



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Monday, 20 February 2017

Commenced at 1:50 pm

All correspondence to
Be addressed to the
Chief Executive Officer

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SCENIC RIM REGIONAL COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

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PLANNING & DEVELOPMENT COMMITTEE

REPORT

CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Monday, 20 February 2017**. Councillors present:

Cr R J Stanfield, Chairperson
Cr G R Christensen, Mayor
Cr N J Waistell, Deputy Mayor
Cr N O'Carroll
Cr V A West
Cr M J Enright
Cr D A McInnes

ATTENDANCE

Executive Officers

C R Barke, Chief Executive Officer
P A Murphy, Director Infrastructure Services
A M Magner, Director Regional Services
K Stidworthy, Chief Finance Officer

APOLOGIES

Nil

DECLARATIONS OF INTEREST BY MEMBERS

Nil

The following Officers attended the meeting and joined discussions on the items listed.

S Turner, Manager Planning (Items 3.1 – 3.3)

Reception of Deputations by Appointment / Visitors

Nil

PLANNING & DEVELOPMENT COMMITTEE

REPORT

Please note: The Committee resolved to go into closed session in accordance with the provisions of s.275 of the Local Government Regulation 2012 to discuss the items of business indicated as closed in the Committee Report.

At the conclusion of these items, the Committee resolved to resume in open session. The Committee's recommendation on each item, discussed in closed session, is as detailed at the end of each item in the Report.

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 MCBd16/034 Development Permit for a Material Change of Use Tourist Cabins (Tourist Use) and Conference Centre - Mr David Mak Lots 1 & 2 RP149206**

Executive Officer: Director Regional Services

File Reference: MCBd16/034

Applicable Planning Scheme	MCU – Beaudesert Shire Planning Scheme 2007
Applicant	Mr D T Mak
Owner(s)	Ayzo Holdings Pty Ltd
Site Address	123-127 Alpine Terrace TAMBORINE MOUNTAIN
Real Property Description	Lots 1 & 2 RP149206
Site Area	2.2908 Ha
Relevant Zone and Precinct	Tamborine Mountain Zone Village Residential Precinct
Proposal	MCU – Tourist Cabins (Tourist Use) and Conference Centre
Assessment Level	Impact Assessment (Inconsistent)
Approval Type	Development Permit
Public Notification:	A notice in the prescribed form was erected on the frontage of the site on 23 November 2016, and was maintained for 15 business days up to and including 15 December 2016
Submissions Received	During the statutory notification periods, Council received a total of 11 submissions of which four were received during the current notification period
Date Application Received:	5 April 2016

Director's Recommendation

1. That Council resolve to approve the development in respect to the following property:

RPD: Lots 1 & 2 RP 149206
Address of property: 123-127 Alpine Terrace TAMBORINE MOUNTAIN
Site area: 2.2908 Ha
Proposal: Development Permit for a Material Change of Use
 Tourist Cabins (Tourist Use) and Conference
 Centre

Further development permits required:

- a) A Building Works approval is required for all building works associated with the proposed development, prior to undertaking any building work on the subject property.
- b) A Plumbing and Drainage approval is required for all / any plumbing and drainage works associated with the proposed development, prior to undertaking any plumbing and drainage works on the subject property.

2. Conditions of Approval:**Approved Plans**

1. **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE -**
 Development being undertaken generally in accordance with the revised Plan referenced in the table below and received by Council on 25 October 2016 and accompanying documentation except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Site Plan - Lots 1 and 2 on RP 149206	Peter Falvey	B15/102.1	10 th October 2016
Proposed Cabin Plan	Peter Falvey	B15/102.2	31 January 2016
Proposed Cabin Plan	Peter Falvey	B15/102.3	31 January 2016
Function Facility Plan Ground Floor	Peter Falvey	B15/102.4	2 nd June 2016
Conference Room First Floor	Peter Falvey	B15/102.5	2 nd June 2016
Conference Room Elevations and isometric views	Peter Falvey	B15/102.6	2 nd June 2016

General

2. **WORKS - APPLICANT'S EXPENSE** - All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the Applicant's expense unless otherwise specified.
3. **CONFERENCE CENTRE USE** - The conference centre is to be used as an ancillary use to the tourist cabins (Tourist Use) and must only be made available for use by guests staying in the accommodation units on the site. The conference centre is not to be made available to the general public except as stated above.
4. **EXISTING/PROPOSED STRUCTURES** – The applicant/owner must obtain relevant building, plumbing and drainage approvals required for all proposed structures and relevant demolition approvals for the existing structures to be removed prior to the commencement of use.
5. **FOOD PREMISES** - The approved Food Premises must only cater for the attendees of the Function Facility area during the conference functions.
6. **LANDSCAPING – GENERAL** - The land shall be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with the provisions of Council's Planning Scheme. Such trees and shrubs shall be native Australian varieties particularly those indigenous to the locality, where possible, and be maintained in a sturdy and healthy condition with dead or diseased trees replaced as soon as practicable. Any landscaping required to be removed as a result of construction shall also be replaced with suitable plantings approved prior to its removal.
7. **SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.
8. **OPERATING HOURS FOR CONFERENCE CENTRE-** The approved use must not start before 6.00am and must not continue after 10.00pm on any given day.
9. **AIR CONTAMINANTS** - A noxious or offensive odour must not be emitted beyond the boundaries of the premises. No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the premises.
10. **LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
11. **NOISE DISTURBANCE** - The activity must be carried out by such practicable means necessary to prevent or minimise the emission of noise likely to cause environmental nuisance at any noise sensitive or commercial place.

- 12. NOISE EMISSION LIMITS-** If a complaint (other than a frivolous or vexatious complaint) is made to the administering authority, the emission of noise from the premises must not exceed the levels prescribed by Table 1 below).

Table 1

Time Period	At dwelling or other Noise sensitive place	At commercial premises
Daytime (7:00am-10:00pm)	Background +5dB(A) Background +3dB(A)	Background +10dB(A) Background +8dB(A)
Night time (10:00pm-7:00am)	Background=LA ₉₀	Background=LA ₉₀

The compliance levels are measured as the average of the maximum A-weighted sound levels adjusted for noise character measured over a 15-minute time interval. These provisions apply except where specific emission limits are provided in the *Environmental Protection Act 1994*.

- 13. EROSION & SEDIMENT CONTROL** - Appropriate erosion and sediment control measures must be installed and maintained as required to prevent or minimise the release of sand, silt or mud from the premises to any stormwater drainage system or any natural waterway as a result of either the development works / building works.
- 14. RELEASES TO WATER** - Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- 15. WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
- 16. WASTE STORAGE** - All waste produced at the site must be stored in appropriate containers/receptacles of a sufficient number to receive all waste generated at the site. Waste containers/receptacles must be maintained in full working order and lids are to remain closed at all times except when receiving or disposing of waste.
- 17. WASTE REMOVAL** - All wastes must be removed to an approved disposal facility by a transporter holding all necessary government approvals. Waste must be removed at a frequency and in a manner that prevents nuisance from the waste at neighbouring premises.
- 18. PESTS & VERMIN** - Organic substances likely to provide a food source for vermin must be stored in a sealed and airtight storage container to exclude access by pests or vermin.
- 19. POTABLE WATER** - All water provided for personal hygiene, human consumption and to food preparation facilities is of a potable standard and meets the requirements of the National Health and Medical Research Council (NHMRC) Australian Drinking Water Quality Guidelines.
- 20. WORKS WITHIN EXISTING ROAD RESERVES** - A Property Access Permit and Road Corridor Use Permit Applications are to be lodged with Council prior to undertake any access/road construction works.

21. CAR PARKING NUMBERS - The applicant is to provide thirty three (33) car parking spaces in association with the approved use including one (1) Small Rigid Vehicle - SRV, 2 staff spaces, 2 caretaker spaces and one (1) parking space for people with disabilities (PWD). This car parking provision is exclusive of any other car parking requirement for any other uses undertaken upon the land. The car parking spaces must be available prior to the commencement of the use. The requirements of this condition are to be adhered to for the lifetime of the approved use.

22. CAR PARKING & DRIVEWAYS – CONCRETE / FLEXIBLE PAVEMENT - All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

All pavements will be designed to suit the proposed vehicle loadings with the individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice.

The internal car parking layout is to be generally in accordance with the Site Plan prepared by Peter Falvey with drawing number: B15/102.1 dated 10th October 2016.

These car parking provisions must be available prior to the commencement of the use and will be undertaken generally in accordance with the approved plans. All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

23. CAR PARKING ON-SITE - All vehicles under the control of the party(ies) charged with the overall responsibility for the operation of the facility and any ancillary staff will be parked wholly within the curtilage of the site. All vehicle movements to and from the site, inclusive of service vehicles, are to be conducted in forward gear. The requirements of this condition are to be adhered to for the lifetime of the approved use.

24. ADVERSE DRAINAGE IMPACT - GENERAL - Drainage from the development works / building works shall not adversely impact upon adjacent properties. No ponding, concentration or redirection of stormwater shall occur onto adjoining land.

25. STORMWATER DISCHARGE AND DISPOSAL - The Developer is to make provision for the discharge of stormwater drainage flows to a legal point of discharge. The developer shall provide all necessary stormwater drainage; such drainage works shall be designed and constructed in accordance with the provisions of Council's Design and Construction Manual and the *Queensland Urban Drainage Manual* (QUDM). The developer is responsible for the implementation of the stormwater management strategy outlined in the Site Based Stormwater Management Plan prepared by Cozens Regan Group Pty Ltd dated September 2016.

The works required by this condition are to be completed prior to the commencement of the approved use.

- 26. EARTHWORKS OPERATIONS** – All earthworks associated with the approved development will be undertaken in accordance with Council's Design and Construction Manual.
- 27. ELECTRICITY** - The Developer shall be responsible for the provision of electricity supply from the State electricity grid through the State authorised supplier (Energex) to the buildings / structures associated with the approved use or production of evidence of satisfactory arrangements for such supply having been made, such supply to be on normal supply tariffs.

The works required by this condition are to be completed prior to the commencement of the use.

- 28. ADEQUATE WATER SUPPLY** – The Applicant is to make provision for the establishment of an adequate water supply system capable of servicing the development. Details on the proposed method of providing an adequate water supply are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The requirements of this condition are to be completed prior to the commencement of the approved use.

- 29. WASTEWATER DISPOSAL - GENERAL** - The Applicant is to make provision for the design and construction of an adequate wastewater disposal system capable of servicing the proposed development so as to adequately provide for the treatment and disposal of wastewater on-site.

The wastewater disposal system is to conform with the provisions of the "Queensland Development Code", the "Queensland Plumbing and Wastewater (QPW) Code" and AS1547-2000. Details on the proposed method of treatment and disposal of wastewater are to be submitted as part of a Development Application for *Plumbing and Drainage Works*. The works required by this condition are to be completed prior to the commencement of the approved use.

- 30. ON-SITE AND WASTEWATER EVALUATION REPORT** - The applicant to provide a detailed On-Site and Wastewater Evaluation Report to determine and conform if ERA 63 approval is triggered. If the report determines that the daily wastewater flow does exceed the 21EP per day, the applicant will be required to obtain the ERA 63 approval from the relevant authority. The works required by this condition are to be completed prior to the commencement of the approved use.
- 31. SLOPE STABILITY** – The developer is responsible for the implementation of the recommendations included in the Geotechnical Slope Stability Assessment prepared by The Soil Testers Pty Ltd dated 29 February 2016.
- 32. BUSHFIRE MANAGEMENT PLAN** – The developer is responsible for the implementation of the recommendations included in the Bushfire Management Plan prepared by Eldon Bottcher dated 26 February 2016.
- 33. VEGETATION CLEARING** - The clearing of "native flora" including "significant trees" within the site is prohibited unless exempt under the Beaudesert Shire Planning Scheme 2007.

34. VEGETATION CLEARANCE PROHIBITED - The clearance of "native flora" within the local conservation area is prohibited.

35. AMALGAMATION OF LOTS - Amalgamation of Lots 1 & 2 RP 149206 is to be undertaken prior to the commencement of use.

1. That the Applicant be further advised of the following:

- a) APPROVAL LAPSES AT COMPLETION OF RELEVANT PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the relevant period. The relevant period is four (4) years from the date the approval takes effect. The relevant period may be extended at the discretion of Council under section 341 of the *Sustainable Planning Act 2009*. Before the Development Approval lapses, a written request to extend the relevant period may be made to Council under section 383 of the *Sustainable Planning Act 2009*. Please note that Council will not automatically remind Applicants/Occupiers when the relevant period is about to lapse.
- b) DEVELOPMENT APPROVAL CONDITIONS ATTACH TO LAND** – Development Approvals which include conditions and any modifications attach to the land and are binding on the owner, the owner's successors in title and any occupier of the land pursuant to section 245 of the *Sustainable Planning Act 2009*.
- c) VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT 2003** - This approval in no way restricts or inhibits the provisions of neither the *Vegetation Management Act 1999* nor the *Aboriginal Cultural Heritage Act 2003*. The Applicant(s) will need to satisfy himself/herself/themselves that in undertaking the proposed development works that his/her/their actions will not contravene the provisions of the aforementioned Acts.
- d) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to section 339 of the *Sustainable Planning Act 2009*, this Development Approval takes effect:

 - (i) from the date the Decision Notice/Negotiated Decision Notice (as the case may be) is given to the Applicant, if there are no Submitters and the Applicant does not appeal the decision to the Court; or
 - (ii) from the end of the Submitter's appeal period if there is a Submitter and the Applicant does not appeal the decision to the Court; or
 - (iii) subject to the decision of the Court when the appeal is finally decided if an appeal is made to the Court by any party; as the case may be. Development may start when a Development Permit takes effect (subject to any conditions specifying commencement).
- e) FOOD LICENSING** - If food is prepared and served at the premises, the food preparation facilities may require to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444.
- g) ADVERTISING SIGNS** – The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.

2. That the Submitter/s be advised of the following:

SUBMITTER ADVICE - APPROVAL - Council has considered all matters relevant to this application, including your submission, and has resolved to approve the application subject to the listed conditions. Council is of the view that the development is competent and takes a satisfactory approach in its layout and design commensurate with the stated conditions of approval.

3. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant and submitter/s.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Enright

Seconded: Cr McInnes

Carried

For: Crs West, Stanfield, Waistell, Christensen, Enright and McInnes

Against: Cr O'Carroll

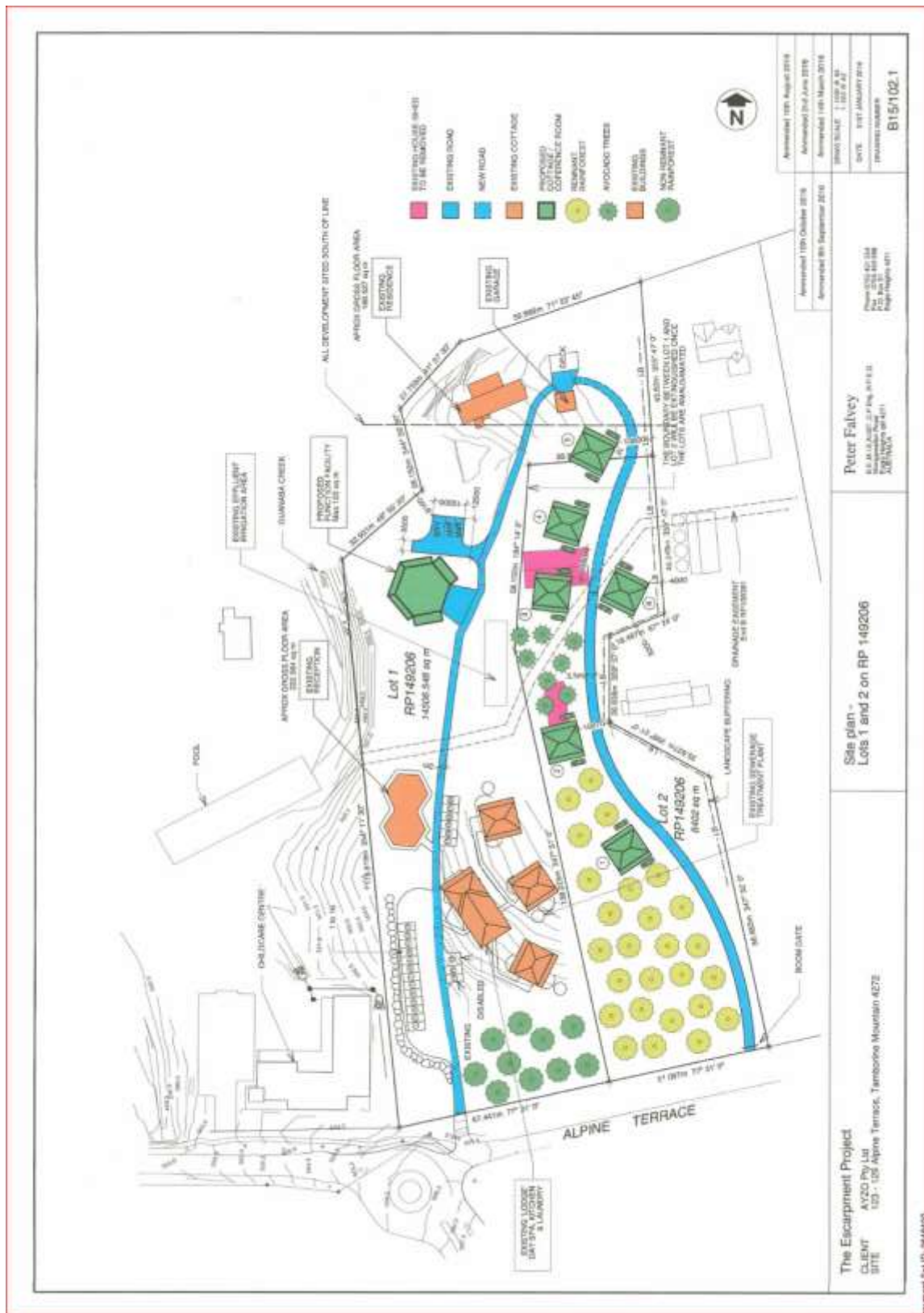
Attachments

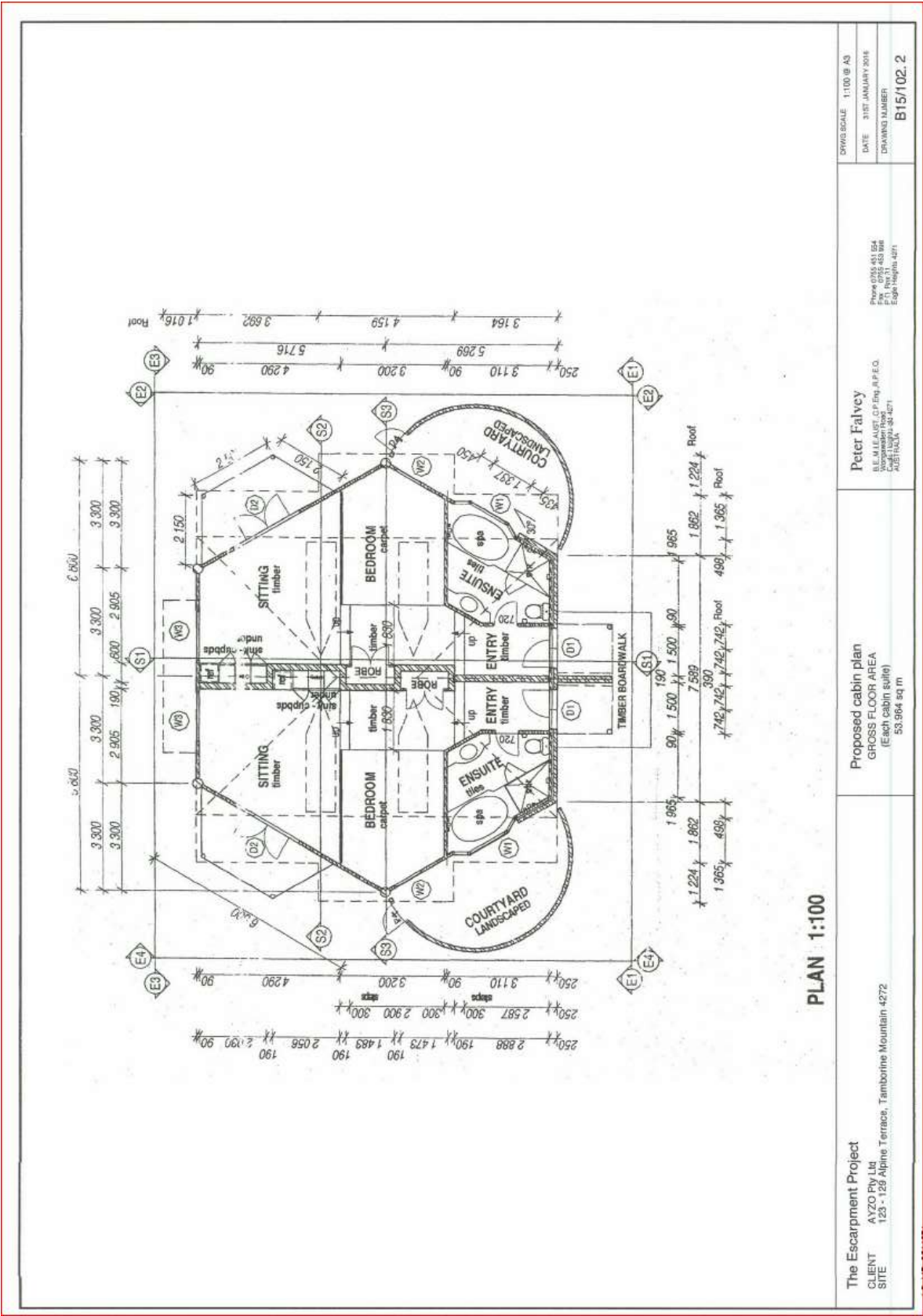
1. Dekho Map/Aerial Photo.
2. Site Plan / Floor Plan.
3. Submitters Details.
4. Applicant Response to Submissions (attached separately).

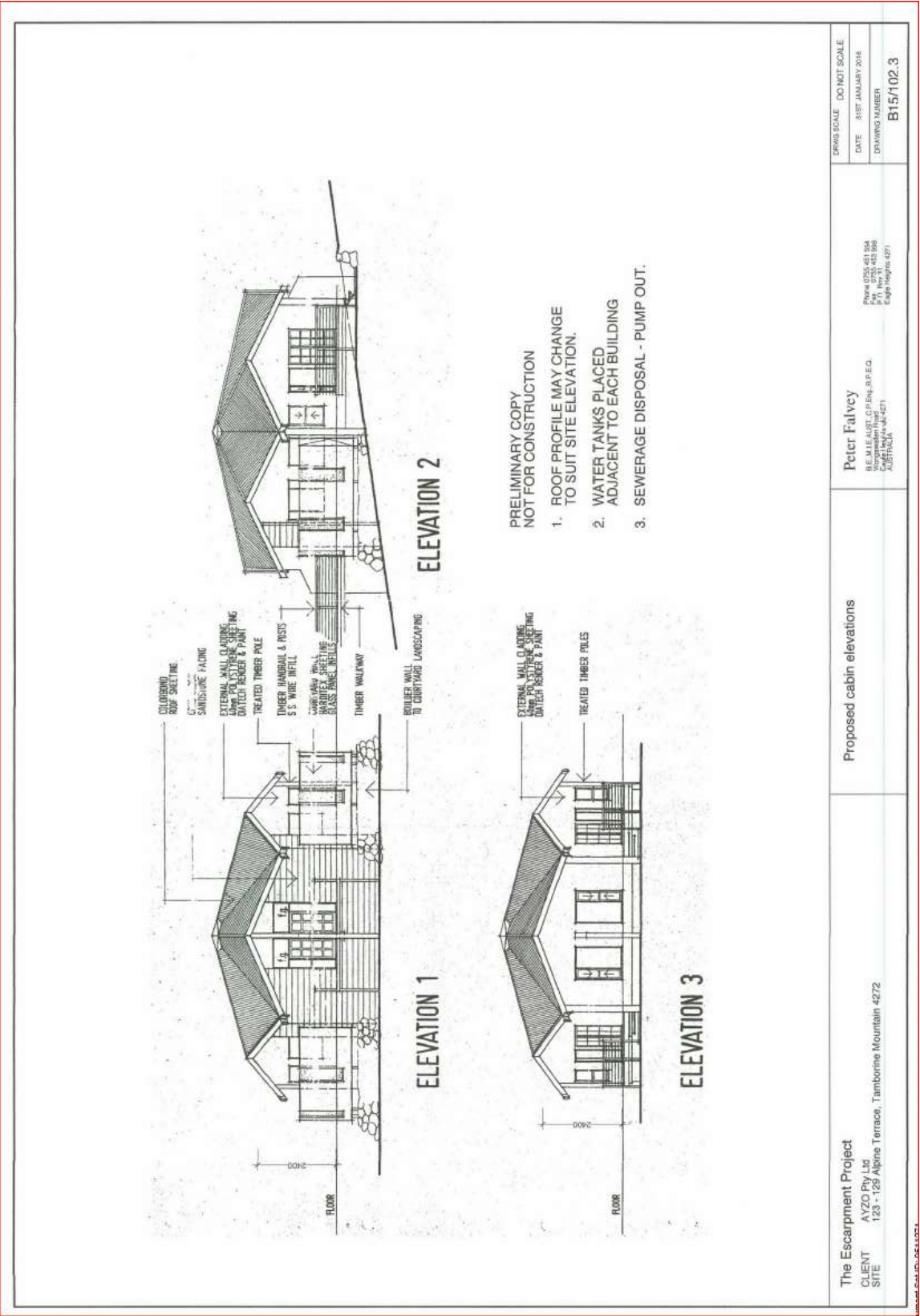
Attachment 1 - Dekho Map/Aerial Photo

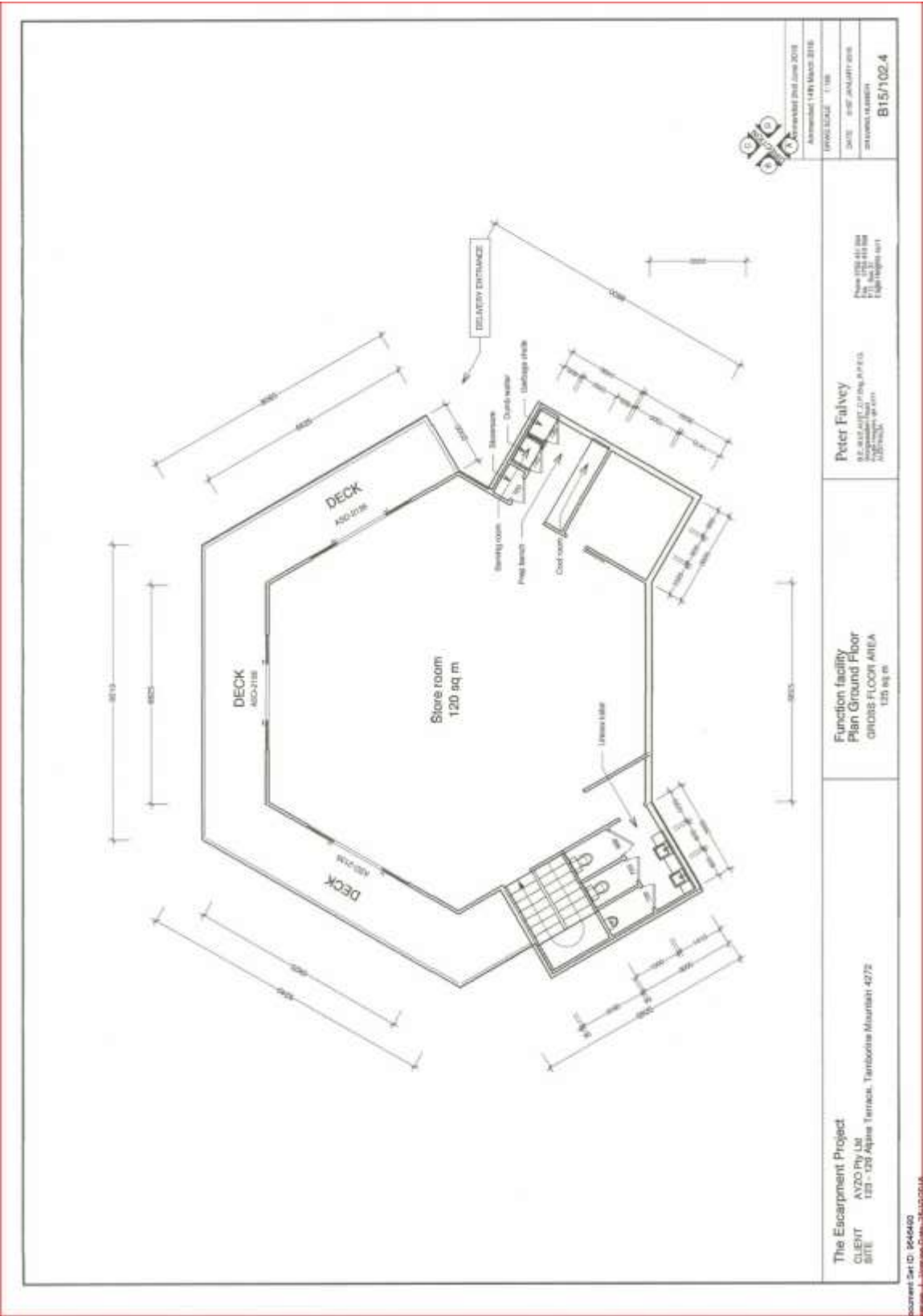


Attachment 2 - Site Plan / Floor Plan

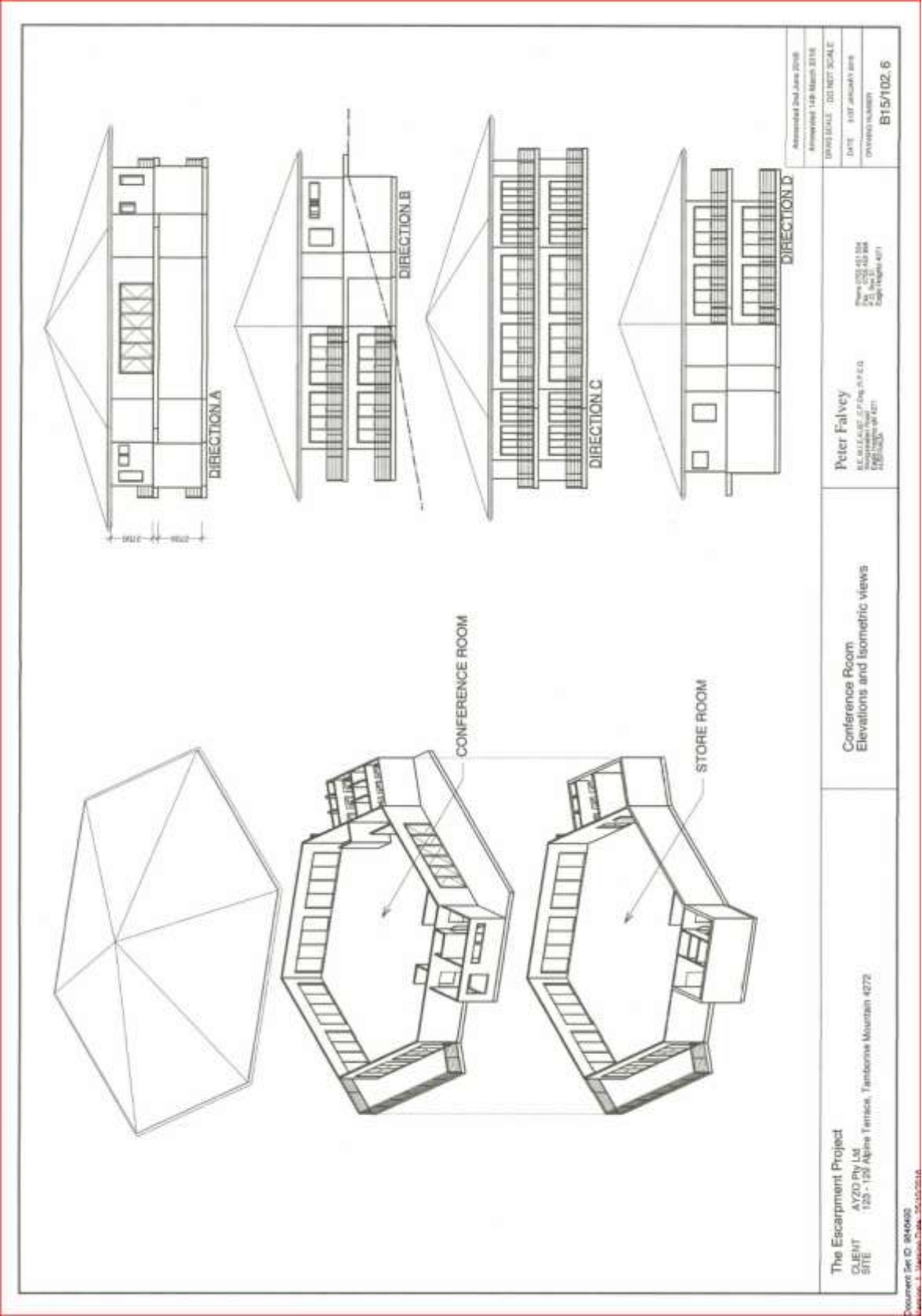












Attachment 3 - List of Submitters

A) During Notification period 25 May 2016 to 17 June 2016

1. St Bernards Village Pty Ltd C/- Mortons Urban Solutions (2 submissions)
2. Tamborine Mountain Progress Association
3. Chris and Vicki Howes C/- Mt Tamborine Motel
4. Martin Cvelbar and Felicity Mann
5. Mathew Lowing
6. Mary Perkins
7. Amanda Hay

B) During Notification period 23 November 2016 to 15 December 2016

1. St Bernards Village Pty Ltd C/- Mortons Urban Solutions
2. Tamborine Mountain Progress Association
3. Mathew Lowing
4. David James

3.2 MCBd16/118 Request for Permissible Change under Section 369 of the Sustainable Planning Act 2009 to amend approved plans and subsequent conditions - Mr GR Leigh-Smith, Ms DL Leigh-Smith c/- Latitude Town Planning Services Pty Ltd Lot 23 SP210103

Executive Officer: Director Regional Services

File Reference: MCBd16/118

Applicable Planning Scheme	<i>Beautesert Shire Planning Scheme 2007</i>
Applicant	Mr GR Leigh-Smith, Ms DL Leigh-Smith c/- Latitude Town Planning Services Pty Ltd
Owner(s)	Donna Lee Leigh-Smith
Site Address	379-385 Long Road TAMBORINE MOUNTAIN Qld 4272
Real Property Description	Lot 23 on SP 210103
Site Area	15,810m ²
Relevant Zone and Precinct	Tamborine Mountain Zone - Countryside Precinct
Application Type	<i>Beautesert Shire Planning Scheme 2007</i>
Assessment Level	Impact Assessment
Original Approval	Material Change of Use - House and Undefined Land Use for a Function Facility and Short-Term Accommodation in three (3) stages.
Original Approval No. and Date	MCBd14/093
Approval Type	Development Permit
Date Application Received:	9 January 2017

Director's Recommendation

- That Council, resolve to approve the development in respect to the following property:

Real Property Description: Lot 23 SP210103
Address of property: 379-385 Long Road TAMBORINE
MOUNTAIN
Site area: 15,810m²
Proposal: A Development Permit for a Material
Change of Use - Request for Permissible
Change under Section 367 of the
Sustainable Planning Act 2009 (SPA) to
amend approved plans.
Planning Scheme: *Beautesert Shire Planning Scheme 2007*

Further development permits required:

As identified within Decision Notice dated 28 April 2015 (MCBd14/093)

2. The changes to relevant conditions are as follows:

Approved Plans

- 1) **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE** - Development being undertaken generally in accordance with the Approval Plans, and accompanying documentation, except insofar as it is modified by the conditions of this approval. Any minor changes may be requested by the Applicant in accordance with the *Sustainable Planning Act 2009* without the need for a further Development Application for a Material Change of Use. The Approved Plans are limited to the following drawings:

Plan/Drawing	Plan/Drawing No.	Date	Prepared By
Preliminary Site Plan	669861 Sheet 1 of 9	26.10.16	Meticon
Preliminary Site Plan	669861 Sheet 2 of 9	26.10.16	Meticon
Floor Plan (1 Bedroom) <i>Amended in Red</i>	669861 Sheet 2 of 9	26.10.16	Meticon
Floor Plan (2 Bedroom) <i>Amended in Red</i>	669861 Sheet 2 of 9	26.10.16	Meticon
Proposed Development Landscape Intent	Issue B	Jan 2017	Byrns Lardner Landscape Architect & Environment

Landscaping

- 3) **LANDSCAPING - GENERAL** - The landscaping is to be undertaken generally in accordance with the approved development landscape intent plan cited in Condition 1. The subject land shall be landscaped in accordance with the provisions of Planning Scheme Policy No. 6 of *Council's Beaudesert Shire Planning Scheme 2007*. Landscaping of the site is to occur prior to commencement of the use and will be consistent with the Proposed Development Landscape Intent (Issue B) plans prepared by Byrns Lardner Landscape Architect and Environmental.

Car parking and Access

- 5) **CAR PARKING NUMBERS** - The development is to make provision for the establishment of twenty (20) car parking spaces including one (1) space for people with disabilities (PWD) in association with Stage 1 of the development. Additionally, the applicant is to provide one (1) space for a Small Rigid Vehicle – SRV in Stage 1. These requirements exclude any car parking requirement for the residential use approved on the site. The car parking spaces shall be established prior to the commencement of the approved use as per the staging of the development. The developer is to ensure that car parking for the development is not to be undersupplied at any Stage.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Waistell

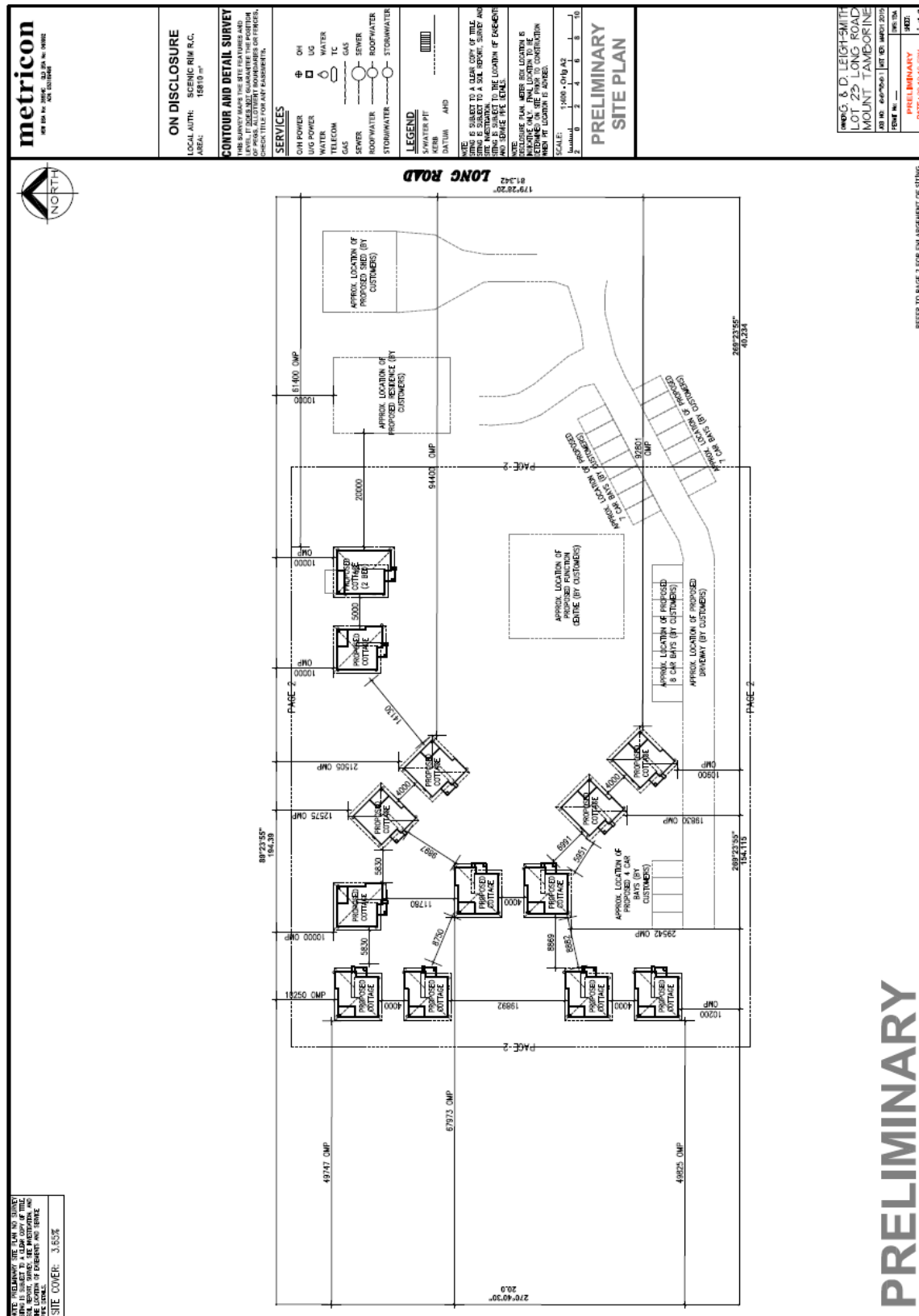
Seconded: Cr McInnes

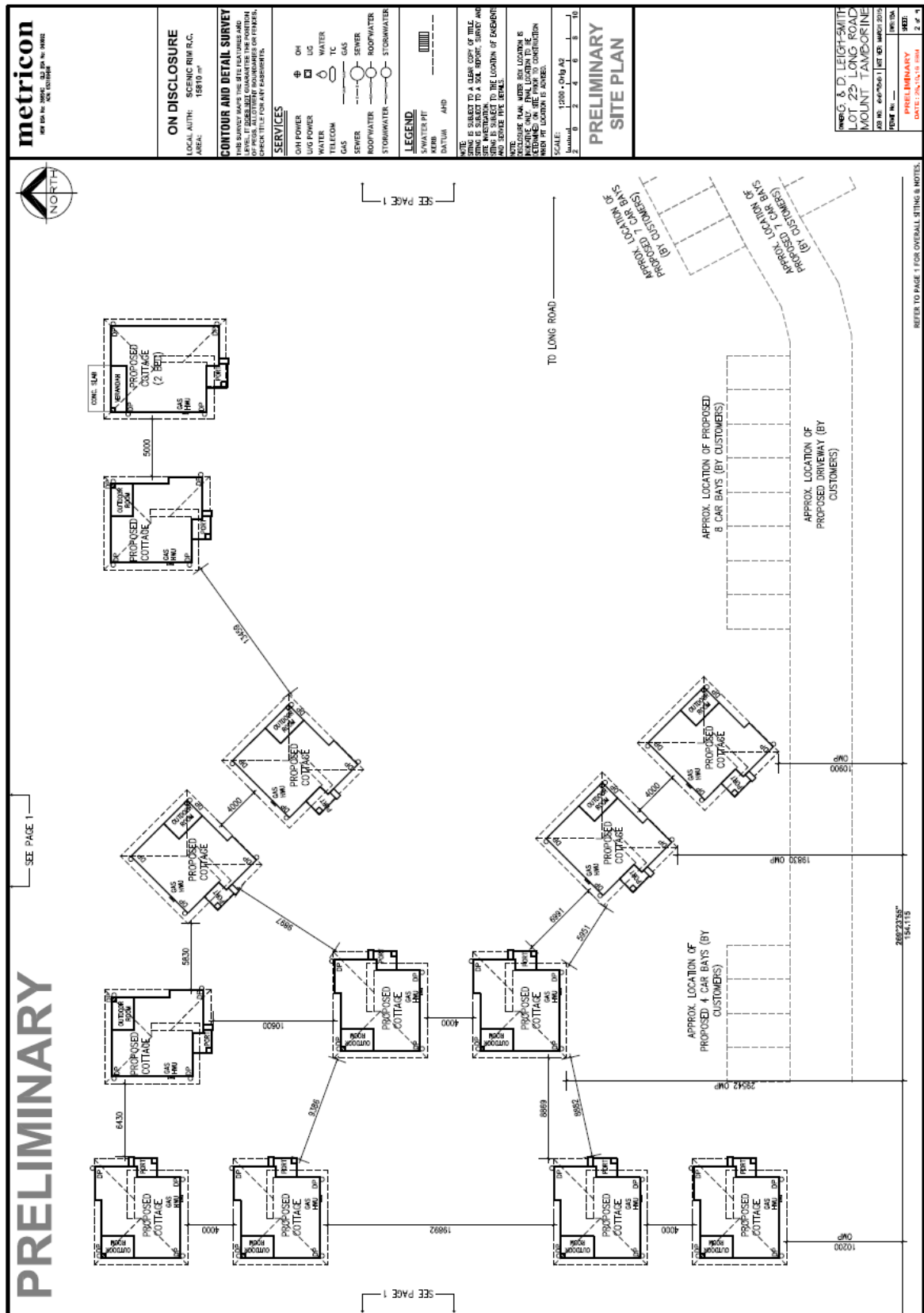
Carried

Attachments

1. Proposal Plans.
2. Dekho mapping of subject site.

Attachment 1 – Proposal Plans









PROPOSED DEVELOPMENT LANDSCAPE INTENT
LOT 23 LONG ROAD, MOUNT TAMBORINE, QLD



JANUARY 2017 - ISSUE B
LANDSCAPE ARCHITECTURE & ENVIRONMENTAL BYRNSLARDNER
Suite 3021 A, Tower 3, Southport Central, Southport, QLD - Ph 07 55286712 - PO Box 938, Southport BC, QLD, 4215



LANDSCAPE IMAGES & PLANT LIST

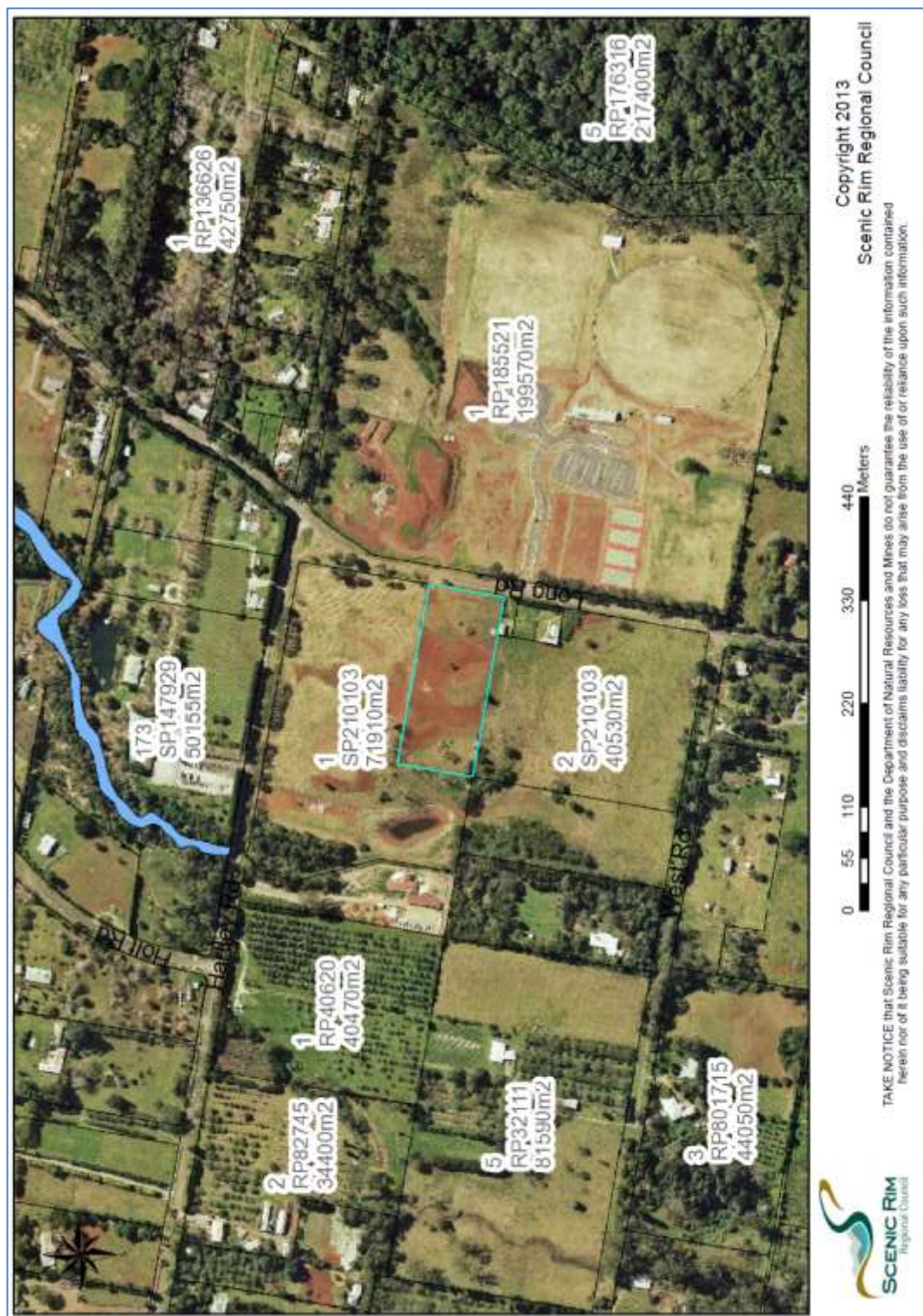
PROPOSED PLANT PALETTE

[illegible]

Other species may be selected based on the design



Attachment 2 - Dekho mapping of subject site



**3.3 Submission on the draft South East Queensland Regional Plan 2016
[Closed s.275(1)(g)]****Executive Officer: Chief Executive Officer****File Reference: 19/03/004**

Council resolved into closed session in accordance with the provisions of Section 275(1) of the Local Government Regulation 2012 and Council's Meetings and Other Forums Policy relating to closed session meetings to discuss this item.

Moved Cr Christensen
Seconded Cr O'Carroll

CARRIED

Following discussion in closed session of this item, Council resumed in open session for the proposal of Committee recommendations.

Moved Cr McInnes
Seconded Cr Christensen

CARRIED

Director's Recommendation

That Council resolve to endorse the submission prepared in response to the consultation of *ShapingSEQ - Draft South East Queensland Regional Plan October 2016* for consideration by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning.

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr West
Seconded: Cr McInnes

Carried

Attachments

Nil.

4. INFRASTRUCTURE SERVICES

Nil.

.....
Cr R.J. Stanfield
CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE