



6 September 2017

Officer: Carl Ewin  
Direct Telephone: 07 4086 4656  
Our Reference: MCU/17/0002  
Your Reference: J000554

Ontario Mangoes Pty Ltd  
C/- Gilvear Planning Pty Ltd  
PO Box 228  
BABINDA QLD 4861

Dear Applicants,

## **Decision Notice Approval** ***Planning Act 2016***

I refer to your application and advise that on 6 September 2017, Council under delegated authority decided to approve the application in full subject to conditions.

Details of the decision are as follows:

### **APPLICATION DETAILS**

Application No: MCU/17/0002  
Street Address: 105 Inveradi Road, Dimbulah  
Real Property Description: Lot 107 on RP749635  
Planning Scheme: Mareeba Shire Council Planning Scheme - July 2016

### **DECISION DETAILS**

Type of Decision: Approval  
Type of Approval: Development Permit for Material Change of Use - Rural Industry (Packing Shed) and Rural Workers Accommodation  
Date of Decision: 6 September 2017

### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

**ASSESSMENT MANAGER CONDITIONS**

## (A) 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 signage/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.

## 4. Infrastructure Services and Standards

### 4.1 Access

Industrial access crossovers must be constructed (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 the development is provided with the following minimum car parking spaces, as shown on the approved plans, which are available solely for the parking of vehicles associated with each use of the premises:
  - Packing Shed: 45 car parking spaces; and
  - Rural Workers Accommodation: 24 parking spaces
- (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 Landscaping and Fencing

- (a) Prior to the commencement of the use, the applicant/developer must landscape the site generally in accordance with that shown on the approved plans, including the provision of landscape buffers described as "shed front boundary vegetation buffer" and "side boundary vegetation buffer". Landscape buffers shall include ground cover,

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shrubs and trees that will grow to form an effective buffer of no less than 3 metres in height.

- (b) All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy 6 and mulched irrigated and maintained, to the satisfaction of Council's delegated officer.
- (c) Upon receipt of a substantiated noise complaint in relation to the rural workers accommodation component of the development (as determined by Council's delegated officer), the applicant/developer is to construct noise attenuation barrier/s, designed and certified by a Registered Professional Engineer of Queensland (RPEQ) to minimise further nuisance.

The extent and location of the barrier/s is at the discretion of the RPEQ and must address the substantiated complaint/s received.

#### 4.5 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.

#### 4.6 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.

### REFERRAL AGENCIES

Not Applicable.

**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0440 DA 01 Issue D	Existing Site Plan / Location Plan	-	-
0440 DA 02 Issue E	Site Plan Proposed	-	-
0440 DA 03 Issue E	Packing Shed: Site Layout	-	-
0440 DA 04 Issue D	Workers Accommodation: Site Layout	-	-
0440 DA 05 Issue B	Packing Shed Floor Plan / Attached Admin. Floor Plan	-	-
0440 DA 06 Issue C	Typical Workers Quarter - Floor Plan	-	-
0440 DA 07 Issue A	Proposed Packing Shed with Attached Admin. (Elevations)	-	-
0440 DA 08 Issue C	Proposed Workers Facilities / Proposed Workers Accommodation (Elevations)	-	-

**REFERENCED DOCUMENTS**

Not Applicable.

**ADVISORY NOTES**

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

**(A) 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)

**PROPERTY NOTES**

Not Applicable.

**VARIATION APPROVAL**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

**SUBMISSIONS**

Not Applicable

**RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

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**OTHER DETAILS**

If you wish to obtain more information about Council's decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

Yours faithfully

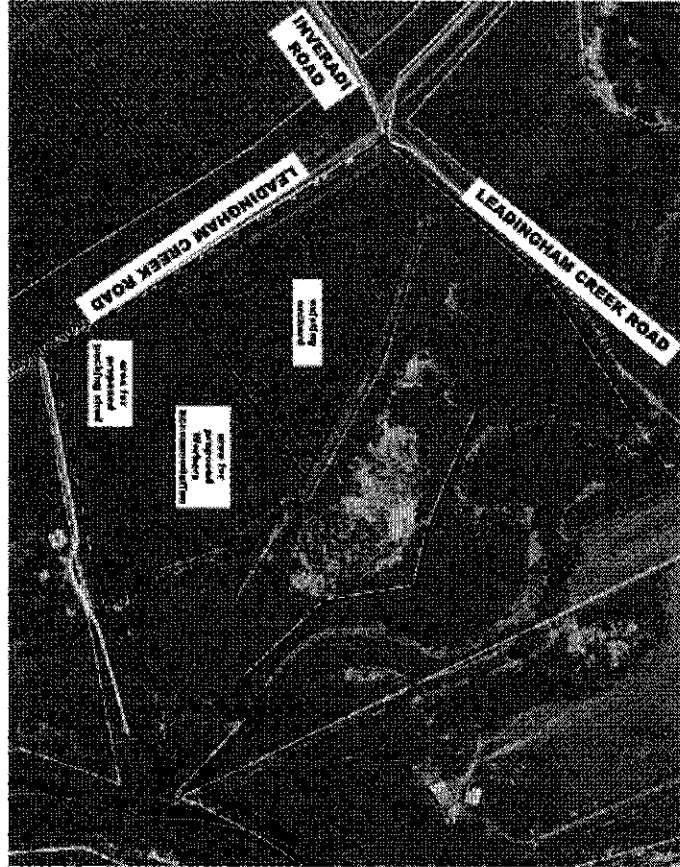


**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc: Approved Plans  
Appeal Rights

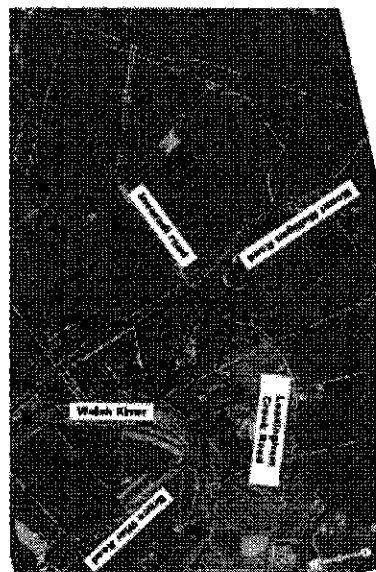


Approved Plans (ECM Doc Set ID 3269319 & 3284492)



**EXISTING SITE PLAN**  
(1:5000 ON A3)

Lot 107 on RP 749635  
SITE AREA = 30.6031ha



**LOCATION PLAN**  
(approx. 1:50000 ON A3)

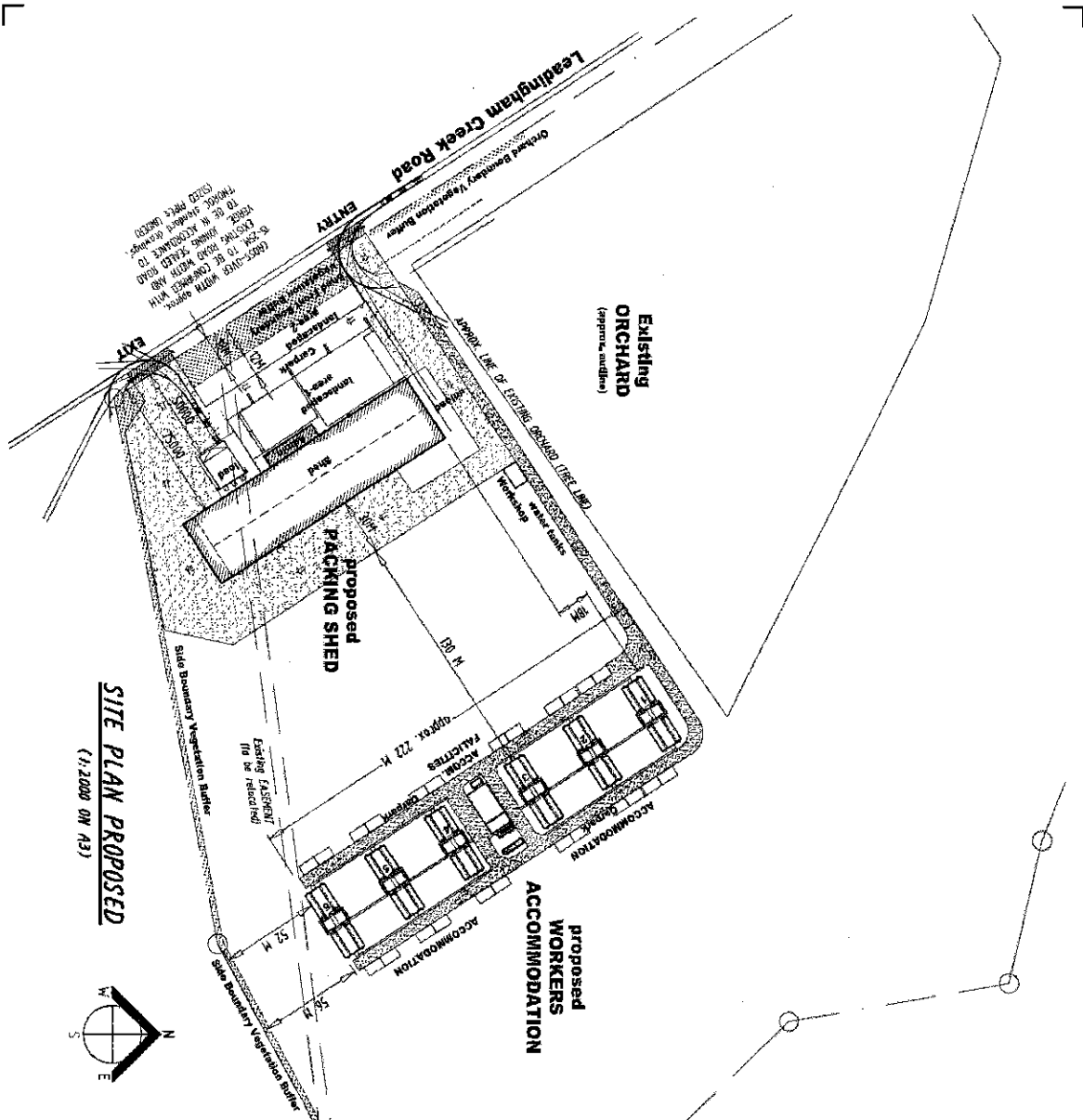
DRAWING SCHEDULE		Sheet No.
DA 01	EXISTING SITE	A3
DA 02	PROPOSED SITE PLAN	A3
DA 03	PACKING SHED, Site Layout	A3
DA 04	WORKERS ACCOMMODATION, Site Layout	A3
DA 05	PACKING SHED, FLOOR PLAN	A3
DA 06	ACCOMMODATION, FLOOR PLAN	A3
DA 07	PACKING SHED, ELEVATIONS	A3
DA 08	ACCOMMODATION, ELEVATIONS	A3

**PROPOSED PACKING SHED AND WORKERS ACCOM.**

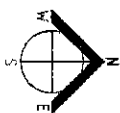
75 RICCAD RD  
DUBLIN, 1872  
IRLAND FAINS

**DA 01 D**

6/9/2017  
B. W. [Signature]



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



**SITE COVERAGE & STRUCTURES FOOTPRINT:**

- PROPERTY SITE area = 306531 sqm (100%)
- new SHED = 5145sqm (1.7% of site area)
- new ADMIN (attached) = 207sqm (0.07% of site area)
- new LOADING AREA (outside shed) = 832sqm (0.27% of site area)
- new WORKSHOP (between shed and accom.) = 98sqm (0.03% of site area)
- new WORKERS ACCOMMODATION = 2628sqm (total 0.9% of site area)
  - Workers Quarter-1 = 438
  - Workers Quarter-2 = 438
  - Workers Quarter-3 = 438
  - Workers Quarter-4 = 438
  - Workers Quarter-5 = 438
  - Workers Quarter-6 = 438
- new WORKERS FACILITIES = 371sqm (total 0.1% of site area)
  - Office = 18sqm
  - Laundry = 38sqm
  - Admins = 28sqm
  - Maintenance & Covered pick-up = 286
- new CARPARKING for SHED = 233sqm (0.04% of site area)
- new DRIVEWAY for SHED = 12615sqm (4.2% of site area)
- new CARPARKING for ACCOM. = 1248sqm (0.4% of site area)
- new DRIVEWAY for WORKERS ACCOM. = 5158sqm (1.7% of site area)
- new LANDSCAPED AREAS = 3560sqm (total 1.2% of site area)
  - Area-1 = 2383sqm
  - Area-2 = 1197sqm
- new SHED FRONT BOUNDARY VEGETATION BUFFER = 17958sqm (0.6% of site area)



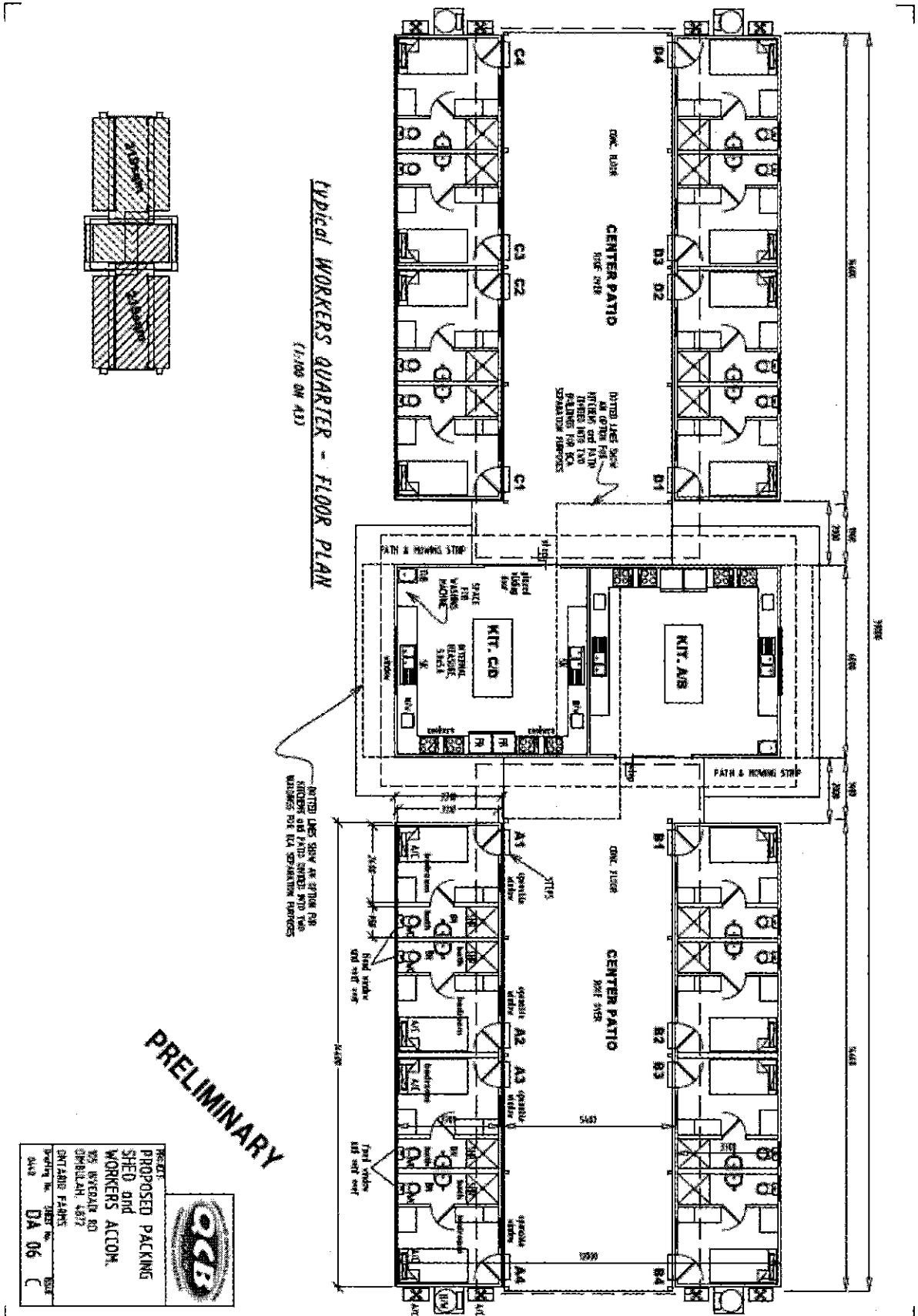
**PROJECT**  
PROPOSED PACKING  
SHED and  
WORKERS ACCOM.  
905 INVERAID RD  
SHEBOLAH 4872  
ONTARIO FARMS  
Drawing No. SHEET NO. DA 02 E  
DATE 04/10/18

6/9/2018  
B. [Signature]





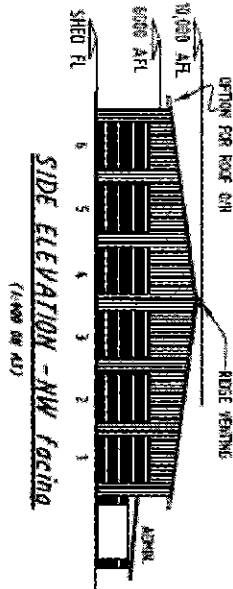




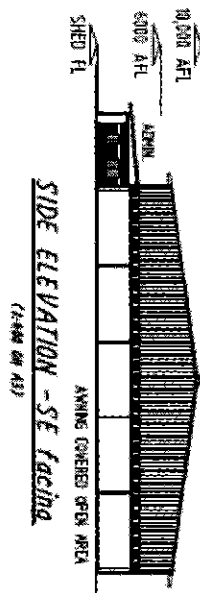
6/9/2017  
B. W. [Signature]



**REAR ELEVATION - NE facing**  
(1:400 OR A3)



**SIDE ELEVATION - NW facing**  
(1:400 OR A3)



**SIDE ELEVATION - SE facing**  
(1:400 OR A3)



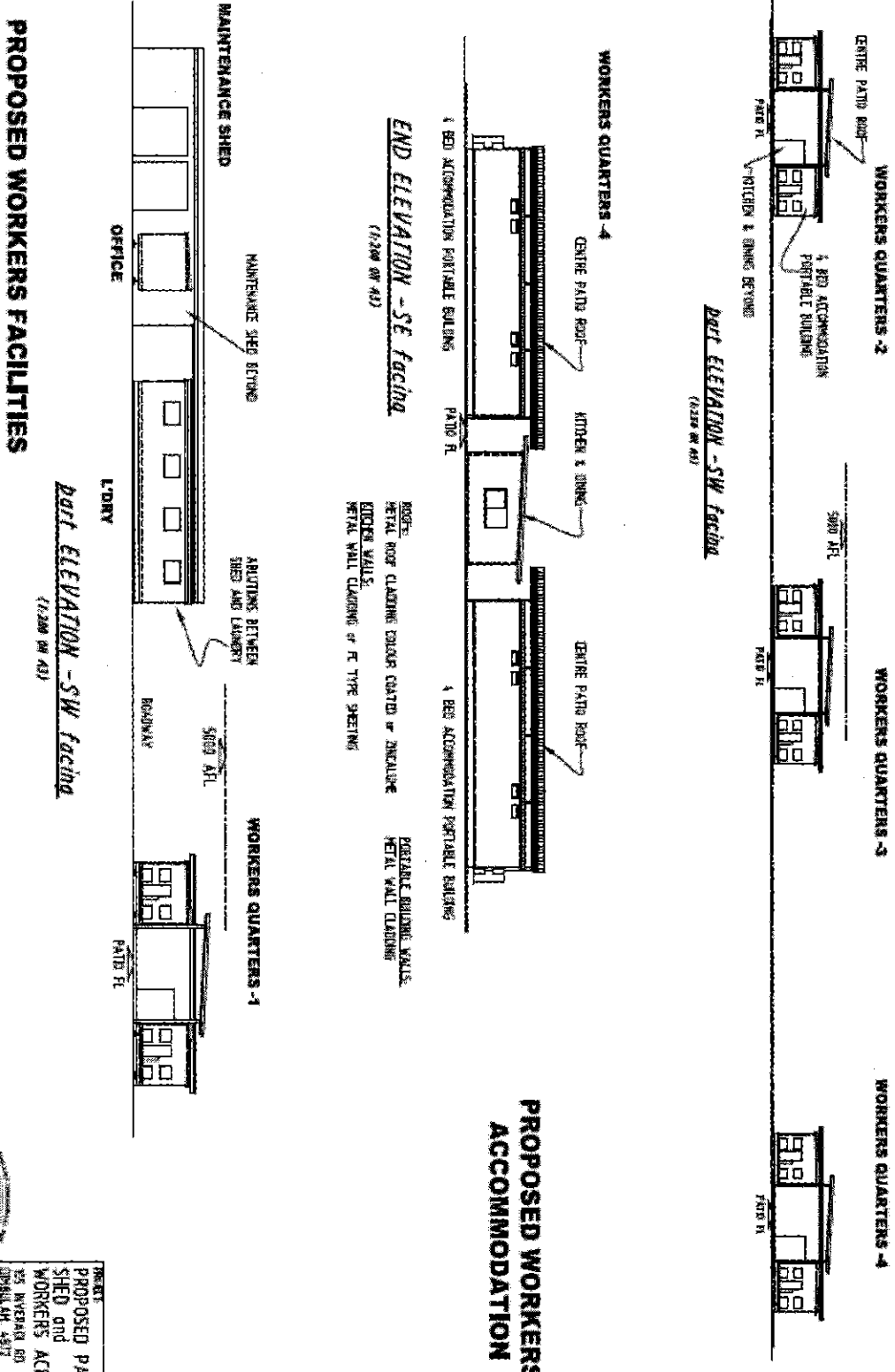
**FRONT ELEVATION - SW facing**  
(1:400 OR A3)

**PROPOSED PACKING SHED WITH  
ATTACHED ADMIN.**



PROJECT  
**PROPOSED PACKING  
 SHED and  
 WORKERS ACTION**  
 365 WHEELER RD  
 OHTLAND FARMS  
 OHTLAND FARMS  
 BRISBANE QLD 4057  
 DRAWING NO. SHEET NO. DATE  
 0440 DA 01 A 2017

6/9/2017  
8.200



**PROPOSED WORKERS ACCOMMODATION**



PROJECT:  
 PROPOSED PACKING  
 SHED and  
 WORKERS ACCOM.  
 25, INVERAR 60  
 DUNDEE, MT. 4817  
 DUNDEE FARMS  
 Planning No. 2007 No. 6548  
 DA 08 C

6/9/2017  
28.210



## Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) The person-
    - (i) who may appeal a matter (**the appellant**); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –*

*See the P&E Court Act for the court's power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
  - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
  - (a) the respondent for the appeal ; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
  - (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court – the chief executive; and
  - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
  - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
  - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
  - decision* includes-
    - (a) conduct engaged in for the purpose of making a decision; and

- 
- (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or failure to make a decision; and
  - (d) a purported decision ; and
  - (e) a deemed refusal.

*non-appealable*, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

#### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.