

**8.1 MLK SPRINGS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 414 ON RP835556 - 429 FICHERA ROAD, MAREEBA - MCU/23/0001**

**Date Prepared:** 3 November 2023

**Author:** Senior Planner

**Attachments:**

1. Development Plans
2. Submissions
3. Traffic Impact Assessment & Addendum

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	MLK Springs Pty Ltd	<b>ADDRESS</b>	429 Fichera Road, Mareeba
<b>DATE LODGED</b>	10 January 2023	<b>RPD</b>	Lot 414 on RP835556
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)		
<b>FILE NO</b>	MCU/23/0001	<b>AREA</b>	102.6 hectares
<b>LODGED BY</b>	Neil Beck Town Planner	<b>OWNER</b>	MLK Springs Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	19 Submissions		

#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period 19 submissions were received, all of which objected to the development.

In recent years, large farming enterprises operating in the region began transitioning to the self-management of their large workforces, most of which utilise the Pacific Australia Labour Mobility (PALM) Scheme. The PALM Scheme became increasingly necessary to support the region's agricultural sector during the Covid-19 Pandemic when conventional "backpacker" workers stopped entering Australia. In some cases, large farming operators purchased existing motels, caravan parks and backpacker hostels to accommodate their labour force. In other cases, farmers have been seeking to establish on-farm workforce accommodation facilities.

This application proposes the construction of a workforce accommodation facility with the ability to accommodate up to 144 farm workers as well as two (2) on-site managers. The facility will include 72 twin share rooms within 12 detached buildings, a 2-bedroom managers residence, two (2) central kitchen/dining/recreations buildings, ablutions facilities and other associated recreational infrastructure. Workers accommodated at the facility will predominately be sourced through the

PALM Scheme and will primarily work on the applicants’ existing farms, however, may also work on other farms in the region when the applicant’s labour needs are low.

Of the 19 submissions received during the public notification period, the overarching concerns raised related to perceived impacts on existing rural lifestyle and amenity as well as the anticipated increase in traffic on the local road network. First and foremost, Fichera Road is a Rural zoned area, not a Rural residential zoned area, despite rural lifestyle lots being the predominant land use along the road. Agriculture and primary production industries take precedence within the Rural zone in terms of land use hierarchy, as do land uses that directly support the day-to-day operations of these industries such as rural worker accommodation. In this instance, the bulk of the submitters concerns are considered to stem from an unreasonable expectation of amenity within the Rural zone.

Notwithstanding this, Council officers have considered the submitters’ concerns, and reasonable conditions have been applied to help maintain the existing rural amenity, particularly with regards to noise and light emissions. Significant landscape buffering is also required to screen the development from view of neighbouring properties and Fichera Road users, helping to reduce impacts on visual amenity and to preserve the appearance of the rural landscape. The development will generate a noticeable increase in vehicle movements on the local road network, particularly Fichera Road, and as such the developer will also be required to widen an approximate 1.34 kilometre length of Fichera Road leading up to and including the site frontage in order to help reduce traffic impacts and improve road safety.

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:

APPLICATION		PREMISES	
APPLICANT	MLK Springs Pty Ltd	ADDRESS	429 Fichera Road, Mareeba
DATE LODGED	10 January 2023	RPD	Lot 414 on RP835556
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Undefined Use (‘Workforce Accommodation’ as defined by the Planning Regulation 2017)		

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 – Undefined Use (‘Workforce Accommodation’ as defined by the Planning Regulation 2017)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
033-2201-00-SK-0002	Overall Site Plan	5KF & Base Plans	26/09/2022
033-2201-00-SK-0003	Accommodation Area Site Plan	5KF & Base Plans	26/09/2022
22071101 Sheet No. 03	Floor Plan	Superior Steel Homes	11/07/2022
22071101 Sheet No. 04	Elevations	Superior Steel Homes	11/07/2022
22071101 Sheet No. 05	3D Views	Superior Steel Homes	11/07/2022
21080401 Sheet No. 03	Floor Plan	Superior Steel Homes	11/07/2022
21080401 Sheet No. 04	Elevations	Superior Steel Homes	11/07/2022
21080401 Sheet No. 05	3D Views	Superior Steel Homes	11/07/2022
21040101 Sheet No. 03	Floor Plan	Superior Steel Homes	11/07/2022
21040101 Sheet No. 04	Elevations	Superior Steel Homes	11/07/2022
21040101 Sheet No. 05	3D Views	Superior Steel Homes	11/07/2023

(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 Emissions

Emissions associated with operational activities must not cause an 'environmental nuisance' within the meaning of the Environmental Protection Act (1994) to any sensitive receptor and must comply with the Air Quality Objectives as stated within Schedule 1 of the Environmental Protection (Air) Policy 2019.

**Amplified music at a volume which causes nuisance to any adjacent or nearby sensitive land use is not permitted on-site at any time.**

3.5 Waste Management

3.5.1 On site refuse storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.5.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

3.6 Length of Stay

The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.

3.7 Accommodation Capacity

No more than 144 individual workers shall be accommodated on-site at any given time.

Occupancy records must be kept and presented to Council upon request should any complaint of overcrowding be received.

3.8 Recreational Activities Plan

Prior to the issue of a development permit for building works, a Recreational Activities Plan must be prepared by a suitably qualified professional and submitted to Council for approval.

The Recreational Activities Plan must demonstrate that there is adequate indoor and outdoor recreational infrastructure, sports infrastructure and activities/space provide within the curtilage of the workforce accommodation facility suitable for 144 workers.

All infrastructure, activities and spaces included in the Recreational Activities Plan must be implemented prior to the commencement of the use and maintained in

good working order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

### 3.9 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 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.

### 3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining areas, recreational areas, and on each accommodation building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

*"Guests should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

### 3.11 The workforce accommodation facility must be used to accommodate farm workers only. Guests must not be employed in any other industry.

Upon request by Council, the applicant/owner/operator shall be responsible for providing records to Council, which demonstrates that the occupants of the workforce accommodation facility are engaged in farm work only.

### 3.12 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.

### 3.13 Bushfire Management

3.13.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.13.2 An on-site water supply for firefighting purposes must be provided with a minimum capacity of 5,000 litres that must comprise either:

- (a) a stand-alone tank; or

- (b) a reserve section in the bottom part of the main water supply tank;  
or
- (c) a dam; or
- (d) a swimming pool.

Where tank water supply is provided, the outlet must be fitted with a 50mm ball valve with a camlock fitting for connection to firefighting appliances.

- 3.14 An adequate number of 12 seater minibuses must be provided to lawfully accommodate the number of workers residing on site at any given time. Workers must be primarily delivered to and from the site via the 12 seater mini buses on work days. Private vehicle ownership and use is permitted however reasonable effort should be made to ensure private vehicle ownership and use is kept to a minimum in accordance with the facts and circumstances of the use outlined in the application.

Buses larger than 12 seater mini buses are not permitted to transport workers to and from the site for standard work days.

- 3.15 Communal recreational and dining areas are not to be used past 9pm each day for cooking, food preparation or large gatherings unless prior approval is sought from Council's delegated officer. Additionally, any outdoor sporting fields/courts are not to be used past 7pm each day.

#### 4. Infrastructure Services and Standards

##### 4.1 Access Crossover

A commercial access crossover must be upgraded/constructed (from the edge of Fichera Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. The access must be at least 6.5 metres wide to accommodate two directional traffic.

##### 4.2 External Works – Fichera Road Upgrade

Prior to the commencement of the use, Fichera Road, between Chainage 2667 and Chainage 4008 (1,341 metres) must be upgraded to comply with Table D1.4 (Road Class 100 – 999), specifically, the road must be upgraded to include a 6.5m bitumen seal and an 8m formation (0.75m gravel shoulders).

A second bitumen coat must be applied to the entire pavement width for the full length of the abovementioned road works in order to bind the widening works with the existing bitumen.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

##### 4.3 Stormwater Management/Water Quality

- 4.3.1 Prior to building works commencing, the applicant/developer must submit a Stormwater Management Plan and Reports prepared and

certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

- 4.3.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, particularly northern adjoining Lot 415 on NR6054 and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.3.3 Prior to building works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- 4.3.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- 4.3.5 The applicant/developer must construct the stormwater drainage and water quality infrastructure for the development in accordance with both approved Plans.
- 4.3.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
- 4.4 Car Parking/Internal Driveways
- 4.4.1 The applicant/developer must ensure that the development is provided with at least 8 standard vehicle parking spaces, and 12 mini-bus parking spaces. No parking of vehicles or buses is permitted to occur outside the facility compound or on road reserve.
- 4.4.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal (bitumen, asphalt or concrete may also be used to seal these areas) and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.4.3 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.
- 4.4.4 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.

#### 4.5 Landscaping & Fencing

Prior to building works commencing, the applicant/developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

- (i) A minimum three (3) metre wide landscape buffer planted atop a one (1) metre high (minimum) earthen mound extending along the Fichera Road frontage of the development footprint to the extent shown on the submitted "Accommodation Area Site Plan";
- (ii) A minimum three (3) metre wide landscape buffer planted atop a one (1) metre high (minimum) earthen mound extending along the northern boundary of the site from the north-west corner for a length of 240 metres;
- (iii) A minimum two (2) metre wide landscape buffer along the southern side of the facility extending from the front boundary for a length of 100 metres (earthen mound not required);
- (iv) A 1.8m high chain mesh security fence surrounding the entire perimeter of the proposed facility as shown on the submitted "Accommodation Area Site Plan";
- (v) Any landscaping proposed throughout the facility (not compulsory).

Landscaping associated with points (i), (ii), and (iii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than four (4) metres in height. A minimum of 25% of plantings are provided as larger, advanced stock with a minimum plant height of 0.7 metres.

**Landscaping works must be undertaken when the building works commence** so as to ensure reasonable establishment before the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer. The fencing and landscaping required under (iv) and (v) must be installed prior to the commencement of the use.

#### 4.6 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.

#### 4.7 On-Site Wastewater Management

All on site wastewater disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS 1547) to the satisfaction of the Council's delegated officer.



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.

**Note:** Council is aware of overland flow paths within the site that flow into adjoining allotments as well as the presence of natural springs on the property. Any on-site wastewater treatment system, including associated irrigation area/s should avoid any overland flow paths and springs so as to ensure the treatment system/process does not impact on surrounding lots and nearby watercourses.

#### 4.8 Lighting

Where outdoor lighting is required, the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### 5. Additional Payment Condition (section 130 of the Planning Act 2016)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$22,325.60 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
  - The trunk transport network servicing the land (\$22,325.60)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
  - Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;

- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (c) 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.

- (d) 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.

- (e) 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.dcceew.gov.au](http://www.dcceew.gov.au).

- (f) 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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

- (g) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(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
- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

## THE SITE

The subject site is situated approximately 8km by road from the Mareeba CBD at 429 Fichera Road, Mareeba, and is described as Lot 414 on RP835556. The site is generally regular in shape with a total area of 102.6 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains 1,134 metres of frontage to Fichera Road which is constructed to a bitumen sealed standard of varying widths for its entire length (ranging from 3.5 metres wide to 8m wide in some places).

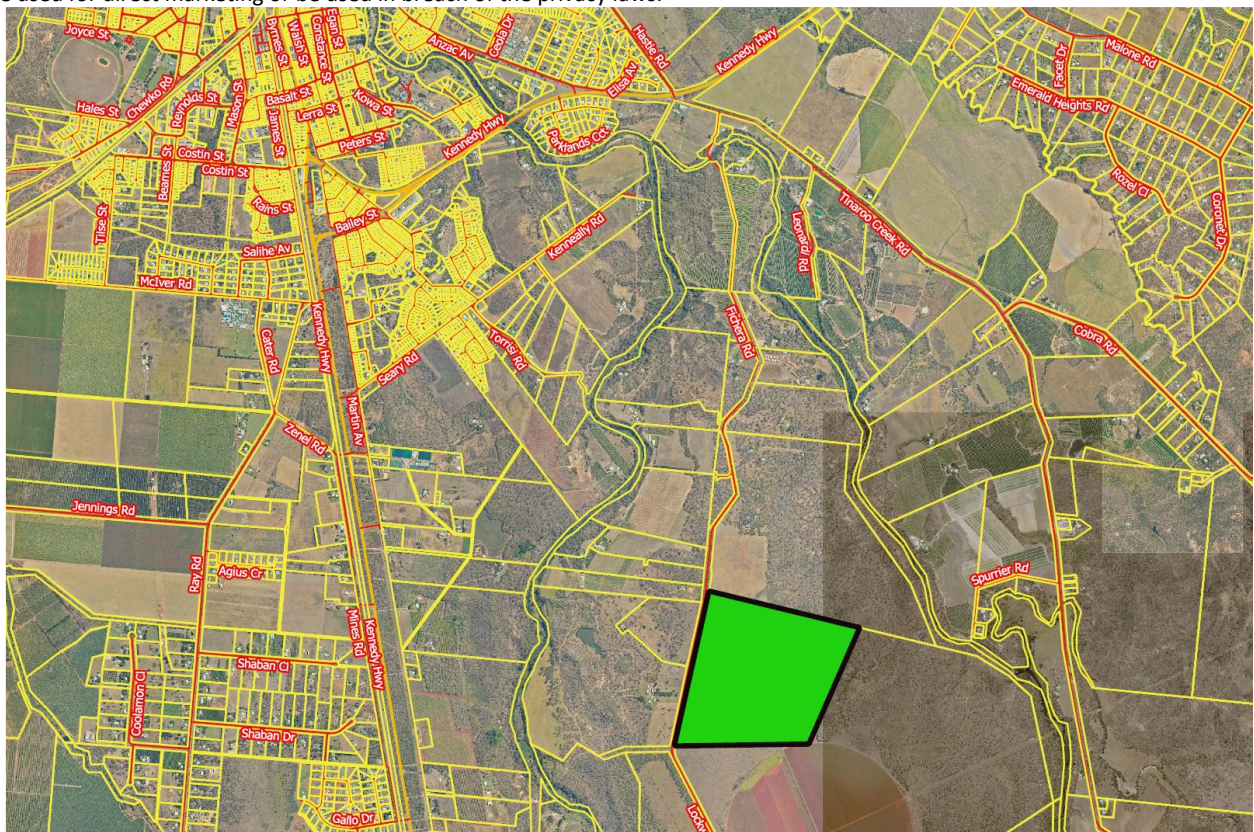
The site is improved by a dwelling and multiple sheds clustered towards the centre of the site's frontage to Fichera Road. Access to the site is gained via a single unsealed crossover. Approximately 45 hectares of the property on its western side has been cleared and has previously been cropped with the majority of this land mapped as Class A agricultural Land. The remaining 57 hectares of the site has remained generally unused in the past and for the most part is covered in mature vegetation.





**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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All surrounding lots are zoned Rural and are predominately used as large rural lifestyle lots. Sugar cane cropping occurs on the adjoining allotment to the south and livestock grazing occurs on the adjoining property to the north. The northern adjoining allotment also includes the established “Ringers Rest” function facility and self-contained RV park.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Undefined Use (‘Workers Accommodation’ as defined by the Planning Regulation) in accordance with the plans shown in **Attachment 1**.

The application includes the following details about the proposed development:

*“The development proposal seeks to establish rural workers accommodation on the site. The workers accommodation will be used to accommodate predominately South Pacific Islanders who will not only work on the Applicant’s rural properties but may also work on other rural properties within the region. As a consequence of the workers not being restricted to the rural properties owned and managed the Applicant, the proposed land use does not constitute Rural Workers accommodation as defined in the Planning Scheme, but rather Workforce Accommodation as defined in Schedule 24 of the Planning Regulation 2017.*

*The proposed development comprises twelve (12) accommodation buildings with each building containing six bedrooms with two persons in each room. The workers accommodation is supported by communal facilities comprising a kitchen, ablutions and laundry facilities in additions to a Manager’s Residence who will be responsible for the day to day management and oversight of the facility. Key aspects of the development include:-*

- *12 accommodation buildings each containing 6 bedrooms with 2 persons per bedroom;*
- *2 bedroom Manager’s Residence;*
- *Ablution facilities containing male and female toilets and showers;*
- *Landscaped setbacks adjacent Fichera Road and adjacent site boundary;*
- *2 x central kitchen facilities and communal dining areas which also have the ability to be used as recreational spaces. All central facility buildings are connected to the accommodation buildings via a concrete footpath;*
- *2 x volleyball courts;*
- *Onsite waste water treatment plant and irrigation area;*
- *Internal access driveway, manoeuvring areas and on-site car parking spaces (coaster buses and car parking spaces) to meet the operational requirements of the development.*

*A total of 146 persons will be accommodated at the facility including the Manager’s Residence.*

*The development will be accessed via Fichera Road with an access driveway having a width of 4.5 metres. The proposed layout provides for an internal driveway and six car parking spaces and eight coaster bus parks to service the development. Base Plan has been engaged to investigate and detail parking and access including swept path diagrams in addition to other civil design considerations including stormwater management and the establishment of a lawful point of discharge.*

*Superior Steel Homes have been engaged to prepare building plans of the development inclusive of the accommodation buildings, amenities and central facilities buildings. Plans detailing the proposed buildings along with the civil design considerations form Attachment 2.*

*An onsite wastewater treatment facility will be established that will service the development. Mr Christ Taylor from Taylor Environmental has been engaged to undertake an assessment of the proposal and prepare a preliminary design and calculations for the treatment of wastewater. The size of the facility proposed constitutes an Environmentally Relevant Activity being ERA 63. The report and supporting plans prepared by Taylor Environmental is located at Attachment 3.”*

**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. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- ‘Areas of Ecological Significance’ also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Area (Rural Agricultural Area &amp; Rural Other)</li> </ul>
Zone:	Rural zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Transport infrastructure overlay

**Planning Regulation 2017 Land Use Definition**

The proposed use is considered an 'undefined use' in the Mareeba Shire Council Planning Scheme 2016 due to a recent administrative change to the *Planning Regulation 2017*. Where there is an inconsistency between the land use definitions in the Planning Scheme and the Regulation, the Regulation definition prevails. The Regulation defines 'Workforce Accommodation' as follows:-

***Workforce accommodation—***

*(a) means the use of premises for—*

*(i) accommodation that is provided for persons who perform work as part of—*

*(A) a resource extraction project; or*

*(B) a project identified in a planning scheme as a major industry or infrastructure project; or*

- (C) a rural use; or
  - (ii) recreation and entertainment facilities for persons residing at the premises and their visitors, if the use is ancillary to the use in subparagraph (i); but
- (b) does not include rural workers' accommodation.

## 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

#### Strategic Framework

#### 3.3 Settlement pattern and built environment

##### 3.3.1 Strategic outcomes

- (5) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity. The valued, relaxed rural lifestyle, character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*

#### Comment

The proposed development is considered an agricultural support use, providing large scale farm worker accommodation which will directly support the Shire's agricultural sector through the provision of readily accessible farm labour for both the applicants' large farming operation as well as other farms in the region. There is an identified need for additional farm labour and farm labour accommodation in the region and large-scale farming operations such as the applicants are justified in their need for such a large workforce. The provision of on-farm accommodation within the Rural zone will help alleviate pressure on Mareeba's already depleted housing stock which is leading to instances of overcrowding and an increase in the unlawful use of dwellings as makeshift boarding houses and hostels.

While the proposed development will result in a loss of a small portion of the site's Class A and B agricultural land, the development has been positioned into the north-west corner so

as to minimise its impact on the sites remaining 40 hectares of cleared arable Class A agricultural land.

The development has been appropriately conditioned to help ensure the existing relaxed rural lifestyle and amenity is reasonably maintained for those immediately surrounding the development.

The development will comply with Strategic outcome (5).

### *3.3.11 Element - Rural areas*

#### *3.3.11.1 Specific Outcomes*

- (1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.*
- (6) Agricultural areas will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.*

#### Comment

While the development may be inconsistent in scale with existing built form in the immediate vicinity, it is significantly smaller in scale than other development along Fichera Road, notably the DeBruey's Winery tourist accommodation development currently under construction. Conditions of approval will require the implementation of extensive landscape buffering around the perimeter of the accommodation facility. Once established and mature, this landscape buffering will effectively screen the development from view of neighbouring properties and Fichera Road users.

While the proposed development will result in a loss of a small portion of the sites agricultural land, the development has been sited in such a way as to minimise its impact on mapped Class A land. Furthermore, the proposed development is not likely to impact on the site as a standalone agricultural allotment considering the balance of the 102 hectare property contains approximately 40 hectares of unalienated cleared arable Class A agricultural land.

The development will not constrain the viability of use of adjoining agricultural land to the north. It is acknowledged that this land may be cropped in future, however given the nature of the proposed development (short – medium term accommodation for farm workers only) the development is likely to be more resilient and subsequently less susceptible to land use conflict should this land to the north be cropped in future. The required landscape buffering will also help reduce the likelihood of future land use conflict.

The development complies with Specific outcomes (1) and (6).

### **3.4 Natural resources and environment**

#### *3.4.8 Element – Air and noise quality*

##### *3.4.8.1 Specific outcomes*

- (1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*



Comment

See Planning Discussion section of the report for commentary on the protection of existing amenity.

The proposed development has been appropriately conditions to minimise impacts on the health, well-being and amenity of surrounding sensitive land uses and therefore satisfies Specific outcome (1).

**3.6 Transport and Infrastructure****3.6.2 Element – Road network****3.6.2.1 Specific outcomes**

- (1) *The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.*
- (4) *Development provides off-street parking, loading and manoeuvring areas where possible and practicable.*
- (5) *Development of new roads and upgrades to existing roads are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.*

Comment

Refer to Planning Discussion section of report for further commentary on the developments impacts on the local area road network (Fichera Road, Lockwood Road and Henry Hannam Drive).

The development is likely to have the greatest impact on the tail end of Fichera Road north of the site and including the site frontage, this is also arguably the poorest section of the road. A condition of approval requires the upgrade of 1.3 kilometres of Fichera Road to a 6.5m wide bitumen sealed standard. The developer will also be required to pay a monetary contribution towards the future upgrades of other impacted roads within the catchment.

The development satisfies Specific outcomes (1), (4) and (5).

**3.6.7 Element – Water supply and wastewater services****3.6.7.1 Specific outcomes**

- (1) *Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.*
- (3) *Development in rural areas will demonstrate that it has access to adequate potable water and fire-fighting water supply on-site.*
- (4) *In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.*

Comment

The development will be provided with an adequate water supply via the Sunwater channel network through the sites existing water allocation. A potable water supply will be made available to the development which will be conditioned as part of any approval.

Conditions of approval will also require a standalone on-site water supply for fire-fighting purposes. The development itself sits on the edge of the bushfire hazard buffer zone only, and not within an actual bushfire hazard area, however some water supply for firefighting is still deemed necessary.

The proposed on-site wastewater treatment system will require a subsequent environmental authority for an ERA 63 treatment system. This process is administered by the State and will ensure minimal impact to environment and amenity.

The proposed development will comply with Specific outcomes (1), (3) and (4).

### *3.6.8 Element – Stormwater management*

#### *3.6.8.1 Specific outcomes*

- (1) Water Sensitive Urban Design principles and adequate infrastructure are integrated into new development, ensuring:
  - (a) water quality objectives are met;*
  - (b) a no worsening effect on surrounding land and the environment is achieved;*
  - (c) flooding and ponding of water is avoided**
- (2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.*

#### Comment

Conditions will be attached to any approval requiring the preparation of a Stormwater Management Plan and a Stormwater Quality Management Plan both of which will need to be prepared and endorsed by a Registered Professional Engineer of Queensland.

The Stormwater Management Plan must ensure that the development does not cause a worsening effect on surrounding land, particularly northern adjoining Lot 415 on NR6054.

The development will be conditioned to comply with Specific outcomes (1) and (2).

## **3.7 Economic Development**

### *3.7.1 Strategic outcomes*

- (1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. Agricultural areas and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.*

- (2) *The rural area includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.*
- (11) *Major employment generators within Mareeba Shire continue to support the economy and are protected from development which may prejudice their ongoing operation. New and expanded employment generators are promoted in appropriate locations across the shire, including within activity centres and rural areas.*

#### Comment

Agriculture and primary production underpin Mareeba's economy. There is currently an identified shortfall in farm worker accommodation within the Region and the proposed development will help to address this shortfall.

The proposed development is considered to be an agricultural support use and will help ensure the ongoing viability of the Shires agricultural sector through the provision of a readily available labour force. The proposed development will be established on mapped Class A and B agricultural land, however the loss of this approximate 4-5 hectare portion of agricultural land is not likely to impact on the viability of the balance of the site which still contains approximately 40 hectares of cleared arable land, the majority of which is mapped as Class A agricultural land.

The land immediately to the north of the proposed development on adjoining Lot 415 on NR6054 is currently cleared and predominately used for livestock grazing. This land is also the lesser quality Class B agricultural land; however, it is acknowledged that it could be used for cropping in future. Given the nature of the proposed development (short – medium term accommodation for farm workers only) the development is likely to be more resilient and subsequently less susceptible to land use conflict should this land to the north be cropped in future. Landscape buffering is proposed along the northern boundary which will help mitigate any land use conflict should this land fall into agricultural production. No other land in proximity to the development footprint is likely to be cropped.

The development complies with Strategic outcomes (1), (2) and (11).

### *3.7.2 Element - Rural and Agricultural land*

#### *3.7.2.1 Specific outcomes*

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*
- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*

#### Comment

The proposed development is considered to be an agricultural support use and will help ensure the ongoing viability of both the applicants farming operations and the Shires broader

agricultural sector through the provision of additional farm labour and farm labour accommodation. The proposed development will be established on mapped Class A and B agricultural land, however the loss of this approximate 4-5 hectare portion of agricultural land is not likely to impact on the viability of the balance of the site which still contains approximately 40 hectares of cleared arable land, the majority of which is mapped as Class A agricultural land.

The land immediately to the north of the proposed development on adjoining Lot 415 on NR6054 is currently cleared and predominately used for livestock grazing. This land is also the lesser quality Class B agricultural land; however, it is acknowledged that it could be used for cropping in future. Given the nature of the proposed development (short – medium term accommodation for farm workers only) the development is likely to be more resilient and subsequently less susceptible to land use conflict should this land to the north be cropped in future. Landscape buffering is proposed along the northern boundary which will help mitigate any land use conflict should this land fall into agricultural production. No other land in proximity to the development footprint is likely to be cropped.

The development complies with Strategic outcomes (1), (2) and (11).

**Relevant Developments Codes**

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 9.3.1 Accommodation 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 complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code document for full commentary.</p> <p>Further discussion is warranted regarding the following performance outcomes:</p>

	<ul style="list-style-type: none"> <li>Performance Outcome PO6 – Amenity</li> </ul> <p>Refer to planning discussion section of report for commentary.</p>
Agricultural land overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code document for full commentary.</p> <p>Further discussion is warranted regarding the following performance outcomes:</p> <ul style="list-style-type: none"> <li>Performance Outcome PO1</li> <li>Performance Outcome PO2</li> <li>Performance Outcome PO3</li> </ul> <p>Refer to planning discussion section of report for commentary.</p>
Airport environs overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Bushfire hazard overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Accommodation activities code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Landscaping code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes</p>

	<p>where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Parking and access code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Works, services and infrastructure code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>

**(D) 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 included on any approval requiring all relevant development works be designed and constructed to comply with FNQROC Development Manual standards.

**(E) Additional Trunk Infrastructure Condition – Road Infrastructure**

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 (the PA) allows Council to condition additional trunk infrastructure outside the PIA.

Significant sections of Fichera Road, Lockwood Road and Henry Hannam Drive are currently not constructed to the required standard. As summarised in the submitted Traffic Impact Assessment, the development is likely to generate an additional average of 43 vehicle movements per day (vmpd).

Considering a standard 2023/24 roads contribution of \$5,192.00 is equivalent to the traffic generated by a standard allotment or 10 vehicle movements per day, the contribution applicable to this development should be 4.3 x the standard contribution as follows:

- \$5,192.00 x 4.3 = **\$22,325.60**

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$22,325.60)

The developer may elect to provide part of the trunk infrastructure instead of making the payment.

If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

The development is not likely to place additional demand on any other trunk infrastructure network (water, sewer, parks or stormwater/drainage).

#### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

#### **Advice**

This application did not trigger referral to an Advice Agency.

#### **Internal Consultation**

Technical Services – External road network upgrades

#### **External Consultation**

NJM Engineering Consulting: Natasha Murray - Registered Professional Engineer of Queensland (RPEQ) – External road network upgrades.

#### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 27 January 2023 to 16 February 2023. The applicant submitted the notice of compliance on 19 February 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

19 submissions were received all of which objected to the proposed development.

Where submitters lodged multiple submissions, their submissions were collated and considered a single submission.

Two (2) submissions were received that were anonymous so cannot be considered “properly made submissions”, however, it is noted that these submissions did not include any new concerns not already raised by other submitters.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
<p>The road network servicing the development which includes Fichera Road, Tinaroo Creek Road, Lockwood Road and Henry Hannam Drive and not constructed to the required standards and widths. The roads are either gravel, or include a narrow bitumen seal with narrow single lane bridges accessed from both directions (Fichera Road to the north and Lockwood/Henry Hannam Drive to the south).</p>	<p>Refer to Planning Discussion section of report.</p>
<p>The perception of privacy, isolation and safety on surrounding rural and rural lifestyle lots is being compromised.</p>	<p>The closest dwelling to the proposed development is situated to the west of the development approximately 140 metres away. Mounded landscape buffering will be established along the Fichera Road frontage of the development footprint as well as along the northern and southern boundaries of the development footprint. 1.8m high security fencing will also be established around the perimeter of the facility. An on-site manager will be present on-site at all times housed in proximity to the site access to ensure anti-social behaviour is managed.</p> <p>Workers residing at the premises will be free to leave the facility and may choose to walk along Fichera Road, however any trespass on neighbouring properties is an assumption only and is ultimately a police issue.</p> <p>First and foremost, Fichera Road is a Rural zoned area, not a Rural residential zoned area, despite rural lifestyle lots being the predominant land use in the area. Agriculture and primary production industries take precedence within the Rural zone in terms of land use hierarchy, as do land uses that directly support the day-to-day operations of these industries such as rural worker accommodation facilities. In this instance, the bulk of submitter concern is considered to stem from an unreasonable expectation of amenity within the Rural zone.</p>
<p>The proposed development will be sited on good quality agricultural land.</p>	<p>Refer to Planning Discussion section of report for commentary on the development impacts on good quality agricultural land.</p>
<p>The proposed development will increase the risk of land use conflict with surrounding rural uses (eg. spray drift from aerial and ground spraying)</p>	<p>Refer to Planning Discussion section of report.</p>
<p>The proposed development will devalue properties in the vicinity of the site.</p>	<p>Property devaluation is not a relevant town planning concern.</p>
<p>The proposed development will result in a new satellite township being constructed within a poorly serviced rural area. This satellite township will have limited access to services available in residential areas such as sewerage, roads, pedestrian walkways, schools, medical centre’s, parks and shops)</p>	<p>This statement is not accepted. The proposed development is not considered to be sited an unreasonable distance from Mareeba’s CBD and farm worker guests will have access to the same level of services as all existing Fichera Road residents. As discussed in the body of this report, large scale farm worker accommodation facilities within Rural areas are not uncommon, with other similar scale, and even larger accommodation facilities already constructed within the Shire and in</p>



	neighbouring Shires in the Rural zone, further from town than this site.
Council should be assisting developers/farmers to utilise the Queensland Governments new Rural Worker’s Accommodation Initiative which is intended to help address the workers accommodation shortage felt across Queensland.	It is understood the applicant was an active participant in the Queensland Governments workers accommodation initiative established to help address the identified farm worker labour shortage. This initiative is limited to “rural workers accommodation” which is a different land use to that proposed in this instance and is also only limited to 20 workers per property. The applicant requires a much larger workforce than 20 workers.  Regardless of what other initiatives exist, Council is required to assess this application on its individual merits.
The development will compromise the safety of pedestrians, cyclists and motorists using the surrounding roads.	The development will impact on Fichera Road, Tinaroo Creek Road, Lockwood Road and Henry Hannam Drive. However, the most noticeable impacts will occur on Fichera Road. A condition will be placed on any approval requiring the upgrade of a 1.3 kilometre section of Fichera Road. Traffic impacts are likely to be experienced during peak times (morning and afternoon) with little to no traffic generated outside these peak times.  Any cyclist or pedestrian using the roadway should be cautious of traffic, particularly large vehicle traffic that use the road during the cane cutting season.
The application states that private vehicle ownership will be permitted amongst the workers which could lead to high numbers of private vehicles coming and going from the site which will further impact Fichera Road/Lockwood Road/Henry Hannam Drive.	Private vehicle ownership is expected to be low as is seen among existing PALM labour scheme workers currently working in the region and for the applicant. It is understood that PALM labour scheme workers are provided with bus transport as part of their employment package which will help maintain private vehicle ownership at low levels.
ARO Traffic Impact Assessment inadequate.	The ARO Traffic Impact Assessment (TIA) was peer reviewed by Council’s Technical Services Dept as well as a third party Registered Professional Engineer of Queensland (RPEQ). Inadequacies were identified in the original TIA which has since been amended.  The applicant will be required to upgrade a 1.3km section of Fichera Road in order to help minimise traffic impacts and improve road safety. These works are viewed by Council’s Officers as a fair and reasonable contribution to the improvement of road safety by the developer.
“The proposal to build a 146-person workforce accommodation centre is not up to safe standards and requirements”	This is an assumption. All buildings on-site are required to be certified and will need to comply with the relevant standards.
The development will impact on the local area telecommunications services.	Telecommunications services are continuously improved by service providers. If demand increases, additional services will be provided to meet the increased demand.
The Planning report submitted with the application includes inconsistent statements about the proposed water supply (bore vs channel supply)	The applicant has clarified that the development will be provided with a water supply via the Sunwater channel network through the sites existing water allocation. A condition of approval will require some water servicing the development to be filtered to a potable standard.
The wastewater assessment states that no overland flow will traverse the site or runoff from the site. This statement is incorrect as the site contours indicate that overland flow paths	The on-site wastewater disposal system is subject to separate assessment by the Department of Environment and Science as an Environmentally Relevant Activity (ERA 63). Condition 4.7 – On-site Wastewater Management makes specific note of the on-

<p>exist between the site and the northern adjoining allotment. These flow paths are visible on-site. Submitters are concerned that treated effluent wastewater and other stormwater may be discharged from the site through this northern lot via these drainage paths. A proper assessment of the risk of wastewater being discharged onto adjoining land and other watercourses has not been undertaken.</p>	<p>site springs and overland flow paths which will need to be addressed during the ERA 63 approval process.</p> <p>This concern will be adequately addressed during this subsequent ERA 63 approval process.</p>
<p>The site is upstream of the Mareeba Township raw water intake from the Barron River. No risk assessment has been undertaken on the impact that a failure of the on-site treatment system may have on nearby watercourses.</p>	<p>See comments above. This concern will be adequately addressed during this subsequent ERA 63 approval process.</p>
<p>The proposal is inconsistent with the Planning Scheme’s Strategic Framework.</p>	<p>See Strategic Framework section of the report. The development is not considered to be inconsistent with the relevant strategic framework provisions contained within the Planning Scheme.</p>
<p>The development is not consistent with purposes and overall outcomes contained within the Rural zone code. Specifically, Overall outcome (f) – “Residential and other development is appropriate only where directly associated with the rural nature of the zone;”. The development has no direct association with the subject land which is not cropped at this time and will accommodate workers that will work on farms in the broader rural zone and on farms outside the Shire. The proposal will largely benefit locations and regions remote from the site while the existing residents and rural uses in the immediate vicinity to the site will be required to absorb the unacceptable impacts of the proposal.</p>	<p>This issue is discussed throughout the body of this report. The proposed development is not considered to be in conflict with any relevant aspect of the Planning Scheme.</p>
<p>There is limited scope for Council to regulate the use of the accommodation to persons directly associated with rural production given the scope of definition for “Workforce Accommodation”.</p>	<p>This is not accepted. A condition of approval has been applied limiting the use of the site to accommodating farm workers only. This condition is lawful and has been accepted by the applicant/developer.</p>
<p>There is limited ability to ensure that the use does not “transition” into a use incorporating accommodation for persons not associated with rural production.</p>	<p>This is not accepted – see comments above.</p>
<p>Visual impact – application has failed to undertake and assessment of the visual impact. The development will be clearly visible from the Ringers Rest function facility and motorhome park which is situated on an adjacent property in an elevated position.</p>	<p>Adequate vegetated buffering will be installed around the perimeter of the development. Once established and mature, this vegetation will effectively screen the development from view from the Ringers Rest function facility and RV Park.</p>
<p>The application has failed to demonstrate an overriding need for development in terms of public benefit at this location.</p>	<p>Council officers consider that there is a genuine need for additional farm worker accommodation in the region which will in-turn relieve the pressures currently being experienced in our urban areas with the shortage of housing stock. Large scale farm worker accommodation facilities are most appropriately sited within the Rural zone a short distance from town like this site.</p>

<p>No consideration has been given to the suitability of the site in relation to rationally and efficiently serving the employment needs of the region.</p>	<p>See comment above.</p>
<p>No consideration has been given to need and demand for the proposal within the context of current or recently approved applications for Workforce Accommodation within the Mareeba Shire.</p>	<p>Primarily, the development will provide labour for the applicants own large farming enterprise. Second to this, when not required on the applicants' farms, the labour force residing on-site will be made available to other farms in the region seeking labour at different times when required. The number of workers proposed is considered justifiable, particularly considering the size of this farming operation. There is an identified shortfall of farm workers and farm worker accommodation within the region.</p>
<p>No consideration has been given to the identification of alternate sites in relation to superior location or proximity to urban services.</p>	<p>Council officers are required to assess this application on its individual merits. Council officers do not consider this site to be unsuitable for farm worker accommodation, particularly considering the future cropping proposed on the subject site and the sites proximity to the applicants' farming operations on Henry Hannam Drive. The site is not an unreasonable distance from Mareeba, and is closer to a service centre then other large rural worker accommodation development in the region.</p>
<p>The accommodation would be more suitably located within, or in close proximity to an urban centre such as Mareeba.</p>	<p>Noted. This issue has been addressed throughout this report. Council officers do not consider this site to be unsuitable for farm worker accommodation, particularly considering the future cropping proposed on the subject site.</p>
<p>The proposal will result in a population density of 31.73 persons per hectare with the area identified for the proposal. This population density is incompatible with the surrounding rural uses and the rural character and setting of the locality. The proposal will unreasonably constrain the use of the northern adjoining lot for cropping purposes as proposed.</p>	<p>Refer to Planning Discussion section of the report.</p>
<p>Submitters are concerned that the site access works may impact on their water supply which runs along the eastern side of Fichera Road past the development site.</p>	<p>Access works will form part of a subsequent application to Council for Operational Works. The operational works, including access works will not be permitted to impact on existing water supply lines within the road reserve. Some services may be disrupted temporarily during construction, but no long-term disruption is likely.</p>
<p>The application should have been referable to the State Assessment Referral Agency (SARA).</p>	<p>The application was not referable to SARA.</p>
<p>Occupants of the accommodation facility may wander into neighbouring properties.</p>	<p>A 1.8m high security fence is proposed around the perimeter of the facility. If any occupants do wander onto neighbouring properties this will be a matter for the police.</p>
<p>"Since the banana farm and another workers camp (at the beginning of Fichera Road) was established, there has been notable rubbish being thrown out the windows. Including people pulling up along the road, drinking alcohol and leaving rubbish on the road. There has been fuel stolen along this road as well as vehicles. This will only get worse."</p>	<p>These matters are assumptions only and are police matters and do not form part of this assessment.</p>

**Submitters**

<b>Name of Principal submitter</b>	<b>Address</b>
1. Jason & Susan Booth	484 Fichera Road, Mareeba QLD 4880
2. Christine Olsen & Phillip Otoole	Lot 3 Fichera Road, Mareeba QLD 4880
3. Karl-Heinz Seelig	PO Box 401, Mununda QLD 4870
4. Analie & Andrew Cifuentes	PO Box 1428, Mareeba QLD 4880
5. David Neenan	PO Box 1137, Mareeba QLD 4880
6. Tammy Tiraboschi	PO Box 867, Mareeba QLD 4880
7. Georgina & Kym Kruse	PO Box 225, Walkamin QLD 4872
8. Ronald Reddiclife & Victoria McCann	PO Box 746, Mareeba QLD 4880
9. R Patane	PO Box 527, Mareeba QLD 4880
10. Martin & Jacqueline Perkowicz	PO Box 745, Mareeba QLD 4880
11. David and Barbara Berry	PO Box 983, Mareeba QLD 4880
12. MJ Sheppard	2 Pine Close, Gloucester NSW 2422
13. Damion Jones	376 Fichera Road, Mareeba QLD 4880
14. Anthony Henderson	376 Fichera Road, Mareeba QLD 4880
15. Melanie Berry	27 Avon Road, Avonsleigh VIC 3782
16. Miguel & Teresa Samanes	PO Box 71, Mareeba QLD 4880
17. Juanita Greaves	Site 14 Newville Cottage Park, 45 Old Coast Road, Nambucca Heads NSW 2448
18. H. Gordon Greaves O.A.M	Site 14 Newville Cottage Park, 45 Old Coast Road, Nambucca Heads NSW 2448
19. Rankine Farming	584 Lockwood Road, Mareeba QLD 4880

**PLANNING DISCUSSION**Rural Zone Code - Amenity**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

Performance Outcome PO6 of the Rural zone code ensures that new development is appropriately managed to minimise impacts on the amenity experienced in the immediate vicinity of the development site. In terms of sensitive land uses, the closest dwelling is situated approximately 140 metres to the west of the development site. Ringers rest RV park and function centre is situated approximately 320 metres to the north of the development site. All other nearby dwellings are situated in excess of 600 metres away.

**Noise** – A condition of approval has been included to ensure that the proposed development is operated in such a way as to not cause an ‘environmental nuisance’ as defined by the *Environmental Protection Act 1994* with regards to emissions (noise, light, dust etc.). The condition also restricts the use of amplified music at a volume audible at any adjacent sensitive land use. The facilities communal recreational and dining areas as well as the proposed outdoor sports facilities are likely to generate the most noise because of large gatherings of farm workers, particularly during evening cooking/dining and recreational times. A condition of approval has also been recommended restricting the use of the recreational and dining areas past 9pm, and the outdoor sports facilities past 7pm. In addition to these conditions, the following is noted as being relevant with regards to the surrounding sensitive land uses and the likelihood of noise nuisance:

- The closest dwelling is situated 140 metres to the west of the development footprint on Lot 1 on RP712288. This dwelling is at the greatest risk of being impacted by noise generated by the accommodation facility. The communal cooking and recreational areas are likely to generate the most noise when in use, particularly by large gatherings. These communal areas are located on the eastern side of the facility furthest away from this dwelling. The accommodation buildings are situated closest to this dwelling which are not envisaged to generate significant noise. The proposed development layout has been designed to minimise noise impacts on this nearby dwelling.
- The “Ringers Rest” function facility is setback approximately 540 metres from the development footprint. Functions held at Ringers Rest occur periodically and predominately involve the use of amplified music (weddings, parties etc.). Low levels of noise generated from the proposed workforce accommodation facility is not likely to significantly impact on functions held at the function facility.

The “Ringers Rest” RV Park includes a grassed RV parking area which is situated approximately 320 metres from the development footprint at its closest point. The RV Park is in use during Mareeba’s RV season only, which generally spans from May through to October of each year. The RV Park is limited to use by self-contained vehicles only (no non-self-contained camping permitted) and guests are permitted to stay a maximum of 5 consecutive nights under their current Development Permit. Given that the RV Park is limited to the accommodation of temporary guests only, on a very short-term basis, the likelihood of ongoing land-use conflict on individual park guests as a result of the development is unlikely, particularly considering the conditions discussed above as well as when landscape buffering is mature and effective. Guests residing in the RV Park are more likely to be impacted by noise generated by other guests residing in close proximity within the RV parking area.

No other sensitive land use is considered to be in close enough proximity to be affected by noise emitted from the development.

With these restrictive conditions applied, the development is not likely to impact on the amenity of the immediate surrounding area with regards to noise.

**Hours of operation** – The proposed workforce accommodation facility will accommodate farm workers only. Occupants will be at work 4-5 days per week and will leave in the morning and arrive back on-site in the afternoon. As discussed above, conditions of approval will limit times in which communal cooking/dining areas and recreational areas including outdoor sports ovals/courts can be used on-site in order to minimise any impacts on adjoining properties. The proposed development is not likely to impact on the amenity of the immediate surrounding area with regards to its hours of operation.

**Traffic** – The proposed development is likely to create a noticeable increase in vehicle traffic at the tail end of Fichera Road leading up to the development site. Conditions of approval have been including requiring the widening of a 1.3 kilometre section of Fichera Road which will help alleviate traffic impacts (refer below for further discussion on external roadworks requirements).

**Advertising devices** – A condition will be attached to any approval to limit the amount and size of any advertising signage associated with the development.

**Visual amenity** – The proposed workforce accommodation facility will include the construction of 18 single storey buildings spread over the development footprint which covers an area of approximately 2ha. The development will be directly visible to Fichera Road users, the dwelling situated to the west of the facility and to guests visiting/staying at the “Ringers Rest” function facility and RV Park.

In terms of scale, the development will be inconsistent with most other building in the immediate area, however, will be smaller in scale than the DeBruey’s Winery accommodation development situated approximately 1.7 kilometres north of this site.

Conditions of approval require the planting of extensive landscape buffering along the northern, western and southern perimeter of the accommodation facility. The northern and western plantings are required to be planted on 1m high raised earthen mounds. All landscaping will need to be mulched, irrigated and maintained to ensure an effective vegetated buffer. Once established, the buffering will effectively screen the development from view from neighbouring properties and Fichera Road users.

The development will have a temporary impact on visual amenity until the landscaping is established and mature.

**Privacy** – The proposed development will be setback approximately 140 metres from the closest dwelling. Appropriate boundary treatments are proposed which include extensive landscape buffering on 1m high earthen mounds, as well as 1.8m high security fencing around the perimeter of the accommodation facility.

Once the landscaping is established and mature, no privacy or overlooking issues are envisaged.

**Lighting** – A condition of approval has been included ensuring that light emitted from the development does not cause nuisance to any neighbouring property. The required landscape buffering, once established and mature, will further help minimise light spillage. The development has been appropriately conditioned to ensure lighting does not cause any unacceptable loss of amenity.

**Odour & Emissions** – The proposed development is not likely to produce significant amount of odour or other emissions such as dust and smoke. All trafficable areas will surface treated to reduce the likelihood of dust nuisance. The separate distances achieved from nearby sensitive land uses should mitigate any other emissions.

First and foremost, Fichera Road is a Rural zoned area, not a Rural residential zoned area, despite rural lifestyle lots being the predominant land use in the area. Agriculture and primary production industries should take precedence within the Rural zone in terms of land use hierarchy, as should land uses that directly support the day-to-day operations of these industries such as rural worker accommodation. In this instance, the bulk of submitter concerns is considered to stem from an unreasonable expectation of amenity within the Rural zone.

Notwithstanding this, with the appropriate conditioning, it is considered that the proposed development can achieve compliance with PO6.

#### Agricultural land overlay code

##### **PO1**

*The fragmentation or loss of productive capacity of land within the ‘Class A’ area or ‘Class B’ area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:*

- (a) an overriding need exists for the development in terms of public benefit;*
- (b) no suitable alternative site exists; and*
- (c) loss or fragmentation is minimised to the extent possible.*

##### **AO1**

*Buildings and structures are not located on land within the ‘Class A’ area or ‘Class B’ area identified on the **Agricultural land overlay maps (OM-001a-n)** unless they are associated with:*

- (a) animal husbandry; or*
- (b) animal keeping; or*
- (c) cropping; or*
- (d) dwelling house; or*
- (e) home based business; or*
- (f) intensive animal industry (only where for feedlot ting); or*
- (g) intensive horticulture; or*
- (h) landing; or*
- (i) roadside stalls; or*
- (j) winery.*

#### Comment

The proposed development will be sited over approximately 4-5 hectares of mapped Class A and Class B agricultural land which will ultimately be lost to agricultural production.

The proposed development is considered an agricultural support use, providing large scale farm worker accommodation to directly support the agricultural sector through the provision of readily accessible farm labour for both the applicants' large farming operation as well as other farms in the region. There is an identified need for additional farm labour and farm labour accommodation in the region and large-scale farming operations such as the applicants are justified in their need for such a large workforce. The provision of on-farm accommodation within the Rural zone will help alleviate pressure on Mareeba's already depleted housing stock which is leading to instances of overcrowding and an increase in the unlawful use of dwellings as boarding houses and hostels.

While the proposed development will result in a loss of a small portion of the sites agricultural land, the development has been sited in such a way as to minimise its impact on mapped Class A land. Furthermore, the proposed development is not likely to impact on the site as a standalone agricultural allotment considering the balance of the 102 hectare property contains approximately 40 hectares of unalienated cleared arable Class A agricultural land.

The proposed development will provide a benefit to the Shire's agricultural sector, while alleviating pressure on the local housing market and has been positioned on-site to minimise impacts on good quality agricultural land. The development complies with PO1.

## **PO2**

*Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **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.*

### Comment

While the proposed development will result in a loss of a small portion of the sites agricultural land, the development has been sited in the north-west corner of the site to minimise its impact on mapped Class A land. The proposed development is not likely to impact on the site as a standalone agricultural allotment considering the balance of the 102 hectare property contains approximately 40 hectares of unalienated cleared arable Class A agricultural land.

The development will not constrain the viability of use of adjoining agricultural land to the north. It is acknowledged that this land may be cropped in future, however given the nature of the proposed development (short – medium term accommodation for farm workers only) the development is likely to be more resilient and subsequently less susceptible to land use conflict should this land to the north be cropped in future. Buffering is also proposed to help minimise any land use conflict.

The development is considered to comply with PO2.



**PO3**

*Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n):***

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

Comment

The proposed development will result in the permanent alienation of approximately 4-5 hectares of mapped as a mix of Class A and Class B agricultural land.

The proposed use is considered an agricultural support use critical to the ongoing viability of the applicant's large scale farming operation. Although no cropping is currently carried out on-site, the 40 hectares of cleared arable Class A land will eventually be cropped in addition to the applicants' other farms. On balance, the loss of a small portion of good quality agricultural land is considered acceptable given the benefits that the proposed development will provide to the applicants farming operations and the Shires broader agricultural sector through the provision of additional labour source.

The development will not constrain the viability or use of adjoining agricultural land to the north. This land is mapped Class B agricultural land and it is acknowledged that this land may be cropped in future, however given the nature of the proposed development (short – medium term accommodation for farm workers only) the development is likely to be more resilient and subsequently less susceptible to land use conflict should this land to the north ever be cropped. Buffering is also proposed to help minimise any land use conflict.

The development is considered to comply with PO3.

**Local Road Network Standards and Traffic Impacts**

The proposed development is likely to result in an increase in traffic on Fichera Road, Lockwood Road and Henry Hannam Drive. The following is noted in relation to each road:

**Lockwood Road** – Lockwood Road links Fichera Road and Henry Hannam Drive. The road has a length of approximately 2.7 kilometres and is constructed to a formed gravel standard for almost its entire length. A 200-metre section of the road has been upgraded to include a bitumen seal adjacent the only dwelling along Lockwood Road, situated on Lot 411 on NR4876. No other dwellings exist along Lockwood Road. Only 3 properties exist along Lockwood Road, 2 of which are used for sugar cane cropping and contain no improvement apart from centre-pivot irrigators. The third property contains a banana plantation and is improved by a dwelling and large processing/packing shed and various water storage dams.

The application states that the development will place an additional 18 – 26 vehicle movements a day along Lockwood Road. Based on these estimated traffic volumes, Council officers do not consider it necessary to require any road upgrades to Lockwood Road for the following reasons:

- It is likely that farm workers will only be using Lockwood Road on workdays, and only when they are working on the applicants farms on Henry Hannam Drive or on the Tablelands. It is

unlikely that they will be using this road on days off, when they are working on the subject property (once it is cropped) or on the applicant's other farm/s within Mareeba Shire.

- Farm workers will only be using Lockwood Road when the Barron River causeway on Henry Hannam Drive is passable. Anecdotal evidence suggests this causeway is impassable for a cumulative period of at least several months in any given year (usually over the wet season).
- The additional traffic is not likely to impact landowners on Lockwood Road. The bitumen seal adjacent the only dwelling on the road will alleviate any dust nuisance.
- Although Lockwood Road is constructed to a formed gravel standard only, its width provides for two-directional traffic, furthermore, given the low traffic volumes along this road, vehicle interaction is likely to be minimal.
- Lockwood Road is situated in a rural farming area with properties predominately used for large scale agriculture. Vehicle movements associated with agricultural activities are anticipated on rural roads, and can be significant, particularly for labour intensive cropping such as banana plantations which are present on the road.
- When conditioning road upgrades to the external road network, requirements must be reasonable and relevant. It is not considered reasonable nor relevant to require the developer to undertake any upgrades of Lockwood Road.

**Henry Hannam Drive** – Henry Hannam Drive links Lockwood Road and the Kennedy Highway. The applicant has a large farming operation established at the western end of Henry Hannam Drive adjacent the Kennedy Highway (at the “jump up”). The road is constructed to a formed gravel standard for much of its length, with steep approaches down to the low-level causeway over the Barron River. Five (5) dwellings exist along the section of Henry Hannam Drive likely to be used to transport farm workers, all of which are rural lifestyle lots with the closest dwelling being setback 53 metres from the road.

The application states that the development will place an additional 18 – 26 vehicle movements a day along Henry Hannam Drive (continuing from Lockwood Road). Based on these estimated traffic volumes, Council officers do not consider it necessary to condition any road upgrades to Henry Hannam Drive for the following reasons:

- It is likely that farm workers will only be using Henry Hannam Drive on workdays, and only when they are working on the applicants farms on Henry Hannam Drive itself or on the Tablelands. It is unlikely that they will be using this road on days off, when they are working on the subject property (once it is cropped) or on the applicant's other farm/s within Mareeba Shire.
- Farm workers will only be using Henry Hannam Drive when the Barron River causeway is passable. Anecdotal evidence suggests this causeway is impassable for a cumulative period of at least several months in any given year (usually over the wet season).
- The additional traffic is not likely to cause unacceptable or unreasonable impacts on the landowners on Henry Hannam Drive. The five (5) dwellings that could be impacted are all located on either the steep or winding sections of the road so dust generation is not likely to be significant as vehicle speed will be low.

- Although Henry Hannam Drive is constructed to a formed gravel standard only, it's width provides for two-directional traffic, furthermore, given the low traffic volumes along this road, vehicle interaction is likely to be minimal.
- Should this development be refused and the farm worker accommodation established on one of the applicants' other farms, it is likely this same traffic will still utilise Henry Hannam Drive to access the applicants Fichera Road farm regardless.
- Henry Hannam Drive is situated in a rural farming area with properties predominately used for large scale agriculture. Vehicle movements associated with agricultural activities are anticipated on rural roads, and can be significant, particularly for labour intensive cropping such as banana and avocado plantations which are present along the road.
- When conditioning road upgrades to the external road network, requirements must be reasonable and relevant. It is not considered reasonable nor relevant to require the developer to undertake any upgrades of Lockwood Road.

**Fichera Road** – Fichera Road links Tinaroo Creek Road and Lockwood Road and has a length of approximately five (5) kilometres. The road is constructed to a bitumen sealed standard of which the seal width varies between 3.5 metres and 8m. A single lane bridge exists over Tinaroo Creek Road at the northern end of the road. The road experiences reasonably high daily traffic volumes from a range of land uses including rural lifestyle lots, various farming operations (limes, mangos, banana and sugar cane farms), an existing worker accommodation facilities and a RV Park. Large trucks are particularly active on the road for a short period of time during the cane cutting season.

In addition to the TIA submitted with the original application, ARO Consulting Engineers also submitted an addendum to the TIA following a request for further information from Council officers. Both the TIA and addendum are included as **Attachment 3**. Both documents were reviewed by Council's Technical Services Department as well as a third-party consulting Registered Professional Engineer of Queensland (RPEQ). Traffic impacts are generally measured by the percentage increase in vehicle movements a particular development will likely place on a road network. Traffic count data exists along Fichera Road at 2 locations – one location at the very northern end of Fichera Road (Chainage 70), and another location approximately 700 metres to the north of the development access (Chainage 3090).

In this instance Council Officers as well as the third party RPEQ consider that the traffic volume increase should be based off the traffic count location closest to the site. This is also arguably the poorest section of Fichera Road and experiences a lot lower traffic volumes than the commencement of Fichera Road. Based on the 2023 traffic count data taken at Ch3090, and the traffic generation assumptions made in the original TIA and addendum, the development will result in the following traffic increases:

**Daily volumes**

1. 5 day weekday average of 124 veh/day with development traffic = 152 veh/day - 22% increase
2. 7 day average of 105 veh/day with development traffic = 133 veh/day - 27% increase

**AM Peak hour volumes (6:00-7:00)**

3. 5 day weekday average of 13 veh/hr with development traffic = 28 veh/hr - 77% increase

4. 7 day average of 9 veh/hr with development traffic = 19 veh/hr 100% increase

**PM Peak hour volumes (16:00-17:00)**

5. 5 day weekday average of 12 veh/day with development traffic = 22 veh/hr - 83% increase

6. 7 day average of 9 veh/day with development traffic = 19 veh/hr 100% increase

The proposed development will result in significant increase in vehicle movements on Fichera Road, particularly during peak hours (6-7am and 4-5pm).

The RPEQ review also noted the following:

- *There is a discrepancy between the original TIA and the addendum in relation to the proportion of development traffic that uses Fichera Rd. The first report states 60% and the addendum indicates 40%. The 60% is considered more representative of what the situation is likely to be. Based on the volumes presented in the TIA addendum and 2023 traffic count volumes on Fichera Road (Ch 3090) this would equate to:*
  - *Daily increase of traffic on Fichera Road of 22% (5 day) and 27% (7 day)*
  - *AM Peak hour (6:00 to 7:00) increase of traffic on Fichera Rd of 77% (5 day) and 100% (7 day)*
  - *PM Peak hour (16:00 to 17:00) increase of traffic on Fichera Rd of 83% (5 day) and 100% (7 day)*
- *It is likely the increase to traffic volumes on Fichera Rd would be even greater than this. The traffic assessment does not consider trips associated with workers arriving and departing the accommodation. This could be significant due to the facility operating as short-term accommodation for workers. With 144 beds there may be a turnover of people staying at the facility to work on the farms.*
- *Other factors to be considered that may increase traffic generation could also be associated with:*
  - *Fichera Road is of a higher standard road with a seal along the full length in comparison to Lockwood Road & Henry Hannam Road which is unsealed. Unsealed roads are more likely to be impacted during the wetter months making them less suitable and desirable to use when there is an alternative sealed route such as Fichera Road.*
  - *The low creek crossing on Henry Hannam is likely to be inundated a number of times a year after a rain event restricting access to the south, again resulting in additional traffic on Fichera Road.*

- *Being currently a single lane carriageway additional traffic has the potential to compromise safety for existing road users as it increases the risk of conflict between vehicles travelling in opposing directions.*
- *The proposed 12-seater buses are of a greater width and weight than a standard vehicle. When faced with opposing traffic both vehicles will need to move a greater distance off the sealed carriageway onto the unsealed shoulder to safely pass each other. This increases the risk of losing control of a vehicle especially at high speeds creating an increased safety hazard for existing road users. It also has the potential to increase edge breaks of the sealed pavement and damage to the shoulders which would require increased maintenance by Council.*
- *The extent of the upgrade which is approximately 1300m between the estimated location of the access and the wider section to the north, has been determined based on what would be the section of Fichera Road that traffic generated by the development has the greatest traffic impact on when comparing with the current situation. There are no other significant traffic generators in this section that would contribute to the increased traffic volumes between the development and the Ringers Rest access. The widening has been suggested the extra 200 - 250m past Ringers Rest to tie in with the existing wider pavement section.*

**Conclusion** - The proposed development will result in significant increase in vehicle movements on Fichera Road, particularly during peak hours (6-7am and 4-5pm). In accordance with the FNQROC Development Manual, Fichera Road should be upgraded to a 6.5m bitumen sealed width with an 8m formation (0.75m gravel shoulders) for its entire length.

When applying conditions of approval, Council officers need to be satisfied that conditions applied are both “reasonable and relevant”. In this instance, it is not considered reasonable to require the developer to upgrade the entire length of Fichera Road. Fichera Road is arguably in its lowest state between Chainages 2667 and 4006, a length of 1,341 metres. This section is the tail end of Fichera Road leading up to and including most the site frontage. The existing bitumen seal either side of Chainages 2667 and 4006 is at a reasonable standard and width. Widening this 1,341-metre section of Fichera Road is not considered unreasonable given the scale of development proposed and the anticipated traffic increase. Furthermore, the widening requirement is considered relevant as it will help improve road safety and minimise the developments impacts on the local road network.

The below map is a visual representation of the section of Fichera Road required to be upgraded under Condition 4.2:

