

5.4. MATERIAL CHANGE OF USE FOR TOURIST ATTRACTION 78R MOUNTAINVIEW DRIVE SHANNONVALE

REPORT AUTHOR(S)	Daniel Lamond, Planning Officer
GENERAL MANAGER	Nick Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use- Tourist Attraction and Home Based Business (Host Farm Accommodation)
APPLICANT	The Australian Chocolate Farm J J Kirk & D J Kirk PO Box 1170 MOSSMAN QLD 4873
LOCATION OF SITE	78R Mountain View Drive, SHANNONVALE
PROPERTY	Lot 1 on SP121806
LOCALITY PLAN	

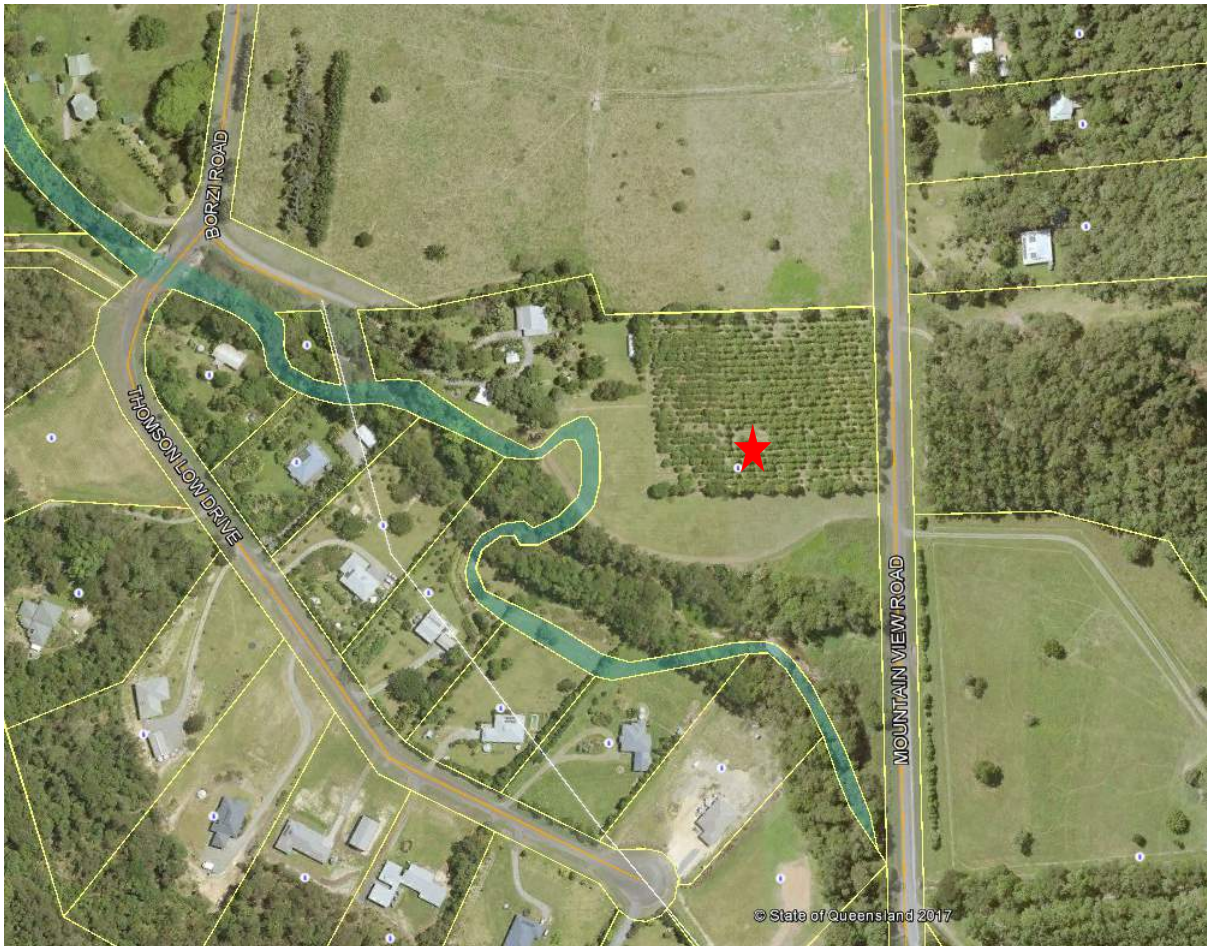


Figure 3 - Locality Plan

LOCALITY	Rural Areas and Rural Settlements
PLANNING AREA	Rural
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	No Referral Agencies are triggered
NUMBER OF SUBMITTERS	Submissions in support (2) Submissions against (9)
STATUTORY ASSESSMENT DEADLINE	8 May 2017
APPLICATION DATE	21 December 2016

RECOMMENDATION

That Council approves the development application for Tourist Attraction and Home Based Business (Host Farm Accommodation) over land described as Lot 1 on SP121806, located at 78R Mountain View Drive Shannonvale, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Plan Number 601-17 Prepared by Greg Skyring Design and Drafting Pty Ltd. Sheet 1 of 2.	1 February 2017
Carpark Layout	Plan Number 601-17 Prepared by Greg Skyring Design and Drafting Pty Ltd. Sheet 2 of 2.	1 February 2017
Proposed Cabin Layout	Plan Prepared by Darryl Kirk	Submitted to Council 6 February 2017
Proposed Kiosk Area Layout	Plan Prepared by Darryl Kirk	Submitted to Council 6 February 2017
Proposed Kitchen Layout	Plan Prepared by Darryl Kirk	Submitted to Council 6 February 2017
Advertising Device Plan	Plan Prepared by Darryl Kirk (amended by condition 6).	Submitted to Council 6 February 2017

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and

- b. **The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

Except where modified by these conditions of approval

Timing of Effect

2. **The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.**

Damage to Council Infrastructure

3. **In the event that any part of Council's existing water or road infrastructure is damaged as a result of construction activities occurring on the site including, but not limited to, the mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the applicant's/owner's cost, prior to the Commencement of Use.**

Vehicle Parking

4. **The amount of vehicle parking must be a minimum of six (6) car spaces and two (2) bus spaces. The car parking layout must comply with the Australian Standard AS2890.1-2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be appropriately surfaced (gravelled) and drained. All surface treatment should be suitably draining gravel, used to minimize nuisances associated with dust or mud.**

An access path to the cabin must be surface treated with suitably draining gravel.

Lawful Point of Discharge

5. **All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

Advertising Signage

6. **One on-site advertising device is approved as part of the application. Maximum dimensions for this signage are 1200mm wide by 1000mm tall, standing a maximum overall height of 1800mm. Prior to the erection of the advertising device, a plan detailing the predominant colour of the device must be submitted to the Chief Executive Officer for endorsement. The predominant colour must be non-reflective and complement the surrounding rural character of the landscape.**

On-site Effluent Disposal

7. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The recommendations contained in the Wastewater Management System Report No SI 425-16report dated 2 December 2016 prepared by Earth Test are considered to satisfy this condition requirement.

External Works

8. Undertake the following works external to the land at no cost to Council:
 - a. Provision of a concrete crossover and apron in accordance with *FNQROC Development Manual Standard Drawing S1015*;
 - b. Repair any damage to existing roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Storage of General Waste

9. Waste must be stored in accordance with Council requirements, applicable legislation and relevant local laws;
 - a. This includes the requirement for an imperviously sealed storage area where all waste containers can be placed, provided with appropriate drainage, a hose cock and a hose in the vicinity of the storage area.

Access Limitation

10. Access is limited to Mountainview Drive only. The facility must not be accessed through Borzi Road.

Approved Use

11. The approved use can only operate in conjunction with the primary production use on site, being cocoa cropping.

Hours of Operation

12. The tourist attraction component of the approved use is to operate between the hours of 9am and 5pm seven days per week.

Limitation on Use

13. The approved use is only to utilise land within the property boundaries of Lot 1 on SP121806.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of the *Sustainable Planning Act 2009*.

2. **All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.**
 3. **This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**
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EXECUTIVE SUMMARY

Council is in receipt of a Development Application for a Material Change of Use for 'Tourist Attraction and Home Based Business (Host Farm Accommodation).' The land is located at 78R Mountainview Drive, Shannonvale, being formally described as Lot 1 on SP121806.

The land is currently contained within the 'Rural Planning Area of the Rural Areas and Rural Settlements Locality within the Planning Scheme. The allotment has a site area of 4.711 hectares. Adjoining the northern boundary is a farm, and a separated by a riparian corridor is rural settlement subdivision to the South and West. To the east are two properties within the Rural Planning Area.

Lot 1 on SP121806 is used for the purpose of a residence, cocoa farm and includes associated sheds and crop.

The proposal is identified as impact assessable development within the 2006 Douglas Shire Planning Scheme and required public notification in accordance with s297 of the *Sustainable Planning Act* (2009). A total of 11 submissions were received. They were all properly made.

Two submissions supported the application in full and nine submissions made points of objection.

The nature of the proposal is to showcase the small scale rural agricultural production activity of cocoa cropping and chocolate manufacture at the site. The application also seeks to allow for one cabin to be utilised as host farm accommodation on site. The proposal is considered to be significantly small scale with minimal off site impacts, and complies in full with the requirements of the planning scheme.

Assessment of the application in conjunction with the submissions received has informed the recommendation for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The applicant was a winner of the International Chocolate Awards 2016, with chocolate made from their Shannonvale cocoa crop. Opportunity has arisen with the growing Far North Queensland tourism market and is highlighted by directions made evident by the recently adopted Economic Development Strategy. The proposal is an example of industry diversification with obvious benefits Shire wide. The Economic Development Strategy has identified the need to support sustainable development of existing industries and increase diversification, while also building the premium brand of the Shire.

The proposal also aligns with Council's Corporate Plan:

Theme 2 - Building a Sustainable Economic Base

Goal 2 – To support the growth of local business and industry, and to encourage commercial investment in the Shire.

2.2.5 – Expand tourism and agricultural business opportunities and benefits through collaborative planning and promotion.

Proposal

The development application seeks approval for a Tourist Attraction and Home Based Business (Host Farm Accommodation), in accordance with the proposed layout as illustrated in Attachment 1.

The proposal features three buildings for construction, and a car park and access layout to be treated with compacted road base. As illustrated on the site plan, the entry and exit will be from Mountainview Drive. A ten metre wide landscaping buffer is proposed at the Mountainview Drive frontage to inhibit view of the development from the road.

The proposed kiosk is contained within an 8m x 12m shed sited next to the proposed kitchen contained within a 6m x 7.5m shed.

The operation proposed is to conduct interactive walking tours of the cocoa crop and kiosk showcasing the process required to make chocolate. The proposal includes the intention to be able to make and serve lunch meals for patrons of the farm tour. The primary use of the kitchen is to prepare and process the chocolate and prepare meals. The primary use of the kiosk is to serve meals and have an outlet to sell chocolate produced from the farm. A single cabin is proposed to give a host farm accommodation experience as part of an extended package to the proposed use.

State Planning Requirements

The proposal does not trigger any State agency referrals and as a result is not considered by the State.

Achieving Outcomes through the Planning Scheme

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability. Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay
- Specific Outcomes for Planning Areas or Particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome,
- Performance Criteria and associated or Acceptable Solutions for Overall Outcomes.

Desired Environmental Outcomes

Chapter 2 of the Planning Scheme outlines the Desired Environmental Outcomes that underpin the Planning Scheme.

The Desired Environmental Outcomes are grouped under core matters which comprise ecological sustainability as follows:

- Ecological Processes and Natural Systems;
- Economic Development;
- Cultural, Economic, Physical and Social Well-being of the Community.

Table 1. - Ecological Processes and Natural Systems

Desired Environmental Outcome	Comment
<p>DEO 1: The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.</p>	<p>The development of the land for the proposed use will not compromise the unique environmental values of the Shire. No clearing or extensive earthworks are proposed. All building work is required to comply with sediment and erosion control measures.</p>
<p>DEO 2: Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.</p>	<p>The development of the land for the proposed use will not impact the integrity of the World Heritage areas of the shire as no clearing is proposed and all other impacts are negligible.</p>
<p>DEO 3: Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in the coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.</p>	<p>The site borders a waterway and riparian corridor, this corridor was revegetated in the last decade by Council and in conjunction with the land holder. The proposal does not propose any development within the riparian corridor and does not pose any threat to the waterway.</p>

<p>DEO 4: The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.</p>	<p>The proposed development does not compromise the unique environmental character of the shire.</p>
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Table 2. - Economic Development

Desired Environmental Outcome	Comment
<p>DEO 5: A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the natural resources of the Shire.</p>	<p>The proposed development complies in full as it exemplifies rural sector integration with tourism enterprise as a sustainable diversification strengthening the local economy.</p>
<p>DEO 6: The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.</p>	<p>The proposed development is on rural productive land and does not compromise the land's viability as a cocoa farm. In fact, the proposal complements its use and strengthens its economic resilience.</p>
<p>DEO 7: The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly sugar, horticulture and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.</p>	<p>The proposed development is compliant in nature and does not represent a variation to the preferred pattern of development given under the planning scheme.</p>

<p>DEO 8: The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.</p>	<p>The proposed development complies, although this DEO is hardly relevant.</p>
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Table 3: Cultural, Economic, Physical and Social well-being of the Community

Desired Environmental Outcome	Compliance
<p>DEO 9: Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.</p>	<p>The proposed development does not impact on places of cultural or heritage significance in the Shire.</p>
<p>DEO 10: A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.</p>	<p>Not relevant to the proposed development</p>
<p>DEO 11: The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.</p>	<p>The distinctive character and unique sense of place of the Shire's towns, villages and other settlement areas will not be diminished by the proposed development. The proposal is considered as a significantly small scale operation with conditions imposed to regulate potential impacts. The surrounding Rural Settlement zoned land is to remain subservient to the rural character of the area, as determined by the Rural Settlement Planning Area Code of the Planning Scheme.</p>

<p>DEO 12: Residential communities, particularly within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.</p>	<p>The proposed development is within proximity to Rural Settlement allotments. However, due to the small scale nature of the operation, the ability of the proposal to concentrate development at the centre of the allotment and the existing and proposed landscaping and vegetation buffering, the proposal is considered to achieve harmony between surrounding residents and visitors.</p>
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Overall Outcomes for Localities

The land is included within the Rural Areas and Rural Settlements Locality where the form of surrounding development is generally an equal mix of rural settlement and rural uses such as cropping, grazing and extractive industry.

The proposed use is considered to be consistent with the overall outcomes of the locality code, as outlined below:

- Retain rural areas for primary industry - The proposal is consistent with this outcome as the cocoa cropping will need to be maintained at the site as it is the key element to the proposed tourist attraction.
- Conserve the rural character and rural landscape elements as important and distinctive to the scenic value of the shire - The proposal is consistent with this outcome as the tourist attraction will remain subservient to the locality, being the rural landscape.
- Protect and conserve valuable riverine vegetation and systems in rural areas - The proposal is consistent with this outcome as no riverine degradation is proposed.
- Retain the rural lifestyle opportunities and amenity of rural settlement areas with no further compromise to surrounding productive rural areas - The proposal is consistent with this outcome as it is small scale in nature and complements the current rural production use on the land. Further, the lifestyle opportunities and amenity of the surrounding rural settlement allotments are not expected to be compromised as relevant conditions are proposed to be imposed to the extent reasonable.

Specific Outcomes for Areas affected by an Overlay

The subject land is affected by the Natural Hazards Overlay.

The Natural Hazards Overlay (Medium Bushfire Hazard) is of limited relevance to the proposed use as the land is predominantly cleared of vegetation likely to be affected by a bushfire and the proposed building work is sited toward the centre of the site giving significant buffering distances to vegetation potentially being affected by a bushfire. The purpose of the associated Natural Hazards Overlay Code is to ensure that development does not occur in areas prone to the natural hazard of bushfires and to minimise any risks associated with bushfires. Although the site is contained in a medium bushfire hazard area, the site characteristics and the nature of the proposal do not warrant further consideration. The Natural Hazards Overlay Code is of no consequence to the proposed development.

Specific Outcomes for Planning Areas

The land is included within the Rural Planning Area in which the establishment of a Tourist Attraction is identified as an Impact Assessable use. Land contained within the Rural Planning Area is intended to be conserved for rural purposes. Below are the relevant purposes of the code.

- Conserve areas for use for primary production, particularly GQAL- The proposal is consistent with this outcome as the use will be in accordance with and rely upon, the ongoing use of the site as a cocoa farm.
- Facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses- The proposal complies.
- Ensure that land which is not classified as GQAL, but which is important to the scenic landscape of the shire, retains its rural character and function- The proposal complies as it represents an additional element to the rural use which strengthens the viability of the existing operation and does not affect the scenic landscape.

Douglas Shire Planning Scheme Assessment

Douglas Shire Rural Areas and Rural Settlements Planning Locality		Code Applicability	Compliance
Locality	Rural Areas and Rural Settlements	✓	Complies
Planning Area	Rural	✓	Complies
Defined Use	Tourist Attraction	x	
Overlay Codes	Acid Sulfate Soils Code	x	
	Cultural Heritage and Valuable Sites Code	x	
	Natural Hazards Code	✓	Complies
General Codes	Design and Siting of Advertising Devices Code	✓	Conditioned
	Filling and Excavation Code	x	
	Landscaping Code	✓	Complies
	Natural Areas and Scenic Amenity Code	✓	Complies
	Reconfiguring a Lot Code	x	
	Vehicle Parking and Access Code	✓	Complies
	Sustainable Development Code	x	
	Vegetation Management Code	x	

Compliance Issues

The application includes a proposed on-site advertising device sited next to the access at Mountainview Drive. The proposed sign is 1800mm wide x 1200mm tall advertising the tourist attraction. The sign dimensions have been decreased in order to comply with P1 and P2 of the Design and Siting of Advertising Devices Code of the Planning Scheme. A condition has been imposed to reduce the approved sign dimensions to 1200mm wide x 1000mm tall, with a maximum overall height of 1800mm.

With this condition imposed it is considered the device is subservient in scale to the primary use of the site and relates to the proposed facility. It is sited in an appropriate area on site and is consistent with the amenity and character of the area as the condition imposed

requires that the background colour of the sign is non-reflective and compliments the character on the area. The applicant is required to amend the colour and re-submit the proposed colour scheme for Council endorsement prior to erecting the sign.

Referral Agency Requirements

There were no referral agencies triggered by this application.

Public Notification / Submissions

Public notification was carried out in accordance with section 299-301 of the *Sustainable Planning Act (2009)*. Notices were placed on the land in the way prescribed under the regulation on 16 February 2017 and maintained for a period of no less than 15 business days. Letters to adjoining owners were sent and a notice was published in the Port Douglas and Mossman Gazette on 16 February 2017.

A total of eleven (11) properly made submissions were received during the public notification period.

The following section of the report summarises the grounds of submissions followed by Officer comment.

Eight (8) of the submissions made objection against the access driveway being from Mountainview Drive, and requested it be relocated to Borzi Road. Two (2) submissions supported access from Mountainview Drive and one (1) submission requested the operation be located at the Mountainview Drive entrance of the property.

Officer Comment

The common point of submission was comment on the proposed driveway access. Eight (8) submissions from Mountainview Drive residents raised concerns with the impact of the increased traffic volumes on the road and the associated loss of amenity to their area. Two submissions from Mountainview Drive residents supported the driveway access and the entire proposal, making comment that the increased traffic will not be detrimental to the amenity of the area. A submission received by a Thompson Low Drive residence requested that that the operation be sited close to Mountainview Drive.

Concerns raised by the submitters requesting that the access be amended from Mountainview Drive to Borzi Road included property de-valuation, increased traffic endangering cyclists and pedestrians, increased traffic endangering school children walking to and from the school bus shelter and further decrease of amenity, in conjunction with the quarry operation run at the end of Mountainview Drive.

No evidence is available to support the claim that properties in the vicinity will experience de-valuation. Further, this is not a planning consideration which can be considered.

The increase in traffic on Mountainview Drive is a realistic expectation of the proposal. However, due to the scale and intensity of the operation, being a small tourist attraction, it is considered that excessive amounts of traffic will not be generated at a scale which will detrimentally impact the amenity of the area, and pose a significant danger to pedestrians and cyclists. Further, traffic increase and associated impacts are expected to be negligible to the impacts of the quarry operation at the end of Mountainview Drive.

The amenity of Rural Settlement land is to be retained as required by the purpose of the locality code. However, the purpose of the Rural Settlement Code requires that residential

development remains subservient to the rural character of the area. The proposed driveway access from Mountainview Drive is considered to not cause a detrimental impact on the amenity of Mountainview Drive residents, and is considered to be consistent with both planning area codes purposes.

Advice from the applicant received by Council stated that 13 school children currently walk from the bus shelter between the Mountainview Drive and Borzi Road entrances to the subdivision at Thompson Low Drive and surrounds. The point raised in the submissions detailing the danger to school children walking on Mountainview Drive is the same danger for children walking on Borzi Road. Hence changing the access for this reason is of no benefit to the community.

The application was changed by the applicant prior to the public notification period commencing. The change consisted of a change of address. The address allocated to the site by Council during the rollout of rural addressing was 43R Borzi Road. The applicant changed the address of the site to the Mountainview Drive frontage in an attempt of transparency as the proposed development is proposed to be accessed from Mountainview Drive.

It is deemed unreasonable to require access to the proposal to be made from Borzi Road for the reasons outlined above. Further, Council cannot condition the access to be changed as this would significantly change the nature of the application and would trigger a further public notification period.

A number of submitters made comment on potential environmental nuisances generated by the proposed development. Dust from the access driveway and parking area was brought to light as a potential impact on downwind properties. Diesel fumes from larger vehicles entering the site and being carried down wind as well as cooking and garbage odours were also mentioned by submitters.

Officer Comment

The proposal has been conditioned so that the driveway and car parking area be suitably treated with draining gravel, to minimise nuisances associated with dust. The *Environmental Protection Act (1994)* regulates dust nuisances. In the event that dust emissions from the site constitute an environmental nuisance, Council can take measures as a regulatory authority.

The Department of Transport and Main Roads is the regulatory authority which is required to action vehicle emissions nuisances. Vehicle emissions at the site are not considered to be a public health risk to down wind properties.

Odour from bins utilized as part of the proposal can be regulated under the *Food Act (2006)*, in the event that a nuisance occurs. This is not expected to become an issue, hence no conditions are imposed. Cooking odours are exempted from regulation.

This is the third business of this nature in the Shire.

Officer Comment

This is not a planning consideration. The viability of this proposal, including its impact on other developments of similar nature is not regulated and considered as part of the Integrated Development Assessment System.

Noise generated by the proposed use inclusive of car doors, people talking and kitchen operation affecting amenity was included as a submission item across a number of submissions.

Officer Comment

Car doors, talking and kitchen operation are not regulated devices, which cannot be regulated under the *Environmental Protection Act (1994)*. Impacts derived from these sources are considered to be insignificant. The allotment is in a rural area with significant separation from surrounding housing development.

Submission items included submitters concerns with the requirements of the Sustainable Planning Act (2009) and Sustainable Planning Regulation (2009) for the public notification phase. All adjoining owners must be sent a letter detailing the proposed development. A newspaper advertisement of the proposal is to be placed in a local newspaper and a proposed development sign is to be placed at the road frontage of the site. Submitters advised that this was not carried out accordingly.

Officer Comment

Public notification was carried out in accordance with the Act and in the way generally prescribed under the regulation. Thompson Low Drive residents made a submission point that they were not sent a letter advising of the proposed development. The site only has three adjoining land owners as a gazetted watercourse separates its boundaries from the allotments neighbouring at the Thompson Low Drive subdivision. Under the Act only adjoining land owners are required to receive proposed development letters for impact assessable development. This is why only three adjoining owner letters were posted.

Submissions also raised concern that the proposed development on-site sign was not established at the Borzi Road entrance to the site. Section 304 of the *Sustainable Planning Act (2009)* allows the assessment manager to assess and decide the application if some requirements of the public notification have not been complied with. In this case the assessment manager is satisfied that not erecting the proposed development sign at the road boundary of Borzi Road did not adversely affect the awareness of the public of the nature of the application and did not restrict the opportunity for the public to make properly made submissions. Further, The nature of the road boundary of the site at Borzi Road, due to the irregular boundary configuration, would make visibility of the sign from the constructed road near impossible or limited at best. Advice from the applicant stated that the intent to advertise the development on the road frontage to Mountainview Drive was for transparency, as access is proposed from Mountainview Drive.

Submissions included the item that this development if approved, will set a precedence for other similar development in the area

Precedence setting is not a planning consideration for the assessment of a particular application as applications are all assessed on their own merits. The Planning Scheme allows opportunity for development of similar nature in rural areas and gives the opportunity for applicants to make impact assessable development applications and gives submitters the opportunity to voice opinions and concerns.

Submissions raised concerns with regard to the proposed hours of operation being 8am to 6pm and associated loss of amenity to surrounding residents

Officer Comment

The hours of operation have been conditioned to between the hours of 9am and 5pm seven days per week. The 9am start time separates traffic generated by the proposal from school children walking to the nearby bus stop. The 5pm finish time of operation represents a sound outcome for potential afternoon amenity issues raised by submitters. The operation is not confined to week day operation as the nature of tourism demand is not confined to week days. It would be unreasonable to deny the applicant the opportunity to operate during weekends.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

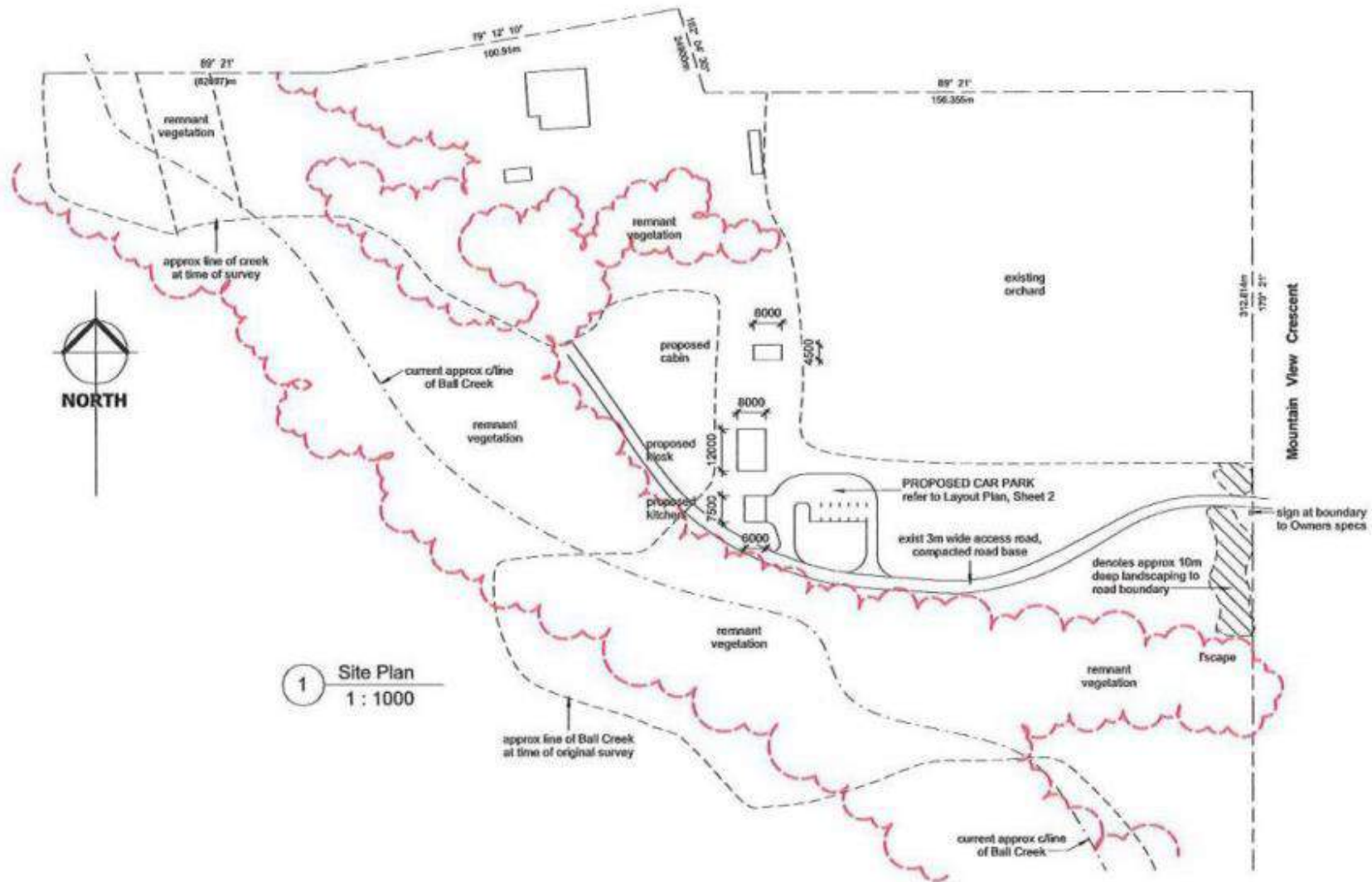
The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

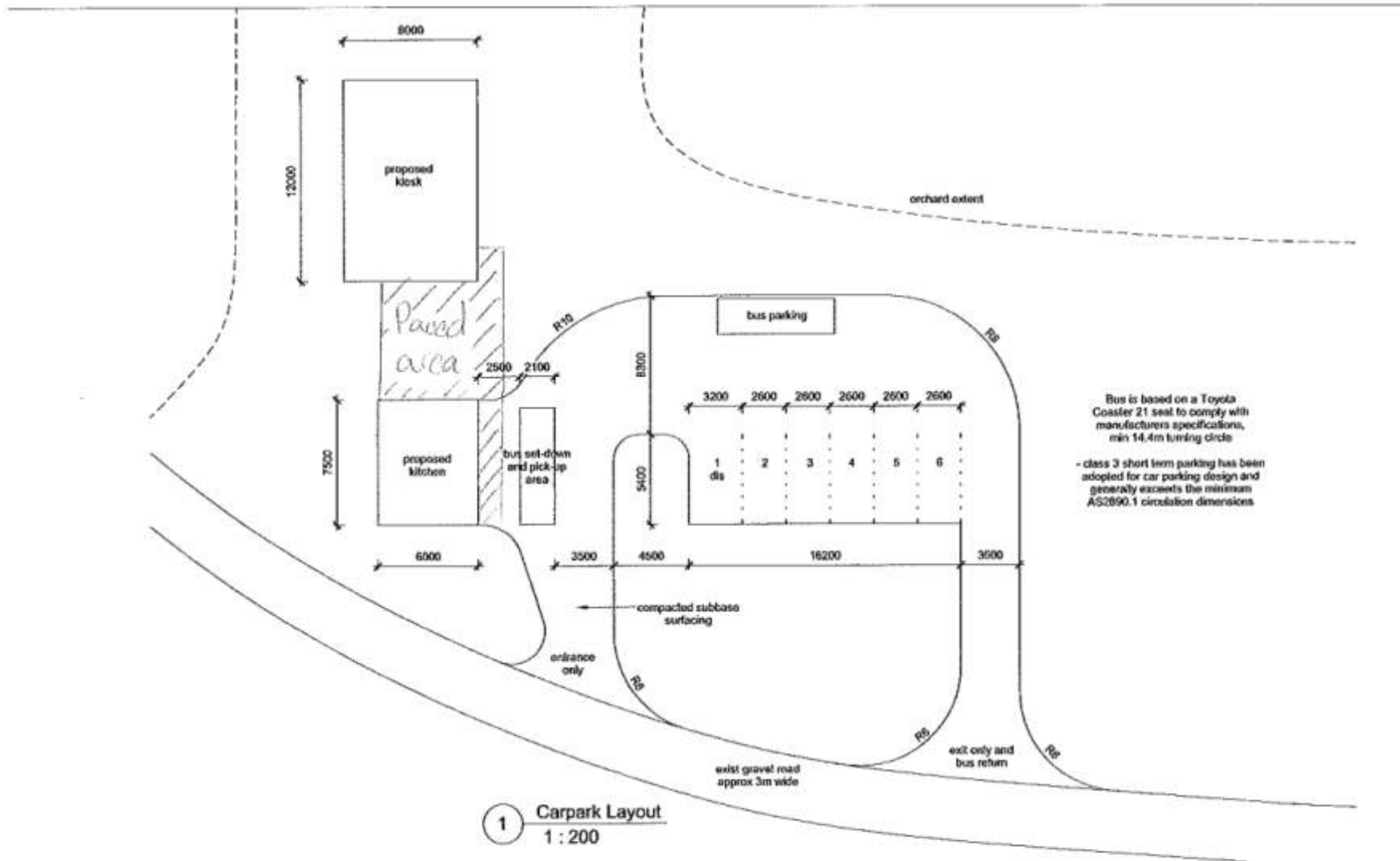
ATTACHMENTS

1. Attachment 1- Approved Plans and Documents **[5.4.1]**



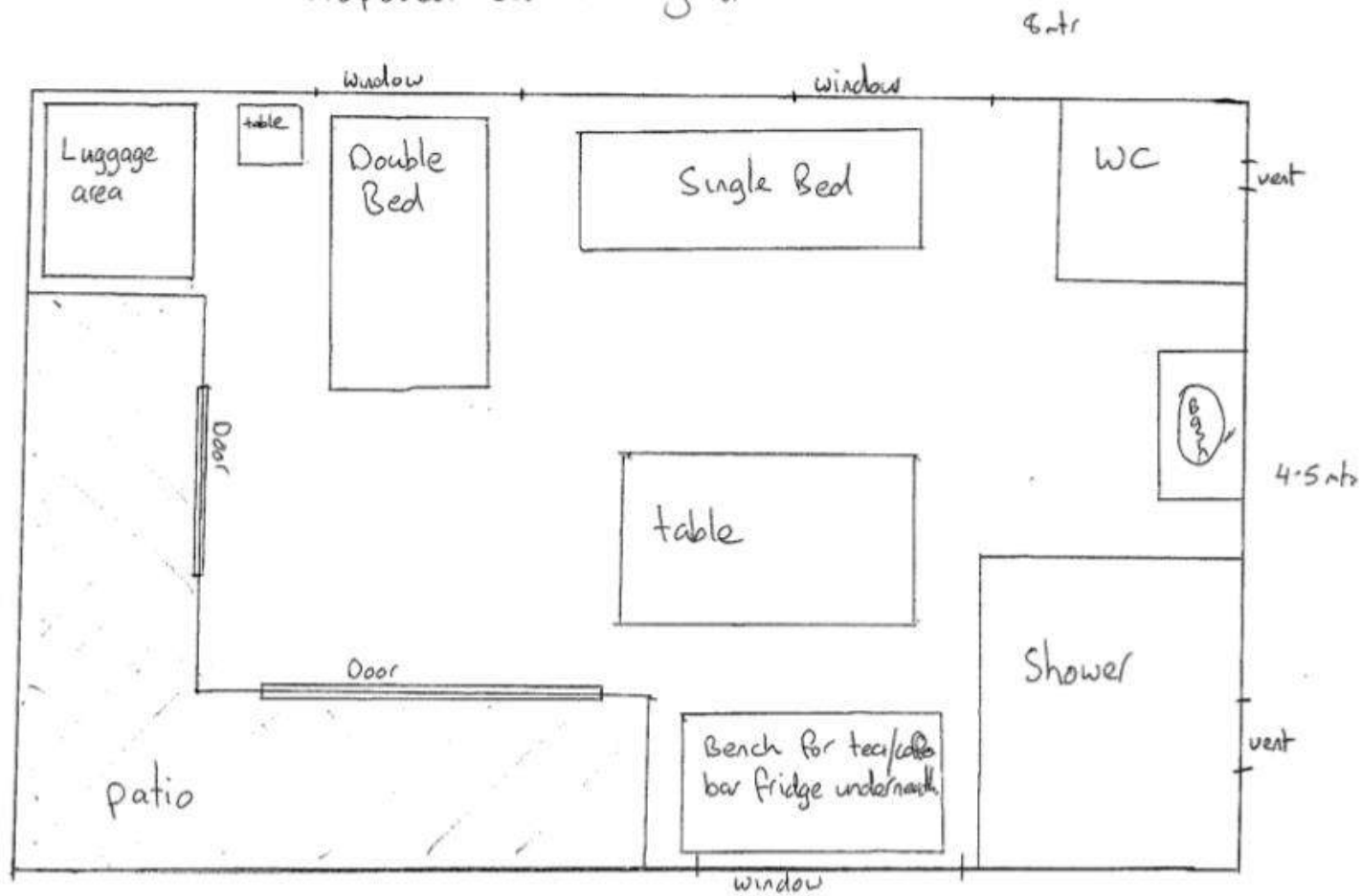
1 Site Plan
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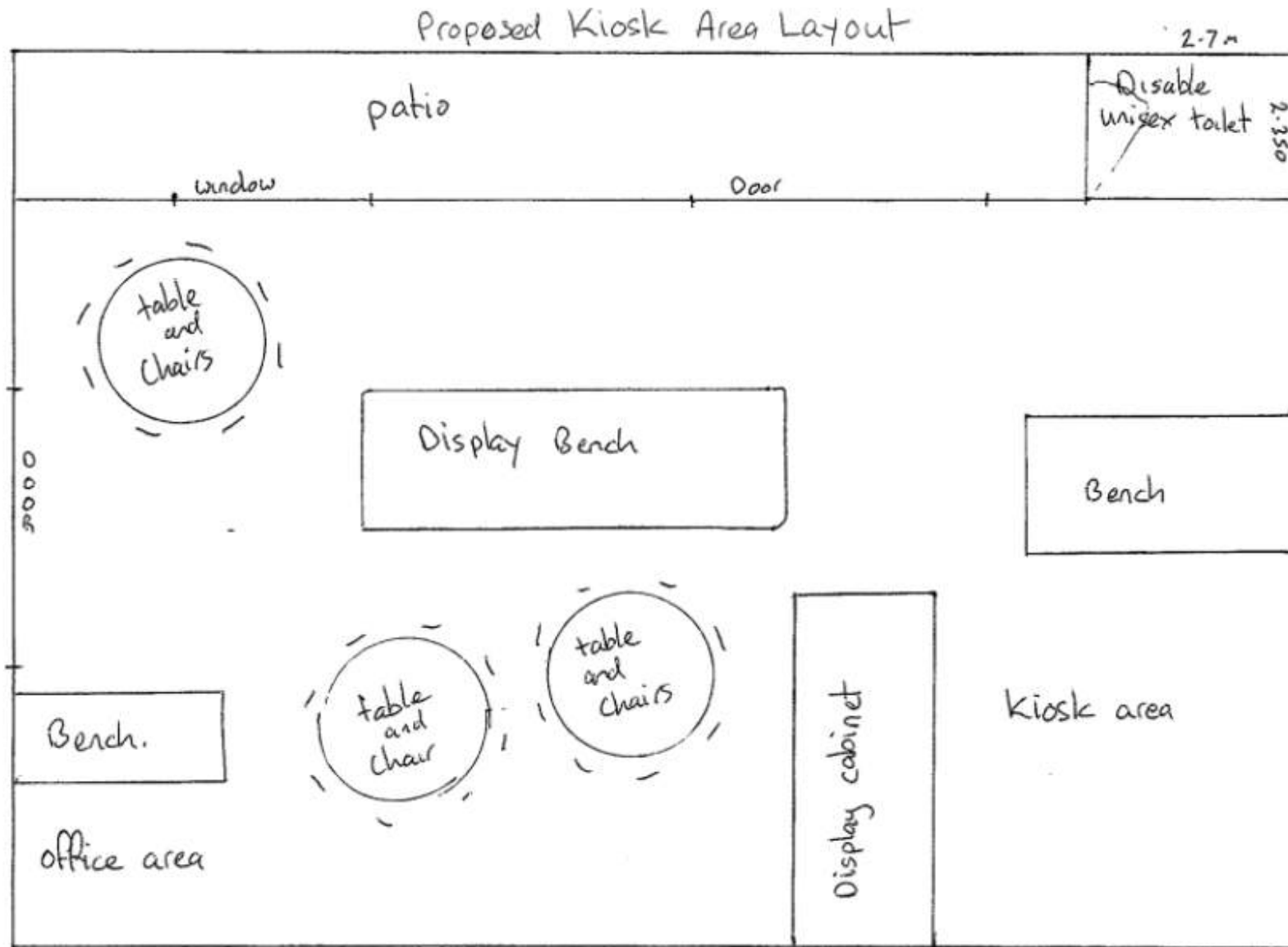
GREG SKYRING <i>Design</i> and DRAFTING Pty. Ltd. Lic: Under QBSA Act 1991 - No 1040371 11 Noll Close, Mossman Q. 4873 Phone/Fax: (07) 49822661 Mobile: 0419212652 Email: greg@skyringdesign.com.au	PROJECT Proposed Carpark Layout for proposed farm development, L1 SP121806, 43R Borzi Road, SHANNONVALE	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
		D. & J. Kirk		601-17	1 of 2
		SCALE	PLAN TITLE	DATE OF ISSUE	REV
		1 : 1000	Site Plan	01.02.17	A



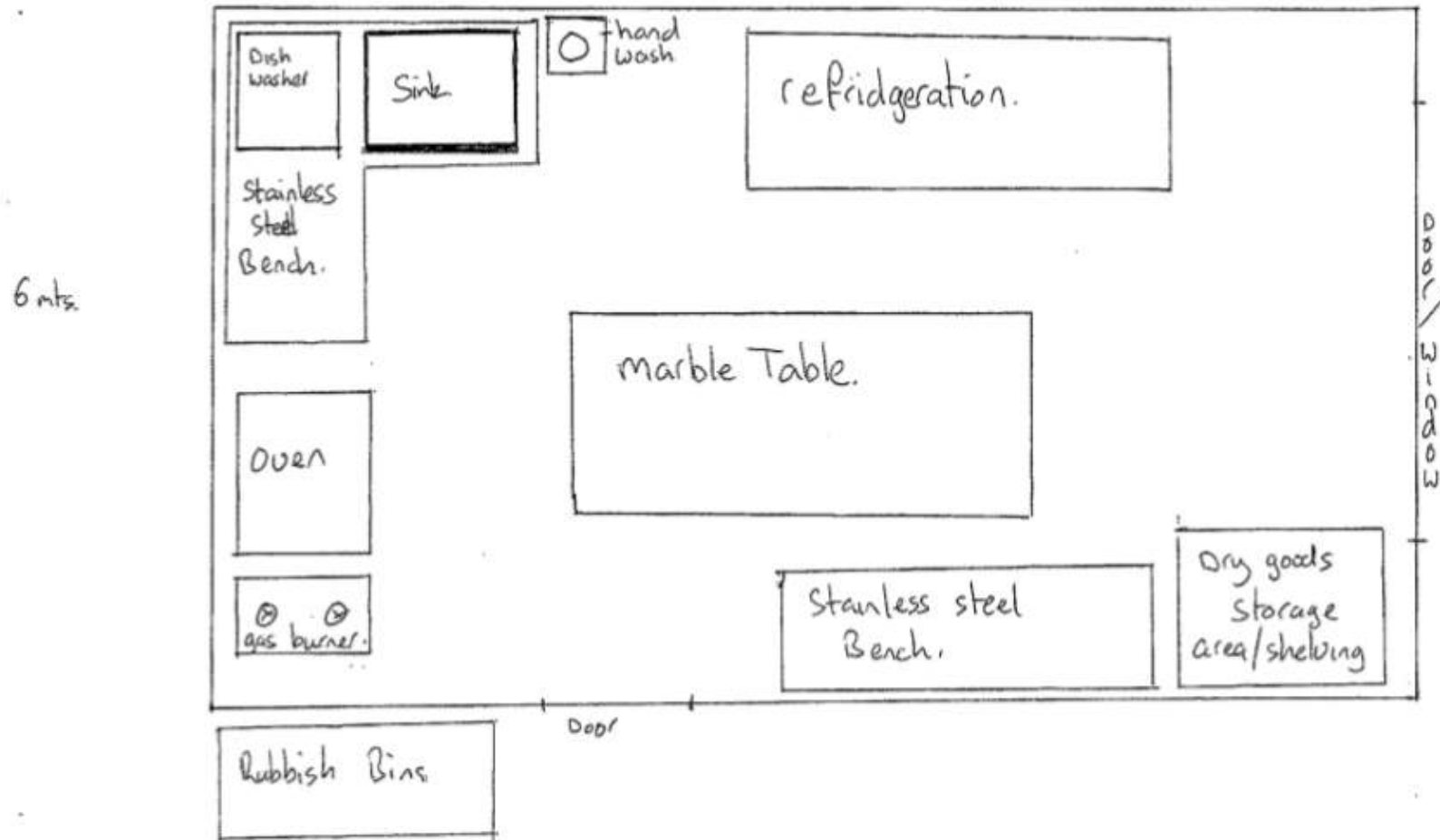
GREG SKYRING <i>Design</i> AND DRAFTING Pty. Ltd. Lic. Under QBSA Act 1991 - No 1040371 11 Noll Close, Moesman Q. 4873 Phone/Fax: (37) 42992061 Mobile: 0419212952 Email: greg@skyringdesign.com.au	PROJECT Proposed Carpark Layout for proposed farm development, L1 SP121806, 43R Borzi Road, SHANNONVALE	CLIENT D. & J. Kirk		ROAD CLASS	PLAN NUMBER 601-17	SHEET 2 of 2
		SCALES 1 : 200	PLAN TITLE Carpark Layout		DATE OF ISSUE 01.02.17	REV A

Proposed Cabin Layout





7.5 mt Proposed Kitchen Lay out.



1800

1200

Welcome to
The Australian Chocolate Farm
Farm Tours, Chocolate Shop, Cafe

- * Open days a week
- * For Tour Bookings Please phone
- * www.theaustralianchocolatefarm.com.au
- * Like us on Facebook



Design amended by Condition 6.
DSC 19 April 2017

1800 x 1200 x 2m high.

Proposed Signage