#### **DELEGATED REPORT**

SUBJECT: ENTEGRA SIGNATURE STRUCTURES - MATERIAL

CHANGE OF USE - RURAL INDUSTRY (PACKING SHED) - LOT 515 ON NR6791 - 1687 CHEWKO ROAD, MAREEBA -

MCU/18/0009

**DATE:** 14 June 2018

REPORT OFFICER'S

TITLE: Planning Officer

**DEPARTMENT:** Corporate and Community Services

## **APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	Entegra Signature	ADDRESS	1687 Chewko Road,
	Structures		Mareeba
DATE LODGED	26 March 2018	RPD	Lot 515 on NR6791
TYPE OF	Development Permit		
APPROVAL			
PROPOSED	Material Change of Use - Rural Industry (Packing Shed)		
DEVELOPMENT		•	-

FILE NO	MCU/18/0009	AREA	68.36 hectares
LODGED BY	Flanagan Consulting	OWNER	Howe Farming
	Group		Enterprises Pty
			Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
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 therefore not required to undergo public notification.

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.

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

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

URP-12/2011-1.2

#### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES		
APPLICANT	Entegra Signature Structures	ADDRESS	1687 Chewko Road,	
			Mareeba	
DATE LODGED	26 March 2018	RPD	Lot 515 on NR6791	
TYPE OF	Development Permit			
APPROVAL				
PROPOSED	Material Change of Use - Rural Industry (Packing Shed)			
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 - Rural Industry (Packing Shed)

#### (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
6035-SK01A	Site Plan & Building Layout	Flanagan Consulting Group	16/02/2018
-	Proposed Floor Plan	Entegra Signature Solutions	-
-	West, East, North and South Elevations	Entegra Signature Solutions	-

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)
  - (a) <u>Development assessable against the Planning Scheme</u>
  - 1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
    - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
    - to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

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

#### General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure.
- 3.2 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.
- 3.3 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.
- 3.4 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.

#### 3.5 Waste Management

- 3.5.1 Any on-site refuse storage areas must be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or 1.8m high solid fence.
- 3.5.2 Where bulk bins are used and are to be serviced on site, internal access must be of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.
- 3.5.3 Putrescible waste receptacles are to be located and secured to prevent access by wildlife and vermin, to the satisfaction of Council's delegated officer.
- 3.5.4 Prior to the commencement of the use, the applicant/developer must submit a plan to Council demonstrating how any recycling of waste food products from the approved use on-site will be carried out without attracting wildlife and vermin.

#### 3.6 Signage

Any signage/advertising devices relating to the approved use must be wholly sited on the subject land 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.

### 3.7 Bushfire Management

- 3.7.1 The applicant/developer must ensure the development is provided with a minimum 5,000 litres of water storage for fire-fighting purposes in proximity to the approved use. Where tank storage is proposed, a 50mm male camlock fire brigade fitting must be installed.
- 3.7.2 A Bushfire Management Plan for the approved use, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved uses must comply with the requirements of the Management Plan at all times.

#### 3.8 Environmental

- 3.8.1 The use of any chemical or other substance in the washing, processing and packing processes, any wastewater discharge, and the disposal of any accumulated sediment material must not cause environmental harm as defined by the *Environmental Protection Act 1994*.
- 3.8.2 No release of contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols are to be emitted beyond the property boundaries of the subject land.
- 3.8.3 No incineration or open burning associated with the approved use is to be carried out on the subject land.
- 3.8.4 Chemicals associated with the approved use that are stored on the subject land must be stored in a bunded area that is large enough to contain 110% of the largest container of chemical stored.
- 3.8.5 The approved use must be carried out in such a way as to prevent the release of contaminants to stormwater or nearby waterways. Any stormwater leaving the subject land must contain no visible floating oil, grease, scum, litter or other matter.
- 3.8.6 Any spillage of wastes, chemicals, contaminants or other materials must be cleaned up as quickly as possible.

#### Infrastructure Services and Standards

#### 4.1 Access

Any access crossovers servicing the approved use and the on-site car parking area must be upgraded/constructed (from the edge of Chewko Road to the property boundary of the subject lot) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

The access crossover/s servicing the car parking area required under Condition 4.3.1 must not be within 100 metres of the 90 degree bend in Chewko Road.

Prior to construction/upgrade of any access crossovers, the applicant/developer must lodge an access crossover application, together with the relevant fee, with the Tablelands Regional Council, and obtain an Access Permit prior to any works commencing.

### 4.2 Stormwater Drainage

- 4.2.1 The applicant/developer must take all necessary steps to ensure a nonworsening 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 Car Parking/Internal Driveways

4.3.1 Prior to the commencement of the use, the applicant/developer must submit a detailed car parking plan for review and approval by Council's delegated officer. The plan must include enough <u>on-site</u> car parking to accommodate all vehicles/trucks/buses associated with the existing and proposed farming operations on the subject land, including the approved use.

All car parking area's must be constructed to an all-weather compacted gravel standard, appropriately drained and maintained for the life of the development, to the satisfaction of Council's delegated officer.

No formal carparking or vehicle set down is permitted within the Chewko Road road reserve.

**Note:** The on-site car parking area/s do not have to be in proximity to the approved use and can be in proximity to the site access/90-degree bend in Chewko Road for quarantine purposes.

4.3.2 All internal access roads servicing the approved use must be maintained to at least an all-weather, compacted gravel standard, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

### 4.4 Roadworks - External

4.4.1 Prior to the commencement of the use, the existing informal car parking areas constructed within the Chewko Road road reserve in proximity to the subject land must be decommissioned and rehabilitated to a predevelopment state, to the satisfaction of the delegated officer of the Tablelands Regional Council.

4.4.2 Prior to the commencement of the use, the applicant/developer must upgrade the existing intersection of the gravel access road and Chewko Road (at the 90 degree bend) in accordance with FNQROC Development Manual Standards.

The applicant/developer must arrange for drawings of the required works to be prepared by a Registered Professional Engineer of Queensland (RPEQ) which must be lodged, together with the relevant fee, as an application for operational works with the Tablelands Regional Council.

4.4.3 Any quarantine wash down bay/s, boom gate/s or any other gate/s located along the gravel access road servicing the site must be relocated a minimum distance of 100 metres from the intersection of the access road and Chewko Road.

Note: Although the gravel access road servicing the subject land is situated within the Chewko Road road reserve, this access road is considered a private access road and is therefore not the maintenance responsibility of the Tablelands Regional Council or the Mareeba Shire Council.

### 4.5 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 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.

4.6 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

## 4.7 On-Site Wastewater Management

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

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

## (D) ASSESSMENT MANAGER'S ADVICE

- (a) 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.environment.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.datsip.qld.gov.au.

#### (f) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

## (E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work
- Development Permit for Operational Works (to be lodged with Tablelands Regional Council)

## (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (to be lodged with Tablelands Regional Council)

## THE SITE

The subject site is situated on the very edge of the Mareeba Shire at 1687 Chewko Road, Mareeba and is more particularly described as Lot 515 on NR6791. The site is triangular in shape, with a total area of 68.36 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

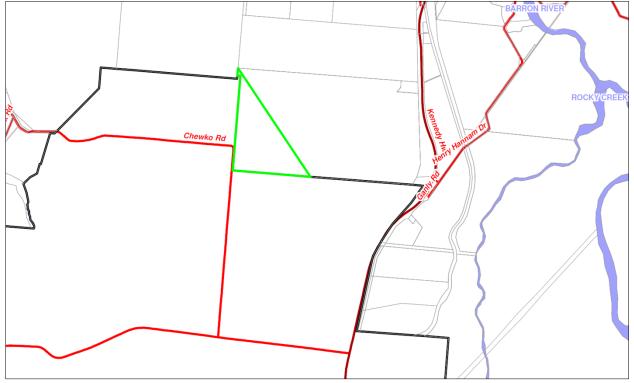
The site contains 1,260 metres of frontage to the Chewko Road road reserve which spans almost the full length of the sites western boundary. The southern 320 metres of this frontage contains Chewko Road itself which is constructed to a bitumen sealed standard. Chewko Road then takes a 90-degree bend at a "T" intersection in the road reserve and heads in a westerly direction. The remaining 940 metres of the sites frontage contains a private access road for the subject site which is constructed to a formed gravel standard.

The site contains a number of improvements at the northern tip of the allotment which include what appears to be two dwellings, two sheds and the existing large packing shed. There also appears to be two other sheds towards the southern end of the allotment. Approximately 32 hectares of the site is currently used for banana cropping, while a further 10 hectares of the site contains an avocado orchard. All surrounding lots are zoned rural.



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 - Rural Industry (Packing Shed) in accordance with the plans shown in **Attachment 1**.

The development proposal involves the establishment of a second 6,800m<sup>2</sup> packing shed for the processing and packing of both bananas and avocados.

#### Bananas

Bananas will be packed and processed in both frozen and dried form with the left-over peels to be composted on site. Banana processing operations will commence at 6am and operate through to 6pm and will be staffed by twenty-five (25) personnel. Staff already employed at the Howe Farming Company will continue to operate the existing packing shed.

The bananas will e transported to the development site in 300kg bins, ripened, peeled and either frozen or dried. The freezing operations will commence immediately; however, the drying operations will ramp up over the first year or so, and will depend on market conditions.

#### **Avocados**

Avocado packing operations will also commence at 6am and operate through to 6pm. Thirty-five (35) staff will be involved in the packing operations, from February to June each year. Howe Farming Company will transport employees to the site in 50-seater buses from Atherton and Mareeba. Employees who do not utilise the bus service will self-drive or share-ride to the site each day.

The packing operations involves transporting avocados to the site in 300kg bins. Once the avocados arrive at site, they are washed and packed on commercial equipment. The packed pallets are then stored in cold rooms for up to 72 hours and dispatched to market.

#### **Traffic Generation**

Taking into consideration staff already employed on site, the proposed development is likely to generate an additional 30 employees. It is envisaged that truck movements associated with the approved development will be 6 trucks daily (12 movements) associated with the avocado packing component of the use (between February - May only) and 1 truck daily (2 movements) associated with the banana processing component of the development over the course of the year.

#### Servicing

The proposed development will be serviced by on-site water supply and on-site wastewater disposal. The development will be accessed from the existing formed gravel access road constructed within the Chewko Road road reserve which intersects with Chewko Road at the 90 degree bend. It is proposed that Ergon Energy install a new transformer to power the new packing shed.

## **REGIONAL PLAN DESIGNATION**

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

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

#### PLANNING SCHEME DESIGNATIONS

Strategic Framework:

**Land Use Categories** 

• Rural Area (Rural Agricultural Area & Rural Other)

**Natural Environmental Elements** 

• Biodiversity Areas

**Other Elements** 

Mareeba Shire Council

Boundary

Zone: Rural Zone

Agricultural Land Overlay Airport Environs Overlay

**Bushfire Hazard Overlay** 

## **Planning Scheme Definitions**

Overlays:

The proposed use is defined as:-

Column 1	Column 2	Column 3	Column 4 Does not include the following examples
Use	Definition	Examples include	
Rural industry	Premises used for storage, processing and packaging of products from a rural use.  The use includes processing, packaging and sale of products produced as a result of a rural use where these activities are ancillary to a rural use on or adjacent to the site.	Packing shed	Intensive animal husbandry, intensive horticulture, roadside stall, wholesale nursery, winery, abattoir, agricultural supply store

#### **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 Planning Scheme 2004 (amendment no. 01/11)

## **Relevant Development Codes**

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

6.2.9	Rural zone code
8.2.1	Agricultural land overlay code
8.2.2	Airport environs overlay code
8.2.3	Bushfire hazard 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).
Agricultural Land Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).

Airport Environs Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).
Bushfire Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).
Rural Activities Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).
Landscaping Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code. Where an acceptable outcome cannot be achieved, it is considered the proposed development can satisfy the corresponding higher order performance outcome in each case (refer to code assessment document).

## (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.

## (f) Additional Trunk Infrastructure Condition

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

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

The development is predicted to place additional demand on Council's trunk transport infrastructure (roads), however, considering the extensive operational works (intersection upgrade) required by the conditions of approval, an additional trunk infrastructure contribution is not considered reasonable or necessary in this instance.

#### **REFERRALS**

The application did not trigger referral to any Referral Agency.

#### **Internal Consultation**

Technical Services - Development Engineering

#### **External Consultation**

Tablelands Regional Council (Chewko Road Upgrade/s, on-street parking issues)

## **PLANNING DISCUSSION**

Nil

Date Prepared: 14 June 2018

## **DECISION BY DELEGATE**

## DECISION

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

Dated the 1474 day of JUJE 2018

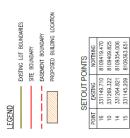
BRIAN MILLARD SENIOR PLANNER

MAREEBA SHIRE AS A DELEGATE OF THE COUNCIL

## **ATTACHMENT 1**

# PROPOSAL PLANS (ECM Doc Set ID's

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SITE PLAN

