



SCENIC RIM REGIONAL COUNCIL

Planning & Development Committee

Report

Meeting held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 18 August 2015

Commenced at 9.45 am

All correspondence to
Be addressed to the
Chief Executive Officer

Scenic Rim Regional Council
PO Box 25
BEAUDESERT QLD 4285
ABN: 45 596 234 931

Beaudesert Administration Centre P: 07 5540 5111 F: 07 5540 5103
Boonah Administration Centre P: 07 5463 3000 F: 07 5463 2650
mail@scenicrim.qld.gov.au
www.scenicrim.qld.gov.au

SCENIC RIM REGIONAL COUNCIL

PLANNING & DEVELOPMENT COMMITTEE

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PLANNING & DEVELOPMENT COMMITTEE

REPORT

CHIEF EXECUTIVE OFFICER

I advise that the Committee met on **Tuesday, 18 August 2015**. Councillors present:

Cr J J Sanders. Chairperson
Cr J C Brent, Mayor
Cr N J Waistell
Cr N O'Carroll
Cr V A West, Deputy Mayor
Cr R J Stanfield
Cr D A McInnes

ATTENDANCE

Executive Officers

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

APOLOGIES

Nil

DECLARATIONS OF INTEREST BY MEMBERS

Nil

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

S Turner, Manager Planning (Item 3.1)

Reception of Deputations by Appointment / Visitors

Nil

PLANNING & DEVELOPMENT COMMITTEE

REPORT

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

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

1. EXECUTIVE

Nil.

2. CHIEF FINANCE OFFICER

Nil.

3. REGIONAL SERVICES**3.1 MCBd14/053 Negotiated Decision Notice request for Material Change of Use Outdoor Sports, Recreation and Entertainment (Community Services Use) Food Premises and Reception Centre (Business Use) Mt Tamborine Camping & Activities Pty Ltd Lot 3 RP181081****Executive Officer: Director Regional Services****File Reference: MCBd14/053**

Applicable Planning Scheme	Beaudesert Shire Planning Scheme 2007
Applicant	Mt Tamborine Camping & Activities Pty Ltd (now Guanaba Experience Pty Ltd) c/- TJ Kelly Surveys Pty Ltd
Owner(s)	Dr P R Millett, and Ms E M J Jordan
Site Address	98-196 Guanaba Road TAMBORINE MOUNTAIN QLD 4272
Real Property Description	Lot 3 on RP181081
Site Area	2030230.00 m ²
Relevant Zone and Precinct	Tamborine Mountain Zone - Escarpment Protection Precinct
Proposal	Negotiated Decision Notice Request for A Development Permit for Outdoor Sports, Recreation and Entertainment (Community Services Use) (Mountain Bike Trails and Outdoor Recreation Park), Camping Ground (Community Services Use) (up to 300 persons) & Food Establishment/Reception Centre (Business Use)
Assessment Level	Impact Assessment (Inconsistent)
Approval Type	Development Permit
Planning Scheme Details	2007 Beaudesert Shire Planning Scheme
Public Notification:	17 September 2014 until 12 October 2014
Submissions Received for Original DA	1567 submissions received (753 properly made submissions against, 777 properly made submissions in favour and 37 not properly made submissions)

Is a Notation to the Planning Scheme required?	n/a
Date Negotiated Decision Notice Application Received:	12 June 2015

Director's Recommendation

1. That Council resolve to approve the request for a Negotiated Decision Notice for the approved development in respect to the following property:

Real Property Description:	Lot 3 on RP181081
Address of property:	98-106 Guanaba Road TAMBORINE MOUNTAIN Qld 4272
Site area:	2030230.00 m ²
Proposal:	A Negotiated Decision Notice for (Conditions 32 and 48) of the approved Development Permit for Material Change of Use for Outdoor Sports, Recreation and Entertainment (Community Services Use) (Mountain Bike Trails and Outdoor Recreation Park), Camping Ground (Community Services Use) (up to 300 persons) & Food Establishment/Reception Centre (Business Use)
Planning Scheme:	<i>Beaudesert Shire Planning Scheme 2007</i>

2. **Conditions of Approval:**

32) **EMPLOYEES/STAFF** – deleted.

48) **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 2.2 (below) from the submitted ask report (7064R01V03) letter dated 11 June 2015.

Table 2.2

Table 2.2 Noise Limits Applied in Noise Impact Assessment

Noise Type	Acoustic Quality Objectives Criteria	Calculated Background Creep Criteria
Intermittent (zip lines, vehicles, mountain biking)	Day and evening: 52 dBA L ₁	Night: 29 dBA L ₉₀
Quasi-Steady State (zip lines, patron noise)	Day and evening: 42 dBA L ₉₀	

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

3. Approval Conditions (Referral Agency):

The State Assessment Referral Agency Response dated 3 March 2015.

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

- a) 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*.
- b) 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.
- c) WHEN DEVELOPMENT APPROVAL TAKES EFFECT** - Pursuant to *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).
- d) 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.
- e) ADVERTISING SIGNS** - The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444.
- f) ENVIRONMENTALLY RELEVANT ACTIVITIES** - Applications for Environmentally Relevant Activities may need to be lodged with the Department of Environment and Heritage Protection for an ERA 63-2a (*operating sewage treatment works, other than release works with a total daily capacity of 21EP, but less than 100EP*) should it be determined that such an application is required at the time of making application for Plumbing and Drainage Permits with Council.

- g) **FOOD LICENSING** - If food is prepared and served at the premises, the food preparation facilities are required to be licensed and approved by Council in accordance with the *Food Act 2006*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444.
- h) **TEMPORARY EVENTS** – The Applicant is advised that any temporary event will be subject to relevant approvals including food licensing. Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011.
- i) **BUSHFIRE MANAGEMENT** – The applicant at the time of making the application for Building Works must take into consideration the *Australian Standard AS3959-1991 (Construction of Buildings in bushfire-prone areas)*.
- j) **OPERATION OF A CAMPING GROUND APPROVAL** - If the business utilises the operation of a Camping Ground, an approval may be required under Council in accordance with Local Law *Subordinate Local Law no. 1.6 Operation of Camping Ground*. Further information and the relevant application forms can be obtained by calling Council's Health & Environment area on 07 5540 5444. Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011.
- k) **ADVERTISING SIGNS** - The majority of advertising devices require a licence in accordance with Council's Local Laws. Further information and the relevant application forms can be obtained by contacting Council's Health & Environment area on 07 5540 5444. Subordinate Local Law No. 1.4(Installation of Advertising Devices) 2011.
- l) **ADVISORY NOTE ONLY – FOR YOUR INFORMATION AND ATTENTION** - Fire ants are dangerous imported pests that could spread to large areas of Australia, severely damaging the environment, our outdoor lifestyle and the agriculture and tourism industries. Under Queensland legislation, Fire Ants are a notifiable pest and suspected sightings must be reported to QPIF. You are required to ascertain if your development works are affected by this Legislation. Maps of the affected areas and further information can be obtained from the Queensland Government at: http://www.dpi.qld.gov.au/4790_4538.htm
- m) **ENVIRONMENTAL LEGISLATION** - This approval does not represent approval or exemption to clear, harm, poison, destroy or damage native flora or fauna for which another approval may apply. Such as the *Nature Conservation Act*, the *Vegetation Management Act*, *Environmental Protection and Biodiversity Conservation Act*. It is recommended that the applicant check with the relevant State and Commonwealth authorities PRIOR to works.
- n) **REGIONAL ECOSYSTEM MAPPING** - This approval does not represent approval or exemption for approval to clear vegetation identified within areas of important vegetation as designated on the relevant Regional Ecosystem Map published by Department of Natural Resource and Mines.

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.
- 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) A Property Access Location Approval and Works in Road Reserve Approval are required prior to the construction of a proposed access point.
- d) An Operational Works approval for the external roadwork's, internal car parking and earthworks involved with the use.
- e) A Food Licence approval
- f) A. Camping Licence approval.

6. Administrative Action:

That Decision Notices be issued in accordance with s.335 of the *Sustainable Planning Act 2009* to the Applicant, submitters and referral agencies.

Moved Cr Waistell, seconded Cr O'Carroll, that this item be withdrawn in order to allow Council officers the opportunity to review and comment on further evidence which has been submitted to Council with regard to Condition 48, namely the acoustics report by Acoustics RB Pty Ltd.

Lost

For: Crs Waistell and O'Carroll
Against: Crs West, Sanders, Brent, Stanfield and McInnes

Committee Recommendation

That the Director Regional Services' recommendation be adopted.

Moved: Cr Brent
Seconded: Cr West

Carried

For: Crs West, Sanders, Brent, Stanfield and McInnes
Against: Crs O'Carroll and Waistell

Attachments

1. Zoning Map.
2. Dekho Map/Aerial Photos.
3. Applicant's Request for a Negotiated Decision Notice.

Attachment 1 - Zoning Map



Attachment 2 - Dekho Map/Aerial Photos



Attachment 3 - Applicant's Request for a Negotiated Decision Notice



Date: 11/06/15
 Ref: 7064L01V02/SP
 To: Jim Noort
 Company: Guanaba Experience
 Email: jim@guanaba.com.au
 Author: Mitch Ryan
 Subject: Guanaba Experience Outdoor Recreation Park - Response to Proposed Approval Condition Noise Limits
 Pages: 1 of 4

1 Introduction

ASK Consulting Engineers Pty Ltd (ASK) was commissioned by Mr Jim Noort to undertake a noise impact assessment for the proposed Guanaba Experience outdoor recreation park to be located at Kaiser Road, Mt Tamborine. The noise impact assessment report (report ref 7064R01V03 dated 10/01/14) was submitted as part of the Development Application for review by Scenic Rim Regional Council (SRRC).

It is understood that the Development Application for the project has been approved, subject to conditions presented within the SRRC Decision Notice (file reference MCBd14/053 dated 28 May 2015). The Decision Notice includes numerous Conditions of Approval, including noise emission limits for the development (Condition 48). However it is noted that the conditioned noise limits are not consistent with the noise limits applied in the noise impact assessment undertaken for the Development Application.

The purpose of this letter is to explain the selection of the noise limits applied in the noise impact assessment report (7064R01V03) and justify why these noise limits should be the conditioned noise limits for the development.

2 Discussion of Noise Limits

2.1 Proposed Decision Notice Noise Limits

Condition 48 of the Decision Notice (MCBd14/053) Conditions of Approval nominates noise limits for the development as part of the Development Approval. Condition 48 of the of the Decision Notice is as follows:

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 + 5 dBA	Background + 10 dBA
Night time (10:00pm-7:00am)	Background + 3 dBA	Background + 8 dBA

Note: Background = L_{90} dBA

ASK Consulting Engineers Pty Ltd

ABN: 55 622 586 522 - ACN: 128 491 967

PO Box 3901, South Brisbane, QLD. 4101.

P: 07-3255-3355 1 F: 07-3844-7180 W: www.askconsulting.com.au E: mail@askconsulting.com.au





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 the specific emission limits are provided in the Environmental Protection Act 1994.

2.2 Noise Limits Applied in Noise Impact Assessment Report (7064R01V03)

The acoustic criteria which were deemed applicable for the assessment of noise impacts were presented and discussed in Section 4 of the noise impact assessment report (7064R01V03). The criteria considered in the assessment included the Background Creep and Acoustic Quality Objectives noise limits prescribed by the Environmental Protection (Noise) Policy (2008) (EPP(Noise)). Similar to the noise limits included in the Decision Notice conditions, the Background Creep criteria are based on the existing background (L_{eq}) noise level plus an allowance of 5 dBA, assessed against the L_{eq} noise descriptor.

It is noted that that the Beaudesert Shire Planning Scheme (2007), the planning policy enforced by SRRC, does not contain noise criteria but references the Environmental Protection (Noise) Policy (1997), which has been superseded by the EPP (Noise) (2008).

Based on ambient noise monitoring undertaken as part of the assessment (as presented in Section 5 of 7064R01V03), the applicable noise limits for the development based on the Background Creep and the Acoustic Quality Objectives were presented in Section 6.1 in Table 6.1 of the impact assessment report (7064R01V03). The applicable limits presented in Table 6.1 are presented in this report as Table 2.1.

Table 2.1 Applicable Noise Criteria (Table 6.1 from 7064R01V03)

Noise Type	Acoustic Quality Objectives Criteria	Calculated Background Creep Criteria
Intermittent (zip lines, vehicles, mountain biking)	Day and evening: 52 dBA L_1 Night: 47 dBA L_1	Day: 40 dBA L_{eq} Evening: 38 dBA L_{eq} Night: 29 dBA L_{eq}
Quasi-Steady State (zip lines, patron noise)	Day and evening: 42 dBA L_{eq} Night: 37 dBA L_{eq}	

As discussed in Section 6.1 of the assessment report (7064R01V03), the acoustic quality objectives criteria are intended to be progressively achieved over the long term but do not take into consideration the existing noise environment and therefore these criteria alone do not necessarily protect or enhance the acoustic amenity of the local area.

However, based on the statistical noise levels from noise logging conducted for the assessment (see Section 5, Table 5.2 of report 7064R01V03), it was evident that the existing noise environment was already exposed to short term noise events. In comparison to the applicable noise criteria, the lowest 10th percentile of the L_1 noise levels were measured at 66 dBA L_1 and 60 dBA L_1 for the daytime and evening, well above the acoustic quality objectives and background creep criteria for non-continuous events. Similarly the lowest 10th percentile of the L_{eq} levels was measured at 55 dBA L_{eq} , 46 dBA L_{eq} and 31 dBA L_{eq} for the day, evening and night-time, also significantly above the applicable noise limits for the L_{eq} parameter with the exception of the night-time period.

Therefore based on the results of noise logging, the acoustic quality objectives limits were considered the most appropriate for the day and evening periods, with the background creep limits considered



the most appropriate for the night-time. The noise limits applied in the impact assessment are presented in Table 2.2.

Table 2.2 Noise Limits Applied in Noise Impact Assessment

Noise Type	Acoustic Quality Objectives Criteria	Calculated Background Creep Criteria
Intermittent (zip lines, vehicles, mountain biking)	Day and evening: 52 dBA L_1	Night: 29 dBA L_{eq}
Quasi-Steady State (zip lines, patron noise)	Day and evening: 42 dBA L_{eq}	

Note: Upon review of Table 5.2 of the assessment report (7064R01V03) it is noted that the "Average" and "10%" headings (representing the lowest 10th percentile), were incorrectly noted in the table and should be swapped.

2.3 Discussion of Noise Limits

As presented in Table 5.3 of the assessment report (7064R01V03), the measured background noise levels were 35 dBA L_{90} , 33 dBA L_{90} and 24 dBA L_{90} during the day (7:00am-6:00pm), evening (6:00pm-10:00pm) and night (10:00pm-7:00am) respectively. Based on the noise limits conditioned in the Decision Notice (see Section 2.1), the noise limits at noise sensitive places would be 38 dBA and 27 dBA for the daytime and night respectively. As presented in Section 2.2, compliance levels are measured as the average of the maximum A-weighted sound levels, which could be considered comparable to the L_1 noise level.

In comparison to the noise limits applied in the noise impact assessment report (7064R01V03), the conditioned noise limits are 14 dBA lower than the daytime and evening L_1 noise limit and 2 dBA lower than the night time L_{eq} noise limit applied in the assessment. The conditioned noise limits during the daytime are significantly stricter than the limits used in the assessment and would require restriction of the activities permitted by the outdoor recreation park if the conditioned noise limits were to be enforced.

Based on the noise measurements undertaken as part of the assessment, the noise limits applied in the assessment (as presented in Table 2.2) are considered acceptable and justifiable for the development and should be the noise limits conditioned in the Conditions of Approval within the Decision Notice.



3 Conclusion

Based on the justification presented within this letter, and in full consideration of the Environmental Protection (Noise) Policy (2008) and the existing noise environment, it is recommended that the noise limits applied in the noise impact assessment report (7064R01V03) and presented in this letter in **Table 2.2** are the noise limits conditioned in the Conditions of Approval within the Decision Notice.

If you have any questions regarding the content of this letter, please do not hesitate to contact the undersigned on (07) 3255 3355.

Yours faithfully

ASK Consulting Engineers

A handwritten signature in black ink, appearing to read 'M. Ryan', with a long horizontal stroke extending to the right.

Mitch Ryan

Engineer

4. INFRASTRUCTURE SERVICES

Nil.

.....
Cr J.J. Sanders
CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE