

**DELEGATED REPORT**

**SUBJECT:** ONTARIO MANGOES PTY LTD - MATERIAL CHANGE OF USE - RURAL INDUSTRY (PACKING SHED) AND RURAL WORKERS ACCOMMODATION - LOT 107 ON RP749635 - 105 INVERADI ROAD, DIMBULAH - MCU/17/0002

**DATE:** 6 September 2017

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

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Ontario Mangoes Pty Ltd	<b>ADDRESS</b>	105 Inveradi Road, Dimbulah
<b>DATE LODGED</b>	24 July 2017	<b>RPD</b>	Lot 107 on RP749635
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Rural Industry (Packing Shed) and Rural Workers Accommodation		

<b>FILE NO</b>	MCU/17/0002	<b>AREA</b>	30.163 hectares
<b>LODGED BY</b>	Gilvear Planning Pty Ltd	<b>OWNER</b>	D & P Courtice Investments Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme - July 2016		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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

**EXECUTIVE SUMMARY**

*Council is in receipt of a code assessable development application described in the above application details. Being code assessable - the application was not required to undergo public notification.*

*The applicants propose the construction of a 5,352m<sup>2</sup> packing shed, including administration office, as well as a 96 bed rural workers accommodation facility to support the applicant's large mango growing operation established on the subject site and larger adjacent property (Ontario Mangoes Pty Ltd).*

*The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme - July 2016 and is not considered to be in conflict with the Planning Scheme.*

*The key issue with the proposed development is ensuring appropriate landscape buffering is implemented to soften the visual impact of the development.*

*Draft conditions were provided to the Applicant care of their consultant and have been agreed to.*

*It is recommended that the application be approved in full, subject to conditions.*

## **OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Ontario Mangoes Pty Ltd	<b>ADDRESS</b>	105 Inveradi Road, Dimbulah
<b>DATE LODGED</b>	24 July 2017	<b>RPD</b>	Lot 107 on RP749635
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Rural Industry (Packing Shed) and Rural Workers 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 (Packing Shed) and Rural Workers Accommodation.

## (B) APPROVED PLANS:

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)	-	-

## (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 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, 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.

### (D) ASSESSMENT MANAGER'S ADVICE

- (a) Compliance with applicable codes/policies

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

- (b) Compliance with Acts and Regulations

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

- (c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(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 (Please contact Planning Section to obtain application form and applicable fee).

## THE SITE

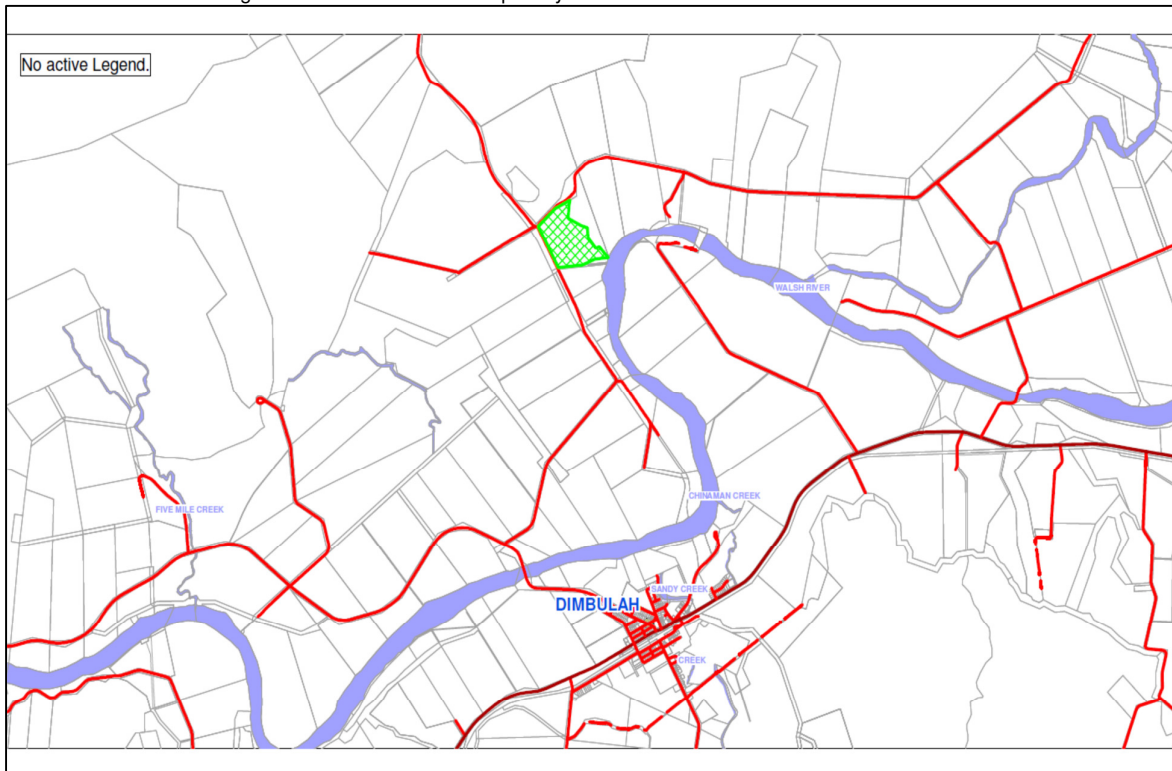
The subject site is situated at 105 Inveradi Road, Dimbulah and is described as Lot 107 on RP749635. The site is irregular in shape with a total area of 30.163 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme - July 2016. The majority of the site is further mapped as Class A agricultural land.

The site contains 991 metres of frontage to Leadingham Creek Road which is constructed to single lane bitumen sealed standard. Access is gained from Leadingham Creek Road via a gravel crossover in the north-west corner of the site. The site also contains 290 metres of frontage to an undeveloped section of road reserve to the south. This section of road reserve contains a gravel driveway used solely to access an adjoining property.



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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Improvements on the site are limited to a Mango orchard which covers an area of approximately 6 hectares. The remainder of the property is unused and free from any structural improvements. An unused water supply easement which traversed the southern part of the site at the time of this applications lodgement has since been extinguished. The property is farmed in conjunction with a large Mango Orchard established to the west of the site on the opposite side of Leadingham Creek Road and Inveradi Road.

Lots surrounding the subject site are all zoned Rural and are used for cropping, grazing and rural lifestyle purposes.

## **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 (Packing Shed) and Rural Workers Accommodation in accordance with the plans shown in **Attachment 1**.

The application includes the following information about the proposed development:

*The existing business farms in the order of 400 hectares of mangoes and currently undertakes the packing of these mangoes at an off-farm facility in Tolga. The mangoes are trucked to Tolga where they are packed before being trucked back to the farm for storage prior to transport to market. As part of the existing operation, the farm employs up to 100 seasonal farm workers. These farm workers are accommodated off-site and are transported to the farm when required.*

*The off-farm packing of the mangoes is not considered to be the most efficient method of operation and the additional transportation increases the potential for the product to be damaged, adversely affecting the quality when it gets to market. In addition, the location of the seasonal workers off-site reduces the ability of the operation to be able to react to weather conditions and affects the certainty of workers arriving at work.*

*In order to improve the efficiency of the business and the quality of the product reaching the market, it is proposed to erect a 5,352sqm packing shed, including office, on the site to allow for the mangoes to be processed and packaged closer to the source. It is also proposed to provide on-farm accommodation for up to 96 seasonal workers engaged in the farm.*

*The proposed packing shed would be located to the south west of the overall site and towards the frontage to Mount Mulligan Road. It would be setback approximately 50 metres from the frontage to Mount Mulligan Road and a 3 metre vegetation screen is proposed along the road boundary. The development would be accessed from Mount Mulligan Road via two crossovers located approximately 120 metres apart.*

*Car parking would be located between the front of the packing shed building and the road frontage and a oneway circulation route would connect the two access points in the front of the building and to the rear of the building. Unloading of vehicles would occur at the*

*northern end of the building and loading of the packed product would occur at the southern end of the building. All vehicles would enter and leave the site in a forward gear.*

*The proposed rural workers accommodation would be located to the east of the packing shed and separated from the packing shed by approximately 100 metres. An internal access drive would link the northern most access to the packing shed to the rural workers accommodation. The accommodation would consist of 24x4 ensuite bed transportable buildings that are configured such that two transportable buildings, or 8 bedrooms, create a single living unit. Each living unit would be provided with a kitchen and minor laundry facilities with a larger communal laundry also provided. It is proposed that each living unit would be self-contained with separate wastewater treatment systems.*

*The overall site would be provided with a landscaped buffer to all common boundaries with adjoining allotments.*

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

## **REGIONAL PLAN DESIGNATION**

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Wetland Area of General Ecological Significance*

## **PLANNING SCHEME DESIGNATIONS**

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

## Planning Scheme Definitions

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<b>Rural industry</b>	<p>Premises used for storage, processing and packaging of products from a rural use.</p> <p>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.</p>	Packing shed	Intensive animal husbandry, intensive horticulture, roadside stall, nursery, abattoir, wholesale winery, agricultural supply store
<b>Rural workers' accommodation</b>	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 - July 2016****Relevant Development Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 9.3.1 Accommodation activities code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping 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 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	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO2.3</li> <li>▪ Acceptable Outcome AO3.1</li> <li>▪ Acceptable Outcome AO6</li> </ul> <p>In each case, compliance with the higher order performance outcomes can be achieved. Refer to planning discussion section of report.</p>
Agricultural Land Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO2</li> <li>▪ Acceptable Outcome AO3</li> </ul> <p>In each case, compliance with the higher order performance outcomes can be achieved. Refer to planning discussion section of report.</p>
Accommodation Activities Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO13.1</li> </ul> <p>Refer to planning discussion section of report.</p>
Rural Activities Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.</p>
Landscaping Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.</p>

Parking and Access Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Acceptable Outcome AO1</li> </ul> <p>Refer to planning discussion section of report.</p>
Works, Services and Infrastructure Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.</p>

**(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.

Planning Scheme Policy 6 - Landscaping and Preferred Plant Species

Any condition of approval requiring landscape works will include the requirement for a landscape plan prepared in accordance with Planning Scheme Policy 6.

**(f) Additional Trunk Infrastructure Condition - Road Infrastructure (Section 650 of SPA)**

The proposed development is for a large scale packing shed and 96 bed rural workers accommodation to support a large Mango growing operation (Ontario Mangoes) established on the subject site and larger adjacent property. Ontario Mangoes currently transports fruit off-site to be packed then back to the site before it is picked up for final transport to the southern fruit and vegetable markets. Farm workers are also sourced off-site when required.

Ontario Mangoes propose to construct the packing shed and rural workers accommodation in order to increase the efficiency of their business by processing and packing their fruit in-house. The rural workers accommodation component of the development is proposed to further increase the efficiency of their business by providing a self-managed stable supply of farm workers, eliminating the burdens and difficulties associated with sourcing seasonal farm workers from other parts of the Shire and the Tablelands.

The proposed development is likely to result in an overall decrease in vehicle traffic associated with the Ontario Mangoes operation. As such, an additional trunk infrastructure condition is not considered necessary in this instance.

**REFERRALS**

**Concurrence**

This application did not trigger referral to a Concurrence Agency.

**Advice**

This application did not trigger referral to an Advice Agency.

## Internal Consultation

Technical Services

## PLANNING DISCUSSION

Non-compliance with the relevant acceptable outcomes contained within the relevant development codes are summarised below. Where the development does not comply with an acceptable outcome, compliance with the higher order performance outcome can be achieved.

### Rural Zone Code

*Siting, where not involving a dwelling house*

**PO2** *Development is sited in a manner that considers and respects:*

- (a) the siting and use of adjoining premises;*
- (b) access to sunlight and daylight for the site and adjoining sites;*
- (c) privacy and overlooking;*
- (d) air circulation and access to natural breezes;*
- (e) appearance of building bulk; and*
- (f) relationship with road corridors.*

**AO2.3** *Building and Structures, except where a roadside stall, include a minimum setback of:*

- (a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and*
- (b) 100 metres from a frontage to any other road that is not a State-controlled road;*

### Comment

The subject site contains frontage to an under constructed section of road reserve to the south. The road reserve contains a private driveway only which appears to be used solely to access Lot 110 on HG94 (to the south). The proposed packing shed will be sited within 25 metres of this road reserve.

The reduced siting to this under developed road reserve would not compromise the criteria mentioned in PO2.

*Accommodation density*

**PO3** *The density of Accommodation activities:*

- (a) respects the nature and density of surrounding land use;*
- (b) is complimentary 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.*

### Comment

The proposed development includes a rural workers accommodation component for up to 96 rural farm workers. Larger rural workers accommodation developments are considered to be a regular element of a modern, labour intensive, farming enterprise. The development is not considered to be of a scale or design that would adversely affect the rural amenity of the area and is considered allied with and ancillary to the primary rural land use (fruit tree orchard). Appropriate landscape buffering will be conditioned to reduce the visual impact of the development on the rural landscape.

The proposed development is considered to comply with PO3.

### *Amenity*

**PO6** *Development must not detract from the amenity of the local area, having regard to:*

- (a) *noise;*
- (b) *hours of operation;*
- (c) *traffic;*
- (d) *advertising devices;*
- (e) *visual amenity;*
- (f) *privacy;*
- (g) *lighting;*
- (h) *odour; and*
- (i) *emissions.*

**AO6** *No acceptable outcome is provided.*

### Comment

The proposed development is for a large packing shed and rural workers accommodation and is considered to be appropriately located in a rural area adjacent the large fruit orchard that it will service.

Noise & hours of operation - The applicants have stated that the packing shed will generally operate from 6am - 6pm 7 days per week during the Mango season. The workers accommodation component of the development will be in use outside these hours. The nearest sensitive land use (dwelling) is situated to the south of the site approximately 150 metres from the packing shed and approximately 80 metres from the rural worker accommodation facility. The separation distances achieved as well as landscape buffering proposed along the southern boundary of the site should reduce noise impact on the nearby dwelling to an acceptable level.

Traffic - The fruit orchard that the proposed development will service currently packs its fruit off-site and sources its work force off-site. The proposed development is likely to result in an overall reduction in traffic to and from the site.

Advertising devices - A condition will be attached to any approval to limit the amount of signage/advertising devices associated with the development.

Visual amenity - The development will include extensive landscape treatments along the side and front boundaries of the site to reduce visual impact. This will be secured by condition of approval.

Privacy - The development will include extensive landscape treatments along the side and front boundaries of the site which should maintain the privacy of adjoining properties. This will be secured by condition of approval.

Lighting - A condition will be attached to any approval ensuring any lighting does not cause nuisance to adjoining properties.

Odour & Emissions - The proposed development is not likely to produce significant amounts of odour or other emissions such as dust and smoke. All trafficable areas will be surface treated to reduce the likelihood of dust nuisance. The separation distances achieved between the packing shed/accommodation facility and the nearby dwelling should minimise the impact of any odour emissions (if any).

With appropriate conditioning, the development is likely to achieve compliance with PO6.

### **Agricultural Land Overlay Code**

**PO2** *Sensitive land uses in the 'Class A' area, 'Class B' are of the 'Broadhectare rural' area identified on Agricultural land overlay maps (OM-001a-n) are designed and located to:*

- (a) *avoid land use conflict;*
- (b) *manage impacts from agricultural activities including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) *avoid reducing primary production potential; and*
- (d) *not adversely affect public health, safety and amenity.*

**AO2** *No acceptable outcome is provided.*

#### Comment

The proposed development is for a large packing shed and rural workers accommodation facility to service a large mango orchard on the subject site and adjacent property which is also owned by the applicant. Given the nature of the use and its location, the chance of land use conflict with nearby bona-fide rural uses is negligible.

The development is considered to comply with PO2.

**PO3** *Development in the 'Class A' area, 'Class B' are of the 'Broadhectare rural' area identified on Agricultural land overlay maps (OM-001a-n):*

- (a) *ensures that agricultural land is not permanently alienated;*
- (b) *ensure that agricultural land is preserved for agricultural purposes; and*
- (c) *does not constrain the viability or use of agricultural land.*

**AO3** *No acceptable outcome is provided.*

#### Comment

The proposed development will result in the permanent alienation of approximately 7 hectares of GQAL.

Both proposed uses are agricultural support uses critical to the ongoing viability of the applicant's large scale cropping activity both on the subject site and adjacent property. On balance, the loss of a small portion of GQAL is considered acceptable given the benefits



that the proposed development will provide to the applicants farming operations. The development will not constrain the viability or use of surrounding agricultural land.

The 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

The proposed development includes a 96 bed rural workers accommodation facility on a 30 hectare property and is therefore non-compliant with AO13.1.

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

The proposed accommodation is considered to be proportionate to the nature and scale of the Ontario Mango's farming operation and is therefore considered to comply PO13.

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

### **Car Parking Code**

#### *Car Parking Spaces*

**PO1** *Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) nature and scale of the use;*
- (b) location of the site;*
- (c) proximity of the use to public transport services;*
- (d) availability of active transport infrastructure; and*
- (e) accessibility of the use to all members of the community.*

**AO1** *The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3.B.*

#### Comment

Table 9.4.3.3.B prescribes the following desired car parking numbers:

Rural Industry - 1 space/90sqm GFA and one articulated vehicle space (equates to 60 spaces) and Rural Workers Accommodation - As determined by Council.

The proposal plans indicate the following car parking provision:

Rural industry - 46 spaces and loading and unloading areas.

Rural workers accommodation - 16 spaces and bus pick up and drop off facilities.

This level of parking is considered acceptable having regard to the nature of the uses proposed with many of the workers in the packing shed being accommodated on-site and limited visitor car parking required for the use. Furthermore, worker transportation will be provided as part of the operation of the accommodation facility further reducing the demand for car parking spaces.

The amount of car parking proposed on site for both aspects of the development is considered to comply with PO1. In the event that any additional parking is required, adequate space exists on-site to accommodate any spill over parking requirements.

**Date Prepared:**            *6 September 2017*

DECISION BY DELEGATE

DECISION

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

Dated the 6<sup>th</sup> day of SEPTEMBER 2017



BRIAN MILLARD  
SENIOR PLANNER

MAREERA SHIRE  
AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3269319 & 3284492)

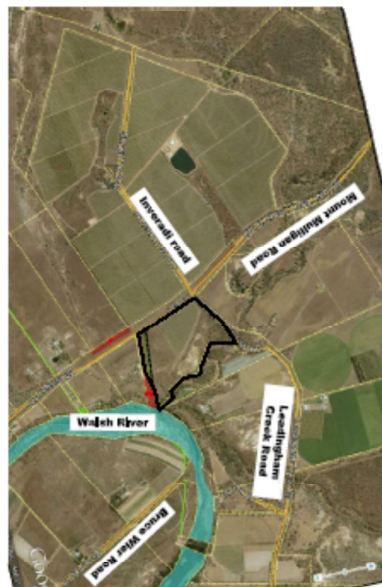


**existing SITE PLAN**  
(1:5000 ON A3)

Lot 107 on RP 749635  
SITE AREA = 30.1637ha



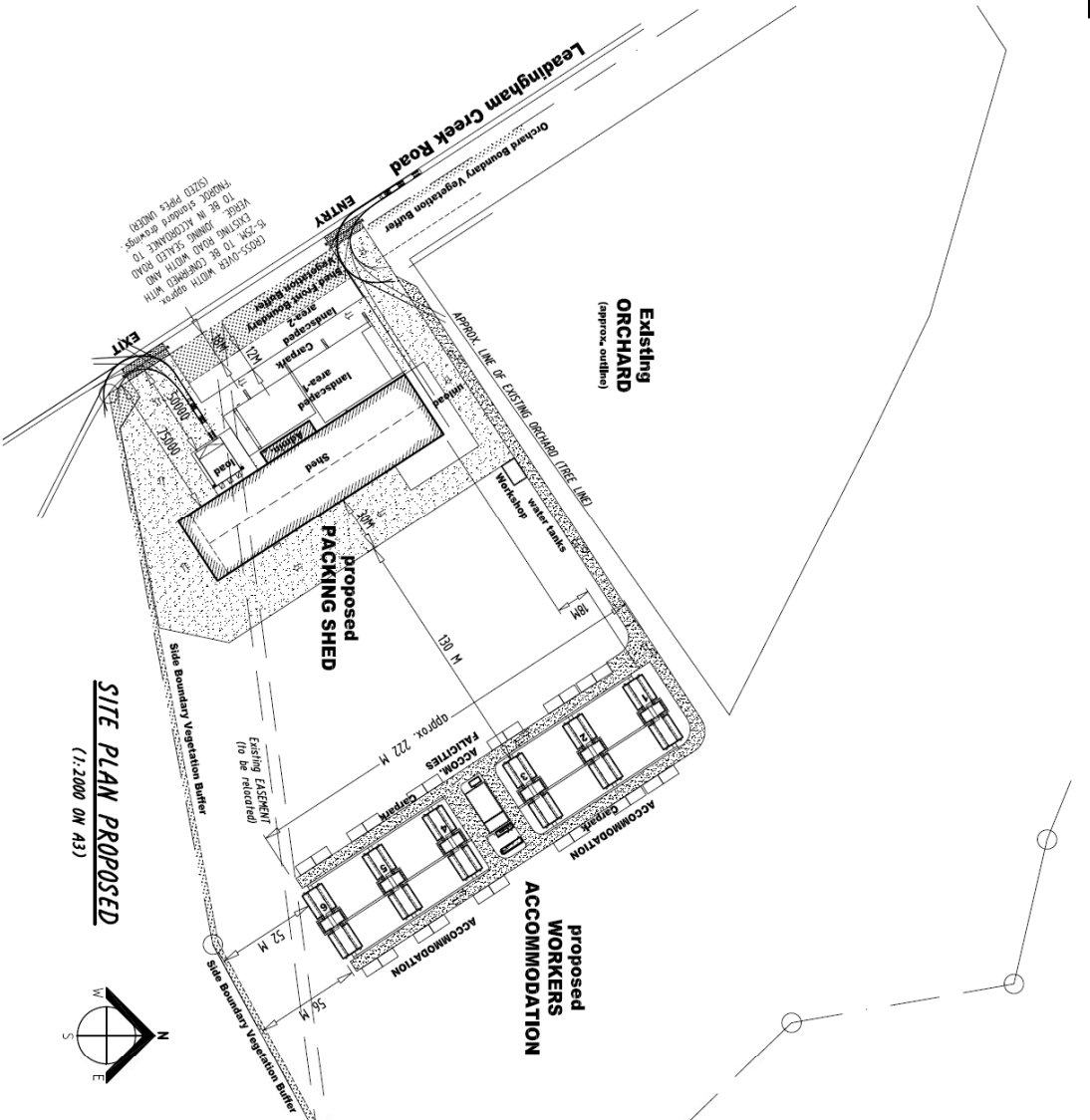
DRAWING SCHEDULE		Sheet No.
DA 01	EXISTING SITE	A3
DA 02	PROPOSED SITE PLAN	A3
DA 03	PACKING SHED: Site Layout	A3
DA 04	WORKERS ACCOMMODATION: Site Layout	A3
DA 05	PACKING SHED: FLOOR PLAN	A3
DA 06	ACCOMMODATION: FLOOR PLAN	A3
DA 07	PACKING SHED: ELEVATIONS	A3
DA 08	ACCOMMODATION: ELEVATIONS	A3



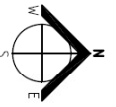
**LOCATION PLAN**  
(approx. 1:30,000 ON A3)

**PROJECT**  
PROPOSED PACKING  
SHED and  
WORKERS ACCOM.  
505 INVERADI RD  
DUNBLAIR, 1872  
ONTARIO FARMS

Drawing No. SHEET No. DATE  
0443 DA 01 0



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

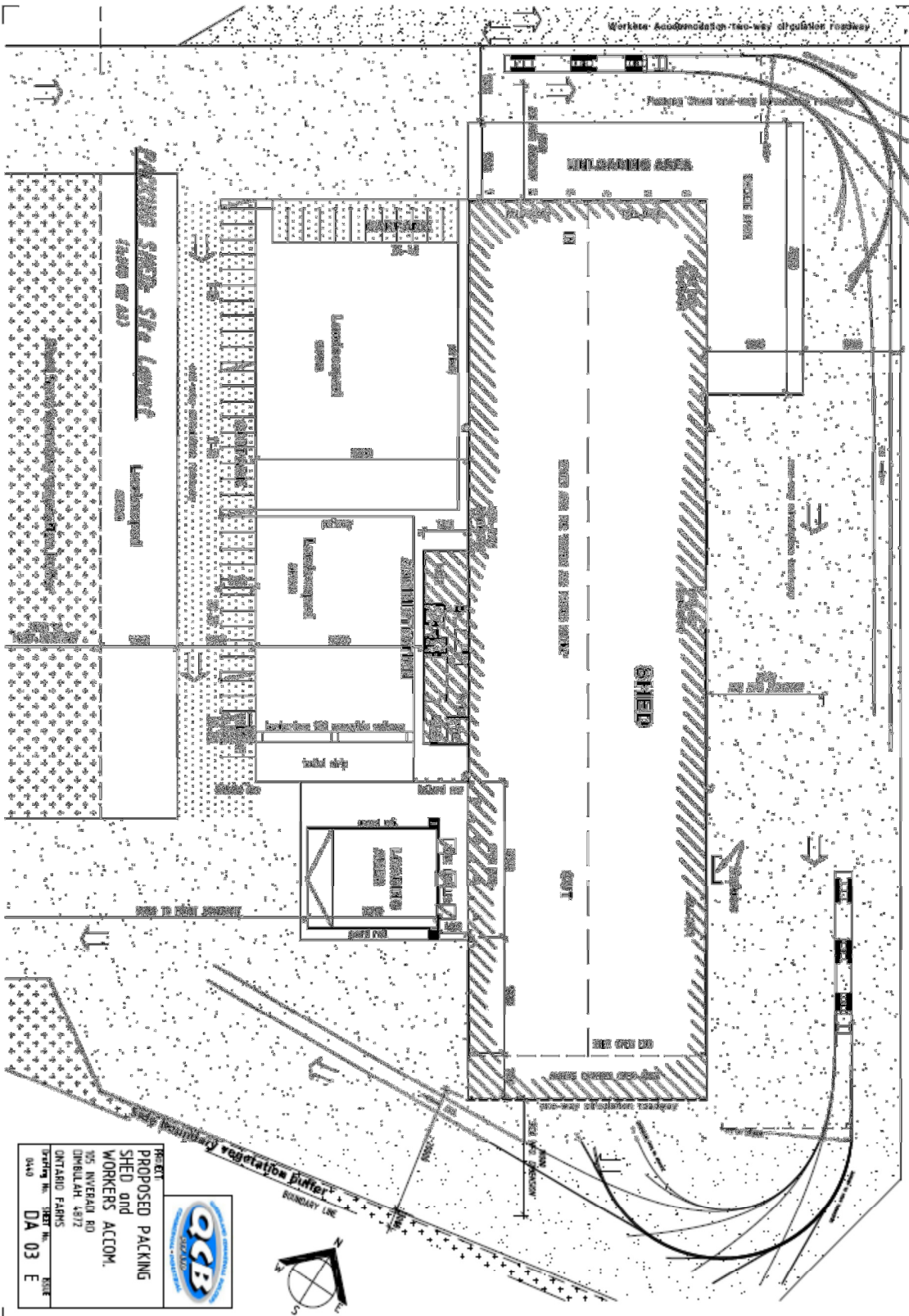


**SITE COVERAGE & STRUCTURES FOOTPRINT.**

- PROPERTY SITE area = 301631 sqm (100%)
- new SHED = 5145sqm (1.7% of site area)
- new ADMIN. (attached) = 207sqm (0.07% of site area)
- new LOADING AREA (outside shed) = 632sqm (0.2% of site area)
- new WORKSHOP (between shed and accom.) = 96sqm (0.03% of site area)
- new WORKERS ACCOMMODATION = 2628sqm total (0.9% of site area)
  - Workers Quarter-1 = 436
  - Workers Quarter-2 = 436
  - Workers Quarter-3 = 436
  - Workers Quarter-4 = 436
  - Workers Quarter-5 = 436
  - Workers Quarter-6 = 436
- new WORKERS FACILITIES = 371sqm total (0.1% of site area)
  - Office = 18sqm
  - Laundry = 36sqm
  - Abilities = 29sqm
  - Maintenance & Covered pick-up = 288
- new CARPARKING for SHED = 1230sqm (0.4% 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 = 2363sqm
  - Area-2 = 1197sqm
- new SHED FRONT BOUNDARY VEGETATION BUFFER = 17955sqm (0.6% of site area)



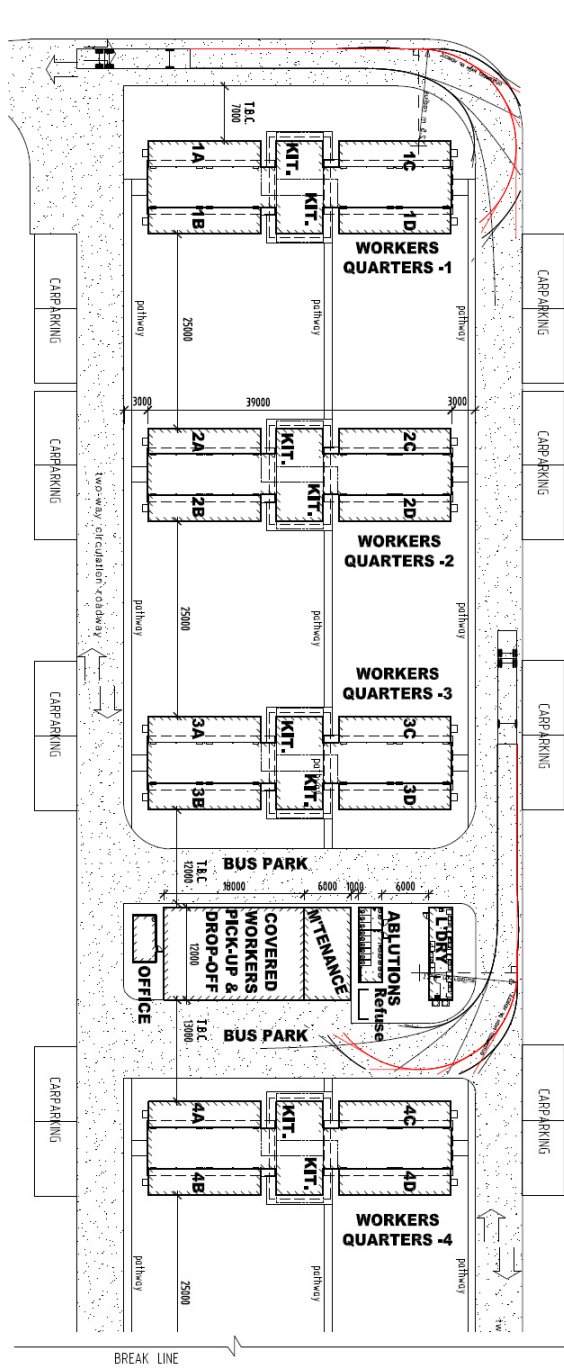
PROJECT:  
**PROPOSED PACKING SHED and WORKERS ACCOM.**  
105 NIVEBADI RD  
DIPBULAH 4812  
ONTARIO FARMS  
Drawing No. SHEET No. ISSUE  
0440 DA 02 E



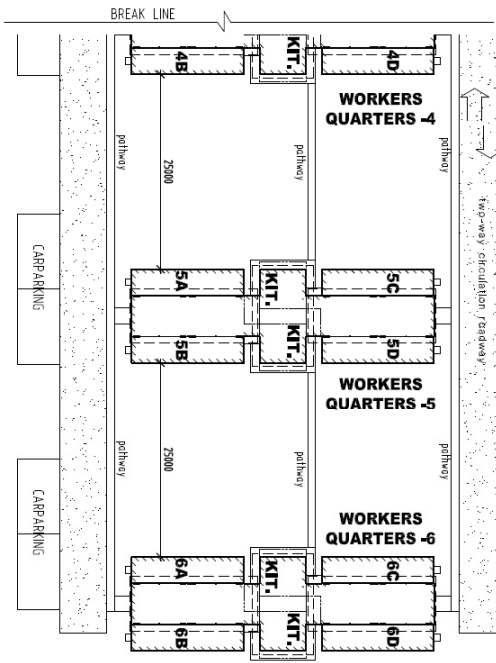
PROJECT  
**PROPOSED PACKING  
 SHED and  
 WORKERS ACCOM.**  
 155 WERRAIN RD  
 DUNDAS FARM 5  
 ONTARIO FARMS  
 SHEET NO. **DA 03 E**  
 3449



APPROX. LINE OF EXISTING ORCHARD (TREE LINE)



**WORKERS ACCOMMODATION- Site Layout**  
(1:500 ON A3)



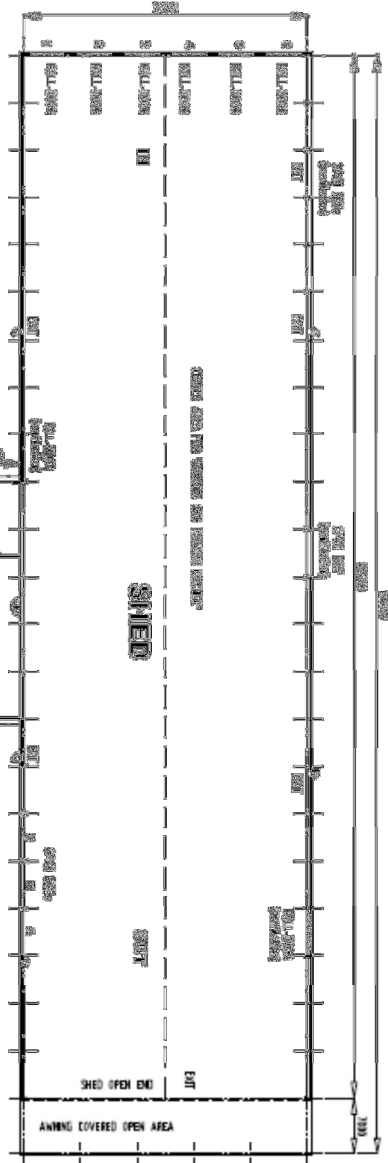
PROJECT:  
**PROPOSED PARKING  
 SHED and  
 WORKERS ACCOM.**  
 105 INVERDALE RD  
 DUNBELLAH, 4872  
 ONTARIO FARMS



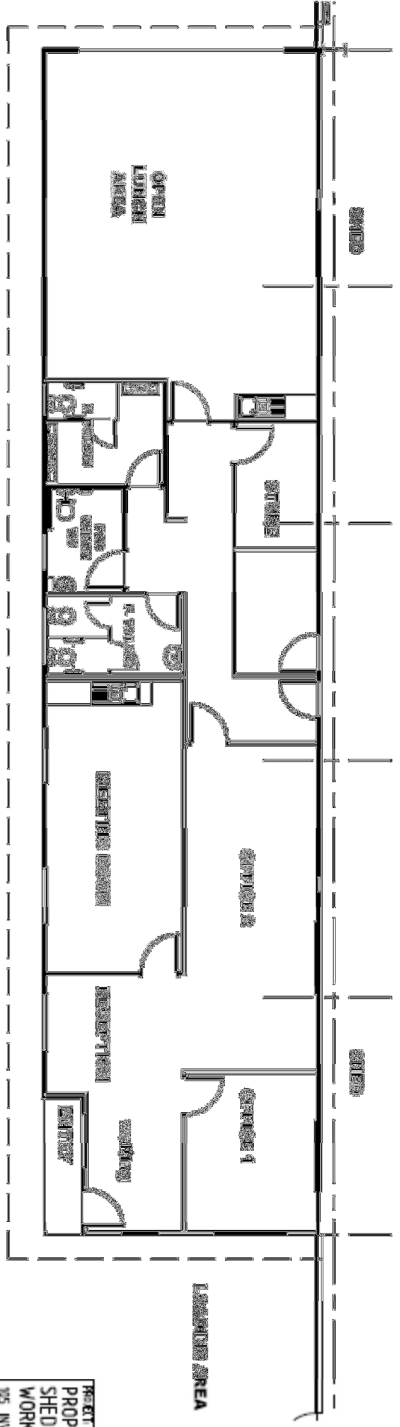
Drawing No. SHEET No. ISSUE  
 04/0 DA 04, D

**PARKING SHED FLOOR PLAN**  
 (AS SHOWN ON 401)

**ADDITIONAL**  
 (PROPOSED)

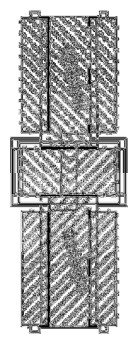
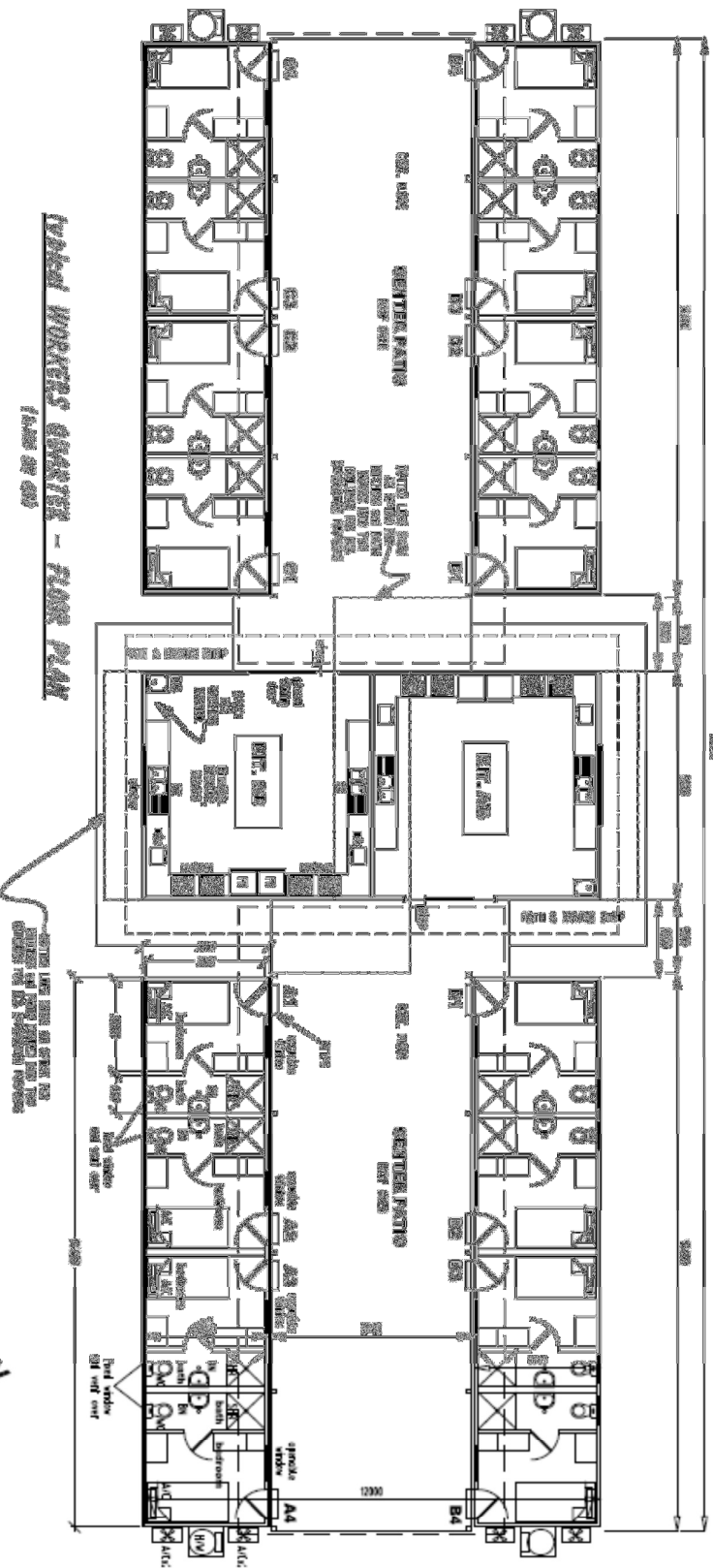


**ATTACHED ADMIN. FLOOR PLAN**  
 (AS SHOWN ON 401)



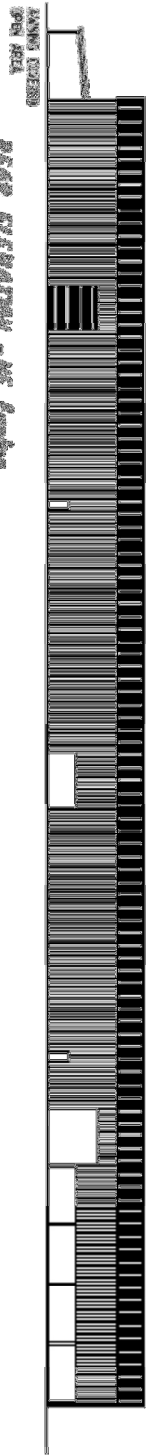
	PROJECT
	PROPOSED PACKING
	SHED and
	WORKERS ACCOM.
	ONTRARIO FARMS
505 NEVERAD RD	
DIMILLAH, 4872	
ONTARIO FARMS	
SHED No.	
DA 05 8	
DATE	
04/0	



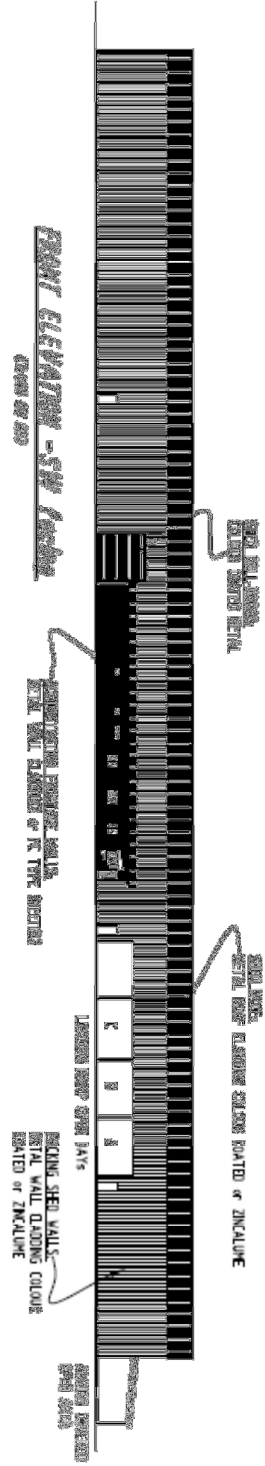
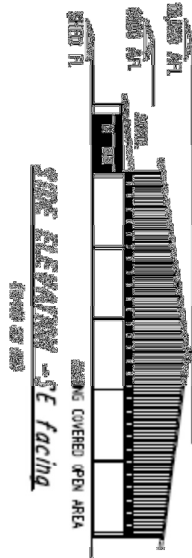
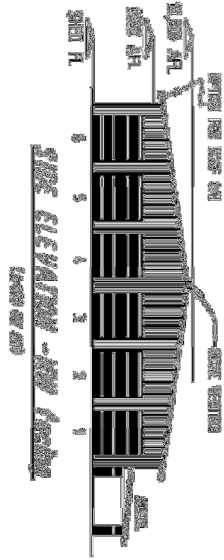


**PRELIMINARY**

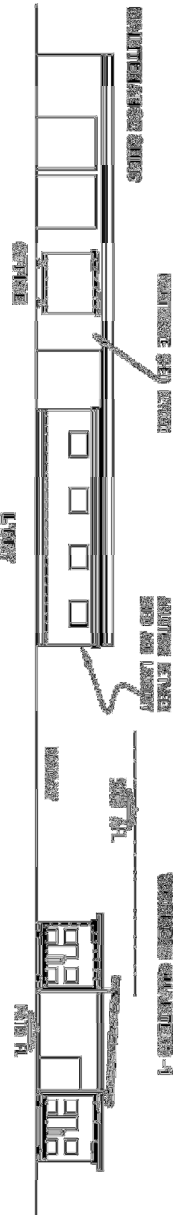
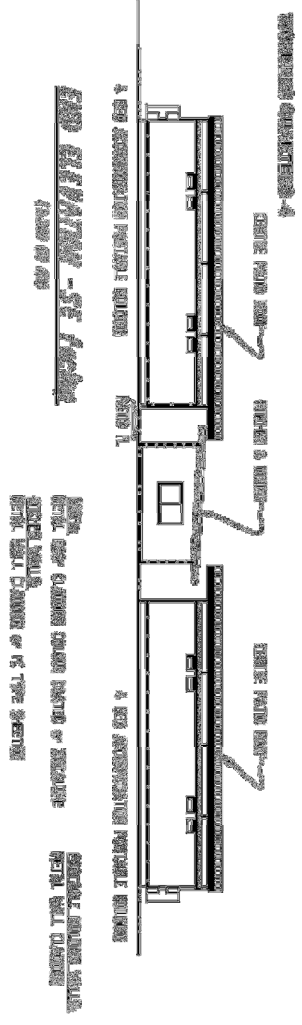
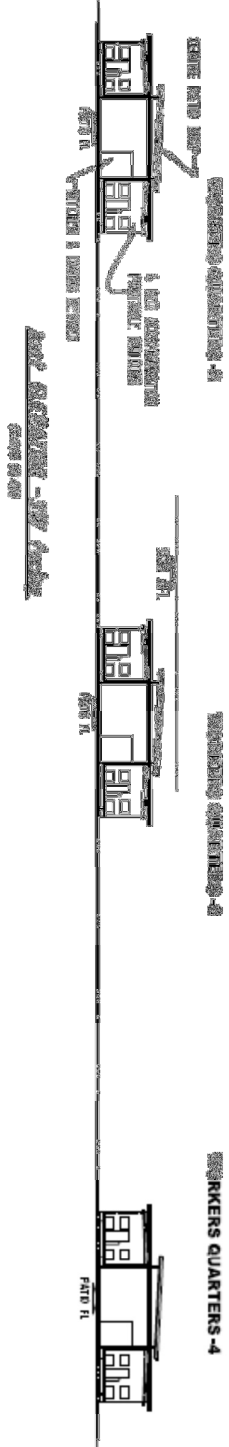

**QCB**  
 CONSULTANTS  
 PROJECT: PROPOSED PACKING SHED AND WORKERS ACCOM.  
 355 INVERAID RD  
 DUNBELLAH, A93Z  
 ONTARIO FARMS  
 DRAWING NO: 0449  
 SHEET NO: DA 06  
 DATE:



**PROPOSED PACKING SHED WITH ATTACHED ADMIN.**



**PROPOSED PACKING SHED WITH WORKERS ADMIN.**  
 THE PROJECT IS INSTALLED ON THE SITE OF THE PROPOSED SHED.  
 DRAWING NO. 2021-10-01  
 DATE: 10/1/21



**PROPOSED WORKERS ACCOMMODATION**

**PROPOSED WORKERS FACILITIES**



PROJECT: PROPOSED PACKING SHED AND WORKERS ACCOM. WORKER'S ACTION. 505 N. VERDE ST. ONTARIO, CALIF. 91764. DRAWING NO.: 10A-001-T. DATE: 04/10/10