - Slab Details Sheet 4 of 5	TS Adil & Associates	-
8011 Sheet 18 of 18 A	Dining/Rec Facilities - Slab Details Sheet 5 of 5	TS Adil & Associates	-
204343/HS002/P2	Hydraulic Services Site Plan	Gilboy Hydraulic Solutions	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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.
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 48 rural workers at any one time.

4. Infrastructure Services and Standards

4.1 Access

The access crossover/s servicing the development must be constructed (from the edge of Bower 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.

(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
- Access approval arising from condition number 4.1

THE SITE

The subject site is situated at 304 Bower Road, Paddys Green and is described as Lot 42 on SP188097. The site is irregular in shape with an area of 1.797 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 215 metres of frontage to Bower Road which is constructed to bitumen sealed standard. Access is gained from Bower Road via an established sealed crossover.

The site is improved by a dwelling house located near the northern corner of the property. The site is cleared and slopes generally towards the north-east.

The site adjoins Lot 41 on SP188097 which is owned by the same applicant. Together, Lots 41 and 42 comprise contiguous lots totalling 71.157 hectares. Lot 41 is a developed mango plantation and includes ancillary buildings including a care-takers dwelling and packing shed.

The subject site is connected to the following infrastructure services:

- Ergon Energy electricity supply;
- SunWater channel irrigation and domestic water supply;
- Telecommunications infrastructure; and
- Local road network.

The locality of the site is predominantly rural with mixed agricultural and extractive industry (sand) uses.



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 48 rural workers within a new purpose built facility comprising:

- Twenty-four (24) bedrooms comprising 2 single beds each;
- 10 toilets and 10 showers;
- Communal kitchen and indoor dining and recreation areas;
- Outdoor BBQ areas.

The applicant confirms that workers residing onsite will work exclusively at G&D Nucifora's 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' does not identify the site as being of any significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Natural Resources Element
Zone:	<ul style="list-style-type: none"> • <i>Key Resource Area</i>
Overlays:	Rural zone Extractive Resources 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
<i>Rural workers' accommodation</i>	<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
- 8.2.2 Airport environs overlay code
- 8.2.5 Extractive resources 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.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Extractive resources 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

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.

(f) Additional Trunk Infrastructure Condition

The proposed development is for a 48 bed rural workers accommodation to support a large mango growing operation established on the subject site and adjoining Lot 41.

Currently, rural workers are also sourced off-site when required, travelling to and from the site daily.

Accommodating rural workers on site will result in an overall decrease in vehicle traffic associated with the mangoes operation. As such, an additional trunk infrastructure condition is not considered necessary in this instance.

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 construction of a new purpose built accommodation facility to accommodate up to 48 rural workers.

The rural workers' accommodated by this facility will service the applicant's mango orchard which is established over Lots 41 and 42 on SP188097.

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 (mango 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 mango orchard 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 applicant's farming operation.

The accommodation will not be used to house workers not associated with the applicant's farming operations.

The proposed development is considered to comply with PO13.

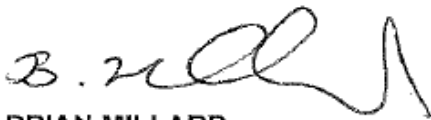
Date Prepared: 3 August 2021

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 30 day of AUGUST 2021

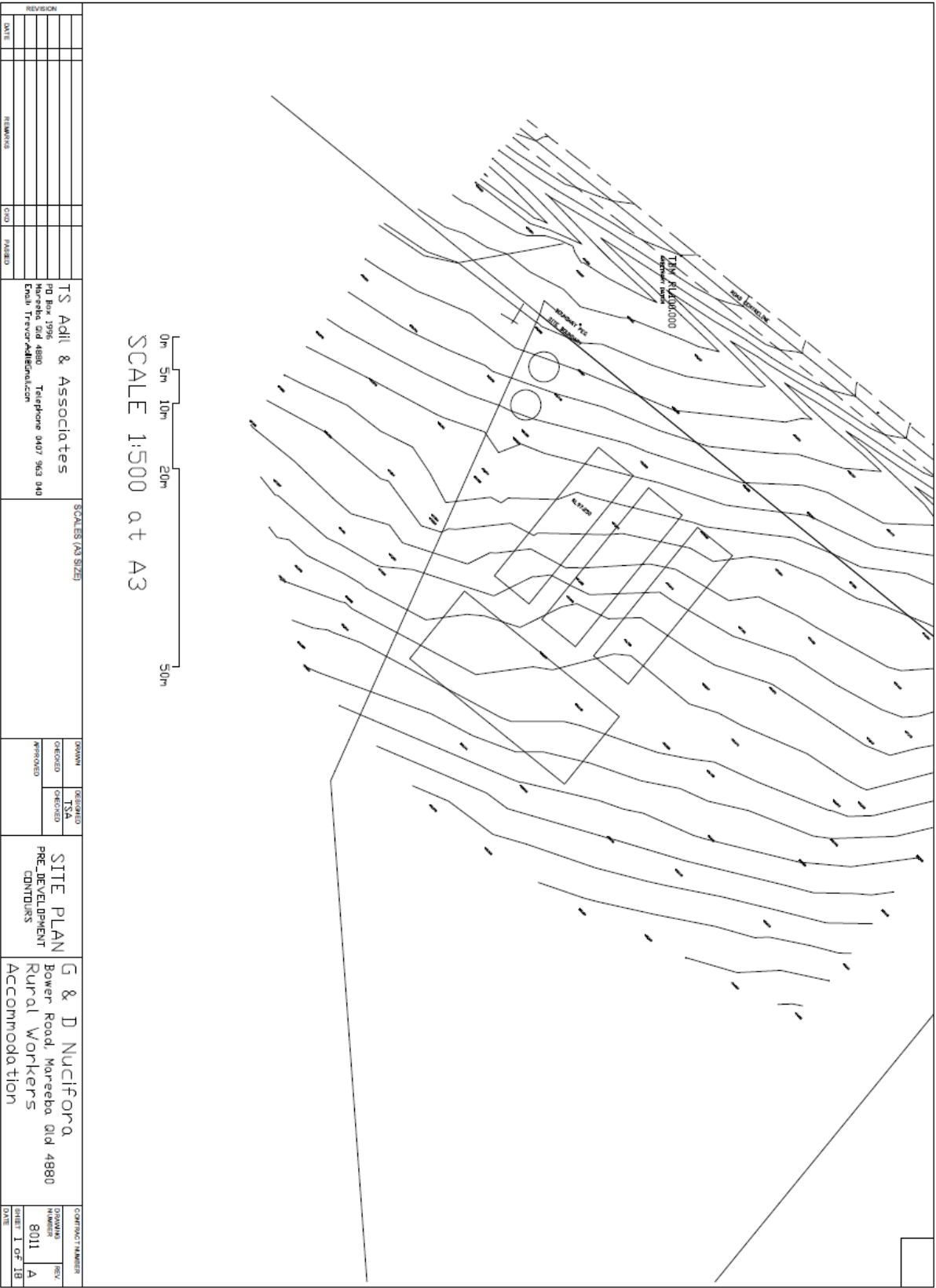


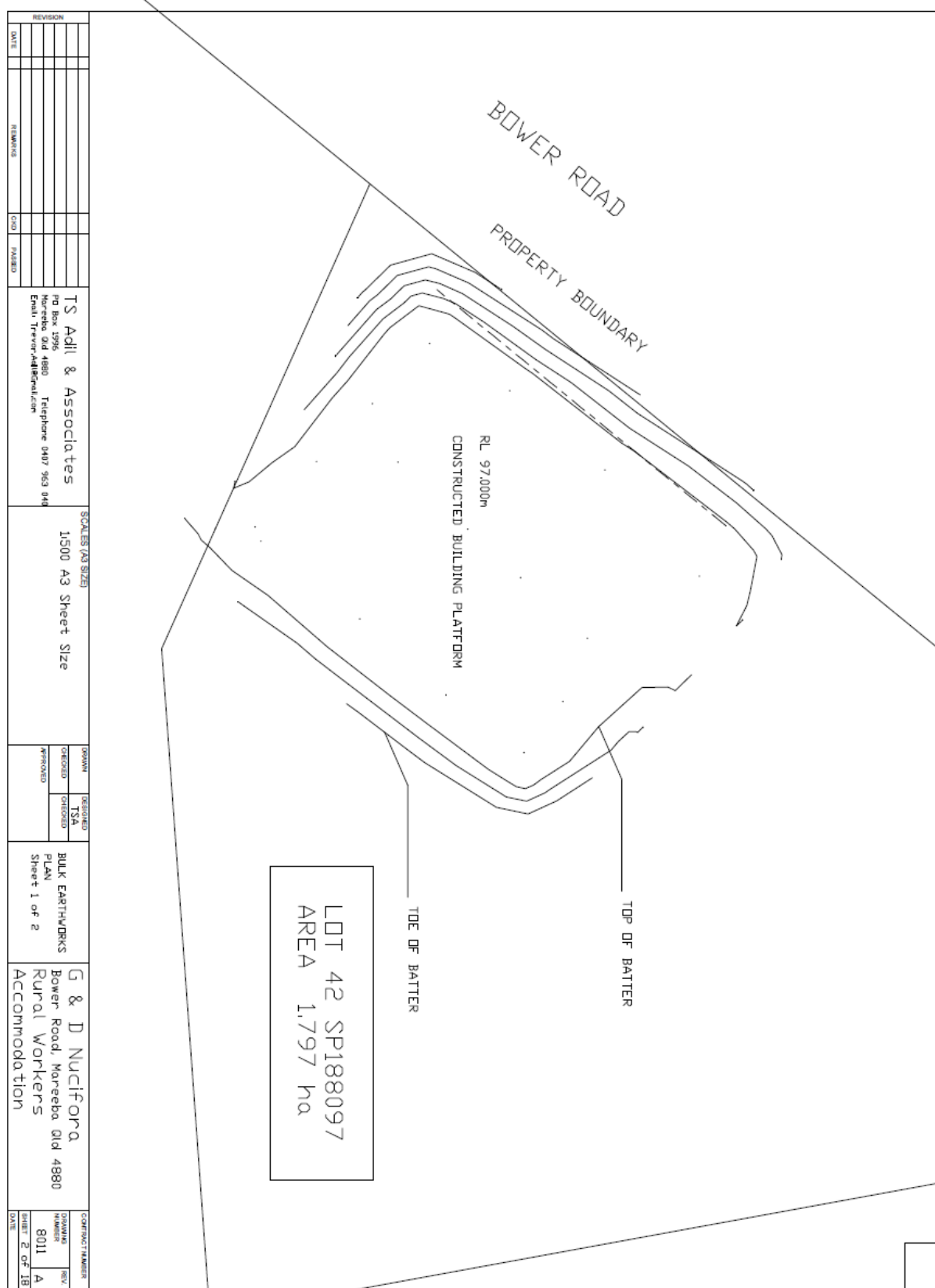
BRIAN MILLARD
SENIOR PLANNER

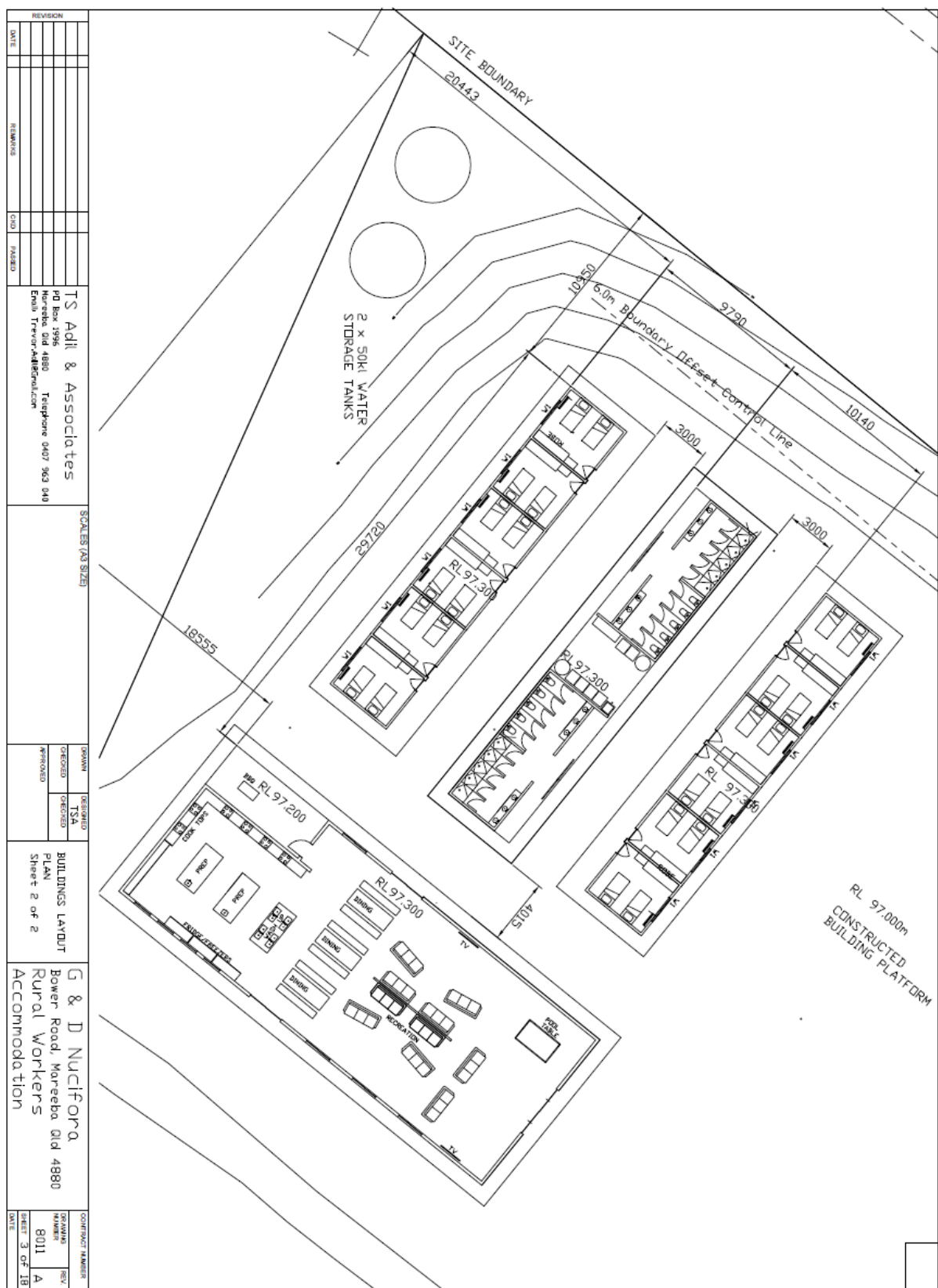
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AS A DELEGATE OF THE COUNCIL

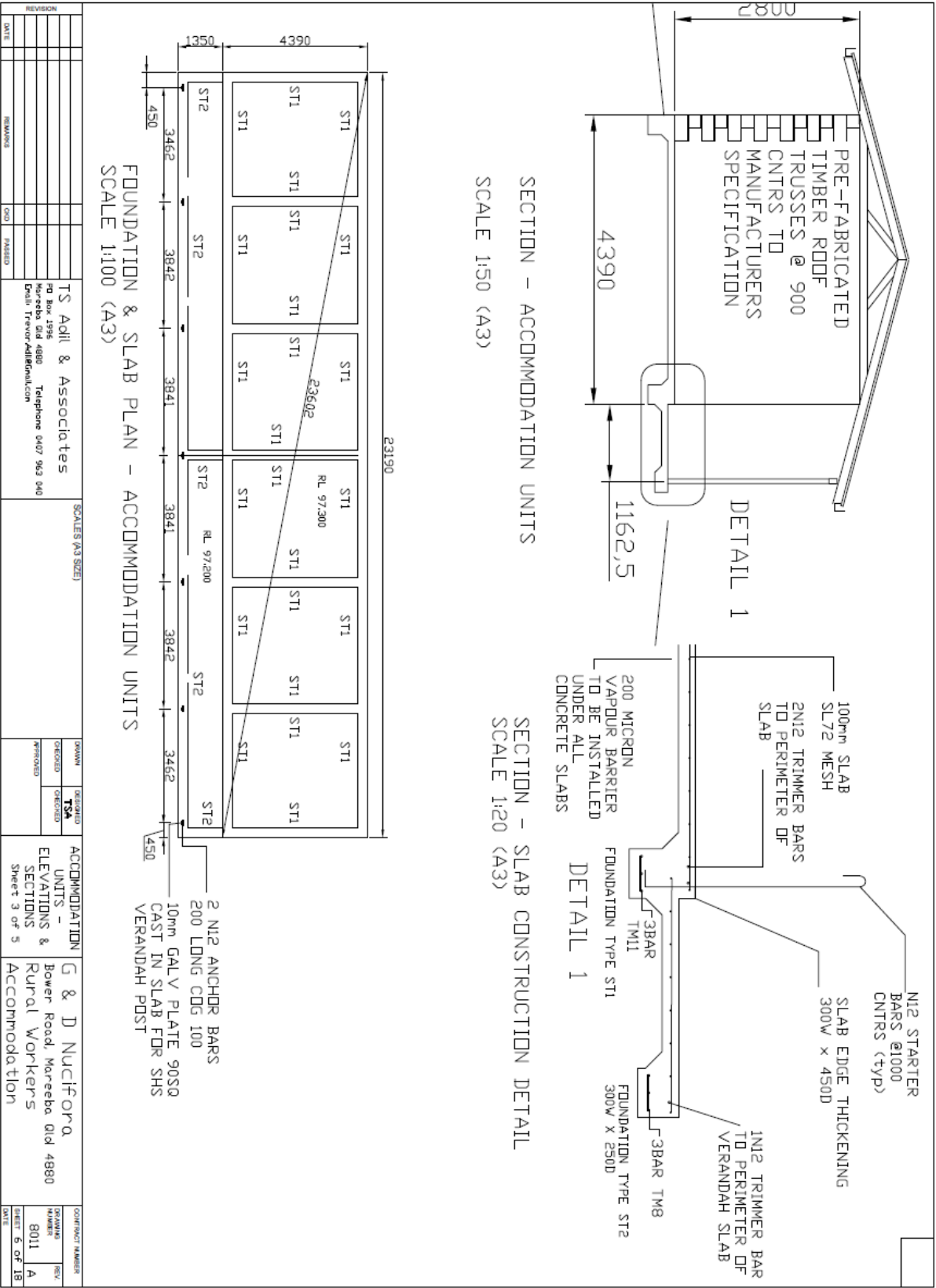
PROPOSAL PLANS

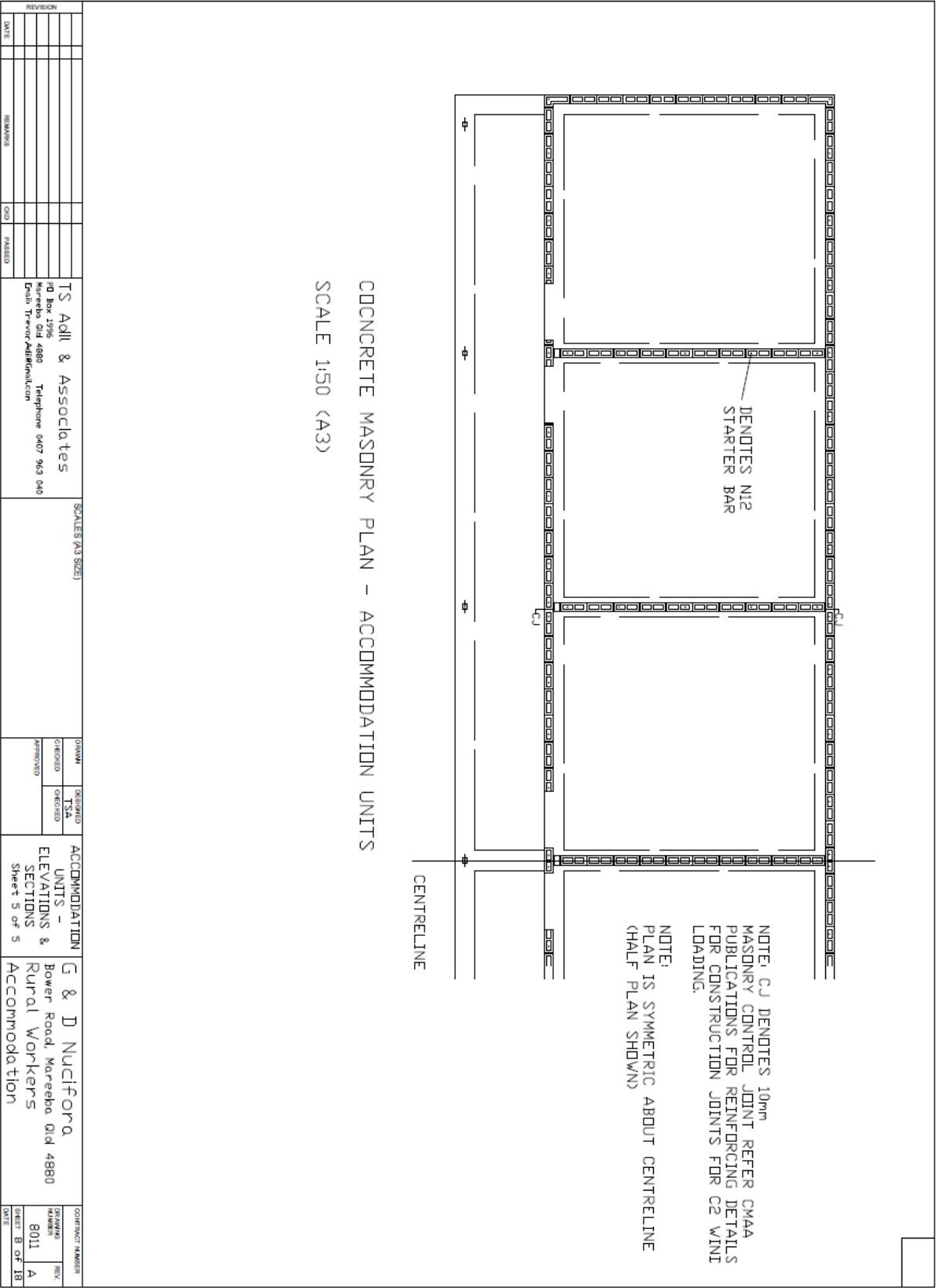


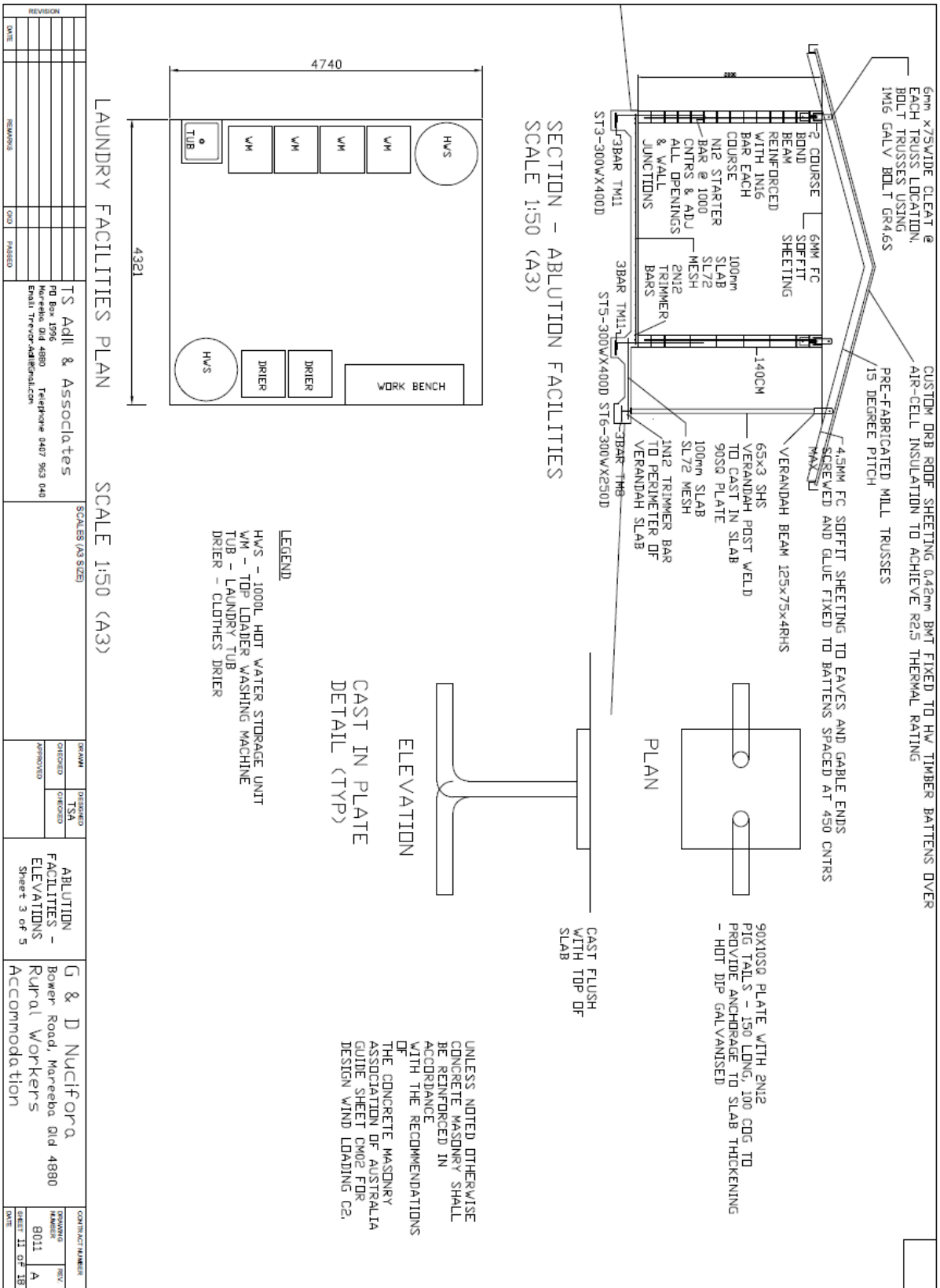


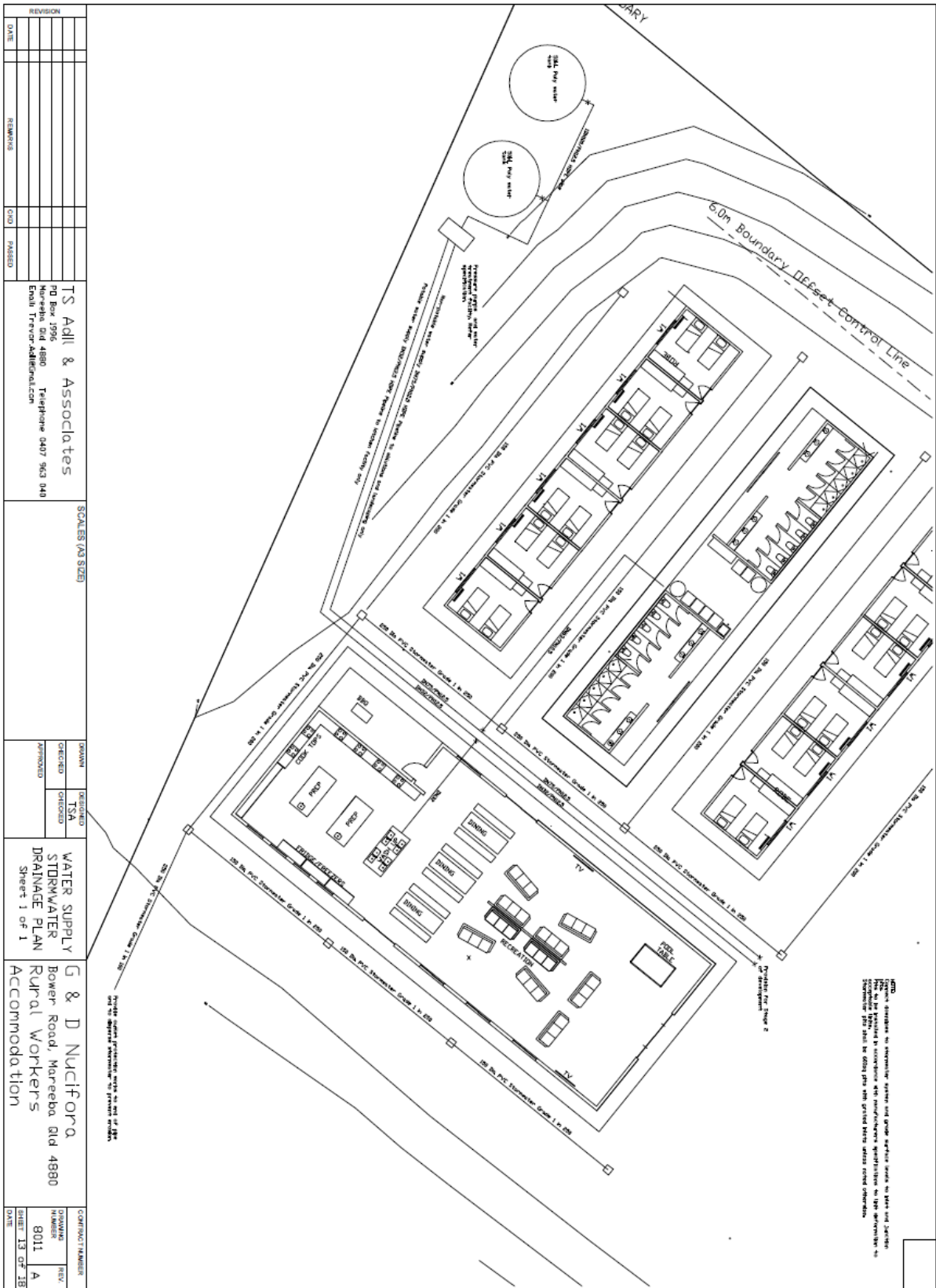


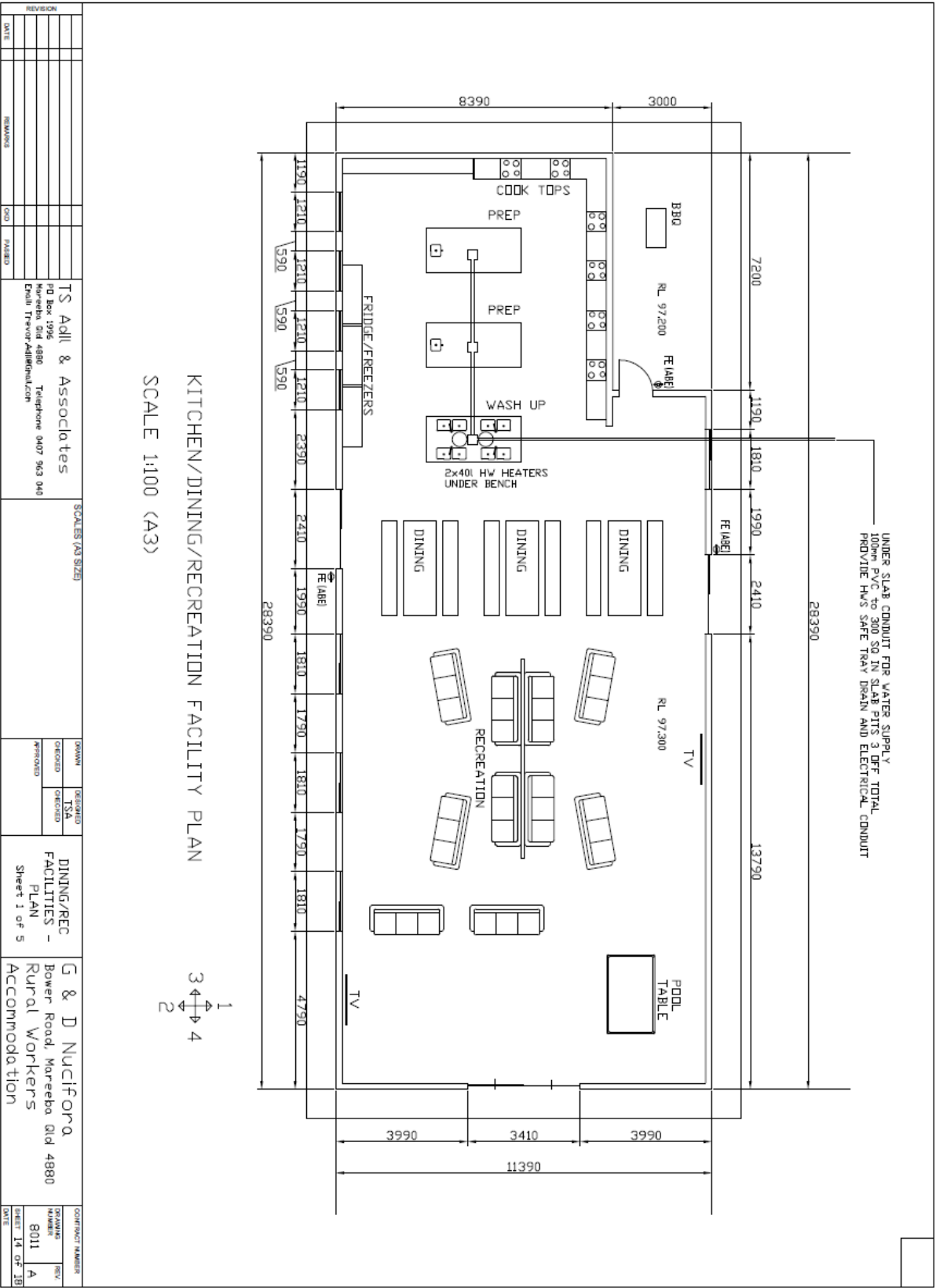






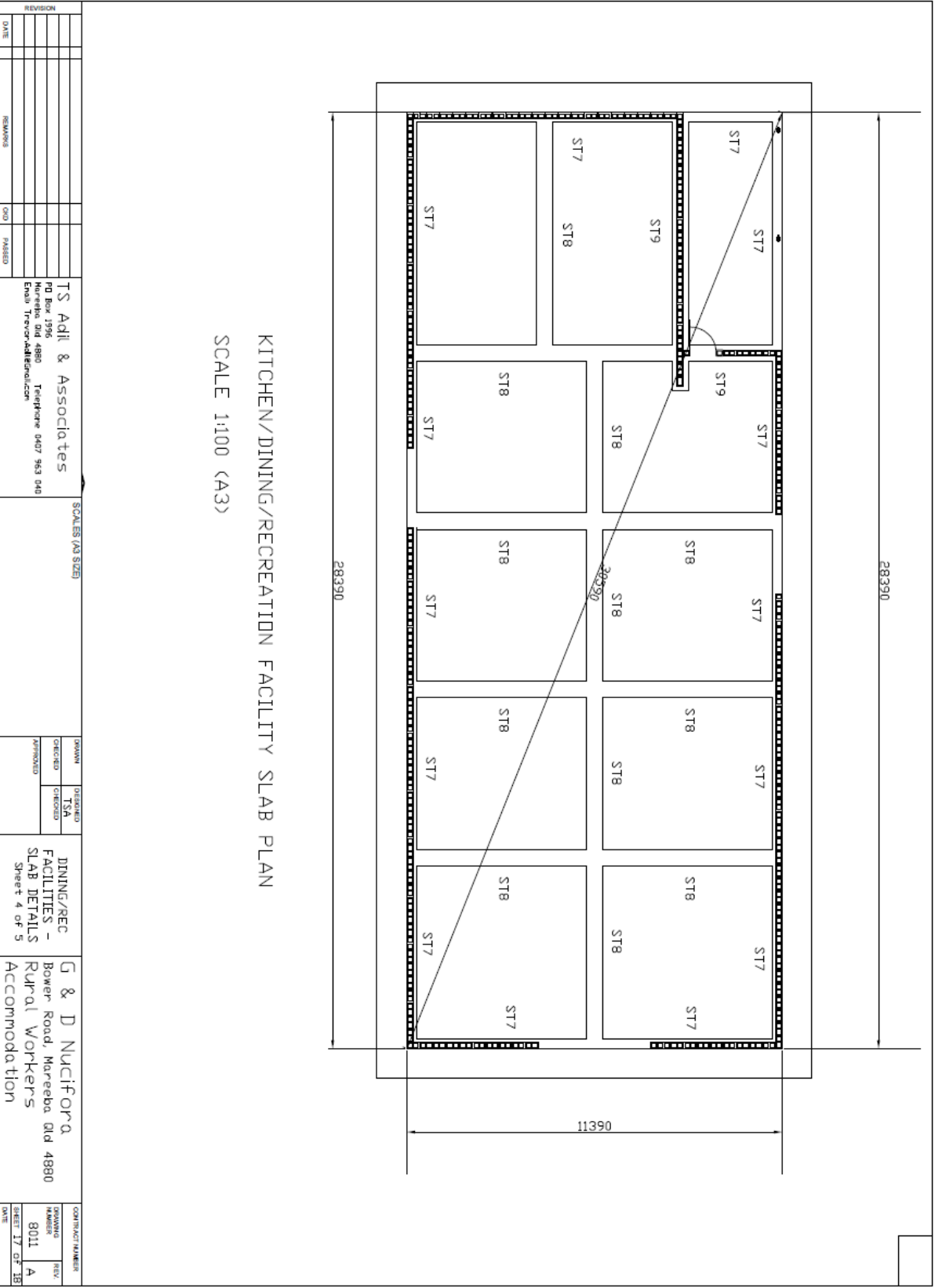


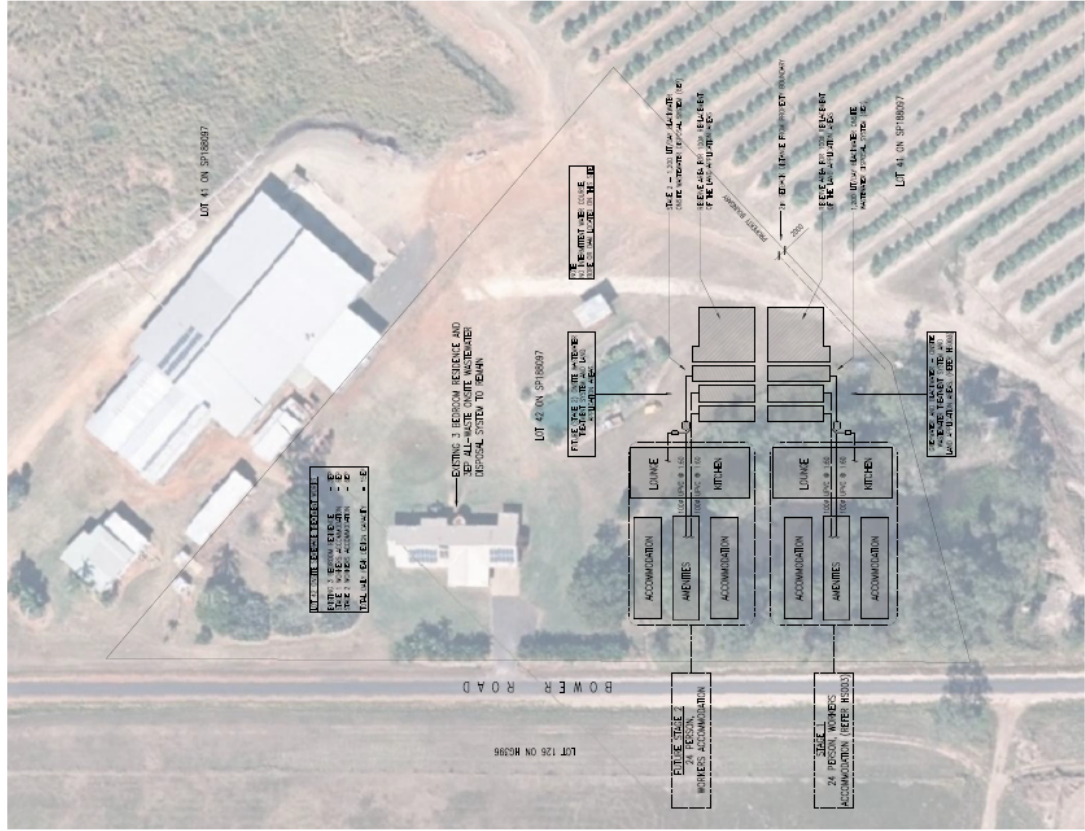






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OVERALL SITE PLAN - ONSITE WASTEWATER DISPOSAL SYSTEMS
SCALE 1:200

