

**8.2 DUSTY NUTS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 1 ON RP741791 - 8 VICARY ROAD, MAREEBA - MCU/23/0002**

**Date Prepared:** 9 May 2023  
**Author:** Planning Officer  
**Attachments:** 1. Proposal Plans  
 2. Submission

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Dusty Nuts Pty Ltd	<b>ADDRESS</b>	8 Vicary Road, Mareeba
<b>DATE LODGED</b>	12 January 2023	<b>RPD</b>	Lot 1 on RP741791
<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/23/0002	<b>AREA</b>	9,999m <sup>2</sup>
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Dusty Nuts Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	1 Submission Received		

#### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period, one submission was received.

The original application proposed the establishment of a workforce accommodation facility to accommodate up to 72 workers over three (3) stages (24 workers per stage) as well as a manager's residence. In consideration of the concerns raised by the submitter, who owns the adjoining banana plantation, and through discussions with Council officers, the applicant has subsequently amended the application to propose the delivery of Stage 1 only, accommodating a total of 24 farm workers as well as the managers residence. The amended development will include the modification and reuse of one (1) of the sites existing dwellings to accommodate 12 workers, as well as six (6) twin-share modular "donga" style buildings with an undercover common area and communal amenities.

This type of land use was previously defined by the Planning Scheme as 'Non-resident workforce accommodation', however, the Planning Regulation 2017 was recently amended which included the removal of the 'Non-resident workforce accommodation' definition, and the subsequent inclusion of a new 'Workforce accommodation' definition. Where an inconsistency exists between a land use definition in the Regulation and the Planning Scheme, the Regulation definition prevails. As the Planning Scheme does not include the Regulation's new Workforce accommodation definition, this application needed to be made for an 'undefined use'.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

The subject site lies adjacent an established banana plantation which is subject to regular ground/tractor spraying as well as routine aerial spraying. Although best practice land use planning would encourage an increased setback between accommodation land uses and active farmland, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from standard farming practices. Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains two (2) standalone dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the banana plantation.

It is recommended that the amended application (24 workers only) be approved, subject to conditions.

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#### OFFICER'S RECOMMENDATION

##### 1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Dusty Nuts Pty Ltd	<b>ADDRESS</b>	8 Vicary Road, Mareeba
<b>DATE LODGED</b>	12 January 2023	<b>RPD</b>	Lot 1 on RP741791
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<b>PROPOSED DEVELOPMENT</b>	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:**

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Plan/Document Number	Plan/Document Title	Prepared by	Dated
0715 Sheet No. DA 01-A Issue E	Site Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 02 Issue B	Detail Site Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 03 Issue C	Stage 1 – Floor Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 05 Issue A	Stage 1 – Elevations	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 07 Issue B	Stages 1, 2 & 3 – Elevations Combined	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 08 Issue B	Vehicle Turning Simulation	Gregory G Terzi Building Design & Drafting	August 2022
-	Landscaping & Fencing Plan	Applicant	02/05/2023

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

**(a) Development assessable against the Planning Scheme**

1. This Development Permit authorises Stage 1 only as depicted on the approved plans. The development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance

3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.4.2 The applicant/developer must ensure the approved accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

No amplified music is 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.

3.5.3 All waste storage areas must remain covered and no food scraps disposed of on-site so as to not encourage scavenging from wildlife and birdlife.

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 24 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 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.

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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.

### 3.9 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, 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 impacts from rural activities, including noise, ground and aerial crop spraying, 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."*

### 3.10 The workforce accommodation must not be used for any other purpose than that included in the Planning Regulation definition for 'Workforce Accommodation'.

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 are employed in the locality at a place of employment consistent with the Planning Regulation definition.

### 3.11 A site manager must be present on-site at all times to ensure compliance with these conditions of approval. The managers residence must not be used to accommodate anyone other than the site manager and their immediate family.

The site manager's contact details must be made available to adjoining landowners.

### 3.12 Bushfire Management

3.12.1 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.

3.12.2 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.
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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.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

4.1.1 The existing access crossover must be constructed/upgraded to a commercial standard (from the edge of Vicary Road for a length of at least 10 metres) in accordance with FNQROC Development standards. The crossover must be at least six (6) metres wide and be constructed of either asphalt or reinforced concrete (no bitumen).

4.1.2 The access driveway/s servicing the development (from the crossover required by condition 4.1.1 and the property boundary including both the northern and southern access points) must be upgraded/constructed to at least a three (3) metre wide x 150mm thick compacted gravel standard, to the satisfaction of Council's delegated officer. The driveway must be appropriately drained and maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

##### 4.3 Footbath (Panama Disease Tropical Race 4)

In order to reduce the risk of contamination of the site with Panama Disease Tropical Race 4, a footpath is to be installed between the car parking area and site entrance for daily use by workers residing on-site. The on-site manager must ensure that all work shoes worn by farm workers during the course of their workdays are processed through the footbath before entering the property. Recreational footwear not worn on farms is not required to be washed.

##### 4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure that the development is provided with a total of five (5) formal vehicle parking spaces and a total of two (2) bus parking spaces. No parking of vehicles or buses is permitted to occur off-site in any road reserve or within the adjoining rail trail at any time.

4.4.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal 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/s 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 buffer and fencing plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The extent of landscaping and fencing included in the plan should be consistent with that included on the submitted "*Landscaping & Fencing Plan*" dated 02/05/2023 and include the following at a minimum:

- (i) A minimum two (2) metre wide landscape buffer along the eastern boundary of the site to the extent shown on the submitted Landscaping & Fencing Plan (the landscape buffer may include existing landscaping);
- (ii) a minimum five (5) metre wide landscape buffer along the western boundary of the site to the extent shown on the submitted Landscaping & Fencing Plan.
- (iii) a minimum four (4) metre wide landscaping buffer to the south of the development linking the landscape buffers required under (i) and (ii) above, to the extent shown on the submitted Landscaping & Fencing Plan;
- (iv) a two (2) metre high colorbond fence (of neutral colour) or overlapping timber paling fence (with no gaps) along the western boundary of the site and wrapping around the northern side of the development footprint extending to the eastern boundary of the site, to the extent shown on the submitted Landscaping & Fencing Plan (located on the outside of the vegetation buffering required by (ii) above);
- (v) a 1.8 metre high chain mesh fence along the entire length of the southern boundary and part of the eastern boundary to a the point where the solid screen fencing required by (iv) begins.
- (vi) any landscaping proposed throughout the facility (not compulsory)

Landscaping associated with points (i) 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.

Landscaping associated with point (ii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.

All landscaping 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

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to the satisfaction of Council's Delegated Officer. The fencing 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".

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

#### 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 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.

### (D) ASSESSMENT MANAGER'S ADVICE

#### (a) 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.

#### (b) 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.

#### (c) Compliance with Acts and Regulations



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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.

(d) 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).

(e) 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).

(f) Access Driveway Standard & Maintenance

The compacted gravel access driveway used to access the development from Vicary Road is considered a private driveway only. The maintenance and upkeep of this private driveway is the sole responsibility of the applicant/developer/landowner and should you wish to upgrade this driveway in future to include a bitumen/asphalt or concrete seal, Council is not liable or responsible for contributing in any way to the cost of these works.

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
  - Access approval arising from condition number 4.1.1 and 4.1.2 (Please contact Planning Section to obtain application form and applicable fee)
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## THE SITE

The subject site is situated at 8 Vicary Road, Mareeba and is described as Lot 1 on RP741791. The site is rectangular in shape with an area of 9,999m<sup>2</sup> and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Despite the sites address being 8 Vicary Road, the site contains no

actual frontage to Vicary Road. Instead, the lot contains 240 metres of frontage to an undeveloped section of the Mines Road reserve. A private driveway exists within the Mines Road reserve used to access the site from Vicary Road. This driveway is constructed to a gravel standard and branches off in two locations to access the sites two existing dwellings which are separated by approximately 70 metres. In addition to the two dwellings, a number of farm sheds and outbuildings of varying sizes are clustered around each of the dwellings.

The Mareeba Airport is situated to the south of the site on the opposite side of Vicary Road and a banana plantation exists adjacent the site to the west. The Rail Trail is situated on the opposite side of the Mines Road reserve between the site and the Kennedy Highway.



**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Undefined Use (‘Workforce Accommodation’ as defined by the Planning Regulation 2017) in accordance with the plans shown in **Attachment 1**.

The original application proposed the establishment of a workforce accommodation facility to accommodate up to 72 workers over three (3) stages (24 workers per stage) as well as a manager’s residence. In consideration of the concerns raised by the submitter, who owns the adjoining banana plantation, and through discussions with Council officers, the applicant has subsequently amended the application to propose the delivery of Stage 1 only, accommodating a maximum of 24 farm workers as well as the managers residence.

The application provides the following details about Stage 1:

Stage 1

- *Conversion of the northernmost Dwelling House into a Manager Residence*
- *Conversion of the southernmost Dwelling House into a five (5) Bedroom Worker’s Accommodation*

- *including a kitchen, bathroom, laundry, common area and verandah*
- *Construction of six (6) Modular Donga Units*
- *Covered area*
- *Laundry*
- *Kitchen*
- *Amenities (Toilets and Showers)*

*Stage 1 will allow for the accommodation of 24 persons and include common areas, kitchens, laundries and toilets and showers.*

**REGIONAL PLAN DESIGNATION**

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The site contains no areas of ecological significance.

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<p><b>Land Use Categories</b></p> <ul style="list-style-type: none"> <li>• <i>Rural Agricultural Area</i></li> <li>• <i>Rural Other</i></li> </ul> <p><b>Transport Elements</b></p> <ul style="list-style-type: none"> <li>• <i>Local Collector Road</i></li> <li>• <i>Railway Network</i></li> <li>• <i>Principal Cycle Route</i></li> </ul>
Zone:	Rural Zone
Overlays:	<p>Agricultural Land Overlay                  Airport Environs Overlay                  Bushfire Hazard Overlay</p>

**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

##### 3.3.11 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.*

#### Comment

The proposed development will provide accommodation for a maximum of 24 farm workers for short-medium term periods (up to 9 months). There is currently an identified shortage of accommodation within our region for farm workers. This development will help meet some of this demand. The proposed development makes efficient use of the site and has been appropriately conditioned to ensure minimal impact on surrounding agricultural land uses.

The proposed development is not likely to compromise Specific Outcome 1.

#### 3.7 Economic Development

##### 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.*
- (3) *Urban and rural residential development provides a buffer to adjacent rural areas in accordance with best practice.*

#### Comment

The subject site has an area of just 9,999m<sup>2</sup> so in itself has little agricultural viability.

Although the development will be sited adjacent a banana plantation that involves aerial spraying, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.

Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains two (2) dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the banana plantation operations.

The development will be appropriately conditioned to comply with Specific Outcomes (1) and (3).

- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*

#### Comment

The subject site has an area of just 9,999m<sup>2</sup> so in itself has little agricultural viability.

Although the development will be sited adjacent a banana plantation that involves aerial spraying, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.

Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains two (2) dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the banana plantation operations.

The development will be appropriately conditioned to comply with Specific Outcomes (5).

#### **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 outcomes (or performance outcome where no acceptable outcome applies or an acceptable outcome cannot be met) 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, or an acceptable outcome cannot be met) 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>
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, or an acceptable outcome cannot be met) contained within the code.</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.</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, or an acceptable outcome cannot be met) 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, or an acceptable outcome cannot be met) 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, or an acceptable outcome cannot be met) 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	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met) contained within the code. 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.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met) contained within the code. 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.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or an acceptable outcome cannot be met) contained within the code. 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.

**(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 attached to any approval requiring all relevant development works be designed and constructed in accordance with FNQROC Development Manual standards (as amended).

**REFERRAL AGENCY**

This application did not trigger referral to any Referral Agency.

**Internal Consultation**

Development Engineering

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 1 February 2023 to 27 February 2023. The applicant submitted the notice of compliance on 28 February 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) submission was received.

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



Grounds for objection /support	Comment
<p>The proposed development will increase the risk of soil contamination to the adjacent banana plantation, in particular the spread of Panama Disease Tropical Race 4. The submitter claims that the workers accommodation facility drains naturally into the adjoining banana plantation and that infected soil particles could be transferred either via overland stormwater flow or wind.</p>	<p>A condition of approval has been include requiring the installation of a footbath to help ensure workers footwear is decontaminated prior to coming on-site. In a lot of cases, vehicles, including farm worker buses are not permitted on farms and are required to park outside the farm boundaries. The reduction in the scale of development to 24 farm workers (instead of 72) will also help with the management and enforcement of the use of the footbath. At present, the site could lawfully accommodate up to 10 farm workers in the two houses with no Council approval or requirements.</p>
<p>The site is not of a sufficient size to provide adequate recreational activities on-site for farm workers which will in-turn increase the risk of workers venturing off the site into the adjoining banana plantation.</p>	<p>It is considered that the proposed site provides ample open space for outdoor recreational activities such as ball sports and ample undercover common areas for other recreational activities. Furthermore, the site is situated approximately 8 kilometres from the Mareeba Township meaning that community recreational and sporting activities are readily available to workers staying at the facility who will have access to transport in and out of town.</p> <p>Farm workers wandering onto neighbouring properties could be considered trespass and is a matter for the police to manage.</p>
<p>The banana plantation adjoining the development involves regular ground spraying activity and is also routinely aerially sprayed (approx. every fortnight). The submitter believes that there is insufficient buffering between the development and the banana plantation and is concerned for the health and wellbeing of the farm workers staying at the facility.</p>	<p>Given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict. Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains 2 dwellings. The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the day to day operations of the banana plantation.</p> <p>The following condition has also been included:</p> <p>3.9 Notification of Potential Rural Zone Impacts</p> <p>The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, 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:</p> <p><i>"Guests should <u>take note</u>:</i></p> <ul style="list-style-type: none"> <li>- <i>The locality may be used for intensive rural uses;</i></li> <li>- <i>Guests may experience off site effects from rural activities, including noise, ground and aerial crop spraying, 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."</i></li> </ul>

**Submitters**

Name of Principal submitter	Address
1. Rock Ridge Farming Pty Ltd	admin@rockridgefarming.com

**PLANNING DISCUSSION**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 feedlotting); or*
- (g) intensive horticulture; or*
- (h) landing; or*
- (i) roadside stalls; or*
- (j) winery.*

Comment

The proposed development is for workforce accommodation and does not include a reconfiguration component and will therefore not result in the fragmentation of agricultural land. The subject site, with an area of just 9,999m<sup>2</sup> is not considered to be agriculturally viable, as is evidenced by the use of the land as a rural lifestyle lot with 2 dwellings.

The land immediately adjacent the proposed development contains a banana plantation. Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activities. Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. The development is not likely to impact on the productive capacity of adjoining agricultural land and is therefore considered to comply with performance outcome 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

The land immediately adjacent the proposed development contains a banana plantation which involves regular ground spraying as well as routine aerial spraying (approximately every fortnight). Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity. Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. These conditions will include 2 metre high solid screen fencing, 5m wide landscape buffering as well as signage warning guests of the potential for negative emissions associated with adjoining farming activities (noise, dust, spray drift etc.).

It is considered that the adjoining agricultural land is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment containing 2 standalone dwellings. The proposed use of the subject site to provide farm worker accommodation which will directly support agricultural activity in the Shire is considered to be a reasonable and beneficial outcome for the subject site and surrounding rural zone.

The proposed development is considered to comply with performance outcome 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.*

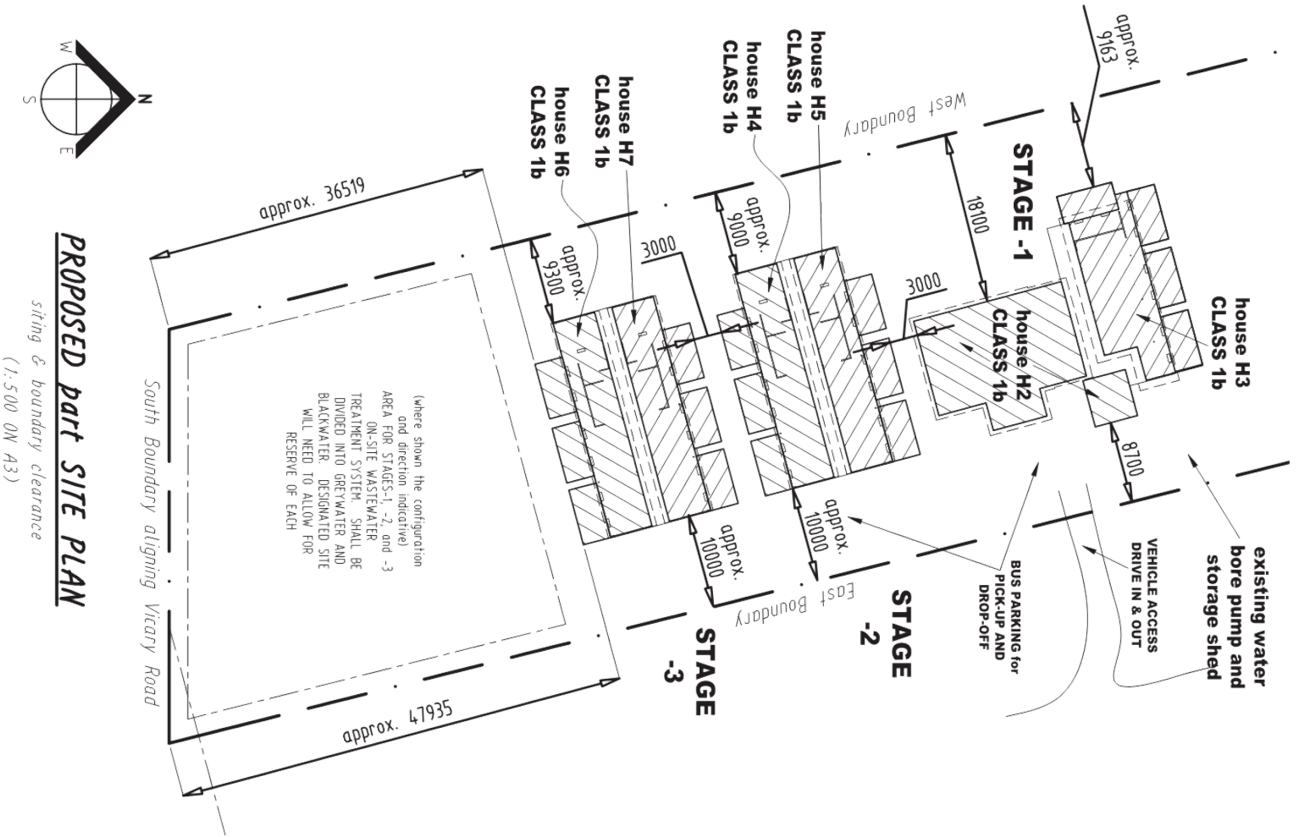
#### Comment

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accommodation which will directly support agricultural activity in the Shire is considered to be a reasonable and beneficial outcome for the subject site and surrounding rural zone.

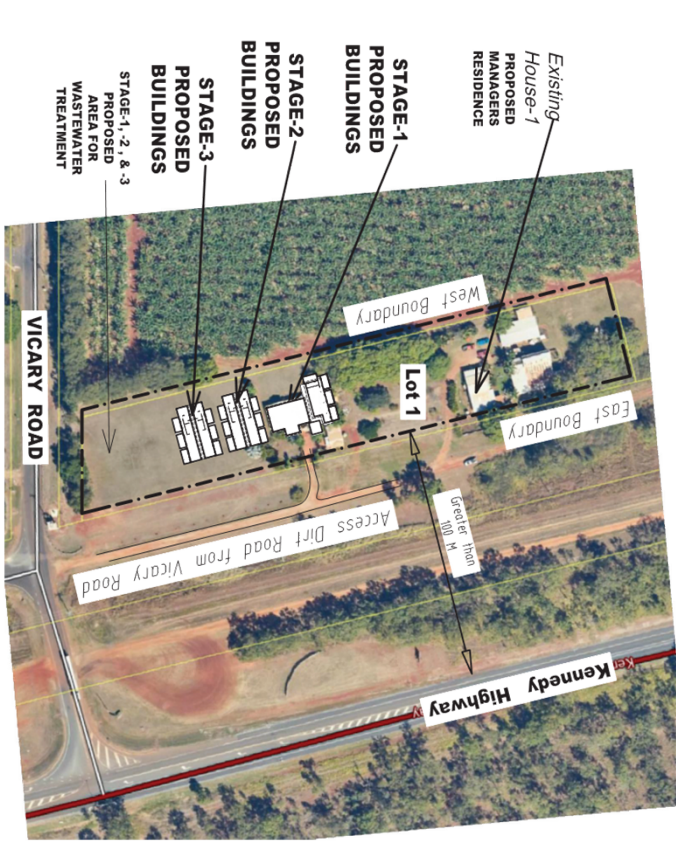
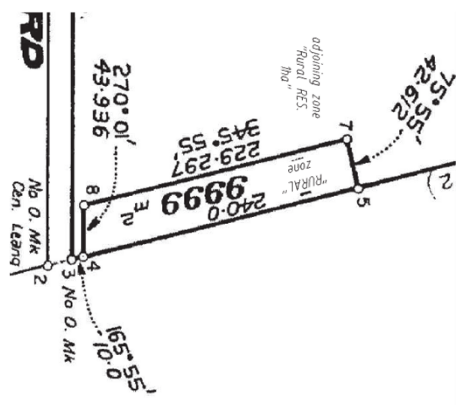
The proposed development is considered to comply with performance outcome PO3.



PROPERTY & OR BUILDING (class 1a or 1b)  
 SUBJECT TO:  
 A BUSH FIRE ATTACK LEVEL RATING  
 REFER DRAWING SHEET WD-018

**LOT 1 on RP741791**  
 9,999 sqm

**PROPERTY BOUNDARIES PLAN**  
 (1:4000 ON A3)



**SITE AERIAL VIEW EXTRACT FROM CURRENT 'QLD GLOBE'**  
 (approx. 1:2000 ON A3)

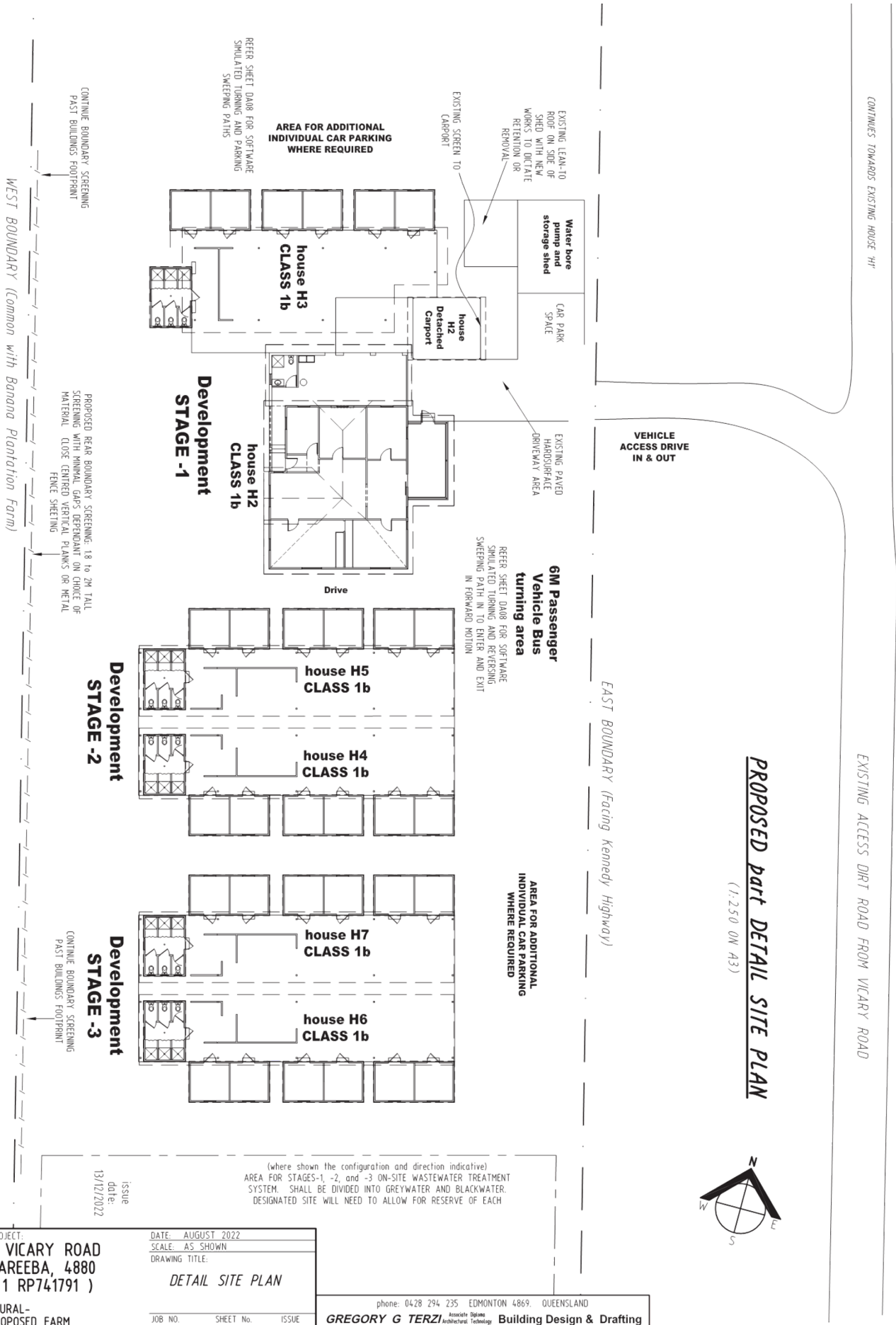
PROJECT: 8 VICARY ROAD MAREEBA 4880 (1 RP741791)  
 -RURAL- PROPOSED FARM

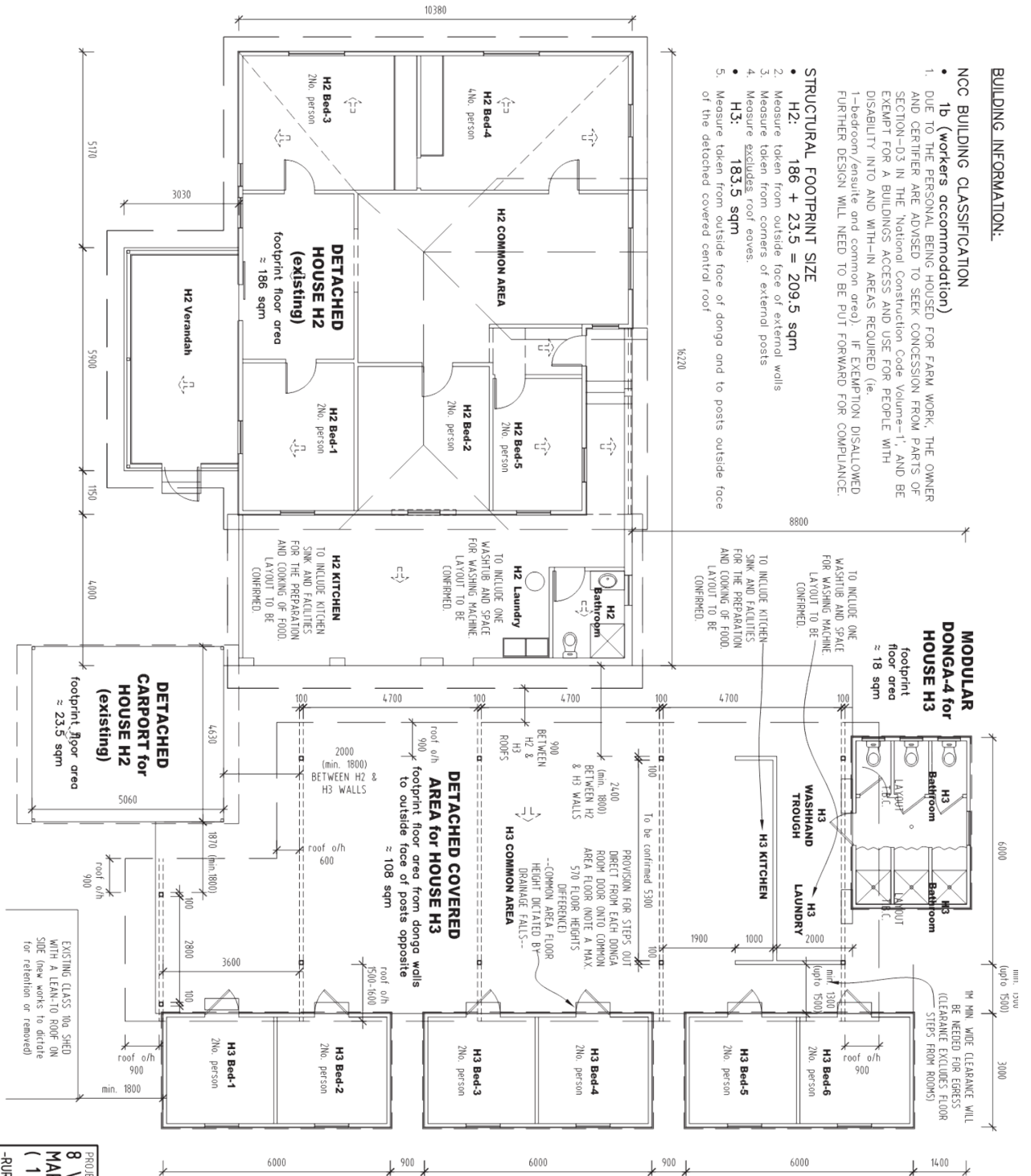
DATE: AUGUST 2022  
 SCALE: AS SHOWN ON A3 SHEET  
 DRAWING TITLE: SITE PLAN

JOB NO. NA  
 SHEET No. A  
 ISSUE

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND  
**GREGORY G TERZI** Associate Diploma Architectural Technology **Building Design & Drafting**

issue date: 13/12/2022





**BUILDING INFORMATION:**

**NCC BUILDING CLASSIFICATION**

**1b (workers accommodation)**

1. DUE TO THE PERSONAL BEING HOUSED FOR FARM WORK, THE OWNER AND CERTIFIER ARE ADVISED TO SEEK CONCESSION FROM PARTS OF SECTION-03 IN THE National Construction Code Volume-1, AND BE EXEMPT FOR A BUILDINGS ACCESS AND USE FOR PEOPLE WITH DISABILITY INTO AND WITH-IN AREAS REQUIRED (ie. 1-Bedroom/ensuite and common area). IF EXEMPTION DISALLOWED FURTHER DESIGN WILL NEED TO BE PUT FORWARD FOR COMPLIANCE.

**STRUCTURAL FOOTPRINT SIZE**

- H2: 186 + 23.5 = 209.5 sqm
- 2. Measure taken from outside face of external walls
- 3. Measure taken from corners of external posts
- 4. Measure excludes roof eaves.
- H3: 183.5 sqm
- 5. Measure taken from outside face of donga and to posts outside face of the detached covered central roof

**MODULAR DONGA-4 for HOUSE H3**

footprint floor area ≈ 18 sqm

TO INCLUDE ONE WASHUB AND SPACE FOR WASHING MACHINE LAYOUT TO BE CONFIRMED

TO INCLUDE KITCHEN SINK AND FACILITIES FOR THE PREPARATION AND COOKING OF FOOD. LAYOUT TO BE CONFIRMED.

**DETACHED COVERED AREA for HOUSE H3**

footprint floor area from donga walls to outside face of posts opposite ≈ 108 sqm

**MODULAR DONGA-1 for HOUSE H3**

footprint floor area ≈ 18 sqm

**MODULAR DONGA-2 for HOUSE H3**

footprint floor area ≈ 18 sqm

**MODULAR DONGA-3 for HOUSE H3**

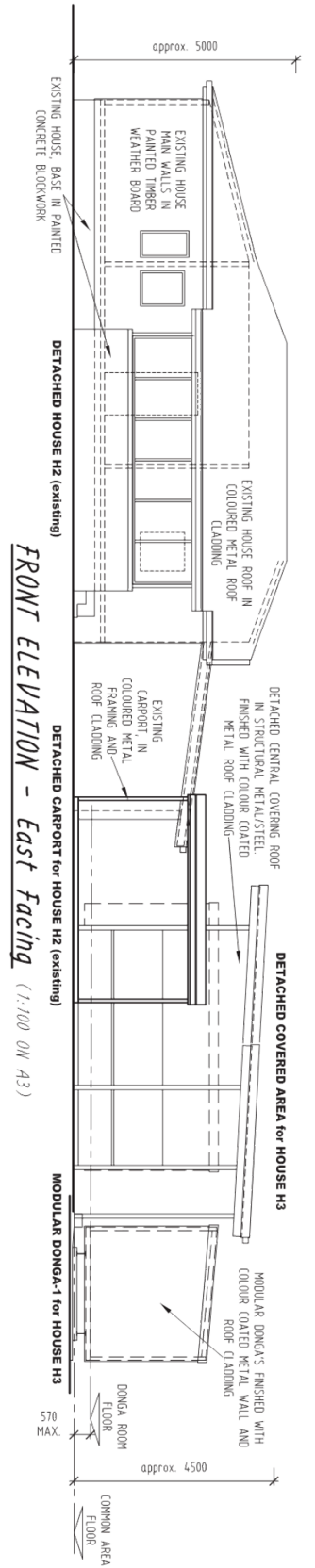
footprint floor area ≈ 18 sqm

*Farm Workers Accommodation Stage-1 FLOOR PLAN*  
(1:100 ON A3)

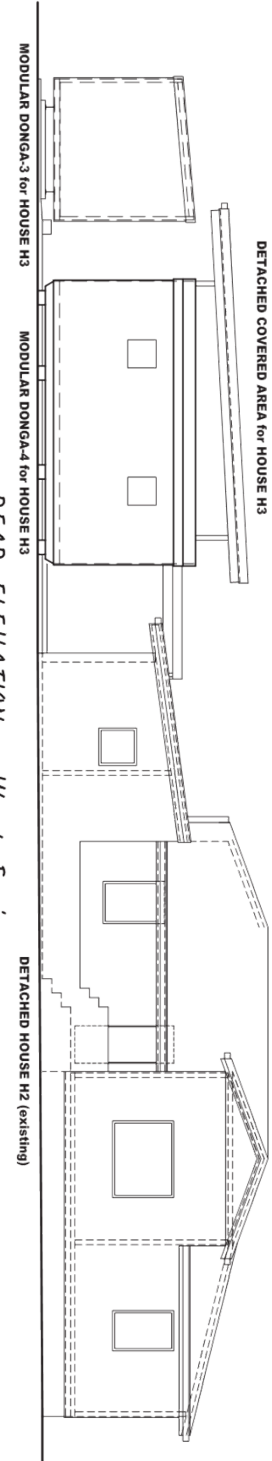


phone: 0428 294 235 EDMONTON 4869, QUEENSLAND  
**GREGORY G TERZI** Associate Diploma Architectural Technology **Building Design & Drafting**

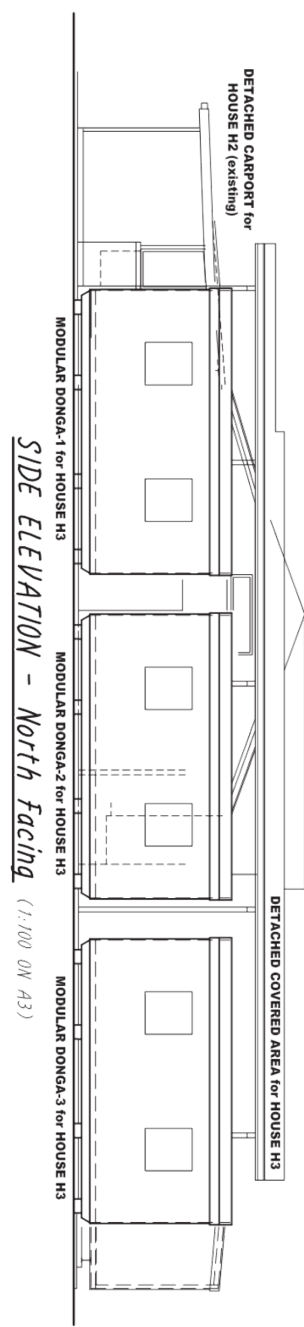
PROJECT: 8 VICARY ROAD MAREEBA 4880 (1 RP741791)  
-RURAL- PROPOSED FARM  
DATE: AUGUST 2022  
SCALE: AS SHOWN ON A3 SHEET  
DRAWING TITLE: Stage-1 FLOOR PLAN  
JOB NO. NA 03  
SHEET NO. 1  
ISSUE



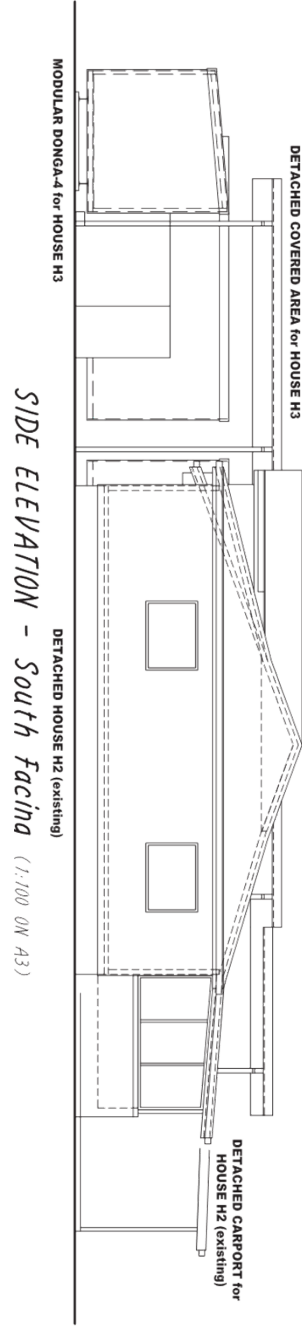
**FRONT ELEVATION - East Facing** (1:100 ON A3)



**REAR ELEVATION - West Facing** (1:100 ON A3)



**SIDE ELEVATION - North Facing** (1:100 ON A3)

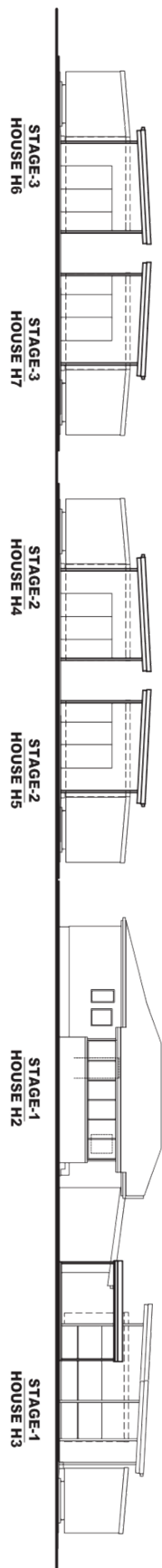


**SIDE ELEVATION - South Facing** (1:100 ON A3)

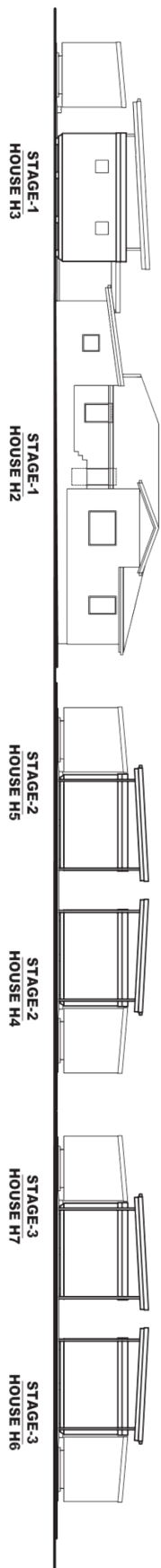
phone: 0428 294 225 EDMONTON 4869 OURENSLAND  
**GREGORY G TERZI** *Architect/Designer* **Building Design & Drafting**  
 -Building Designer- -Medium Rise- -QBCC LICENCE: 11704-8-  
 PROJECT: 8 VICARY ROAD MAREEBA 4880  
 ( 1 RP741791 )  
 DATE: AUGUST 2022  
 SCALE: AS SHOWN ON A3 SHEET  
 DRAWING TITLE: **Stage-1 ELEVATIONS**  
 -RURAL- PROPOSED FARM  
 SHEET NO. **NA 02** ISSUE **A**

ISSUE date: 13/12/2022





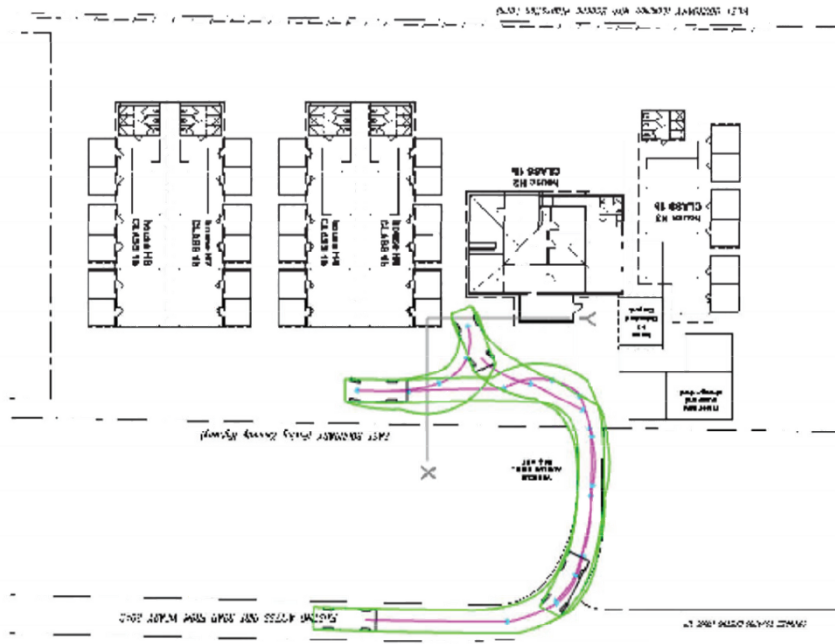
*FRONT ELEVATION - East Facing (1:200 ON A3)*



*REAR ELEVATION - West Facing (1:200 ON A3)*

Issue date: 13/12/2022

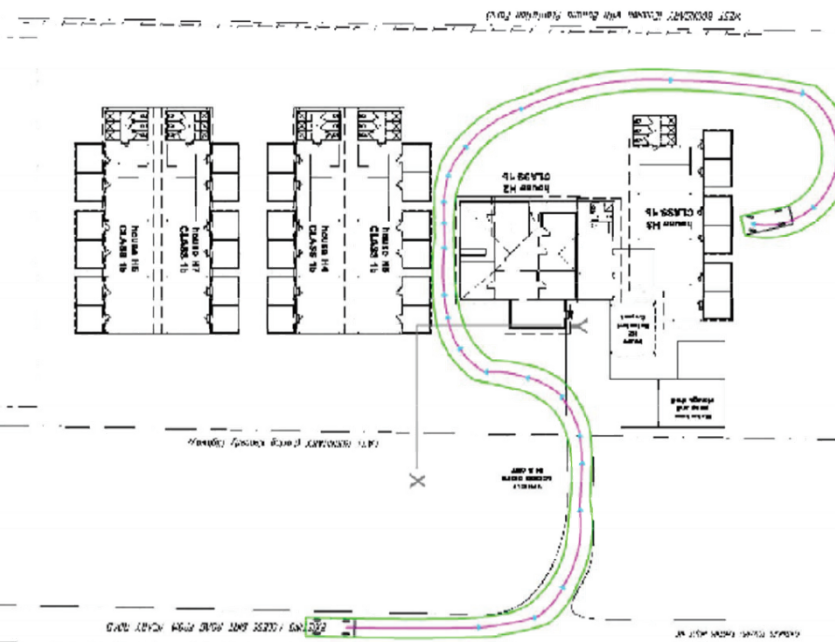
phone: 0428 294 235 EDMONTON 4869 OURENSLAND <b>GREGORY G TERZI</b> <small>Architect &amp; Drafter</small> -Building Designer- -Medium Rise- -QBCC LICENCE: 11704-8-	
PROJECT 8 VICARY ROAD MAREEBA 4880 ( 1 RP741791 ) -RURAL- PROPOSED FARM	DRAWING TITLE Stages -1, -2 & -3 ELEVATIONS COMBINED
DATE: AUGUST 2022 SCALE: AS SHOWN ON A3 SHEET	SHEET NO. <b>NA 07</b>



**6M Passenger Vehicle Bus  
Turning & Reverse Area**

(1:500 ON A3)

SOFTWARE SIMULATED TURNING/REVERSING SWEEPING PATHS  
TO EXIT SITE IN FORWARD GEAR AT 10 TO 5 km/h



**Typical Vehicle Car  
Turning & Parking Area**

(1:500 ON A3)

SOFTWARE SIMULATED TURNING and PARKING SWEEPING  
PATHS IN FORWARD GEAR AT 5 km/h



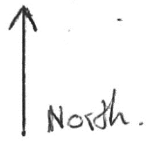
issue  
date:  
13/12/2022

PROJECT: <b>VICARY ROAD IAREEBA, 4880 1 RP741791 )</b>	DATE: AUGUST 2022
RURAL- ROPOSED FARM	SCALE: AS SHOWN
	DRAWING TITLE: <b>VEHICLE TURNING SIMULATION</b>
JOB NO. SHEET No. ISSUE	phone: 0428 294 235 EDMONTON 4869, QUEENSLAND

**GREGORY G TERZI** Associate Diploma Architectural Technology **Building Design & Drafting**

02/05/2023

Landscaping & Fencing Plan



NO FENCING OR BUFFER OUTSIDE DEVELOPMENT AREA.

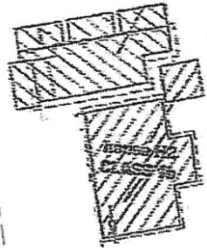
EXISTING MANGO TREES

EXISTING FRUIT TREES

2 MTR HIGH COLOURBOND FENCE

CAR PARK

5 MTR WIDE BUFFER



BUFFER

EXISTING

END C.B. FENCE

2 MTR HIGH CHAIN MESH

Before doing the landscaping and fencing, check the location of the existing trees and any other features. Check the ground level and any other features. Check the location of the existing trees and any other features. Check the ground level and any other features.

Vicary Road.



15<sup>th</sup> February 2023

Mareeba Shire Council  
65 Rankin Street  
Mareeba QLD 4880

Dear Mayor Toppin,

**RE: Development Application MCU/23/0002**

As directors of Airport FNQ Pty Ltd, owner of Lot 2 RP741791, we refer to the proposed development at 8 Vicary Road, Mareeba, Lot 1 RP741791, application reference MCU/23/0002. Airport FNQ Pty Ltd is part of the Rock Ridge Farming group. Rock Ridge Farming is one of the largest farming businesses on the Tablelands and one of the largest employers of non-resident workers in the region. We understand the desperate need for workers accommodation in our industry and have ourselves, made the significant financial decision to buy property and develop our own workers accommodation for our employees. However, even with our own development it is still not sufficient to completely satisfy our own accommodation requirements, let alone assist others in the industry. Because of this, we understand the importance and need for developments such as this one and are supportive of growth in the industry. However, we must object to this development application based on the following reasons.

As is widely known, Panama disease is one of the biggest threats facing the banana industry in our region. Panama is highly spreadable, and farms have had to enforce strict biosecurity measures to control the spread of the disease. It only takes one speck of infected soil to contaminate an entire farm, devastating the banana plants. Once in the soil, it is non-eradicable and the fungus remains active in the soil for decades, even without banana plants present, making the land unsuitable to produce bananas or most other crops indefinitely. This is due to the Government enforced heavy restrictions and regulations on any produce that is grown on Panama-infected soil, to ensure that the supply of this crop will not spread Panama to other areas. This involves the use of Government inspectors when harvesting and many other stringent requirements. The proposed development's close proximity to our banana plants poses an unreasonable amount of risk that contaminated soil could enter the paddock. A worker arriving from Tully or the Northern Territory (where there are confirmed cases of Panama) could bring in contaminated soil on their shoes or luggage. This soil could easily be spread to our banana paddock (less than 10m away from the proposed accommodation buildings) by wind or rainwater as all the water runoff from Lot 1 RP741791 flows directly into our banana paddock. Whilst the proposed fence may stop the

**Rock Ridge Farming Pty Ltd**

**Directors** Peter & Chelley Howe

**Main Office**  
07 4093 3552  
admin@rockridgefarming.com

**Banana Farm**  
07 4093 3035  
banana\_admin@rockridgefarming.com

ABN 18 153 578 735

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NTH QLD AUSTRALIA

Document Set ID: 4193525  
Version: 1, Version Date: 15/02/2023



physical entry of the workers into the paddock, it would not prevent the spread of the disease.

In addition, whilst we understand from the development application that the block is of a sufficient size to adhere to the planning regulations, it does not provide sufficient recreational area for the workers. Our concern with this, is that it will force workers to move beyond the bounds of the property, towards our banana plantation, again increasing the bio-security risk to our farm.

Finally, as has been done for the past 20 years, our Lady Finger bananas are sprayed by aerial spraying each fortnight with fungicide and insecticide. Whilst our operators take every precaution and adhere to strict rules and regulations, given the close proximity of the proposed development to the banana crop, it would only take a small wind change to cause drift across the property. There have been a few occasions where residents of Wylandra Estate (over 150m to nearest house from rear boundary) have complained about aerial spraying. Additionally, we feel there is an insufficient buffer zone between the proposed accommodation and the existing banana trees. In addition to aerial spraying, regular ground spraying is conducted across the farm. Given most spraying is done out of regular work hours, we feel that this could cause potentially catastrophic consequences and poses an unacceptable risk to the workers' health and wellbeing.

In conclusion, we applaud the developer's commitment to attempting to address a major concern in our industry however we feel that the block, due to its size and position, is not suitable for the proposed development. We feel that this development poses unacceptable risks to the industry both through an inability to sufficiently negate bio-security hazards and to its essential workforce's health and wellbeing. We feel that there are far more suitable blocks situated across the Mareeba Shire. We request that the Mareeba Shire Council please consider our objection to the proposed development.

Kind Regards,

Peter & Chelley Howe  
Directors

**Rock Ridge Farming Pty Ltd**

**Directors** Peter & Chelley Howe

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admin@rockridgefarming.com

**Banana Farm**  
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banana\_admin@rockridgefarming.com

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Version: 1, Version Date: 15/02/2023