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**BRISBANE CITY COUNCIL**

**TEMPORARY LOCAL PLANNING INSTRUMENT 04/16**

**PROTECTION OF THE BUILDING KNOWN AS THE SEAVIEW HOTEL, 65 PIER AVENUE,  
SHORNCLIFFE**

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**1. Short title**

This Temporary Local Planning Instrument (TLPI) may be cited as Temporary Local Planning Instrument 04/16 Protection of the Building known as the Seaview Hotel, 65 Pier Avenue, Shorncliffe.

**2. Purpose**

The purpose of this TLPI is to:

- implement the policy direction in the Strategic framework of *Brisbane City Plan 2014*, in particular Theme 2: Brisbane's outstanding lifestyle and Element 2.1 – Brisbane's identity
- provide for the assessment of the suitability of development on or adjoining the Seaview Hotel; and
- protect the building and nominated adjoining land until *Brisbane City Plan 2014* is amended to afford the building and adjoining land protection pursuant to the Heritage overlay and Heritage overlay code.

This will be achieved through the following overall outcomes:

- Development on or on land adjoining the Seaview Hotel does not detract from the cultural heritage significance of the Seaview Hotel, including any Aboriginal cultural values.
- Re-use of the Seaview Hotel is compatible with its cultural heritage significance, including any Aboriginal cultural values and retains its heritage significance.
- Development shall be in accordance with Table 1, level of assessment for the Seaview Hotel and adjoining land and the purpose of this TLPI.

**3. Application**

This TLPI applies to development on land involving the building known as the Seaview Hotel at 65 Pier Avenue, Shorncliffe, and described as Lots 2 to 5 on RP 4520, Lot 4 on RP 4519 and that part of Seaview Lane, Shorncliffe, sharing a common boundary with Lots 1 to 4 on RP 4520, Lot 3 on RP 4530, the northern boundary of Lot 4 on RP 4519 and the southern boundary of Lot 5 on RP 4520. These lots are deemed to be contained in the Heritage overlay and identified on the Heritage overlay map in the Local heritage place sub-category of *Brisbane City Plan 2014*.

This TLPI also applies to the following nominated lands adjoining the Seaview Hotel lands which are deemed by this TLPI to be contained in the Heritage overlay and identified on the Heritage overlay map in the Area adjoining heritage sub-category of *Brisbane City Plan 2014*.

- 53 Pier Ave, Shorncliffe, described as Lot 1 on RP 4520.
- 56 Yundah Street, Shorncliffe, described as Lot 3 on RP 4530.
- 62 Yundah Street, Shorncliffe, described as Lot 1 on RP 42404.
- 15 Seaview Lane, Shorncliffe, described as Lots 1 to 6 on SP 208433.

This TLPI does not apply to prescribed exempt development as defined in Table 5.3.4.1— Prescribed exempt development of *Brisbane City Plan 2014* and which is exempt development under Chapter 5 of *Brisbane City Plan 2014*.

This TLPI applies assessment provisions to development of the Seaview Hotel and nominated adjoining land and applies in addition to the current provisions of *Brisbane City Plan 2014*.

#### 4. Duration

This TLPI has effect for a period of one year from the date of commencement.

#### 5. Terms used in this TLPI

5.1 Terms used in this TLPI have the same meaning as in the *Sustainable Planning Act 2009* or *Brisbane City Plan 2014*, unless otherwise defined in this TLPI.

5.2 For the purpose of this TLPI the term “Heritage overlay code” shall be taken to mean the Heritage overlay code contained in Part 8 of *Brisbane City Plan 2014* as at 16 June 2015.

5.3 For the purpose of this TLPI the terms “Local heritage place sub-category” and “Area adjoining heritage sub-category” shall be taken to mean the Local heritage place sub-category and Area adjoining heritage sub-category described in the Heritage overlay code contained in Part 8 of *Brisbane City Plan 2014* as at 16 June 2015.

#### 6. Effect of this TLPI

6.1 Development specified in Table 1 of this TLPI has the level of assessment specified in Table 1, Column 2 and must comply with the applicable Code specified in Table 1, Column 3.

6.2 Where development is proposed on premises included in more than one zone, neighbourhood plan or overlay, the level of assessment is the highest level for each aspect of the development under each of the applicable zones, neighbourhood plans, overlays or this TLPI.

**Table 1: Level of assessment table for the Seaview Hotel**

Column 1 Development	Column 2 Level of assessment	Column 3 Assessment criteria
<b>All aspects of developments</b>		
MCU, ROL, building work or operational work if prescribed exempt development	<b>Exempt</b>	Not applicable
<b>MCU</b>		
MCU involving a new premises or an existing premises with an increase in <a href="#">gross floor area</a> , if in the Area adjoining heritage sub-category, where not for: (a) a <a href="#">park</a> ; or (b) a <a href="#">dwelling house</a> .	<b>Code assessment</b> Note—If the MCU is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> —all applicable outcomes in section B
MCU involving a new premises or an existing premises, if in the Local heritage place sub-category where not involving removal, demolition or demolition of a component of a heritage place, where an exemption certificate has not been issued under section 74 of the <a href="#">Queensland Heritage Act 1992</a> .	<b>Code assessment</b> Note—If the MCU is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> —all applicable outcomes in section A

Column 1 Development	Column 2 Level of assessment	Column 3 Assessment criteria
<b>ROL</b>		
ROL in the Local heritage place sub-category	<b>Impact assessment</b>	<a href="#">Heritage overlay code</a> — all applicable outcomes in section A
ROL in the Area adjoining heritage sub-category	<b>Code assessment</b> Note—If the ROL is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> — all applicable outcomes in section B
<b>Operational work</b>		
Operational work in the Local heritage place sub-category, if involving: (a) a change to landscaping, fencing or natural features that are considered significant to the site; or (b) clearing vegetation, public access, altering the natural topography or drainage patterns, an impact on a watercourse or constructing a road on a site of a heritage place of cultural significance to Aboriginal people  Editor's note — Advice from Council should be sought to assist in determining whether operational work is code assessable development under the <a href="#">Heritage overlay code</a> .	<b>Code assessment</b> Note—If the development is impact assessable in the zone or neighbourhood plan, then the level of assessment is not lowered to code assessment.	<a href="#">Heritage overlay code</a> — all applicable outcomes in section A
Operational work in the Local heritage place sub-category, if involving extracting gravel, rock, sand or soil from the place where it occurs naturally	<b>Impact assessment</b>	The planning scheme including: <a href="#">Heritage overlay code</a> — all applicable outcomes in section A
<b>Building work</b>		
Building work for removal, demolition or demolition of a component of a heritage place if in the Local heritage place sub-category, where not exempt.	<b>Impact assessment</b>	The planning scheme including: <a href="#">Heritage overlay code</a> —all applicable outcomes in section A