

Attachment 10 - Kaiser Road Resident's concerns

Re: Development Application MCBd14/053, 'Guanaba Experience', Tamborine Mountain

Dear Mayor, Deputy Mayor and Councillors

We thank you for spending time with us to hear our concerns about the 'Guanaba Experience' development application. We have summarised our key points below for your reference.

The proposed development:

- is in conflict with the Planning Scheme
- is incompatible with our expectations for this area, which are low-impact residential, farming or built-accommodation (and not outdoor activities)
- would have substantial undesirable impacts on us, the people who have made our homes here — regardless of conditions that Council could impose, the development would have negative impacts that go far beyond the impacts of any of the uses intended for this area under the Planning Scheme
- is completely out of character with any nearby land uses
- does not fill a community need — such activities are provided throughout the Scenic Rim
- does not have community support — in fact, there is overwhelming community opposition.

Because of the nature of the proposed development, we as a community have many concerns about the unavoidable effects on our lifestyles and amenity, among them:

- greatly increased risk of bushfire
- loss of privacy
- loss of scenic and residential amenity; loss of the character and values of the neighbourhood that drew us to make our homes here
- noise from activities and traffic
- the detrimental effect on the high environmental and scenic values for which the Tamborine Mountain escarpment is renowned.

We respect the right of people and businesses to buy and sell property, and we are not opposed to development. We rely on the Planning Scheme to ensure that development is appropriate and that the impacts are reasonable. We respectfully submit that the proposed 'Guanaba Experience' is an inappropriate development with unreasonable impacts under the provisions of the Tamborine Mountain Zone Code and the Escarpment Protection Precinct and we ask Council to reject the development application.

Again, thank you for hearing our concerns.

Respectfully

Sarah Hanley

on behalf of the residents of Kaiser Road, Tamborine Mountain



48-72 Kaiser Road
Mount Tamborine
QLD 4272
7th January 2015

Mr. John Creagan
Planning Dept., Scenic Rim Regional Council

Re: Development Application MCBd14/053
Material Change of Use: Outdoor Sports, Recreation & Entertainment, and Camping Grounds

Dear Mr. Creagan

Application Omissions and Errors: Site Planning and Noise Assessment

My home is right next to the proposed development on Kaiser Road. In fact my home is so close to the main buildings that it should appear on the Reception Area Site Plan produced by Design Evolution for Guanaba Experience.

Attached are seven images which combine Queensland Globe maps and photographs with the Site Plan. The images show the relationship between my house and garden and the proposed Reception and café buildings.

There is a significant omission on the Site Plan: my house. Just as Kaiser Road is marked on the Site Plan, my house should be marked on the Site Plan because of the implications for the Planning Scheme. Owing to this omission, the Site Plan gives a misleading impression of the development in relation to adjoining residential property.

The Site Plan was included in 'Appendix 2 Proposal Plans', the 'Vegetation Management Plan' and in the package sent to neighbouring properties by surveyors T.J. Kelly. As T.J. Kelly are Consulting Surveyors and Town Planners, I find it hard to believe the omission of my house on the Site Plan was anything other than intentional.

My house is about 90m from the proposed café. My garden boundary is about 47m from the proposed café. Design Evolution's plans have the south side of the café partly open (without a wall) and the north and east sides have mesh screens instead of walls. The west side of the nearby Reception and lobby building is also without walls.

The Queensland Globe maps show that my house sits at an elevation of just over 480m. The 'Earthworks Site Plan' from Knobel Consulting (provided in the application) shows the café and Reception to be at an elevation of 496m.

Noise from the buildings is not considered in the acoustic report but obviously there will be 'adverse emissions of noise' from the arrival, Reception and café areas that **will not** 'protect the amenity' of my home - as required under Planning Scheme 3.7.11 code SO34. In fact, the noise from these areas **will definitely** 'cause annoyance and disturbance to the residents in the surrounding area', especially my house - in breach of Planning Scheme 5.2.5 code SO12. Put another way, the proposed development is a gross invasion of my privacy and a gross breach of my right to enjoy peace and quiet in this location.

In 'Appendix 3 Development Response (Planning Scheme Codes)', prepared by T.J. Kelly, they claim the development complies with codes SO34 and SO12. They are wrong; the development does not comply.

With regard to 'zip lines', these are controlled under Planning Scheme 5.2.28 code SO2. Code SO2 goes further than code SO12 and has a Probable Solution: "Development does not result in noise emissions that are **detectable at the property boundary**." There should be no detectable noise from zip lines in my garden.

T.J. Kelly responded to this requirement in Appendix 3 by saying: "The acoustic report accompanying the development application confirms that the environmental noise **criteria relevant** to the various aspects of the development will be satisfied." They are wrong; the acoustic report does nothing of the kind.

The acoustic report is based on Planning Scheme **Policy 2**, part 13 (acoustic report page 9). But this is only a general policy. There is no reference to the specific Planning Scheme 5.2.28 code SO2 requirements that actually govern this application. The 'not detectable at the property boundary' solution is ignored.

The contour map in the acoustic report (in spite of its flaws) shows zip line noise definitely **will be detectable** at my boundary. I can assure you it will 'cause annoyance or disturbance' in my garden and probably my house. No doubt many of my neighbours will be annoyed too.

This development did not comply with code SO1 to be a Consistent Development in the first place. It does not comply with codes SO34, SO12 and SO2 either. The development application ought to be withdrawn.

I should like to thank my friends and neighbours for their help in preparing this letter. My father lived in this house for 20 years before his death in 2011. He would have been appalled at the very suggestion of this development and even more appalled at the way it is being presented and promoted by T.J. Kelly Surveyors Pty Ltd. To say they have not met Tamborine Mountain community expectations with their behaviour throughout this application process is a massive understatement.

Yours sincerely



Elizabeth Mortlock Pereira (nee Mort E Lock)

Images combining Queensland Globe maps and photos with the Site Plan

The Map showing roads, houses, property boundaries contours etc., was taken from the Queensland Globe, which is accessed via the Queensland Department of Natural Resources and Mines website: <https://www.dnrm.qld.gov.au/mapping-data/queensland-globe/install-mac-pc>

This Map was displayed in Google Earth and the area showing the development site and surrounding area was downloaded. A small section of the display was then enlarged at a higher resolution. The enlarged area covers the house and garden of 48-72 Kaiser Road adjoining the development site.

Map 1

1. Section of the Queensland Globe showing the proposed development site and surroundings.
2. The same map showing the area of Kaiser Road to be enlarged.
3. The enlarged area (at a higher resolution) showing the house at 48-72 Kaiser Road and the property boundaries.

Plan

Site Plan provided by T J Kelly in the application to council. This shows the proposed development buildings adjacent to 48-72 Kaiser Road. The property boundaries are marked, but not the house.

Overlay 1

The Plan is overlaid on Map 1, by matching the roads and property boundaries on both maps. Kaiser Road is highlighted in blue.

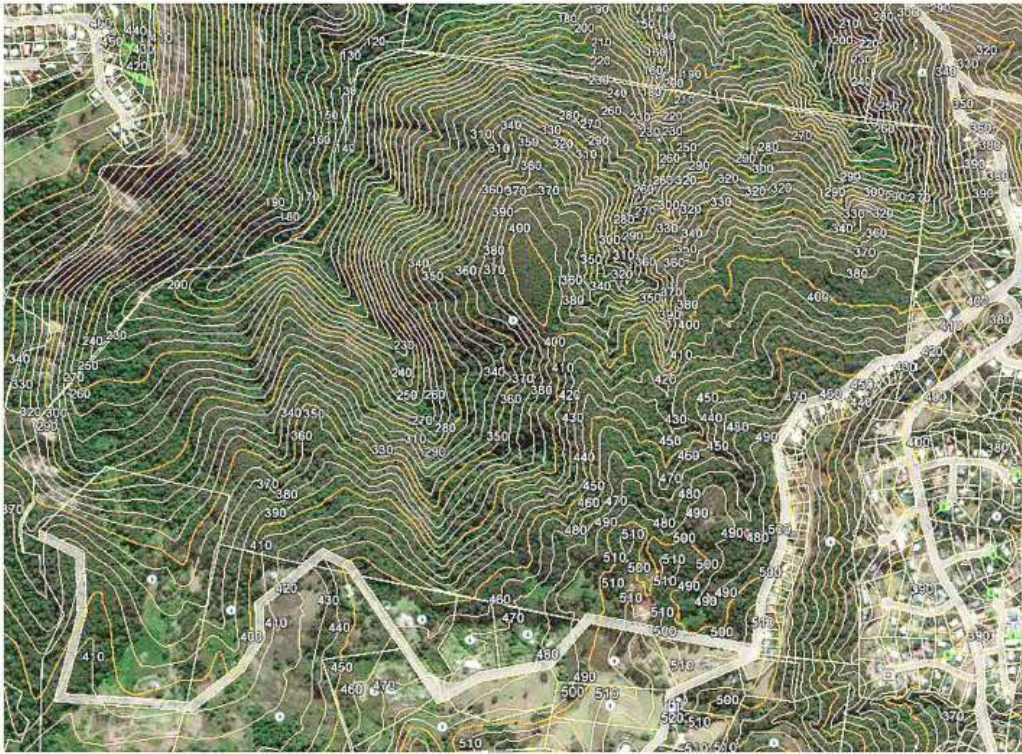
Overlay 2

1. The enlarged area of Map 1 is overlaid on the Site Plan by matching the property boundaries.
2. The corner of this overlay has been enlarged to show more detail. Proposed development features are labelled.

Overlay 2 and its enlargement show that:

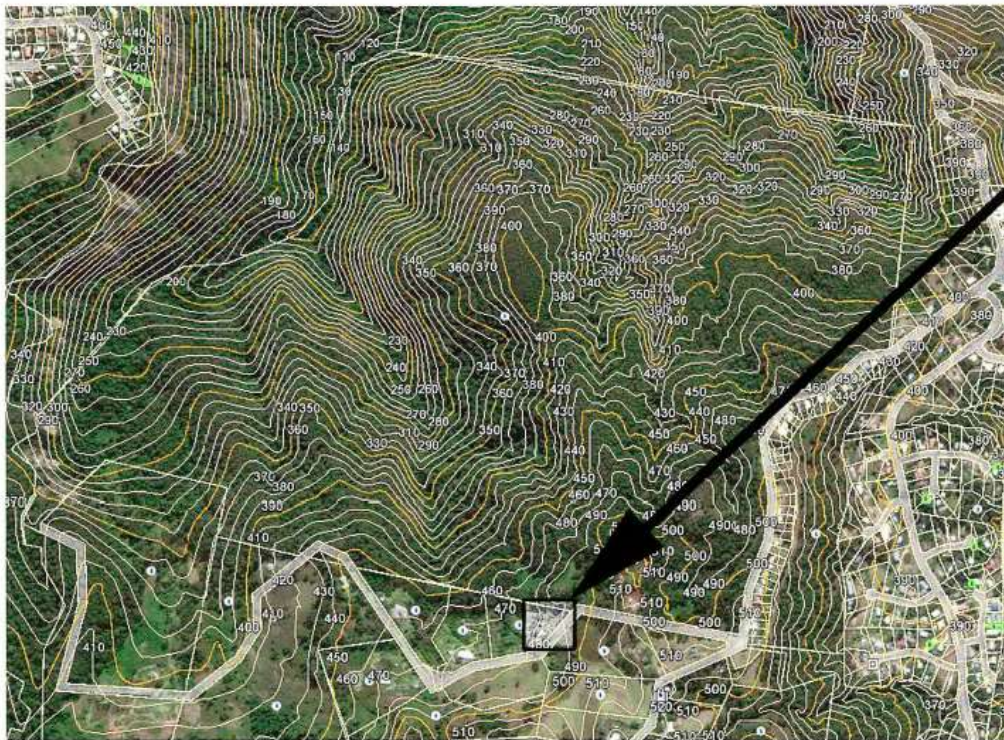
The house at 48-72 Kaiser Road is within the area of the T J Kelly Site Plan, but is not shown on the plan.

N.B The proposed development buildings are much closer to this house than any other houses are to each other along Kaiser Road. The development would completely change the setting for this established house.



SOURCE
Queensland
Globe

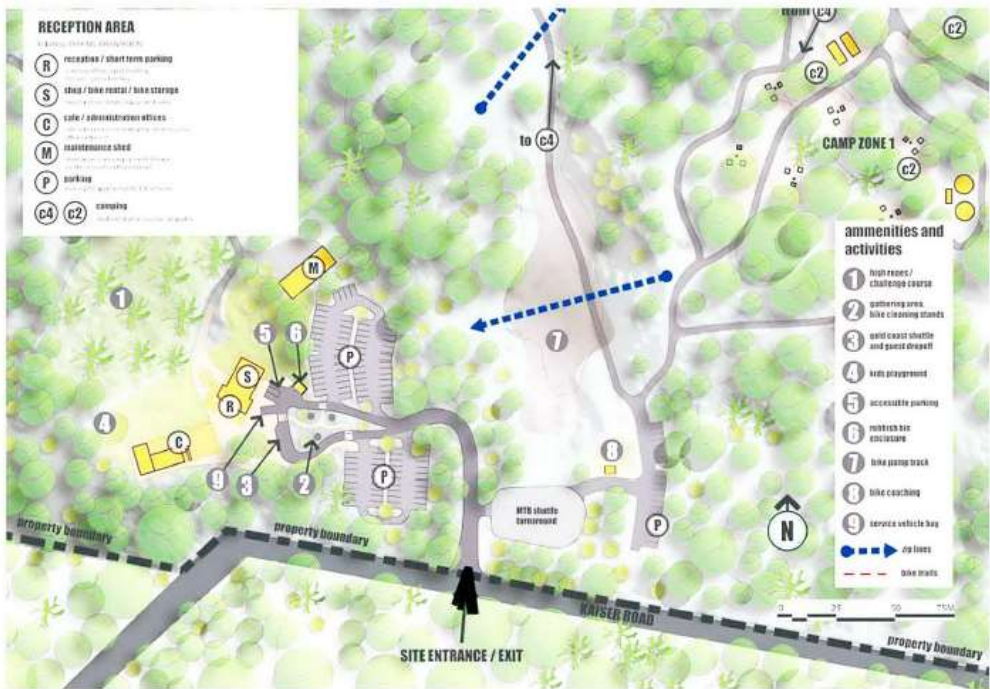
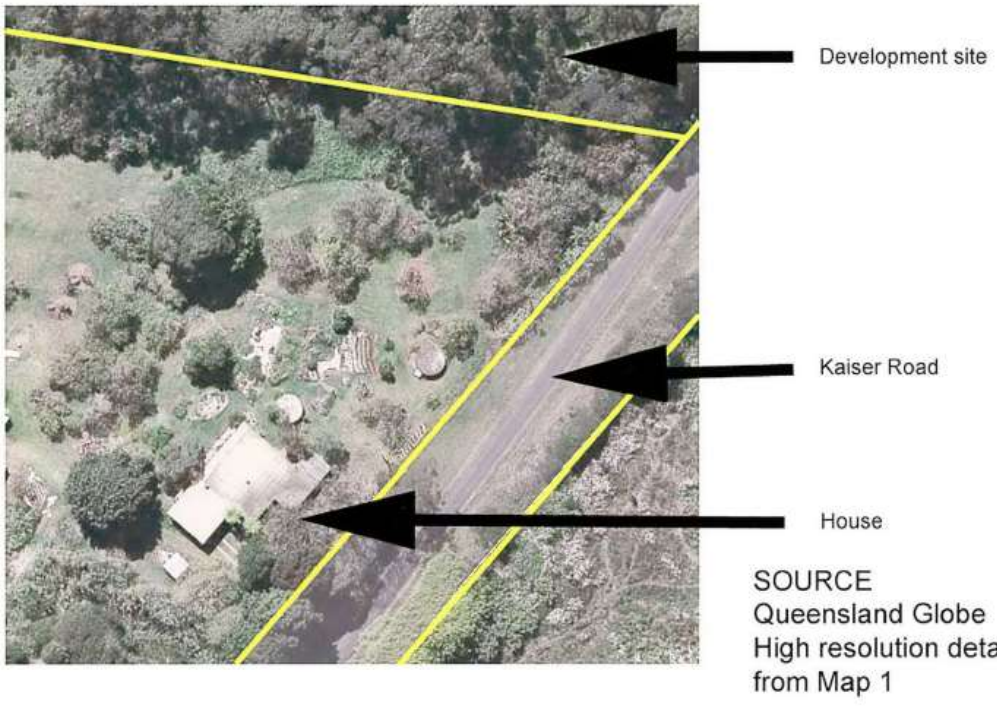
Map 1

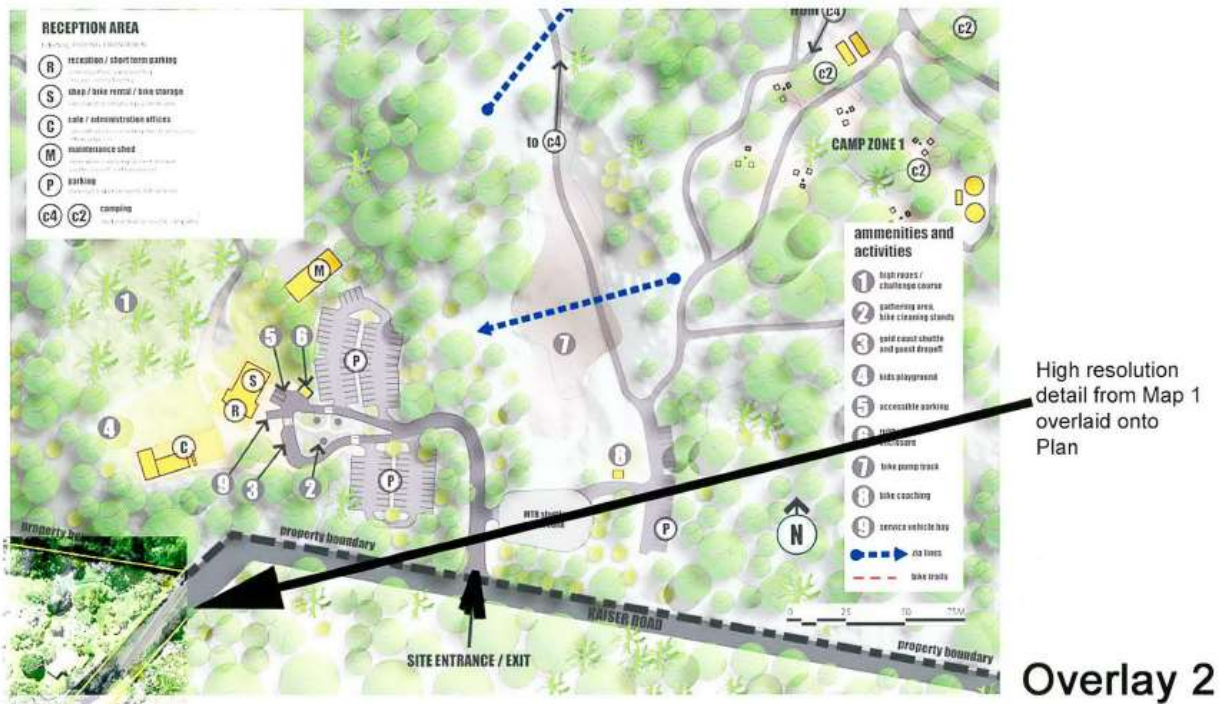
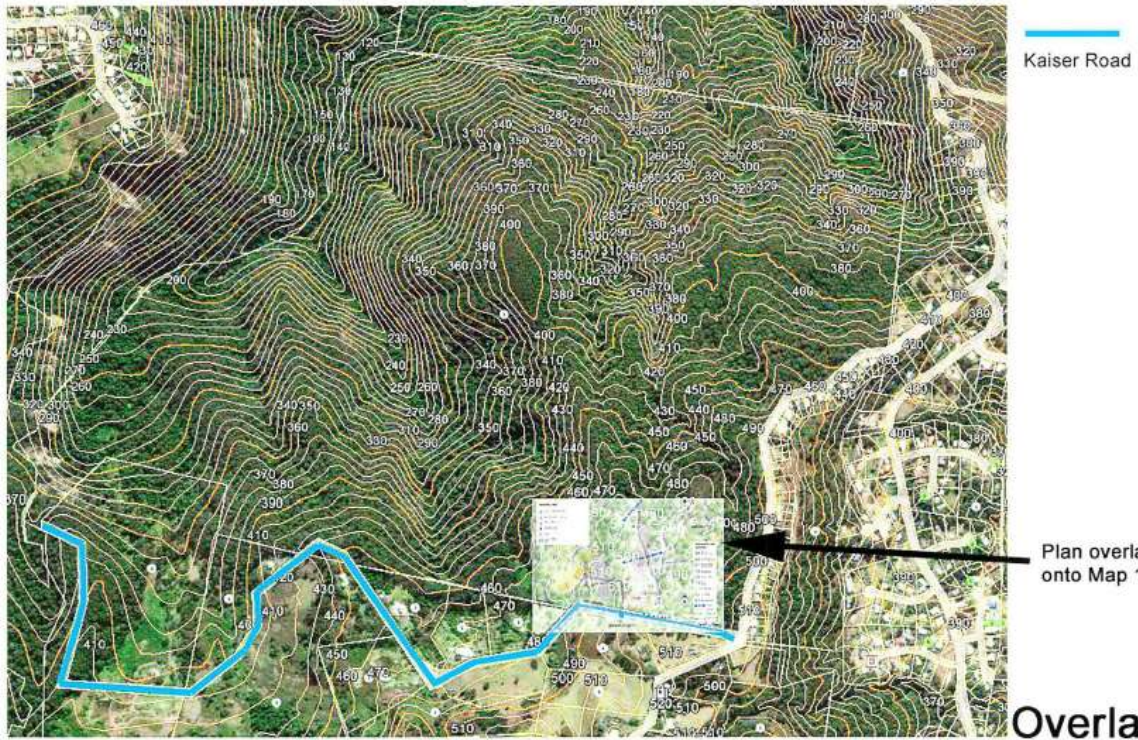


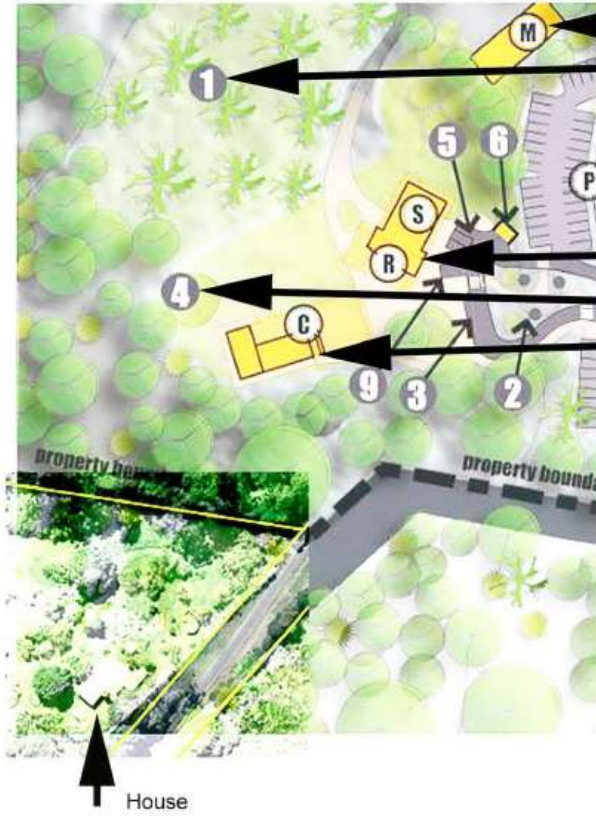
Location of
high resolution
detail

SOURCE
Queensland
Globe

Map 1







- Workshop
- High ropes feature
- Reception
- Children's play area
- Cafe

The house on Kaiser Road lies within the area of the Plan, but was not shown on the Plan.

Enlargement Overlay 2

From : Appendix 3 Development Response (Planning Scheme Codes)

1.0 Tamborine Mountain Zone Code

The Specific Outcomes for the Tamborine Mountain Zone Code relevant to this proposal are examined in the Table below:-

Specific Outcomes	Probable Solutions	Development Response
Noise, Air and Light Emissions		
SO34 Development protects and enhances the amenity and character of the Zone and Precincts by avoiding or mitigating the adverse emission of noise and vibration.	S34.1 No Solution is prescribed.	Complies. As the area for proposed development is quite extensive and located some distance from any adjoining dwellings it is anticipated that any adverse impact on the locality by way of noise emission and vibration will be minimal. Refer to the Noise Impact Assessment Report by ASK Acoustic and Air Quality Consultants dated 10 January 2014.

3.0 Caravan/Relocatable Home Park/Camping Ground Code

The Specific Outcomes relevant to Camping Grounds are examined in the Table below:-

Specific Outcomes	Probable Solutions	Development Response
SO12 Development ensures that noise emissions from the site do not cause annoyance or disturbance to residents in the surrounding area.	S12.1 No Solution is prescribed.	Complies. The camp grounds are dispersed over three main areas within the 203 hectare property. The park is well buffered from the houses on the opposite side of Kaiser Road and Guanaba Road. The camping activities are not expected to cause annoyance for any residents within this locality. The Noise Impact Assessment Report by ASK Acoustics and Air Quality consultants confirms that the environmental noise criteria will be satisfied. Consequently the risk of impact on the residences is low.

2.0 Sports, Recreation and Entertainment Code

The Specific Outcomes prescribed exclusively for the Sports, Recreation and Entertainment Code are examined in the Table below:-

Specific Outcomes	Probable Solutions	Development Response
SO2 Development provides that noise emissions do not cause annoyance or disturbance to residents in the surrounding area.	S2.1 Development does not result in noise emissions that are detectable at the property boundary.	Complies. Noise emissions will be appropriately managed. The acoustic report accompanying the development application confirms that the environmental noise criteria relevant to the various aspects of the development will be satisfied. Refer to Noise Impact Assessment Report by ASK Acoustics and Air Quality Consultants dated 10 January 2014.

4 Acoustic Criteria

4.1 Overview

Acoustic criteria for the project will need to address noise emissions from onsite activities, including:

- Noise emissions from zip-line activity.
- Patron noise from camping areas.
- Noise from mountain bike activity.
- Carpark noise.
- Mechanical plant noise.

The acoustic assessment will be undertaken in accordance with relevant criteria including:

- Scenic Rim Regional Council (SRRC) – Beaudesert Shire Planning Scheme 2007.
- Department of Environment and Heritage Protection (EHP), formerly DERM – Environmental Protection Policy (Noise) and Environmental Protection Act (Open Air Events).

4.2 Scenic Rim Regional Council Noise Policy

Planning Scheme Policy 2 (part 13) of the Beaudesert Shire Planning Scheme states that:

When a noise assessment report is required, such a report is to be prepared...having regard to the Environmental Protection (Noise) Policy 1997, and shall examine at least the following issues-

- a) whether the development will have significant detrimental impact upon the Amenity of nearby areas;*
- b) if an existing beneficial asset or other noise source will have a significant impact on a proposed residential or noise-sensitive use;*
- c) whether any appropriate acoustic screening or other noise amelioration measures can be feasibly incorporated into the design of the site or the use which would eliminate or reduce any detrimental impact.*

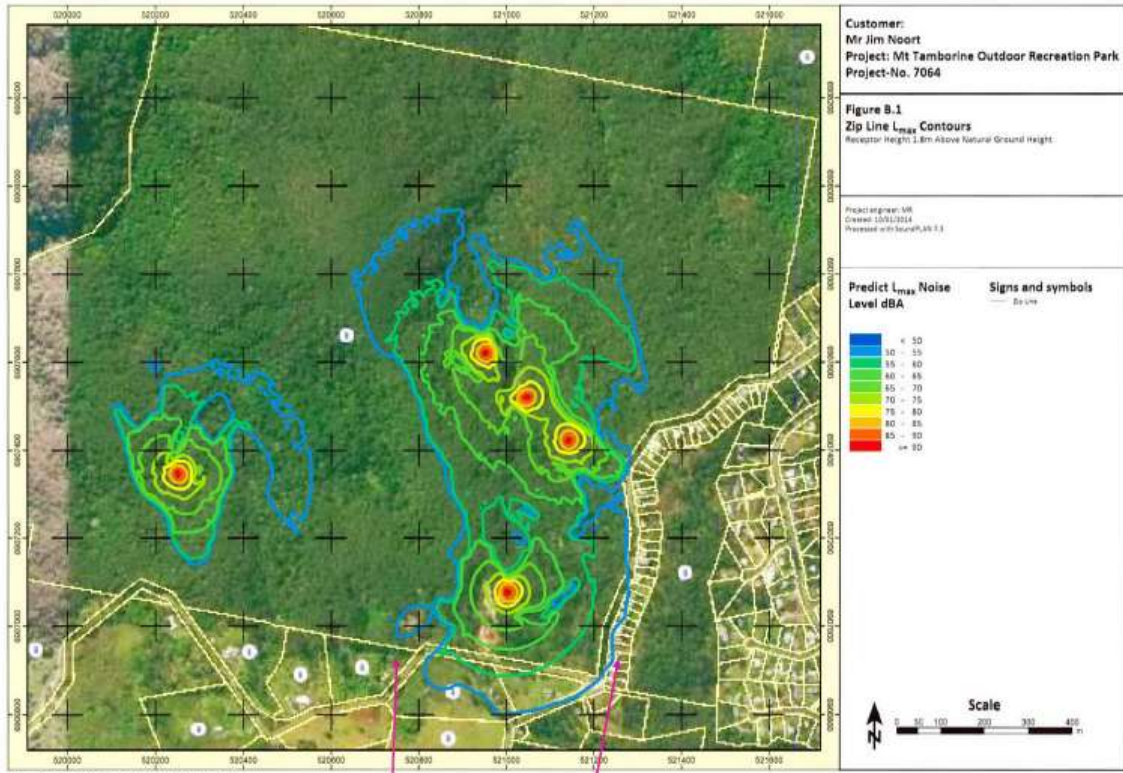
It is noted that the Environmental Protection (Noise) Policy 1997 has been superseded by the Environmental Protection (Noise) Policy 2008 and therefore it is proposed to use the current policy.

4.3 Environmental Protection (Noise) Policy

4.3.1 Overview

In respect of the acoustic environment, the object of the Act is achieved by the Environmental Protection (Noise) Policy 2008 (EPP (Noise)). This policy identifies environmental values to be enhanced or protected, states acoustic quality objectives, and provides a framework for making decisions about the acoustic environment.

Acoustic Report: Zip Line Noise Contour Map



Noise level would have to be less than 30dB(A) to be 'not detectable'