

OUR REF: MCUI1849_2016 (812147)

26 April 2017

J J Kirk & D J Kirk
PO Box 1170
MOSSMAN QLD 4873

Dear Mr & Mrs Kirk

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 78R MOUNTAIN VIEW DRIVE
SHANNONVALE**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 26 April 2017, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Daniel Lamond of Development Assessment and Coordination on telephone number 07 4099 9456.

Yours faithfully

Paul Hoyer
Manager Sustainable Communities

Att

APPLICANT DETAILS

J J Kirk & D J Kirk
PO Box 1170
MOSSMAN QLD 4873

ADDRESS

78R Mountain View Drive SHANNONVALE

REAL PROPERTY DESCRIPTION

Lot 1 on SP121806

PROPOSAL

Tourist Attraction and Home Based Business (Host Farm Accommodation).

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

26 April 2017

TYPE

Material Change of Use (Development Permit).

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were nine (9) properly made submissions for this application and two (2) not properly made submissions.

Ellen Redman (in support)	14 Mountain View Drive	Shannonvale QLD 4873
Ian Turnbull (in support)	14 Mountain View Drive	Shannonvale QLD 4873
Nigel Warwick & Ann-Louise Buehler	37R Mountain View Drive	Shannonvale QLD 4873
Peter & Colleen Rogers	67R Mountain View Drive	Shannonvale QLD 4873
Geoff & Donna Ward	23R Mountain View Drive	Shannonvale QLD 4873
Caroline & Douglas Herrington	Lot 5 Thomson Low Drive	Shannonvale QLD 4873
Tracey Hay	53R Mountain View Drive	Shannonvale QLD 4873
Peter & Dawn Ward	79R Mountain View Drive	Shannonvale QLD 4873
Cotton Family	Not Properly Made (No address provided).	
Johnson Family	Not Properly Made (No address provided).	
Carl & Odette Shuetrim	1R Mountain View Drive	Shannonvale QLD 4873

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FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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

The term 'approved drawing(s) and/or document(s)' or other similar expression 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 Feb 2017
Proposed Kiosk Area Layout	Plan Prepared by Darryl Kirk	Submitted to Council 6 Feb 2017
Proposed Kitchen Layout	Plan Prepared by Darryl Kirk	Submitted to Council 6 Feb 2017
Advertising Device Plan	Plan Prepared by Darryl Kirk (amended by condition 6).	Submitted to Council 6 Feb 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

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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.

Safety Signage

14. The applicant must install a sign displaying "caution quarry traffic" at the egress of the site. The design is to be submitted to Council for endorsement by the Chief Executive Officer prior to commencement of use and installation.

ADVICE

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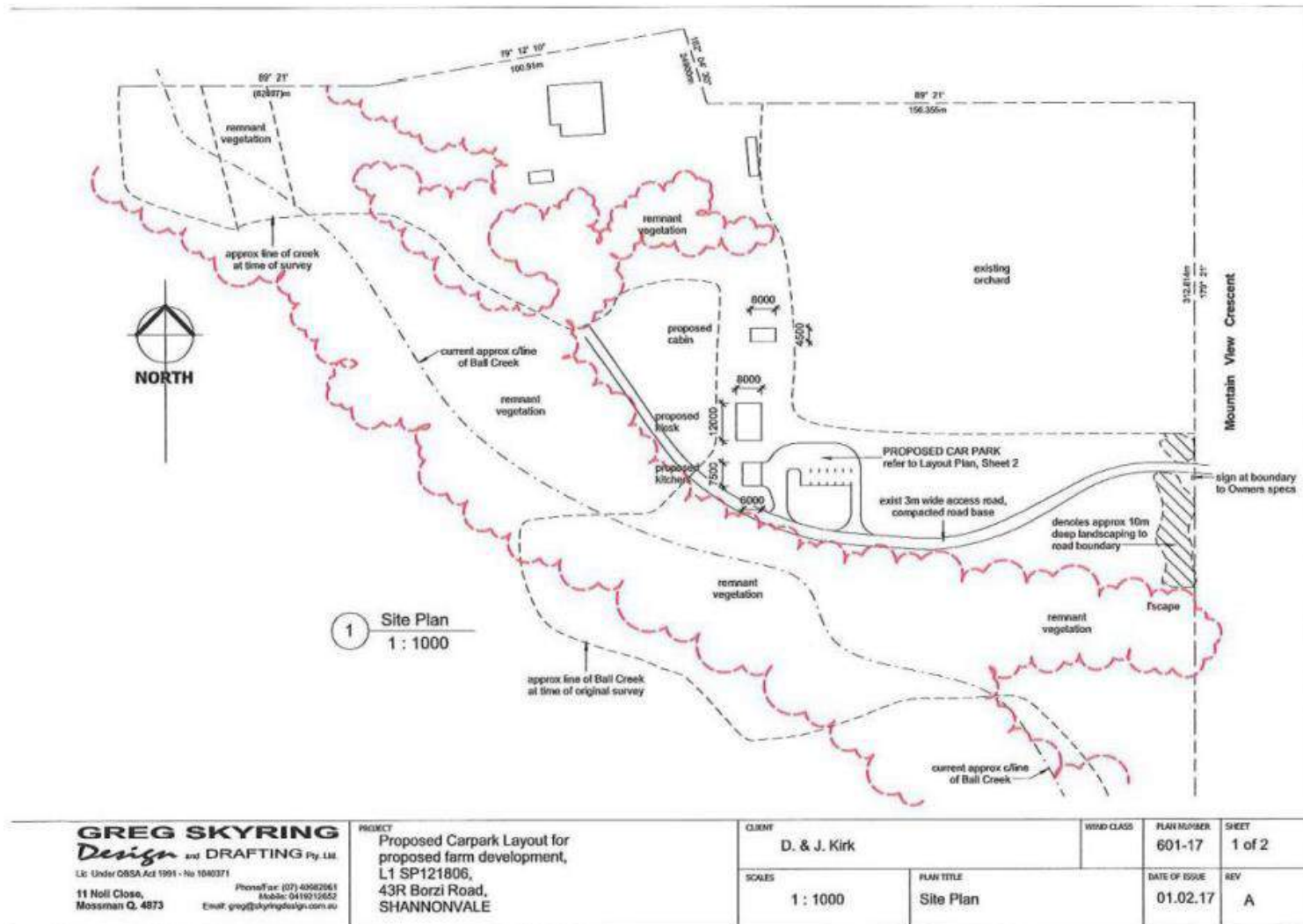
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building 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.

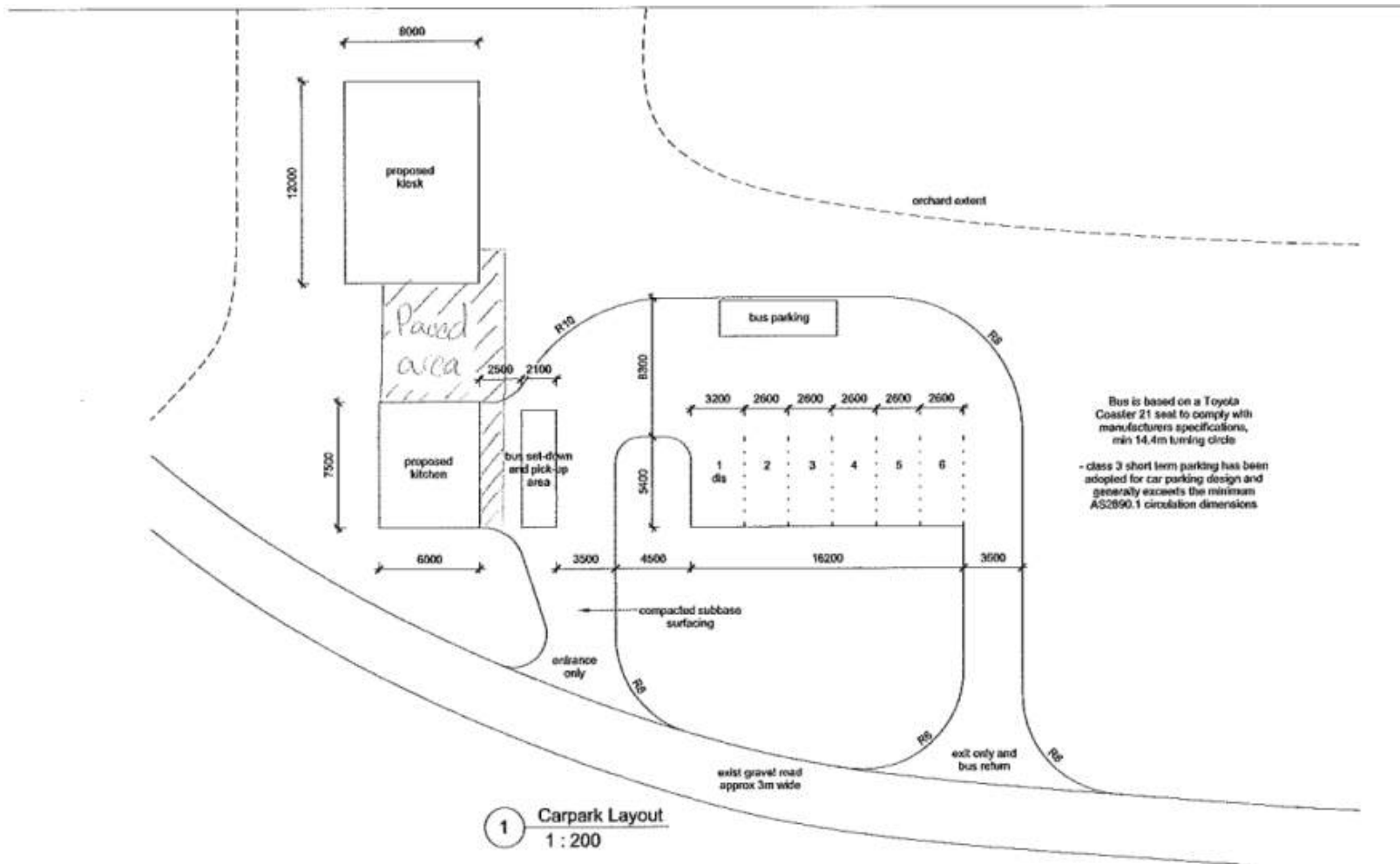
RIGHTS OF APPEAL

Attached

End of Decision Notice

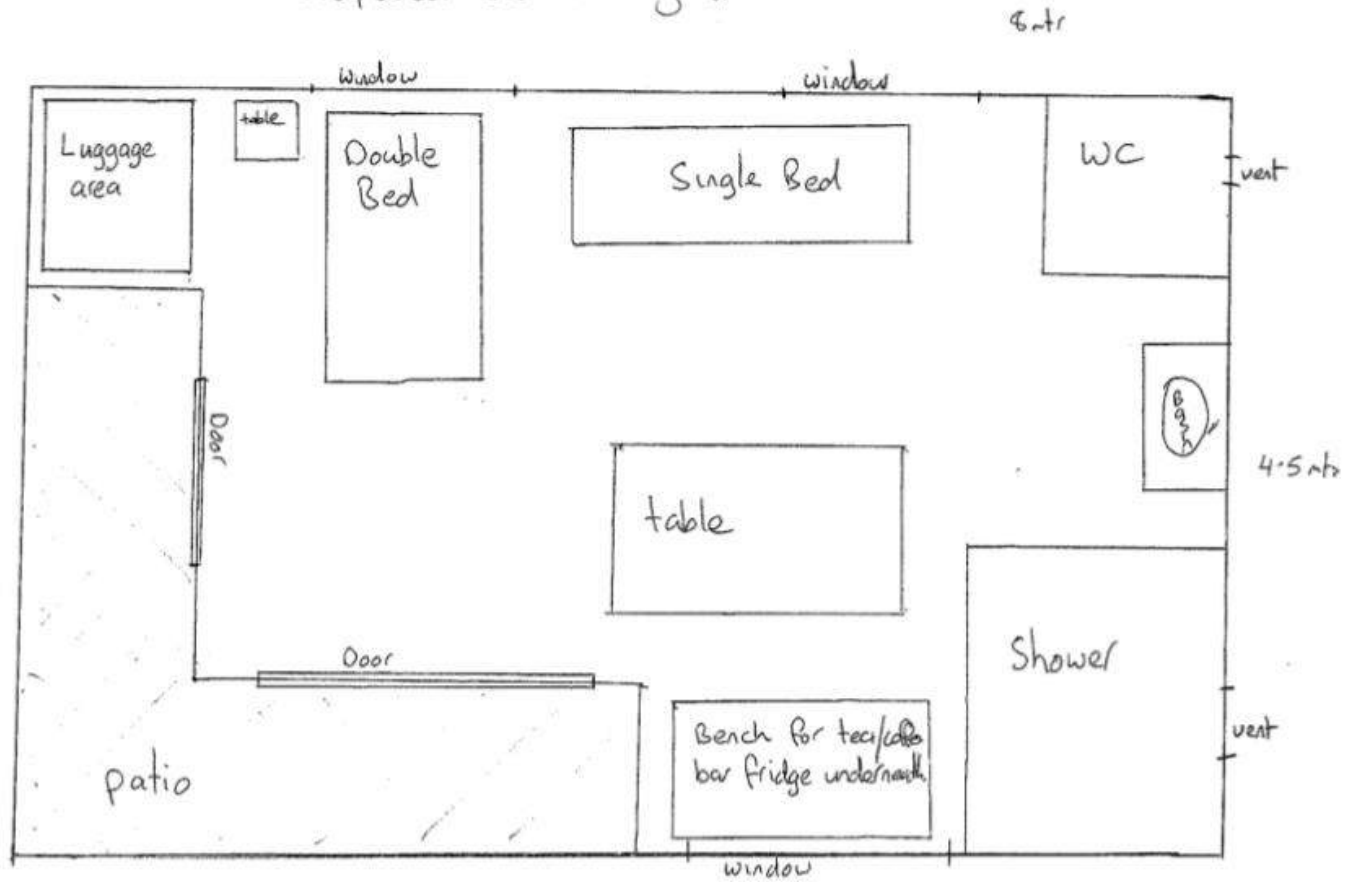
APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



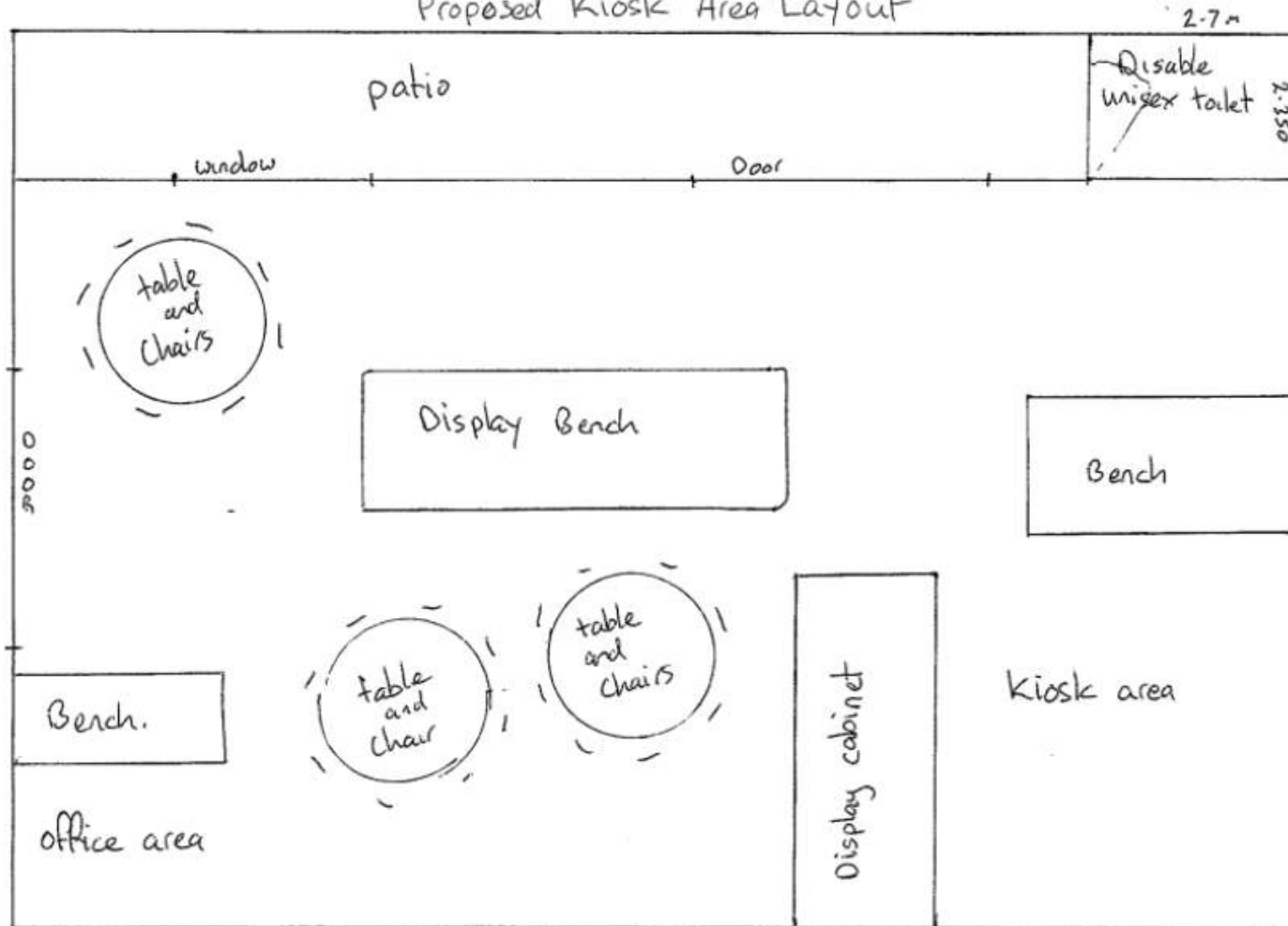


GREG SKYRING <i>Design and DRAFTING</i> Pty. Ltd. <small>Lic. Under QBSA Act 1991 - No 1940371</small> 11 Neill Close, Moosman Q. 4873 Phone/Fax (37) 49982061 Mobile: 0419212552 Email: greg@gsydesign.com.au	PROJECT Proposed Carpark Layout for proposed farm development, L1 SP121806, 43R Borzi Road, SHANNONVALE	CLIENT D. & J. Kirk	WIND CLASS	PLAN NUMBER 601-17	SHEET 2 of 2
		SCALE 1 : 200	PLAN TITLE Carpark Layout	DATE OF ISSUE 01.02.17	REV A

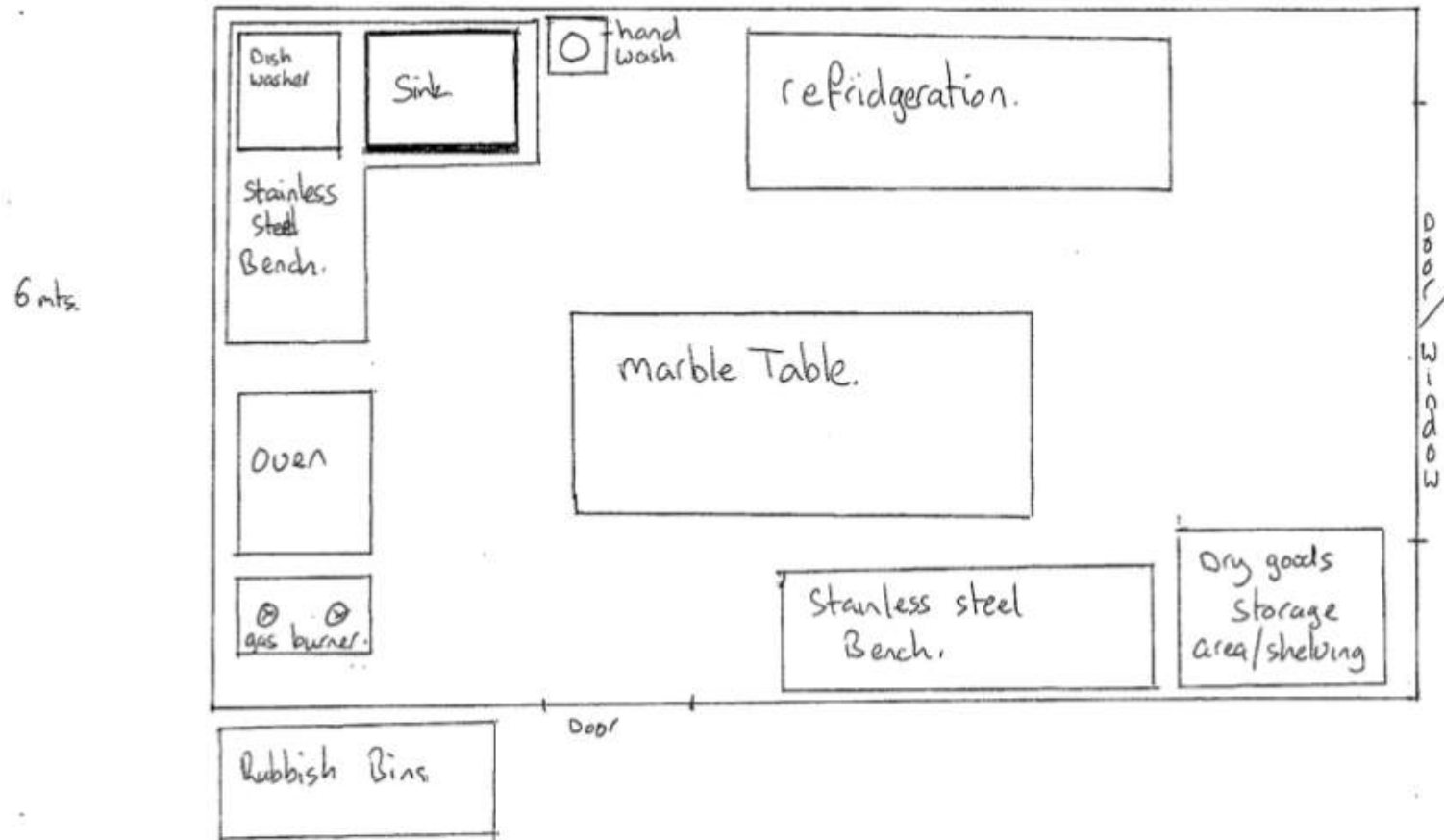
Proposed Cabin Layout



Proposed Kiosk Area Layout



7.5 mt Proposed Kitchen Lay out.



1800

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Design amended by Condition 6.
DSC 19 April 2017

1800 x 1200 x 2m high.

Proposed Signage