## **DELEGATED REPORT**

SUBJECT: J & C ELDRED – MATERIAL CHANGE OF USE – ANIMAL KEEPING (EQUINE

TRAINING FACILITY) - LOT 2 ON RP718600 - 397 SPEEWAH ROAD,

**SPEEWAH - MCU/23/0007** 

**DATE:** 9 May 2023

**REPORT OFFICER'S** 

TITLE: Planning Officer

**DEPARTMENT:** Corporate and Community Services

### **APPLICATION DETAILS**

А	PPLICATION		PREMISES
APPLICANT	J & C Eldred	ADDRESS	397 Speewah Road,
			Speewah
DATE LODGED	13 April 2023	RPD	Lot 2 on RP718600
TYPE OF APPROVAL	Development Permit		
PROPOSED	Material Change of Use	– Animal Keeping (Equ	ine training facility)
DEVELOPMENT			

FILE NO	MCU/23/0007	AREA	50.038 hectares
LODGED BY	Scope Town Planning	OWNER	J & C Eldred
PLANNING SCHEME	Mareeba Shire Council Plan	ining Scheme 2	016
ZONE	Rural zone		
LEVEL OF	Code Assessment		
ASSESSMENT			
SUBMISSIONS	n/a		

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

### **EXECUTIVE SUMMARY**

Council is in receipt of a development application described in the above application details.

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

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

It is recommended that the application be approved in full with conditions.

## **OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

A	PPLICATION		PREMISES
APPLICANT	J & C Eldred	ADDRESS	397 Speewah Road,
			Speewah
DATE LODGED	13 April 2023	RPD	Lot 2 on RP718600
TYPE OF APPROVAL	Development Permit		
PROPOSED	Material Change of Use	<ul> <li>Animal Keeping (Equ</li> </ul>	ine Training Facility)
DEVELOPMENT			

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 – Animal

Keeping (Equine Training Facility)

## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
A000 Rev A	Cover Page	Studio I111	APR 10
A001 Rev A	Notes & Legends	Studio I111	APR 10
A102 Rev A	Site Plan	Studio I111	APR 10
A202 Rev A	Floor Plan	Studio I111	APR 10
A204 Rev A	Roof Plan	Studio I111	APR 10
A302 Rev A	Elevations	Studio I111	APR 10
A303 Rev A	Elevations	Studio I111	APR 10
A401 Rev A	Sections	Studio I111	APR 10
A900 Rev A	External Perspective	Studio I111	APR 10

## (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

- 1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

#### 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 Waste Management

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

#### 3.5 Noise Nuisance

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

### 4. Infrastructure Services and Standards

## 4.1 Stormwater Management

- 4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- 4.1.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

### 4.2 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

### 4.3 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.

### 4.4 Car Parking/Internal Driveways

Any car parking spaces and internal driveways associated with the animal keeping (equine training facility) within the subject site must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

Where outdoor lighting is installed, 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.

## (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) 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

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.

## (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 <a href="https://www.dsdsatsip.qld.gov.au">www.dsdsatsip.qld.gov.au</a>.

## (F) 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).
- (G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
  - Development Permit for Building Work
- (H) OTHER APPROVALS REQUIRED FROM COUNCIL
  - Compliance Permit for Plumbing and Drainage Work

### THE SITE

The subject site is situated at 397 Speewah Road, Speewah and is described as Lot 2 on RP718600.

The site is irregular in shape with an area of 50.038 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 1 kilometre of frontage to Speewah Road Harper Road and 720 metres of frontage to Stoney Creek Road. Both frontage roads are constructed to rural bitumen sealed standard.

Access to the subject site is obtained via an existing crossover on the Speewah Road frontage. No access is available off the Stoney Creek Road frontage.

The site is improved by a dwelling house and outbuildings which are grouped together and located approximately 600 metres to the south of the Speewah Road/Stoney Creek Road intersection.

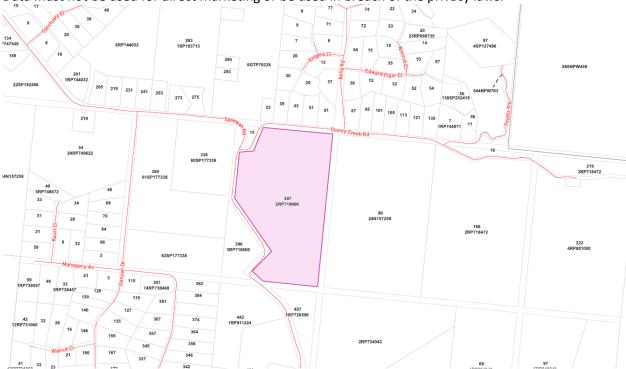
The subject site remains mostly vegetated, apart from a 10 hectare clearing around the dwelling house and fronting Speewah Road.

Surrounding properties are zoned rural or rural residential and are primarily used for rural living purposes.



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 – Animal Keeping (Equine Training Facility) in accordance with the plans shown in **Attachment 1**.

The applicant describes the proposed development as follows:

"The proposed development is the construction of a new Equine Stables and Training Facility which included 6 stables, operational facilities and 1536m2 training arena.

The structure will be located within the Category X vegetation classified area of the site and will be sited outside of the Hill and Slope affected areas. The structure will be located within the Environmental Significance area and Bushfire Hazard area mapped over the site.

The proposed horse training facility includes covered stables and operational facilities as well as an all-weather training arena with a maximum roof height of 9.3m. A horse wash down facility is located alongside the stables.

The proposed facility will be used for the training of high-level dressage horses kept on-site by the land owner and will not be used to accommodate equine events."

#### **REGIONAL PLAN DESIGNATION**

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

- Strategic Rehabilitation Area
- State & Regional Conservation Corridors
- Terrestrial Area of High Ecological Significance
- Terrestrial Area of General Ecological Significance

### **PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	Land Use Categories
Strategic Framework.	<ul> <li>Rural Area</li> </ul>

	<ul> <li>Rural other</li> <li>Natural Environmental Elements</li> <li>Biodiversity Areas</li> <li>Habitat linkage</li> </ul>
Zone:	Rural zone
Overlays:	Bushfire hazard overlay Environmental significance overlay Hill & Slope overlay Transport infrastructure overlay

## **Planning Scheme Definitions**

The proposed use is defined as:-

Column 1	Column 2	Column 3	Column 4  Does not include the following examples
Use	Definition	Examples include	
Animal keeping	Premises used for boarding, breeding or training of animals.  The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.	Aviaries, catteries, kennels, stables, wildlife refuge	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry

## **RELEVANT PLANNING INSTRUMENTS**

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

## (a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

## (b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

## (c) Mareeba Shire Council Planning Scheme 2016

## **Relevant Development Codes**

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Rural activities code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:  • AO5.1
	Refer to planning discussion section of report.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

# (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

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## (f) Adopted Infrastructure Charges Notice

The proposed arena will be used for the training of high-level dressage horses kept on-site by the land owner and will not be used to accommodate equine events.

As such, the development's likely impact on trunk infrastructure is expected to be no greater than the typical range of accepted rural uses.

#### **REFERRALS**

This application did not trigger referral to a referral agency.

#### **Internal Consultation**

Not applicable.

### **PLANNING DISCUSSION**

Compliance with Performance Outcome PO5 of the Rural Activities Code is discussed below:

### 9.3.6 Rural Activities Code

### If for Animal keeping or Intensive animal industries

#### PO5

Animal keeping or Intensive animal industries are located on land which has an area, dimensions and topography which allow the use to function appropriately and be sufficiently separated from adjoining properties and uses.

## AO5.1

Development is located on a site which has an area of 60 hectares or greater.

#### Comment

The proposed development fails to achieve AO5.1 as the subject site is approximately 50 hectares in area.

The proposed arena is sited over 100 metres from the nearest dwelling house (not on the same land) and the proposed equine training use is not expected to generate noticeable off site impacts.

The proposed use and its proposed location will satisfy PO5.

Date Prepared: 9 May 2023

## **DECISION BY DELEGATE**

## DECISION

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

Dated the 9TM

day of MAY

2023

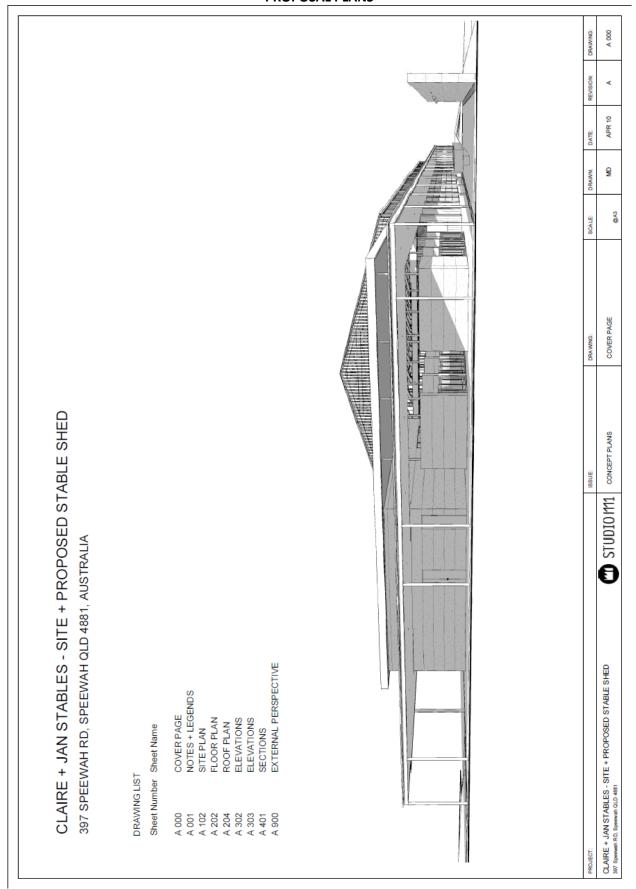
BRIAN MILLARD SENIOR PLANNER

MAREEBA SHIRE

AS A DELEGATE OF THE COUNCIL

# **ATTACHMENT 1**

# **PROPOSAL PLANS**



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