

Agenda

Ordinary Meeting

Wednesday, 24 January 2024

Time: 9.00 am
Location: Council Chambers
82 Brisbane Street
BEAUDESERT QLD 4285

Scenic Rim Regional Council
Ordinary Meeting
Wednesday, 24 January 2024
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- 2 Attendance and requests for leave of absence**
- 3 Apologies**
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- 6 Declarations of Prescribed or Declarable Conflict of Interest by Members**
- 7 Announcements / Mayoral Minutes**
- 8 Reception of Deputations by Appointment / Presentation of Petitions**
- 9 Confirmation of Minutes**
Ordinary Meeting - 20 December 2023
- 10 Business Arising from Previous Minutes**

11 Consideration of Business of Meeting**Customer & Regional Prosperity****11.1 Procurement Exception under Section 235 Local Government Regulation 2012
Our Community Pty Ltd**

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional

Item Author: Principal Specialist Community Development /
Acting Manager Customer, Community and Culture

Attachments: Nil

Councillor Portfolio

Community, Arts and Culture - Cr Michael Enright

Local Government Area Division

This report relates to the whole Scenic Rim region.

Executive Summary

This report seeks Council's consideration of the engagement of a supplier under section 235(b) of the *Local Government Regulation 2012* (the Regulation), for the continuation of administration of Council's various Grant and Funding Programs through the SmartyGrants Online Grant Management Platform.

Recommendation

That Council resolve to engage the following supplier under section 235 of the *Local Government Regulation 2012*:

Supplier	Services	Exception	Expiry
Our Community Pty Ltd	Access to the SmartyGrants Online Grant Management Platform for the administration of Council's various Grant and Funding programs	235(b)	30 June 2025

Previous Council Considerations / Resolutions

At the Ordinary Meeting held 20 July 2020, it was resolved that:

1. Council acknowledge the findings of recent review of the Community Grants and Sport and Active Recreation Grants which highlighted the opportunity to combine the grants into one consolidated and more simplified Community Grants Program;
2. Council acknowledge Council's various Grant and Funding Programs will be transitioned to and administered within the new SmartyGrants Online Grant Management Platform;
3. Council adopt the revised Council Policy - CC01.01CP Council Grant and Funding Programs; and
4. Council adopt the new Council Procedure - CC01.01PR.01 Council Grant and Funding Programs.

Report / Background

Concurrent with the revision of the Council Grant and Funding Programs policy and procedure, Council transitioned administration of the various Grant and Funding Programs to the SmartyGrants Online Grant Management Platform.

The platform is utilised by both public users (1,895 current contacts) and back end, administrative users. Grants administered through the platform include Community Grants, Environmental Grants and the Regional Arts Development Fund (RADF). Council also uses the platform to administer applications for awards programs, such as the Business Excellence Awards, and programs such as Be Healthy and Active.

In accordance with section 235 of the Regulation, Council may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if:

- (a) the local government resolves it is satisfied that there is only one supplier who is reasonably available; or
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or
- (c) a genuine emergency exists; or
- (d) the contract is for the purchase of goods and is made by auction; or
- (e) the contract is for the purchase of second-hand goods; or
- (f) the contract is made with, or under an arrangement with, a government agency.

The exceptions under section 235(a) and (b) of the Regulation requires Council to resolve these exceptions, and requires the submission of a report to Council to obtain an exception under these Regulation provisions, which is commonplace in Queensland councils.

In 2017, Council considered a range of options to improve grant management. The stand out option was SmartyGrants. Community groups and organisations were already quite familiar with the platform and application process, with SmartyGrants being a universally recognised online grant management platform and used by many funding bodies including the Queensland and Australian Governments. It is in Council's interest to maintain the suppliers for this service at this time with consideration to the investment Council has made in implementation of the platform, the familiarity users have developed and there remaining limited alternatives in the market.

At the inception of the SmartyGrants Platform, the cost of the subscription was calculated on the value of Council's grant programs and administrative requirements. Over time the value of Council's grants has increased, and additional access has been required for administrative users. As such, an increase in the services and subscription required from Our Community Pty Ltd has been necessary. Accounting for the substantial increase in services, and general inflation, officers remain confident that this is providing value for money for Council.

In all respects officers are confident that this procurement meets the requirements for the exception and also meets the Sound Contracting Principles in the Procurement Policy and the relevant legislation.

Budget / Financial Implications

At inception and within the 2019-2020 financial year, the annual subscription for access to the SmartyGrants platform was \$12,500, noting this was calculated on the value of Council's grant programs at the time and low number of accounts for back end, administrative users. As the amount was under the threshold of \$15,000, a resolution of Council for the engagement of the supplier was not required.

Since then, the value of Council's grant programs has increased substantially, and additional accounts for back end, administrative users across the organisation have been acquired. Council's annual subscription is now valued at \$21,750. Accounting for the substantial increase in services, and general inflation, the increase in cost is considered reasonable.

Council has allocated \$23,000 under the 2023-2024 Community Development Operational Budget to cover the annual subscription.

Strategic Implications

Operational Plan

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: The current and future economic prosperity of the region

Legal / Statutory Implications

Local Government Regulations, Section 235 - Other exceptions

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR47 Inadequate or lack of an appropriate Financial Management Framework (including systems, policies, procedures and controls) in place to adequately minimise risk of fraudulent action and to maximise financial sustainability.

Risk Summary

Category	Explanation
Governance, Risk & Compliance Failure to develop and adhere to procurement policy and processes	There is only one supplier who is reasonably available to deliver the SmartyGrants platform and because of the specialised nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders

Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

Consultation

Consultation regarding the required procurement process and exception has occurred with the Acting General Manager Customer and Regional Prosperity, the Principal Specialist Internal Audit and the Acting Principal Specialist Governance and Assurance.

Conclusion

Council is requested to consider, based on the rationale and merits provided in this report, to resolve to engage the supplier Our Community Pty Ltd under section 235(b) of the Regulation to continue access to the SmartyGrants Platform for the administration of Council's various Grant and Funding programs.

OptionsOption 1

That Council resolve to engage the following supplier under section 235 of the *Local Government Regulation 2012*:

Supplier	Services	Exception	Expiry
Our Community Pty Ltd	Access to the SmartyGrants Platform for the administration of Council's various Grant and Funding programs	235(b)	30 June 2025

Option 2

That Council do not resolve to engage the following supplier under section 235 of the *Local Government Regulation 2012*:




Supplier	Services	Exception	Expiry
Our Community Pty Ltd	Access to the SmartyGrants Platform for the administration of Council's various Grant and Funding programs	235(b)	30 June 2025

11.2 Scenic Rim Climate Change Roadmap 2024-2034, 3 Year Action Plan 2024-2026 and community engagement survey results

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional

Item Author: Biodiversity Officer - Land Sustainability

Attachments:

1. Climate Change Roadmap 2024-2034 Survey Report (under separate cover) 
2. Scenic Rim Climate Change Roadmap 2024-2034 (under separate cover) 
3. Scenic Rim 3 Year Action Plan 2024-2026 (under separate cover) 

Councillor Portfolio

Biodiversity and Agribusiness - Cr Duncan McInnes

Local Government Area Division

This report relates to the whole Scenic Rim region.

Executive Summary

This report provides an update on the outcomes of the Community Engagement Survey relating to the Draft Scenic Rim Climate Roadmap 2024-2034, and Draft Scenic Rim Climate Change 3 Year Action Plan 2024-2026.

The community consultation marks a last step in finalising the Climate Change Roadmap and Action Plan. Survey responses indicate strong support in the community for Council to act to mitigate and adapt to climate change through the high level actions listed in the Climate Change Roadmap.

This report includes an overview of the community survey results, key messages, insights and resulting changes to Roadmap actions in the development of the Final Scenic Rim Climate Change Roadmap 2024-2034 (Roadmap) and 3 Year Action Plan 2024-2026 (Action Plan).

Following Council's endorsement, the Climate Change and Sustainability Taskforce will commence implementation of the strategic priorities and associated high level actions identified in the Climate Change Roadmap and Action Plan.

Recommendation

That:

1. Council adopt the Scenic Rim Climate Change Roadmap 2024-2034;
2. Council note the Scenic Rim Climate Change 3 Year Action Plan 2024-2026;
3. Council acknowledge the outcomes of the community engagement input into finalising the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026;
4. Council delegate authority to the Chief Executive Officer to make minor grammatical, graphic design and formatting changes to the Scenic Rim Council Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026, if required, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Previous Council Considerations / Resolutions

Council was briefed in September 2023 on the draft Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026. Subsequently, both documents were made available for community consultation.

At the Ordinary Meeting held on 22 November 2022, Council agreed to the content and release of the Climate Change Statement of Intent and to progress with the development of the Scenic Rim Regional Climate Change Strategy.

Report / Background

The Scenic Rim Climate Change Roadmap 2024-2034 (Roadmap) (refer Attachment 2) and accompanying 3 Year Action Plan 2024-2026 (Action Plan) (refer Attachment 3) are components of upholding the guiding expectations identified in the Scenic Rim Community Plan 2011-2026 (Revised 2018) ensuring the long term economic, social and environmental sustainability of the region.

The Roadmap and Action Plan will assist Council in delivering the required actions to manage the impacts of climate change and reduce Council greenhouse gas (GHG) emissions. The Roadmap and Action Plan concept is similar to that of the Scenic Rim Agribusiness and Agritourism 10-Year Roadmap 2022-2032 and Scenic Rim Agribusiness and Agritourism 3-Year Action Plan 2022-2025. The content and actions in the Roadmap have been developed through a review of Queensland Government and Local Government response plans.

Community Engagement

Undertaking community engagement presents an opportunity for Council to better understand the needs of different stakeholder interests across the region in responding to the variety of challenges that are presented by a changing climate. The community engagement survey provided the opportunity for Council to:

- gauge opinions in the community about Council's role in responding to climate change;
- ascertain community priorities in terms of climate change actions;
- assess whether respondents believe that the actions within the Roadmap and Action Plan will be of benefit to the region;
- obtain feedback from the community on potential amendments, deletions or additions that might be made to the Summary of Actions; and finally,
- determine whether respondents believe that the overall Roadmap seeks to achieve a desirable outcome for the Scenic Rim region.

The community engagement survey provides the ability for Council to finalise the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026 ensuring that high level actions align with community expectations. The details of the community engagement methods and timeframes are outlined below:

- Community engagement consultation occurred for five weeks from 25 September to 27 October 2023, via the 'Let's Talk Scenic Rim' portal;
- Once the survey, Roadmap and Action Plan were released on the portal, all those subscribed received notification;
- Details of the commencement of the consultation were released via media release, Council's Facebook and website; and
- The survey was also made available in hard copy via Administration and Customer Contact Centres, Libraries, and the Mununjali Housing and Development Centre.

Post Community Engagement

Following engagement, results were tabulated and summarised and comments were responded to in the Climate Change Roadmap and Action Plan Survey Report (refer to Attachment 1). Recommendations for alterations to the Roadmap and Action Plan based on community feedback are detailed below and incorporated in the final versions of the Roadmap and Action Plan.

This report provides Council with the opportunity to review the proposed changes and also gain a better understanding of community priorities and opinions in relation to the Roadmap and Action Plan.

Community Engagement Outcomes

During the five week period of the Survey's release, there were:

- 100 informed participants including 59 document downloads;
- 161 aware participants (visited at least one page); and
- 36 completed survey participants.

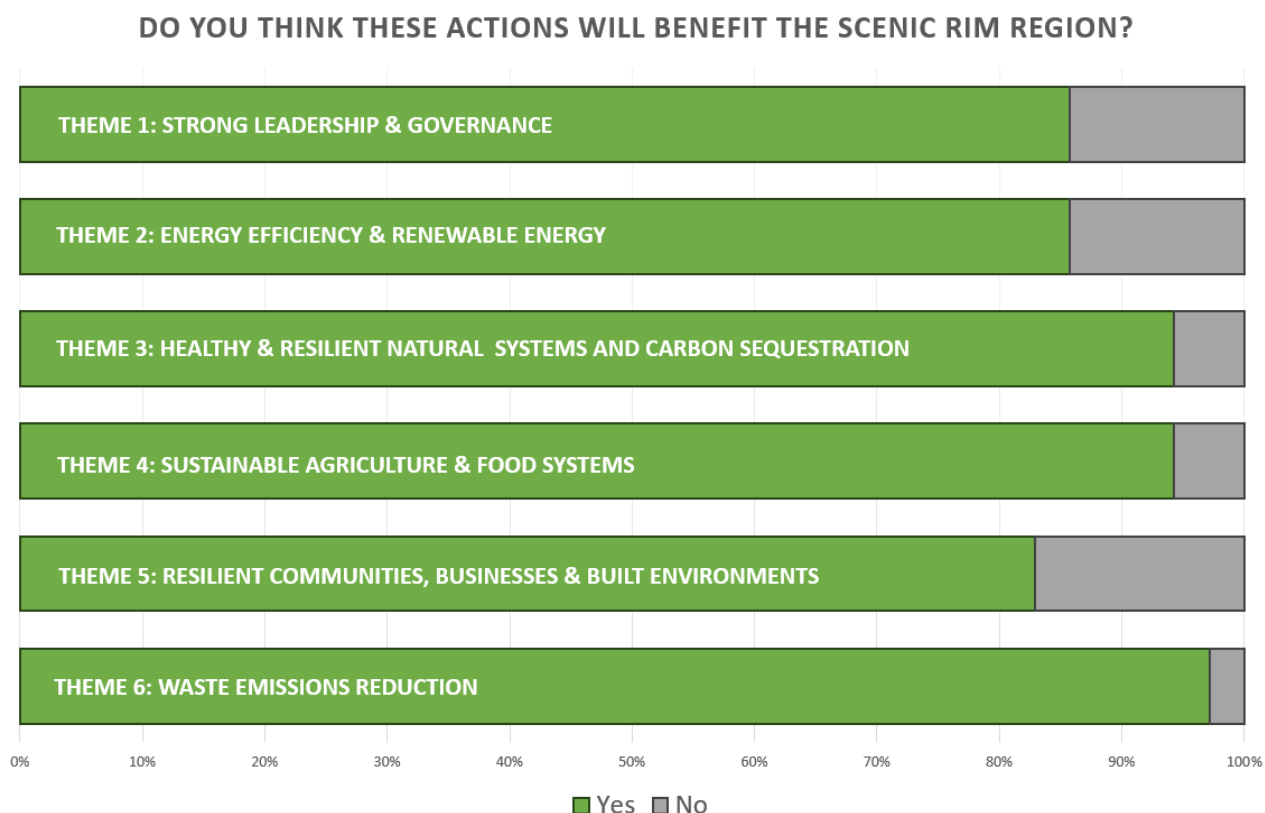
Questions 1 to 6 in the survey related to demographics. Question 7 asked respondents to choose statements which best fit their current interest in Council's response to climate change. Of the top three responses, 24 (70%) stated that they believed that Council should take an active role in climate response, six (18%) stated that they believed that Council should not take an active role in climate response and four (12%) were unsure. Two participants were also members of an environmental group concerned about climate change, and another two participants worked for a business that was concerned about climate change.

The following questions focused on high level actions within the Roadmap and Action Plan, which fall under six themes:

- Theme 1: Strong leadership and governance
- Theme 2: Energy efficiency and renewable energy
- Theme 3: Healthy and resilient natural systems and carbon sequestration
- Theme 4: Sustainable agriculture and food systems
- Theme 5: Resilient communities, businesses and built environments
- Theme 6: Waste emissions reduction

Respondent Priorities

For each theme, participants were asked to select three actions they would like to see prioritised by Council. Respondent priorities often coincided with actions that are already in progress or those scheduled for commencement during the first Action Plan 2024-2026. Following this selection, participants were asked if they thought that theme actions will benefit the Scenic Rim region. The results are in the figure below.



There is a greater than 80% agreement that actions under all themes will benefit the Scenic Rim region, with strongest support for actions under the Theme 6: Waste Emissions Reduction, followed by Theme 3: Healthy & Resilient Natural Systems and Carbon Sequestration, and Theme 4: Sustainable Agriculture & Food Systems. This would seem to indicate a slight preference for those actions that relate to climate change mitigation and a healthy environment, rather than climate change adaptation efforts, although the margin is very narrow. What is clear is that the majority of respondents are supportive of the Climate Change Roadmap actions.

Summary

- 70% of respondents think that Council should take an active role in climate response, 18% of respondents think that Council should not take an active role in climate response, and 12% are unsure.
- Respondent priorities often coincide with actions that are already in progress. All except two actions placed in the top three are due to commence during Action Plan 2024-2026.
- There is a greater than 80% agreement that actions will benefit the Scenic Rim region under all six themes.
- When asked at the completion of the survey if respondents thought that the Roadmap and Action seek to achieve a desirable outcome for the region, 60% agreed, 22% disagreed, and 18% neither agreed nor disagreed.

Key findings

- There would appear to be a lack of awareness in the community in relation to Council's roles and functions. Comments like "roads, rates, and rubbish" (two respondents) do not reflect the many areas of governance that Council covers. Two respondents were also concerned that rates would increase in order to finance Roadmap actions. Information relating to funding of Roadmap actions is in the Action Plan.
- Two respondents were opposed to the development of renewable energy projects.
- There is notable anti-EV sentiment in the community (five respondents or 14%), however, there was strong support for "Action 2.2.2 Develop a roll out plan to incorporate electric vehicle charge stations at major Scenic Rim destinations in partnership with EV providers and property owners", with 14 (39%) respondents listing this in their top three actions for prioritisation.
- Four respondents made comments that imply that the combined actions are not adequate to mitigate and/or adapt to climate change in the region.
- Comments overall emphasised the following environmental issues; (i) waste reduction and recycling efforts - four respondents, (ii) catchment water resources - three respondents, and (iv) native habitat restoration (greening) and remnant vegetation conservation - eight respondents.
- Two respondents suggested green bins would be useful for reducing methane emissions from landfill.
- Five respondents expressed concerns about rising temperatures and heat island effects. Three of these respondents suggested changes to building regulations to mitigate these effects.

Proposed variations to Roadmap

- Action 2.1.3 Investigate hydroelectricity power generation at Wyaralong Dam.
Deletion of this action is suggested as hydroelectricity schemes are not within Council's remit (correctly pointed out by one respondent) and Council would only perform in a stakeholder role if such a scheme does eventuate.
- Action 2.2.2 Develop a roll out plan to incorporate electric vehicle charge stations at major Scenic Rim destinations in partnership with EV providers and property owners. As a roll-out plan specific to Council is unlikely, splitting this action into two actions and rewording is suggested.
 - Action 2.2.2 Continue to seek funding for Council owned/controlled EV charging stations to increase the availability of EV charging stations for residents and visitors in the Scenic Rim region and, in the longer term, for Council's own fleet.
 - Action 2.2.3 Encourage businesses to take advantage of co-funding opportunities available through government grants and form partnerships with EV providers to increase the availability of EV charging stations in the Scenic Rim region.
 - Subsequent renumbering of actions under 2.2 is required.
- Include an additional action based on respondents' concerns about heat island effects.
 - Action 5.1.4 Advocate to State and Federal governments to lift standards across the building and development sectors to climate adaptation best practice for cooling of heat island effects, improving amenity, and reducing energy demand.

Please note that graphic design and formatting of the Roadmap and Action Plan for publication will occur after the Ordinary Meeting.

Budget / Financial Implications

Some actions will not require additional funding allocation and will be completed with existing resources. For some actions, budget requests need to be made through the usual budget process. Work Plans will include tasks to determine detailed budget estimates for projects associated with the Action Plans.

Funding for larger scale projects within the plan will be sought through funding streams available to Council. Renewable energy and energy efficiency projects will be sought through the Federal Government Community Energy Upgrades Fund and Regional Australia Microgrid Pilots Program. The Growing Regions Program has potential to supply funding for community-focused infrastructure that delivers emissions reductions such as Electric Vehicle (EV) charging and public transport infrastructure. The Disaster Ready Fund is also available for natural disaster resilience and risk reduction projects.

There may also be opportunities for Council to obtain income through selling Australian Carbon Credit Units (ACCUs) for offsets and/or reducing Council's carbon footprint through insetting, by undertaking carbon sequestration projects on Council owned or controlled land. In addition, if the *Nature Repair Market Bill* is passed, carbon sequestration projects that have biodiversity and habitat co-benefits can receive Nature Repair Certificates that can be applied on top of ACCUs. More information on the above funding programs is included in the Action Plan.

Importantly, energy efficiency and renewable energy initiatives will lead to energy cost savings in the long term, as will waste to energy and EV related projects.

Strategic Implications

Operational Plan

Theme: 1. Spectacular Scenery and Healthy Environment

Key Area of Focus: Adaptation to changing climate and weather patterns

Legal / Statutory Implications

International

- *The Paris Agreement* is an International Climate Change Agreement ratified by Australia with the objective of keeping global temperature rise below 2°C above pre-industrial levels and pursuing efforts to limit the increase to 1.5°C. Australia's contribution to emissions reduction are the targets stated in the Federal Legislation *Climate Change Act 2022* below.
- The *Sendai Framework for Disaster Risk Reduction 2015-2030* is an International Agreement adopted by UN Member States that outlines targets and priority actions to address climate change risks through a disaster risk reduction focus.

Federal

- *Climate Change Act 2022* establishes a target of reducing net GHG emissions to 43% below 2005 levels by 2030; and reducing net GHG emissions to zero by 2050.

State

- Roles and responsibilities of Local Government in addressing climate change adaptation are listed in Queensland Climate Adaptation Strategy 2017-2030.
- Queensland Climate Action Plan. The targets of this plan are:
 - 50% renewable energy by 2030
 - 30% emission reduction below 2005 levels by 2030
 - 70% renewable energy by 2032
 - 80% renewable energy by 2035
 - Net zero by 2050
- *Queensland Climate Transition Bill 2023*. If this bill is passed, the new emissions reduction targets for Queensland will be:
 - 75% reduction in emissions on 2005 levels by 2030
 - Net zero emissions by 2035
- Queensland Waste Management and Resource Recovery Strategy. Targets to be achieved by 2050 are:
 - 25% reduction in household waste
 - 90% of waste is recovered and does not go to landfill
 - 75% recycling rates across all waste types

Local

- Roadmap themes and actions also align with the themes of the Scenic Rim Climate Change Statement of Intent.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.

Risk Summary

Category	Explanation
Governance, Risk & Compliance Failure to ensure a pragmatic approach towards climate change action.	If Council fails to make a genuine effort to adapt to change, it exposes itself to a variety of physical, financial, and liability risks. Physical risks include damage to the Council and community buildings and infrastructure due to extreme weather events and can result in disruptions to economic activity. Failure to make efforts to reduce GHG emissions could harm the region's reputation and cause dissatisfaction within the community
Financial/Economic Adverse financial impact on Council due to poor planning and/or delivery.	Along with increased costs due to replacing or repairing infrastructure damaged due to climate change related impacts, there are also increased costs associated with obtaining insurance cover for those assets. Planning and policy risk may lead to overwhelming costs if State and Federal governments use regulatory or other coercive measures to force local government to comply with renewable energy and GHG emission reduction targets. Additionally, there is a litigation risk by members of the community that seek compensation due to property loss or damage as a result of inadequate consideration of future climate change impacts.
Environmental Failure to act to mitigate and adapt to climate change.	Improving the resilience of the natural environment to climate change impacts is essential to ensure the continuation of ecosystem services such as oxygen generation, soil fertility, pollination of crops, and air and water purification. Biodiversity is an essential feature of ecosystems that provide these services. Failure to conserve or restore habitat that provides refuge for threatened species of fish, insects, frogs and mammals during extreme weather events such as heatwaves will lead to further extinctions and diminish the biodiversity of ecosystems and the services they provide. A healthy natural environment is also important for agricultural productivity, tourism, recreation, and general health and wellbeing of people in the Scenic Rim region.

Human Rights Implications

Right to life

"Every person has the right to life and to not have their life taken. The right to life includes a duty on government to take appropriate steps to protect the right to life"

All of strategic objectives in the Scenic Rim Climate Change Strategic Roadmap 2024-2034 relate directly or indirectly to protecting human lives from the negative impacts of climate change or to reducing Council's contribution to climate change so these impacts might be alleviated. These objectives include:

- Theme 2 Strategic Objective: "Transition Council toward 100% renewable energy and ensure the transition is within the capacity of Council to do so". Combined effort on a global scale to reduce GHG emissions will diminish the magnitude of future extreme weather events that may threaten human lives.

- Theme 3 Strategic Objective: "Increase revegetation and ecosystem restoration of Council-owned and controlled and privately owned non-agricultural rural landscapes to support ecosystem and species resilience, and for carbon sequestration". Ecosystem services, such as improving air quality and water purification, are essential to human wellbeing. Increasing the health and resilience of natural systems contributes to the health and quality of human lives.
- Theme 4 Strategic Objective: "Create a sustainable and regenerative food system that includes consideration of and preparation for climate change risks". The Scenic Rim is fortunate enough to have ample food sources. Ensuring agribusinesses are resilient and adaptive to climate change is essential for food security both within and outside the region.
- Theme 5 Strategic Objective: "Build Council and community awareness and preparedness for climate change and extreme weather events". Giving people the tools to plan and protect themselves during extreme weather events should result in less lives lost when extreme weather events occur.

Consultation

The Climate Change and Sustainability Taskforce has been actively involved in the development of these documents, and contributed to the development of themes, strategic objectives, incorporation of the Statement of Intent, and general content. Discussions with the following key areas of Council have further refined high level actions and established estimated times for commencement and project delivery:

- Biodiversity & Climate Change
- Waste Services
- Landfill Operations
- Regional Prosperity
- Community Development
- Disaster Management
- Fleet Management
- Strategic Planning
- Governance & Corporate Assurance
- Capital Works & Asset Management

Following the Councillors' briefing in September 2023, the Roadmap and Action Plan were presented and were subsequently amended according to Councillor feedback. Feedback from the community consultation has now been considered and incorporated into these documents.

Conclusion

There were respondents that consider that the Roadmap high level actions are of no benefit, either due to climate science contrarianism, or a belief that Council should concentrate on roads, rates, and rubbish and leave other matters to State and Federal governance. There were also respondents that consider the actions do not go far enough to be an effective climate response by Council, however, the majority of respondents believed that Council should take an active role in climate response and support the Roadmap actions. The survey has also provided a level of confidence that the prioritisation of actions in the Roadmap is primarily in line with community priorities.

The community consultation marks a last step in finalising the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026. Following Council's recommendation, the Climate Change and Sustainability Taskforce will commence implementation of high level actions identified in the Final Roadmap and Action Plan.

OptionsOption 1

That:

1. Council adopt the Scenic Rim Climate Change Roadmap 2024-2034;
2. Council note the Scenic Rim Climate Change 3 Year Action Plan 2024-2026;
3. Council acknowledge the outcomes of the community engagement input into finalising the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026;
4. Council delegate authority to the Chief Executive Officer to make minor grammatical, graphic design and formatting changes to the Scenic Rim Council Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026, if required, and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Option 2

That:






1. Council note, but not adopt, the draft Scenic Rim Climate Change Roadmap 2024-2034;
2. Council note, but not adopt, the draft Scenic Rim Climate Change 3 Year Action Plan 2024-2026;
3. Council note the outcomes of the community engagement input into finalising the Scenic Rim Climate Change Roadmap 2024-2034 and 3 Year Action Plan 2024-2026.

11.3 Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites) 36 Young Street, Tamborine Mountain L96 WD1000

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Item Author: Principal Specialist Development Assessment and Engineering /
Acting Manager Regional Development, Health and Biodiversity

Attachments:

1. MCU22/121 - Minor change assessment report [↓](#) 
2. MCU18/154 - Minor change approval [↓](#) 
3. MCU20/077 - Proposal plans [↓](#) 
4. MCU20/077 - Revised parking plan [↓](#) 
5. Appendix A - MCU20/077 Conditions of Approval [↓](#) 

Councillor Portfolio

Not applicable.

Local Government Area Division

This report relates to Division 2.

Executive Summary

The following report details the assessment and recommendations for Council with details on the development application MCU20/077 for a Development Permit for a Material Change of Use for Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain, also described as Lot 96 on WD1000.

The application was previously tabled at the Ordinary Meeting held on 8 February 2022, where it was resolved to defer the matter to allow further consideration. As part of responding to the concerns raised by Council and adjoining landowners, the applicant submitted a changed application on 17 November 2022. The changed application includes a substantial amount of new supporting material pertaining to the proposed development.

In addition to the changed application, the applicant has also submitted a 'minor' change application to an existing approval (MCU18/154) over the same subject land. The applicant has requested the minor change application (Council Ref.: MCU22/121) be assessed concurrently with MCU20/077, as the requested amendments have been introduced as a 'relevant matter' in the consideration of the proposed development. The existing approval involves a Material Change of Use for Bed & Breakfast (Tourist Use) and Food Establishment/Reception Centre, of which the applicant seeks to remove the Food Establishment/Reception Centre use. The assessment report for MCU22/121 has been finalised, and is attached for Council's information (Attachment 1).

As part of the further consideration of development application MCU20/077, the assessment to date was referred to an external planning expert to undertake a third-party review. Officers considered this necessary due the nature of the proposal, level of community interest and potential for an appeal. The findings of the third-party assessment form part of this report.

The proposed development has demonstrated compliance with the relevant Codes of the Planning Scheme and proposes a development outcome that is generally consistent with the intent of the relevant zoning and strategic framework applying to the site.

On balance, it is concluded that the application can be approved, subject to conditions.

Recommendation

That:

1. Council receive and note the report titled "Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain Lot 96 on WD1000";
2. Council note the attached assessment for development application MCU22/121 (Attachment 1) will be determined by delegated authority, following a Council resolution to approve development application MCU20/077;
3. Council approve development application MCU20/077, and grant a development permit for Material change of use, subject to the conditions contained in Appendix A (Attachment 5); and
4. Council note that any subsequent requests for a negotiated decision notice and/or change applications to the approval (MCU20/077) will be processed via delegated authority where the changes would not significantly alter the original decision.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 8 February 2022 (Item 10.5), Council resolved:

"To table the submission from Y & D Turner, for Councillors' reference in considering this matter and deferred the item to an Ordinary Meeting, no later than 8 March 2022, to enable Councillors to undertake a site visit, to understand the matters relevant to the site the subject of this matter.

That if the matter was to be presented at the Ordinary Meeting to be held on 22 February 2022, Cr Jeff McConnell be granted leave to dial in to the Ordinary Meeting, to participate in the consideration of the matter as it pertains to Division 2."

At the Ordinary Meeting held on 8 March 2022 (Item 10.3), it was resolved that:

1. *Council acknowledge correspondence was received from the applicant relating to development application MCU20/077, advising of a request to 'stop the current period' for the decision-making period from 10 February 2022 for 30 business days or until the 'stop' is rescinded by the applicant;*
2. *Council note that the application cannot be decided during this 'stop' period;*
3. *Council acknowledge this report has been presented in compliance with the resolution of Item 10.5 in the Ordinary Meeting Minutes, 8 February 2022; and*
4. *Council note that the application may be presented for decision at a future Ordinary Meeting, pending the recommencement of the decision-making period."*

Report / Background

Applicable Planning Scheme	Scenic Rim Planning Scheme 2020
Applicant	Eastern Asia Investment Pty Ltd ATF Eastern Asia Investment Trust
Owner(s)	Eastern Asia Investment Pty Ltd ATF Eastern Asia Investment Trust
Site Address	Exhale 36 Young Street Tamborine Mountain
Real Property Description	Lot 96 WD1000
Site Area	43,600m ²
Relevant Zone and Precinct	Rural (Rural Escarpment Protection Precinct)
Proposal	Development Permit for Material Change of Use (Nature Based Tourism - 10 Tourist Cabins within six buildings)
Assessment Level	Impact
Approval Type	Material Change of Use
Public Notification	Yes, undertaken between 14-29 July 2021
Submissions Received	200 objections, two support (properly made)
Date Application Deemed Accepted	21 October 2020

Previous Approvals

Council records indicate three previous development approvals over the site. Of relevance to the current development application are MCBd16/087 and MCU18/154. These are discussed in further detail below.

- MC. Bd1 D9254: Residential Use – Dwelling House (additions to existing Class 1a Dwelling). Submitted 17/03/2009.
- MC. Bd2 MCBd16/087: Home Based Business – Bed and Breakfast (Tourist Use) & Food Establishment/ Reception. Submitted 01/09/2016.
- MCU18/154: Minor Change to Approval – Bed and Breakfast (Tourist Use) & Food Establishment/ Reception. Submitted 14/11/2018.

Recent Approval for Bed and Breakfast

On 21 April 2017, Council issued an approval for a Material Change of Use – Bed and Breakfast (Tourist Use) over land at 36 Young Street, Tamborine Mountain (MCBd16/087). This approval facilitated the use of three lettable spaces (bedrooms), a function facility and food establishment area.

On 5 December 2018, a change to the Bed & Breakfast approval was granted by Council. The change resulted in the following (and as illustrated in Figure 1 below):

- The three bedrooms proposed to be used for Bed and Breakfast activities were rearranged within the existing dwelling on the upper floor, facilitating the inclusion of a PWD room.
- A reduction in the area of the existing dwelling to be used as a Function facility from 156.6m² to 77.323m².
- Changes to conditions to reflect the changes to the layout, including change to Condition 19 Carparking Numbers to reduce the number of onsite carparking spaces required as a result of the reduction in the area of the Function facility.
- Change to Condition 11 Noise Assessment Report, so as to not require an Acoustic Barrier to be constructed.

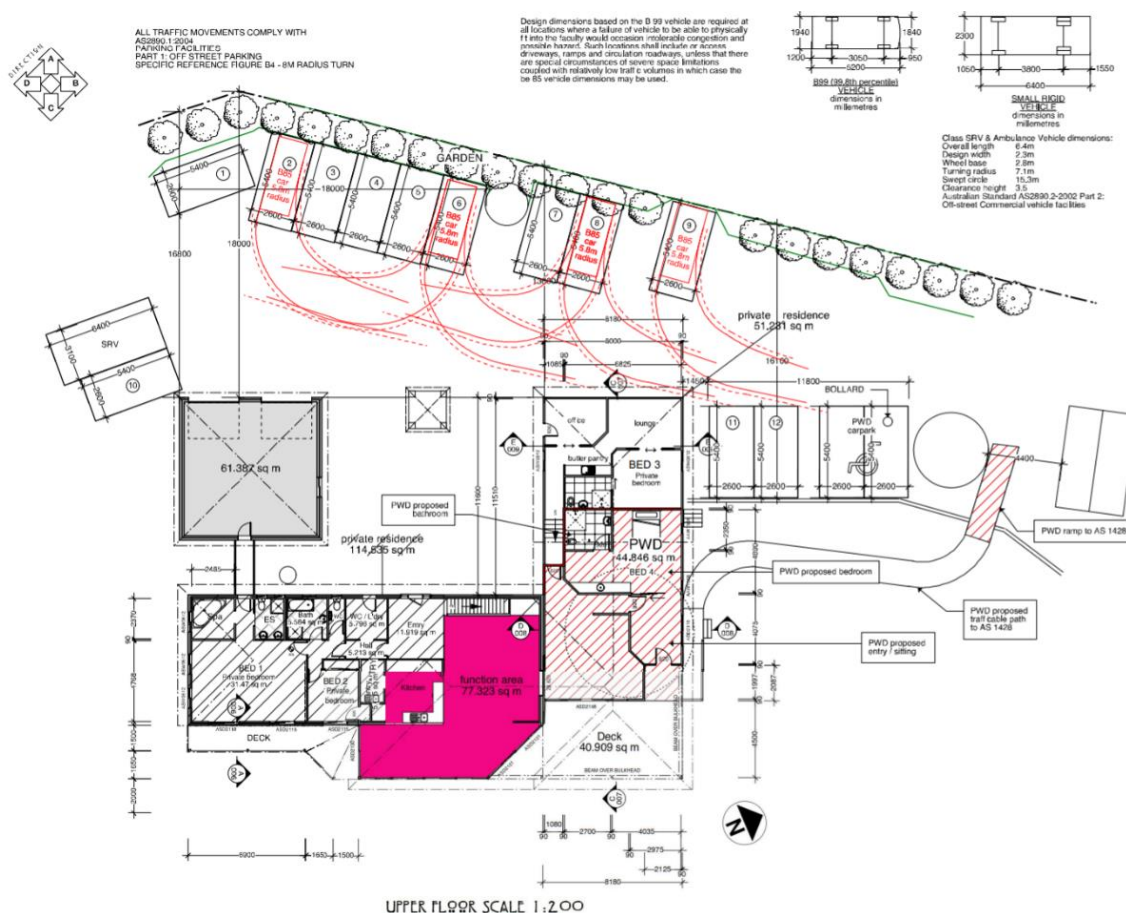


Figure 1 MCU18/154 – Approved Plans

On 18 November 2022, the applicant sought a further Minor Change to the approval (Council reference MCU22/121). Specifically, the applicant sought to remove the Function Centre/Food Establishment from the existing development approval. The Bed and Breakfast component of the existing development approval which seeks to utilise three of the existing bedrooms in the dwelling house for the purpose of the Bed and Breakfast is to be retained.

Proposal

The proposal seeks approval for a Development Permit for a Material Change of Use for Tourism Activities (Nature Based Tourism – 10 Tourist Accommodation Sites) at 36 Young Street, Tamborine Mountain. The application seeks to maintain the existing Home-Based Business (Bed and Breakfast) use on the site and use this in conjunction with the proposed Nature-based tourism use.

The applicant seeks to establish 10 Tourist 'cabins' within six building structures to accompany the existing dwelling house at 36 Young Street, Tamborine Mountain.

It is proposed the tourism activities relate to existing citrus trees (remnant orchid/rural activities) associated with the site and appreciate the scenic outlook/ local environment. The proposed tourist sites are proposed to be congregated within the developable area of the site, comprising of approximately 1.5ha-2ha in size, as illustrated below.

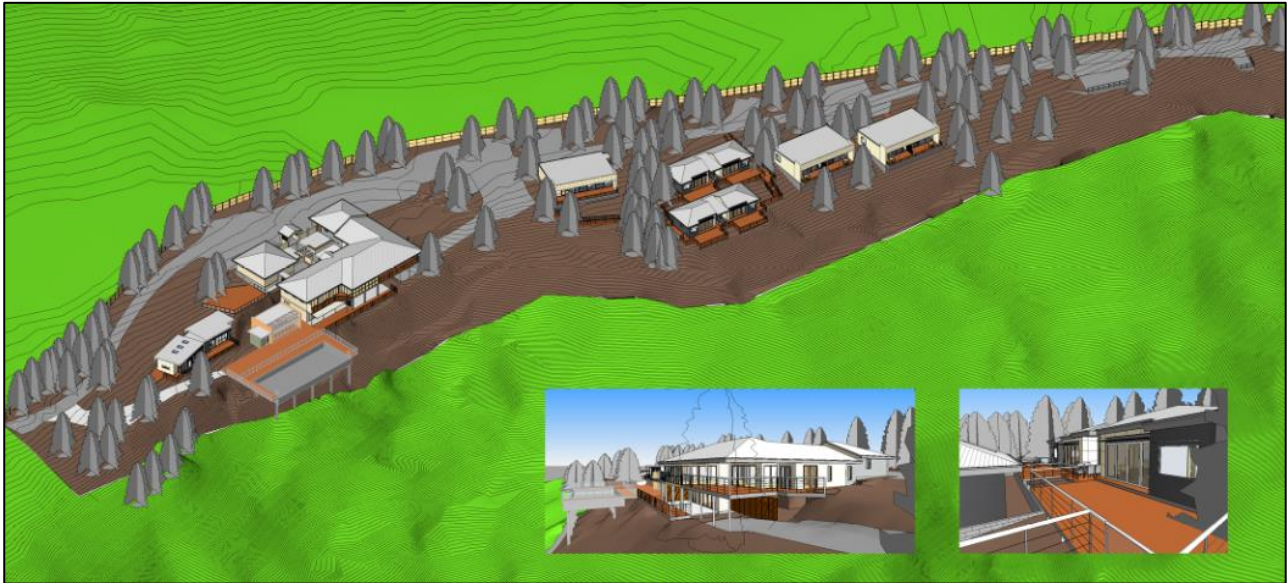


Figure 2 Proposed Development

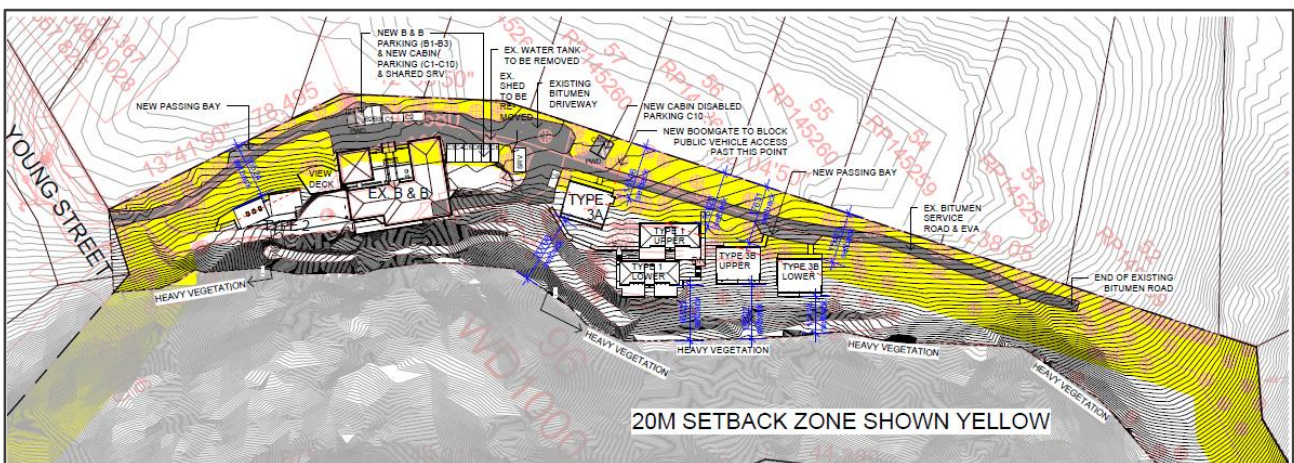


Figure 3 Cabin Type and Location

Each tourist site is proposed to include kitchen, bathroom and living facilities, as illustrated below.

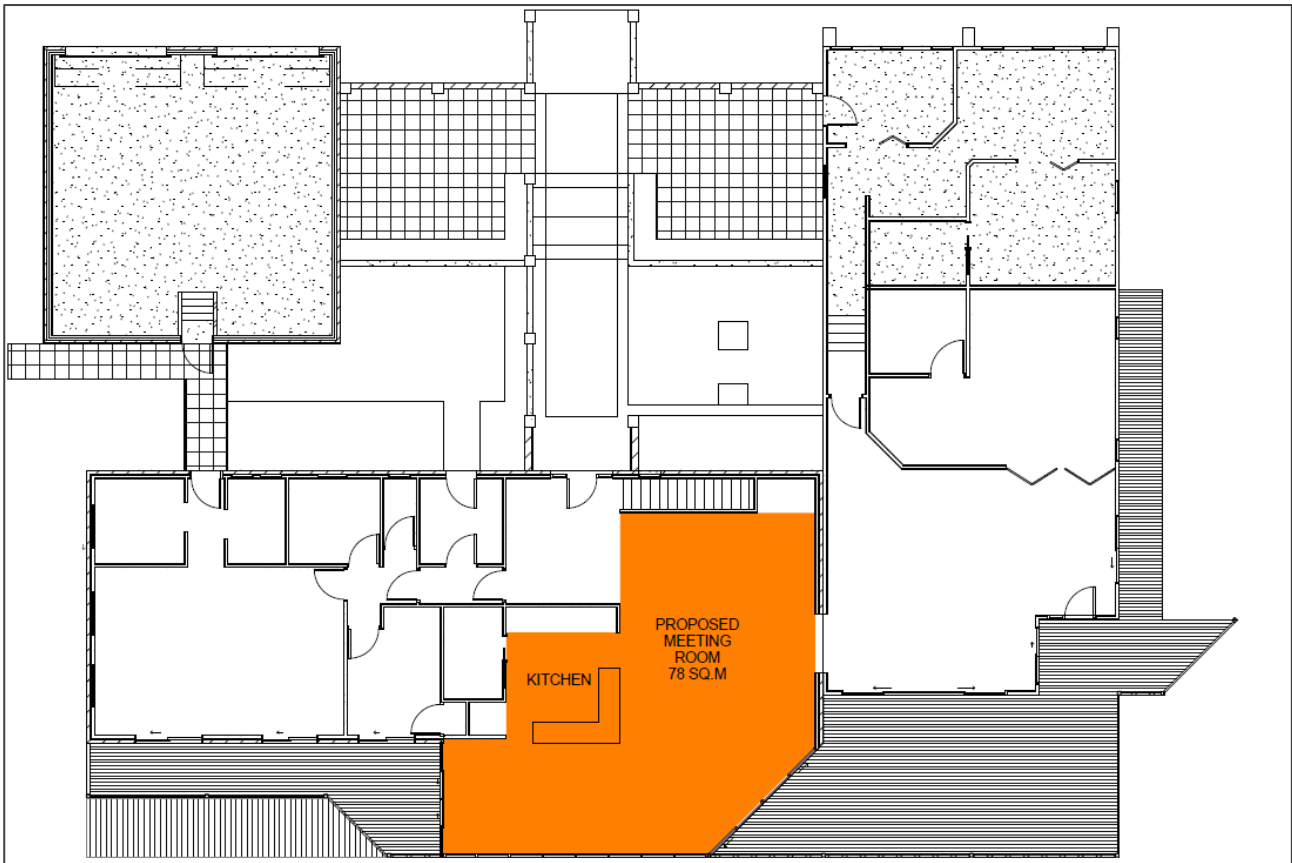


Figure 4 B&B Upper Level Floor Plan

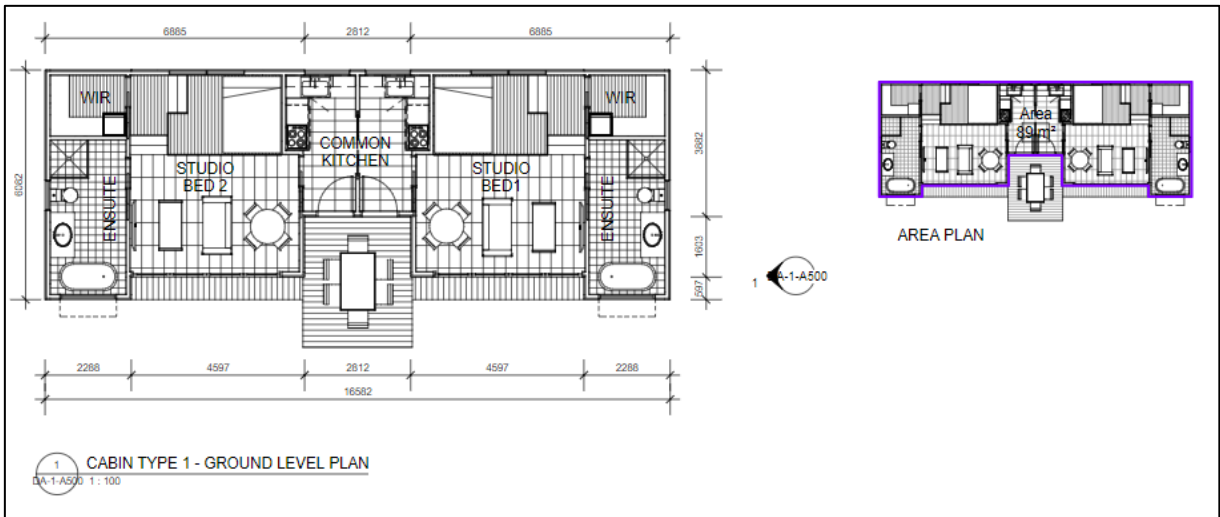


Figure 5 Cabin Type 1

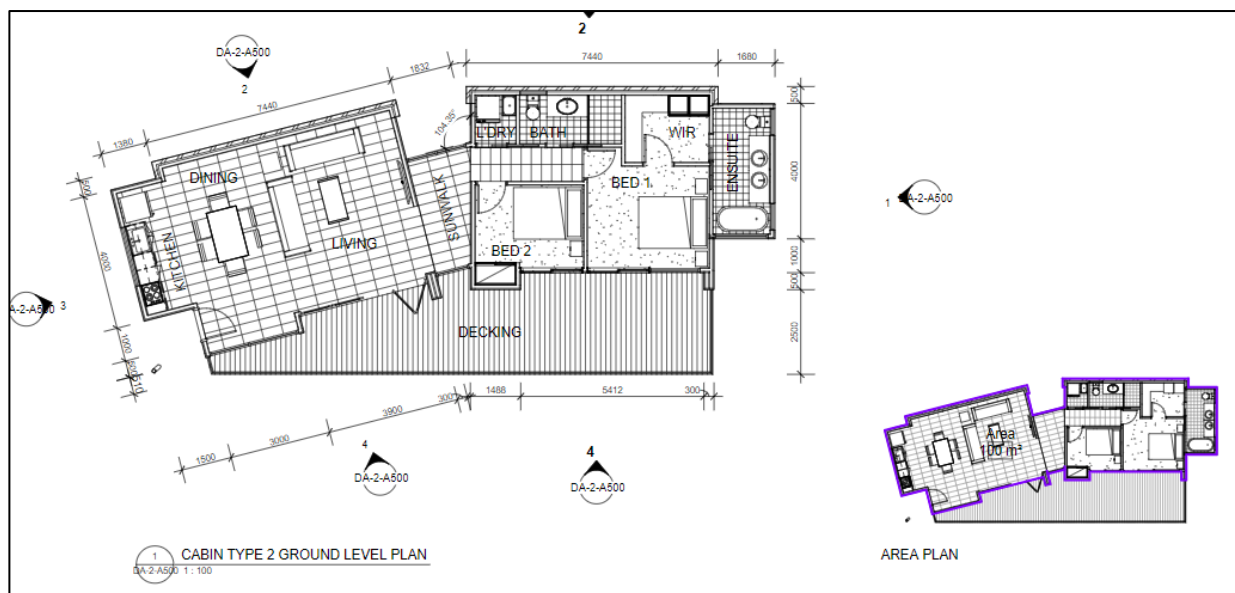


Figure 6 Cabin Type 2

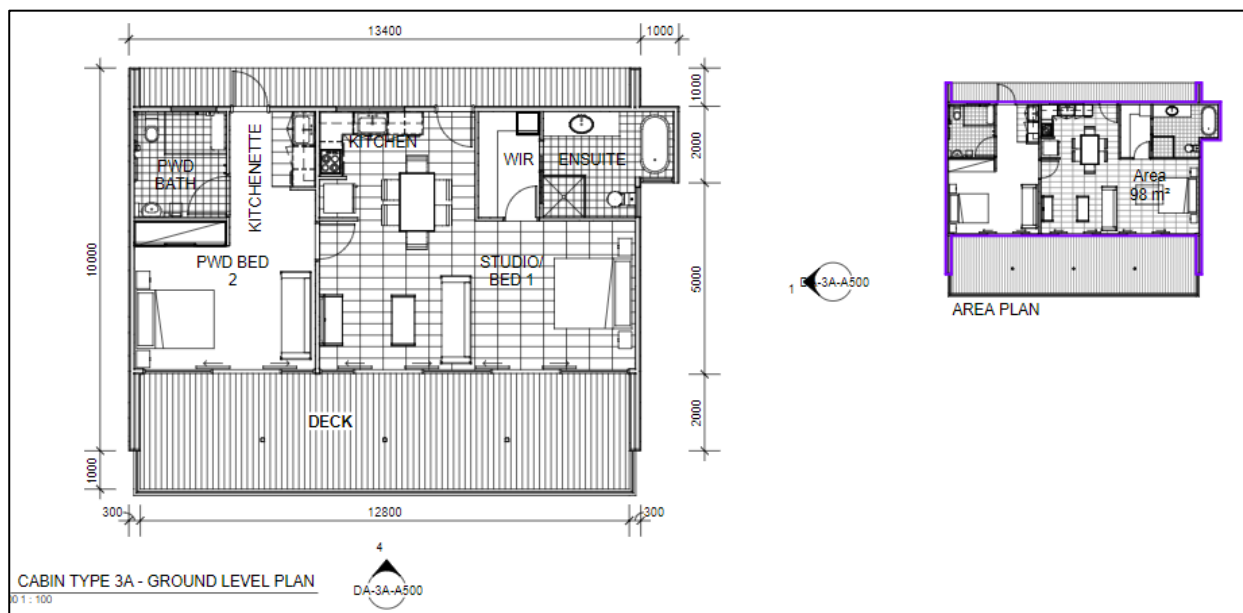


Figure 7 Cabin Type 3A

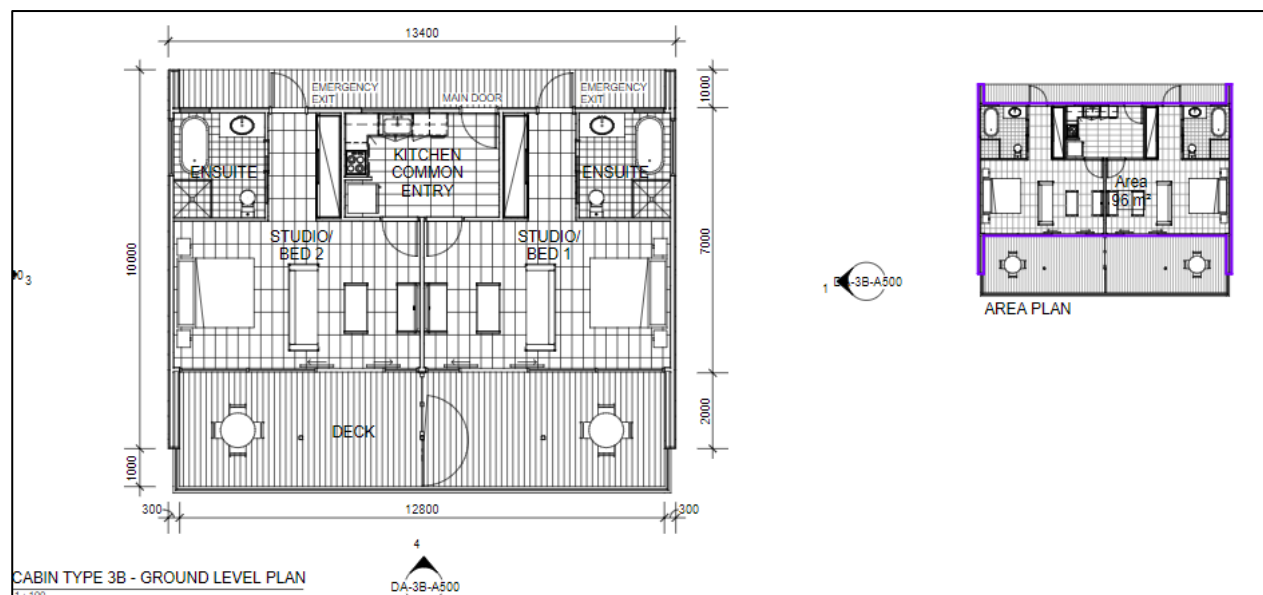


Figure 8 Cabin Type 3B

As part of the changed application, the applicant has reduced the number of new car parking spaces from 15 to 10, and one additional PWD space to facilitate the proposed nature-based tourism activities. This reduction is further discussed as part of the Code assessment.

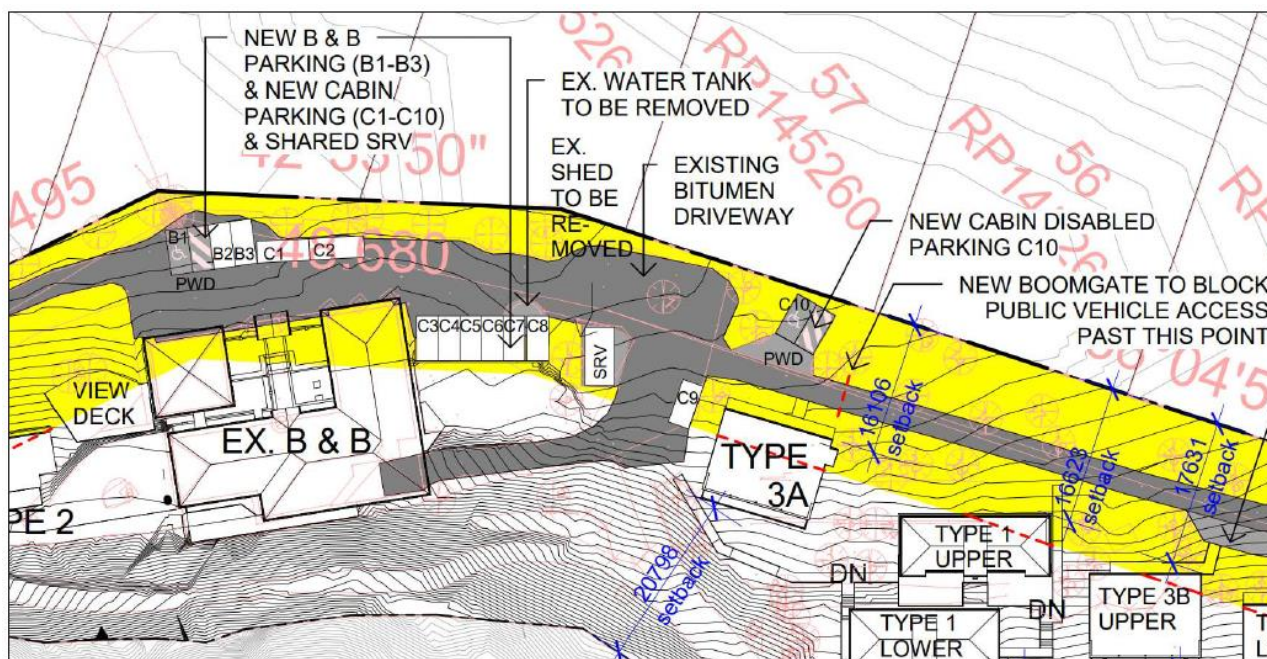


Figure 9 Car Parking Layout and Vehicle Manoeuvring

Site Visit Evaluation

The subject site is situated at 36 Young Street, Tamborine Mountain. It is situated approximately 9 kilometres from the Gallery Walk tourist node and approximately 8.5 kilometres from the Main Street Commercial Centre.

The site is comprised of a single freehold allotment 4.36ha in size and irregular in shape. The site is located at the eastern extent of Young Road, which is a no-thru road. The site has a frontage of approximately 20 metres to Young Street.

The land is not burdened or benefitted by any easements.

The land is not included on the Contaminated Land Register, nor is it listed on the Environmental Management Register.

The subject site is improved by a dwelling house, currently utilised for a Home based business – Bed and Breakfast as discussed herein. The topography of the site is best characterised as moderate to steeply sloping land. Elevations range from 550m AHD where the dwelling house and cabins are to be located, sloping to 520m AHD in the east of the site.

The site is heavily vegetated. The development is predominately located in cleared areas of the site and where vegetation is proposed to be removed, it is limited in extent as discussed herein.

Both electricity and telecommunications services are available in the locality. The applicant has indicated that sufficient on-site water supply is achieved through the provision of rainwater tanks.

The surrounding area is of a semi-rural character, comprised of predominantly rural residential uses with some short-term accommodation and rural activities interspersed.

Land to the west is included in the Rural Residential zone, while land to the north is included within the Rural zone. The site neighbours Defence Land to the east (and south) and Gold Coast City Council land to the south. Figure 9 illustrates the surrounding zoning.








Zoning	
 Rural Residential Zone	 Special Purpose Zone
 Rural Zone	
Precincts	
 EP - Rural Escarpment Protection Precinct	 RREA - Rural Residential A Precinct

Figure 10 Zone and Precinct Plan



Figure 11 Site Location

The developable area on site is limited to approximately 1.5 - 1.9ha of land centred on top of steep ridgelines.

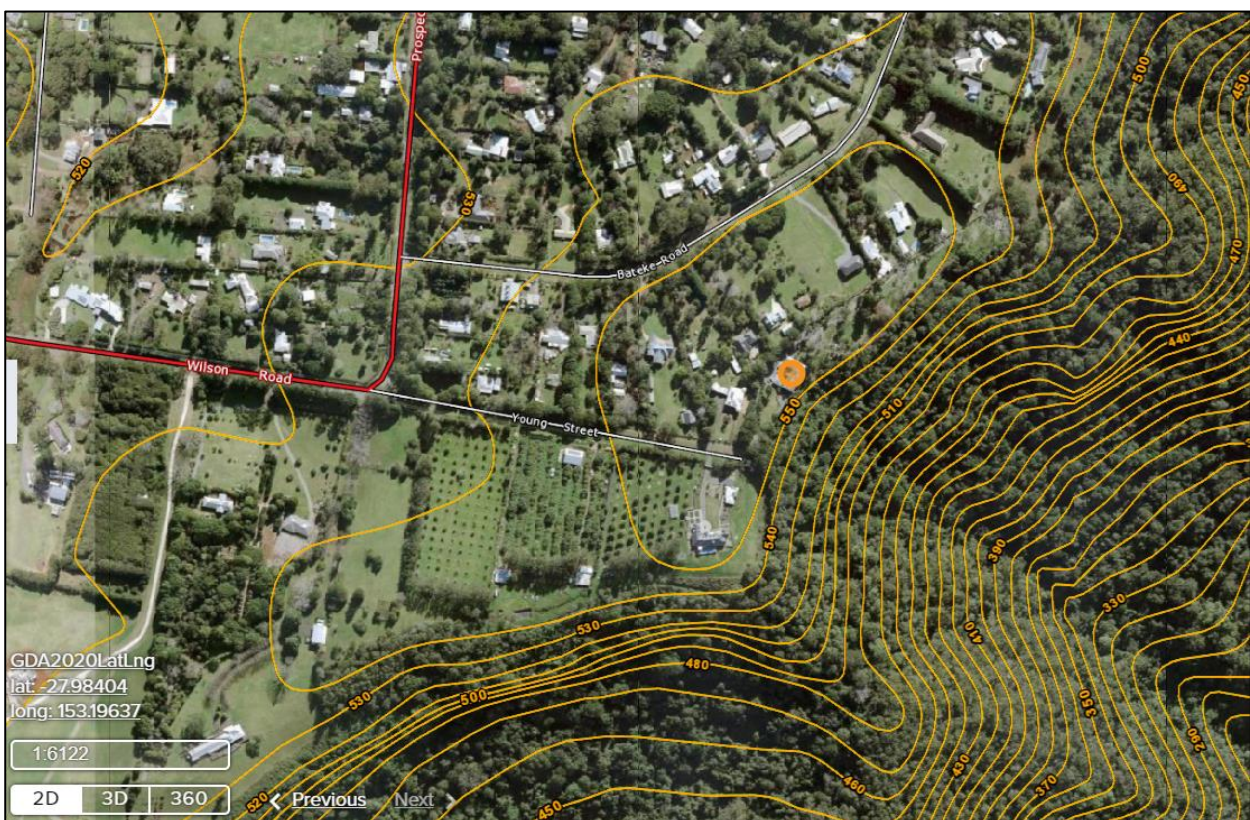


Figure 12 Site Topography



Figure 13 Nearmap imagery

The residential development in the area is largely acreage style properties within the Rural Residential Zone. Most are improved by single detached dwellings on varying lot sizes. Young Street is identified as an Access Road, however, Wilson Road and Prospect Street are both State-Controlled Roads and provide access to Young Street from higher order roads.



Figure 14 Road hierarchy

Framework for AssessmentCategorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the *Planning Regulation 2017*

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks: Schedule 10, Part 10, Division 5 Koala habitat area	Assessment Benchmarks under Schedule 11, Part 2 of the Planning Regulation 2017.
ShapingSEQ South East Queensland Regional Plan 2017 Designation:	Regional Landscape and Rural Production Area (RLRPA).

In accordance with Schedule 10, Part 10, Division 5 of the *Planning Regulation 2017*, the subject site is identified within a koala priority area but does not interfere with koala habitat (which is limited to mapping at the north-eastern and south-eastern corners of the site). On this basis, the proposal is to be assessed against Schedule 11, Part 2, Item 4 of the *Planning Regulation 2017*.

The *Planning Regulation 2017* seeks to ensure that development provides, on the premise, the safe koala movement measures necessary to maximise safe movement of koalas within koala habitat area on the site and koala habitat area on the site and a koala habitat area or ecological corridor within 200m of the site habitat area.

To demonstrate the above, each building, structure or works associated with the development must be at least 50m from a koala habitat area. The proposed development achieves this outcome with the Koala Habitat Areas being located within the north and south-eastern corners of the site as illustrated below.

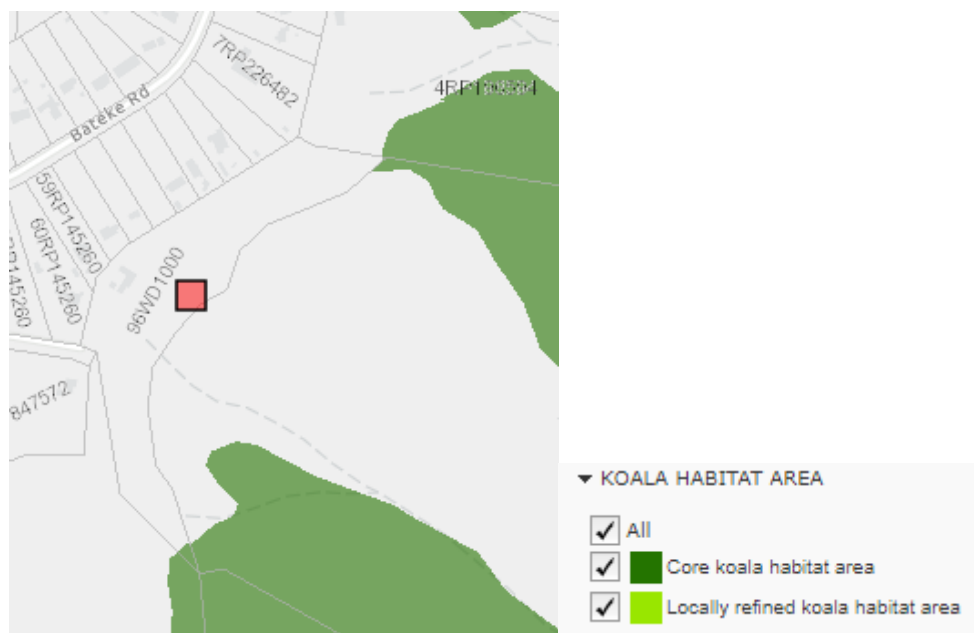


Figure 15 Koala habitat area

It is noted that Residential Development is prohibited in the SEQ regional landscape and rural production area, however there is an exemption for tourist accommodation (in the definition in the *Planning Regulation 2017*).

State Planning Policy

The State Planning Policy (SPP) came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the Scenic Rim Planning Scheme 2020.

The Minister has identified that the SPP is integrated in the planning scheme in the following ways:

Liveable communities and housing

Housing supply and diversity
Liveable communities

Economic growth

Agriculture
Development and construction
Mining and extractive resources
Tourism

Environment and heritage

Biodiversity
Cultural heritage
Water quality

Safety and resilience to hazards

Emissions and hazardous activities
Natural hazards, risk and resilience

Infrastructure

Energy and water supply
Infrastructure integration
Transport infrastructure
Strategic airports and aviation facilities
Strategic ports

As the SPP has been appropriately integrated for all matters that would relate to this proposal, no further consideration is warranted as part of the assessment of this application.

Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is Scenic Rim Planning Scheme 2020. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	Scenic Rim Planning Scheme 2020
Zone:	Rural Zone (Rural Escarpment Protection Precinct)
Consistent/Inconsistent Use:	Tourism Activities - Nature Based Tourism – 'Potentially consistent'
Assessment Benchmarks:	<ul style="list-style-type: none"> ▪ Strategic Framework ▪ Rural Zone Code ▪ Tourism Use Code ▪ Agricultural Land Overlay Code ▪ Airport Environs and Defence Land Overlay Code ▪ Bushfire Hazard Overlay Code ▪ Environmental Significance Overlay Code ▪ Landslide Hazard and Steep Slope Overlay Code ▪ Earthworks, Construction and Water Quality Code ▪ Infrastructure Design Code ▪ Landscaping Code ▪ Parking and Access Code

The material change of use for Nature-based tourism is defined as follows, under the planning scheme:

“Nature-based tourism means the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation, or interpretation of –

- a. an area of environmental, cultural or heritage value; or*
- b. a local ecosystem; or*
- c. the natural environment.*

The site (and proposed accommodation) benefits from expansive views of the rain forest escarpment all the way through to the coast. In this sense the accommodation is said to be for the appreciation of the natural environment. The proposed management plan and submitted ethos of the proposed development supports this assertion.

A Nature-based tourism on a site greater than 2 ha and exceeding a total of four tourist accommodation sites¹ or a tourist activity with a total use area (TUA) exceeding 200m² in the Rural zone (Rural Escarpment Protection Precinct) requires impact assessment.

It can further be identified as a “consistent” or “potentially consistent” use. Where it does not exceed four tourist accommodation sites, or where a tourist activity does not exceed 200m² GFA, it is identified as a “consistent use”. Where exceeding these parameters but not exceeding 10 tourist accommodation sites, it is identified as “potentially consistent” (as is the case with the proposed development).

¹ Tourist accommodation sites means - *An area where individual caravan, cabin, tent, recreational vehicle, motor home, camper van or similar structure is or can be erected or placed, and is occupied by a maximum of **8 persons**.* (emphasis added)

Strategic Framework

As the development application requires impact assessment consideration is given to the Planning Scheme as a whole, including the Strategic Framework.

The Strategic Framework considers the following matters:

- Settlement Pattern
- Economic Development
- Transport
- Infrastructure and Services
- Natural Environment
- Community Identity, Character and Social Inclusion
- Natural Resources
- Natural Hazards

The following elements of the strategic framework have been identified as relevant to the consideration of the proposed development.

3.4 Communities and Character – Mountain Community

The premises is noted as forming part of the “Mountain Community” under Section 3.4 – Communities and Character of the Planning Scheme. It is acknowledged under the planning scheme that the Mountain Community will continue to attract tourists and visitors to experience its unique natural environment, scenic beauty and semi-rural character, amongst other things. The planning scheme seeks to facilitate tourism opportunities where they are of a scale and intensity consistent with the area's existing semi-rural and natural landscape setting.

This is further expanded on in the context of the proposed development located within the Rural Escarpment Protection Precinct, under Strategic Outcome 3.4.2(6), which states: -

The Rural Escarpment Protection Precinct of the Rural Zone supports a limited range of very low intensity residential, rural and tourist activities to protect the regionally significant natural landscape and environmental values of the escarpment of Tamborine Mountain. Development in the Rural Escarpment Protection Precinct:

- a. is of a small scale and low intensity and located to protect the natural landscape character and scenic amenity values of the escarpment;*
- b. minimising vegetation clearing and modifications to the natural landform;*
- c. is low rise and does not exceed the predominant height of the vegetation canopy;*
- d. avoids impacts on the amenity and privacy of nearby properties; and*
- e. utilises slope-sensitive construction methods and is designed to reflect the natural character of the precinct.*

Relevant to the scale and intensity of the proposed development is the anticipation under the planning scheme of up to four tourist accommodation sites via code assessment on a site greater than 2ha, with each site anticipated (under the definition) of accommodating up to eight persons. The maximum persons anticipated via code assessment is therefore 32 persons. It is also relevant that the scheme anticipates up to 10 sites as being potentially consistent with the precinct.

In this context, the 10 cabins proposed are (on face value) at the upper end of the scale and intensity anticipated to be consistent by the planning scheme. Mitigating the number of cabins is the size of the property (4.36ha), the number of buildings (six in addition to the existing house) the density (accommodation for up to 24 persons), and the context of the site. The proposed buildings will not be visible from Young Street, are setback front the escarpment such that they are unlikely to be visible and have been deliberately located to avoid loss of mature vegetation.

The proposed development is considered to be low-rise in terms of the cabins being limited to one storey in height and less than the height of the mature vegetation on the site. Furthermore, as is evident from the proposal plans, some of the units (type 1) are proposed below the upper units, further limiting their visibility from all vantage points outside the subject site.

The proposed development minimises vegetation clearing and modifications to the natural landform, protecting the natural landscape character and scenic amenity values of the escarpment, by being limited to the existing developed area of the site. The proposal has been designed to be located such that the location of cabins and associated car parking is located to minimise clearing and modifications to the natural landform, minimising any cut and fill required.

The approved Bed and Breakfast must be considered in addition to the proposed development, however it is relevant that it takes the form of a single dwelling house, able to accommodate a further six persons (two per room). These additional six persons will bring result in a total of up to 30 persons staying on site which is still less than the maximum number of persons contemplated for Nature Based Tourism via code assessment. The earlier mentioned mitigating factors are such that the proposed development is considered within the scope of scale and intensity anticipated to be consistent in the precinct.

The portion of the subject lands within which the Tourist Cabins are to be sited is seen to have 'a 'low' risk of Geotechnical Instability based on the findings of the applicant's material. The subsequent discussions had in respect of the founding materials reveal a soil profile consisting of a silty/sandy clay with a depth ranging from 1.5-2.8 metres overlying basaltic rock. In essence, what this means is that the Tourist Cabins will need to be founded upon piles (screw pile solution). The screw piles will be either.

The detailed design of the 'pile solution' may be conditionable as part of further investigations at the Building Stage.

Traffic impacts on surrounding properties, in terms of the function of Young Street, are expected with the proposed development and will likely be difficult to mitigate without upgrades to the access and egress point to the property. It is proposed that the applicant provide upgrade treatment of Young Street between the property (36 Young Street) and the State-controlled Road reserve of Wilson Road, to a Rural Access Road Class 5B, with a minimum pavement width of 7m, minimum carriageway width of 6m, minimum shoulder width of 0.5m either side of the carriageway. This requirement recognises that the applicant's Traffic Report is based around the estimated vacancy rates of similar accommodation, averaging 76% rooms taken at a time (90% during peak seasons).

Council considers it is in the community's interest to seek the upgrade based on the maximum rates, to protect the infrastructure and reduce ongoing maintenance costs. In addition the requirement for upgrade recognises that the peak season (where capacity would more likely be closer to 100%) is around the Christmas school holidays, aligning with the existing wet season (being an increase on the maintenance burden). Noting that this road is partly sealed so this impact would be less severe than where there is no seal.

3.5 Growing Economy - Tourism and Recreation

The planning scheme acknowledges that the tourism and recreation sector is a significant employer in the region and its sustainable growth is supported. Tourism is supported where development protects and enhances the existing strengths of the Scenic Rim including its Natural Areas, rural landscapes and vibrant communities, and is promoted where it is consistent with community values and aspirations and contributes to community development and wellbeing.

The planning scheme considers opportunities for small-scale tourism outside of those areas zoned for Tourism on the Tamborine Mountain plateau and escarpment where consistent with the existing natural environment, landscape setting and character of the areas and located on appropriately sized properties to avoid impacts on the residential amenity and privacy of nearby properties.

More intensive tourism uses on the Tamborine Mountain plateau, other than where located in Gallery Walk, are not envisaged under the planning scheme.

The following Strategic Outcomes are sought under the planning scheme in the context of the proposed development:

- (2) *Visitor accommodation and tourism activities are compatible with, and complement existing tourism products available in the region.*
- (3) *Nature-based tourism activities are sensitively located and operated to ensure the natural and scenic amenity values that enhance the visitor experience are protected.*
- (5) *Tourism and recreational activities seeking to take advantage of the rural, natural and scenic amenity values of the region are of a scale, nature and intensity appropriate for the landscape setting and conserve and enhance natural values of the site and its surrounds.*
- (6) *Tourism and recreation activities in Rural Areas avoid impacts on the amenity of the surrounding area and maintain the privacy of surrounding properties.*
- (11) *Small-scale tourism and recreation activities may be supported in the Mountain Community outside of the Minor Tourism Zone, where:*
 - (a) *located on sites with a sufficient area to manage any impacts within the site;*
 - (b) *designed to integrate with and preserve the landscape and natural values of the site and its surrounds;*
 - (c) *the privacy and amenity of nearby sensitive receivers and the character of the area is maintained;*
 - (d) *located in the Rural Escarpment Precinct of the Rural Zone, are limited to those uses identified in 'Table 6.2.17.2.2 Consistent Uses and Potentially Consistent Uses in the Rural Zone - Rural Escarpment Protection Precinct', and development ensures vegetation loss is minimised and does not exceed the predominant height of the canopy to protect the landscape values of the regionally significant scenic amenity area; and*

...

As described earlier, it is considered that the development is of a scale anticipated for the Mountain Community, and meets the above outcomes as follows:

- The proposed use has a focus on the natural features on the site, being one of a handful of rural properties on the escarpment with views across to the coast;
- The use has been sensitively located between mature vegetation at the upper reaches sections of the site to avoid impacts on the lower heavily vegetated parts of the site;
- Amenity is protected through a combination of built form and setbacks (as discussed later);
- The site is of sufficient area to accommodate the use and manage impacts;
- The site layout is such that the proposal will have very limited visibility from the street, and exciting onsite landscaping will help it integrate with the natural values of its surrounds;
- Where appropriately conditioned there will be no unacceptable adverse impact on nearby sensitive receivers in terms of privacy and amenity. The character of the area consists of semi-rural uses with some accommodation interspersed. The proposed use is not therefore considered to have an impact on the character of the area as a whole.

3.6 Environment and Natural Hazards

The planning scheme seeks to protect the natural environment and natural hazards that sometimes relate to the natural environment. In a local context the strategic framework identifies that:

A Vegetation Management Area encompassing Tamborine Mountain, the escarpment surrounding it, extending north-west to the elevated area of Tamborine, protects the landscape character and scenic amenity of the local area, connecting forested landscapes and providing biodiversity linkages.

Strategic Outcomes relevant to the proposed development include:

1. *Development protects and enhances the ecological values of Matters of State Environmental Significance, including:*
 - a. *Protected Areas;*
 - b. *Regulated Vegetation (as defined under the State Planning Policy);*
 - c. *State Significant Species;*
 - d. *High Ecological Value Waters (Watercourse);*
 - e. *High Ecological Value Waters (Wetland);*
 - f. *High Ecological Significance wetlands; and*
 - g. *Waterways and Wetlands Buffer Areas.*
2. *Development protects and enhances the ecological values of Matters of Local Environmental Significance including:*
 - a. *Core Corridor;*
 - b. *Node Corridor;*
 - c. *Stepping Stone;*
 - d. *Critical linkage; and*
 - e. *Stream Orders 2 - 7 and Watercourse Buffer Areas.*
3. *Development location and design considers biodiversity values and does not compromise the intended function of identified biodiversity linkages.*
4. *Development protects habitat identified for State Significant Species.*
5. *The habitat and ecological value of vegetated corridors and biodiversity linkages are protected and enhanced.*
6. *Development in an area having regionally significant landscape value, being the Border Ranges (including the Gondwana Rainforest World Heritage Area of Lamington National Park), Scenic Rim Corridor (including the Main Range, Mount Barney, Mount Maroon, Mount Chingee and Lamington national parks, Mount Lindesay and Tamborine Mountain, specifically land in the Rural Zone - Escarpment Precinct) and Flinders-Karawatha Corridor (including Mt Flinders, Teviot Range, Mt Joyce, Wyaralong Dam and south to Mt Barney), maintains the scenic amenity value of the area.*
7. *Scenic amenity and landscape character is maintained, including through the protection of significant trees in the Vegetation Management Area.*
8. *Development is located, designed and operated to avoid adverse impacts on the biodiversity values of Matters of State Environmental Significance.*
9. *Development is located, designed and operated to avoid adverse impacts on the biodiversity values of Matters of Local Environmental Significance.*
10. *The impacts of development on Matters of Local Environmental Significance are effectively managed by:*
 - a. *avoiding impacts, where practicable;*
 - b. *minimising impacts, where impacts cannot be reasonably avoided;*
 - c. *restoring values on the same premises and in an appropriate location, where impacts cannot be reasonably avoided or minimised.*

The development responds to the above outcomes by locating the proposed development on the upper (western) sections of the site where the land has previously been cleared and vegetation consists of planted fruit trees and similar. These areas are outside the majority of mapped environmental overlays and the applicant has stated that no additional clearing of remnant vegetation is proposed. Weed management is proposed between the proposed development and the remnant vegetation of the lower slopes.

The location of the development on the site and scale (being limited to single storey buildings) means that there is unlikely to be any visibility of the development from the lower slopes (and due to the arrangement of the lot – no visibility from the road) and therefore considered to be no impact on landscape character.

The strategic direction identified in the above provisions is further confirmed in the lower order provisions of the planning scheme.

Notwithstanding the above, consideration has been given to the proposed development on the balance with the Strategic Framework objectives as a whole and whether the proposed development is consistent with the planning intent.

Planning Scheme Codes

Rural Zone Code

It is noted that the development despite being subject to impact assessment, is identified to be a 'potentially consistent' use in the Rural zone. Uses identified as 'potentially consistent' in the underlying zone require assessment of matters such as its location, nature, scale and intensity to determine whether they are appropriate. This is contrasted with uses identified as inconsistent – which are not anticipated to occur in the zone (notwithstanding any further assessment).

The purpose of the Rural Zone as prescribed by the code, is to:

- "(a) provide for rural uses and activities; and*
- (b) provide for other uses and activities that are compatible with:*
 - (i) existing and future rural uses and activities; and*
 - (ii) the character and environmental features of the zone; and*
- (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes."*

The purpose of the Rural Zone Code, specific to the Rural Escarpment Protection Precinct, is achieved through the following overall outcomes applicable to the proposed development:

- "...*
- (b) Land Uses:*
 - ...*
 - (ii) include small scale tourism activities that involve a holiday home or have a focus on the conservation, interpretation or appreciation of areas of natural landscape and environmental value;*
 - (v) where involving a use other than a low impact rural activity or low density residential activity:*
 - (A) protect or enhance the natural landscape values of the precinct;*
 - (B) maintain or enhance vegetation cover;*
 - (C) are small scale and of a very low intensity; and*
 - (D) do not detract from the amenity and privacy of adjoining premises.*
 - ...*

- (c) *Character consists of*
- (i) *land in a predominantly natural state where the regionally significant natural landscape value of the precinct is protected;*
 - (ii) *low rise and very low intensity development that protects and complements the natural landscape value of the precinct and maintains existing vegetation cover.*
- (d) *Built form:*
- (i) *is located and designed to complement and protect the natural landscape setting of the precinct;*
 - (ii) *does not exceed the predominant height of the vegetation canopy; and*
 - (iii) *is small scale, low-rise and setback from property boundaries to maintain the low density character of the zone and maintain the amenity and privacy to adjoining premises."*

The overall outcomes of the zone code are similar to the outcomes for Tamborine Mountain and the precinct in the strategic framework. There is a focus on low impact, low scale activities that protect the natural environment and amenity of the surrounding area. As described earlier, the context of the site and form of development proposed is considered consistent with the outcomes sought for the zone and precinct.

The proposed use, with 10 cabins, in addition to the approved Bed and Breakfast is unlikely to fall within the description of 'very low intensity' as described in the performance outcome. As described earlier however, the proposed use from a scale and intensity perspective is considered within the scope anticipated as being 'consistent' with the intent of the precinct/ zone, having regard to the mitigating factors described. Due to the location of the site, siting of buildings and restrictions for opportunities to view the natural landscape from outside the property it can be said the impacts to the natural landscape are negligible.

Table 6.2.17.3.4 Performance Outcomes of the Rural Zone Code (Rural Escarpment Protection Precinct) further expand on the intended Built Form and Land Uses envisaged as part of the Zone.

Rural Zone Code									
Performance outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Performance Outcomes						
Assessable Development (Rural Escarpment Precinct)									
PO1 Building Setbacks: (1) Maintain the low density character of the zone; (2) Assist in the protection of amenity and privacy of adjoining premises;	AO1 Building setbacks are as follows: <table><tr><td>Setback</td><td>Min distance (m)</td></tr><tr><td>Street frontage</td><td>10m</td></tr><tr><td>Side and rear boundary (other than below)</td><td>6m</td></tr></table>	Setback	Min distance (m)	Street frontage	10m	Side and rear boundary (other than below)	6m	No – proposed setbacks to neighbouring properties (side boundary), less than 20m.	The proposed development meets the road setback and side/rear setbacks but not the prescribed setback to adjoining allotments. The following matters are relevant to the assessment against the Performance Outcome: <ul style="list-style-type: none">The proposed development is logically sited at the upper portions of the site to avoid remnant vegetation and slope at the lower portions.
Setback	Min distance (m)								
Street frontage	10m								
Side and rear boundary (other than below)	6m								

Rural Zone Code			
Performance outcomes	Acceptable Solution		Compliance With Performance Outcomes
<p>(3) Allow for access and landscaping around the building; and</p> <p>(4) Contribute to the natural landscape character of the precinct.</p> <p><i>Note – where setbacks are required in this code or other codes and higher numerical standard prevails.</i></p>	<p>Side and rear boundary (where involving tourism activities)</p> <p>20m</p> <p><i>Note – Where setbacks are required in this code or other codes, the higher numerical standard prevails.</i></p>		<ul style="list-style-type: none"> The cabins have been combined into 7 buildings (including the existing house) and are spread across the rear boundaries of 6 to 7 properties. The majority of the proposed cabins are at least 20m from the adjoining boundary and are all orientated away from the common boundary limiting the potential for overlooking and amenity impacts. Landscaping has been proposed to supplement existing retained vegetation and contribute to the landscape character
<p>PO2</p> <p>Development is of a height that:</p> <p>(1) is low-rise;</p> <p>(2) does not detract from the amenity or privacy of adjoining premises; and</p> <p>(3) does not exceed the predominant height of the vegetation canopy on the site.</p>	<p>AO2</p> <p>Development does not exceed 2 storeys and a maximum height of 8.5m.</p>	Yes	
Table 6.2.17.3.4			
<p>PO1</p> <p>Built form:</p> <p>(1) Is small scale;</p> <p>(2) Minimises modifications to the natural landform;</p> <p>(3) Maximises the retention of vegetation; and</p>	<p>AO1</p> <p>No Acceptable Outcome is prescribed.</p>	Not Applicable	<p>The Performance Outcome requires built form to be small scale and it is considered that individually the buildings proposed as detached, single storey with a maximum GFA of 100m² are small scale.</p>

Rural Zone Code			
Performance outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Performance Outcomes
(4) Is designed to integrate with the natural character of the zone through the use of complementary materials and colours.			The proposed development otherwise meets the performance outcome by minimising earthworks, maximising retention of remnant vegetation and use of complementary materials and colours.
PO2 Development maintains and protects important views to significant landscape features, such as ridgelines.	AO2 Development: (1) protects the views from public places of significant landscapes features; (2) avoids building on a ridgeline; and (3) does not obstruct the views to a ridgeline from a road (refer to Figure 1).	No. The proposed built form is on a ridgeline	The combination of siting of the buildings, retention of vegetation and distance to nearby public spaces ensures that the proposed development is unlikely to be viewed as an interruption of the landscape feature.
PO3 Development other than rural or low density residential activities does not detract from the amenity and privacy of nearby land in a residential zone.	AO3 Where involving development other than rural or low density residential activities, and adjoining land in a residential zone: (1) buildings are setback at least 5 metres from any common boundary; (2) development provides buffer landscaping with a minimum width of 2 metres or solid fencing 1.8m high along any common boundary; and	No. The proposed development is within 5 metres of a common boundary.	The outcomes south by PO3 are addressed in the earlier response to PO1 of Table 6.2.17.3.4

Rural Zone Code			
Performance outcomes	Acceptable Solution	Compliance with Acceptable Solution	Compliance With Performance Outcomes
	<p>(3) development screens or obscures any window 1.8 metres above ground level that has a direct view of land in a residential zone.</p> <p>(4) does not detract from the amenity (in terms of noise, odour and visual amenity) and privacy of adjoining premises.</p>		
<p>PO4</p> <p>Development involving a use other than a low density residential activity:</p> <p>(1) Is located and designed to complement the regionally significant natural landscape and environmental setting of the precinct;</p> <p>(2) Is of a small scale and low intensity to protect the natural landscape values of the precinct; and</p> <p>(3) Maintains or enhances vegetation cover of the site.</p>	<p>A04</p> <p>No Acceptable Outcome is prescribed.</p>	Not Applicable	<p>The location and design of the proposed cabins means that they are unlikely to be visible from public vantage points and so the regional natural landscape and environmental setting is protected.</p> <p>On face value the proposed 10 cabins (in addition to the approved bed and breakfast) are unlikely to fall within a broad definition of small scale. The cabins are nevertheless considered within the scale and intensity anticipated to be consistent by the planning scheme for Nature Based Tourism. There is no clearing of remnant vegetation proposed, and enhancement with landscape planting such that the landscape values of the precinct and vegetation cover of the site will be protected/maintained.</p>

The applicant has provided sectional plans of the development identifying the overall height of the proposed cabins in context with the boundary fence at the western perimeter of the property. These plans are shown below (refer to Figures 16-20). In addition it is noted that some of the properties bordering the site along the western boundary have vegetation and fencing along their eastern boundaries that would likely obscure views to the east.

There is also significant vegetation within the property that is interspersed between the locations for the proposed cabins (refer to Figure 21) that would add to the obstruction of views to the east.

It is considered that this aspect as well as the positioning (downslope) and low profile of the proposed cabins (see below) satisfies the requirements of the Overall Outcomes for the Rural Escarpment Precinct.

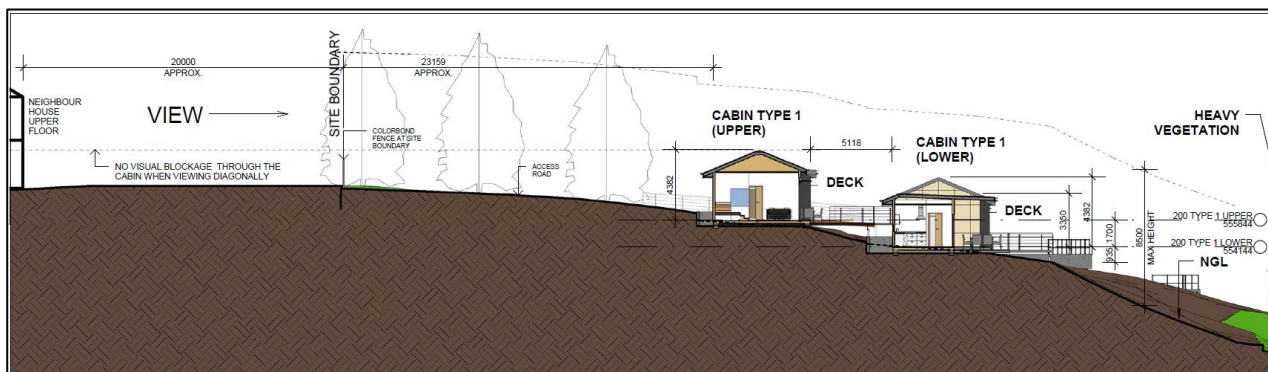


Figure 16 Cabin Type 1 sectional view

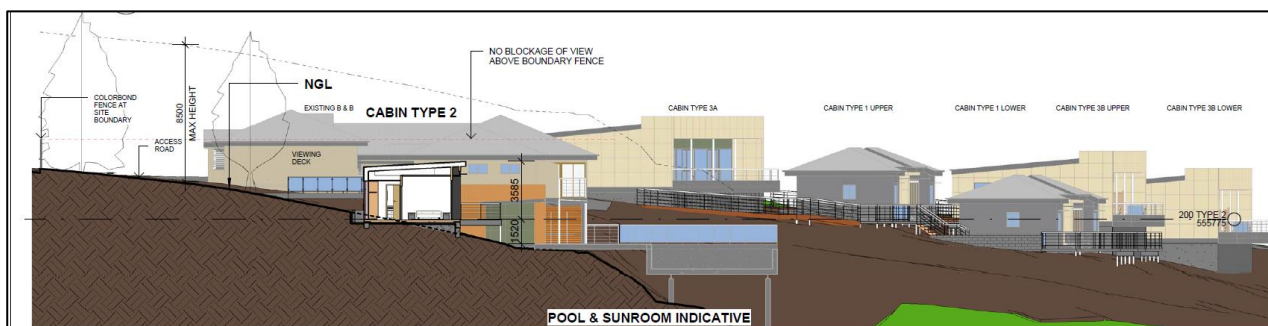


Figure 17 Cabin Type 2 sectional view

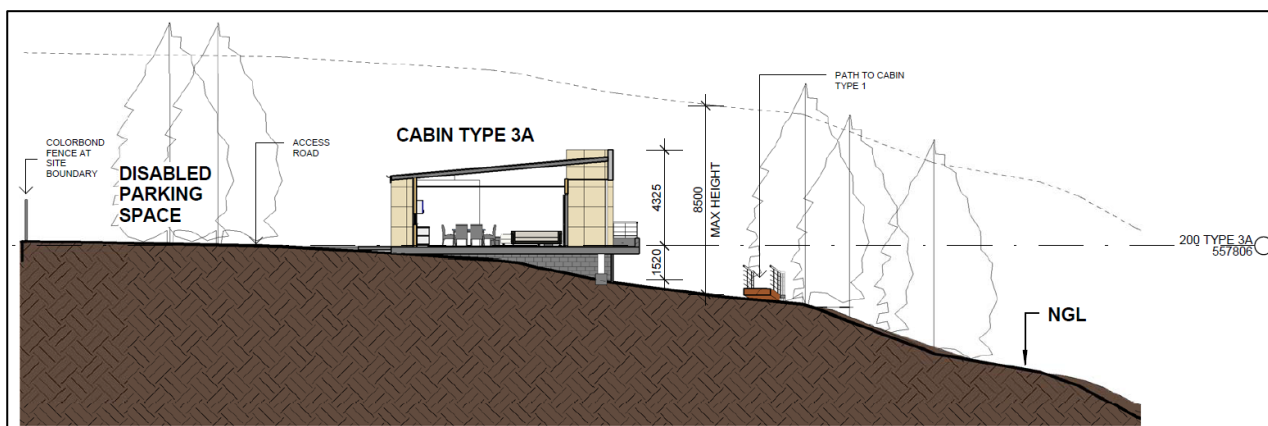


Figure 18 Cabin Type 3A sectional view

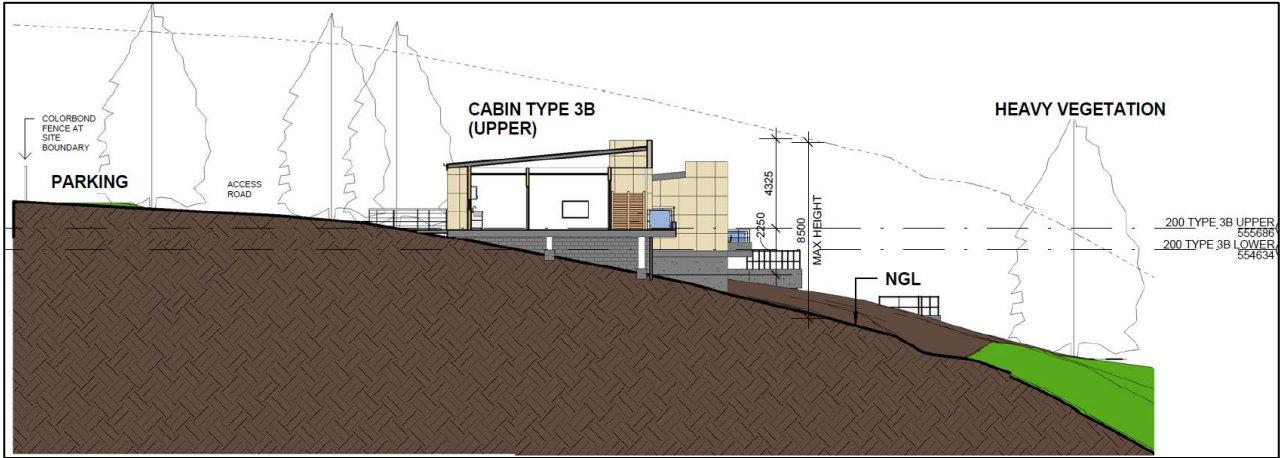


Figure 19 Cabin Type 3B sectional view - Upper

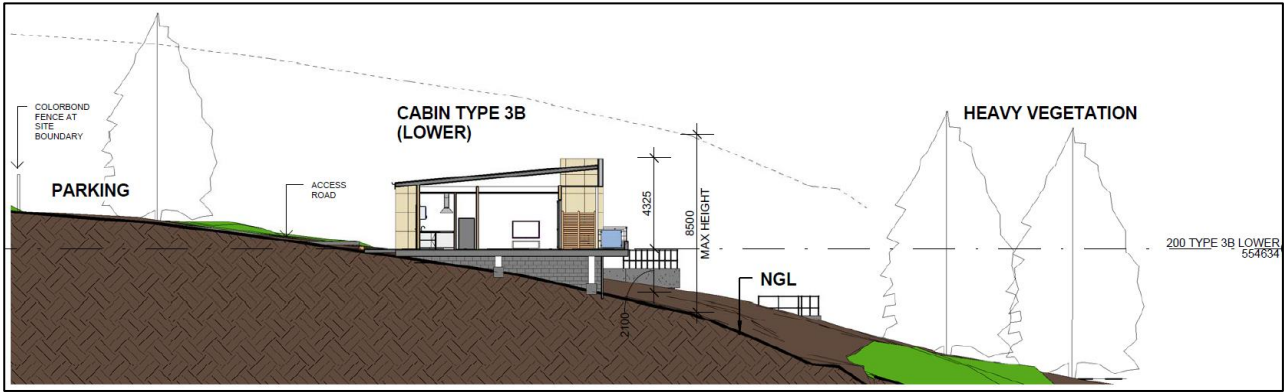


Figure 20 Cabin Type 3B sectional view - Lower



Figure 21 Aerial view of vegetation adjacent and with the site

Overlays

The following overlay codes are triggered for assessment in relation to the proposed development:

- *Agricultural Land Overlay Code*
- *Airport Environs and Defence Land Overlay Code*
- *Bushfire Hazard Overlay Code*
- *Environmental Significance Overlay Code*
- *Landslide and Steep Slopes Overlay Code*

Code	Discussion
Agricultural Land Overlay Code	A small corner of the premises is located within the Agricultural Land Overlay. As this area is predominantly over the existing driveway and the proposed development is outside the overlay, no further assessment is warranted.
Airport Environs and Defence Land Overlay Code	<p>A small section of the site is located within the Defence Land Buffer Area. The code seeks that uses do not restrict defence operations or increase the number of people living in the buffer. The proposed use does not involve permanent occupation and is not one of the uses listed as needing to be avoided in the buffer. It is considered that there is compliance with the overlay code.</p> <p>In addition to the above, the application was referred to the Australian Defence Force during the public notification period, with no submission received.</p>

Bushfire Hazard Overlay Code	The north eastern portions of the site are identified in the potential impact buffer under the Bushfire Hazard Overlay Code. The overlay seeks to protect people and property from the hazard. The applicant submitted a bushfire management plan with the application and where conditioned to comply with that plan, it is considered that there is compliance with the overlay code is achieved.
Environmental Significance Overlay Code	<p>The entire premises is included within Overlay 4 B (Local Biodiversity) and 4F (Vegetation Management Area), with lower sections of the site included in other sub-sections of the overlay (e.g. Biodiversity and Priority Species)</p> <p>The Overlay Code encourages development in existing cleared areas or otherwise maximises the retention of <i>significant trees</i> to maintain and protect the visual amenity of the local area.</p> <p>As outlined elsewhere in this report, new development is located in previously cleared parts of the site, with limited impact to matters of environmental significance or the visual amenity of the area as a whole.</p> <p>The proposed development is not subject to any other matters of Environmental Significance and is considered to comply with the Environmental Significance Overlay Code.</p>
Landslide and Steep Slopes Overlay Code	The lower and steeper portions of the premises are mapped Steep Slope and Landslide Hazard areas. As described elsewhere in this report the issue has been the subject of a geotechnical report lodged by the applicant and further advice letter issued by Council. Peer review

Use Code

The purpose of the Tourism Use Code is to ensure that development is appropriately designed to:

- "(a) meet visitor needs;*
- (b) protect environmental and landscape values;*
- (c) protect the amenity of surrounding premises; and*
- (d) avoid land use conflicts."*

The purpose of the code is achieved through the following applicable overall outcomes of the code:

- "(a) Tourism activities:*
- ...*
- (iv) provide a high level of amenity and integrate visually with the surrounding built and natural environment;*
- (v) are of a scale and intensity that is compatible with the preferred character identified in the relevant zone code and predominant use of the local area;*
- ...*
- (vii) do not adversely impact on the amenity of rural and residential areas or the viable operation of Rural activities; and*
- (viii) where undertaken in the Rural Zone, are subordinate to rural activities conducted on the site."*

Performance Outcome AO5 of the Code of states:

Tourist Accommodation Sites:

- (1) Are developed at an intensity and scale that retain the predominant natural character and amenity of the site and surrounding area;*
- (2) Are designed to complement the environmental or landscaped setting of the site and surrounding area;*
- (3) Are screened from public areas to reduce the visual impact of the bulk and density of buildings; and*
- (4) Do not adversely impact on the privacy and amenity of the surrounding area.*

The proposed development seeks to promote opportunity to showcase the surrounding natural landscape character of the region. As described elsewhere, the proposed development is considered to be at the upper end of, but consistent with the scale and intensity intended for the precinct.

The cabins have been positioned in a way that reduces impacts on the environmental and landscaped setting and are predominantly screened from adjoining uses and public areas.

Other Development Codes

The following codes which regulate infrastructure provision, impacts, controls and design are applicable to this application:

- *Earthworks, Construction and Water Quality Code*
- *General Development Provisions Code*
- *Landscaping Code*
- *Parking and Access Code*

The application has been assessed against each of the above applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Parking and Access Code	<p>The applicant has identified that Table 9.4.5.3.3 – Car and Service Vehicle Parking does not stipulate a specific parking requirement for a Nature Based Tourism use associated specifically with Tourist Cabins, though places limits to total use area. Rather there is reliance on the Tourism Uses Code, notably the Performance Outcome PO10, which requires that:</p> <p><i>“Development provides:</i> <i>(1) that all vehicles associated with the use can be parked on the site; and</i> <i>(2) 1 car parking space per tourist accommodation site.</i></p> <p>Whilst the original parking layout achieved this out with PO1, it was still considered insufficient in catering to the demand of the development. The applicant has since provided a revised car parking layout (see Attachment 4) in response to these concerns raised by officers.</p>

	<p>The overall development (including approved B&B) now provides:</p> <ul style="list-style-type: none"> • 11 standard spaces associated with the cabins (including one for external presenters); • One (1) PWD spaces associated with cabin Type 3A (PWD cabin); • One (1) SRV space; • Two (2) standard spaces associated with the approved B&B; and • One (1) PWD space associated with the approved B&B. <p>Parking is available to the owners / onsite managers within the existing garage onsite.</p> <p>The carparking layout and access arrangements are considered sufficient to support the development.</p>
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Advertising

The applicant has submitted a written notice stating that public notice of the proposal has been completed in accordance with the requirements of the *Planning Act 2016*.

Public Notification

The application was publicly notified for 15 business days between 14 July 2021 to 29 July 2021 in accordance with the requirements of the *Planning Act 2016*. The application attracted a high level of public interest, with a total of 202 properly made submissions being received. Fourteen submissions were not properly made.

Of the submissions, all objected to the proposal except for two in support.

The following table provides a description of the matters raised in submissions received about the application, together with a statement of how those matters were dealt with in reaching a decision.

Key Issue / Concern	Response
<p><u>Conflict with Planning Scheme</u></p> <p>Significant concern of over-development of the site (with existing BnB activities), not consistent with 'low-intensity/small-scale' provisions and intent under the planning scheme and applicable zoning of the site and surrounding zoning.</p> <p>No demonstrated need for the proposed development or its intensity in this location.</p> <p>Concerns were raised that this application is reflective of a series of over-development within the local area that have already significantly impacted the character, liveability, ambiance, and scenic amenity of Tamborine Mountain.</p>	<p>In accordance with Table 6.2.17.2.2 of the Rural zone code, nature-based tourist accommodation is a potentially consistent use. As described elsewhere, the proposed development is considered to be at the upper end of, but consistent with the scale and intensity intended for the precinct.</p> <p>The proposed cabins are low-rise being limited to 1 storey and are set back from the property boundary so that they are not visible or have limited visibility from the street due to the lot shape and topography. The proposal has been designed and located to be setback from the property boundaries, orientated to the east, so that there is no overlooking or overshadowing from the proposal on adjoining properties and is centrally located on a landscaped site so as to complement the natural landscape setting of the zone.</p>

Key Issue / Concern	Response
<p>Support from a Brisbane resident raised there are few accommodation venues in the Tamborine Mountain area.</p>	<p>The proposed development does not impact on the long term agricultural production of the subject site or adjoining sites in the Rural zone.</p> <p>Reasonable and relevant conditions have been imposed to manage any potential impacts of the proposal, requiring onsite landscaping.</p>
<p><u>Traffic</u></p> <p>Concerns were raised that the proposal would result in a significant increase in traffic activity to and from the site at varying times of the day/night. Concerns regarding the suitability of the existing road infrastructure..</p>	<p>A condition has been imposed to upgrade Young Street in recognition of the likely impacts to the road during the wet season, being the peak time of the year for use of the proposed development.</p> <p>Advice from Department of Transport and Main Roads was sought in relation to traffic impacts is the southern access from Wilson Road to Young Street. DTMR advised that no update to the intersection was required at this time.</p>
<p><u>Amenity</u></p> <p>Concerns were raised around the proposed intensity and closeness to neighbouring residents resulting in substantial impacts to the local amenity including noise pollution, visual impacts, air pollution and compromised security. In particular, concerns around non-compliant setbacks being proposed, suggest that residential privacy and noise amenity will be significantly impacted.</p>	<p>The proposed development is sighted on the site to minimise vegetation removal, to orientate the accommodation to face away from adjoining residences to the west, to be low-rise and single storey, buffered by vegetation.</p> <p>Where the setbacks do not achieve the 20m, it is limited to a small portion of the cabins which are within the setback requirements. The Cabins are setback from the boundary further than the existing dwelling house. Given the cabins are limited in height to before 8.5m and one storey, they are not considered to result in overlooking, overshadowing or any reverse amenity impacts.</p> <p>Where lighting is proposed, it is limited in nature and will be conditioned to comply with Australian Standards.</p> <p>The driveway is conditioned to be sealed, to reduce noise and dust impacts.</p>
<p><u>Infrastructure</u></p> <p>Concerns were raised regarding existing, semi-rural, local infrastructure not envisioning such an intensity of uses and not having the capacity to appropriately service the local area should the application be approved.</p> <p>Particular concerns relate to sewerage treatment, water supply and quality, and vehicle movement associated with the proposal, resulting in substantially degraded existing infrastructure in the local area.</p>	<p>The proposal will be required to ensure the property is appropriately serviced in accordance with Council standards. Any necessary upgrades to existing infrastructure will be undertaken at the cost of the applicant and will be required prior to commencement of use.</p> <p>A condition has been imposed requiring appropriate infrastructure be provided to support the development.</p>

Key Issue / Concern	Response
<p><u>Environment / Ecology</u></p> <p>Concerns were raised regarding the required earthworks and clearing associated with the proposal, significantly impacting the escarpment topography and increasing landslide and bushfire risks to surrounding properties.</p> <p>Concerns regarding waterway quality were raised with further concerns relating to the local fauna and flora being emphasised, with regard to noise pollution, light pollution and loss in native vegetation causing further displacement of protected species such as Koalas and Glossy Black Cockatoos. Rehabilitation work is suggested in degraded areas, to protect and maintain the scenic amenity, environment and character values inherent to the local area.</p>	<p>The proposal seeks to establish the cabins within developed areas of the site, so as to limit any impact on the escarpment and surrounding environment.</p> <p>An Ecological Assessment report, prepared by Everyday Engineers, Planners and Surveyors was provided with the application and details that the proposed cabins are to be located in areas devoid of any vegetation or species of significance.</p> <p>The applicant has provided a Geotechnical Report prepared by Protest Engineering and dated 23 May 2022. The report provided an assessment of the cabins as a whole to demonstrate compliance with the Landslide Hazard and Steep Slope Overlay Code.</p> <p>A condition requiring the proposal be constructed in accordance with the recommendations of the Ecological Assessment and Geotechnical report is recommended.</p>
<p><u>Non-compliance with existing use/s</u></p> <p>Concerns were raised regarding significant non-compliance with existing, approved uses over the site. Concerns relate to a pattern of non-compliance resulting to likelihood of future approvals not being upheld to Council and local resident standards.</p>	<p>Council's compliance and audit team are responsible for ensuring development operations comply with land use approvals across Scenic Rim.</p> <p>This is not a consideration for a new development application.</p>

Further concerns raised by submitters

Council has continued to receive public submission outside the public notification period in relation to the proposed development. Whilst these submission do not constitute a 'properly made submission' and therefore are not common material to the development application, the assessment manager may still provide consideration to the matters raised.

The below table provides summary of the valid concerns raised by submitters.

<p><u>Wastewater assessment</u></p> <p>Equivalent person (EP) calculations</p>	<p>The amended Wastewater Report has been peer reviewed by Council's appointed expert, where it has been considered against the relevant Standards and Industry Guidelines.</p> <p>The irrigation rates and proposed areas comply with the relevant guidelines and Standards, however the generation rates would appear to be conservative in the opinion of Council's expert.</p>
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	<p>To address these concerns in relation to the potential for excess generation of effluent or insufficient Irrigation area, an Emergency Treated Effluent Storage Tank equivalent to 48 hours generation rate will be conditioned. This is considered satisfactory where it could be expected that the occupancy rate is regularly reached by the development.</p> <p>Additionally, a condition has been included to require an Annual Inspection and Maintenance Report on the Onsite Wastewater Treatment Plant and Irrigation Areas be submitted to Council, to ensure the installation remains compliant to the design.</p>
<u>Geotechnical assessment</u>	<p>The applicant has submitted a further Slope Stability Report in response to concerns raised within Council's peer review. The revised report has been further reviewed by Council's appointed expert to determine whether the new report is satisfactory.</p> <p>The updated report now includes additional borehole information which is considered to be sufficient to adequately carry out the geotechnical investigation and slope stability assessment for the proposed cabins. The updated report also includes a MASW Seismic Survey to supplement the additional borehole information. This additional borehole information and information from the results of the MASW Seismic Survey indicates that basalt rock was typically encountered at a depth of approximately 4m to 5m with the exception of borehole BH12 which encountered the basalt rock at a depth of 7.28m. The boreholes also indicated that the natural clay soils above the basalt rock were of residual origin.</p> <p>From this additional information, the updated report now provides definitive foundation recommendations including foundation types, foundation materials and foundation depths/sockets as well as lateral capacity of the piles.</p> <p>The report also includes detailed assessments of the individual cabins (some cabins grouped where appropriate) and provides a Landslide Susceptibility Rating in accordance with an acceptable method of assessment.</p> <p>On this basis, the slope stability assessment component of the update Protest Engineering report for the proposed cabins is assessed to be adequate.</p> <p>The recommendations of the applicant's report will be conditioned.</p>
<u>Light, noise and odour nuisance</u>	<p>The proposal to develop a nature based tourism use on the land has been considered on the basis of noise, air quality and lighting amenity constraints.</p> <p>The proposal is not a use that is likely to generate high levels of noise and will fit within the existing ambient noise environment of the surrounding residential area.</p>

	<p>The imposition of limitations on hours of use (to be conditioned) and onsite management will suitably mitigate noise such that surrounding residential uses do not experience unacceptable noise amenity impacts.</p> <p>The provision of fencing adjacent the carparking areas will assist as acting as noise barriers and visual screens.</p> <p>Air quality impacts relate primarily to potential cooking odours from the kitchen, odour from putrescible waste storage and odour from the package sewage treatment plant and effluent disposal area.</p> <p>Cooking odours is unlikely to be any greater than a domestic use, and the separation distances to off-site sensitive uses are significantly greater than the normal requirement of at least 6 metres.</p> <p>The storage of putrescible waste shall be in lidded bins, housed in an undercover, roofed, area and collected on at least every 7 days.</p> <p>In terms of the on-site wastewater treatment, the solution has been deemed satisfactory and will include additional conditions to require an Annual Inspection and Maintenance Report on the Onsite Wastewater Treatment Plant and Irrigation Areas be submitted to Council, to ensure the installation remains compliant to the design.</p> <p>Lighting can be readily designed, installed and operated to meet amenity spill and glare requirements of AS4282 which protects the amenity of surrounding areas.</p> <p>Headlighting glare can be readily managed with fences and landscaping.</p> <p>Rear facing windows have been raised as a concern for light spill. This would be considered minimal, and would only be observable from the overlooking of adjoining residences.</p>
<u>Visual impact</u>	<p>Given the attributes of the subject site, neighbouring properties, and the proposed development (already discussed), impacts on the visual amenity of neighbouring properties would be limited.</p> <p>Typically, for a development of the scale proposed, such impacts would present as impacts on privacy (from overlooking) or impacts on outlook.</p> <p>Regarding potential impacts on privacy, all of the proposed buildings will be a substantial distance from neighbouring houses (separated by at least 25 metres) and any visual connection between the proposed buildings and neighbouring houses will be partially screened by existing or proposed vegetation. Overlooking by visitors accessing the proposed carparks would be restricted by boundary fencing and again by existing or proposed vegetation.</p>

	<p>The potential for overlooking is limited to nil, given the topography of the land, and is less than would be reasonably anticipated from any residential development in this area.</p> <p>Regarding potential impacts on outlook, the proposed built form would have minimal obstruction to any existing views from neighbouring properties (perpendicular outlook from natural ground level of adjoining properties), noting:</p> <ul style="list-style-type: none"> • the downward slope and single storey built form; and • to the extent that there would be some obstruction of views, the extent of obstruction would not be any worse than might occur from residential development on the subject site. <p>Due to the existing topography of the area and siting of neighbouring residences, the adjoining properties currently result in overlook to the subject property. It is therefore considered reasonable that built form would be observable for some neighbours from some viewpoints within their properties.</p>
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Matters in favour of approval Vs. refusal

The decision-maker under s60(3) of the Act is required to carry out an assessment against the assessment benchmarks in the relevant planning scheme and can take into account any other relevant matter under s45(5)(b). Compliance with the planning scheme is accorded the weight that is appropriate in the particular circumstances by virtue of it being the reflection of the public interest (and the extent of any non-compliance is also weighted according to the circumstances), in order to be considered and balanced by the decision-maker with any other relevant factors.

The decision-maker may balance a number of factors to which consideration is permitted under s45(5) of the Act in making the decision under s60(3) of the Act where the factors in favour of approval have to be balanced with the factors in favour of refusal of the application. The weight given to each of the factors is a matter for the decision-maker in the circumstances.

The planning scheme needs to be read as a whole, in a way which is practical and as intending to achieve a balance between outcomes.

The extent of non-compliance with the planning scheme is summarised as whether the proposed development is 'small scale' and 'low intensity' as anticipated for Nature Based Tourism in the Rural Escarpment Protection Precinct of the Rural Zone.

In light of the above, an assessment is required about the consequences of those non-compliances and a determination made whether there are relevant matters that favour approval. This is discussed below.

The non-compliance is not clear cut in this instance because while on face value it is unlikely to fall within a broad definition of small scale, it is within the scale (up to 10 Tourist Accommodation Sites) identified as being 'potentially consistent' in the precinct. Relevant to the scale and intensity of the proposed development is the anticipation under the planning scheme of up to 4 tourist accommodation sites via code assessment on a site greater than 2ha, with each site anticipated (under the definition) of accommodating up to eight persons. The maximum persons anticipated via code assessment is therefore 32 persons. It is also relevant that the scheme anticipates up to 10 sites as being 'potentially consistent' with the precinct.

In this context, the 10 cabins proposed are at the upper end of the scale and intensity anticipated to be consistent by the planning scheme. Mitigating the number of cabins is the size of the property (4.36ha), the number of buildings (six in addition to the existing house) the density (accommodation for up to 24 persons), and the context of the site. The proposed buildings will not be visible from Young Street, are setback front the escarpment such that they are unlikely to be visible and have been deliberately located to avoid loss of mature vegetation.

The consequences of the scale in this case are considered limited to visual, acoustic and traffic impacts.

In relation to visual impacts, it is noted that:

- Nature-based tourism is a use which is anticipated in the zone and precinct;
- The built form does not exceed the height limit for the Rural Zone and are limited to 1 storey
- The location of the built form is centrally located and setback from Young Street. Furthermore, the location of the site at the end of a cul-de-sac with limited frontage to the street means there are few opportunities for the built form to be viewed from any publicly accessible areas;
- Some of the proposed built form will be at a level lower than the existing driveway and fences/vegetation on the common boundary with adjoining residences; and
- The built form has been broken into different component parts and is further softened by landscaping between the road and the building.

In summary, the proposed development is not expected to result in unacceptable visual impacts on the character of the area.

As detailed in the applicant's Traffic Report and discussed herein, it is recommended a condition be included regarding the upgrade of Young Street to facilitate the proposed development. The extent of traffic associated with the proposed use is considered acceptable given the context of the site and upgrades proposed.

The planning scheme anticipates Nature-based tourism that facilitate diversification of or are ancillary/subordinate to a rural activity. A good example of such activities are wineries/cellar doors that represent the addition of a tourism use to an existing rural enterprise. The applicant has stated that the proposed development is in associated with the existing rural use of the property for fruit trees (being a mix of Lychee Trees, Logan Trees, and Citrus Trees). The proposed use will not facilitate diversification of the rural industry generally. It represents a tourism use which takes advantage of the use of the site for fruit trees and the existing tourism attractions of Mt Tamborine.

In saying this, the land on which the development is proposed is likely too small and constrained (due to the slope) to make a meaningful contribution to the rural production at Mt Tamborine. In other words, there is unlikely to be any consequence of the loss of this land to rural production.

It is also relevant in the context of the above discussion that there is an existing approval for a Function Facility and Home Based Business being Bed and Breakfast Accommodation. While each application should be assessed on its merits, it is relevant that an alternate use may be developed on the property without further approval. It consists of a function facility and 3 bed and breakfast rooms within the existing residential dwelling.

Summary and Recommendation

In summary of the above, there are identified non-compliances with the relevant assessment benchmarks, however these non-compliances will (in the author's opinion) have little to no consequence on the surrounding area. In addition, the following relevant matters have been identified:

1. There is an existing approval for a function facility and bed and breakfast accommodation over the land.
2. The loss of rural land is unlikely to make a meaningful impact to the supply of rural land or rural production generally at Mt Tamborine or elsewhere in the shire.
3. The proposed development is unlikely to cause any unacceptable amenity or traffic impacts and can be conditioned to ensure traffic impacts are minimised through road upgrades.
4. No adverse town planning consequences would arise from the identified non-compliance with the assessment benchmarks.

On balance, it is concluded that the application can be approved, subject to conditions.

Budget / Financial Implications

Any appeal to the Planning and Environment Court by the applicant or properly made submitter will result in financial implications not envisaged or captured as part of the application fee.

Strategic Implications

Operational Plan

Theme: 4. Relaxed Living and Rural Lifestyle

Key Area of Focus: Advocacy for outcomes that are compatible with the clear and comprehensive vision for the region

Legal / Statutory Implications

Legal and statutory implications will be managed in line with Council's Risk Management framework and a separate report submitted if required.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.
- SR50 Failure to manage Environmental Sustainability (including climate change) through inappropriate and/or inadequate planning and operational considerations of impacts to the natural environment.

Risk Summary

Category	Explanation
Governance, Risk & Compliance Failure to ensure application is assessed in accordance with the DA Process	Risk has been appropriately managed through a documented assessment process, in accordance with the requirements of the Planning Act 2016.
Environmental Impacts on the environment as a result of development activity	Environmental impacts have been appropriately considered in accordance with the relevant assessment benchmarks, and conditioned accordingly.
Governance, Risk & Compliance Opportunity for applicant or third-party appeal against Council decision	Ensure reasonable and relevant test applicable to assessment processes. Council ensure Model Litigant processes followed in court cases.
Reputation, Community & Civic Leadership Negative perception from community or development proponents	Transparency of all common material is available to the public through Council's DAPOnline, Assessment report details considerations in relation to compliance with the relevant assessment benchmarks.

Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

Consultation*Public Notification*

The development application was publicly notified by the applicant for a period of 15 business days in accordance with the requirements of the *Planning Act 2016*. Two hundred and two submissions were received with 200 objecting to the proposal. Details of the issues raised, and Council's response, are provided in the report.

Conclusion

The proposed development has demonstrated compliance with the relevant Codes of the Planning Scheme and proposes a development outcome that is generally consistent with the intent of the relevant zoning and strategic framework applying to the site. On balance, it is concluded that the application can be approved, subject to conditions.

OptionsOption 1

That:

1. Council receive and note the report titled "Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain Lot 96 on WD1000";
2. Council note the attached assessment for development application MCU22/121 (Attachment 1) will be determined by delegated authority, following a Council resolution to approve development application MCU20/077;
3. Council approve development application MCU20/077, and grant a development permit for Material change of use, subject to the conditions contained in Appendix A; and
4. Council note that any subsequent requests for a negotiated decision notice and/or change applications to the approval (MCU20/077) will be processed via delegated authority where the changes would not significantly alter the original decision.

Option 2

That:

1. Council receive and note the report titled "Development Application MCU20/077 for a Development Permit for a Material Change of Use - Tourism Activities (Nature-based Tourism - 10 tourist accommodation sites), at 36 Young Street, Tamborine Mountain Lot 96 on WD1000";
2. Council not approve development application MCU20/077, for reasons presented.

MCU22/077 – Minor Change to Development Permit for Material Change of Use for Bed & Breakfast (Tourist Use) & Food Establishment/Reception Centre at 36 Young Street, Tamborine Mountain Lot 96 WD1000**BACKGROUND**

Council is in receipt of an application for a Minor Change to a Development Permit for Material Change of Use for Bed & Breakfast (Tourist Use) & Food Establishment/Reception Centre at 36 Young Street, Tamborine Mountain Lot 96 WD1000. The application has been lodged and is being assessed concurrently with an application (Council Ref: MCU20/077) for a Material Change of Use for Nature Based Tourism (10 Tourist Cabins).

The purpose of this report is to undertake a third-party assessment of the application, due the nature of the proposal and the level of community interest of the aforementioned application for Nature Based Tourism.

Original Development Application (MCBd16/087)

On 24 April 2017, Council approved a development application for a development permit for a Material Change of Use for Bed and Breakfast and Food Establishment/Reception Centre (Council reference MCBd16/087) over land at 36 Young Street, Tamborine Mountain. More formally described as Lot 96 on WD1000.

The approval enabled the use of the existing dwelling house for the purpose of Bed and Breakfast accommodation and Reception Centre. All uses were accommodated in the existing house on the premises. The bed and breakfast included the use of 3 bedrooms, being two (2) bedrooms on the ground floor and one (1) on the first floor. Each room contains a private ensuite.

The Reception Centre was limited in terms of hours (8am to 10pm) and capacity (maximum 40 persons per day, 4 times per week). The food premises was limited to serving the Reception Centre and bed and breakfast only. Fourteen car parking spaces were required to be provided on site in addition to one Single Rigid Vehicle (SRV).

Relevant conditions in relation to the operation of the approval include (summarised in parts):

- **Condition 1 Use in Accordance with the Application – Material Change of use –**
 - o Development being undertaken generally in accordance with the revised Plans referenced in the table below and received by Council on 31 March 2017 and accompanying documentation except insofar as it is modified by the conditions of the 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	Darren Namour	Namour_001 version A	28 August 2016
Floor Plan - Ground Floor	Darren Namour	Namour_003 version A	28 August 2016
Floor Plan - Upper Floor	Darren Namour	Namour_004 version A	28 August 2016
Wastewater Disposal and Surface Spray Irrigation	Darren Namour	Namour_008 version A	29 March 2017
Parking Plan	Darren Namour	Namour_002 version A	28 August 2016
Parking Areas Detailed	Darren Namour	Namour_007 version A	15 March 2017

- **Condition 3 Reception Venue –**
 - o The reception venue is to accommodate a maximum of 40 people per day, four (4) times a week only so that the effluent design capacity of the wastewater system is not exceeded as designed.
- **Condition 4 House –**
 - o The development does not compromise the primary use of the House as a private permanent residence.
- **Condition 5 Food Premises –**
 - o **The approved Food** Premises (Kitchen) must only be used for catering purposes for the attendees of the reception venue during the various functions and events and only to provide meals for the guests of the bed and breakfast accommodation.
- **Condition 6 Operating Hours for Reception Venue –**
 - o The approved use must not start before 8am and must not continue after 10pm on any given day.
- **Condition 11 Noise Assessment Report –**
 - o All acoustic controls identified in the Acoustic Report (the Noise Assessment Report) prepared by Acoustic Works dated 14 December 2016 must be implemented at the site. This is inclusive of the Acoustic Barrier recommended in the report (section 8.1). the barrier is to be implemented within six (6) months of the use commencing on site.
- **Condition 19 Carparking Numbers –**
 - o The applicant is to prove fourteen (14) car parking spaces in association with the approved use including one (1) Small Ridge Vehicle – SRV. 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.
- **Condition 20 Car Parking & Driveways – Concrete / Flexible Pavement –**
 - o All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS2890.1 – 2004, AS 2890.2 – 2002. The car parking areas and circulation aisles will be provided with adequate signage.

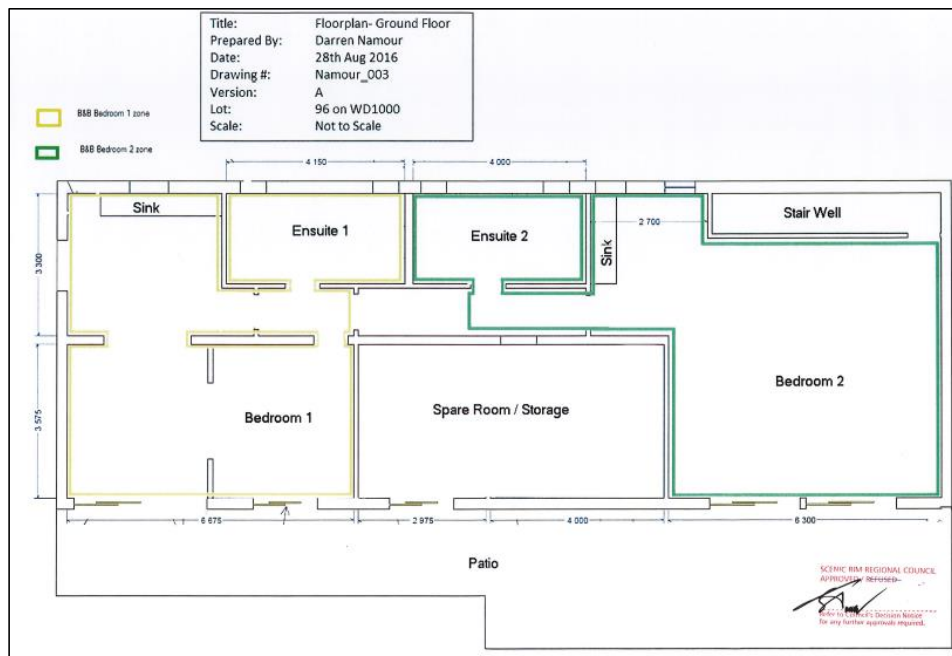
All pavements will be designed to suit the proposed vehicle loadings with the

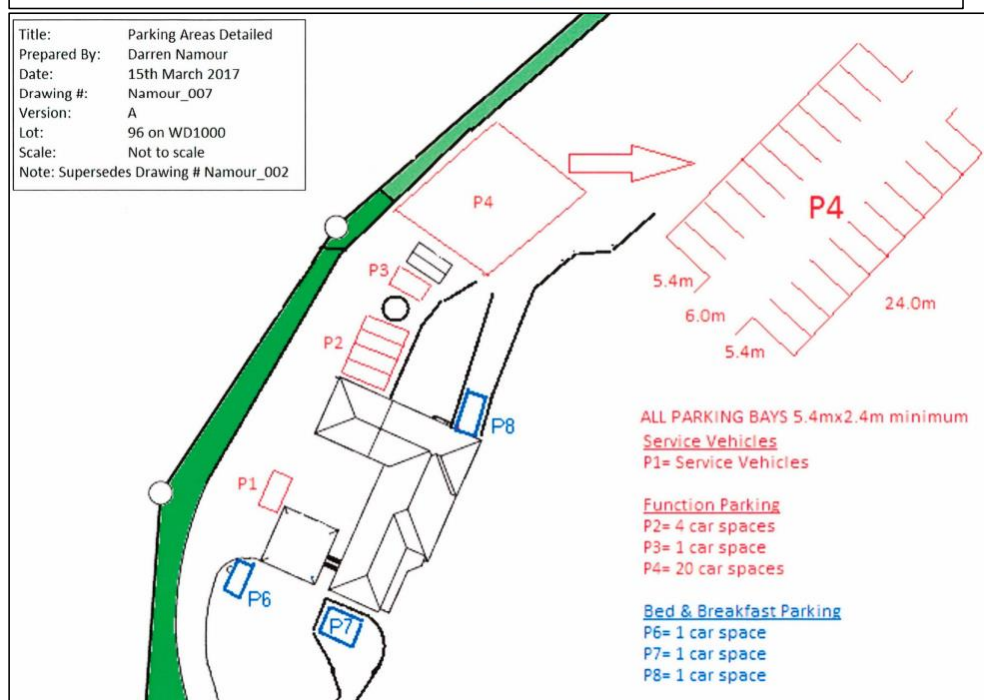
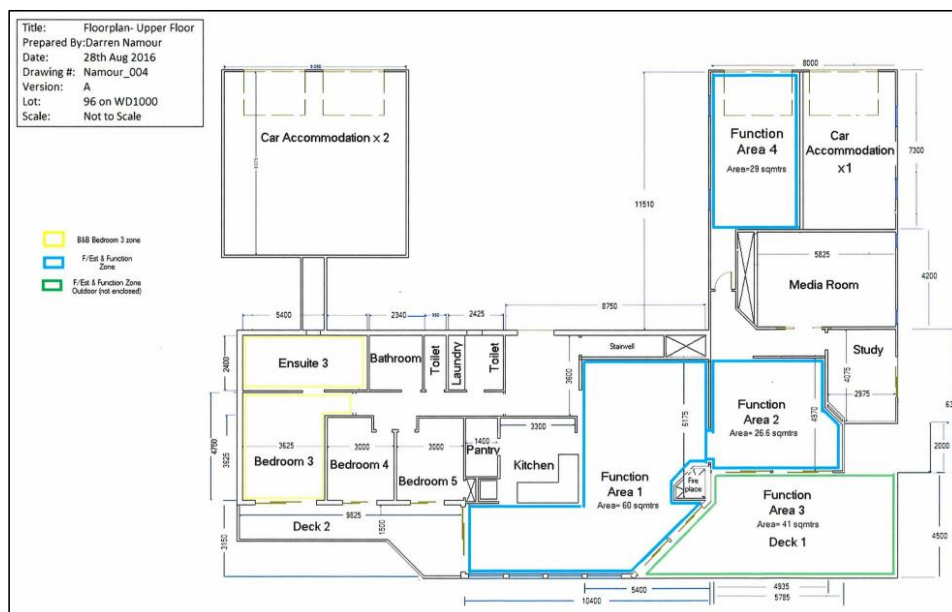
individual pavements constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with asphalt concrete surfacing. The completed works are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance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

The internal car parking layout is to be generally in accordance with the approved plan titled Parking Areas Detailed prepared by Darren Nambour with drawing number: Namour_007 version A dated 15 March 2017.

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.

Extract of Approved Plans





First Minor Change (MCU18/154)

On 5 December 2018, Council approved a minor change to the development approval. The minor change sought to rearrange the location of the upper-level Bed & Breakfast room to be on the northern side of the Reception Centre rather than the southern side. As a result of changes to the internal layout, the Reception Centre reduced in size to 77.323m². these changes resulted in changes to Condition 1, 11, 19 and 20 and the inclusion of Condition 34.

The changed conditions are detailed below (underlining added for emphasis).

- **Condition 1 Use in Accordance with the Application – Material Change of use –**
 - o Development being undertaken generally in accordance with the revised Plans referenced in the table below and received by Council on 14 November 2018 and 31 March 2017 and accompanying documentation except insofar as it is modified by the conditions of the 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	Cameron Design Logic	CDL-09.142-1	10 November 2018
Floor Plan - Ground Floor	Cameron Design Logic	CDL-09.142-1	10 November 2018
Floor Plan - Upper Floor	Cameron Design Logic	CDL-09.142-1	10 November 2018
Wastewater Disposal and Surface Spray Irrigation	Darren Namour	Namour_008 version A	29 March 2017
Parking Plan	Cameron Design Logic	CDL-09.142-3	10 November 2018

- **Condition 11 Noise Assessment Report –**
 - o All acoustic controls identified in the Acoustic Report (the Noise Assessment Report) prepared by Acoustic Works dated 14 December 2016 must be implemented at the site. This is inclusive of the Acoustic Barrier recommended in the report (section 8.1). ~~the barrier is to be implemented within six (6) months of the use commencing on site.~~ This **excludes** the Acoustic Barrier recommended in the report (section 8.1).
- **Condition 19 Carparking Numbers –**
 - o The applicant is to provide ~~fourteen (14)~~ nine (9) car parking spaces in association with the approved use including one (1) Small Ridge Vehicle – SRV and one (1) Disabled Parking - 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.
- **Condition 20 Car Parking & Driveways – Concrete / Flexible Pavement –**
 - o All car parking areas, driveways and manoeuvring areas are to be designed and constructed in accordance with AS2890.1 – 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 to area described “Sealed Carparking” area in the Parking Plan drawing number CDL-09.142-3. 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.

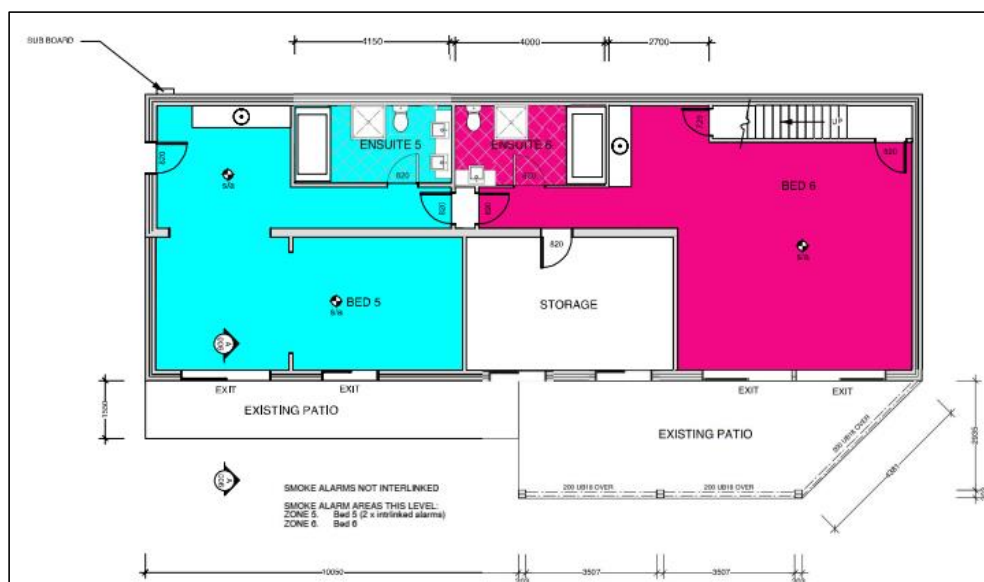
The internal car parking layout is to be generally in accordance with the approved plan titled ~~Parking Areas Detailed prepared by Darren Nambour with drawing number: Namour-007 version A dated 15 March 2017~~ Parking Plan prepared by Cameron Design Logic with drawing number CDL-09.142-3 dated 10 November 2018.

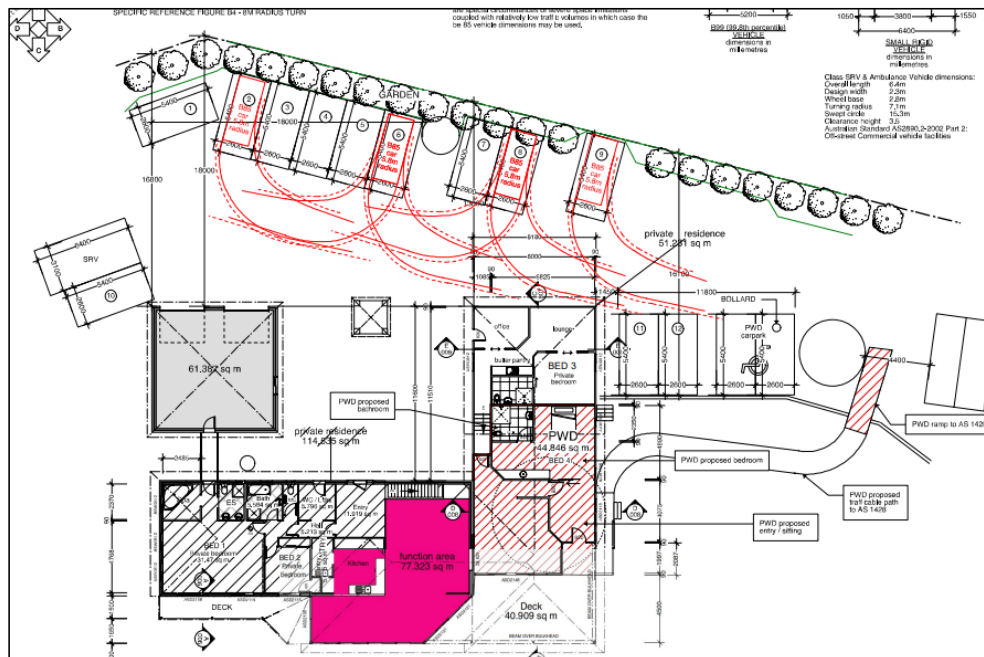
These car parking provisions must be available prior to the commencement of the use and will be undertaken generally in accordance with the approved plans. All parking and driveways areas will be maintained in good condition for the lifetime of the proposed use.

- **Condition 34 Deck –**

- o The Deck Area with 40.909m² Gross Floor Area (GFA) will be used for People with Disability (PQD) and will not be used as a Function Area.

Extract of Approved Plans





Summary of Proposed Changes

The applicant now seeks a further Minor Change to the approval. Specifically, the application seeks to remove the Reception Centre /Food Establishment use from the existing development approval.

The Bed and Breakfast component of the existing development approval which seeks to utilise three (3) of the existing bedrooms in the dwelling house for the purpose of the Bed and Breakfast is to be retained.

In making this Minor Change request, the applicant seeks to remove those conditions they say pertain to the Reception Centre /Food Establishment Use.

The table below provides a summary of the key difference between the original development approval and the current minor change, as the proposal is to be considered against the application which was originally approved and not subsequent changes.

Description of proposed changes

Aspect of Development	Approved as per MCBd16/087	Proposed as per current Minor Change
Reception Centre / Food Establishment	156.6m ²	0m ²
Bed & Breakfast	3 bedrooms	3 bedrooms
Car Parking	19 car parking spaces	3 car parking spaces
Hours of Operation (Reception Centre)	8am to 10pm	N/A

Minor Change Criteria

Minor changes are defined in the Schedule 2 of the *Planning Act 2016*. The proposed change is considered against that definition in **Table 1** below.

Table 1: Assessment Against Minor Change Criteria (Planning Act 2016, Schedule 2).

MINOR CHANGE CRITERIA	COMPLIES	RESPONSE
A minor change, for a development approval, means a change that would not –		
(i) Result in a substantially different development; or	✓	Refer to Table 2 .
If a development application for the development, including the change, were made when the change application is made would not cause –		
(A) The inclusion of prohibited development in the application; or	✓	The proposed changes, being the removal of the Food Establishment/Reception use, will not include prohibited development.
(B) Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	✓	The proposed change will not require referral to a referral agency to assess the application.
(C) Referral to extra referral agencies, other than to the chief executive; or	✓	The proposed change will not need to be referred to additional referral agencies.
(D) A referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2) other than matters the referral agency must have addressed the application against, or have had regard to, when the application was made; or	✓	The proposed change will not cause a referral agency to assess the application against new matters.
(E) Public notification if public notification was not required for the development application.	✓	The application was subject to code assessment. The proposed changes, will not trigger an impact assessable development application and as such will not require public notification where it was not previously required.

The Development Assessment Rules 2017 (Schedule 1) provide guidance material in relation to 'substantially different development'. The proposed change is assessed against these criteria in **Table 2**.

Table 2: Assessment against Development Assessment Rules 2017 (Schedule 1).

SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA	COMPLIES	RESPONSE
A change may be considered to result in a substantially different development if the proposed change:		
(a) Involves a new use; or	✓	The application seeks to remove a component of the approved use, being the removal of the Reception Centre/Food Establishment. No new or additional uses are proposed.

SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA	COMPLIES	RESPONSE
(b) Results in the application applying to a new parcel of land; or	✓	The proposed change does not apply to a new parcel of land.
(c) Dramatically changes the built form in terms of scale, bulk and appearance; or	✓	The proposal utilises the existing dwelling house and access driveway. On this basis, the appearance of the development will remain unchanged. The application seeks to remove aspects of the use which were previously approved, being the Reception Centre and Food Establishment. The proposal seek to retain the Bed and Breakfast use for 3 of the existing bedrooms.
(d) Changes the ability of the proposed development to operate as intended; or	✓	The proposed change will not impact the operation of the current use. The proposed Bed and Breakfast can continue to operate as intended. Food can still be sourced offsite for the bed and breakfast.
(e) Removes a component that is integral to the operation of the development; or	✓	The proposed change does not involve the removal of any integral components of the development. The bed and breakfast did not seek to rely on the Reception Centre so will be unaffected by its removal.
(f) Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	✓	The proposal will result in a reduction in the level of traffic accessing the site as the proposal seeks to remove the Reception Centre use and only retain the Bed and Breakfast use on the site which is comprised of 3 bedrooms. The Reception Centre was conditioned to allow a maximum 40 people per day, four (4) times a week. Removal of this component will mean that (a maximum of) 160 people per week will not access the site and instead it will be limited to the capacity of the Bed and Breakfast which comprises three bedrooms.
(g) Introduces new impacts or increase the severity of known impacts; or	✓	There are no known impacts as a result of the approved use other than potential traffic impacts and the proposed changes do not introduce new impacts.
(h) Removes an incentive or offset component that would have balanced a negative impact of the development; or	✓	The application did not include an incentive or offset component which would balance a negative impact.
(i) Impacts on infrastructure provisions.	✓	The proposed change will not result in additional impacts on infrastructure provision as the proposal seeks to remove a proposed use and therefore, the number of the people accessing and staying on the premises at any one time.

Analysis of Conditions

The changes to conditions proposed by the applicant are considered below:

Condition 1

The applicant seeks a change to condition 1 to update the approved plans to reflect the amended proposal. **This is supported.**

Condition 3

The applicant seeks removal of condition 3 as it relates to the capacity of the Reception Venue which is proposed to be removed. **This is supported.**

Condition 5

The applicant seeks removal of condition 5 as it relates to Food Premises which is proposed to be removed. **This is supported.**

Condition 6

The applicant seeks removal of condition 6 as it relates to the hours of operation of the Reception Venue which is proposed to be removed. **This is supported.**

Condition 7

The applicant seeks removal of condition 7 as it relates to air contaminants and was likely imposed due to the inclusion of Food Premises which is proposed to be removed. **This is supported.**

Condition 8

The applicant seeks removal of condition 8 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Notwithstanding the removal of the Reception Venue/Food Premises there may still be lighting (e.g. car park and security lighting) associated with the use. The requirements of the condition are not onerous and seek to protect the amenity of neighbouring properties. The proposed removal of the condition is **not supported**.

Condition 9

The applicant seeks removal of condition 9 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Notwithstanding the removal of the Reception Venue/Food Premises there may still be noise associated with the use. The requirements of the condition are not onerous and seek to protect the amenity of neighbouring properties. The proposed removal of the condition is **not supported**.

Condition 10

The applicant seeks removal of condition 10 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. A distinction can be drawn between condition 10, that includes specific noise criteria and condition 9, which includes a requirement to employ practical means to avoid noise disturbance. On this basis the proposed removal of the condition is **supported**.

Condition 11

The applicant seeks removal of condition 11 on the basis that the referenced acoustic report (and recommendations) related to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. **This is supported.**

Condition 12

The applicant seeks removal of condition 12 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Condition 12 is a standard condition relating to primarily to construction. The proposed removal of the condition is **not supported**.

Condition 13

The applicant seeks removal of condition 13 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Condition 13 is a standard condition and while it is accepted that the removal of the reception venue means there will be less contaminants present on site, the operation of any commercial venture (if poorly controlled) could lead to the release of litter to waterways. The requirements of the condition are not onerous and seek to protect the natural environment. The proposed removal of the condition is **not supported**.

Condition 14

The applicant seeks removal of condition 14 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Condition 14 is a standard condition and while it is accepted that the removal of the reception venue means there will prospect of waste being stockpiled, the operation of any commercial venture (if poorly controlled) could lead to such circumstances. The requirements of the condition are not onerous and seek to protect the natural environment and amenity of the surrounding environment. The proposed removal of the condition is **not supported**.

Condition 15

The applicant seeks removal of condition 15 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Condition 15 is a standard condition and while it is accepted that the removal of the reception venue means there will less waste generated, appropriate storage is still required. The requirements of the condition are not onerous and seek to protect the natural environment and amenity of the surrounding environment. The proposed removal of the condition is **not supported**.

Condition 16

The applicant seeks removal of condition 16 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Condition 16 is a standard condition and while it is accepted that the removal of the reception venue means there will less waste generated, appropriate removal (and frequency of removal) is still required. The requirements of the condition are not onerous and seek to protect the natural environment and amenity of the surrounding environment. The proposed removal of the condition is **not supported**.

Condition 17

The applicant seeks removal of condition 17 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. **This is supported.**

Condition 18

The applicant seeks removal of condition 18 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. **This is supported.**

Condition 19

The applicant seeks amendment of condition 19 to reflect the car parking numbers required for the bed and breakfast, having regard to the removal of the Reception Venue/Food Premises. **This is supported.**

Condition 20

The applicant seeks amendment of condition 20 to reflect the revised car parking layout required for the bed and breakfast, having regard to the removal of the Reception Venue/Food Premises. **This is supported.**

Condition 24

The applicant seeks removal of condition 24 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. Condition 24 is a standard condition relating to primarily to construction. The proposed removal of the condition is **not supported**.

Condition 31

This condition limits the clearing of native flora and significant trees unless the identified as exempt under the Beaudesert Shire Planning Scheme (under which the original application was assessed). The applicant seeks an addition of an advice note to confirm that it does not apply to the trees that form part of the Orchard on the land. The addition of the advice note is **supported**.

Condition 32

This condition limits clearing in the 'local conservation area' under the Beaudesert Shire Planning Scheme (under which the original application was assessed). The applicant submitted an extract from the planning scheme mapping which identifies that the subject site is not within the mapped 'Local Nature Conservation Area' which appears to be the closest reference. The applicant seeks deletion of the condition to avoid confusion. It is considered that retention of vegetation is secured through condition 31 and so the proposed removal of the condition is **supported**.

Condition 34

The applicant seeks removal of condition 34 on the basis that it was imposed due to the inclusion of the Reception Venue/Food Premises which is proposed to be removed. **This is supported.**

Summary and Recommendation

It is recommended that Council approve minor change and amend the conditions as follows:

- Amend Conditions 1, 19, 20 & 31
- Remove Conditions 3, 5, 6, 7, 10, 11, 17, 18, 32 & 34

Minor Change to an Existing Approval

Planning Act 2016



Officer: Mohammad Ghafoor
Telephone: 07 5540 5111
Our Reference: MCU18/154

5 December 2018

Mr Darren J Namour & Ms Julia A Namour
36 Young Street
TAMBORINE MOUNTAIN QLD 4272

Email: darren@exhale.com.au

Dear Sir/Madam

I refer to your request to make a minor change to an existing approval issued on 24 April 2017. On 5 December 2018, Council decided your requested changes.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU18/154
Street Address:	Exhale 36 Young Street TAMBORINE MOUNTAIN QLD 4272
Real Property Description:	Lot 96 WD 1000
Planning Scheme:	Beauesert Shire Planning Scheme 2007

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Minor Change to Approval - Development Permit for Material Change of Use for Bed and Breakfast (Tourist Use) & Food Establishment/Reception Centre

INFRASTRUCTURE

In accordance with Council's Adopted Infrastructure Charges Resolution which applies for Material Change of Use - Bed and Breakfast (Tourist Use), an Amended Infrastructure Charges notice will be issued.

Full details of the charges will be provided in a separate notice, to be issued to the applicant with the Decision Notice.

PO Box 25, 82 Brisbane Street
Beauesert QLD 4285

T 07 5540 5111
mail@scenicrim.qld.gov.au

ABN 45 596 234 931
www.scenicrim.qld.gov.au

CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

1. Conditions of Approval:

- a) A Development Permit is given for Material Change of Use subject to the following conditions:

Approved Plans

1. **USE IN ACCORDANCE WITH THE APPLICATION - MATERIAL CHANGE OF USE** - Development being undertaken generally in accordance with the revised Plans referenced in the table below and received by Council on 14 November 2018 and 31 March 2017 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 *Planning Act 2016* without the need for a further Development Application for a Material Change of Use.

Plan/Drawing	Prepared by	Plan/Dwg No.	Date
Site Plan	Cameron Design Logic	CDL-09.142-1	10 November 2018
Floor Plan - Ground Floor	Cameron Design Logic	CDL-09.142-1	10 November 2018
Floor Plan - Upper Floor	Cameron Design Logic	CDL-09.142-1	10 November 2018
Wastewater Disposal and Surface Spray Irrigation	Darren Namour	Namour_008 version A	29 March 2017
Parking Plan	Cameron Design Logic	CDL-09.142-3	10 November 2018

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. **RECEPTION VENUE** - The reception venue is to accommodate a maximum of 40 people per day, four (4) times a week only, so that the effluent design capacity of the wastewater system is not exceeded as designed.
4. **HOUSE** - The development does not compromise the primary use of the House as a private permanent residence.
5. **FOOD PREMISES** - The approved Food Premises (Kitchen) must only be used for catering purposes for the attendees of the reception venue during the various functions and events and only to provide meals for the guests of the bed and breakfast accommodation.
6. **OPERATING HOURS FOR RECEPTION VENUE** - The approved use must not start before 8.00am and must not continue after 10.00pm on any given day.



7. **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.
8. **LIGHT EMISSIONS** - Light sources at the premises must be positioned and shielded to prevent light spillage outside the boundaries of the premises.
9. **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.
10. **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 +10dB(A)
Night time (10:00pm-7:00am)	Background Only	Background Only

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*.

11. **NOISE ASSESSMENT REPORT**- All acoustic controls identified in the Acoustic Report (the Noise Assessment Report) prepared by Acoustic Works dated 14 December 2016 must be implemented at the site. This **excludes** the Acoustic Barrier recommended in the report (section 8.1).
12. **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.
13. **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.
14. **WASTE** - Waste is not to be stockpiled so as to cause environmental nuisance or attract flies.
15. **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.



- 16. 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.
- 17. 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.
- 18. 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.
- 19. CAR PARKING NUMBERS** - The applicant is to provide nine (9) car parking spaces in association with the approved use including one (1) Small Rigid Vehicle - SRV and one (1) Disabled Parking - 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.
- 20. 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 to area described "Sealed Carparking" area in the Parking Plan drawing number: CDL-09.142-3. 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 approved plan titled Parking Plan prepared by Cameron Design Logic with drawing number: CDL-09.142-3 dated 10 November 2018.

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 driveway areas will be maintained in good condition for the lifetime of the proposed use.

- 21. 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.



22. 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.

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

24. EARTHWORKS OPERATIONS – All earthworks associated with the approved development will be undertaken in accordance with Council's Design and Construction Manual.

25. 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.

26. 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.

27. SLOPE STABILITY – The development is to provide a Geotechnical Slope Stability Risk Assessment report on the subject property and in particular where the car parking and land application areas for wastewater disposal are proposed. The developer is responsible for the implementation of the recommendations included in the Geotechnical Slope Stability Assessment Report to be prepared in accordance with the provisions of State Planning Policy requirements.



- 28. BUSHFIRE RISK ASSESSMENT AND MITIGATION PLAN (BRAMP)** - The Applicant is to provide a Bushfire Risk Assessment of the subject property. In the event the Bushfire Risk Assessment determines the bushfire hazard risk to be greater than low, the Applicant is to submit a Bushfire Management Plan prepared in accordance with the provisions of State Planning Policy requirements.

The assessment is to be lodged as part of an application for Building and Plumbing approval prior to the commencement of the approved uses.

- 29. CAR-PARK LIGHTING & SECURITY GENERAL** - The developer shall be responsible for the provision and ongoing maintenance of adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use.

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

- 30. 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.

- 31. VEGETATION CLEARING** - The clearing of "native flora" including "significant trees" within the site is prohibited unless exempt under the *Beautesert Shire Planning Scheme 2007*.

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

- 33. SITE MAINTENANCE** - The site shall be maintained in a clean and orderly state at all times.

- 34. DECK** - The Deck Area with 40.909m² Gross Floor Area (GFA) will be used for People with Disability (PWD) and will not be used as a Function Area.



ADVISORY NOTES

The following Advisory Notes are for information purposes only and do not form conditions of approval:

- 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 5111.
- f) **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 5111.



- g) **BIOSECURITY QUEENSLAND** should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants.

- h) **COMPLIANCE WITH CONDITIONS** - The land owner/developer, is required to ensure the development and any associated conditions within the development approval are complied with prior to the commencement of the approved land use or prior to endorsement of survey plans for subdivision approvals. Failure to comply with the conditions of approval are deemed to be a breach of Section 164 the *Planning Act 2016* and as such Council may undertake formal enforcement action/s such as statute notices or prescribed infringement notices.

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.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.



OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.scenicrim.qld.gov.au, or at Council Offices.

If you have any further queries in relation to the above, please contact Development Planner on the above number.

Yours faithfully



Mark Lohmann
ACTING MANAGER PLANNING

DECISION NOTICE HISTORY

MCBd16/087 - Original Decision Notice. 24 April 2017

Encl. Appeal Right
 Amended Adopted Infrastructure Charge Notice
 Approved Plans/Documents



Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (*the appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and



- (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

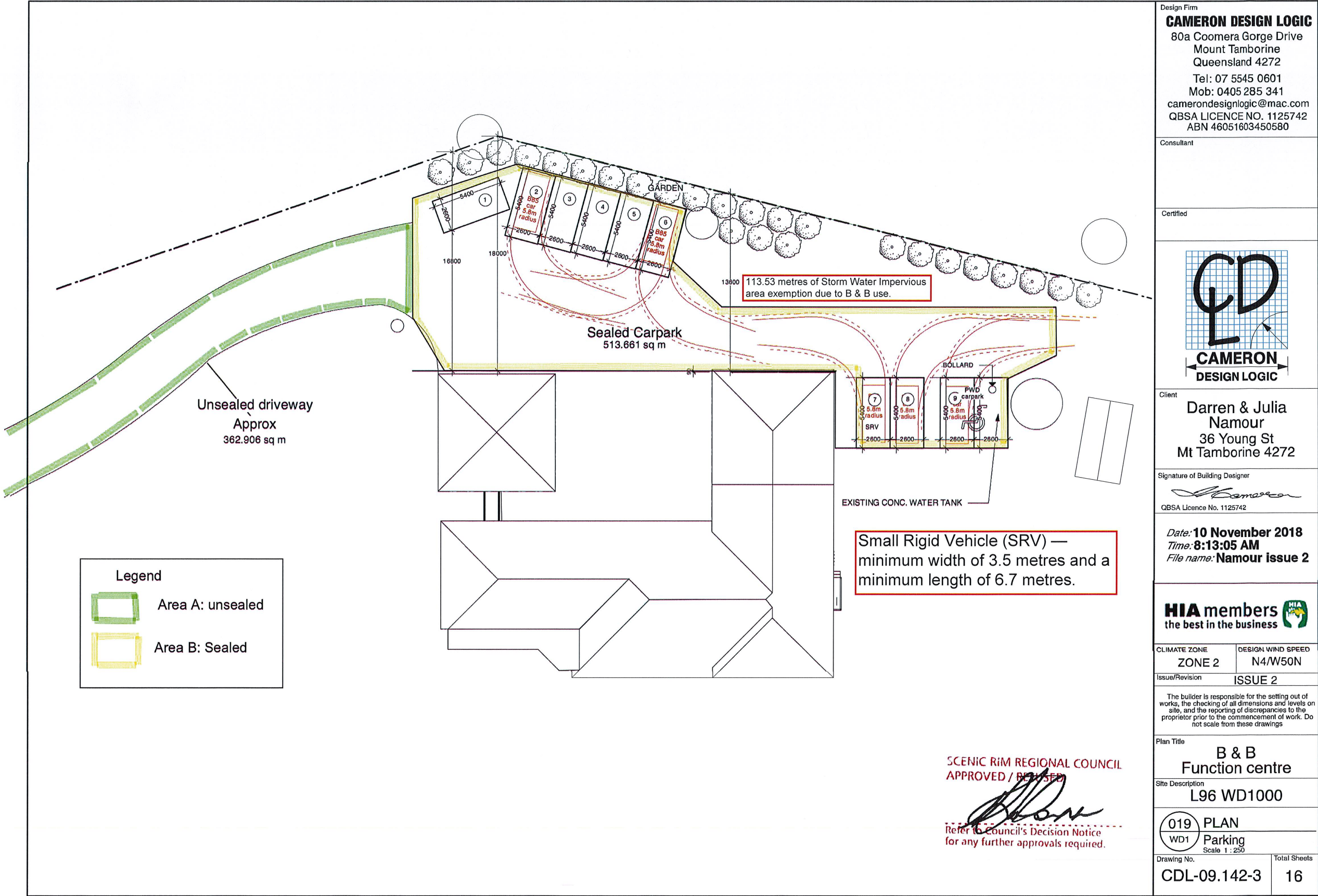
231 Other appeals

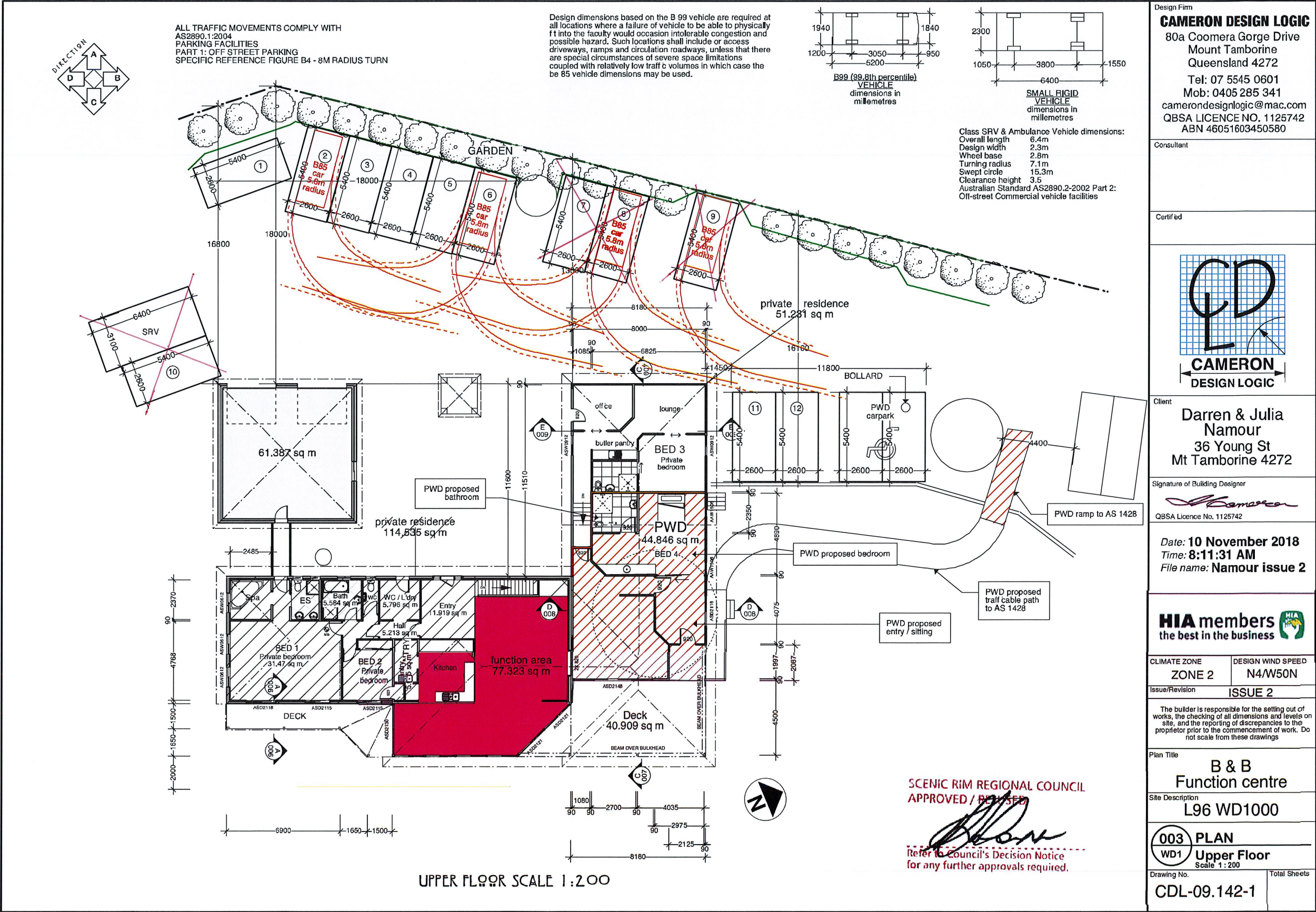
- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes–
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter–
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

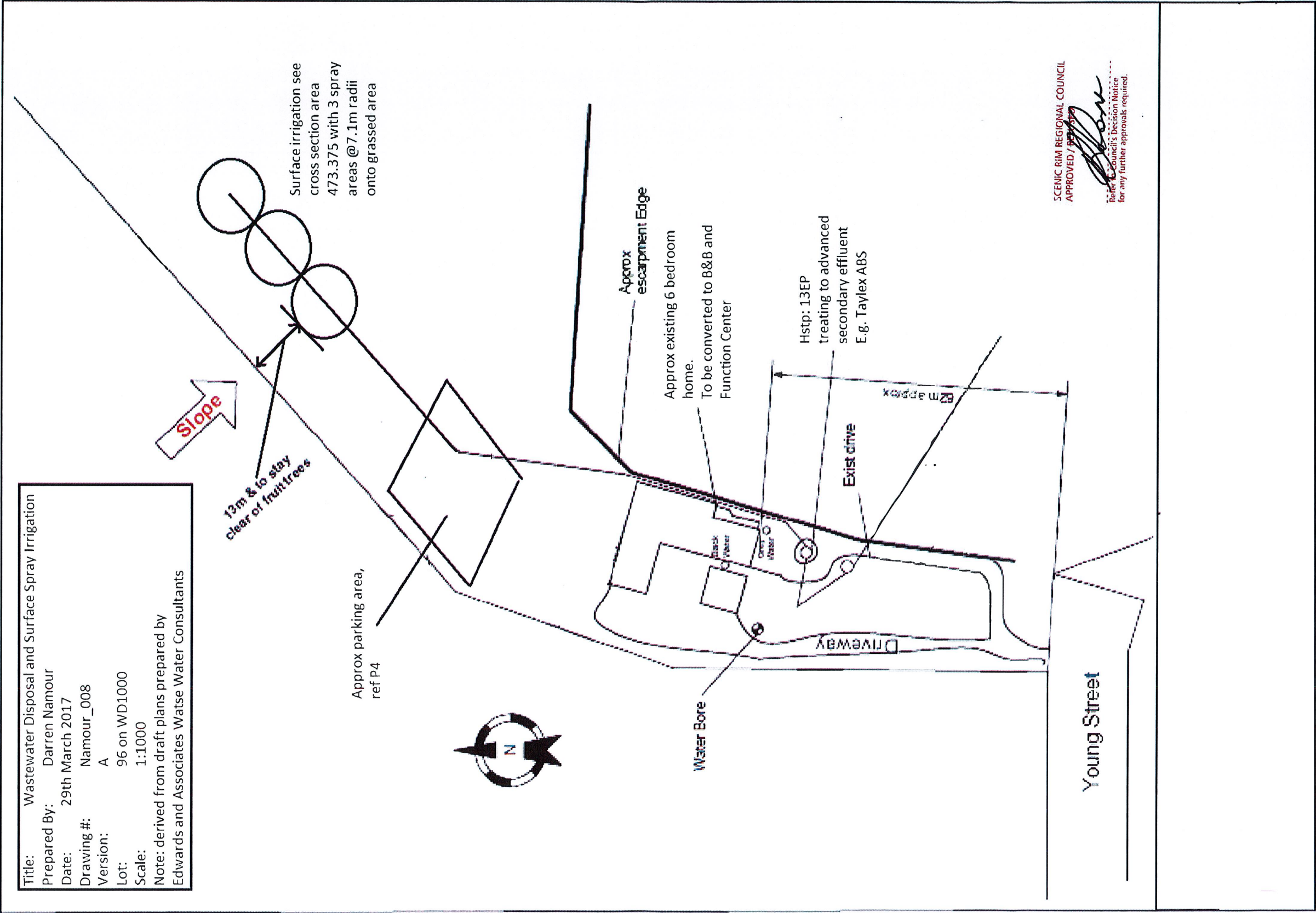
232 Rules of the P&E Court

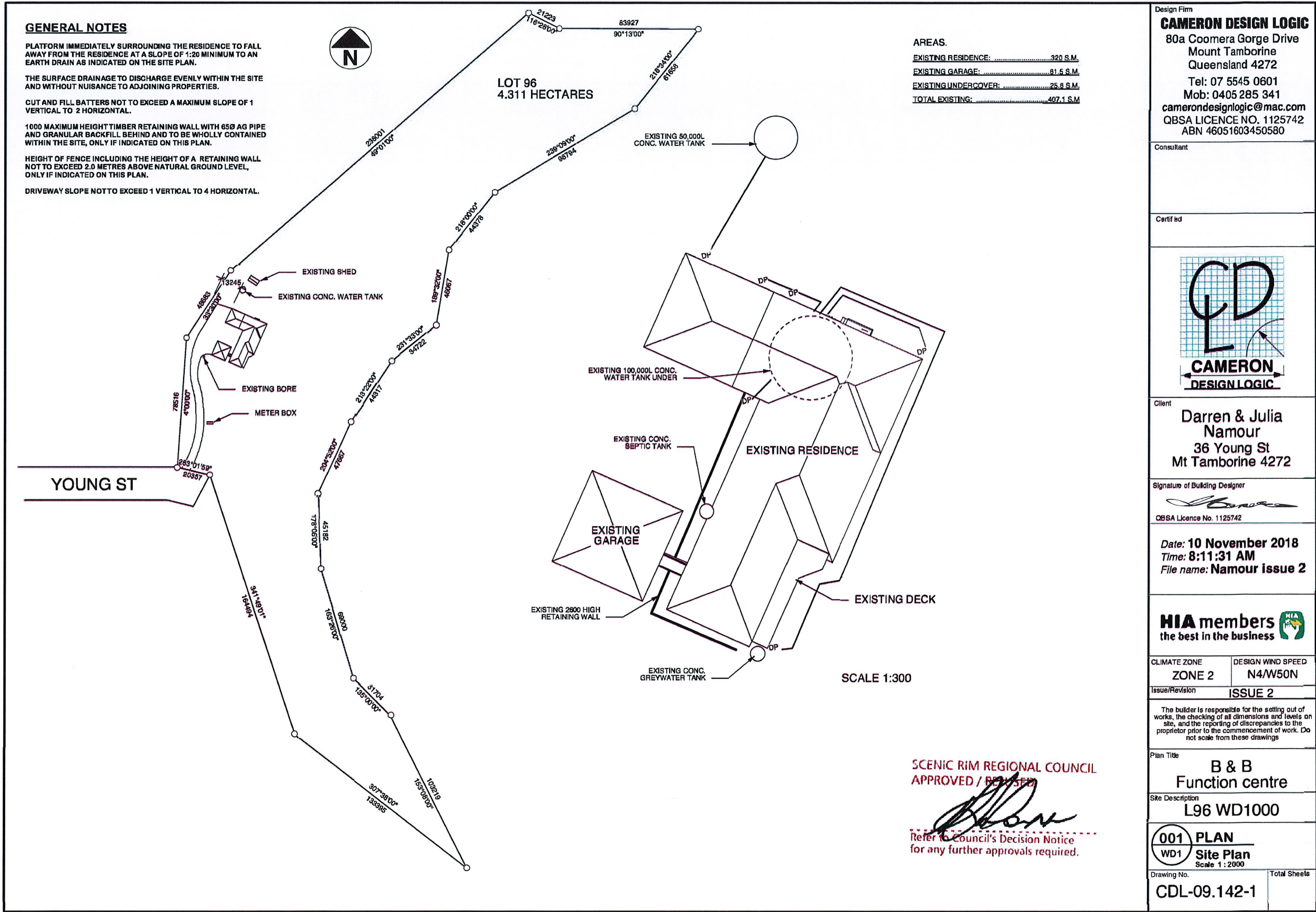
- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

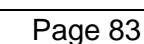






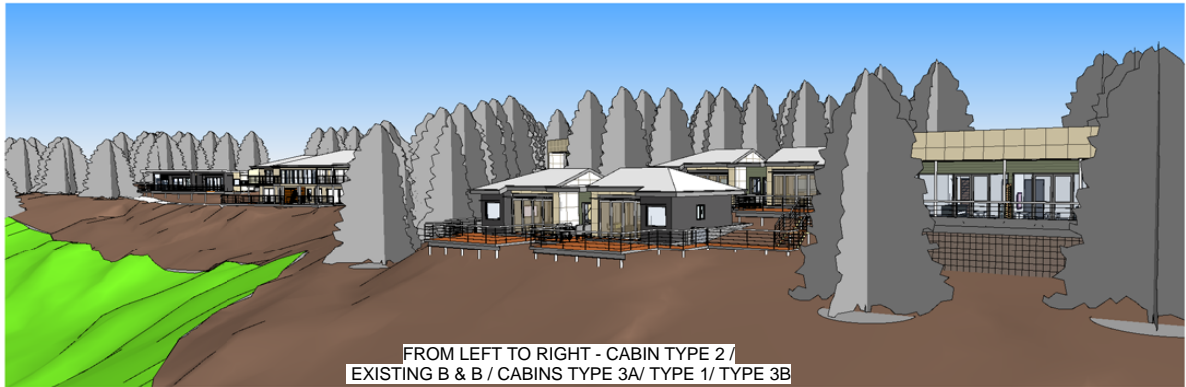
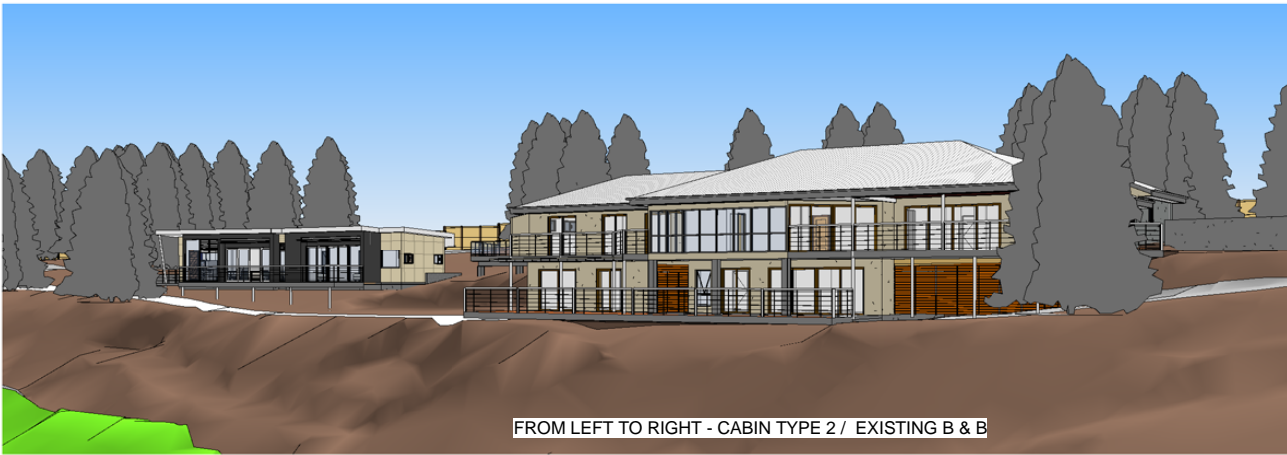
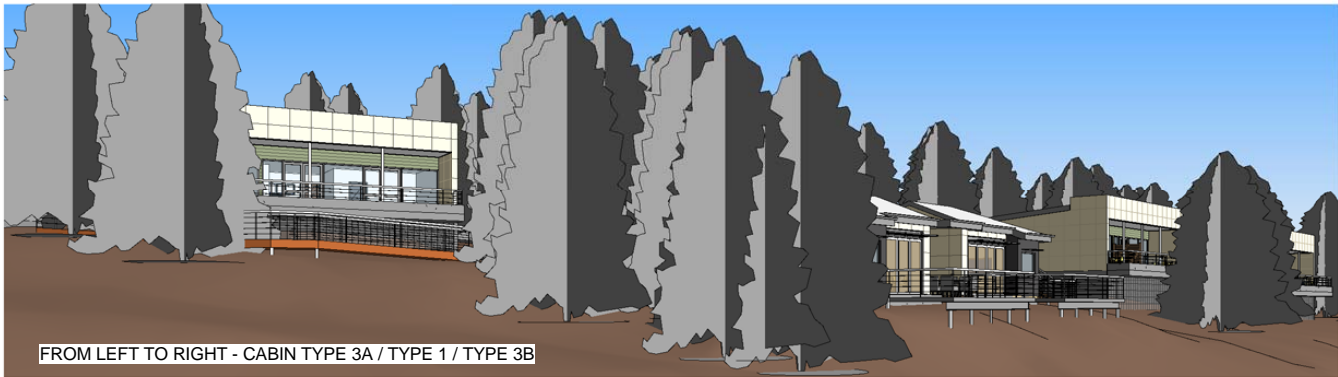








CABIN DEVELOPMENT AT 36 YOUNG STREET, TAMBORINE MOUNTAIN



NOTE: REMNANT VEGETATION AT THE EASTERN STEEP SLOPE IS NOT SHOWN IN ORDER TO SHOW BUILDING RELATIONSHIP

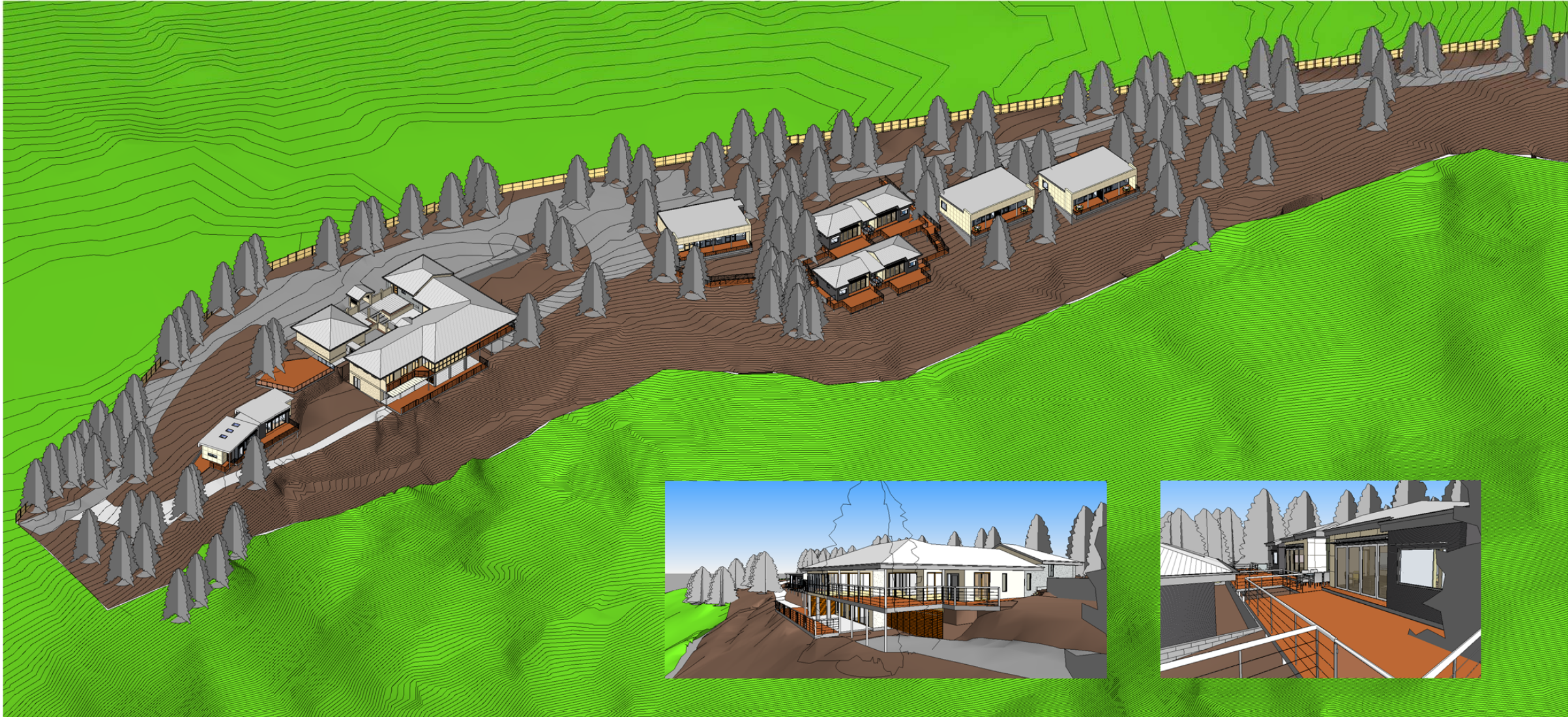
DA FURTHER INFORMATION

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			DRAWING NUMBER B10022/ DA-S-A001	DRAWN BY GL
			ISSUE 3	

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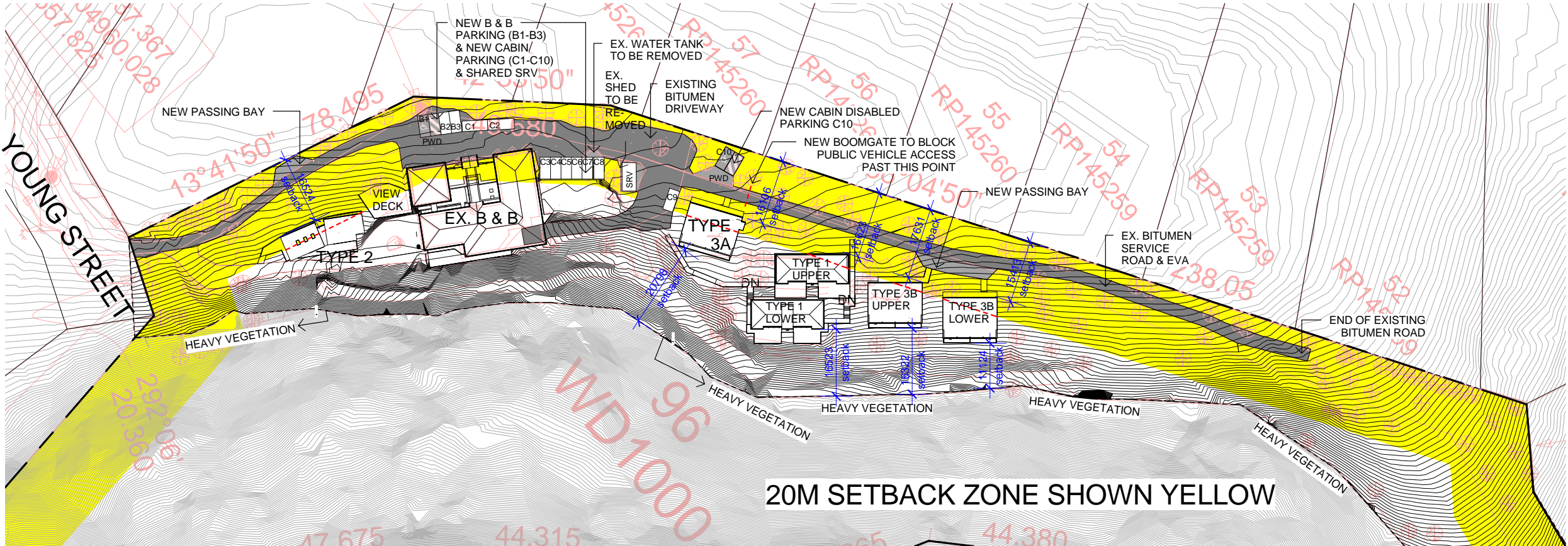


B10022 DA-S-A002 ISSUE 3 (FURTHER INFORMATION)



NOTE: REMNANT VEGETATION AT THE EASTERN STEEP SLOPE IS NOT SHOWN IN ORDER TO SHOW BUILDING RELATIONSHIP





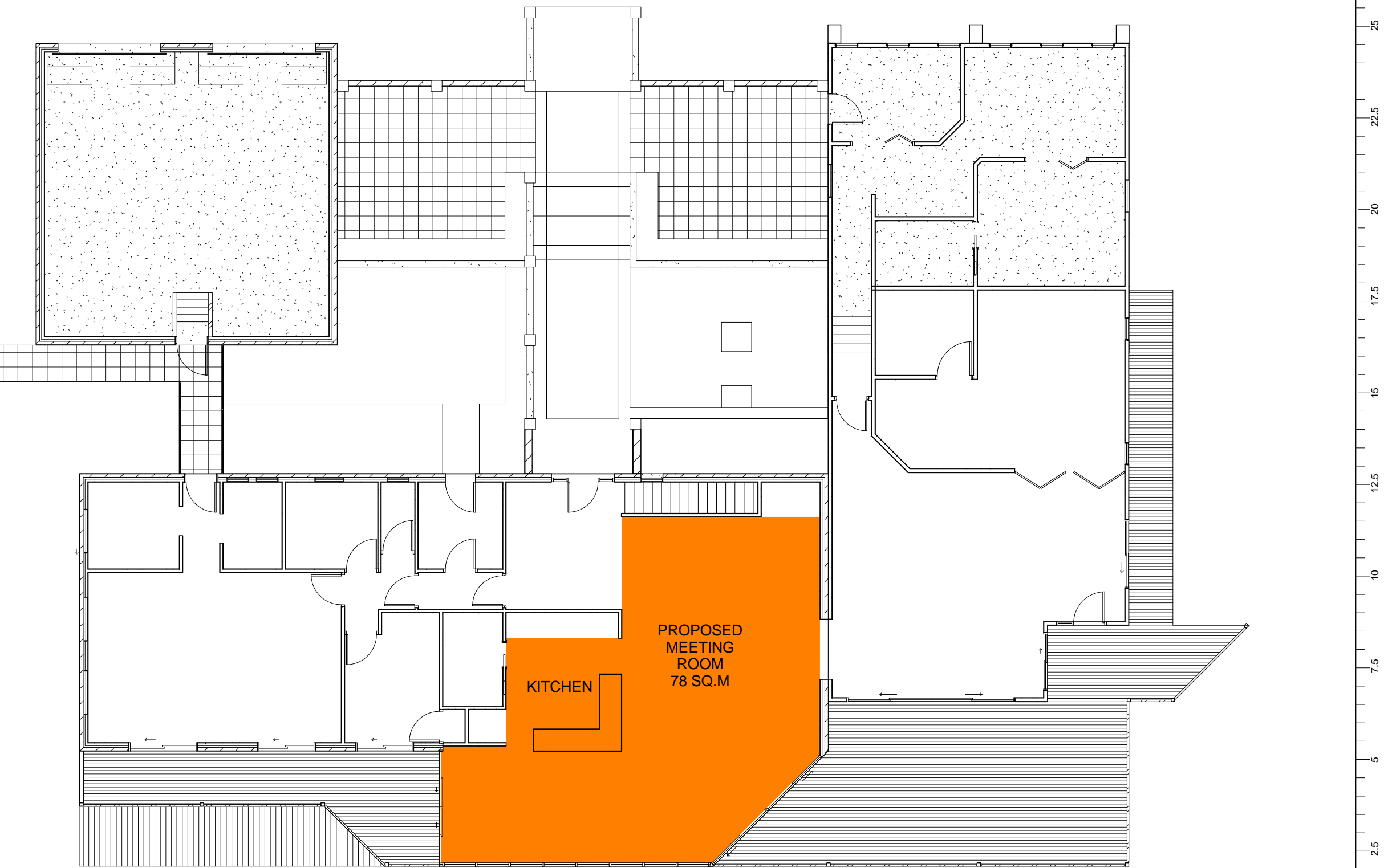
1 SITE LAYOUT PLAN
1 : 1000

20M SETBACK ZONE SHOWN YELLOW

FURTHER CABIN SETBACK INFORMATION REFER TO PLANNING REPORT/ CORRESPONDENCE

DA FURTHER INFORMATION

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			DATE 27/10/2022 11:11:44 AM	DRAWN BY GL
			DRAWING NUMBER B10022/ DA-S-A100	ISSUE 3



PROPOSED MEETING ROOM AT EXISTING B&B UPPER LEVEL
1 : 100

DA FURTHER INFORMATION



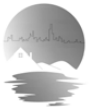
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PROJECT
CABIN DEVELOPMENT
36 YOUNG STREET, TAMBORINE
MOUNTAIN

CLIENT
EASTERN ASIA
INVESTMENT
P/L ATF



DRAWING
EXISTING B&B UPPER LEVEL
FLOOR PLAN

SCALE
1 : 100

AT
A3

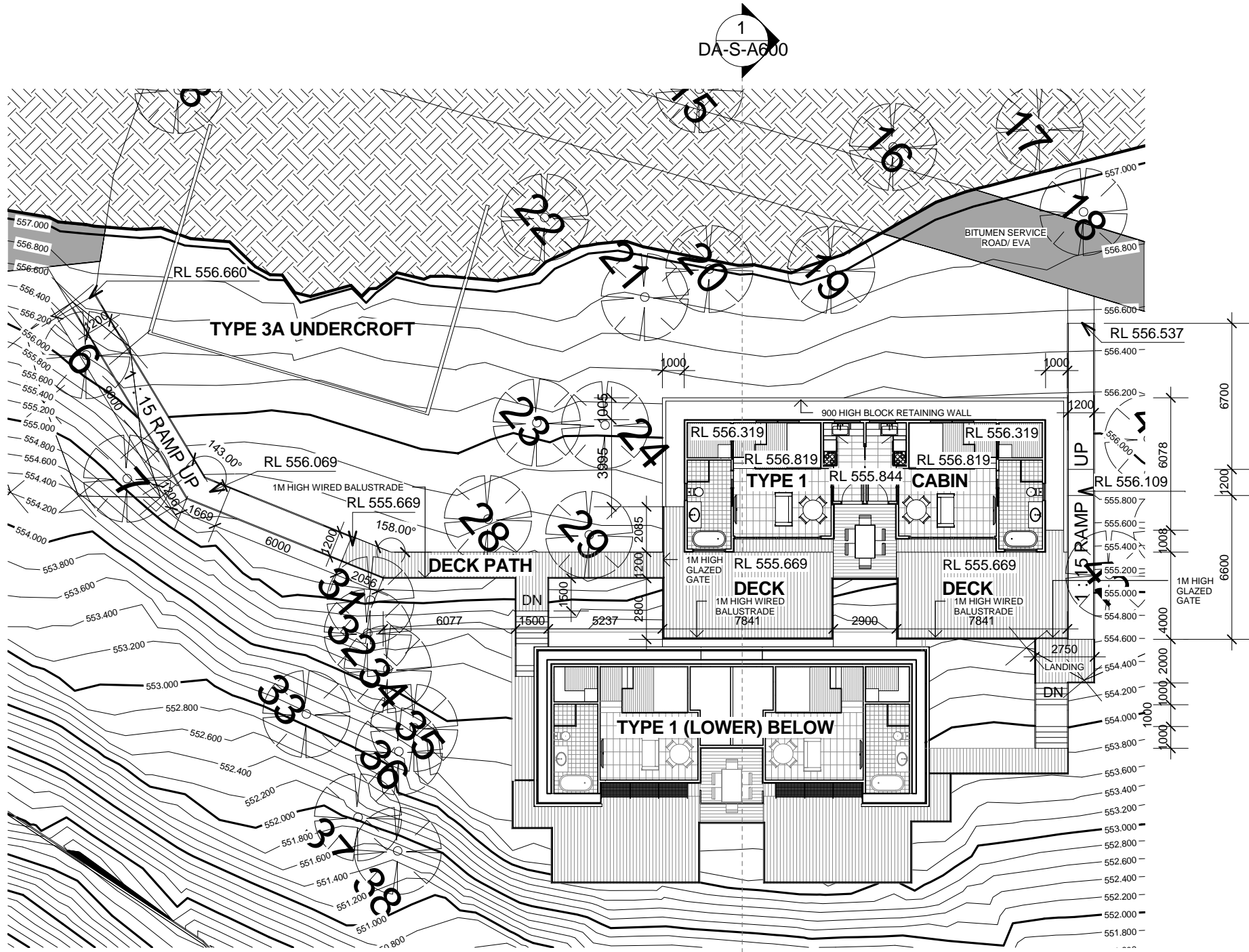
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GL

DRAWING NUMBER
B10022/ DA-B-A200

ISSUE
1

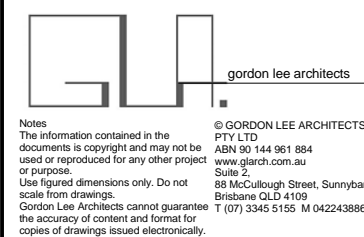
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1 CLUSTER 1 UPPER PLAN
DA-S-A600 1 : 200

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		DRAWING NUMBER B10022 / DA-C-A200	DRAWN BY GL ISSUE 3



PROJECT CABIN DEVELOPMENT 36 YOUNG STREET, TAMBORINE MOUNTAIN		DRAWING CLUSTERS 1 & 3B LOWER PLAN	
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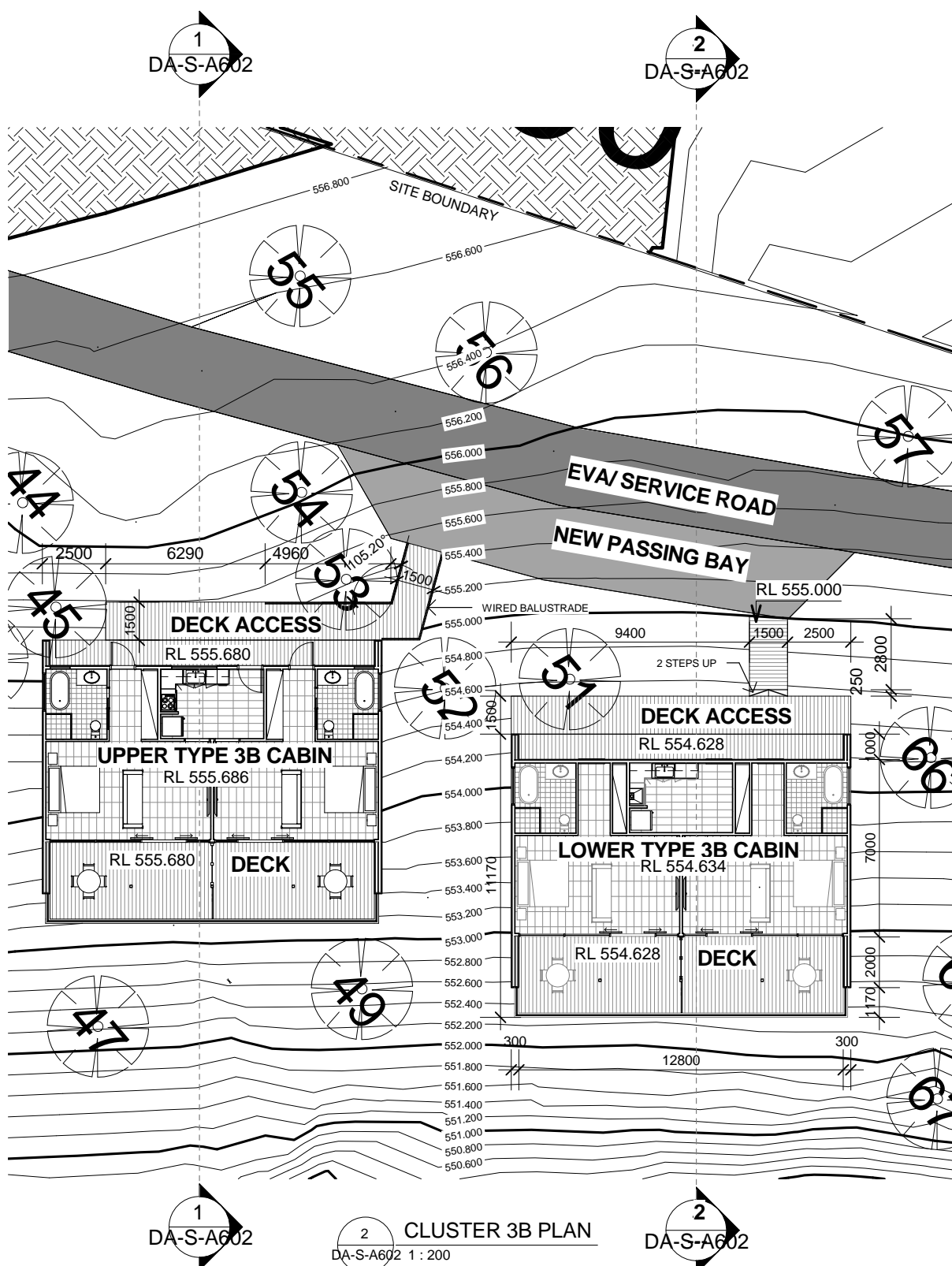


1 CLUSTER 2 PLAN
DA-S-A600 1 : 200

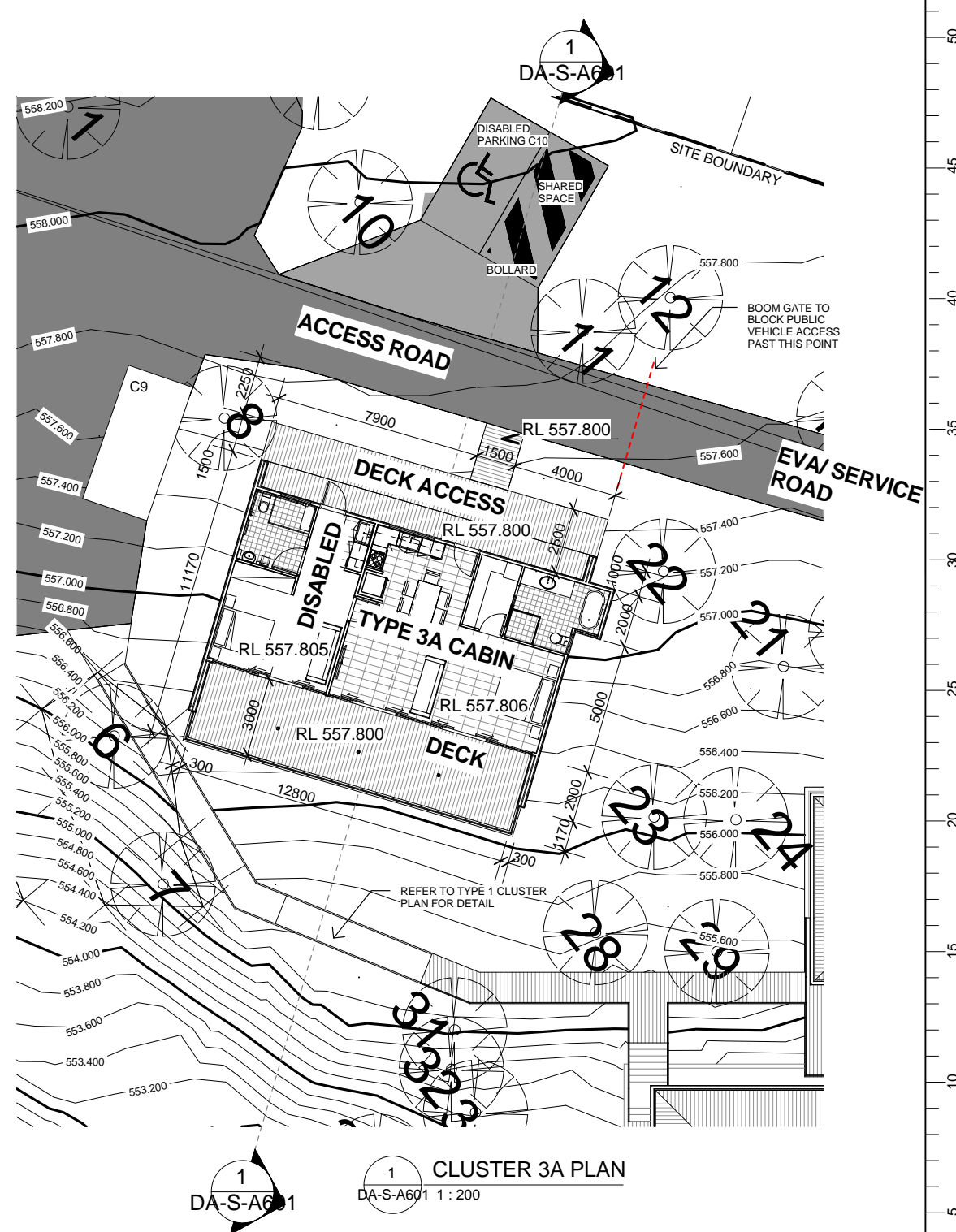
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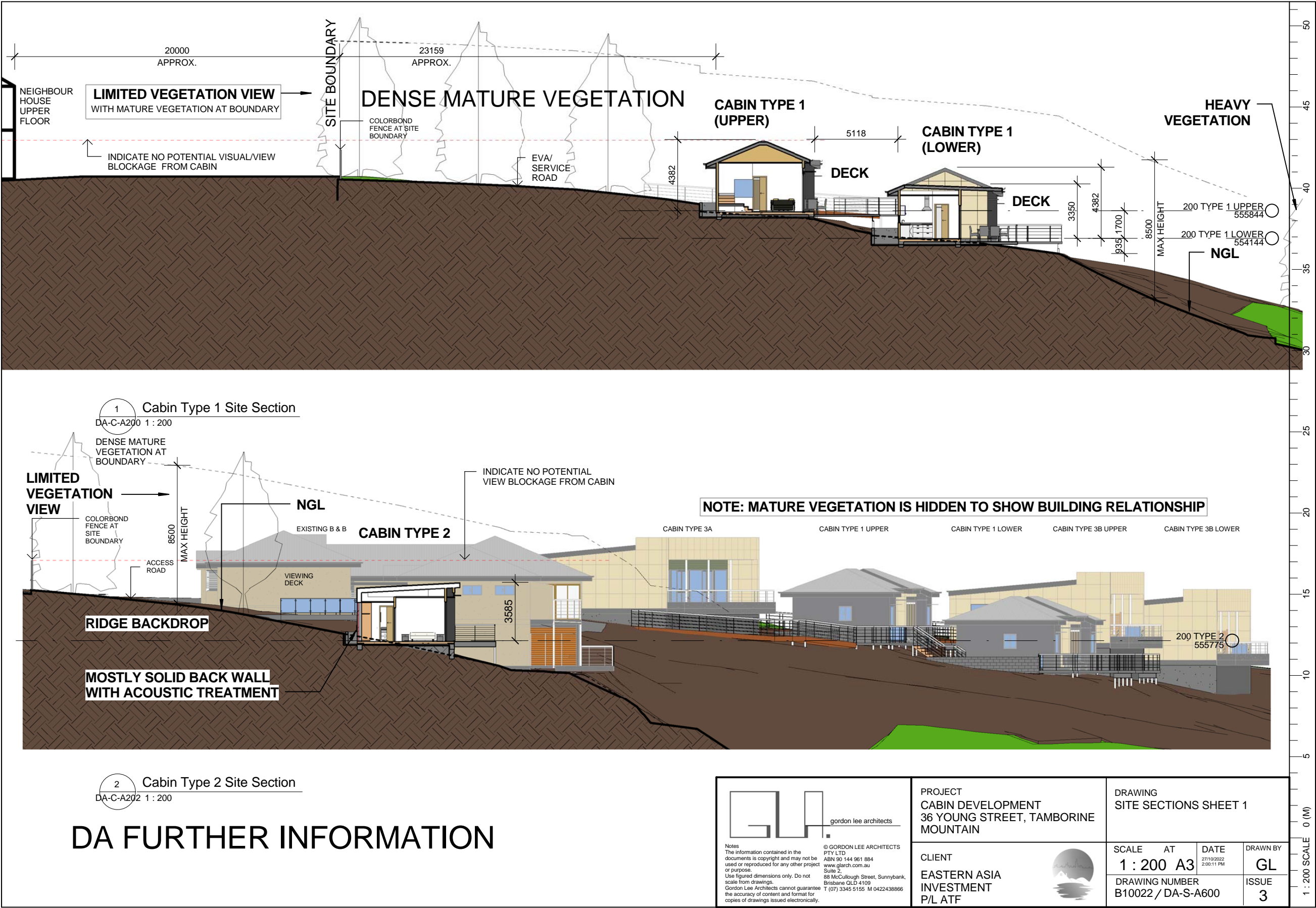
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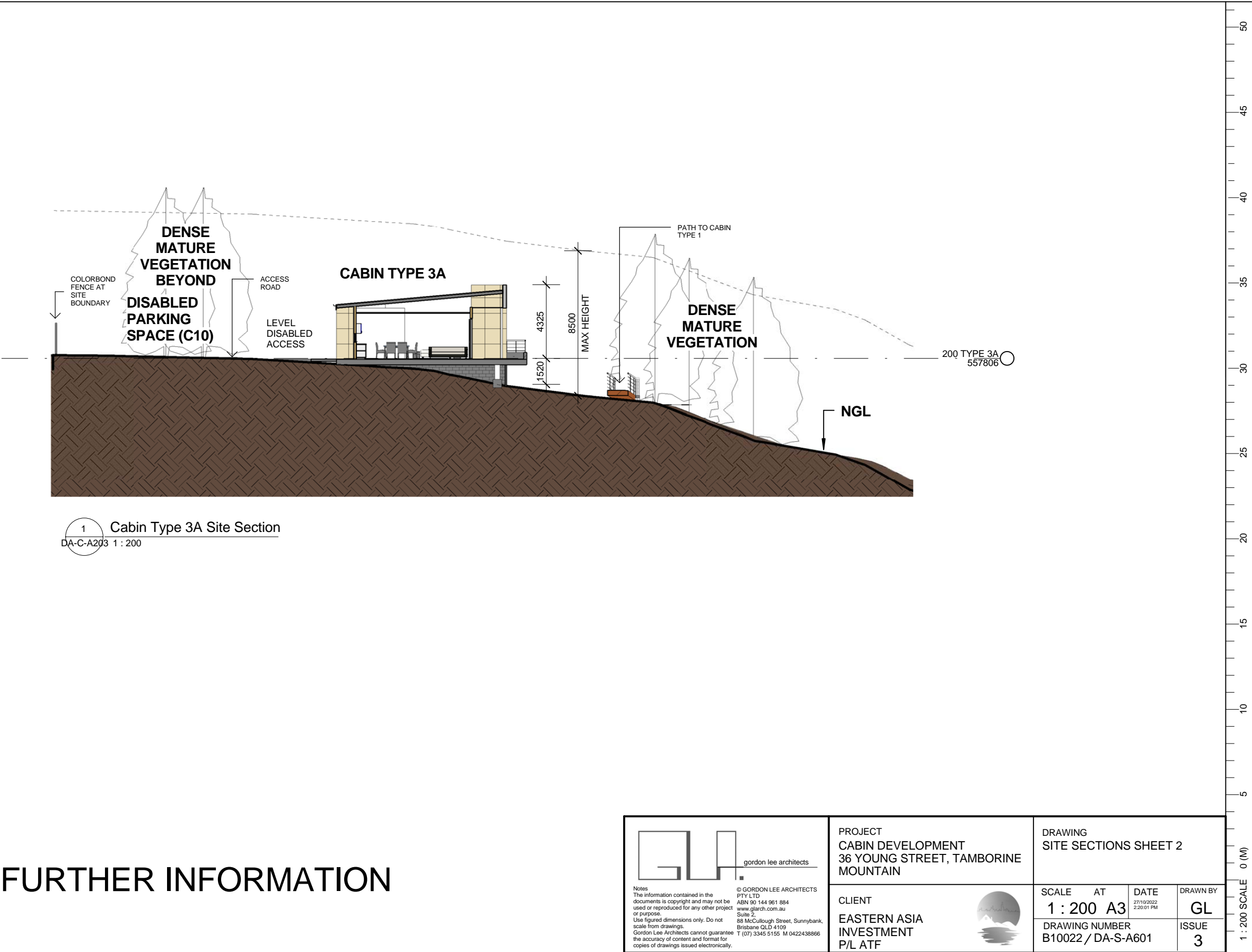


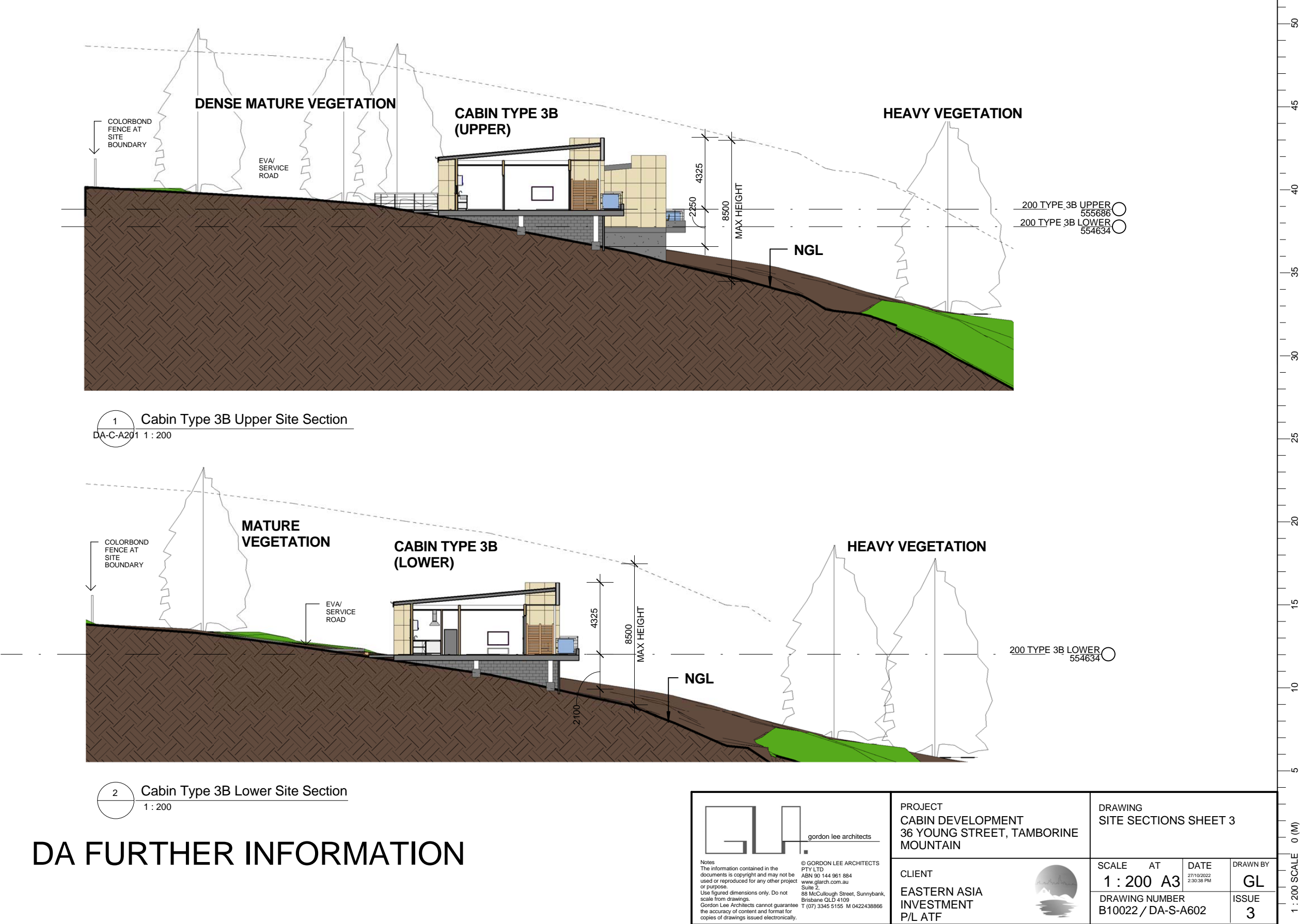
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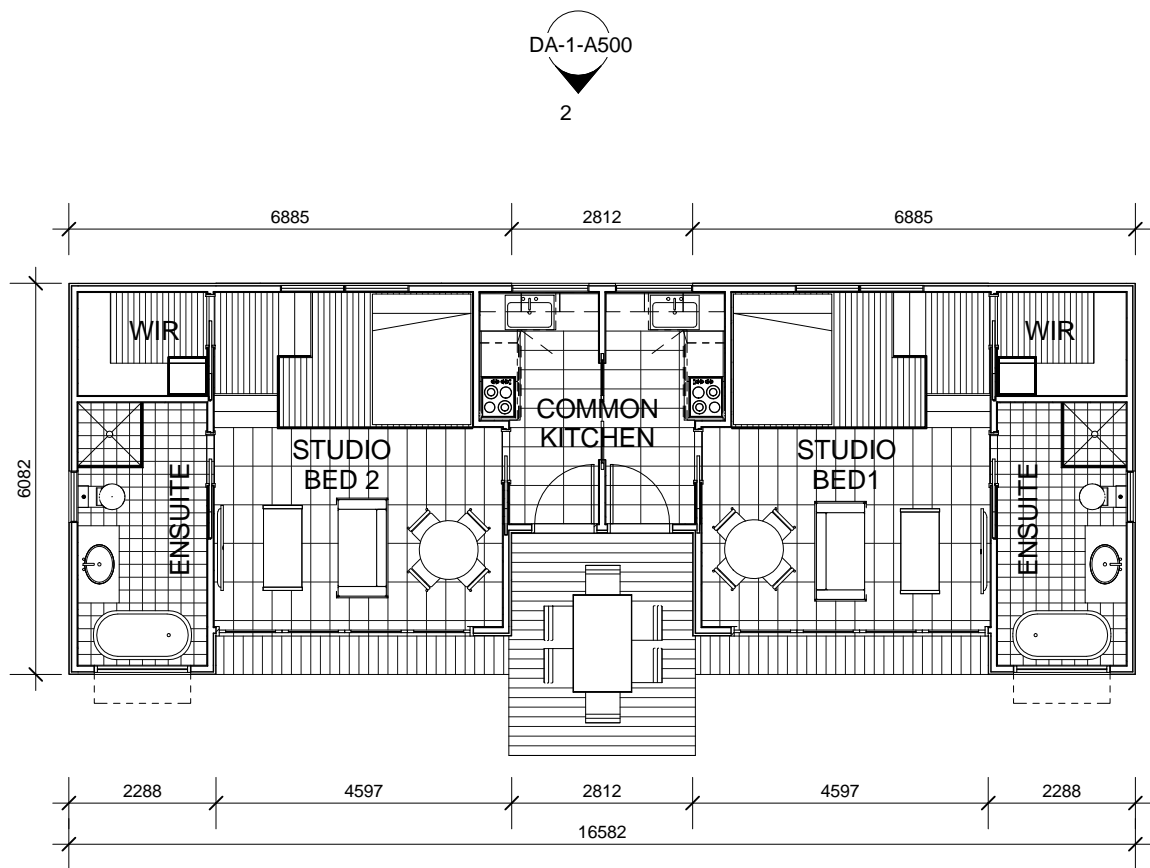


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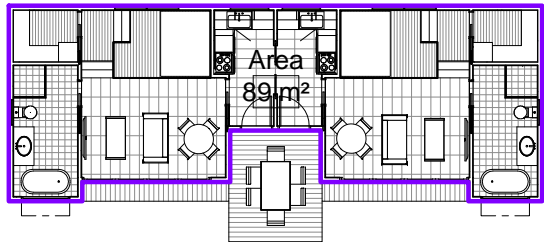








1 CABIN TYPE 1 - GROUND LEVEL PLAN
DA-1-A500 1 : 100

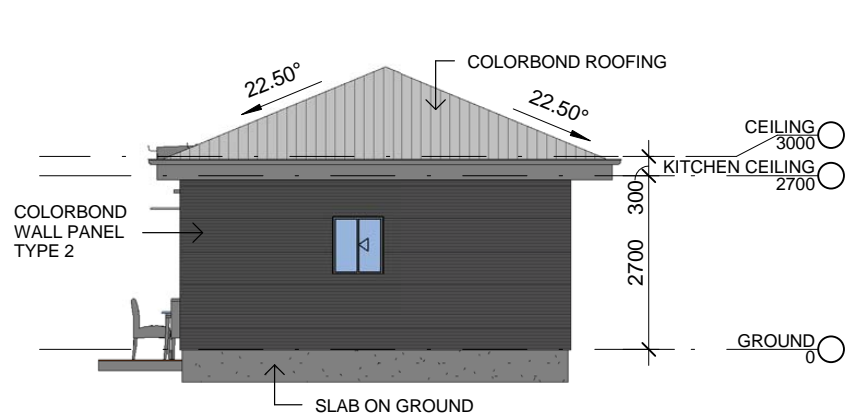


AREA PLAN



DA FURTHER INFORMATION

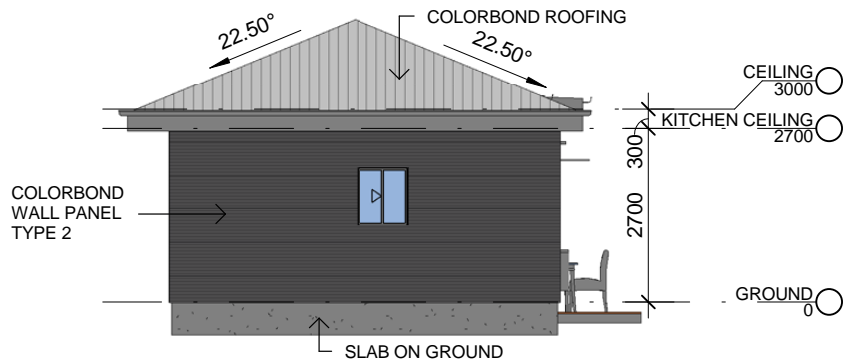
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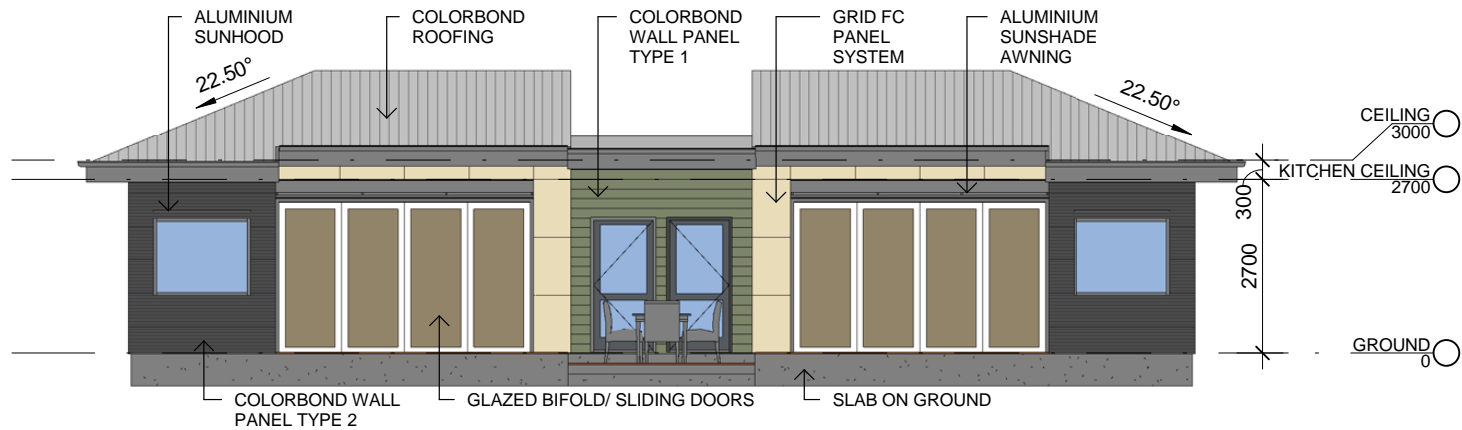
1 ELEVATION 1
DA-1-A200 1 : 100



2 ELEVATION 2
DA-1-A200 1 : 100



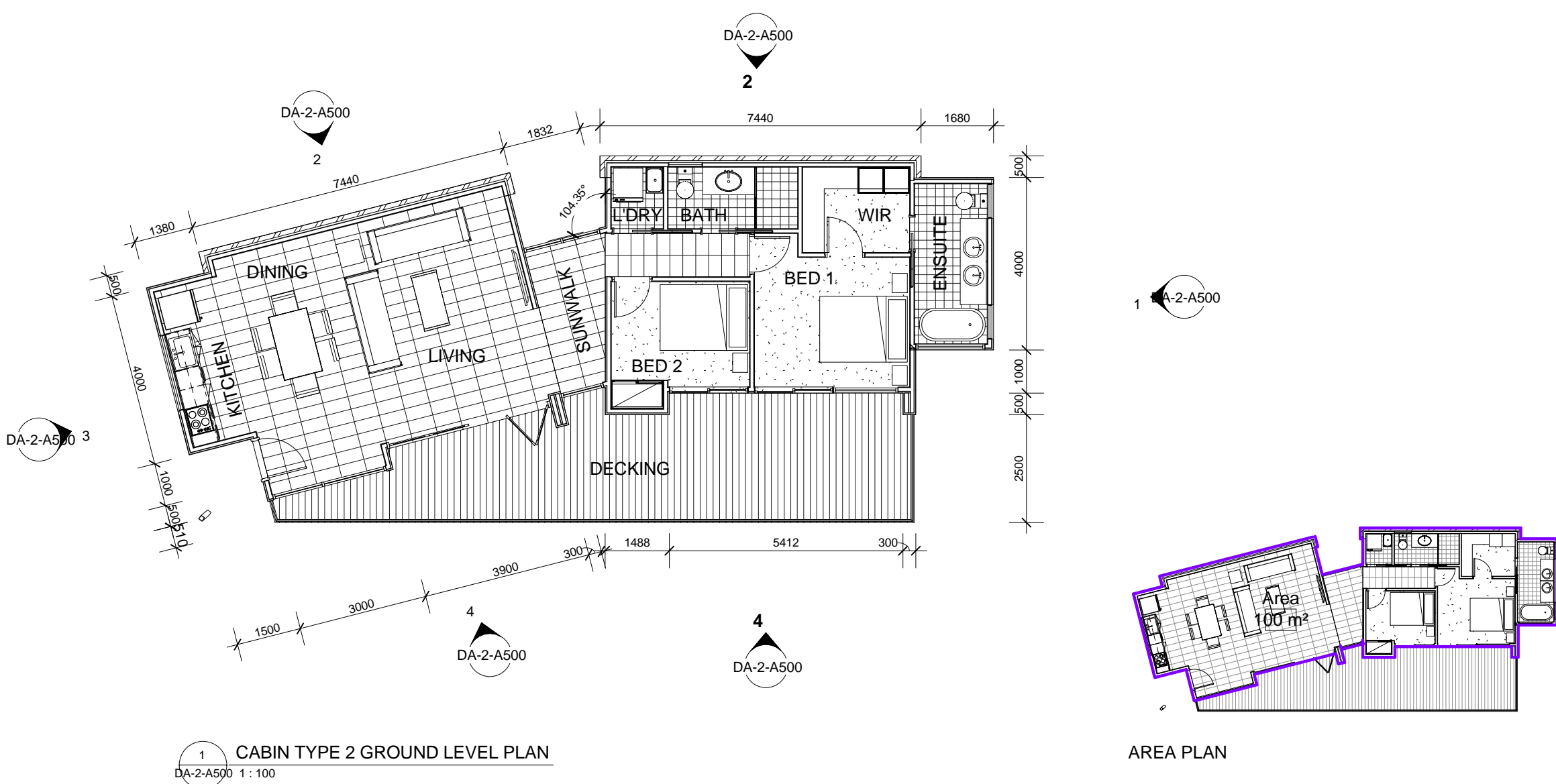
3 ELEVATION 3
DA-1-A200 1 : 100



4 ELEVATION 4
DA-1-A200 1 : 100

DA FURTHER INFORMATION

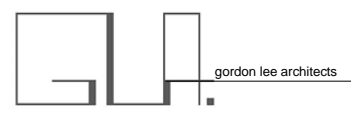
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	CLIENT EASTERN ASIA INVESTMENT P/L ATF		SCALE 1 : 100	AT A3
			DATE 27/10/2022 3:00:41 PM	DRAWN BY GL
			DRAWING NUMBER B10022/ DA-1-A500	ISSUE 3

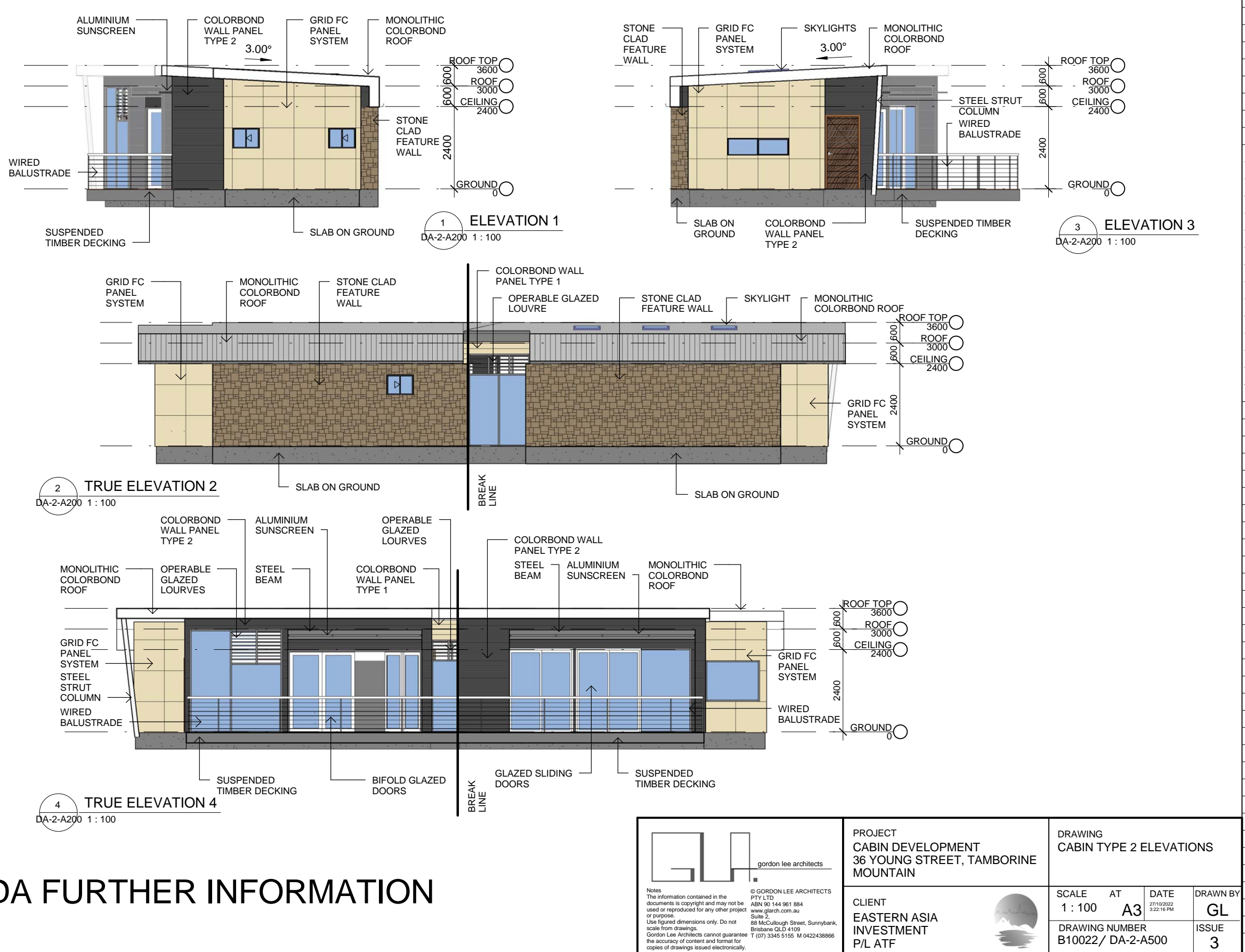


1 CABIN TYPE 2 GROUND LEVEL PLAN
DA-2-A500 1 : 100

AREA PLAN

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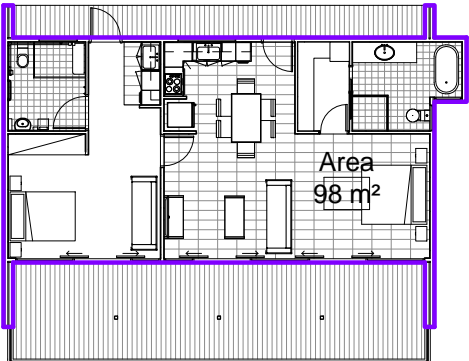
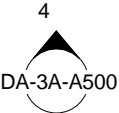
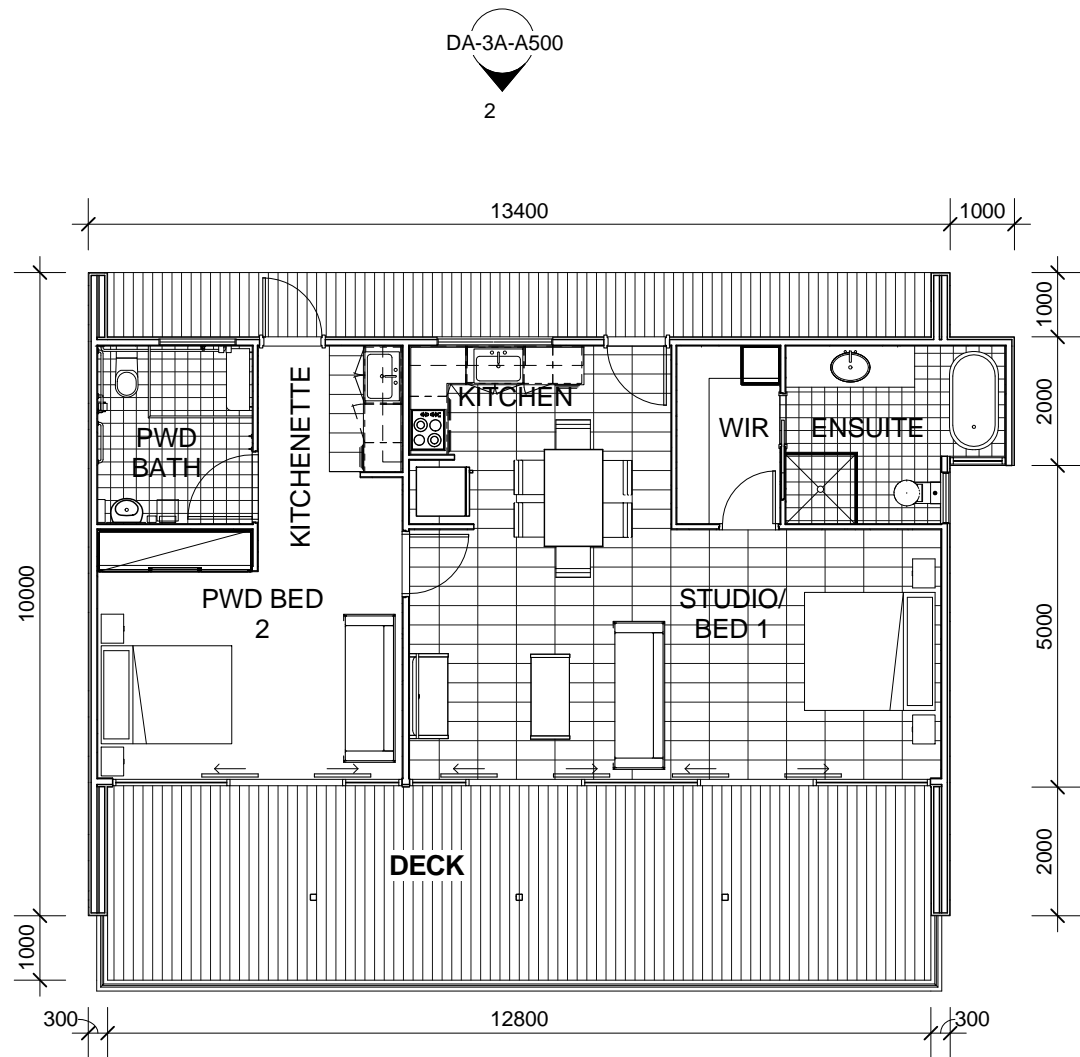
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PROJECT CABIN DEVELOPMENT 36 YOUNG STREET, TAMBORINE MOUNTAIN		DRAWING CABIN TYPE 2 ELEVATIONS	
CLIENT EASTERN ASIA INVESTMENT P/L ATF		SCALE 1 : 100	AT A3
		DATE 27/10/2022 3:22:16 PM	DRAWN BY GL
		DRAWING NUMBER B10022/ DA-2-A500	ISSUE 3



1 CABIN TYPE 3A - GROUND LEVEL PLAN
DA-3A-A500 1 : 100

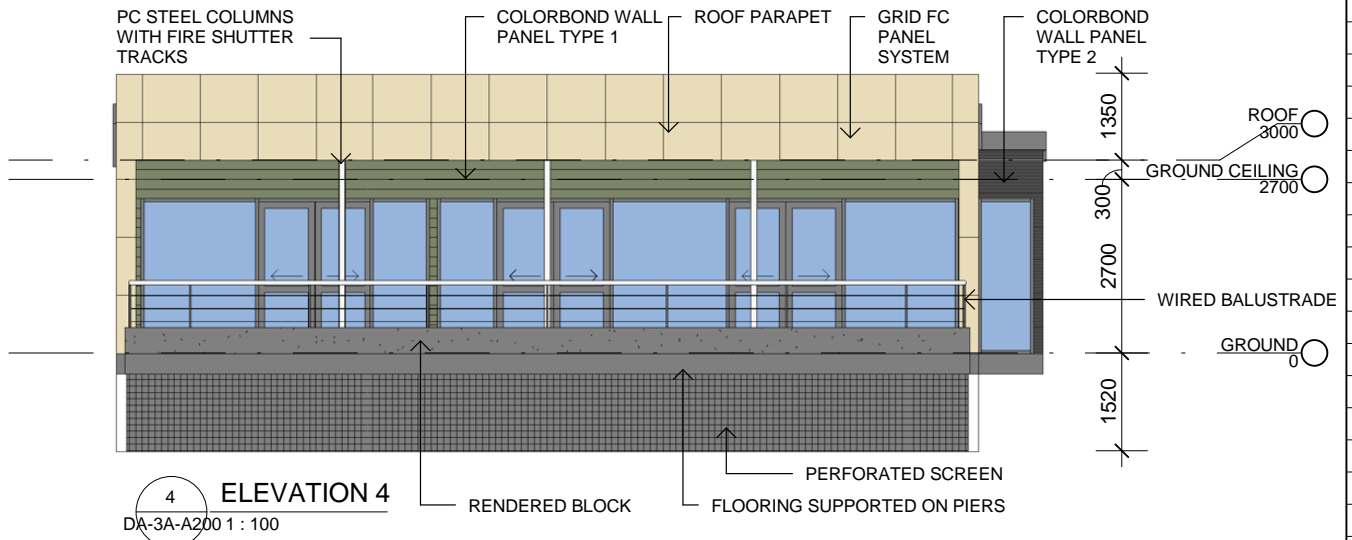
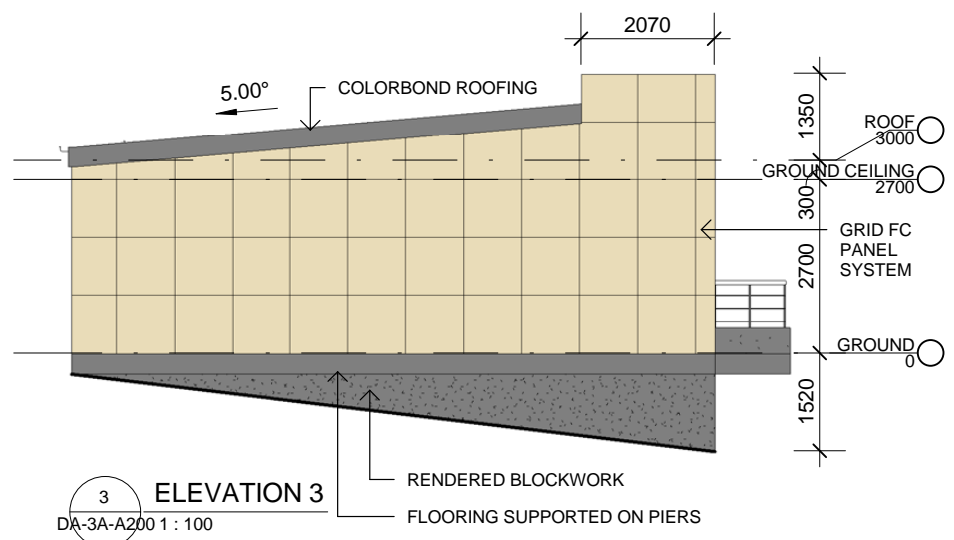
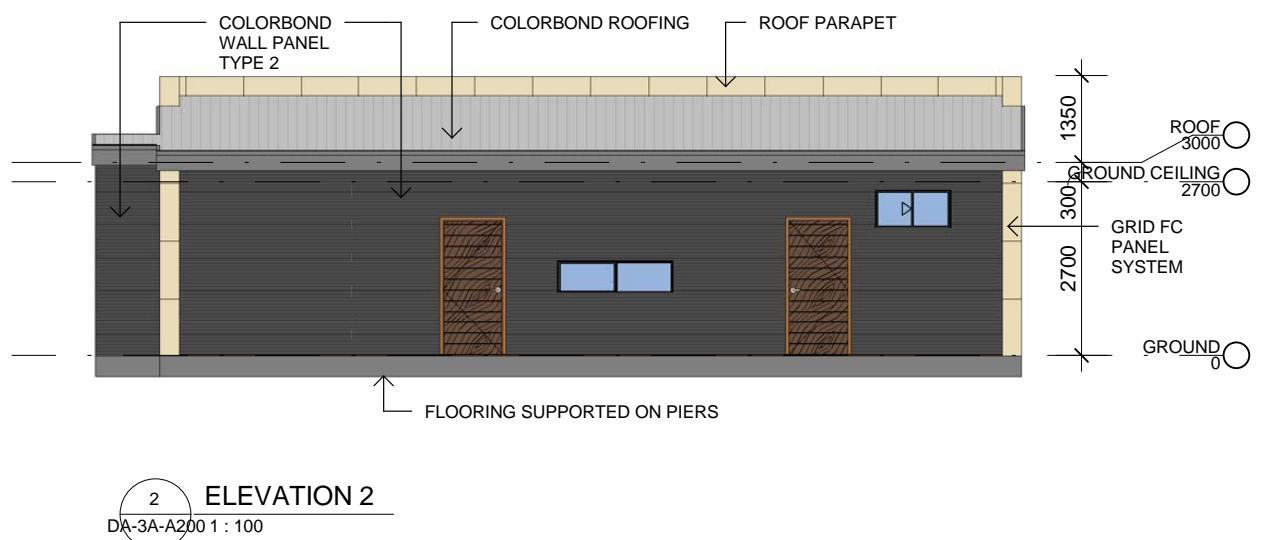
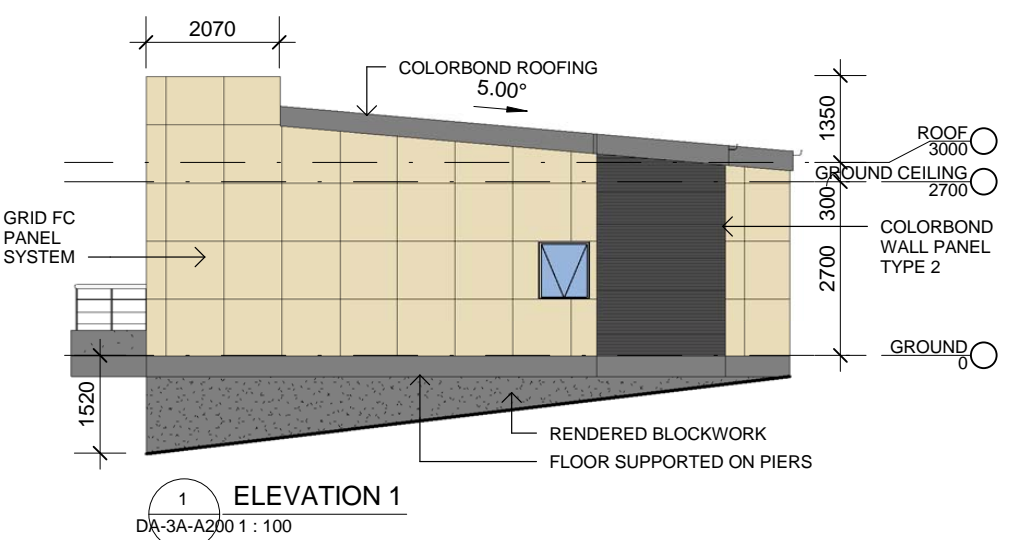


AREA PLAN

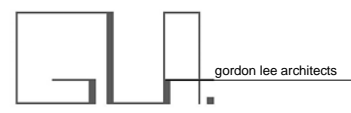
DA FURTHER INFORMATION

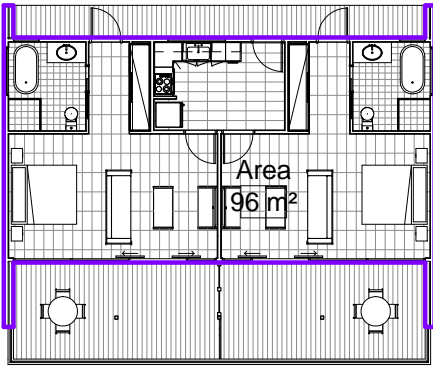
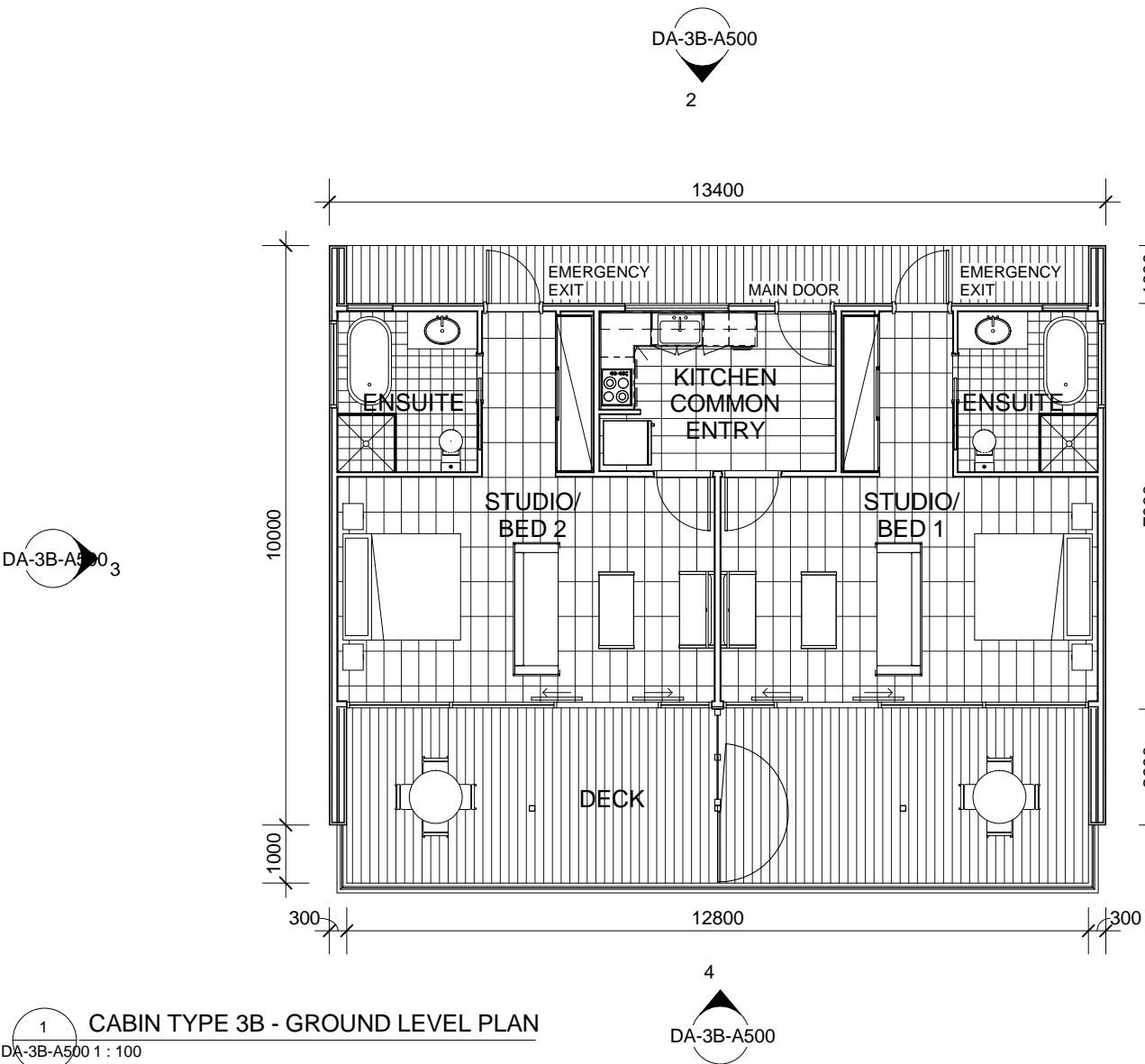
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				ISSUE 3

1 : 100 SCALE 0 (M) 2.5 5 7.5 10 12.5 15 17.5 20 22.5 25



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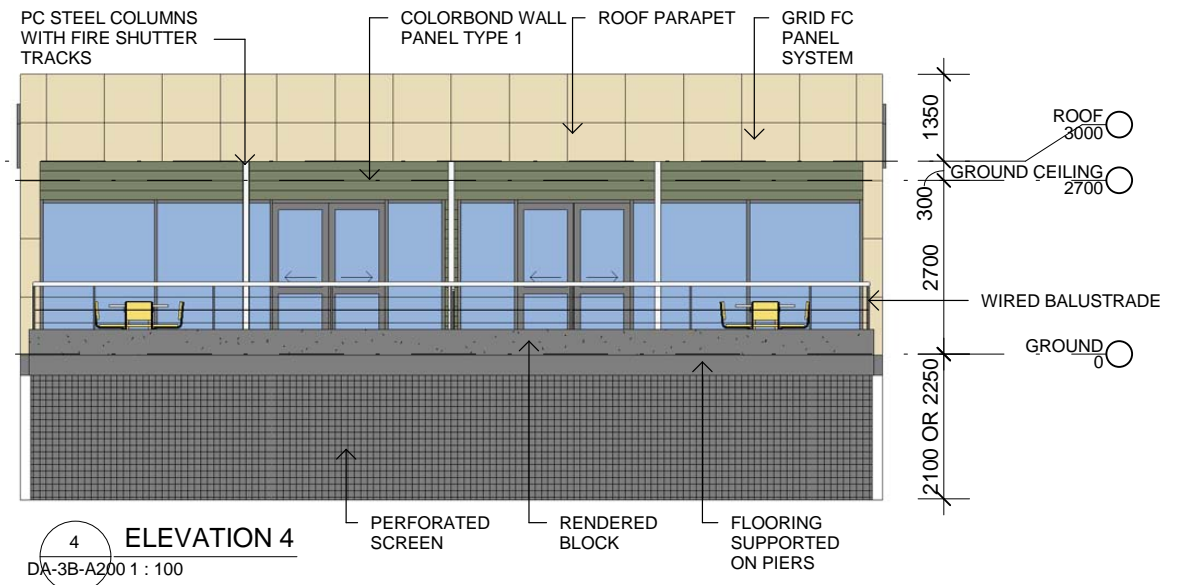
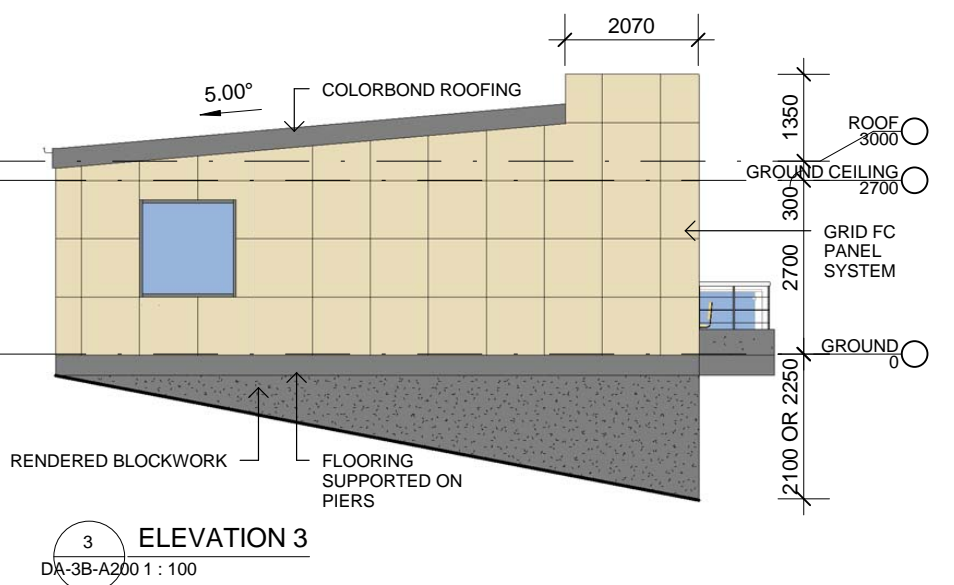
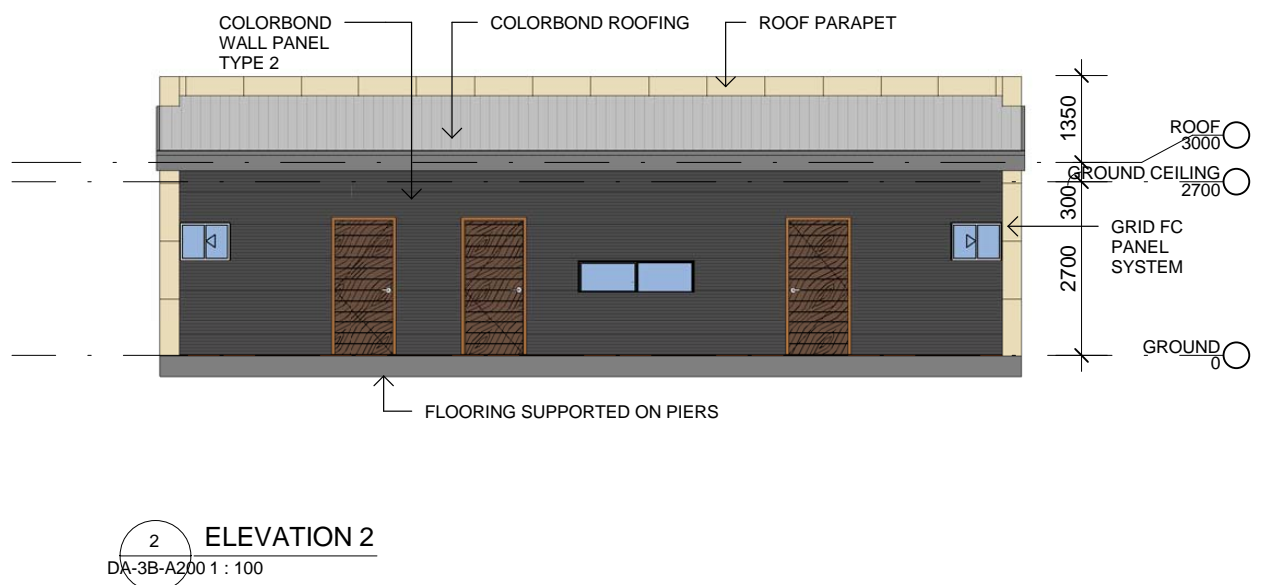
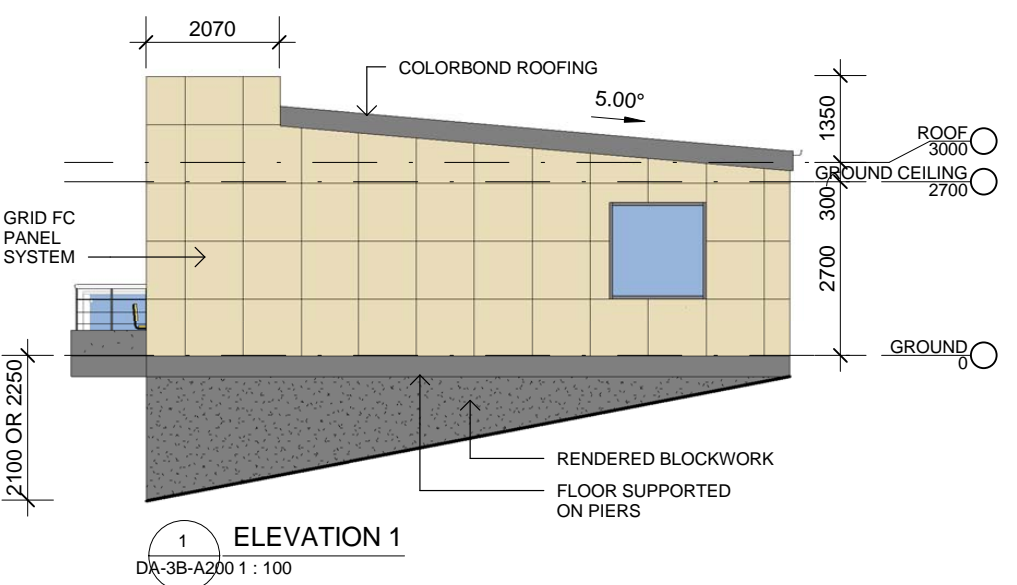
AREA PLAN

1 CABIN TYPE 3B - GROUND LEVEL PLAN
DA-3B-A500 1 : 100

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25
22.5
20
17.5
15
12.5
10
7.5
5
2.5
0 (M)
1 : 100 SCALE



DA FURTHER INFORMATION



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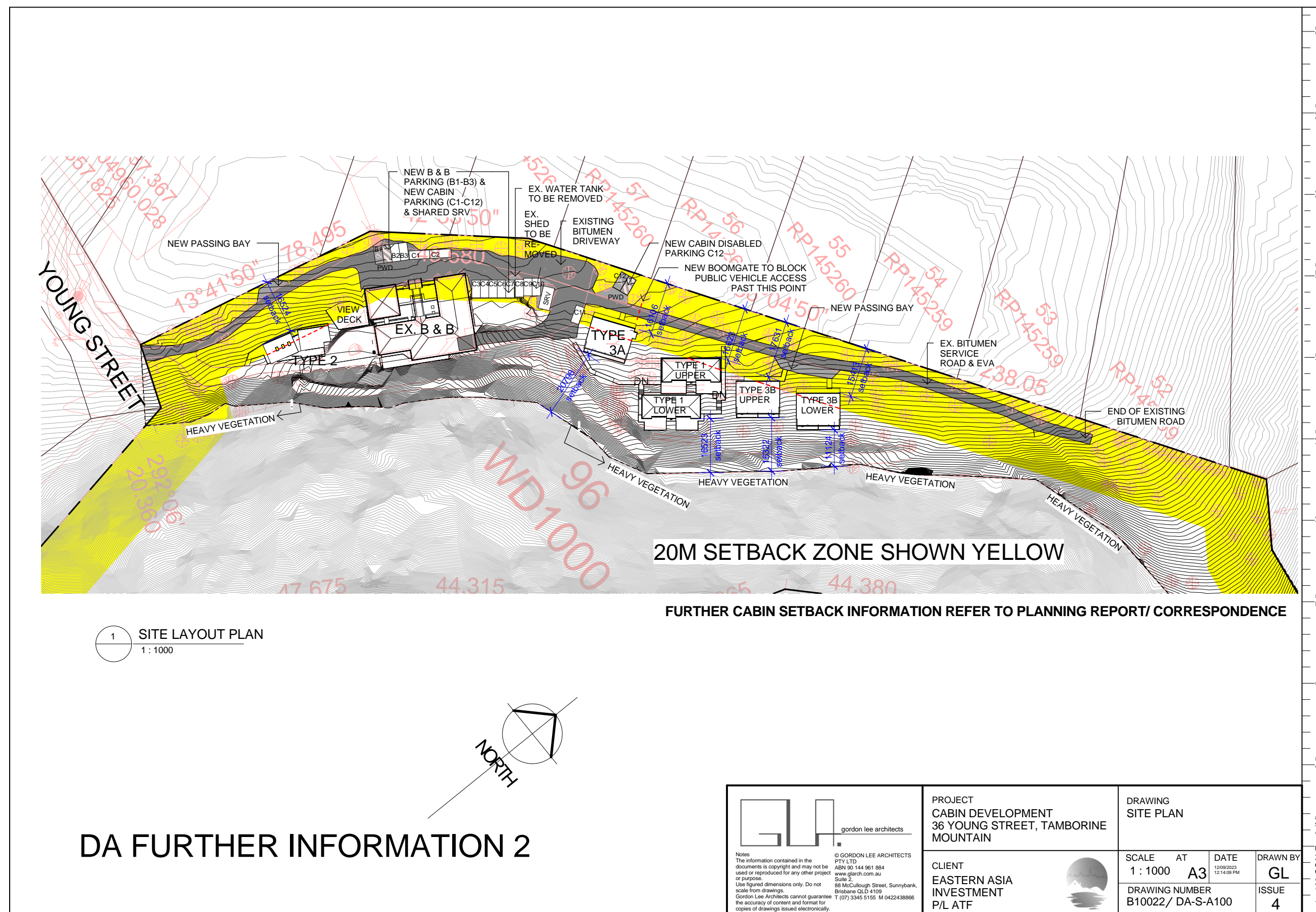
PROJECT
CABIN DEVELOPMENT
36 YOUNG STREET, TAMBORINE MOUNTAIN

CLIENT
EASTERN ASIA INVESTMENT
P/L ATF



DRAWING
CABIN TYPE 3B ELEVATIONS

SCALE 1 : 100	AT A3	DATE 27/10/2022 4:01:10 PM	DRAWN BY GL
DRAWING NUMBER B10022/ DA-3B-A500			ISSUE 3



APPENDIX A - CONDITIONS OF APPROVAL

Real Property Description:	Lot 96 WD 1000
Address of property:	Exhale, 36 Young Street TAMBORINE MOUNTAIN
Site area:	43,600m ²
Proposal:	Development Permit for Material Change of Use (Nature Based Tourism - 10 Tourist Cabins within six buildings)

1. Currency Period of Approval

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

2. Conditions of Approval:

- a) A Development Permit is given for Material Change of Use, involving 10 Tourist Accommodation sites (6 Cabins), subject to the following conditions:

No.	Condition	Timing																																								
1.	<div><p>PLANS & DOCUMENTS</p><p>Undertake development generally in accordance with the following plan(s) and/or document(s); except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s):</p><table><tr><th>Plan Name</th><th>Drawing No.</th><th>Rev No.</th><th>Plan/Revision Date</th></tr><tr><td>Site Plan</td><td>B10022/ DA-S-A100</td><td>4</td><td>12/09/2023</td></tr><tr><td>Existing B&B Upper Level Floor Plan</td><td>B10022 DA-B-A200</td><td>1</td><td>27/10/2022</td></tr><tr><td>Cluster 1 Upper Plan</td><td>B10022/ DA-C-A200</td><td>3</td><td>27/10/2022</td></tr><tr><td>Clusters 1 & 3B Lower Plan</td><td>B10022/ DA-C-A201</td><td>3</td><td>27/10/2022</td></tr><tr><td>Cluster 2 Plan</td><td>B10022/ DA-C-A202</td><td>3</td><td>27/10/2022</td></tr><tr><td>Clusters 3A & 3B Plan</td><td>B10022/ DA-C-A203</td><td>3</td><td>27/10/2022</td></tr><tr><td>Site Sections Sheet 1</td><td>B10022/ DA-S-A600</td><td>3</td><td>27/10/2022</td></tr><tr><td>Site Sections Sheet 2</td><td>B10022/ DA-S-A601</td><td>3</td><td>27/10/2022</td></tr><tr><td>Site Sections Sheet 3</td><td>B10022/ DA-S-A602</td><td>3</td><td>27/10/2022</td></tr></table></div>	Plan Name	Drawing No.	Rev No.	Plan/Revision Date	Site Plan	B10022/ DA-S-A100	4	12/09/2023	Existing B&B Upper Level Floor Plan	B10022 DA-B-A200	1	27/10/2022	Cluster 1 Upper Plan	B10022/ DA-C-A200	3	27/10/2022	Clusters 1 & 3B Lower Plan	B10022/ DA-C-A201	3	27/10/2022	Cluster 2 Plan	B10022/ DA-C-A202	3	27/10/2022	Clusters 3A & 3B Plan	B10022/ DA-C-A203	3	27/10/2022	Site Sections Sheet 1	B10022/ DA-S-A600	3	27/10/2022	Site Sections Sheet 2	B10022/ DA-S-A601	3	27/10/2022	Site Sections Sheet 3	B10022/ DA-S-A602	3	27/10/2022	At all times
Plan Name	Drawing No.	Rev No.	Plan/Revision Date																																							
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Site Sections Sheet 2	B10022/ DA-S-A601	3	27/10/2022																																							
Site Sections Sheet 3	B10022/ DA-S-A602	3	27/10/2022																																							

Cabin Type 1 Floor Plan	B10022/ DA-1-A200	3	27/10/2022
Cabin Type 1 Elevations	B10022/ DA-1-A500	3	27/10/2022
Cabin Type 2 Floor Plan	B10022/ DA-2-A200	3	27/10/2022
Cabin Type 2 Elevations	B10022/ DA-2-A500	3	27/10/2022
Cabin Type 3A Floor Plan	B10022/ DA-3A-A200	3	27/10/2022
Cabin Type 3A Elevations	B10022/ DA-3A-A500	3	27/10/2022
Cabin Type 3B Floor Plan	B10022/ DA-3B-A200	3	27/10/2022
Cabin Type 3B Elevations	B10022/ DA-3B-A500	3	27/10/2022
Associated Reports			
<p>Traffic Report prepared by Everyday Engineers, Planners and Surveyors revised 4 November 2022</p> <p>Onsite Wastewater Management Report prepared by Everyday Engineers, Planners and Surveyors revised 23 October 2023</p> <p>Stormwater Management Plan prepared by Everyday Engineers, Planners and Surveyors revised 4 November 2022</p> <p>Landscape Plans prepared by Everyday Engineers, Planners and Surveyors revised September 2022</p> <p>Erosion and Sediment Control Plans prepared by Everyday Engineers, Planners and Surveyors October 2022</p> <p>Bushfire Management Plan prepared by Everyday Engineers, Planners and Surveyors revised 4 November 2022</p> <p>Geotechnical Investigation Report prepared by Protest Engineering 14 September 2023</p>			
Implement the recommendations of the aforementioned reports, submitted to Council in support of the development application except as altered by other conditions of this development approval.			

2.	DEFINITION COMPLIANCE AND EXCLUSION The approved use and associated ancillary activities shall at all times comply with the definition of <i>Nature Based Tourism</i> as identified under Schedule 1 – Dictionary, Table SC1.1.2 – Use Definitions of the <i>Scenic Rim Planning Scheme 2020</i> .	At all times.
3.	LIMITATION OF USE The approved development is to only accommodate Nature-based tourism activities for bona-fide in-house guests staying overnight at the site. Other visitors or guests are not permitted. No functions (refer <i>Function facility</i> definition, i.e. weddings, parties, or the like) are permitted as part of this approval. <i>Note: Service staff and/or external presenters associated with a nature-based tourism activity are not restricted as part of this condition.</i>	At all times.
4.	TOURIST ACCOMMODATION SITES The approved development is only permitted to accommodate ten (10) tourist accommodation sites across the six (6) cabins. Type 3A Cabin is only permitted to accommodate one (1) staying group and the individual rooms must not be rented out to separate parties at the same time. No cabin is permitted to accommodate any persons (staff or otherwise), on a long-term basis.	At all times.
5.	SELF-ASSESSMENT OF CONDITIONS The Applicant must submit in writing to Council a minimum of 2 weeks before the use is to commence, a complete self-assessment of the status of all the conditions of approval for review.	Two (2) weeks prior to the commencement of use.
6.	CONDITIONS In the event of any conflict between conditions of this development approval, the instrument listed highest will prevail: a) A condition of this approval; b) Any amendments or additions notated on the Plans and Documents referenced in Condition 1; c) Plans and Documents referenced in Condition 1; d) The Planning Scheme; or e) Other supporting information provided in the application.	At all times.

7.	DURATION OF ACCOMMODATION Accommodation supplied to guests must only be provided on a temporary basis with the maximum duration not exceeding 40 consecutive nights.	At all times.
8.	DEFENCE LAND The development is to make provisions to prevent unintended or unauthorised access to Defence land, and ensure the number of persons living or congregating within the Defence Land Buffer Area is not increased.	At all times.
AMENITY		
9.	SCREENING OF STORAGE The storage areas for machinery, materials or vehicles (excludes car parks) must be screened so as not to be visible from any road to which the site has frontage and/or neighbouring residences.	Prior to the commencement of the use and thereafter at all times.
10.	SCREENING OF PLANT AND SERVICE FACILITIES Install and maintain suitable screening to all air conditioning and plant and service facilities located on the top or external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building.	Prior to commencement of use, and at all times thereafter.
11.	AMENITY – BUILDING WORKS All buildings and structures associated with the development must constructed from materials and/or painted or similarly treated with paint or pigment of a low reflective level that does not cause excessive glare.	At all times.
12.	PRIVACY AND LIGHTING NUISANCE The applicant must install privacy screens that cover a minimum of 50% window view, for any windows for the proposed cabins where facing towards the adjoining residences.	Prior to commencement of use.

13.	<p>CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN</p> <p>The applicant must submit a Construction and Environmental Management Plan (CEMP) to Council for review and approval. The CEMP must be prepared by a suitably qualified professional and adequately demonstrate how the development will:</p> <ul style="list-style-type: none"> a) How traffic and parking generated during construction activities and works will be managed to minimise impacts on the surrounding amenity; b) Implement best practice waste management strategies during the construction phase; and c) Mitigate potential adverse impacts associated with dust, noise and lighting emissions, sediment and stormwater run-off on ALC Class A and B land, flora and fauna management, pest and weed management and cultural heritage. 	Prior to commencement of construction.									
14.	<p>SCREEN FENCING</p> <p>Construct and maintain screen fencing along the property boundary to properties to the north, to screen the development from adjoining residential dwellings. The fence must have zero permeability and be a minimum height of 1.8 metres.</p>	Prior to the commencement of the use and thereafter at all times.									
15.	<p>NOISE DISTURBANCE</p> <p>The activity must be carried out by such practicable means necessary to prevent or minimise the emissions of noise likely to cause environmental nuisance at any noise sensitive or commercial place.</p>	At all times.									
16.	<p>NOISE EMISSIONS LIMITS</p> <p>The activity must not exceed the levels prescribed by Table 1 (below).</p> <p>Table 1</p> <table border="1" data-bbox="391 1451 909 1794"> <tr> <th>Time Period</th><th>At dwelling or other sensitive land use</th><th>At commercial premises</th></tr> <tr> <td>Daytime (7:00am-10:00pm)</td><td>Background +5dB(A)</td><td>Background +10dB(A)</td></tr> <tr> <td>Night time (10:00pm-7:00am)</td><td>Background +3dB(A) Background= LA90</td><td>Background +8dB(A) Background= LA90</td></tr> </table>	Time Period	At dwelling or other sensitive land use	At commercial premises	Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)	Night time (10:00pm-7:00am)	Background +3dB(A) Background= LA90	Background +8dB(A) Background= LA90	Prior to the commencement of the use and thereafter at all times.
Time Period	At dwelling or other sensitive land use	At commercial premises									
Daytime (7:00am-10:00pm)	Background +5dB(A)	Background +10dB(A)									
Night time (10:00pm-7:00am)	Background +3dB(A) Background= LA90	Background +8dB(A) Background= LA90									

	<p><i>Note – 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 otherwise provided in the Environmental Protection Act 1994 or an Environmental Authority.</i></p> <p><i>Note – A Sensitive Land Use has the meaning given in the State Planning Policy.</i></p>	
17.	<p>AMPLIFIED NOISE</p> <p>The approved use must not involve and/or amplified noise entertainment external of any building.</p>	At all times.
18.	<p>HOURS OF OPERATION – LOADING & UNLOADING</p> <p>The loading and unloading of delivery and service vehicles must only occur between the hours of 8:00am - 6:00pm, Monday to Saturday. No loading and unloading of delivery or service vehicles is to occur on Sundays or public holidays.</p>	At all times.
19.	<p>GROUNDS MAINTENANCE</p> <p>The site shall be maintained in a clean and orderly state, including weed management for the site.</p> <p>Non-motorised maintenance including trimming by hand, pruning, and gardening is permitted between 7:00 am and 4:30 pm daily.</p> <p>Motorised maintenance including motorised equipment such as lawnmowers, weed eater/whipper snipper, and hedge trimmers are only permitted between 10:00 am and 2:00 pm daily.</p>	At all times.
20.	<p>AIR CONTAMINANTS</p> <p>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.</p>	Prior to the commencement of the use and thereafter at all times
OUTDOOR LIGHTING		
21.	<p>LIGHT EMISSIONS</p> <p>Light sources at the premises must be positioned and shielded to prevent direct light spillage outside the boundaries of the premises and not have any pollution effect on the night sky.</p> <p>The development must utilise lighting with a colour temperature between 2700-3500K (Kelvin) with respect to outdoor lighting.</p>	At all times.

22.	<p>CAR-PARK LIGHTING & SECURITY GENERAL</p> <p>The development must provide adequate lighting to the open area car-parking facilities and all pedestrian links to the requirements of the relevant Australian Standards within AS1158 – Lighting for Roads and Public Spaces and AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. The lighting to the aforementioned areas will be maintained in good condition for the lifetime of the proposed use. The works required by this condition are to be completed prior to the commencement of the approved use.</p> <p>External lighting is to be installed downward facing, with no direct spillage to roadways or residential areas.</p> <p>Council's preference is for the use of low level bollard lighting in the carpark areas and the pathways servicing the cabins</p>	<p>Prior to commencement of use and at all times thereafter.</p>
AMENITIES AND SERVICES		
23.	<p>POTABLE WATER</p> <p>All water provided for personal hygiene, human consumption and to food preparation facilities must be of a potable standard and meet the requirements of the National Health and Medical Research Council Australian Drinking Water Quality Guidelines.</p> <p>Appropriate permanent automated water treatment infrastructure must be installed and maintained to ensure that all water supplied for personal hygiene, human consumption and to food preparation facilities meets the standards of the National Health and Medical Research Council Australian Drinking Water Quality Guidelines for both microbial and chemical potable water standards.</p>	<p>At all times.</p>
24.	<p>ADEQUATE WATER SUPPLY</p> <p>The development is to make provision for the establishment of an adequate potable 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</p>	<p>Prior to the commencement of use.</p>
25.	<p>ELECTRICITY</p> <p>The development must be connected to 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.</p>	<p>The works required by this condition are to be completed prior to the commencement of the use.</p>

ENVIRONMENT		
26.	<p>LANDSCAPING - GENERAL</p> <p>The land must be landscaped with suitable trees and shrubs together with grass or other ground cover in accordance with Landscape Plans prepared by Everyday Engineers, Planners and Surveyors, and Council's relevant Planning Scheme Policy.</p> <p>Such trees and shrubs must 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.</p> <p>Any landscaping required to be removed as a result of construction must also be replaced with suitable plantings.</p>	<p>Prior to the commencement of the use and maintained thereafter at all times.</p>

27.	VEGETATION CLEARING & MANAGEMENT PLAN (VMP) Develop a Vegetation Clearing and Management Plan (VMP), prepared by a suitably qualified person, that addresses all activities associated with construction of the development (including Building Works, Operational Works and Plumbing and Drainage Works) as they relate to existing vegetation on site. The VMP must comply with all other conditions of this approval and must include, but is not limited to, the following items: <ul style="list-style-type: none">a) A clear indication of all trees to be removed and retained;b) Details of all Operational Works likely to impact on existing vegetation;c) Temporary and permanent exclusion and protection fencing;d) Roles and responsibilities for site contractors, the proponent, and the consultant group;e) Stockpiling and reuse of cleared vegetation;f) A clearing sequencing plan showing the commencement of clearing and the direction of removal (this should be in conjunction with the Fauna Management Plan to allow the appropriate flushing of fauna to surrounding safe haven areas)g) Ongoing weed management;h) A detailed ongoing rehabilitation and maintenance plan including the restoration and enhancement of disturbed areas in the post construction phase and processes to maximise survival opportunities for areas of retained vegetation and newly rehabilitated areas; andi) Specific details on the removal of potential habitat trees.	Prior to the commencement of any clearing works.
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28.	<p>VEGETATION DISPOSAL</p> <p>Ensure all vegetation cleared as a result of this development approval and requiring disposal is disposed of:</p> <ul style="list-style-type: none"> a) on the premises for landscaping and sediment and erosion control purposes (for example as mulch); and/or b) at a waste disposal facility operated by Council provided that the waste is delivered to the waste disposal facility in a manner and form which allows it to be mulched at the facility; and/or c) in such other environmentally responsible manner as meets with the written approval of the Council; and d) ensure any vegetation cleared as a result of this development approval is not burnt or incinerated except for the purpose of domestic heating inside a dwelling on the subject site. 	At all times during construction.
29.	<p>FAUNA MANAGEMENT</p> <p>All potential habitat trees that are to be removed must be checked for wildlife prior to removal. Where native vertebrate animals are found, clearing must cease until a Wildlife Spotter (Department of Environment and Heritage Protection approved) is on site. All native vertebrate animals located within, on and amongst plants or areas of plants proposed to be harmed in accordance with this approval must be managed under the guidance of a Wildlife Spotter (Department of Environment and Heritage Protection approved).</p>	At all times during construction.
30.	<p>FAUNA FRIENDLY FENCING</p> <p>Ensure any new boundary fencing is fauna friendly fencing that must meet the following requirements to allow fauna movement and koalas to climb through or over the fence:</p> <ul style="list-style-type: none"> a) use appropriate materials such as timber post-and-rail or chain wire, that can easily be gripped and climbed; b) the fence must have a gap of at least 300mm above ground level; and c) rails or slats are not to have gaps more than 150mm wide. 	At all times.

31.	<p>MODIFY FENCING TO BE FAUNA FRIENDLY</p> <p>Modify any existing fence on the property boundary that does not meet the requirements of the previous condition to be fauna-friendly as follows:</p> <ul style="list-style-type: none"> a) install a timber post leaning against the fence at a 45 degree angle; and b) install panels or planks along the top of the fence to provide a walkway. 	<p>Prior to the use and at all times thereafter.</p>
BUSHFIRE MANAGEMENT		
32.	<p>ACCESS DRIVEWAYS - FIRE FIGHTING</p> <p>Construct, maintain and ensure any management plans allow the continuous access for fire-fighting and other emergency vehicles is possible.</p>	<p>Prior to the commencement of the use of the premises.</p>
33.	<p>REVISED PLANS - WATER SUPPLY FOR FIREFIGHTING</p> <p>Submit to and have approved by Council revised plans showing the location of the water supply tank and outlet for firefighting purposes, that:</p> <ul style="list-style-type: none"> a) Is located remote from any potential fire hazards such as venting gas bottles; b) Not be constructed of flammable materials or is located below ground level; c) Provided with an outlet pipe: <ul style="list-style-type: none"> i) 50mm in diameter and fitted with a 50mm ball valve and male camlock (standard rural fire brigade fitting) where above ground; or ii) An access hole of 200mm width (minimum) to accommodate suction lines; d) Be connected to a pump that is independent of mains electricity supply; e) Clearly identified by directional signage provided at the street frontage entrance; f) Provided with a hardstand area for fire vehicles, which is located within 6 metres of the outlet and readily accessible; and g) Provides for visual screening of tanks when viewed from neighbouring residences. 	<p>Prior to building approval.</p>

34.	FIRE FIGHTING WATER SUPPLY In line with recommendations of the Bushfire Mitigation Report prepared by Everyday Engineers, Planners and Surveyors, the development must implement the following recommendations. a) Accommodate a minimum of 45,500 litres (preferably 72,750 litres of water) solely for Fire Fighting purposes. (i) 22,750 litres sited to the rear of the twin Type 1 Tourist Cabins; and (ii) A minimum of 22,750 litres (preferably 50,000 litres) to the rear (somewhat centrally placed) of the twin Type 3B Tourist Cabins. b) The 'Fire Water Tanks' must be labelled 'Fire Water'.	Prior to commencement of use and maintained at all times thereafter.
35.	INSTALLATION OF TANKS The installation of any tanks must have regard to the recommendations of the Geotechnical Investigation Report prepared by Protest Engineering 14 September 2023, and confirmed by an RPEQ that they will not compromise the slope stability of the premises.	Prior to commencement of use.
36.	CERTIFICATION OF COMPLIANCE The applicant must provide certification from a suitably qualified person that the Bushfire Management Plan prepared by Everyday Engineers, Planners and Surveyors has been fully implemented on site.	Prior to the commencement of the use of the premises.
37.	ON-SITE COPY OF BUSHFIRE MANAGEMENT PLAN A legible copy of the approved Bushfire Management Plan and development approval conditions must be available on site.	As per the condition.
STORMWATER MANAGEMENT		
38.	EROSION CONTROL The development must implement erosion control measures designed to minimise soil movement and to minimise silt loads entering drainage lines and watercourses as a result of either the development works / building works. The control measures should be designed in accordance with the Erosion and Sediment Control Plans prepared by Everyday Engineers, Planners and Surveyors.	At all times.

39.	STORMWATER GENERAL All stormwater flows within and adjacent to the development, must be confined to road reserves, drainage reserves, registered drainage easements or within parkland.	At all times.
40.	STORMWATER MANAGEMENT PLAN (SWMP) The development must design and implement the recommendations within the approved Stormwater Management Plan prepared by Everyday Engineers, Planners and Surveyors to ensure the short and long term potential impacts to the waterway corridor(s) are minimised.	At all times.
41.	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.	At all times.
42.	STORMWATER DISCHARGE AND DISPOSAL The development must 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 <i>Queensland Urban Drainage Manual</i> (QUDM).	At all times.
43.	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.	At all times.

CARPARKING AND ACCESS		
44.	<p>CAR PARKING NUMBERS</p> <p>The Applicant(s) are to make provision for the establishment of a minimum of eleven (11) car-parking spaces, one (1) disabled car-parking space, and one (1) SRV parking space upon the site.</p> <p>These parking space requirements are not to be inclusive of the existing car parking spaces associated with the existing uses of the property.</p>	Prior to the commencement of the use.
45.	<p>CAR PARKING AND ACCESS DRIVEWAY - FLEXIBLE PAVEMENT WITH AC SEAL</p> <p>The site access, car parking, internal roadways and manoeuvring areas are to be designed and constructed in accordance with AS 2890.1 - 1993 and AS 2890.2 – 1989. The completed works must be certified by a Registered Professional Engineer of Queensland (RPEQ) as having been constructed in accordance with good engineering practice to a standard reasonable for commercial purposes.</p> <p>Access to the site, all parking and driveways areas will be maintained in good condition and be trafficable in all weather conditions for the lifetime of the proposed use.</p>	The works required by this condition are to be completed prior to the commencement of the approved use.
46.	<p>PAVEMENT DESIGN</p> <p>All pavements will be designed and constructed as either a rigid pavement (reinforced concrete pavement) or alternatively as a flexible pavement with provision for a 40mm asphaltic concrete (AC) seal.</p>	Prior to the commencement of use.
47.	<p>CAR PARKING ON-SITE</p> <p>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. The requirements of this condition are to be adhered to for the lifetime of the approved use.</p>	At all times.
48.	<p>VEHICLE LOADING / UNLOADING</p> <p>All loading and unloading of vehicles associated with the approved uses, including the pick-up and/or delivery of goods and materials, will be conducted at all times from within the curtilage of the site.</p>	At all times.

49.	VEHICLE MOVEMENTS All vehicle movements to and from the site, are to be conducted in forward gear. <i>Note:</i> The waste collection arrangement as required by Condition 57 , is permitted to occur in conflict with this condition where it can be demonstrated that it can be demonstrated that it will not pose a safety concern.	At all times.
WASTEWATER		
50.	WASTEWATER DISPOSAL – GENERAL The wastewater disposal system is to conform with the Onsite Wastewater Management Report prepared by Everyday Engineers, Planners and Surveyors and the provisions of the QDC, the “ <i>Queensland Plumbing and Wastewater (QPW) Code</i> ” and <i>AS1547-2012 On-Site Domestic Wastewater Management</i> or as approved as part of an approval for <i>Plumbing and Drainage Works</i> .	Prior to the commencement of use.
51.	IRRIGATION AREAS Prior to or as part of a Plumbing and Drainage Works application, the applicant must provide documentation from an RPEQ that the proposed irrigation areas are within an acceptable Landslide Susceptibility Rating.	At per the wording of the condition.
52.	WASTEWATER TREATMENT AND EFFLUENT DISPOSAL Provide an Emergency Treated Effluent Storage Tank equivalent to 48 hours generation rate to accommodate any potential excess generation of effluent where Occupancy rate is regularly reach capacity.	Prior to commencement of use.
53.	ANNUAL INSPECTION AND MAINTENANCE REPORT The applicant must undertake an Annual Inspection and Maintenance Report on the Onsite Wastewater Treatment Plant and Irrigation Areas and submit to Council which demonstrates the that installation remains compliant.	Annually
54.	WASTEWATER RECYCLING All water used in relation to toilet flushing is to be supplied from recycled effluent via the use of a dual reticulation system located on site.	At all times

SLOPE STABILITY		
55.	<p>GEOTECHNICAL AND SLOPE STABILITY</p> <p>Undertake the development in accordance with the recommendations of the Geotechnical Investigation Report, prepared by Protest Engineering 14 September 2023.</p> <p>Footings, slab, piles and associated infrastructure are to be engineer designed by an RPEQ as part of the building works application to ensure stability and reduce the risk of landslide.</p>	Prior to building or plumbing works.
EXTERNAL WORKS - ROAD UPGRADE		
56.	<p>UPGRADING OF YOUNG STREET</p> <p>The development must provide the upgrading works required for Young Street between the property (Exhale 36 Young Street) and the State-controlled road reserve of Wilson Road, to a Rural Access Road (Class 5B) with a minimum pavement width of 7m, minimum carriageway width of 6m, minimum shoulder width of 0.5m either side of the carriageway. The works must tie in with the existing roads formation.</p> <p>These works are to be designed and constructed in accordance with all parts of the Austroads "Guide to Road Design" and Scenic Rim Regional Council Standards. Drainage works are to be in accordance with the Queensland Urban Drainage Manual (QUDM), line marking and all necessary traffic signage in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) as and where required.</p> <p><i>Detailed design will be submitted as part of Interfering with Road application.</i></p>	Prior to the commencement of use.
WASTE MANAGEMENT		
57.	<p>REVISED PLANS - WASTE CONTAINER AREA</p> <p>Submit to Council for endorsement revised plans which provides:</p> <ul style="list-style-type: none"> a) a dedicated area for refuse storage that is screened or otherwise located to avoid visual impacts on streetscapes, public spaces and adjoining properties; and b) an elevated stand for holding all waste containers at the premises; or c) an imperviously paved and drained area, upon which can be stood all waste containers at the premises; and d) a hose cock and hose in the vicinity of the stand or paved area. <p>The waste storage area must be able to be serviced within the site by a Council approved commercial contractor. The design should be undertaken in</p>	Prior to the commencement of the use.

	<p>consultation with the approved commercial contractor to ensure the waste storage area can be properly accessed and demonstrate that turnaround of the collection vehicle is possible.</p> <p>Note: Kerb side collection will not be accepted for the approved development.</p>	
58.	<p>WASTE REMOVAL</p> <p>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.</p>	As indicated in the wording of the condition.
OPERATIONAL AND ONSITE MANAGEMENT		
59.	<p>HOURS OF OPERATION</p> <p>PROPOSED MEETING ROOM The Proposed Meeting Room must cease operation between the hours of 10:00pm - 7:00am.</p> <p>No guests are permitted on the external veranda areas of the existing B&B after 7:00pm.</p> <p>OUTDOOR ACTIVITIES Ancillary activities that occur outdoors must only take place between 9:00am and 7:00pm.</p> <p>No congregation of guests is permitted around outside areas after 7:00pm.</p>	
60.	<p>RECEIVING GUESTS FOR ACCOMMODATION</p> <p>Each cabin must provide a 'self-check in' system (coded entry) to facilitate check-in outside of reception operating hours.</p>	At all times.
61.	<p>BUSINESS AND OPERATIONAL MANAGEMENT PLAN</p> <p>Submit to and have approved by Council a revised Business and Operational Management Plan that incorporates the requirements of this approval, and must include but is not limited to:</p> <ul style="list-style-type: none"> a) The ongoing operation of onsite effluent disposal system/s and management of associated treated wastewater; b) House rules and codes of conduct for all staff and occupants; c) Litter control practices; d) Fire prevention practices; e) Complaints procedures and management contact details; f) Emergency procedures; and 	Prior to commencement of use.

	<p>g) Procedures to ensure all staff and occupants be given and/or all rooms have details of facility rules summarising key information above.</p> <p>Once endorsed, the development must be undertaken in accordance with the Operational Management Plan.</p>	
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3. Referral Agency Conditions

Not applicable – Referrals not triggered as part of the application.

4. Advisory Notes

- a) **ADVERTISING SIGNS** – Advertising signs may require an approval in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health and Environment areas on 07 5540 5444.
- b) **VEGETATION MANAGEMENT ACT 1999 AND THE CULTURAL HERITAGE ACT** - 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.
- c) **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 73 of the *Planning Act 2016*.
- d) **WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to the *Planning Act 2016*, 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) **APPROVAL LAPSES AT COMPLETION OF CURRENCY PERIOD** - This Development Approval will lapse if the Material Change of Use does not happen before the end of the currency period. The currency period is six (6) years from the date the approval takes effect. The currency period may be extended at the discretion of Council under Section 85 of the *Planning Act 2016*. Before the Development Approval lapses, a written request to extend the currency period may be made to Council under Section 86 of the *Planning Act 2016*. Please note that Council will not automatically remind Applicants/Occupiers when the currency period is about to lapse.
- f) **BIOSECURITY QUEENSLAND** should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that

works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website www.daf.qld.gov.au/fireants.

- g) **COMPLIANCE WITH CONDITIONS** - The land owner/developer, is required to ensure the development and any associated conditions within the development approval are complied with prior to the commencement of the approved land use or prior to endorsement of survey plans for subdivision approvals. Failure to comply with the conditions of approval are deemed to be a breach of Section 164 the Planning Act 2016 and as such Council may undertake formal enforcement action/s such as statute notices or prescribed infringement notices.
- h) **NON-TRUNK INFRASTRUCTURE** - All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.
- i) **DAMAGE TO COUNCIL ASSETS & SERVICES** - The applicant is required to have repaired any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.
- j) **WORKS – APPLICANTS EXPENSE** - The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider.

5. Further approvals are required for:

- 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. Should the existing houses be retained on site and decommissioned, a change of classification will be required.
- 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.
- c. Application for Works Within Existing Road Reserves are to be lodged with Council prior to undertaking any access/road construction works.

6. 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.

7. Administrative Action:

That Decision Notices be issued in accordance with s.63 of the *Planning Act 2016* to the Applicant, submitter/s and referral agencies.

12 Confidential Matters**12.1 Final Update - Recovery of Costs of Appeal - MCU20/050 SDA Property Nominees Pty Ltd v Scenic Rim Regional Council and Ors - Planning and Environment Court Appeal No.BD2001 of 2021, 1 - 11 Eagles Retreat Place, Tamborine Mountain [Closed s.254J(3)(e)]**

Executive Officer: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

Item Author: Manager Regional Development, Health and Biodiversity /
Acting General Manager Customer and Regional Prosperity

This report is **CONFIDENTIAL** in accordance with Section 254J(3)(e) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

12.2 Ten-Year Capital Works Program [Closed s.254J(3)(c)]

Executive Officer: General Manager Asset and Environmental Sustainability

Item Author: Coordinator Asset Management

This report is **CONFIDENTIAL** in accordance with Section 254J(3)(c) of the *Local Government Regulation 2012*, which permits the meeting to be closed to the public for business relating to the following:

- (c) the local government's budget.