

**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/24/0013**

**Date Prepared:** 29 August 2024  
**Author:** Coordinator Planning Services  
**Attachments:** 1. Proposal Plans  
 2. Submission  
 3. Applicant's response to submission

**APPLICATION DETAILS**

| APPLICATION                 |   | PREMISES       |                        |
|-----------------------------|---|----------------|------------------------|
| <b>APPLICANT</b>            | Dusty Nuts Pty Ltd  | <b>ADDRESS</b> | 8 Vicary Road, Mareeba |
| <b>DATE LODGED</b>          | 17 June 2024  | <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 Planning Regulation 2017) - extension to existing workforce accommodation |                |                        |
| <b>FILE NO</b>              | MCU/24/0013   | <b>AREA</b>    | 9,999m2                |
| <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>          | One (1)   |                |                        |

**EXECUTIVE SUMMARY**

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

The application is impact assessable and one (1) properly made submission was received in response to public notification of the application.

The application proposes to expand an established 24 person workforce accommodation facility to accommodate up to 72 workers over two (2) stages (24 workers per stage).

This type of land use was previously defined by the Planning Scheme as 'Non-resident workforce accommodation', however, the *Planning Regulation 2017* has been amended to remove the definition of 'Non-resident workforce accommodation', and to include a new definition of 'Workforce accommodation'. 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 to 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. Notwithstanding, the same aerial spraying obligations/constraints apply to the neighbouring banana farming whether the subject site is occupied by 72 farm workers or by a single family in the existing dwelling house.

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 application be approved in full with conditions.

**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>          | 17 June 2024  | <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 Planning Regulation 2017) - extension to existing workforce accommodation |                |                        |

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Undefined Use (‘Workforce Accommodation’ as defined by the Planning Regulation 2017)

(B) APPROVED PLANS:

| Plan/Document Number          | Plan/Document Title  | Prepared by          | Dated    |
|-------------------------------|----------------------|----------------------|----------|
| Sheet 02 DUS458<br>23032401 A | Site Plan            | Superior Steel Homes | 18/04/23 |
| Sheet 03 DUS458<br>23032401 A | Floor Plan – Stage 2 | Superior Steel Homes | 18/04/23 |
| Sheet 04 DUS458<br>23032401 A | Elevations – Stage 2 | Superior Steel Homes | 18/04/23 |
| Sheet 05 DUS458<br>23032401 A | 3D Views – Stage 2   | Superior Steel Homes | 18/04/23 |
| Sheet 03 DUS458<br>23032401 A | Floor Plan – Stage 3 | Superior Steel Homes | 18/04/23 |
| Sheet 04 DUS458<br>23032401 A | Elevations – Stage 3 | Superior Steel Homes | 18/04/23 |
| Sheet 05 DUS458<br>23032401 A | 3D Views – Stage 3   | Superior Steel Homes | 18/04/23 |

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. 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 72 individual workers (cumulative total of development approvals MCU/23/0002 and MCU/24/0013) 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.

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.

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

The access driveway/s servicing the development (from the crossover required by condition 4.1.1 of Development Permit MCU/23/0002 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 seven (7) formal vehicle parking spaces and a total of seven (7) 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 Site Plan dated 18/04/23 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 Site 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 Site 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 Site 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 Site 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 western 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 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) 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) Access Driveway Standard &amp; 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.

## (h) 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

**(G) OTHER APPROVALS REQUIRED FROM COUNCIL**

- Compliance Permit for Plumbing and Drainage Work

**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 site's 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 site.

One dwelling, a number of farm sheds and outbuildings of varying sizes are established on the site. A workers accommodation facility accommodating 24 workers has been recently constructed on the site.

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**

MCU/23/0002

Council at its ordinary meeting held on 17 May 2023 issued a development permit for Material Change of Use - Undefined Use (‘Workforce Accommodation’ as defined by the Planning Regulation 2017 over Lot 1 on RP741791, situated at 8 Vicary Road, Mareeba.

This development has been completed and 24 rural workers are accommodated on site.

**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 application describes the proposal as follows:

*“The proposed development is for a Material Change of Use – Extension to Non-Resident Workforce Accommodation, over two (2) Stages in the Rural Zone of the Mareeba Shire Council’s Planning Scheme. The site is located at 8 Vicary Road, Mareeba and is more particularly described as Lot 1 on RP741791. The site is regular in shape, has an area of 9,999 m<sup>2</sup> and contains Dwelling Houses and associated structures and Approved Non Resident Workforce Accommodation, being Stage 1.*”

*The Mareeba Shire Council on 17 May, 2023 Approved, subject to Conditions, the Undefined Use (Workforce Accommodation) for Stage 1. This proposed Development Application is for the Extension of the Non-Resident Workforce Accommodation being Stages 2 and 3.*

*A Development Permit for a Material Change of Use is sought to facilitate the construction of forty-eight (48) person Workforce Accommodation over two (2) Stages in addition to the existing 24 Approved over the site. The site is designated within the Rural Zone of the Mareeba Shire Planning Scheme. The proposal is to provide additional necessary Workforce Accommodation supporting the immediate, surrounding, and Rural Areas of Mareeba and the Tablelands Region. This Rural Allotment contains an area of 9,999 m<sup>2</sup> and whilst including Mapped Agricultural Land is constrained by the physical shape, location and existing improvements. The proposal will ensure to take this non-viable Rural Allotment and further convert the site into additional Non-Resident Workforce Accommodation to support the surrounding Activities and Rural Industries within the Tablelands Region.*

*The Proponents have provided Freshwater Planning Pty Ltd with the following Letter:*

*Dusty Nuts Pty Ltd is applying for approval of Stages 2 & 3 of its proposed development at 8 Vicary Rd. Due to numerous requests for worker accommodation.*

*Having completed Stage 1 receiving Certificate of Occupancy 22/02/2024 and the first 24 guests moved in on 09/03/2024. We have had dozens of requests for large numbers (in the hundreds) looking for worker accommodation. Hence, we see the need for this application.*

*In the past 2 months of occupancy, there has been no problems with the guests due to our House Rules and on Site Management. Our daily cleaners are very vigilant reporting any issues to management which is dealt with the same day.*

*Gerldine and Stephen are also on site most days and available 24 hrs should anything arise. We pride ourselves on the appearance and cleanliness of our accommodation, which we think attributes to our success thus far.*

*With the numbers of workers increasing to accommodate the region's agricultural sector, a purpose built facility outside town limits with effective management controls seems a better option than unsupervised overcrowded houses within the CBD of Mareeba.*

*We look forward to working with the Mareeba Shire Council in partly solving the housing crisis within our community.*

The proposed Extension is for Stages 2 and 3 which involves the following:

### Stage 2

- *Construction of twelve (12) Modular Donga Units*
- *Covered area*
- *Laundries*
- *Kitchens*
- *Amenities (Toilets and Showers)*

*Stage 2 will allow for the accommodation of a further twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers.*

### Stage 3

- *Construction of twelve (12) Modular Donga Units*
- *Covered area*
- *Laundries*
- *Kitchens*
- *Amenities (Toilets and Showers)*

*Stage 3 will allow for the accommodation of a further twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers. This is not expected to be provided in the short-term and will be dependant on occupancy rates and the Agricultural aspects of the Mareeba Shire and surrounding Tablelands Region.*

*The site contains frontage to the Unnamed Road and proposes access from what is considered to be a limited access road. The proposal provides for the provision of the existing car parking spaces in addition to parking fronting the frontage of the site between the proposed buildings and east boundary. This parking area provides for the parking of seven (7) minibus parking which will be utilised by the proposed development. Freshwater Planning Pty Ltd understands that the 12 seater Vans and/or minibuses will be provided to service the Worker's*

*Accommodation with the existing parking onsite for any vehicles outside of the proposed minibuses/Vans. The*

*site, whilst physically constrained, contains ample room for vehicle parking outside of any proposed wastewater storage, if additionally required.*

*The site will be connected to Water Supply from the channel for the non-potable Water Supply and Bore Water and Holding Tanks for potable Water Supply. Landscaping in the form of screening hedges/gardens with the existing Landscaping to be maintained and enhanced and extended with the provision of Stage 2 and Stage 3.*

*Fencing is existing and the proposal provides for additional Landscaping as per annotated on the Proposal Plan.*

*The proponents believe that the existing Fencing, Landscaping and proposed additional Landscaping is acceptable Landscaping for the proposed Use within the existing Rural location. Is it considered that the existing Approved Conditions for Stage 1 sufficiently ameliorates any issues over the property with the proposed Use.*

*Attached to this Submission is a Site and Soil Report from the Dirt Professionals in relation to the Effluent Disposal of the site. Freshwater Planning Pty Ltd understand that the provision of the Dirt Professionals Report demonstrates that the proposal will not require any ERA63. The provided Report ensures that an appropriate level of Effluent Disposal is achievable over the site for the proposed Stages 2 and 3.*

*The proposed Extension to the existing Non-Resident Workforce Accommodation provides support through infrastructure for the accommodation of a Rural Workers associated with the Rural Activities of Mareeba and the Tablelands Region. This support will ensure the ongoing viability of Rural Industries for not only Mareeba but also the Tablelands Region, which has been clearly demonstrated to be needed with the quick occupancy of Approved Stage 1."*

**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<br/>                 Airport Environs Overlay<br/>                 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:

**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.

**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.

## **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 site already provided accommodation for 24 farm workers.

The proposed development will provide accommodation for a further 48 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 site has convenient access to the State controlled road network allowing for efficient transportation to the district farms and to the services offered within Mareeba CBD.

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 a dwelling. The same aerial spraying obligations apply to the neighbouring

banana farming whether it is up to 72 farm workers or a single family occupying the one dwelling house.

The proposed reuse of the site to provide farm worker accommodation which will directly support the Shire's 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 a dwelling. The same aerial spraying obligations apply to the neighbouring banana farming whether it is up to 72 farm workers or a single family occupying the one dwelling house.

The proposed reuse of the site to provide farm worker accommodation which will directly support the Shire's 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).

#### **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) 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.  |
| 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           | 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.  |
| Accommodation activities 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.  |
| 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.  |

**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**

Not applicable.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 10 July 2024 to 2 August 2024. The applicant submitted the notice of compliance on 5 August 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received (**Attachment 2**).

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.</p> <p>This condition is an appropriate response for this accommodation use.</p> <p>It is unreasonable to expect further actions by the accommodation provider as all banana farms should have an obligation to reduce the risk of Panama leaving their farms by ensuring workers are appropriately decontaminated prior to leaving the respective farm.</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.</p> <p>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 a dwelling. The same aerial spraying obligations apply</p>   |

|  |  |
|--|--|
|  | <p>to the neighbouring banana farming whether it is up to 72 farm workers or a single family occupying the one dwelling house.</p> <p>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 take note:</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> |
|--|--|

**Attachment 3** of this report is the applicant’s response to the submission. The applicant has also included letters of support from various organisations.

**Submitters**

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

**PLANNING DISCUSSION**

Compliance with Performance Outcomes PO1, PO2 and PO3 of the Agricultural Land Overlay code is discussed below:

**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 its existing use and built improvements.

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. The proposed development is a necessary and ancillary use for the ongoing development of the rural zone.

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 a long-established dwelling. 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

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 a long-established dwelling. 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 PO3.