



I hereby give notice that a Planning and Environment Standing Committee Meeting will be held on:

Date: Tuesday, 27 July 2021
Time: 9.00am
Location: Council Chambers
Administration Office
10 Furneaux Street, Cooktown

AGENDA AND BUSINESS PAPERS

Planning and Environment Standing Committee Meeting

27 July 2021

**Linda Cardew
Chief Executive Officer**

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1 AGENDA CONTENTS**2 ATTENDANCE****3 MEETING OPENED****4 APOLOGIES****5 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of all Councillors, the Mayor acknowledged the Waymburr Warra people, Traditional Custodians of the land on which we meet today, and paid respects to Traditional Owners past, present and emerging throughout Cook Shire.

6 DECLARATIONS OF INTEREST**7 CONFIRMATION OF MINUTES**

Planning and Environment Standing Committee Meeting held 27 April 2021

8 BUSINESS ARISING

9 AGENDA ITEMS

9.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4371 - MATERIAL CHANGE OF USE FOR - NON-RESIDENT WORKFORCE ACCOMMODATION (35 PERSONS) - HONEY DAM ROAD, LAKELAND - LOT 1 ON SP282417

File Number: D21/17603

Author: Reel Planning Pty Ltd

Authoriser: Lisa Miller, Manager, Planning & Environment

Attachments: 1 Appendix 'A' - DA/4371 - Proposed Plans of Development - MCU - Non-resident workers accommodation (35 persons) Honey Dam Road, Lakeland

PRECIS

Applicant: Sharprock Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

Owner: Peter John Inderbitzin, Franziska Maria Inderbitzin and Sharprock Pty Ltd

Location: Honey Dam Road, Lakeland

Lot and Plan: Lot 1 on SP282417

Area: 706.8 ha

Zone: Rural

Proposed Use: Material Change of Use – Non-resident workforce accommodation (35 persons)

Referral Agencies: Nil

Submissions: Not applicable

BACKGROUND/HISTORY

An application was made to Council as properly made on 01 July 2021 seeking a development approval for a Material Change of Use for Non-resident workforce accommodation to accommodate a maximum of 35 people on a rural lot on Honey Dam Road, Lakeland (Lot 1 SP282417). A confirmation notice was issued on 12 July 2021. The application did not trigger a referral to the State Assessment Referral Agency (SARA).

Council did not issue a request for additional information. The application is Code assessable, therefore public notification was not required.

PROPOSAL

The proposed development seeks Council approval to establish onsite accommodation to accommodate a maximum of 35 farm workers employed to work on the subject site.

It is understood that the international workers are arranged through a coordinated arrival and placement program with the workers collected on arrival in Australia and transported to the site.

The accommodation is proposed to be located in the eastern portion of the site in an existing cleared area in close proximity to an existing shed. The accommodation and amenities buildings will be fenced providing a clear delineated accommodation area.

The proposed prefabricated buildings comprising of four (4) accommodation buildings, referred to as bunkhouses and a separate building for toilets, showers, kitchen and laundry. The amenities building and three (3) of the bunkhouses will be located under a large roofed structure of 17.5 m x 26.58m providing a covered central communal area.

The configuration of the accommodation within the three (3) undercover buildings comprises of five (5) rooms per building, with a maximum of two (2) people per room, providing for thirty (30) persons.

The fourth accommodation building (identified as a temporary bunkhouse on the site plan) is not located under the roofed structure and comprises of five (5) rooms, accommodating one (1) person per room, providing for five (5) persons.

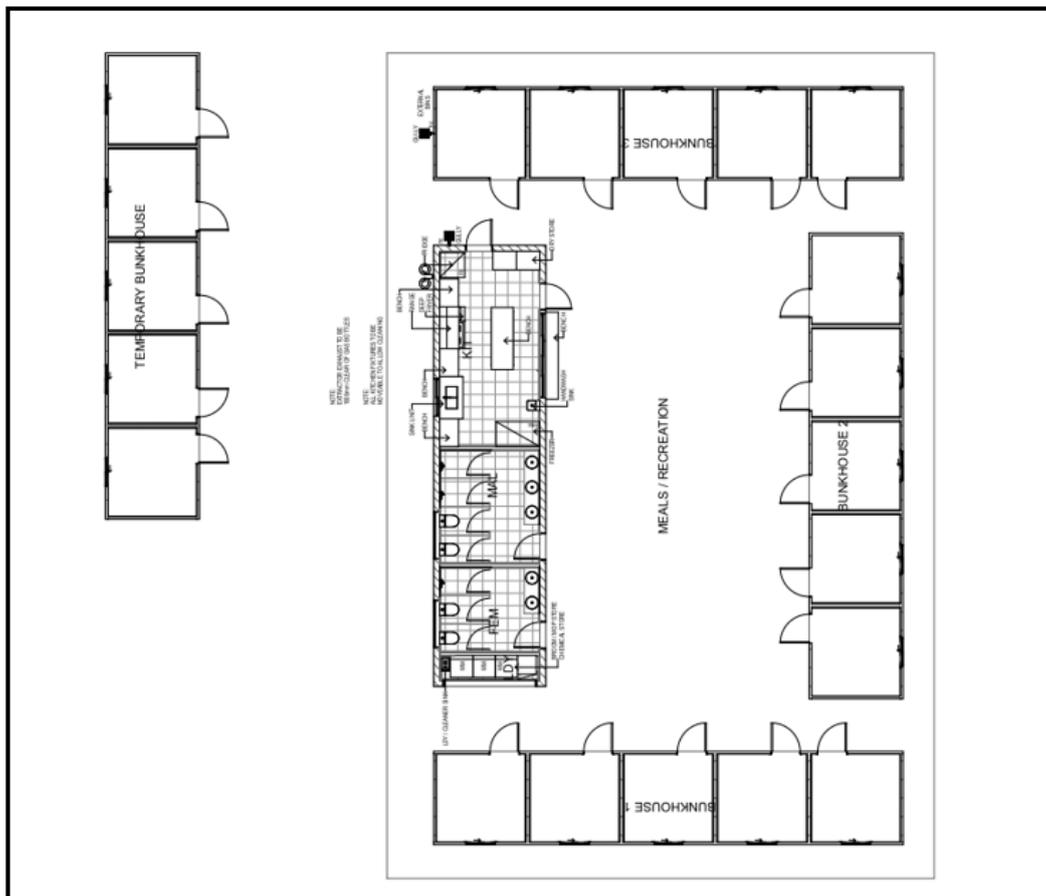


Figure 1: Extract from plan submitted with application

THE SITE

The subject site is a large rural lot under active agricultural production located approximately 4.5km west of the town of Lakeland. There is an existing dwelling located on site and sheds for the rural activities. A large dam, known as Honey Dam is located in the northern portion of the site which provides the water supply for the site. Vehicle access to the site is achieved from Honey Dam Road which is a rural road of gravel construction.

The majority of the southern section of the lot is farmed with remnant vegetation in the steeper sections of the lot and along waterways.

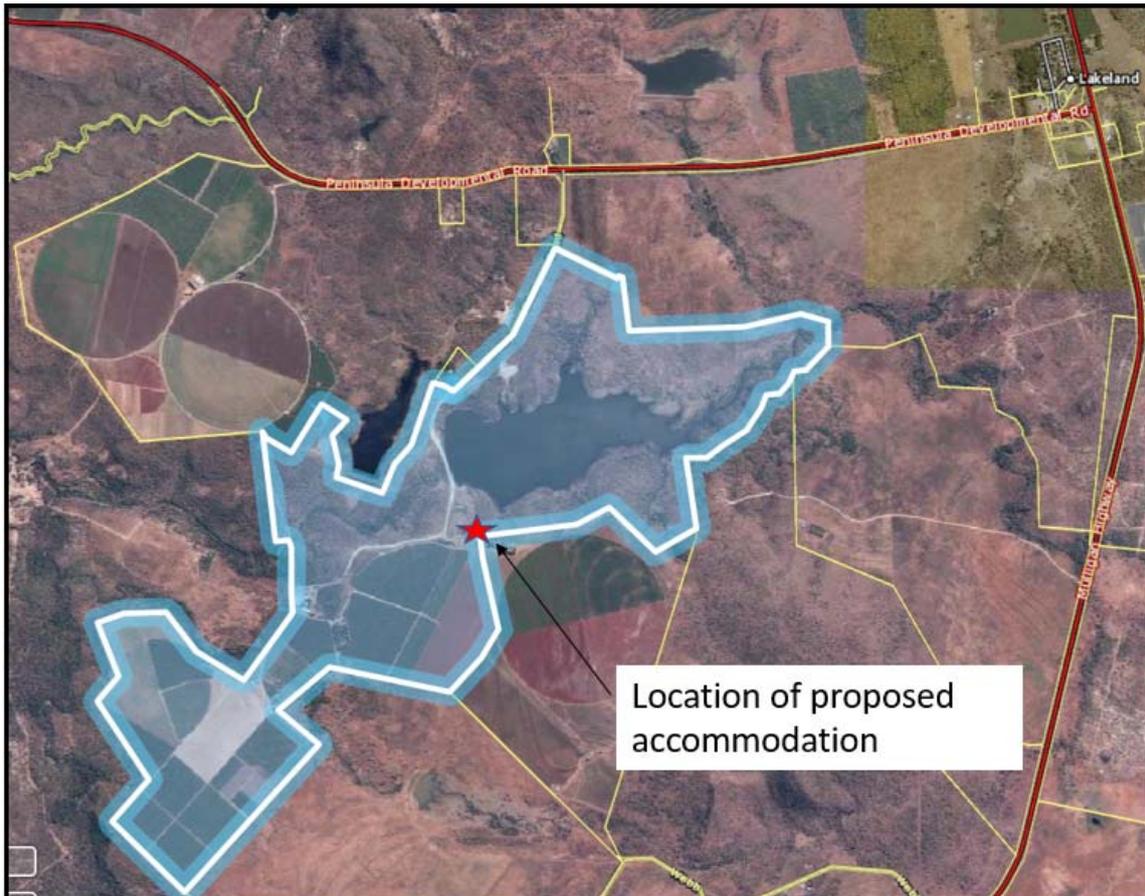


Figure 2: Subject site (source Qld Globe 13 July 2021)

BACKGROUND/HISTORY

A development approval was issued in May 2019 (DA/3999:D19/8722) for a Material Change of Use for a Rural Industry (Produce Handling Facility) to be constructed in the northern section of the lot and a subsequent development approval issued in November 2020 to enable the creation of a separate title for the packing shed (DA/4218). It is understood that a building approval has been issued for the packing shed (DA/4365). The reconfiguration of a lot approval to create the separate title has not been acted on.

TOWN PLANNING CONSIDERATIONS**STATUTORY*****Cook Shire Council Planning Scheme 2017***

In accordance with Schedule 1.1 land use definitions, *Non-resident workforce accommodation* is defined as:

Non-resident workforce accommodation

means the use of premises for –

(a) accommodation for non-resident workers; or

(b) recreation and entertainment facilities for persons residing at the premises and their visitors, if the use is ancillary to the use in paragraph (a).

To support the land use definition the Planning Scheme includes an administrative definition in schedule 1.2 of ***non-resident worker***, which is defined as:

Non-resident worker

means a person who-

(a) performs work as part of –

(i) a resource extraction project; or

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

(iii) a rural use; and

(b) lives, for extended periods, in the locality of the project, but has a permanent residence elsewhere.

The definitions in the Planning Scheme are consistent with the definitions in the *Planning Regulation 2017*.

The proposal is considered to comply with the land use definition and supporting administrative definition as it is understood the workers are international residents who are employed through a coordinated employment and accommodation program to work on the rural property for an extended period.

Non-resident workforce accommodation is identified as Code Assessable development in the Rural zone (Table 5.5.9).

The subject site is included within the following overlays:

- Bushfire Hazard Overlay;
- Rural Land Use;
- Wetlands & Watercourses; and
- Landslide Hazard

The applicable overlays do not result in a change to the level of assessment.

The development application therefore requires assessment against the following codes:

- Rural zone Code;
- Parking & Access Code;

- Works, Services and Infrastructure Code;
- Residential Use Code;
- Bushfire Hazard Overlay Code; and
- Wetlands & Watercourses; and
- Landslide Hazard Overlay Code

In accordance with section 1.5 (1)(c) of the Planning Scheme, where there is an inconsistency between the provisions in the Scheme the overlays prevail over the requirements of the zone code.

In summary, the proposed development is considered acceptable and achieves compliance with either the prescribed Acceptable Outcomes (AO) or Performance Criteria (PO) as addressed below.

A detailed assessment of the development against the applicable Planning Scheme codes is provided in the following section.

Cape York Regional Plan

The Cape York Regional Plan has been appropriately incorporated into the Planning Scheme.

State Planning Policies

State interests in the State Planning Policy (SPP) (April 2016) have been reflected in the Planning Scheme.

As the current SPP is not reflected in the Scheme an assessment against the applicable sections of the SPP is required. The current SPP mapping identifies the following State interests;

- Agricultural – important agricultural areas and agricultural land classification – Class A and B
- Biodiversity –
 - Wildlife habitat (endangered or vulnerable)
 - Regulated vegetation
- Natural Hazards Risk and Resilience – Bushfire Prone Areas

The SPP mapping is reflected in the current Planning Scheme and is addressed through the Overlay mapping and codes.

The subject site is affected by the following SPP Assessment benchmark mapping:

Natural Hazards Risk and Resilience

- Bushfire prone areas

The location of the proposed Non-resident Workforce Accommodation is well removed from the mapped bushfire risk area. In the event of bushfire risk to the site the accommodation is located in an area clear of vegetation, has access to water supply from the dam for fire-fighting purposes and has clear and accessible vehicle access from the site.

External Referral Agencies

The application does not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

COMPLIANCE WITH COOK SHIRE PLANNING SCHEME 2017 CODES

Rural zone Code (6.2.9)

The proposal to accommodate a maximum of thirty-five (35) workers is considered an appropriate land use to support the rural activities on site and will not have an adverse impact on the rural amenity or rural activities carried out on the subject site or adjoining lots.

The lot is identified as Agricultural Land Class B on the Rural Land use overlay map, reflecting the agricultural use of the site. It is considered that the proposed accommodation is meeting a genuine need for accommodation for rural workers. The accommodation is proposed to be sited within an existing cleared area in close proximity to existing sheds and does not alienate land under agricultural production.

The proposal is considered consistent with the purpose and overall outcomes of the Rural zone code and achieves compliance with either the prescribed Acceptable Outcomes (AO) or Performance Outcomes (PO) of the relevant criteria as addressed below.

Performance Criteria	Proposal Compliance
Built form	
<p>PO1 – The scale, density and height of buildings and structures is consistent with the rural built form.</p>	<p>The proposed buildings and scale of the development is consistent with expected rural built form complying with PO1 and the acceptable outcome prescribing maximum building height of 8.5m (AO1.2).</p> <p>Three of the accommodation buildings and the amenities building are located within a large open shed (17.5m x 26.58m) which has a maximum height of approximately 4.2m. While this is a large structure it is not out of character for rural sheds. Moreover, the shed will be visible only from limited locations on adjoining properties and are unlikely to be visible from any public spaces (e.g. roads).</p>
Siting	
<p>PO2 & PO5 Buildings and structures are sited to protect the rural amenity of the area when viewed from roads and neighbouring properties, and to minimise the impacts of noise and dust.</p>	<p>The proposed complies with the prescribed 6m boundary setback (AO2.1 & AO5.1)</p> <p>The accommodation buildings are proposed to be located approximately 30 metres from the side boundary. Adjoining Lot 1 RP901762 is not in the same ownership of the subject site and development on this lot near the proposed buildings consists of a number of farm sheds. There is limited vegetation on the adjoining lot in this location. While the proposal will be visible from the adjoining lot there is no residential dwelling in this location. It is considered that the proposed buildings will not have an adverse impact on the amenity of the adjoining lot.</p>
Visual Amenity	
<p>PO9 Development maintains and enhances the scenic amenity of prominent hillsides, coastal landscapes, views and vistas</p>	<p>It is considered that the development does not impact on the scenic amenity of the area.</p>

Parking and Access Code (9.4.2)

The purpose of the Parking and Access Code is to ensure access and parking is safe, efficient and convenient.

Vehicle access to the site and the proposed accommodation buildings is achieved via an existing access driveway off Honey Dam Road which is a rural road of gravel construction. There are a number of well-formed internal access tracks through the site to the location of the proposed accommodation buildings.

The applicant confirmed that traffic generation from the proposed use will be limited, as the workers are transported to the site on their arrival and no worker has their own vehicle. The workers are employed to work on the subject site further limiting any requirement for daily traffic movements off site.

Honey Dam Road achieves access from the State controlled Peninsula Developmental Road. No concerns are raised regarding the traffic generated from the proposed use and the capacity of Honey Dam Road or the intersection with the State controlled road to accommodate the additional vehicle movements.

Designated onsite car parking is not required as no workers will have their own vehicles. Further, there is more than sufficient area in the vicinity of the accommodation buildings for any vehicle parking if required.

Works, Services and Infrastructure Code (9.4.3)

The purpose of the Works, Services and Infrastructure Code is to ensure the development is provided with the range of infrastructure services required by the development and are of a suitable standard. The proposal demonstrates compliance with the relevant Acceptable Outcomes (AO) or Performance Outcomes (PO).

Water supply is supplied through existing rainwater tanks, bores and Honey Dam achieving compliance with PO1 providing an adequate, safe and reliable supply of potable water.

Effluent disposal will be achieved via an onsite effluent disposal system. The applicant has confirmed that the system will not trigger the requirement for an Environmentally Relevant Activity (ERA) for the onsite sewerage system.

The proposed buildings will be connected to the electricity supply network.

Residential Use Code (9.3.3)

The purpose of this code is to ensure an appropriate standard of design and amenity for the development.

The proposal achieves compliance with the relevant Acceptable Outcomes (AO) or Performance Outcomes (PO) through appropriate siting and design of the proposed new accommodation building.

The proposal is seeking to provide accommodation for international based workers through a coordinated employment program. The need for rural workers in the Lakeland locality is well accepted and the provision of workers' accommodation on the farm meets the needs of the rural industry, achieving compliance with AO4.1 and PO5. There is a known shortage of accommodation options in the nearby town of Lakeland.

The accommodation buildings are proposed to be sited in a designated area delineated by fencing around the complex. The proposed accommodation buildings and amenities buildings have been configured to provide a large covered centrally located communal area providing adequate recreational area outside of the rooms with protection from the weather and any potential spray drift, achieving compliance with PO7 and PO8. Despite this, the undercover recreation area is smaller than that required under acceptable solution AO7.1. It is recommended that a condition be applied to the decision requiring the applicant provide evidence, that a reasonable level of recreation facilities and services has been provided.

Overall, it is considered that the proposed development is considered appropriate for the site and will not result in an adverse impact upon the rural character and amenity of the area achieving compliance with PO9 and PO14.

Assessment against overlay codes

While the subject site is included in the bushfire hazard overlay, wetlands and watercourses overlay and landslide hazard overlay, the proposed location of the accommodation buildings is not within the designated hazard or waterway mapping.

No concerns are raised regarding the impact of the development on the identified hazards or water course features on the balance of the site.

TIMEFRAMES (DEVELOPMENT ASSESSMENT RULES)

Under the Development Assessment Rules, the decision period of this application expires on 27 August 2021.

INFRASTRUCTURE CHARGES

The proposed development is located outside of any mapped PIA (Priority Infrastructure Area), therefore infrastructure charges are not imposed on the proposed development.

PUBLIC NOTIFICATION

This application does not require public notification as it is subject to code assessment.

CONSULTATION

Consultation with Internal Council officers was undertaken:

Engineering; Infrastructure; Biosecurity; Environmental Health.

LINK TO CORPORATE PLAN

Key Strategy Priority:

Environment – Respect for the unique natural environment of the Cape, its history and the provision of sustainable, safe access for the enjoyment of the Cape’s communities and visitors.

Env 3: Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions.

Env 3a: Planning outcomes demonstrate the quality of development assessment processes by achieving results consistent with Council’s strategic direction.

DISCUSSION

The proposed Non-resident workforce accommodation is considered appropriate and no concerns are raised to the design, siting or scale of the development.

conditions.

RECOMMENDATION

1. That the following reasons for the decision be included on the notice on Council's website (as required by section 63(4) of the *Planning Act 2016*) in the event that Council decides to approve the application:
 - (a) An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
 - (b) The proposed development for Non-resident workforce accommodation is an appropriate use to be located on the site and will have no adverse impacts on the rural character and amenity of the locality or adjoining lots.
2. That Council issue an approval for the development application submitted by Sharprock Pty Ltd C/ Urban Sync Pty Ltd for a Material Change of Use for Non-resident workforce accommodation over land described as Lot 1 on SP282417, subject to the following conditions:

A. Assessment Manager (Council) Conditions**Approved Plan**

1. The development must be carried out generally in accordance with the following Proposal Plans submitted with the application (see Appendix A) except for any variations required to comply with the Conditions of this approval:
 - Generic Perspective WD A00;
 - Site Plan WD A001;
 - Site Plan WD A002;
 - Bunkhouse WD A101;
 - Elevations 1 of 2 WD A301; and
 - External Perspectives WD A601.

Limitation of the Use

3. Occupancy of the approved Non-resident workforce accommodation must not exceed thirty-five (35) persons at any one time.

Recreation Area

4. The applicant must submit a plan to Council prior to the commencement of the use demonstrating that a range of active and passive recreation pursuits have been made available for the Non-resident workforce.

Effluent Disposal

3. Any application for waste water treatment and disposal must include details of the proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – "On-Site Domestic Wastewater Management".

Water Supply

5. The development must be connected to a potable water supply and comply with the Australian Drinking Water Guidelines.

Access

6. Vehicle access to the site must be achieved via the existing access driveway from Honey Dam Road.

Environment

7. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development and appropriate erosion and sediment controls are in place.

Stormwater

8. Stormwater must be directed to a legal point of discharge.

Electricity

9. The development must be connected to a reliable electricity supply.

Compliance

9. All conditions of this Development Permit must be complied with prior to the use commencing and, where relevant, maintained during operation.

Outstanding Charges

10. All rates, service charges, interest and other charges levied on the land are to be paid prior to construction.

B. Assessment Manager (Council) Advice

1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. Should the kitchen not be used for the purpose of 'self-catering' by the workers staying in the accommodation, then a Food Business Licence as per the requirements of the *Food Act 2006* must be obtained from Council by the property owners.
3. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.

5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

10 CONFIDENTIAL REPORTS

Nil

11 GENERAL BUSINESS