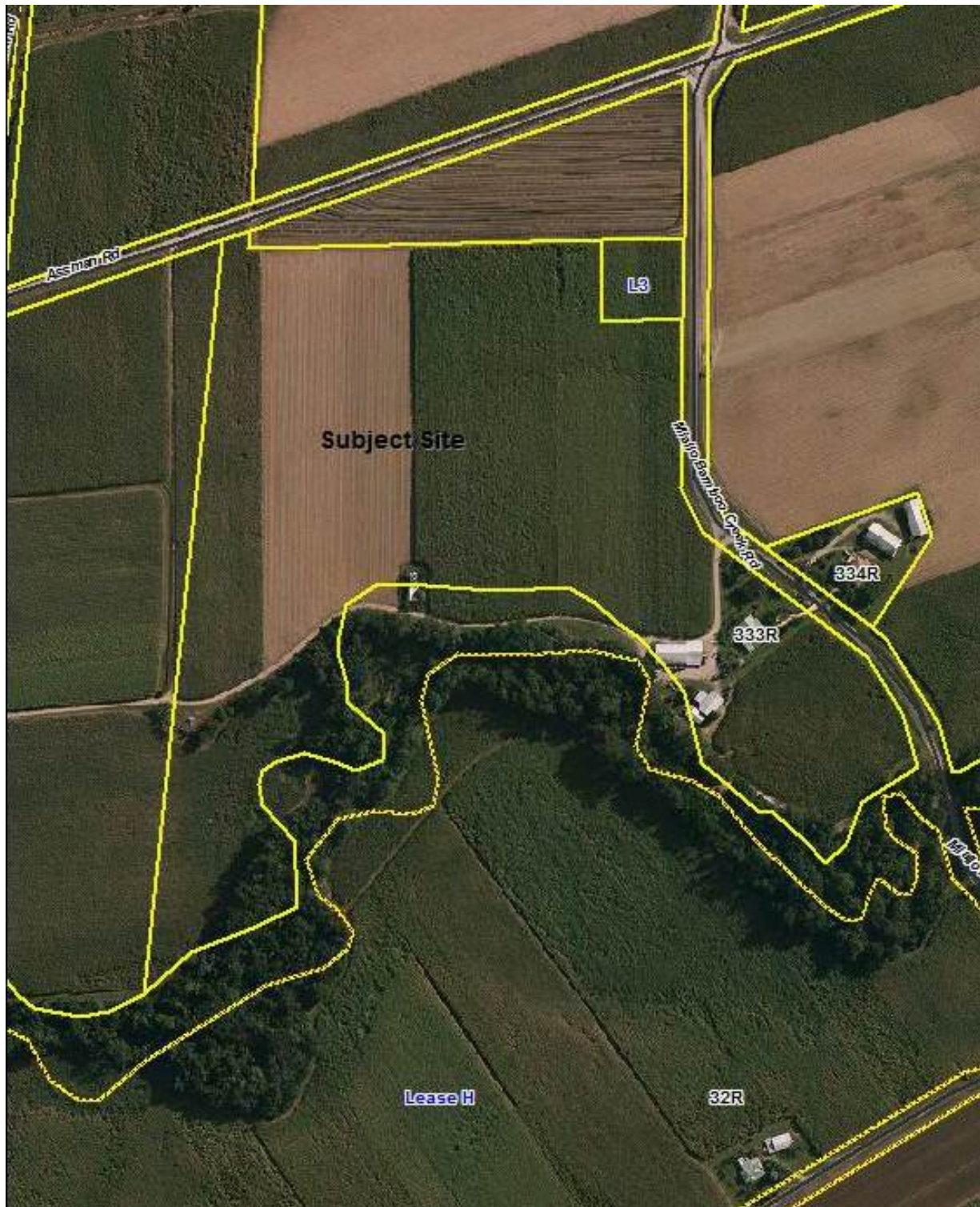


ORDINARY MEETING	5.4
3 JUNE 2014	

MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - TOURIST ATTRACTION (FARM TOURS) - 333R MIALLO BAMBOO CREEK ROAD, WHYANBEEL

Michelle Henderson: MCUI 129/2014: 418741

<u>PROPOSAL:</u>	TOURIST ATTRACTION (FARM TOURS)
<u>APPLICANT:</u>	SWEET FARM TOURS PTY LTD PO BOX 60 MOSSMAN QLD 4873
<u>LOCATION OF SITE:</u>	333R MIALLO BAMBOO CREEK ROAD WHYANBEEL
<u>PROPERTY:</u>	LOT 2 ON RP804928
<u>LOCALITY:</u>	RURAL AREAS AND RURAL SETTLEMENTS
<u>PLANNING AREA:</u>	RURAL
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NOT APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	ONE (1) IN SUPPORT OF THE PROPOSAL
<u>STATUTORY ASSESSMENT DEADLINE:</u>	17 JUNE 2014
<u>APPLICATION DATE:</u>	31 MARCH 2014
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. STANDARD DRAWING - ACCESS CROSSOVER

LOCALITY PLAN

AREA PROPOSED TO BE UTILISED FOR FARM TOURS



RECOMMENDATION:

That Council approves the development application for a Tourist Attraction (Farm Tours) over land described as Lot 2 on RP804928, located at 333R Miallo Bamboo Creek Road Whyanbeel, 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	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Floor Plan Building A	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Elevations (East and North)	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Elevations (South and West)	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014
Farm Shed Elevations	Drawing reference LT333BAMBOCRK prepared by Nathan Verri Council ref 418600.	17 Feb 2014

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; 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 developer's/owners/builders cost, prior to the Commencement of Use.

On-Site Effluent Disposal

4. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. The approved on-site effluent disposal consists of two existing septic systems. The septic systems are to be pumped out prior to Commencement of Use. Any increase in the number of equivalent persons using the facility or any additional fixtures installed, would require a re calculation.

Vehicle Parking

5. The amount of vehicle parking must be a minimum of 6 car spaces and 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 (graveled) and drained.

Car Parking Layout

6. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and the Douglas Shire Planning Scheme, in particular:
 - a. Provision must be made for loading / unloading of vehicles;
 - b. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);

Plans demonstrating compliance must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas from Parking

7. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Parking Signage

8. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Miallo Bamboo Creek Road frontage.

External Works

9. 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.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such

works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Lawful Point of Discharge

10. 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.

Refuse Storage

11. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Council.
12. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Advertising Signage

13. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2008, the approved land use of Tourist Attraction is defined as:

Means the use of premises for an activity or range of activities which showcase surrounding environmental or agricultural/rural attractions and are designed and operated primarily to attract tourists. The use includes:

- *Interpretive/educational facilities;*
- *Administrative office and manager’s residence;*
- *Small scale ancillary facilities such as:*
 - *Retail outlet for the sale of souvenirs and similar items;*
 - *Kiosk; or*
 - *Restaurant.*

The use includes facilities commonly described as:

- ***Animal and bird park or sanctuary;***
- ***Crocodile farm; or***
- ***Zoo.***

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

EXECUTIVE SUMMARY:

Council is in receipt of an Impact Assessable Material Change of Use application for a Tourist Attraction (Farm Tours) over land at 333R Miallo Bamboo Creek Road, Whyanbeel, more properly described as Lot 2 on RP804928. The 16.42ha parcel of land is currently cultivating sugar cane and cocoa, and the Tourist Attraction is intended to be at a scale which will complement and be secondary to the existing Primary Industry use on the land. The proposal complies with the requirements of the Douglas Shire Planning Scheme and is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Proposal

The proposal is for a Tourist Attraction (Farm Tours). The venture intends to utilise existing cleared areas and existing buildings and infrastructure on the land to attract tourists for a range of activities which showcase the agricultural practices on the land and the Douglas region as the only region supplying Australia with the first Australian Origin Chocolate. The uses intended to be undertaken include:

- Interpretive/educational facilities;
- Small scale retail outlet for the sale of local souvenirs;
- Operating days are anticipated to be Thursday to Monday, from 9:30am to 4:00pm;
- The intent is to operate 48-50 weeks of the year;
- The intent is to run 1-2 field tours of sugarcane, cocoa and farm machinery daily;
- Anticipated maximum visitors would be between 20-40 people per day; 1-2 buses with 20 people per scheduled tour per day, plus self drive tourists;
- The driveway is existing with a gravel surface, and the designated vehicle parking area is approximately 189m², adequate for at least 2 x 22 seater buses and 5-6 car spaces.

The interpretive/educational facilities are intended to be located in an existing residence on the farm, which will include a video room, sugar and cocoa industry related museum, toilet facilities (male, female and disabled toilets provided), and a small retail outlet. The proposal will initially be staffed by two residents of the land only, with future intention to hire additional staff should the business grow as anticipated.

Douglas Shire Planning Scheme Assessment

Douglas Shire Rural Areas and Rural Settlements Planning Locality		Code Applicability	Compliance
Locality	Rural Areas and Rural Settlements	✓	Complies – see comment below
Planning Area	Rural	✓	Complies – see comment below
Defined Use	Tourist Attraction	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	✗	N/A – excavation/fill are not proposed for the use
	Cultural Heritage and Valuable Sites Code	✗	N/A
	Natural Hazards Code	✗	N/A – use located in Low Risk Hazard area only
General Codes	Design and Siting of Advertising Devices Code	✓	Complies – see comment below
	Filling and Excavation Code	✓	Complies – no excavation/fill proposed
	Landscaping Code	✓	Complies – see comment below
	Natural Areas and Scenic Amenity Code	✓	Complies
	Reconfiguring a Lot Code	✗	N/A
	Vehicle Parking and Access Code	✓	Complies – see comment below
	Sustainable Development Code	✗	N/A – the proposal does not involve new Building Work other than minor alterations to an existing building.

Compliance Issues

Rural Character

The building proposed to be used for the museum, video room, small scale retail, etc is finished in Colorbond Jasper, which complies with the requirements of the Douglas Shire Planning Scheme. The use is screened from view from the road and adjacent properties by the existing House and landscaping as well as cane paddocks to the north and south of the designated development area.

Advertising Devices

The applicant did not supply detailed information on signage, but indicated that Advertising Devices are intended to be located on-premises. The approval is conditioned to require future signage to comply with the requirements of the Design and Siting of Advertising Devices Code.

Landscaping

The area of land adjacent to the road frontage is already landscaped, and the only further plantings proposed by the applicant consists of sugar cane and cocoa trees. The existing landscaping complements the existing rural character of the locality and complies with the requirements of the Douglas Shire Planning Scheme, therefore no further landscaping is required.

On Site Wastewater Treatment

The proposal involves the utilisation of existing buildings including an existing cane barrack and an adjacent Shed. Each has an existing septic system. Council's Plumbing Inspector has advised that the capacity of the existing systems exceeds the anticipated demand, and is acceptable to be retained for the Farm Tours use, subject to being pumped out prior to commencement of use. The approval is conditioned to ensure compliance.

Vehicle Parking and Access

Due to the varying nature of the Tourist Attraction Land Use, the Vehicle Parking and Access Code states that sufficient vehicle parking spaces are to be provided to accommodate the amount of vehicular traffic likely to be generated by the particular use. The applicant indicates the intent to have a maximum of 2 scheduled field tours per day, with a maximum of 40 persons per day. The intent of the proposal is that the majority of the customers are to arrive by bus as an arranged tour group, with 20 persons per scheduled tour plus anticipating the potential for small numbers of self drive tourists. The proposal provides vehicle parking and manoeuvring area for 2 x 22 seater coaster buses and 6 car spaces.

The site plan provided does not provide detail of the vehicle parking and manoeuvring areas, however it is noted there is ample clear and level land adjacent to the existing driveway to accommodate vehicle parking and manoeuvring areas for the proposed use. While the access is required to be imperviously sealed at the junction with Miallo Bamboo Creek Road, it is acceptable for the remainder of the vehicle manoeuvring and parking areas onsite to be appropriately surfaced with gravel in keeping with the rural use on the land. The approval is conditioned to ensure that adequate parking spaces are provided for the use and that on-site vehicle parking and manoeuvring areas comply with the relevant Australian Standard and the requirements of the Planning Scheme.

Strategic Cropping Land

While the land is identified on the trigger mapping as being potential strategic cropping land, it is noted that the proposal is an excluded matter under the *Sustainable Planning Regulation 2009* and as such does not require referral. In addition, it is noted that the proposed use is located within and adjacent to existing infrastructure, and will not result in any reduction of or detriment to cropping land on the property.

Public Notification / Submissions

Public Notification was undertaken in accordance with the requirements of the *Sustainable Planning Act 2009* from 28 April 2014 to 16 May 2014. One properly made submission was made to Council in support of the application. No objections were received.

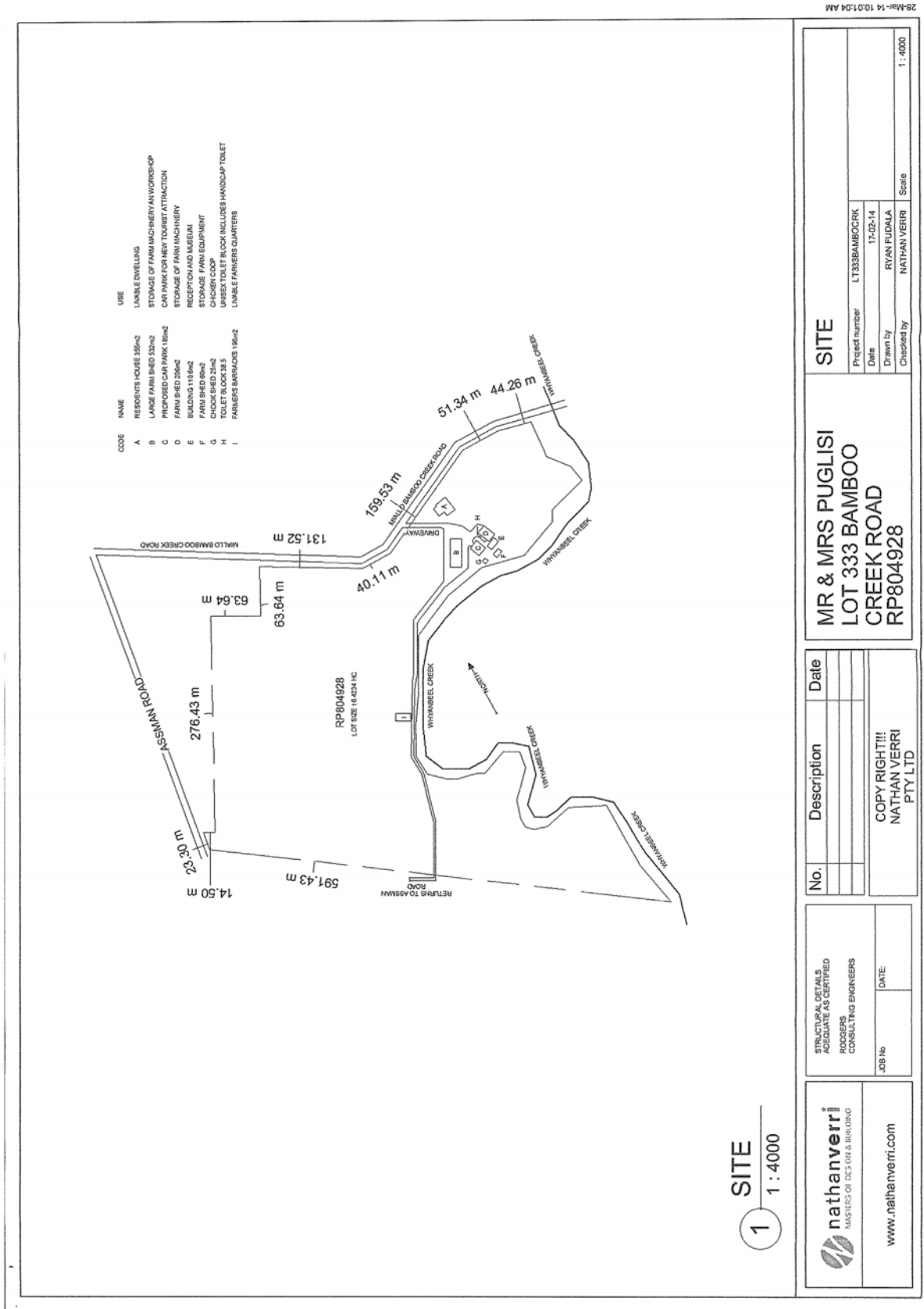
COUNCIL'S ROLE

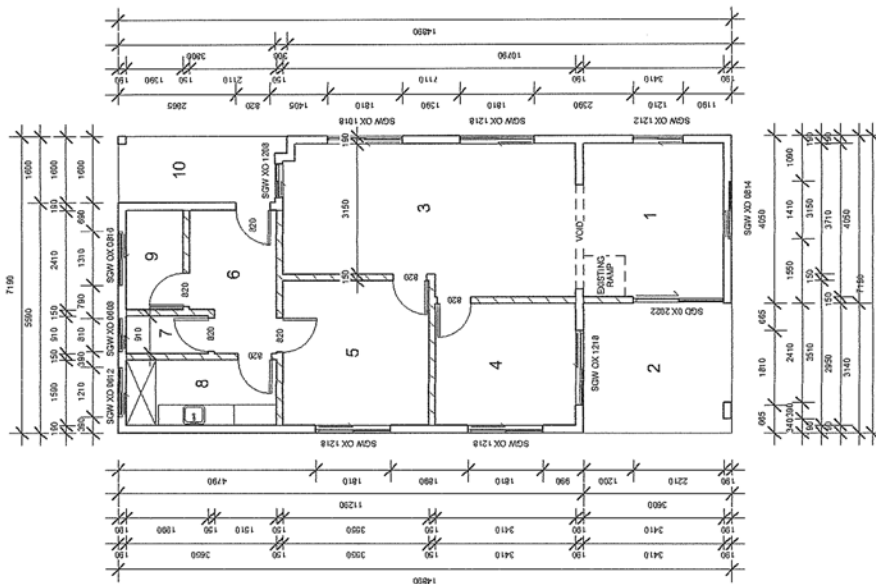
Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.


APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

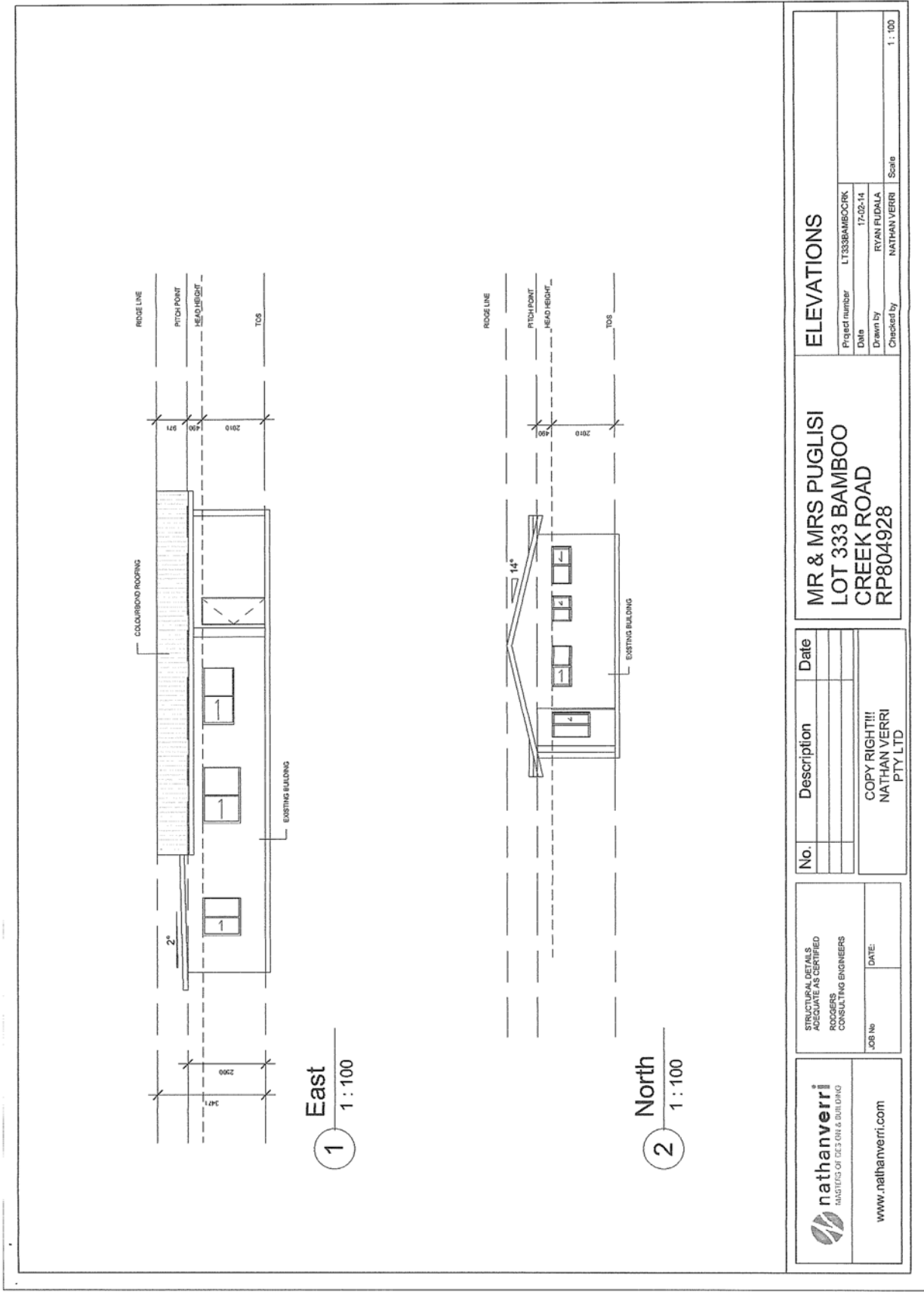


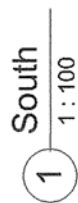


BUILDING A

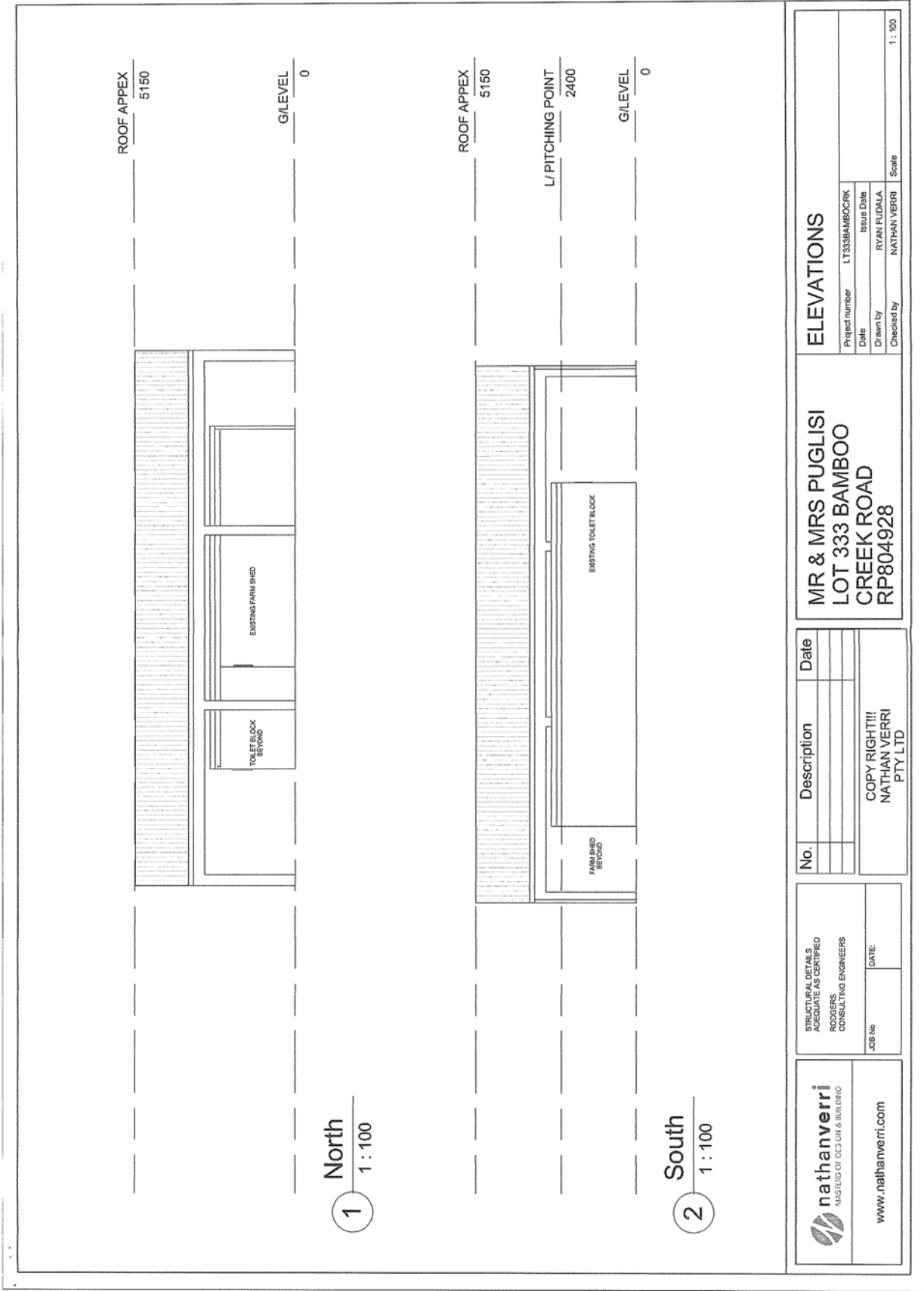
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		COPY RIGHT!!! NATHAN VERRI PTY LTD		No. _____ Description _____ Date _____
MR & MRS PUGLISI LOT 333 BAMBOO CREEK ROAD RP804928				
BUILDING A				
Project number: L.T333BAMBOOCRK Date: 17-02-14 Drawn by: RYAN FUDALA Checked by: NATHAN VERRI Scale: 1 : 100				





Ordinary Agenda 3 June 2014



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	MR & MRS PUGLISI LOT 333 BAMBOO CREEK ROAD RP804928					

APPENDIX 2: STANDARD DRAWING – ACCESS CROSSOVER

