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NEGOTIATED DECISION FOR MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – RETIREMENT VILLAGE (112 UNITS) – 71 HOARE STREET, MANUNDA – DIVISION 5

Gary Warner: 8/8/612-01 : #943077

PROPOSAL: NEGOTIATED DECISION FOR RETIREMENT VILLAGE (112 UNITS)

APPLICANT: SUNNYCOVE MANAGEMENT LIMITED C/- RYTER PLANNING PTY LTD PO BOX 5872 MAROOCHYDORE BC QLD 4558

LOCATION: 71 HOARE STREET, MANUNDA

PROPERTY: LOT 273 ON C198354, PARISH OF CAIRNS

ZONE: RESIDENTIAL

STRATEGIC PLAN: MEDIUM DENSITY RESIDENTIAL

DCP: DCP1 – 100 PER/HA DCP2 – PRECINCT 6

REFERRAL AGENCIES: QUEENSLAND TRANSPORT (THIRD PARTY ADVICE)

NUMBER OF SUBMITTERS: 3

STATUTORY ASSESSMENT DEADLINE: N/A

DIVISION: 5

APPENDIX: 1. SITE LAYOUT PLAN 2. SUNNYCOVE SUMMARY SHEET
RECOMMENDATION:

A. That Council resolve to issue a Negotiated Decision with respect to Development Application 8/8/612 being an application for the Material Change of Use (Impact Assessment) for the development of a 112 unit Retirement Village on land described as Lot 273 on C198354 located at 71 Hoare Street, Manunda, subject to the following conditions:

1. Condition 4 be amended to read as follows:

   Car parking and Access Requirements

   4. The applicant/owner must provide a minimum of seventy (70) on site vehicle parking spaces (Minimum of 35 covered car parking spaces), including, 4 disabled parking spaces, 1 Medium Rigid Vehicle space, 1 Minibus space). 10 car parks must be available to visitors and signed/line marked accordingly.

   The applicant/owner must provide a dedicated emergency services bay in addition to parking required by this condition located as close as possible to the centre of the complex. The Emergency Services Bay must have a vertical clearance from trees and buildings of at least 3.3 metres. The Emergency Services Bay must be and signed, lit and line marked accordingly.
The car parking must be constructed in accordance with the approved plan and with Council’s Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all car parking, driveway and vehicle manoeuvring areas must be imperviously sealed, drained and line marked.

The car parking areas must be also be designed to comply with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking.

The applicant/owner must provide a minimum of fifty (50) on site vehicle parking spaces (Minimum of 23 covered car parking spaces), including, 4 disabled parking spaces, 1 Medium Rigid Vehicle space (to be used as Emergency vehicle space when required), and 1 Minibus space. 10 car parks must be available to visitors and signed/line marked accordingly.

The applicant/owner must provide sufficient signage to indicate that the proposed MRV bay also serves as an Emergency Services Bay. The shared MRV and Emergency Services Bay must have a vertical clearance from trees and buildings of at least 3.3 metres. The shared MRV and Emergency Services Bay must be and signed, lit and line marked accordingly.

The car parking must be constructed in accordance with the approved plan and with Council’s Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all car parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

The car parking areas must also be designed to comply with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking.

2. Condition 8 be amended to read as follows:

**Landscaping**

8. The applicant/owner must landscape the subject land and street frontages in accordance with Development Manual, Part 4 – Landscaping and in accordance with a Landscape Plan endorsed by the Chief Executive Officer.
The Landscape Plan must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for carrying out Building Work. In particular, the plan must show:

a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs including extension of the existing Melaleuca theme existing on the site and adjoining streets plus advice from an arborist on the appropriate means of preservation of the existing large Melaleuca trees;

b. The visual screening of the development along the Hoare Road frontage incorporating the fence design stipulated by Condition 9 below;

c. Landscaping of required setback areas with particular attention to the boundary setbacks against adjoining existing residential sites; and

d. Suitable planting at the Warner Street entrance and landscaping around the swimming pool.

e. Landscaping of the buffer strip and car parking associated with the 15 metre wide access leg through to Wallace Street required by Condition 25.

f. Sign posting, lighting and direction indicators for internal paths.

g. All building works and associated development shall be undertaken accordance with the following:

i. An Arborculturalist shall undertake any required tree lopping;

ii. Pier footings are to be used for the footings of buildings in close proximity to melaleuca trees;

iii. Positioning of pier footings shall be flexible to allow for the location amongst tree roots and to allow water to drain towards the trees;

iv. The paving and decking shall allow for sufficient drainage to the melaleuca trees;

v. Where filling is required, fill material shall be sandy to minimise the disturbance to the natural soil and drainage flows;
vi. The Melaleuca trees that are to remain on site and their immediate surrounds shall be fenced off and protected from building traffic.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works.

Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

3. Condition 9 be deleted and replaced with the following:

Screen Fencing

9. The applicant/owner must provide a fence (minimum height of 1.8 metres) and associated landscaping along the Hoare Street frontage. The fence and associated landscaping should be designed to incorporate the following elements:

a. provision of street surveillance;
b. visual privacy;
c. noise reduction; and
d. aesthetically pleasing appearance.

All to the satisfaction of the Chief Executive Officer.

The applicant/owner must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) or equivalent, to those parts of the side and rear boundaries of the site not already provided with screen fencing of a similar standard, to the satisfaction of the Chief Executive Officer.

Details of the all screen fencing must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

4. Condition 16 be amended to read as follows:

External Works

16. The applicant/owner must undertake the following works external to the subject land (Note: No vehicular access to Hoare Street shall be permitted):
a. Construct full width bitumen widening to both sides of Warner Street over the last 20 lineal metres of the northern end of Warner Street.

b. Provide a line marking and landscaping plan for 6 4 on street car parks at the end of Warner Street nearest the proposed Development and utilising the widening required by a. above.

c. Construct a 2.0 metre wide concrete footpath on the south side of Hoare Street between Clarke Street and English Street. The applicant will be responsible for the cost of the footpath across the frontage of Lot 273 C 198354 while the cost of the balance of the footpath required by this condition can be offset against the Traffic Contributions in Condition 3. The applicant shall provide an arborists advice regarding the best location of the footpath with respect to the relationship of the footpath to the existing Melaleuca trees.

d. Re-instate landscaping in the median strip of Hoare Street for the section between English Street and Clarke Street. The landscaping works are required only where there are existing breaks in the landscaping, and shall continue the existing species/theme. The re-instated landscaping shall be sufficiently advanced to deter pedestrians crossing the road, at uncontrolled points.

The extent of footpath works for construction and value of developer’s contributions credit for such works must be submitted and endorsed by the Chief Executive Officer prior to the commencement of works.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. Such works must be constructed in accordance with the endorsed plan, to the satisfaction of the Chief Executive Officer and Council's Development Manual prior to the proposed use of the land.
5. Condition 20 be deleted.

6. Condition 21 be deleted and replaced with the following:

Site Management

21. The applicants must provide Council with a copy of an on-site Management Plan, or equivalent document, for the Retirement Village. The Management Plan must contain the same information as is made available to residents in the complex and must, as a minimum, cover such operational matters as; after hours security protocols, use of the car parking, bicycle storage, general storage facilities and the internal rubbish collection regime.

Three (3) copies of the Management Plan must be submitted to and be endorsed by the Chief Executive Officer prior to the establishment of the use.

7. Condition 23 be deleted and replaced with the following:

Storage Lockers

23. The applicants provide Council with a Plan of the Complex clearly identifying where secure storage areas are located and that the use and allocation of such storage be addressed in the Management Plan required by Condition 21.

Three (3) copies of the Plan of Storage areas to and be endorsed by the Chief Executive Officer prior to the establishment of the use.

8. Conditions 25 and 26 be deleted.

9. All other conditions of Development Permit 8/8/612 dated 2 November 2004 remain unchanged.

B. That Council, in accordance with Section 4.3 of the Planning Scheme for Part of the City of Cairns, resolves to allow the provision of 50 car parks to facilitate the establishment of a Retirement Village as detailed in Development Application 8/8/612 located at 71 Hoare Street, Manunda.

**EXECUTIVE SUMMARY:**

At its meeting on 28th October 2004 Council resolved to approve an application for a Material Change of Use for the development of a 112 unit Retirement Village on Hoare Street, Manunda. The subject proposal is being developed by SunnyCove Management Ltd a company that specialises in the provision of rental accommodation for “retired seniors”.
The recommendation for approval contained a number of conditions many of which were very specific to the subject development as this proposal contained a number of elements that were relatively new to the “retirement” market in Cairns.

The applicants, through their consultants, have requested that Council review some of the conditions and where necessary change the conditions and issue a Negotiated Decision Notice.

A meeting was held in December between the developer’s representatives and Council Officers to discuss the issues arising from the proposed changes, the above recommendation is generally in line with the discussions held however not all of the applicants requested changes have been adopted.

The applicants have requested changes in relation to conditions that addressed the following matters:

- Car Parking;
- Landscaping;
- Screen fencing;
- Refuse collection;
- External Works;
- Bus Shelter;
- On-site Management
- Bicycle storage;
- Storage Lockers; and
- Alternative Access to the site.

Application Background

The original application was for a Material Change of Use (Impact Assessment) for a 112-unit Retirement Village for “Affordable Senior Housing”.

The site has a total area of 1.53 hectares. The site is currently vacant land containing several specimen trees and rough pasture. The site has frontage to three streets being; Hoare Street, Warner Street and Wallace Street. The site is one of the few vacant areas of residential land in this part of the City.

The applicant proposes to utilise 1.17ha of the site for the subject complex leaving 3600m² for disposal or other development. The surplus land is a 45 metre deep strip of land that abuts the Wallace Street frontage of the site.

The proposed units are housed in 3 x 2 storeyed blocks with a separate centrally located community building providing kitchen and dining facilities.

The subject site is zoned Residential under the Planning Scheme for the Part of the City of Cairns.

The original application was advertised in accordance with the notification requirements of the Integrated Planning Act and three submissions were received. Third party advice was also received from Queensland Transport.
PROPOSED CHANGES:

The following section outlines the conditions under which the Negotiated Decision is sought, along with the applicant’s comments and relevant officer comments.

Condition 4 currently states:

Car parking and Access Requirements

4. The applicant/owner must provide a minimum of seventy (70) on site vehicle parking spaces (Minimum of 35 covered car parking spaces), including, 4 disabled parking spaces, 1 Medium Rigid Vehicle space, 1 Minibus space). 10 car parks must be available to visitors and signed/line marked accordingly.

The applicant/owner must provide a dedicated emergency services bay in addition to parking required by this condition located as close as possible to the centre of the complex. The Emergency Services Bay must have a vertical clearance from trees and buildings of at least 3.3 metres. The Emergency Services Bay must be and signed, lit and line marked accordingly.

The car parking must be constructed in accordance with the approved plan and with Council’s Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all car parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

The car parking areas must be also be designed to comply with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking.

Applicant’s Comments

The applicant has provided additional evidence from both SunnyCove Management and their Traffic Engineers and has requested that paragraphs 1 and 2 of the above condition be deleted.

The applicant gives the following reasons for their request:

1. The condition as proposed condition would require a complete re-design of the complex;
2. SunnyCove will be providing a Minibus for most day to day trips for the residents of the complex;
3. The Council parking requirement within Condition 4 is at the ratio of 1 space per 1.6 units – The parking provided for the original proposal was at the rate of 1 space per 2.24 units which the applicants contend is more than consistent with the parking requirements of the following Cities:
Gladstone – 1 space per 2.09 units  
Townsville – 1 space per 2.19 units  
Brisbane – 1 space per 3.23 units

4. SunnyCove’s experience is that the parking provisions in their other complexes are under-utilised.
5. The site is located adjacent to existing bus stops.
6. The target market for the residents is retirement age people where private motor vehicle use is lower.
7. A dedicated Emergency services bay is not required as the proposed complex is not an “aged care” facility thereby reducing the need for emergency parking.
8. Emergency parking can be incorporated into the MRV parking bay.

Officer Comments

The subject complex does not neatly fit within Councils definition of a Retirement Village and aspects of the proposal eg the number of studio units, are more akin to Hostel, Boarding Houses or Single Room accommodation.

The following Analysis was provided with the original staff report on the matter:

Proposed Units: 80 studio units being: 24x 1BR units, 6 x 2BR units, 2x 3BR units  
Total 112 units (122 Bedrooms)

<table>
<thead>
<tr>
<th>Planning Scheme Use</th>
<th>Parking Requirement</th>
<th>Yield for the subject application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation Units</td>
<td>1.25 per unit</td>
<td>140</td>
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<tr>
<td>Boarding House</td>
<td>1 per two bedrooms</td>
<td>61</td>
</tr>
<tr>
<td>Holiday Apartments</td>
<td>1 per Apartment</td>
<td>112</td>
</tr>
<tr>
<td>Hostel</td>
<td>1 per 5 beds</td>
<td>25</td>
</tr>
<tr>
<td>Retirement Village</td>
<td>1 per dwelling &amp;</td>
<td>140</td>
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<tr>
<td></td>
<td>1 per 4 dwellings - visitor</td>
<td></td>
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<tr>
<td>Single room Accommodation</td>
<td>1 per 5 rooms</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>1 for Manager</td>
<td></td>
</tr>
</tbody>
</table>

Car parking provided with the original proposal was 50, including 4 disabled parks a minibus park and a delivery vehicle (MRV) park.

Based on the above information the 50 on site parking spaces provided would fall between the single room accommodation requirement and the Holiday apartment requirement. In addition given the contentions by the applicants regarding vehicle usage at other like complexes the recommendation above returns to the original parking provision of 50 plus a recommendation that the proposed MRV space double as an Emergency Services Bay. The issue of street parking is discussed below.
Condition 9 currently states:

Screen Fencing

9. The applicant/owner must provide a fence (minimum height of 1.8 metres) and associated landscaping along the Hoare Street frontage. The fence is to be of a semi transparent nature such that it provides for the following design elements:

a. provision of street surveillance;
b. visual privacy;
c. noise reduction; and
d. aesthetically pleasing appearance.

All to the satisfaction of the Chief Executive Officer.

The applicant/owner must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) or equivalent, to the side and rear boundaries of the site, to the satisfaction of the Chief Executive Officer.

The required fencing must be designed in conjunction with adjoining landowners. Details of the all screen fencing must be submitted to and be endorsed by the Chief Executive Officer, together with evidence of approval by the affected adjoining landowners, prior to the issue of a Development Permit for Building Work.

Applicant’s Comments

The applicant contends that it would be difficult to design a fence that simultaneously satisfied all of the design requirements of this condition. The condition has been reworded to provide greater flexibility keeping in mind that the design should avoid:

a. a fortress like appearance; and
b. reduce the possibility that the fence may reflect noise.

The applicant has also advised that parts of the perimeter boundary already contain screen fencing and as a consequence this aspect of the condition has been given more flexibility.

Officers Comments

The applicant’s requests in this instance are reasonable and additional flexibility has been introduced into the revised version of the condition.
Condition 16 currently states:

16. The applicant/owner must undertake the following works external to the subject land (Note: No vehicular access to Hoare Street shall be permitted):

a. Construct full width bitumen widening to both sides of Warner Street.

b. Provide a line marking and landscaping plan for 6 on street car parks at the end of Warner Street nearest the proposed Development.

c. Construct a 2.0 metre wide concrete footpath on the south side of Hoare Street between Clarke Street and English Street. The applicant will be responsible for the cost of the footpath across the frontage of Lot 273 C 198354 while the cost of the balance of the footpath required by this condition can be offset against the Traffic Contributions in Condition 3. The applicant shall provide an arborists advice regarding the best location of the footpath with respect to the relationship of the footpath to the existing Melaleuca trees.

d. Re-instate landscaping in the median strip of Hoare Street for the section between English Street and Clarke Street. The landscaping works are required only where there are existing breaks in the landscaping, and shall continue the existing species/theme. The re-instated landscaping shall be sufficiently advanced to deter pedestrians crossing the road, at uncontrolled points.

The extent of footpath works for construction and value of developer’s contributions credit for such works must be submitted and endorsed by the Chief Executive Officer prior to the commencement of works.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. Such works must be constructed in accordance with the endorsed plan, to the satisfaction of the Chief Executive Officer and Council’s Development Manual prior to the proposed use of the land.

Applicant’s Comments

The applicant originally requested that this condition be deleted in its entirety however they have subsequently agreed that the footpath requirement is a reasonable one given that some of the costs can be recovered.

The applicant contained that the upgrade of the full length of Warner Street is not warranted by either the anticipated traffic volumes generated by the complex or the requirements contained in “Queensland Streets”.

The applicant also contends that the complex will not generate any need for street parking adjacent to the entrance to the complex. They also contend that few if any of the residents will attempt to cross Hoare Street via the “gaps” in the existing median strip hedges.
**Officer Comments**

There are merits in the applicant’s contentions regarding the upgrading of the full length of Warner Street however the northern end of the street at the proposed entrance to the complex will require some upgrading for the following reasons:

- The complex will be a gated complex and as such visitors may need to park in Warner Street (especially given the internal parking concessions);
- The last (northern) 20 metres of the street will undergo damage as the result of site works activities;
- There should be some link between street amenity and the entrance to the complex.

The revised condition now contains a requirement to upgrade the last 20 metres of Warner Street together with the need to provide 4 car parking spaces for temporary parking if the complex gates are closed. The original decision condition required 6 car parks on Warner Street however the placement of existing vehicle cross overs on both sides of the street limit the room available for parking and landscaping.

The requirement to fill in the landscaping "gaps" in the Hoare Street median strip remains in place as the temptation for residents to take “short cuts” to bus stops remains there while the landscaping gaps exist.

**Condition 19 currently states:**

*Bus Shelter*

> 19. The applicants shall provide a bus shelter in the general location of the existing bus stop located adjacent to the North-West (Hoare Street) frontage of the site. Pedestrian access to the bus shelter shall be linked to the footpath provided under Condition 16.

**Applicant’s Comments**

The applicant contends that this requirement is unreasonable given that the complex will have its own minibus. The applicant will accept the requirement for a bus stop provided it can be used for advertising purposes.

**Officer Comments**

The concessions requested with respect to the provision of on site car parking relied on the fact that a good bus service was available handy to the site and that residents would use this service in lieu of car ownership. Therefore given this fact and the nature of the Cairns climate it is recommended that the condition remain in place.

Other Council Departments and the SunBus Company control advertising on bus shelters and therefore the right to advertise on the subject shelter cannot be conditioned in the subject Permit.
Condition 20 currently states:

Refuse Collection

20. Each block of Units is to be provided with two rubbish collection areas of sufficient size to accommodate a minimum of 4 conventional “wheelie bin” rubbish bins. The bin storage areas shall be readily accessible to the occupants of each block and be appropriately screened. Final location and design of such bin areas shall be included in the Landscape Plan. A management regime shall be put in place to provide for collection of rubbish from the bins and transfer to the Commercial bins near the entrance to the complex.

Applicant’s Comments

The applicant contends that through experience associated with 500 other retirement units throughout Queensland a centralised rubbish disposal area functions better than a dispersed system of bins. They also contend that a centralised rubbish area is better from a visual amenity and tidiness perspective and assists in promoting social interaction.

Officer Comments

Condition 20 has been deleted and but Condition 21 (Site Management) has been broadened to require Council to inspect the proposed on site management regime and associated documentation including the rubbish collection.

Condition 21 currently states:

On-site Manager

21. The Complex must have an on-site live in Manager/s, this is to be included in the management plan, or equivalent document, for the Retirement Village. The Manager/s unit may be one of the proposed units, or amendments may be made to the central complex, in which case amendments would be required to the Parking and Development Contributions calculated in Condition 3, 4 and 18 above.

Applicant’s Comments

The applicant advises that it is not necessary for on site mangers for the Cairns project. Appendix 2 contains a summary sheet produced by Sunncove out-lining how the complex will be managed and why the complex does not require on site mangers. The basics of the management regime will include; Staff on site from 6am to 6pm, provision of security checks throughout the night, and provision of an emergency call system for residents.
**Officer Comments**

Condition 21 has been deleted and replaced with a condition requiring Council to view and endorse a management protocol document.

**Condition 22 currently states:**

*Bicycle Storage*

22. A covered and secure bicycle storage area is to be provided, to accommodate a minimum of 10 bicycles.

**Applicant's Comments**

The applicant contends that it is “highly unlikely” that there will be the need for storage for 10 bicycles. The applicant is prepared to provide storage for 5 bicycles.

**Officer Comments**

Given the concessions made on car parking and general storage and the need for encouragement for bicycle transportation it is not recommended that this condition be changed. The potential for 10 bicycles to be owned by at least 120 + residents is relatively high.

**Condition 23 currently states:**

*Storage Lockers*

23. Secure storage areas are to be provided in proximity to each unit block. The storage areas shall be made available to each resident, and shall have a minimum floor space of 6m² per unit and a minimum height of 2 metres. Provision is to be made for an allocation system for unit occupiers.

**Applicant's Comments**

The applicant contends that compliance with this condition would require the construction of an additional building with a gross floor area in excess of 650m². They contend that this requirement is “unreasonable in the extreme” and will affect the affordability of the project. They also contend that from their experience with existing complexes of a similar nature the extent of storage proposed in the complex as designed is more than adequate. The applicants also contend that as the complex will not be strata titled the on site mangers will manage storage in an effective and tidy way.

**Officer Comments**

Condition 21 has been reworded to require clear identification of the proposed storage areas with a link to Condition 20 that requires Council to assess the management regime documentation with respect to the use of the storage areas.
Condition 25 and 26 currently state:

Access to Wallace Street

25. A minimum of 15 metre wide access leg is to be provided as part of the property, through to Wallace Street. This access leg shall be a natural extension of the parking area and shall contain a formed access drive of sufficient width to accommodate a one way moving traffic, including refuse vehicles, plus any additional parking on one side. A landscaped 2 metre wide buffer are shall also be provided along the eastern side of the access leg. The Landscaped Buffer design shall be addressed in the overall Landscape Plan prepared for the site.

26. Traffic Flow through the complex shall be one way with entry via Warner Street and exit onto Wallace Street.

Applicant’s Comments

The applicant contends that these two conditions are unreasonable for two key reasons:

a. Given the volume and nature of traffic to and from the complex the connection to Wallace Street is not warranted from a traffic engineering point of view;

b. The condition may be unlawful as it brings about modification to the proposal that is more than minor in nature and such modification may adversely affect an adjoining owner to the extent that they may have objected to the proposal had it included the modification.

Officer Comments

The applicant’s contentions are correct and as a consequence the subject condition has been removed.

Gary Warner
Planning Officer
Action Officer

Neil Beck
Acting Manager City Assessment
SunnyCove’s Staffing Structure

SunnyCove is a professional property management company that derives its income solely from the management of seniors’ rental communities.

The staffing structure adopted by Sunnycove at all of its managed properties has been structured to:

- engage staff under employment contracts.
- alleviate burnout of people working 24/7.
- minimise dependency or abuse situations between managers and residents.
- allow for trained professionals to concentrate on the areas in which they are best suited by training and experience.
- allow for auditing of work practices.

The proposed structure for the operation of SunnyCove Cairns at final completion ie 112 units is:

- A Day Manager who is responsible for the administration of the community and the well being of residents; this person will also ideally hold a commercial cooking qualification
- 2 x Cooks
- 2 x Kitchenhands / Wait Staff
- 2 x Caretaker/Groundspersons

The above complement of staff would be available 7 days a week spanning the period from 5am to 8pm on a rotational basis.
**REQUEST TO HAVE A PROPOSED DEVELOPMENT ASSESSED UNDER THE SUPERCEDED PLANNING SCHEME – 1 CHARLOTTE CLOSE, WOREE – DIVISION 4**

Gary Warner: 8/20/2-27 : #956877

<table>
<thead>
<tr>
<th><strong>PROPOSAL:</strong></th>
<th>DEVELOPMENT APPLICATION SUPERSEDED PLANNING SCHEME</th>
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<td>W &amp; H MCAULEY &lt;br&gt;11 BETH CLOSE &lt;br&gt;WOREE QLD 4868</td>
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<td><strong>LOCATION:</strong></td>
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<tr>
<td><strong>STATUTORY ASSESSMENT DEADLINE:</strong></td>
<td>16 APRIL 2005</td>
</tr>
<tr>
<td><strong>DIVISION:</strong></td>
<td>4</td>
</tr>
<tr>
<td><strong>APPENDIX:</strong></td>
<td>1. SITE LAYOUT PLAN</td>
</tr>
</tbody>
</table>
LOCALITY PLAN

RECOMMENDATION:

That in accordance with the provisions of Section 3.2.5(1)(a) of the Integrated Planning Act 1997 Council issue an Acknowledgement Notice to W & H McAuley advising them that development of part of Lot 7 RP746528, at 1 Charlotte Close, Woree for Veterinary Facilities, may proceed as if the development were to be carried out under the Superceded Planning Scheme and that there is no need to obtain Planning approval.

ADVICE

1. In accordance with the provisions of Section 3.2.5(5) of the Integrated Planning Act 1997 development of the site for the proposed use must take place within 4 years from the date of this Acknowledgement Notice.

EXECUTIVE SUMMARY:

The applicants are the owners of the Southside Veterinary Clinic that is currently located in the Southside Shopping Village, Charlotte Close, Woree. The applicants currently lease two of the shops in the Shopping Centre, the leases for which expire in May this year.

The applicants wish to locate their surgery and associated facilities in one building and have been looking for suitable alternative premises for some time.
The subject site and its existing buildings has been offered to the applicants and they have a Contract of Sale for the premises which expires on 15th March 2005. The contract was entered into on 31st January 2005 however research and preliminary investigations into the site had been taking place well before that date. A key clause in the Contract of Sale is that the applicants, as purchasers, obtain permission from Cairns City Council to be able to use the premises for the purposes of a Veterinary Hospital.

There was insufficient time available in the Contract for Sale for the applicants to establish their use within the subject building prior to 1st March 2005 especially given that the lease for the current surgery runs until May 2005.

The introduction of CairnsPlan has, for the reasons outlined below, made the applicants use of the premises significantly less certain and as a result they have made application to Council for the proposed use to be carried out on the subject premises under the Superseded Planning Scheme being the Planning Scheme for the Balance of the City of Cairns.

**TOWN PLANNING CONSIDERATIONS:**

**Proposal**

The subject site contains a centrally located building which currently houses a Video Outlet and a vacant office as shown in Appendix 1. The applicants propose to convert the existing vacant office into a Veterinary Surgery and the balance of the existing building will continue to operate as a Video outlet.

The applicants’ proposed use of the subject building will be for a conventional veterinary surgery with very occasional over-night stays for post operative animals.

The subject building is only 80m east of the applicant’s current surgery, a location that has benefits in terms of customer identification of the locality.

The subject site has good access and egress points, ample car parking and landscaping.

**Superseded Planning scheme**

The subject site is located within the area affected by the provisions of the Planning Scheme for the Balance of the City of Cairns. Under the Balance Scheme the subject site was zoned “Commercial” as was the site that the applicants currently occupy. Veterinary Clinics and Veterinary Hospitals were both listed as “Permitted Development” in the Commercial zone and such uses could proceed without planning approval provided basic provisions such as car parking and landscaping could be met.

Therefore in terms of the Planning Scheme for the Balance of the City of Cairns the applicants proposed use of the subject building and site could proceed with no requirement for a planning approval and hence readily satisfy the relevant clause of the Contract of Sale.
Potential issues arise from the introduction of CairnsPlan being the Planning Scheme that will be in use when the applicants occupy the subject premises in April.

**CairnsPlan**

Under CairnsPlan the applicants proposed land use is defined as “Veterinary Facilities” being “the use of premises for the veterinary care, surgery and treatment of animals which may involve the accommodation of animals on the premises”.

The subject site is located within the Inner Suburbs Planning District and is located within the “Local Centre” Planning Area.

The District Assessment Table for this District lists Veterinary Facilities as “Impact Assessable – (Inconsistent Use)” within the Local Centre Planning Area. The applicant’s current surgery would also fall under the same Planning Area provisions.

This change of Planning Area provisions has introduced significant uncertainty to the applicants in terms of certainty of use and potential delays through the planning process.

**Risk Assessment**

**Applicants**

The applicants could proceed with the proposed purchase and make appropriate application for an Impact Assessable proposal in the subject building. The applicants foresee the following risks:

a. The possibility of the proposed relocated surgery being refused by Council;

b. The possibility of potential objectors delaying the establishment of the new surgery. The establishment must happen by May 2005 when the applicant’s current lease expires; and

c. The financial risks associated with either a. or b. above arising. The applicants would not be able to establish in the subject location and be left with a high cost “partially leased” building and would have been required to vacate their current premises.

**Council**

Council would face the following issues:

a. Potential claim by the current land owner for loss of development rights and subsequent loss of sale of the site; and

b. Potential challenge to the integrity of CairnsPlan.
Summary

The proposed site for the Veterinary Surgery is a better location for such facilities in terms of access and separation from other Local Centre uses when compared with the current surgery location within the existing Local Centre. The proposed Veterinary Surgery will be established within the confines of an existing building that is currently partitioned into three tenancies. The existing building within which the surgery is to be located has ample car parking and existing landscaping.

The applicants are not making the subject application for financial advantage but to avoid the potential for significant financial loss.

The subject situation is reasonably unique wherein the timing for a Contact for Sale has overlapped with a major change in the Planning provisions relating to the subject land.

Gary Warner
Planning Officer

Action Officer

Neil Beck
Acting Manager City Assessment
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – MOTEL (HIGH DENSITY) & ACCOMMODATION UNITS (MEDIUM DENSITY) – 6-12 FLORENCE STREET, CAIRNS CITY – DIVISION 6

Rohan Lee: 8/8/684: #939759

<table>
<thead>
<tr>
<th>PROPOSAL:</th>
<th>MOTEL (HIGH DENSITY) &amp; ACCOMMODATION UNITS (MEDIUM DENSITY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT:</td>
<td>F J BAKER</td>
</tr>
<tr>
<td></td>
<td>C/- PLANNING FAR NORTH</td>
</tr>
<tr>
<td></td>
<td>PO BOX 7801</td>
</tr>
<tr>
<td></td>
<td>CAIRNS QLD 4870</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>6-12 FLORENCE STREET</td>
</tr>
<tr>
<td></td>
<td>CAIRNS CITY</td>
</tr>
<tr>
<td>PROPERTY:</td>
<td>LOT 1 ON RP729073, PARISH OF CAIRNS</td>
</tr>
<tr>
<td>ZONE:</td>
<td>CENTRAL BUSINESS</td>
</tr>
<tr>
<td>STRATEGIC PLAN:</td>
<td>CENTRAL BUSINESS DISTRICT</td>
</tr>
<tr>
<td>DCP:</td>
<td>DCP 1 – RESIDENTIAL DENSITIES – 800 PERSONS PER HECTARE</td>
</tr>
<tr>
<td></td>
<td>DCP 2 – HEIGHT AND IMPACT OF BUILDINGS – PRECINCT 2</td>
</tr>
<tr>
<td>REFERRAL AGENCIES:</td>
<td>NONE APPLICABLE</td>
</tr>
<tr>
<td>NUMBER OF SUBMITTERS:</td>
<td>NIL</td>
</tr>
<tr>
<td>STATUTORY ASSESSMENT</td>
<td>29 MARCH 2005</td>
</tr>
<tr>
<td>DEADLINE:</td>
<td></td>
</tr>
<tr>
<td>DIVISION:</td>
<td>6</td>
</tr>
<tr>
<td>APPENDIX:</td>
<td>1. SITE LAYOUT PLANS</td>
</tr>
</tbody>
</table>
RECOMMENDATION:

That Council approve the development application for a Material Change of Use (Impact Assessment) over land described as Lot 1 on RP729073, Parish of Cairns for the construction of a Motel (High Density) consisting of 102 Motel Units with 2 being self contained Motel Units and 1 Manager’s Unit located at 6-12 Florence Street, Cairns City subject to the following conditions:

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:

   a. The proposed plans prepared by Barry Morris Architect, Cairns, noted below as attached:
b. The plans, specifications, facts and circumstances as set out in the applications submitted to Council’ and

c. To ensure that the development complies in all respects with the requirements of Council’s Planning Scheme, Development Manual and good engineering practice.

Except where modified by these conditions of approval.

Timing and Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Development Permit for Building Work, except where specified otherwise in these conditions of approval.

Water Supply and Sewerage Contributions

3. The applicant/owner must contribute in accordance with Council’s policy provided for as per Section 6.2 of the Local Government (Planning and Environment) Act 1990 towards the provision of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculations, the estimated total headworks contributions are $16,067.68 (4.4 EDCs) for water and $10,439.51 (4.4 EDCs) for sewerage.
Payment is required prior to the issue of a Development Permit for Building Work

Traffic Management Contributions

4. The applicant/owner must contribute towards Council’s Traffic Management/Road Upgrading Program in accordance with Cairns City Council Traffic Management Plans.

The contribution rate is that which is current at the time of payment. The current rate of contributions is $7,445.29 (5.5 ERAs). Payment is required prior to the issue of a Development Permit for Building Work.

Open Space Contributions

5. The applicant is to provide a Landscaped Open Space Area(s) generally in accordance with the approved plan ‘Site Plan’ dated 19 August 2004. A contribution is to be paid for the shortfall in Landscaped Open Space in accordance with the CBD – North Cairns Local Area Open Space Management Plan. The contribution must be paid at the rate applicable at the time payment is made. On the present method of calculation, the estimated total contribution is $19,032.80 (64.3 persons x $296 per person) based on the provision of 674.25m$^2$ of landscaped open space area. Payment is required prior to issue of a Development Permit for Building Work.

Parking

6. The amount of vehicle parking must be as specified in Council's Planning Scheme, which is a minimum of forty-three (43) spaces, of which zero (0) spaces are to be provided as visitor spaces.

Parking Design

7. The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking and in particular include:

a. Bollard lighting must be provided at the property boundary to indicate access to the parking areas; and

b. A physical means of speed control at the exit points.

Such plans must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
Parking Construction

8. The parking must be constructed in accordance with Council's Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Screen Fence

9. The applicant/owner must provide a screen fence (minimum height of 1.8 metres and maximum gap of 10mm) to the side and rear boundaries of the subject land, to the satisfaction of the Chief Executive Officer. The required fencing must be consistent in terms of design and materials with other similar fences in the locality. Details of the screen fence must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Lawful Point of Discharge

10. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Water Saving

11. All toilet devices in new units in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

Refuse Collection

12. Refuse storage is required to service the site in accordance with Council’s Requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Cairns Water.

ADVICE

1. This approval, granted under the provision of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.
EXECUTIVE SUMMARY:

Council is in receipt of a Material Change of Use (Impact Assessment) application to facilitate the construction of nine (9) additional Motel units and two (2) Accommodation Units in an existing Motel, The Hotel Cairns, located at 6-12 Florence Street, Cairns City.

The proposed development is consistent with the intent of the Strategic Plan and Planning Scheme provisions. It is recommended that the application be approved subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Proposal

The proposed development involves the construction of an additional nine (9) Motel Units and two (2) Accommodation Units within an existing Motel in the Cairns Central Business District. The additional units will be constructed on the second floor of the building, which currently houses a function room. The additional units will consist of nine (9) non-self contained units and two (2) self-contained units.

The existing manager’s unit, office, dining room and kitchen will remain to aid in functioning of the Motel. In total, the Motel will comprise 101 Motel units, 2 Accommodation Units, a Manager’s Unit, office with dining and kitchen facilities. The dining room is ancillary to the Motel as the definition of Motel (High Density) includes facilities for the provision of meals as an ancillary use for a Motel.

The proposed development satisfies relevant provisions of the Planning Scheme relating to car parking and the proposed land uses. The proposal does not meet the requirements for Landscaped Open Space, however an acceptable solution has been proposed through the provision of Landscaped Open Space on-site and a developer contribution to the CBD – North Cairns Local Area Open Space Management Plan. As such, there are no objections with regard to the proposed development and is consequently recommended for approval subject to conditions.

Public Notification/Submissions

The proposed development was Publicly Notified between 7 February 2005 and 28 February 2005. The Public Notification advertising was undertaken in accordance with Council’s Acknowledgement Notice dated 3 February 2005. Whilst undertaking assessment of the proposed development, it came to light that the Material Change of Use was to facilitate 9 Motel rooms and 2 x 1 bedroom Accommodation Units.
It was believed in the initial assessment of the application that only Motel rooms were being applied for in the development application and this was represented on the Acknowledgement Notice. The development is not only for a Motel (High Density), but also for a Motel (High Density) and Accommodation Units (Medium Density).

The Public Notification advertising did not include any information relating to the Accommodation Units. The wording on the advertising was as follows:

‘Material Change of Use for Motel (High Density) (Conversion of Existing Floor Space to Motel Rooms)’

Section 3.4.8 of the Integrated Planning Act 1997 outlines circumstances when applications may be assessed and decided without certain requirements. This section articulates that the assessment manager may assess and decide an application even if some of the requirements of the public notification have not been complied with, if the assessment manager is satisfied that any non-compliance has not:

- a. adversely affected the awareness of the public of the existence and nature of the application; or
- b. restricted the opportunity of the public to make properly made submissions.

In this case, the non-advertisement of 2 x 1 bedroom Accommodation Units within the complex is considered to be minor in nature and as such, the proposal was not required to be re-advertised.

There were no submissions received relating to the proposed development.

**Land Zoning/DCP**

The land is zoned Residential and the use of Motel (High Density) is an Impact Assessable use. The use is considered to be a compatible use in the zone as the greater part of the Motel is already an existing lawful use. The proposal is to convert an existing area of the Motel into 9 Motel rooms and 2 self-contained units. If this were a Greenfield proposal, in depth consideration would have been given to the appropriateness of a Motel in the Central Business zone.

An assessment against the DCP 1 – Residential Density is tabled as follows:

<table>
<thead>
<tr>
<th>DCP Requirement</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Population Density, 800 persons per hectare (326 persons)</td>
<td>445 persons per hectare (181.5 persons) (Motel – 178.5 persons, Accommodation Units – 3 persons)</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Site Area: 1500m²</td>
<td>4075m²</td>
<td>Complies</td>
</tr>
</tbody>
</table>
An assessment against DCP 2 - Height and Impact of Buildings is tabled as follows:

<table>
<thead>
<tr>
<th>DCP Requirement</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Site Coverage:</td>
<td>Site Coverage:</td>
<td>Complies</td>
</tr>
<tr>
<td>Levels up to 11 metres – 100%</td>
<td>Levels up to 11 metres – &lt;100%</td>
<td></td>
</tr>
<tr>
<td>Levels between 11 metres and 18 metres – 50%</td>
<td>Levels between 11 metres and 18 metres – &lt;50%</td>
<td></td>
</tr>
<tr>
<td>Maximum Plot Ratio:</td>
<td>Plot Ratio: &lt;2:1</td>
<td>Complies</td>
</tr>
<tr>
<td>2:1 with bonus for building not exceeding 18 metres – 3:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>12.5 metres</td>
<td>Complies</td>
</tr>
<tr>
<td>30 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks – Setback for levels up to a Height of 11m – 0m from road alignment</td>
<td>Existing buildings generally constructed up to street alignment – not a continuous</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>Northern building setback approximately 0.8m from side boundary</td>
<td></td>
</tr>
<tr>
<td>Provision of Lifts</td>
<td>Lift provided with motor room on Ground Floor.</td>
<td>Complies</td>
</tr>
<tr>
<td>Blank walls</td>
<td>Walls are well articulated with window openings and/or balconies. Walls are</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>complemented by tropical architraves.</td>
<td></td>
</tr>
</tbody>
</table>

**Impact of Proposal**

**General**

<table>
<thead>
<tr>
<th>Scheme Requirement</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intent of Zone – Central Business</td>
<td>The proposed development proposed Tourist Accommodation with a hospitality function which will allows the continuation of the strengthening of the viability of the Central City.</td>
<td>Complies</td>
</tr>
<tr>
<td>Intent of Strategic Plan – Central Business District</td>
<td>The proposed development allows supports the intent for the Central Business District to develop as the major business and administrative centre for Far North Queensland.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Car Parking Requirements**

<table>
<thead>
<tr>
<th>Scheme Requirement</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motel (High Density) – Non Self Contained Units – 1 space per unit for the first ten units; plus 1 space per 3 units for the remainder of the units plus 1 space for the manager's unit.</td>
<td>101 Motel Units + 1 Manager’s Unit: 10 Spaces – First 10 Units 1 Space – Manager’s Unit 30 Spaces – 1 space per 3 units for last 91 units</td>
<td>Complies</td>
</tr>
<tr>
<td>Motel (High Density) – Self Contained Units – 1 space per unit including the manager’s unit.</td>
<td>A motel having thirty or more units shall make provision on site for the loading and unloading of buses.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total: 41 spaces.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bus Loading provided on Florence Street.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Spaces Required: 43 Spaces</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Spaces Provided: 45 Spaces</td>
<td></td>
</tr>
</tbody>
</table>
### Motel Requirements

<table>
<thead>
<tr>
<th>Scheme Requirement</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage of 20m</td>
<td>120m Florence Street</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>50m Lake Street</td>
<td></td>
</tr>
<tr>
<td>Minimum Area 1500m² (For population density exceeding 400 persons per hectare)</td>
<td>4075m²</td>
<td>Complies</td>
</tr>
<tr>
<td>Setback from Main Street Frontage: 6m</td>
<td>DCP 2 Overrides this requirement</td>
<td>Complies</td>
</tr>
<tr>
<td>Setback from Secondary Street Frontage: 3m</td>
<td>DCP 2 Overrides this requirement</td>
<td>Complies</td>
</tr>
<tr>
<td>Landscaped Open Space: 10m² per motel room</td>
<td>100 motel rooms</td>
<td>See comment below.</td>
</tr>
<tr>
<td></td>
<td>15m² per self contained motel room</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Requirement: 1000m² – motel rooms</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15m² – manager’s unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total: 1015m²</td>
<td></td>
</tr>
<tr>
<td>Minimum 40% in one area: 406m²</td>
<td>480m² provided in one area</td>
<td>Complies</td>
</tr>
<tr>
<td>Privacy maintained by Landscaping and Fencing</td>
<td>Landscaping and Fencing are adequate to ensure privacy</td>
<td>Complies</td>
</tr>
<tr>
<td>Refuse Disposal</td>
<td>Refuse Disposal Area provided on-site</td>
<td>Complies</td>
</tr>
</tbody>
</table>

### Accommodation Unit Requirements

<table>
<thead>
<tr>
<th>Scheme Requirement</th>
<th>Proposed Development</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage: 15m</td>
<td>120m Florence Street</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>50m Lake Street</td>
<td></td>
</tr>
<tr>
<td>Minimum Ste Area: 1500m²</td>
<td>4075m²</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Street Setback: 6m</td>
<td>DCP 2 Overrides this requirement</td>
<td>Complies</td>
</tr>
<tr>
<td>Side and Rear Setback: One quarter of the height or 2 metres: 3.1m</td>
<td>DCP 2 Overrides this requirement</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Total Area of Landscaped Open Space: 40m²</td>
<td>674.25m² provided.</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum 40% in one area: 16m²</td>
<td>480m² provided in one area</td>
<td>Complies</td>
</tr>
<tr>
<td>Refuse Disposal Areas</td>
<td>Refuse Disposal Area provided on-site</td>
<td>Complies</td>
</tr>
</tbody>
</table>

### Landscaping/Communal Landscaped Open Space

The open space provided in three separate areas on site totals 647.25m², which is 370.75m² short of the open space requirements prescribed by the Planning Scheme for Motel Units and Accommodation Units. It is acknowledged that Section 4.6.9 of the Planning Scheme provisions does not provide Council with discretion to accept less than the required amount of Landscaped Open Space on-site.
However, it is asserted that the combination of the provision of Landscaped Open Space on the site and the payment of a contribution in accordance with Council’s Resolution for accepting contributions for shortfalls in Landscaped Open Space in the CBD achieves the Planning Scheme requirement for the provision of Landscaped Open Space.

The proposal to accept the combination of on-site Landscaped Open Space and an Open Space contribution is considered acceptable in this instance as:

- The site is located in close proximity to the redeveloped Esplanade parkland;
- Sufficient open space and recreation facilities are provided on the site for the existing accommodation; and
- On-site facilities are considered to be adequate for the demand likely to be created by the occupants of 11 additional rooms.

When considering the location of the subject site in the Central Business District, within walking distance to the Esplanade and considering the amount of Landscaped Open Space that has been provided, the shortfall of Landscaped Open Space is considered acceptable, providing the applicant makes a monetary contribution towards the provision of open space.

The contributions for the shortfall in Landscaped Open Space have been calculated in the following table.

<table>
<thead>
<tr>
<th>Landscaped Open Space Contribution Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area of Landscaped Open Space Required</td>
</tr>
<tr>
<td>Area of Landscaped Open Space Provided</td>
</tr>
<tr>
<td>Maximum Number of Persons Proposed</td>
</tr>
<tr>
<td>Area of Landscaped Open Space required per person</td>
</tr>
<tr>
<td>Number of persons for which Landscaped Open Space is provided</td>
</tr>
<tr>
<td>Shortfall in required Landscaping</td>
</tr>
<tr>
<td>Current rate per person for Shortfall as determined by the CBD – Cairns North LAOSMP (#591801)</td>
</tr>
<tr>
<td>Contribution Calculation</td>
</tr>
<tr>
<td>Total Contribution</td>
</tr>
</tbody>
</table>

A condition has been included in the Assessment Manager Conditions for the Open Space Contributions.

**Car Parking**

The proposed development meets the requirement for car parking as prescribed by Section 4.3.1 of the Planning Scheme. The condition relating to on-site car parking in the Assessment Manager conditions require forty-three (43) spaces be provided for the total development, where zero (0) car parking spaces are to be provided as visitor spaces. The requirements for the proposed uses in the Central Business zone do not require visitor spaces to be formed.
Local Law 6 – Rental Accommodation

The current Motel is registered under Council’s Local Law 6 until June 2005.

**HEADWORKS / CONTRIBUTIONS:**

The proposed development triggers the following contributions.

<table>
<thead>
<tr>
<th>Element</th>
<th>Comment</th>
<th>Calculation</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Supply</strong></td>
<td>Inner City Water Supply District District 10: $3,651.74/EDC (March 2005) 101 Motel Room – 40.4 EDC 2 Flats/Units (1 Bedroom) – 0.6 EDC 420 Kitchen/Dining (per m² GFA) – 6.0 EDC Less Credit 92 Motel Room – 36.8 EDC 420 Kitchen/Dining (per m² GFA) – 6.0 EDC <strong>Net Demand: 4.2 EDC</strong></td>
<td>4.2 EDC x $3,651.74</td>
<td><strong>$15,337.33</strong></td>
</tr>
<tr>
<td><strong>Sewerage</strong></td>
<td>City Sewerage District District 23: $2,372.62/EDC (March 2005) 101 Motel Room – 40.4 EDC 2 Flats/Units (1 Bedroom) – 0.8 EDC 420 Kitchen/Dining (per m² GFA) – 6.0 EDC Less Credit 92 Motel Room – 36.8 EDC 420 Kitchen/Dining (per m² GFA) – 6.0 EDC <strong>Net Demand: 4.4 EDC</strong></td>
<td>4.4 EDC x $2,372.62</td>
<td><strong>$10,439.51</strong></td>
</tr>
<tr>
<td><strong>Traffic</strong></td>
<td>Cairns City Traffic Management Plan – Precinct 1 District 1: $1,353.69/ERA (March 2005) 101 Motel Room – 50.5 ERA 2 One Bedroom Units – 1.0 ERA Less Credit 92 Motel Room – 46.0 ERA <strong>Net Demand: 5.5 ERA</strong></td>
<td>5.5 ERA x $1,353.69</td>
<td><strong>$7,445.29</strong></td>
</tr>
<tr>
<td><strong>Drainage</strong></td>
<td>Drainage Mitigation Charges not applicable.</td>
<td>Not Applicable</td>
<td>No contribution sought.</td>
</tr>
<tr>
<td><strong>Drainage</strong></td>
<td>Drainage Water Quality Charges not applicable</td>
<td>Not Applicable</td>
<td>No contributions sought.</td>
</tr>
<tr>
<td><strong>Open Space</strong></td>
<td>CBD – North Cairns Local Area Open Space Management Plan CBD North Cairns: $296.00/person (January 2003) <strong>Net Demand: 64.3 Persons</strong> (See Table landscaped Open Space Contribution Requirements in this report.)</td>
<td>64.3 persons x $296.00</td>
<td><strong>$19,032.80</strong></td>
</tr>
</tbody>
</table>

Rohan Lee
Planning Officer
**Action Officer**

Neil Beck
**Acting Manager City Assessment**
**MATERIAL CHANGE OF USE (CODE ASSESSMENT) – 33-39 CLYDE ROAD, BABINDA – ANIMAL HUSBANDRY GENERAL – DIVISION 1**

Rohan Lee: 8/7/155: #953063

**PROPOSAL:** ANIMAL HUSBANDRY GENERAL  

**APPLICANT:** D & S GROUNDWATER  
LOT 1 WEAVER STREET  
BABINDA QLD  4861

**LOCATION:** 33-39 CLYDE ROAD, BABINDA

**PROPERTY:**  
LOT 1 ON RP744528 & LOT 3  
ON RP744528, PARISH BELLENDEN KER

**ZONE:** LOW DENSITY RESIDENTIAL

**STRATEGIC PLAN:** LOW DENSITY RESIDENTIAL

**DCP:** HILLSLOPES CATEGORY A (UNCONSTRAINED)

**REFERRAL AGENCIES:** NOT APPLICABLE

**NUMBER OF SUBMITTERS:** NOT APPLICABLE

**STATUTORY ASSESSMENT DEADLINE:** 23 MARCH 2005

**DIVISION:** 1

**APPENDIX:** 1. SITE LAYOUT PLAN
RECOMMENDATION:

That Council approve the development application for Material Change of Use (Code Assessment) for the establishment of an Animal Husbandry – General (Keeping 2 Horses and 10 head of Cattle) in conjunction with the use of the land for the purpose of a dwelling at Lot 1 Clyde Road and 33-39 Clyde Road, Babinda, more particularly described as Lot 1 on RP744528 and Lot 25 on RP886334, Parish of Bellenden Ker subject to the following conditions:

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use generally in accordance with:

   a. The plans, specifications, fact and circumstances as set out in the application submitted to Council; and


Except where modified by these conditions of approval and any endorsement issued hereunder.
Number of Animals

2. No more than two (2) horses and ten (10) head of Cattle can be kept on the property at any one time, unless otherwise approved by the Chief Executive Officer.

Siting of Paddock

3. When agisted on the land, the horses must be kept within a suitably fenced paddock sited a minimum 10 metres from the top of bank of any adjoining creek and from any boundary to another residential property. The subject property must be fenced at all times.

Easements

4. The applicant/owner is to ensure that design of a fenced paddock does not impact on the existing drainage path necessary for drainage from adjoining lots. Structures are not permitted to encroach on Easement A and B on RP744528.

5. The applicant/owner is to ensure that the design of the fenced paddock does not enclose Easement B on RP718523, the Powerlink Easement. Structures and Fencing are not permitted to encroach on Easement B on RP718523 to enable Powerlink to undertake Access Maintenance Control Works for infrastructure within the easement.

Local Law

6. The applicant/owner must register the proposed Animal Husbandry – General in accordance with Council’s Local Law ‘Keeping, Control and Impounding of Animals Local Law 2003’.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.


EXECUTIVE SUMMARY:

Council is in receipt of an application to keep two horses and ten head of cattle on a Low Density Residential property. The property is approximately 4.02 hectares in size and can support the use without causing detriment to the amenity of either the site or the surrounding area.
The report recommends the application be supported subject to conditions.

**TOWN PLANNING CONSIDERATIONS:**

**Proposal**

The site is 3.6 hectares in area and is made up of two parcels, Lot 1 on RP744528 and Lot 3 on RP744528, in a Low Density Residential Area north of Babinda. The paddock will be fenced and gated with locks. The paddock is proposed to hold two (2) horses and ten (10) head of cattle.

The subject site is affected by a number of easements. Easements A and B on RP744528 are drainage easements. A condition has been included to ensure that the applicant/owners ensure drainage paths are not affected by any structures associated with the Animal Husbandry. Additionally, a Powerlink Easement affects Lot 3 on RP744528. A condition has been included to ensure that the Powerlink Easement remains unobstructed for maintenance purposes.

**Strategic Plan/DCP**

While the use is normally associated with rural land, the subject land is of sufficient size to support the development. The use on the subject land is not likely to affect future development of neighbouring land.

**Land Zoning**

While the use is normally associated with rural land, the subject site is of sufficient size to support the use. It is not considered that a nuisance will be generated by the proposal that would detrimentally affect the amenity of the neighbouring residential properties. A condition of the approval requires the paddock to be setback from both the top of creek bank and the common boundary to the neighbouring properties. Part D, Section 3.9.6 of the Planning Scheme for the Balance of the City of Cairns requires that the area of land on which horses are kept must be a minimum of 2,000m$^2$ for two horses. The subject land substantially exceeds this requirement. The Planning Scheme does not prescribe a minimum lot size a minimum lot size for raising cattle, however at a density of 2.5 beasts per hectare, this density is considered to be appropriate for the land area available for the proposed use.

**HEADWORKS / CONTRIBUTIONS:**

No headworks contributions are applicable for an Animal Husbandry – General Use.

Rohan Lee
Planning Officer

*Action Officer*

Neil Beck
*Acting Manager City Assessment*
With the keeping of the 2 horses, are to be stabled with walk in - walk out stables. Let go to walk on the 4.1100 Hect with the 10 head of cattle. That is going to be fully fenced and gated with locks. So if the Council + Ergon Energy need to access the easement they can with written verbal communication.

In the future, we would like to go organic. We have already planted 3 types of grasses one of which in time will be a wetland effect and will not have to be sprayed for weeds. As the land was previously growing cane, we think in time the the soil + bird life would appeal like a Pollen free environment.
# RECONFIGURING A LOT (1 LOT INTO 32 LOTS) – LOT 900 ILLAWARRA STREET, CARAVONICA – DIVISION 12

Peter Boyd: 8/13/814-01 : #848074

<table>
<thead>
<tr>
<th>PROPOSAL:</th>
<th>RECONFIGURING A LOT (1 LOT INTO 32 LOTS)</th>
</tr>
</thead>
</table>
| APPLICANT: | RED PEAK FOREST ESTATE PTY LTD  
C/- GHD PTY LTD  
PO BOX 819  
CAIRNS QLD 4870 |
| LOCATION: | LOT 900 ILLAWARRA STREET, CARAVONICA |
| PROPERTY: | PART OF LOT 900 ON SP152636, PARISH OF SMITHFIELD |
| ZONE: | RURAL |
| STRATEGIC PLAN: | RURAL CONSTRAIN |
| DCP: | HILLSLOPES DEVELOPMENT CONTROL PLAN – CATEGORY B (CONSTRAINED) |
| REFERRAL AGENCIES: | NONE |
| NUMBER OF SUBMITTERS: | NOT APPLICABLE |
| STATUTORY ASSESSMENT DEADLINE: | EXPIRED |
| DIVISION: | 12 |
| PLANNING SCHEME: | PLANNING SCHEME FOR THE BALANCE OF THE CITY OF CAIRNS |
| APPENDIX: | 1. SITE LAYOUT PLAN RECOMMENDED FOR APPROVAL  
2. LONGITUDINAL SECTION OF ACCESS EASEMENT  
3. EXAMPLES OF CROSS SECTIONS AFTER PROPOSED EARTHWORKS |
RECOMMENDATION:

A. That Council approve the application to reconfigure land (1 lot into 31 residential lots plus 1 balance lot) described as Lot 900 on SP152636, Parish of Smithfield, situated at Illawarra Street, Caravonica, subject to the following conditions:

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No 24320-113 Revision A dated 23 February 2005 prepared by GHD Pty Ltd is approved subject to any alterations:
   a. Found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements;
   b. To ensure that the development complies in all respects with the requirements of Council’s Planning Scheme, Development Manual and good engineering practice;
c. The earthworks indicated on Plan 24320-102 Revision A are not approved. Earthworks will be considered by Council for each lot at a later stage in conjunction with a Development Permit for Building Works; and

d. To ensure compliance with the following conditions of approval.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Water Supply and Sewerage Contributions

3. The applicant/owner must contribute in accordance with Council’s policy provided for as per Section 6.2 of the Local Government (Planning and Environment) Act 1990 towards the provision of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $104,267.67 (33.6 EDCs) for water and $90,184.56 (31 EDCs) for sewerage. Payment is required prior to the approval and dating of the Plan of Survey.

Drainage Contribution

4. The applicant/owner must contribute towards the improvement of stormwater quality in accordance with the Draft Trunk Infrastructure Contribution Policy.

The contribution rate is that which is current at the time of payment. The current rate of contribution is $13,806.00 (Relative Impermeability Factor x $2,950.00/Equivalent Hectare).

Payment is required prior to the approval and dating of the Plan of Survey.

5. The applicant/owner must contribute towards the augmentation of stormwater drainage services and associated services in accordance with the Smithfield Drainage Management Plan (Avondale Creek).

The contribution rate is that which is current at the time of payment. The current rate of contribution is $22,182.30 (4.68 Ha x $4,739.81/Ha). Payment is required prior to the approval and dating of the Plan of Survey.
Water Supply and Sewerage Works

6. The applicant/owner must carry out water supply and sewerage works to connect the subject land to Council’s existing water supply and sewerage headworks at a point determined by the Chief Executive Officer. In particular, each allotment must be provided with a single internal sewer connection in accordance with the Development Manual, including, but not limited to, Council Standard Drawing No. S3005.

Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of Cairns Water and the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Building in Hillslopes Areas

7. For building within the hillslopes areas, i.e. on Lots 1-19, the exterior building colours and materials must be non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown. Details of the proposed materials and colour scheme for the external walls, features and roof must be submitted at the time of lodgement of a development application for building works and endorsed by the Chief Executive Officer prior to the issue of a development permit for building works. The applicant/owner must also ensure that the above building exterior requirements are made known to all prospective purchasers.

Earthworks in Hillslopes Area

8. Any earthworks and/or civil works must comply with the requirements of the Hillslopes Development Control Plan, including, but not limited to:
   a. Complex engineering solutions must not be undertaken, with only minor earthworks to be undertaken on the site.
   b. Earthworks to accommodate building construction is not permitted. Such works may be considered by Council for each lot at a later stage in conjunction with a Development Permit for Building Works.
   c. No more than minor earthworks are to occur, including no large earth cuts or fills. Cuts and/or fill batters must be limited to a maximum height of approximately 1.5 metres. Successive cut/fill must be stepped with a minimum 2 metre wide horizontal step/berm between successive batters/retaining walls.
d. All batters must be revegetated with indigenous trees, shrubs and ground cover species immediately following construction in accordance with a professionally prepared landscape plan to the satisfaction of the Chief Executive Officer.

Landscaping Plan

9. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. In particular, the plan must show:

a. The retention of as many existing trees and shrubs as possible and further planting of trees and shrubs;

b. Planting of the footpath with trees, using appropriate species with regard to any constraints; and

c. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant’s Landscape Architect/Designer.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Works.

Areas to be landscaped must be established prior to the approval and dating of the Plan of Survey and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Bushfire Mitigation

10. The recommendations contained in the Bushfire Risk Assessment prepared by GHD dated February 2005 as submitted to Council on 28 February 2005 are to be implemented prior to the approval and dating of the Plan of Survey.

In particular, the plan must show individual fire hydrants in close proximity to the building envelopes for proposed Lots 17, 18 and 19 and the building envelopes on Lots 17, 18 and 19 are to be setback of approximately 18 metres from the northern boundary.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Works.
Roadworks

11. The Impey/Aroona Street extension shall be constructed to a Collector standard in accordance with Standard Drawing S1006.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Access Driveway

12. The applicant/owner must construct a concrete driveway or other approved surface to proposed Lots 17, 18 and 19 extending from the kerb and channel at Bulba Street to the building envelope on Lot 18. The driveway must have a minimum width of three (3) metres and is to incorporate passing bays. The construction of the driveway must be in accordance with Council Standard Drawing S1110.

All cut and fill batters required for the construction of the driveway must not exceed six (6) metres. Where the batter height exceeds three (3) metres, a minimum two (2) metre wide berm is to be constructed at three (3) metres. Berms must be graded to collect and channel stormwater to lawful points of discharge to the Satisfaction of the Chief Executive Officer.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Such works must be constructed in accordance with the endorsed plan, to the satisfaction of the Chief Executive Officer and Council's Development Manual prior to approval and dating of the Plan of Survey.

Lot Layout

13. The access leg is to be included as part of proposed Lot 17. The amended plan is to be reflected in all plans submitted to Council for the issue of a Development Permit for Operational Works.

Access Easement

14. An access easement must be registered over the amended design for Lot 17 as per Condition 13 providing access to Lots 18 and 19. A copy of the easement documents must be submitted to Council for the approval of the Council's solicitors at the expense of the owner. The easement documents must be lodged and registered in the Department of Natural Resources and Mines immediately following the Plan of Survey.
General External Works

15. The applicant/owner must at its own cost undertake the following works external to the subject land:

a. Construct a 2 metre wide concrete pathway (to Council standards) along the eastern side of the Impey/Aroona Street extension connecting to the existing pathway to the north at Aroona Street.

b. Incorporate a bikeway into the road reserve on each side of the Impey/Aroona Street extension.

c. The carriageway and gradient of Impey/Aroona Street extension must be sufficient to accommodate a future public transport route, in accordance with Queensland Streets requirements.

Three (3) copies of a plan of the works must be submitted to and be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Lawful Point of Discharge

16. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being the extension of Aroona Street/Impey Street, such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Plan of Drainage Works

17. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular:

a. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:

i. End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer’s performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants.

The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.

iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.

b. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event.

Soil and Water Management Strategy

18. A Soil and water management strategy, in accordance with Council’s Development Manual must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Installation Of SWM Measures

19. The soil and water management measures endorsed by the Chief Executive Officer must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and Council’s Development Manual).

Building Setback Plans

20. The applicant/owner must lodge formal building setback plans for Lots 17, 18, and 18 with Council prior to the approval and dating of the Plan of Survey. The building setback plans must be as detailed on Plan 24320-102.

The applicant/owner must also ensure that the endorsed building setback plans are made known to all prospective purchasers of these lots.
Permanent Survey Marks

21. Provide Standard Permanent Survey Marks, levelled on the Australian Height Datum and fixed with horizontal coordinates to the Map Grid of Australia (Map Grid of Australia (MGA94) Zone 55) to 4th order accuracy or better, at locations approved by the Chief Executive Officer or in accordance with guidelines adopted by Council.

Electricity and Telecommunications

22. The applicant/owner must provide written evidence of negotiations with the electricity supply and telecommunications authorities that services will be provided to the development. Such evidence is to be provided prior to the approval and dating of the Plan of Survey.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. Current requirements and estimates of development and headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.


B. The following notation will be placed on Council’s future rates record in respect of proposed Lots 17, 18 and 19:

a. The proposed future dwelling and buildings are to be sited within the building setback plan, as detailed on plans held by Council. A copy of the building setback plan is available from Council.

C. The following notation will be placed on Council’s future rates record in respect of proposed Lots 1-19:

a. The subject site is included within the Hillslopes Overlay in CairnsPlan. The construction of a dwelling on the site is to comply with the Hillslopes Code and other relevant provisions of CairnsPlan.
EXECUTIVE SUMMARY:

The current application to Council requests a Development Permit to reconfigure Lot 900 Illawarra Street, Caravonica to create thirty-one (31) residential lots and one balance lot. The proposed residential lots have areas between 450m² and 8,731m² (as shown at Appendix 1). The proposed subdivision will be accessed via an extension of Aroona Street and three lots will be accessed via Bulba Street. The area subject to the current application is located on the eastern side of the ‘Grassy Knoll’ and a connection will be provided through to Impey Street, Caravonica (Lake Placid).

TOWN PLANNING CONSIDERATIONS:

History of Current Application

Council received the current application in June 2004 and an Information Request was issued, as the application did not contain adequate information. The following information was requested in an Information Request in July 2004:

1. Please provide information detailing reasons for the large size of Lots 17 to 19.

2. Please provide a scaled contour plan of the site together with the proposed lot layout.

3. Please provide a slope analysis indicating slopes:
   - Less than 1:6;
   - Slope 1:6 to 1:4;
   - Slope 1:4 to 1:3;
   - Slope 1:3 to 1:2; and
   - Slope steeper than 1:2.

4. Please provide a plan indicating the intended road hierarchy of the development.

5. Road 01/02 is required to be designed for a 60km/h speed limit as per Council’s Road Hierarchy. The proposed longitudinal road alignment does not achieve this objective. Please provide a revised road alignment or details supporting the proposed alignment.

6. Please provide plans nominating a building envelope on all lots that are within the Category B designation of the Hillslopes DCP.

7. Please provide plans detailing cross-sections of the access to be constructed for Lots 17 to 19.

Council received a response to the above request in August 2004 and a further response in relation to issues raised by Infrastructure Management in November 2004. Council Officers have had numerous discussions with the applicant’s consultants during January 2005. Council Officers and the Divisional Councillor met with the applicant to discuss the relevant issues in February 2005. The applicant was unaware that Council had not been provided with all of the items contained in the information request.
Council received additional information on 28 February 2005, which revealed the scale of the intended earthworks. Council Officer's do not support the works detailed in the submission, as they do not comply with the Hillslopes Development Control Plan and would result in the clearing of all vegetation on proposed Lots 1-16. A condition has been included in the Recommendation to Council requiring all site works to be undertaken at Building Works stage in accordance with the Hillslopes Development Control Plan. This will ensure that any future dwellings constructed will be designed in accordance with the site constraints.

Proposal

The current application by Red Peak Estate Pty Ltd represents the next stage of the Red Peak Forest Estate in Caravonica being Stage 10. The proposed development is for reconfiguration of land into 31 residential lots with areas between 450m² and 8,731m². The proposed lots contained within the Category B designation of the Hillslopes DCP. The subject site currently has road frontage to both Aroona Street and Impey Street. Proposal plans are attached as Appendix 1.

The current application will include the construction of a road from Impey Street through to Aroona Street. Proposed Lots 1-16 and 20-31 are accessed via this roadway.

The lot reconfiguration has been assessed and is considered appropriate and consistent with the Planning Scheme for the reconfiguration of land within the Residential 2 zone. The application is recommended for approval subject to conditions.

Referral Coordination

The subject site shares a common boundary with the Wet Tropics World Heritage area under the *Wet Tropics World Heritage Protection and Management Act 1993* and consequently referral co-ordination is required, unless the application is determined to be minor under Section 6.1.35(1)(a) of the *Integrated Planning Act 1997*. The application was determined minor given the previous comment received from the Wet Tropics Management Authority and referral coordination was not undertaken.

Impact of Proposal

<table>
<thead>
<tr>
<th>Planning Scheme Provisions</th>
<th>Requirements</th>
<th>Complies Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intent of Zone</td>
<td>Residential 2</td>
<td>Yes</td>
</tr>
<tr>
<td>Intent of Strategic Plan</td>
<td>Urban</td>
<td>Yes</td>
</tr>
<tr>
<td>Intent of DCP</td>
<td>Hillslopes Category B</td>
<td>See comment</td>
</tr>
<tr>
<td>Minimum Lot size</td>
<td>300m²</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Frontage</td>
<td>10m</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Depth</td>
<td>15m</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Hillslopes Development Control Plan

Unlike previous stages of Red Peak Estate, the area subject to the current application has not previously been used as a quarry. The earthworks that are characteristic of the estate will not be undertaken as part of the current application.
A condition has been included in the Recommendation to Council requiring any earthworks to be constructed as part of individual site works at the time of lodging an application for Building Work. This condition is consistent with other similar developments such as Forest Gardens Estate at Mount Sheridan.

This will ensure that the integrity of the hillslopes and the Hillslopes Code in CairnsPlan is maintained. Additional information submitted by the applicant in support of the proposed development identifies that batters with a total height of up to 13 metres are proposed. Plan 24320-103 Rev A contained as Appendix 3 details the proposed earthworks at Lots 3 and 4. These works are not recommended for approval, as they do not comply with the Hillslopes Development Control Plan.

**HEADWORKS / CONTRIBUTIONS:**

The following developer contributions are applicable to the proposed development.

<table>
<thead>
<tr>
<th>Element</th>
<th>Comment</th>
<th>Calculation</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>District 7: $3,103.20/EDC</td>
<td>33.6 EDC’s x $3,103.</td>
<td>$104,267.67</td>
</tr>
<tr>
<td></td>
<td>4 Residential lots &gt;1,500m² - 5.2 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>17 Residential lots 901m² - 1,100m² - 18.7 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11 Residential lots 401m²- 900m² - 11 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>Less Credit</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 Lot &gt;1500m² – 1.3 EDC</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Demand: 33.6 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Demand: 33.6 EDC’s</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewerage</td>
<td>District 12: $2,909.18/EDC</td>
<td>31 EDC’s x $2,909.18</td>
<td>$90,184.56</td>
</tr>
<tr>
<td></td>
<td>4 Residential lots &gt;1,500m² - 4 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>17 Residential lots 901m² - 1,100m² - 17 EDC’s</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>11 Residential lots 401m²- 900m² - 11 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>Less Credit</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 Lot &gt;1500m² – 1 EDC</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Demand: 31 EDC’s</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic</td>
<td>No contribution applicable for Figitree District.</td>
<td>NA</td>
<td>Nil</td>
</tr>
<tr>
<td>Drainage</td>
<td>Smithfield DMP – Avondale Creek</td>
<td>$4,739.30/Ha</td>
<td>$22,182.30</td>
</tr>
<tr>
<td></td>
<td>Area of Stage – 4.68 Ha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater</td>
<td>Draft trunk infrastructure plan – 4.68 Ha x $2,950.00/Ha</td>
<td>$2,950.00/Ha</td>
<td>$13,806.00</td>
</tr>
<tr>
<td>Quality</td>
<td>Open Space</td>
<td>Land previously surrendered.</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td><strong>Total Demand: 31 EDC’s</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Peter Boyd  
Planning Officer  
*Action Officer*

Neil Beck  
*Acting Manager City Assessment*
Appendix 1 – Recommended For Approval
Appendix 3 – Examples of Cross Sections After Proposed Earthworks – NOT RECOMMENDED FOR APPROVAL

Note the total height of 13 metres.
PRIORITY INFRASTRUCTURE PLAN

Debbie Wellington: 8/26/5-05: #956244

RECOMMENDATION:

That Council prepare a Priority Infrastructure Plan in accordance with the requirements of Schedule 1 of the Integrated Planning Act 1997.

INTRODUCTION:

The Integrated Planning and Other Legislation Amendment Act 2003 (IPOLAA) introduced new approaches to the planning and funding of infrastructure for urban growth. This Act amends the Integrated Planning Act 1997 (IPA), which now requires a Priority Infrastructure Plan (PIP) to be prepared for trunk infrastructure.

The guidelines for preparing a PIP were released by the Department of Local Government, Planning, Sport and Recreation (DLGPSR) in October 2004.

The PIP will form part of the CairnsPlan and will replace the Trunk Infrastructure Contributions Planning Scheme Policy.

Under Schedule 1 of IPA Council must resolve to prepare a PIP in order to commence the process.

BACKGROUND:

The PIP must be prepared in accordance with the DLGPSR guidelines.

The PIP is the strategic planning document that establishes the Priority Infrastructure Area and sets the assumptions upon which growth and infrastructure provision are based for the next 10 – 15 years.

The PIP must be prepared in consultation with the State Government having regard for local and State policies, infrastructure efficiencies, expected population growth, demand for serviced land and market expectations.

Under IPA Council may levy a charge for supplying trunk infrastructure under an Infrastructure Charges Schedule (ICS). An ICS can be prepared for water cycle infrastructure (water supply, sewerage, drainage, water quality), transport infrastructure and local community infrastructure. The DLGPSR have also released guidelines on how to prepare an ICS.

The ICS’s forms part of the PIP, which in turn is part of the CairnsPlan.
COMMENT:
Council has done a lot of work in preparing management plans, which are used for the current developer contributions regime. These plans are highlighted in Attachment 1. This work will be used as the basis for the development of the PIP and ICS’s.

Council will need to acquire additional data including population projections to complete the PIP.

CONSIDERATIONS:

Corporate and Operational Plans:
The Corporate Plan identifies the need to strengthen CairnsPlan and addresses the core trunk infrastructure networks of for the water cycle and the transport network and specifically mentions the need to develop a community infrastructure plan.

Statutory:
The IPA sets out the requirement for Local Governments to prepare a PIP. The process for preparing the PIP is prescribed in the regulation and must follow the Schedule 1 timeframes.

Policy:
Council adopted the Trunk Infrastructure Contributions Planning Scheme Policy on the 27th January 2005, which commenced on the 1st March 2005. This policy is an interim policy which will be applied until such time as Council has adopted a PIP.

Financial:
Funding to prepare the PIP has been allowed for in the Planning Strategies 2004-2005 budget and will be continued in the 2005/2006. Preparation of the suite of ICS will need to be allowed for in the respective branch budgets for 2005-2006.

Sustainability:
All activities carried out under the IPA must advance the purpose of the Act, which is to seek to achieve ecological sustainability. In relation to infrastructure this includes supplying infrastructure in a coordinated, efficient and orderly way, including encouraging urban growth in areas where adequate infrastructure exists or can be provided efficiently.

CONSULTATION:
Council officers have attended training on the preparation of a PIP, which was offered by the DLGPSR. Cairns Water and City Works and Services are aware of the requirements to prepare a PIP and the changes to the infrastructure charging regime.
Consultation with the relevant internal staff will occur throughout the preparation of the PIP. Under IPA, Council is required to consult with the State Infrastructure agencies and place the draft PIP on public notification.

OPTIONS:

Council must prepare a PIP under the Integrated Planning Act 1997 in order to continue to collect infrastructure charges.

CONCLUSION:

Under the IPA Council must prepare a PIP, which will form part of the CairnsPlan. Under Schedule 1 of IPA Council must resolve to prepare a PIP in order to commence the process.

ATTACHMENTS:

Attachment 1 – Existing Council Management Plans
Attachment 2 – Process for preparing a PIP

Deborah Wellington
Team Leader Strategic Planning

Peter Tabulo
General Manager City Development
### ATTACHMENT 1 – SUMMARY OF EXISTING COUNCIL MANAGEMENT PLANS

<table>
<thead>
<tr>
<th>Trunk Infrastructure Elements</th>
<th>Council Management Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Supply</td>
<td>Water Supply &amp; Sewerage Headworks Policy Vol 1-3</td>
</tr>
<tr>
<td>Wastewater Management</td>
<td>Water Supply &amp; Sewerage Headworks Policy Vol 1-3</td>
</tr>
<tr>
<td>Road Network</td>
<td>CCC Traffic Management Plan 2001 (v1) and the Redlynch Traffic Management Plan</td>
</tr>
<tr>
<td>CBD Carparking</td>
<td>Cairns Central Business District Parking Sub Strategy (GHD)</td>
</tr>
</tbody>
</table>

**Stream Management**
- Stream Management Plan have been or will be prepared for the following catchments:
  - Palm Cove
  - Delaney's Creek
  - Deadman's Gully
  - Deep Creek
  - Cayley Street Drain
  - Trinity Beach
  - Moore's Gully
  - Moon River/ Half Moon Creek
  - Smithfield Drainage Board – (Knights Creek, Avondale Creek, Chinaman’s Creek)
  - Barron Delta
  - Stoney Creek
  - Kamerunga
  - Freshwater Creek (IPA Revision)
  - Freshwater Creek (Redlynch Sub Catchment)
  - Freshwater Creek (Rice’s Gully)
  - Freshwater Creek (Brisbane Water Quality)
  - Clarke Creek
  - Gordon Creek
  - Cowley's Creek
  - Saw Pit Gully
  - Skeleton Creek
  - Blackfellow Creek
  - McKinnon Creek
  - O'Leary’s Creek
  - CBD & Environrs

**Stormwater Quality**
A number of the Stream Management Plans have a water quality component, however future reviews of the SMP’s will address water quality in accordance with the Council’s Urban Stormwater Quality Management Plan (USQMP)

**Community Purpose Infrastructure**
- Local Area Open Space Management Plans have been prepared for:
  - Northern Beaches
  - Redlynch Valley
  - Central Suburbs
  - CBD – North Cairns
  - White Rock – Edmonton
  - Gordonvale – Goldsborough
  - Rural Lands
  - Southern Villages

Local Community Infrastructure requirements (such as community buildings) will be incorporated as part of future reviews.

**NOTE:** The reports will form the basis for the preparation of the PIP and the ICS’s for the trunk infrastructure elements. The ICS’s must be prepared in accordance with the guidelines released by the DLGPSHR.

#956766
5.0 Process for preparing PIPs

The following sections outline a recommended process for preparing a priority infrastructure plan for both a high growth, and a low growth local government. The process includes relevant statutory requirements and recommended timeframes.

5.1 Recommended PIP preparation process

Step 1 Resolve to prepare the PIP

In accordance with the requirements of schedule 1 of the IPA, the local government must make a resolution to prepare or amend the priority infrastructure plan, either as a separate amendment to the planning scheme or as part of a new planning scheme.

Step 2 Collect data

Prior to developing a priority infrastructure plan, a high level of understanding regarding how an area has been growing is essential. This is required regardless of whether the local government is considered to be a high or low growth area.

It is recommended that a review of the following be undertaken:

- growth patterns over the last 5 – 10 years, including:
  - an analysis of the current and historic demographic situation;
  - growth rates in different parts of the local government area, and for different land use types;
  - current land use types and densities throughout the local government area; and
  - an analysis of how the current population utilise the local government area, in particular, linkages to work nodes, recreation patterns, shopping patterns, and sense of place in different suburbs/localities;

- any environmentally sensitive and other non-developable areas within the local government;

- the extent and capacity of existing infrastructure networks (maps of these infrastructure networks will be required);

- desired and actual standards of service provided by each existing network;
Priority Infrastructure Plan Guidelines

- the location of any current approvals for urban land uses; and
- the location of areas that can sustain further urban growth, and the type and intensity of urban land uses permitted under these areas in the planning scheme.

It is also very important that the future desired planning environment from a local and State perspective be clearly understood. In this sense, it would be useful, prior to embarking on developing the priority infrastructure plan, to have an understanding of the broader planning outcomes the scheme is seeking to achieve, and how these could impact on infrastructure planning.

State infrastructure suppliers’ policies for the provision of their facilities should also be known as they may also impact on infrastructure planning.

Much of the information required above will be dependent on the planning scheme. Therefore, it is recommended preparation of the priority infrastructure plan only commence after many of these matters have been considered as part of the statement of proposals stage of preparing a planning scheme. This will ensure there is at least a preliminary planning framework in place for the local government that can evolve and be refined in parallel with the preparation of the priority infrastructure plan.

Step 3 Identify the existing urban area

The priority infrastructure area includes the area that is developed, or approved for development for the following purposes;

- residential;
- retail and commercial; and,
- industrial.

As noted in section 4.2.2, this area will include areas developed for related community or social purposes such as schools, hospitals, parks and the like that are reasonably associated with the above uses.

Rural residential areas may also be included in the existing urban area if the local government believes the area is serviced by development infrastructure.

Step 4 Prepare the Population, Housing and Employment projections

Projections about future population, housing and employment should be prepared in accordance with the requirements of section 4.3 and Template 5 to provide a basis for the assumptions about future development.
Step 5  Develop the assumptions

Based on the data collected above and analysis of demographic and other growth trends, develop the assumptions in accordance with the requirements stated in section 4.3.

Step 6  Allocate anticipated growth

The majority of the planning assumptions will relate to specific areas. This growth should be mapped having regard to:

- existing approvals;
- areas able to sustain urban growth; and
- areas where infrastructure exists or can be provided or augmented most efficiently.

Any growth not related to specific areas should also be allocated and mapped at this time. Even if a specific site for these uses is not identified, it is important to ensure sufficient land for the growth is available in the nominated area.

Infrastructure efficiency in this context is not just about minimising infrastructure costs, but about achieving a balance between infrastructure costs, State and local government land use policies, community preferences, and market realities.

Step 7  Identify draft PIA

The existing urban area from step 4 and areas identified for future growth from step 5 should be mapped and will effectively constitute the local government's draft priority infrastructure area. The local government may also map additional information such as the different types of existing and future uses, timing of future development etc, as discussed in section 4.2.4.

Step 8  Consult State infrastructure suppliers

Under section 8A of schedule 1 of the IPA, the priority infrastructure area and assumptions must be agreed with the suppliers of State infrastructure prior to the first State interest review of the draft planning scheme or priority infrastructure plan.

It is recommended this process be initiated early in the process and before the local government undertakes detailed infrastructure planning for the priority infrastructure area and anticipated growth. This is to minimise rework if the priority infrastructure area or assumptions change after consultation with the suppliers of State infrastructure.

Step 9  Agreement with State infrastructure suppliers
Suppliers of State infrastructure may request changes to the priority infrastructure area or planning assumptions to better align with State infrastructure supply intentions. Negotiations may be required if the State agencies and local government cannot reach agreement on these matters. If agreement still cannot be reached, a dispute resolution process is specified under section 8A of schedule 4, whereby the Minister can obtain advice about the matters before making a decision.

Suppliers of State infrastructure may at this point, or at one of the subsequent State interest reviews, require the local government to include in the priority infrastructure plan a reference to their plans for the supply of State infrastructure in the area as discussed in section 4.6.

Once agreement has been reached on the priority infrastructure area and planning assumptions, the local government can commence the detailed infrastructure planning to service the priority infrastructure area and anticipated growth. In some cases this may involve updating existing planning to ensure it adequately responds to the growth anticipated in the planning assumptions in the areas included in the priority infrastructure area.

Step 10 Develop proposed desired standards of service

The desired standards of service are the other key information required to allow the local government to plan and design infrastructure networks that will deliver the desired standards of service to users. The desired standards of service should be stated in the way described in section 4.4.

Step 11 Prepare draft PFTI

The desired standards of service, priority infrastructure area and planning assumptions together specify the trunk infrastructure required to service future growth, as well as identifying where and when this trunk infrastructure is likely to be required. The local government can then plan and design infrastructure networks to deliver the required trunk infrastructure and outline a program for expansion or augmentation of these networks in line with anticipated growth. PFTI should be developed in the way outlined in section 4.5.

Step 12 Prepare an ICS

Once the infrastructure networks to service future growth have been planned, those local governments using infrastructure charges schedules to fund the provision of the planned infrastructure can commence preparation of the schedules. Section 5.5(2) of the IPA requires that an infrastructure charges schedule being prepared at the same time as the priority infrastructure plan must follow the same process as the priority infrastructure plan,
Priority Infrastructure Plan Guidelines

i.e. the schedule 1 planning scheme preparation or amendment process.

Alternatively, the local government could defer preparation of its infrastructure charges schedules until the priority infrastructure plan is in place. A streamlined process is then available which allows the infrastructure charges schedule to be prepared as if it were a planning scheme policy using the process specified in schedule 3 of the IPA.

In either case, reference should be made to the Infrastructure Charges Guidelines for detailed advice on how to prepare an infrastructure charges schedule.

Step 13 Finalise draft PIP

The individual elements developed above can then be brought together to form the draft priority infrastructure plan for the local government area. When drafting the priority infrastructure plan the local government will need to exercise care to ensure the priority infrastructure plan is consistent with the required content and format as discussed in section 4.1, and remains a succinct summary of the detailed infrastructure planning undertaken.

Step 14 First State interest review

After the local government makes a resolution proposing the priority infrastructure plan in accordance with the requirements of section 9 of schedule 1 of the IPA, the draft priority infrastructure plan can then proceed to consideration of State interests under section 11 of Schedule 1.

During this review, the Department will be assessing the draft priority infrastructure plan for compliance with the requirements of the IPA and these guidelines. Other State agencies will also have the opportunity to review the priority infrastructure plan at this time, including suppliers of State infrastructure. Following the review, amendments to the priority infrastructure plan may be required (if conditioned by the Minister) or recommended, or other comments provided, prior to the Minister authorising the local government to give public notice of the priority infrastructure plan. The local government must make any required amendments prior to commencing public notification.

Step 15 Public notification

Public notice of the priority infrastructure plan must be given in the way prescribed under sections 12 to 14 of schedule 1 of the IPA. During the public notification period, the priority infrastructure plan must be kept available for public inspection and submissions can be made in respect of the plan.

Step 16 Consideration of submissions
After the end of the public notification period the local government must consider, in accordance with section 16 of schedule 1, all properly made submissions before deciding whether to proceed with the priority infrastructure plan. The local government must report to submitters how it has dealt with the submissions.

Step 17 Second State interest review

If the local government decides to proceed with the priority infrastructure plan it must be resubmitted to the Department for reconsideration of State interests under section 18 of schedule 1. During this review the Department will be reviewing the priority infrastructure plan to ensure any amendments made in response to submissions do not affect the priority infrastructure plan’s compliance with the IPA and these guidelines. The Minister must then advise the local government if it can adopt the priority infrastructure plan and may again require or recommend amendments to the priority infrastructure plan. The local government must make any required amendments to the priority infrastructure plan.

Step 18 Adoption

The local government makes a resolution to adopt the priority infrastructure plan as required under sections 19 to 21 of schedule 1. Once the priority infrastructure plan has commenced operation, the local government has the ability to undertake additional infrastructure cost assessments for those projects that are outside the priority infrastructure area or inconsistent with the planning assumptions or infrastructure planning benchmark in the priority infrastructure plan.
COMPENSATION CLAIMS & APPEALS – FEBRUARY 2005

Neil Beck: 1/59/2-01 : #536015 V31

RECOMMENDATION:

That the report on the Compensation Claims & Appeals for February 2005 be received and noted.

Neil Beck
A/Manager City Assessment
<table>
<thead>
<tr>
<th>Description</th>
<th>Applicant</th>
<th>Comment</th>
<th>Solicitor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court No. 154 of 1998</td>
<td>Cairns Earthmoving Contractors Pty Ltd</td>
<td>The Appellant has instructed that he wishes to speak to Council directly. MacDonnells gave notice of intention to proceed in this action on 24/12/04.</td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Supreme Court No. 77 of 1999</td>
<td>Vamgold Pty Ltd</td>
<td>No action at this time.</td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Supreme Court Appeal No. 26 of 2000</td>
<td>Middin Pty Ltd</td>
<td>Action by Council for specific performance of a contract and counterclaim against Council for declaration that the contract is void and/or damages for breach of contract. On 18 February 2005, Council officers and MacDonnells solicitors met with Vince Oberdan and his solicitor to discuss settlement terms. A follow-up meeting is scheduled for 7 March 2005 to further advance settlement.</td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Application No. 582 of 2002 State 5 &amp; 6 Rainforest Rise – failure to comply with development permit conditions and operational work permit conditions.</td>
<td>Richardson Plant Hire Pty Ltd &amp; Sinclair Knight Merz</td>
<td>Originating application filed on 4/12/02. Mention held on 12/12/02 – agreed for matter to be adjourned to a date to be fixed. The site has been stabilised and the matter is the subject of ongoing negotiations with the developer. Application not to be withdrawn until Council is satisfied with the final form of the development.</td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Appeal No. 406 of 2003</td>
<td>Deutsche Asset Management (Aus) Ltd</td>
<td>Land situated at Mt. Milman Drive, Smithfield. Submitter appeal against Co-respondent’s application for preliminary approval for a MCU of land. Waiting on other parties to continue without prejudice discussions.</td>
<td>MacDonnells Solicitors</td>
</tr>
<tr>
<td>Appeal No.</td>
<td>Applicant</td>
<td>Land Description</td>
<td>Details</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>410 2003</td>
<td>The Salvation Army</td>
<td>Land situated at 52-58 Swallow St, Mooroobool. Appeal against conditions of approval of application for a MCU. MacDonnells attended the callover on 19/10/2004. Negotiations continuing between the Appellant &amp; Council’s officers. Draft documents provided by Appellant are deficient and Salvation Army’s solicitors have been advised accordingly.</td>
<td>MacDonnells Solicitors</td>
</tr>
<tr>
<td>419 2003</td>
<td>Ursula Boston</td>
<td>Land situated at 70 Falcon St, Bayview Heights. Appeal against refusal of application for MCU (bed &amp; breakfast). Boston’s solicitors have withdrawn appeal as a result of non-compliance issues. Matter is now finalised.</td>
<td>MacDonnells Solicitors</td>
</tr>
<tr>
<td>430 2003</td>
<td>Daikyo (North Queensland) Pty Ltd</td>
<td>Land situated at 86-98 Sheridan St, Cairns. Appeal against approval of application for MCU (temp. passenger terminal). A consent order was made at the February hearing.</td>
<td>MacDonnells Solicitors</td>
</tr>
<tr>
<td>2222 2003</td>
<td>Peter Thomas Burke</td>
<td>Land situated on the Captain Cook Highway, Smithfield. Appeal against refusal of CCC, under direction of DMR to grant a preliminary approval for a reconf. &amp; MCU for commercial purposes. Notice of Appeal filed 3/6/03. On 13/5/04, the Appellant’s solicitors advised that the Appellant is currently negotiating with DMR regarding traffic arrangements for the development. Appellant does not intend to progress the appeal whilst negotiations are ongoing.</td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Appeal No. 2956 of 2003</td>
<td>McPherson Maclean Chapman Pty Ltd</td>
<td>Land situated on corner Foley Road &amp; Captain Cook Highway, Palm Cove. Appeal against failure of CCC to decide an application for a development permit for operations works. Matter with Applicant’s solicitors to finalise. Applicant’s solicitors have advised that Stockland are satisfied with the outcome of the amended application process &amp; will now withdraw the appeal on Stage 4. Notice of Discontinuance of the Appeal served. Matter finalised.</td>
<td>MacDonnells Solicitors</td>
</tr>
<tr>
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</tr>
<tr>
<td>Appeal No.224 of 2004</td>
<td>The TOMA Group Pty Ltd</td>
<td>Notice of Appeal filed on 17/5/04. Land situated at Isabella Road, Edmonton. Appeal against Council’s refusal (in part) of an application for Development Permit for a MCU. Refusal related to that part of the application seeking use rights for the Commercial zone. MacDonnells filed Entry of Appearance on 25/5/04. McKays Solicitors filed Notice of Election to Co-Respond for Sugarworld P/L on 28/5/04. Matter adjourned to next callover.</td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Appeal No. 248 of 2004</td>
<td>T Williams</td>
<td>Council refused the Appellant’s application for a Development Permit for a MCU for land situated at Mahogany St, Manoora. The Appellant proposed to establish a local store on the land. The Appellant seeks an order that the application be approved. MacDonnells filed Entry of Appearance on 16/6/04. Directions hearing held 30/7/04. In accordance with the Order, CCC provided further &amp; better particulars outlining grounds of refusal by 20/8/04. The matter was heard on 15/11/04. Judgment was handed down on 16/11/04 in favour of the Appellant. <strong>Negotiations occurring with respect to conditions.</strong></td>
<td>MacDonnells</td>
</tr>
<tr>
<td>Appeal No.</td>
<td>Appellant</td>
<td>Subject Land</td>
<td>Reason for Appeal</td>
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<tr>
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<tr>
<td>457 of 2004</td>
<td>Yorkeys Knob Residents Association Inc.</td>
<td>Land situated at Sims Esplanade, Yorkeys Knob</td>
<td>Appeal against Preliminary Approval and Development Approval</td>
</tr>
<tr>
<td>488 of 2004</td>
<td>Ritek Building Systems (NQ) Pty Ltd</td>
<td>Land situated at Draper Street, Cairns</td>
<td>Appeal against Council's decision to refuse the Appellant's Request to Make a Minor Change to an Approval - Material Change of Use - Boarding House (Medium Density).</td>
</tr>
<tr>
<td>513 of 2004</td>
<td>Cairns Development Company Pty Ltd</td>
<td>Land described as Lot 11 on RP 808997, located at Terminalia Street, Redlynch</td>
<td>Appeal against Enforcement Notice issued on 29/11/04 in respect to operational works.</td>
</tr>
<tr>
<td>17 of 2005</td>
<td>Colin Watson Investments No. 3 Pty Ltd</td>
<td>Land located at an unnamed road in Redlynch (Lot 2 on RP 707534).</td>
<td>Appeal against Council’s decision to refuse the appellant’s application for MCU – Use Rights for Residential 1 Zone in respect of land located at an unnamed road in Redlynch (Lot 2 on RP 707534).</td>
</tr>
<tr>
<td>Appeal No. 24 of 2005</td>
<td>Citicare Pty Ltd</td>
<td>The Appellant is appealing against conditions 4 and 16 of Council's approval of the Appellant's application for a material change of use (impact assessment) for a motel (79 units) at 702-704 Bruce Highway, Woree. Condition 4 relates to Traffic Management Contributions. The Appellant contends that this condition should be deleted. Condition 16 relates to the provision of a 1.8m screen fence at the subject site. The Appellant contends that the condition be amended to require provision of the fence to only part of the site. The State of Queensland elected to co-respond to the Appeal on 14/2/2005. MacDonnells filed Entry of Appearance on behalf of Council on 21/2/2005.</td>
<td>MacDonnells</td>
</tr>
</tbody>
</table>
MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – HOSTEL (HIGH DENSITY) IN A TALL BUILDING – 149-155 GRAFTON STREET, CAIRNS CITY – DIVISION 6

Jenny Elphinstone: 8/8/646-02 : #944338

PROPOSAL: HOSTEL (HIGH DENSITY) IN A TALL BUILDING

APPLICANT: RAY TAN
C/- C&B GROUP
PO BOX 1949
CAIRNS QLD 4870

LOCATION: 149-155 GRAFTON STREET, CAIRNS CITY

PROPERTY: LOT 11 ON RP748875, PARISH OF CAIRNS

ZONE: MEDIUM DENSITY RESIDENTIAL

STRATEGIC PLAN: CBD

DCP: DCP 1 – RESIDENTIAL DENSITIES – 800 PER/HA
DCP 2 – HEIGHT AND IMPACT OF BUILDINGS – PRECINCT 3

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS

NUMBER OF SUBMITTERS: SEVEN

STATUTORY ASSESSMENT DEADLINE: EXPIRED

DIVISION: 6

APPENDIX: 1. AMENDED PLANS RECEIVED
25 FEBRUARY 2005
RECOMMENDATION:

A. That Council resolve to accept the amended plans submitted on 25 February 2005 lodged by the applicant under Section 3.2.9(1) IPA and Council considers under Section 3.2.9(4)(b) that Council is satisfied that the change would not adversely affect the ability of a person to assess the changed application.

B. That Council resolve that the development of a Hostel (High Density) in a Tall Building on land at 149-155 Grafton Street, Cairns City, more particularly described as Lot 11 on RP 748875 with a population density of 826 pph is acceptable on planning grounds.

C. That Council resolve that in accordance with Division 3 – Section 48 of the Standard Building regulation (1993) permit the siting of the proposed Hostel (High Density) in a Tall Building, on land at 149-155 Grafton Street, Cairns City, more particularly described as Lot 11 on RP 748875 as detailed on: Job No 04137, Drawings:

   D06/01 dated March 2004, Site Plan, Masterplan;
   D06/02 dated March 2004, Level 1 Plan, Masterplan;
   D06/03 dated March 2004, Level 2 Plan, Masterplan;
   D06/04 dated March 2004, Levels 3,4 & 5 Plan, Masterplan;
D06/05 dated March 2004, Level 6 Plan, Masterplan;
D06/06 dated March 2004, Elevation from Minnie Street, Masterplan;
D06/07 dated March 2004, Typical Section, Masterplan;
D04/01 dated March 2004, Site Plan detailing Existing Buildings, Stage 1;
D04/02 dated March 2004, Level 1 Plan detailing Existing Buildings, Stage 1;
D06/03 dated March 2004, Level 2 Plan detailing Existing Buildings, Stage 1;
D06/04 dated March 2004, Level 3, 4 & 5 Plan Typical Hostel Suite Layout and Level 6 Plan Typical Hostel Suite Layout, Stage 1,

and as amended by the following plans by JB Design Cairns Pty Ltd, submitted to Council on 25 February 2005:

D06/01, Site Plan, dated March 2004;
D06/02 Level 1 Plan, dated March 2004;
D06/03 Level 2 Plan, dated March 2004;
D06/06 Elevation from Minnie Street, dated March 2004; and
D06/07 Typical Section, dated March 2004,

D. That Council resolve that the development of a Hostel (High Density) in a Tall Building on land at 149-155 Grafton Street, Cairns City, more particularly described as Lot 11 RP 748875 with a plot ratio of 1.76:1 and a site coverage 37.2% for Level 1 and 27.7% for Levels 2, 3, 4, 5 and 6 are acceptable on planning grounds.

E. That Council resolve that the development of a Hostel (High Density) in a Tall Building on land at 149-155 Grafton Street, Cairns City, more particularly described as Lot 11 on RP 748875 without the provision of a 3 metre deep landscaping to the rear (west) boundary and the side (north) boundary is acceptable on planning grounds.

F. That Council issue a Development Permit for a Material Change of Use (Impact Assessment) for the development of a Hostel (High Density) in a Tall Building at 149-155 Grafton Street, Cairns City, more particularly described as Lot 11 RP 748875 subject to the following conditions:

Assessment Manager Conditions

1. The applicant/owner must at all times during the development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
a. The approved plans, being Job No 04137, Drawings:

D06/01 dated March 2004, Site Plan, Masterplan;
D06/02 dated March 2004, Level 1 Plan, Masterplan;
D06/03 dated March 2004, Level 2 Plan, Masterplan;
D06/04 dated March 2004, Levels 3, 4 & 5 Plan, Masterplan;
D06/05 dated March 2004, Level 6 Plan, Masterplan;
D06/06 dated March 2004, Elevation from Minnie Street, Masterplan;
D06/07 dated March 2004, Typical Section, Masterplan;
D04/01 dated March 2004, Site Plan detailing Existing Buildings,
Stage 1;
D04/02 dated March 2004, Level 1 Plan detailing Existing
Buildings, Stage 1;
D06/03 dated March 2004, Level 2 Plan detailing Existing
Buildings, Stage 1;
D06/04 dated March 2004, Level 3, 4 & 5 Plan Typical Hostel Suite
Layout and Level 6 Plan Typical Hostel Suite Layout, Stage 1,

and as amended by the following plans submitted to Council on 25
February 2005:

D06/01, Site Plan, dated March 2004;
D06/02 Level 1 Plan, dated March 2004;
D06/03 Level 2 Plan, dated March 2004;
D06/06 Elevation from Minnie Street, dated March 2004; and
D06/07, Typical Section, dated March 2004,

by JB Design Cairns Pty Ltd, with the exception that the plans be
amended to detail:

i. A minimum 6m width of deep planting of the setback from
Grafton Street; and

ii. The deletion of the centre street parking and associated road
works; and

b. The plans, specifications, facts and circumstances as set out in
the application submitted to Council; and

c. To ensure that the development complies in all respects with the
requirements of Council's Planning Scheme, Development Manual
and good engineering practice.

Except where modified by these conditions of approval.
Timing of Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Development Permit for Building Work, except where specified otherwise in these conditions of approval.

Off Street Parking

3. The amount of off street vehicle parking must be as specified in Council's Planning Scheme which is 18 car spaces and one bus bay.

4. The parking layout must be designed in accordance with Australian Standard AS2890.1 1993 Parking Facilities - off street car parking, except as varied with the consent of the Chief Executive Officer. In particular:
   
a. The access crossover and vehicle entry/exit from and to Grafton Street must be designed to limit vehicle movements to “left-in” and “left-out” only, by the inclusion of relevant traffic islands and signage;

b. The relocation of the existing power pole, if necessary to accommodate the parking. The cost of the relocation is to be fully borne by the developer/owner;

c. Parking spaces adjacent fences and walls must have a minimum unobstructed clear width of 2.8 metres unless determined otherwise by AS2890.1;

d. Bollard lighting must be provided at the property boundary to indicate access to the parking area;

e. The driveway serving the parking area must include a physical means of speed control at the exit point; and

f. Car parking areas are to be screened from Grafton Street by a 3 metre wide deep planted landscaped area

Such plans must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

5. The landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction and must be submitted and approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.
6. The parking must be constructed in accordance with Council's Development Manual specifications prior to commencement of the use and must be maintained at all times, both to the requirements and satisfaction of the Chief Executive Officer. In particular, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

7. The applicant/owner must erect a sign(s) to Grafton Street to the satisfaction of the Chief Executive Officer, advising of the location of the off-street parking area and access thereto. Details of the sign(s) must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The sign(s) must be erected prior to the commencement of the use.

8. The applicant must provide a covered designated wash down bay or alternatively provide a stormwater diversion valve to prevent the ingress of stormwater to sewer. The wash down bay must be provided with a suitable hose cock and hose attached to such area, which is connected to sewer via a 550 litre triple interceptor trap to the satisfaction of the Chief Executive Officer.

9. The applicant/owner must landscape the subject land and street frontage in accordance with Development Manual, Part 4 - Landscaping and in accordance with a landscape plan endorsed by the Chief Executive Officer. The landscape plan must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. In particular, the plan must show:

a. Deeply planted landscaped buffer being provided to the street frontages including planting to Grafton Street of at least 6 metres width, excepting for areas of car parking, vehicle access, loading and a refuse storage area.

b. Planting of the footpath with trees or shrubs dependent on any service main and/or service line constraints;

c. Landscaping of required setback areas; and

d. A maximum fence height of 2.0 metres to the adjacent streets.

10. Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.
Water Supply And Sewerage Contributions

11. The applicant/owner must contribute in accordance with Council’s policy provided for as per Section 6.2 of the Local Government (Planning and Environment) Act 1990 towards the provision of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $53,315.47 (14.60 EDC’s) for water and $34,640.19 (14.60 EDC’s) for sewerage.

Payment is required prior to the issue of Development Permit for Building Works.

Water Supply and Sewerage Works External

12. The applicant/owner must carry out water supply and sewerage works external to the development to connect the subject land to Council’s existing water supply and sewerage headworks at a point determined by the Chief Executive Officer.

In particular, at the time of building, the allotment must be provided a single internal water connection and a single internal sewer connection in accordance with the Development Manual, including, but not limited to, Council Standard Drawing No. S3005.

Minimum Fill And Habitable Floor Levels

13. All habitable floor levels in all buildings must be located 300 mm above RL3.2 metres AHD being the Q100 flood immunity level, in accordance with Development Manual Guidelines and Planning Scheme requirements unless otherwise approved by the Chief Executive Officer.

Lawful Point of Discharge

14. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge being Grafton / Minnie Streets such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer including:
a. A stormwater drainage system must be designed and a site stormwater drainage plan prepared and certified by a Registered Professional Engineer, Queensland (RPEQ). The capacity of the stormwater drainage system shall be sufficient to accommodate the overland flow from upstream properties;

b. All surface inlet pits within the site drainage system are to be provided with a minimum of 450 x 450 mm inlet grates and shall have sediment traps;

c. Erosion and sedimentation control measures are to be put in place prior to commencement of any clearing or building works on the site. They are to be maintained until such time as the site development is completed, including all landscape works; and

d. Any disused stormwater outlets into the kerb are to be reinstated to standard kerb and channel to the satisfaction of the Chief Executive Officer.

Traffic Report

15. The applicant/owner must arrange for a professional, appropriately qualified and independent party to conduct a road safety audit of the proposed traffic circulation which will access the subject land, in particular the turning movements and the provision of traffic islands, line-marking, signage and associated lighting at the adjacent intersections, the movements of traffic along Grafton and Minnie Streets. The traffic report must have regard to the single flow of traffic, right of way, queuing areas and protection of stored vehicles in relation to the railway crossing in accordance with Austroads, Queensland Streets and Council’s Development Manual.

Three (3) copies of the Road Safety Audit report must be submitted at the time of lodgement for a Development Permit for Building Work and must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work. Such works recommended by the approved report must be constructed in accordance with the approved plans to the satisfaction of the Chief Executive Officer prior to the commencement of use.

General External Works

16. The applicant/owner must at its own cost undertake the following works external to the subject land:
a. Vehicular crossovers and footpath crossings are to be provided between the roadway and the property alignment, regardless of the type of kerb, i.e., drive over or barrier type. They are to be constructed in accordance with the profile detailed in Standard Drawing S-1015. The applicant is to pay the cost of any alterations necessary to public services, mains or utilities.

Any disused crossings are to be reinstated to standard kerb and channel to the satisfaction of the Chief Executive Officer;

b. The developer must submit a plan of the existing and proposed line marking for both street frontages. A detailed plan incorporating the above requirements must be submitted with sufficient time for Council consideration and approval but prior to the Operational Works application. Centre Island parking in Minnie Street is not approved and is not to be constructed;

c. The developer is to submit, for approval and prior to commencement of any construction works on the site, a Traffic / Pedestrian Management Control Plan / Method statement, including pedestrian traffic providing details of signage and traffic control measures to be carried out along Grafton and Minnie Streets during construction.

The provision of signs and control measures is to be in accordance with the Manual of Uniform Traffic Control Devices.

Three (3) copies of a plan of the works must be submitted and endorsed by the Chief Executive Officer prior to lodgement of an application for a Development Permit for Building Work. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to the commencement of the use.

Traffic Management Contributions

17. The applicant/owner must contribute towards Council’s Traffic Management/Road Upgrading Program in accordance with Cairns City Council Traffic Management Plan.

The contribution rate is that which is current at the time of payment. The current rate of contribution is $20,576.09 (15.2 ERA’s). Payment is required prior to the issue of Development Permit for Building Works.
Requirement For A Noise Report

18. A report prepared by a qualified Acoustical Consultant must be submitted at the time of lodgement of an application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work.

The report must indicate the design and construction features to be incorporated in the proposed development to ensure that the proposed development will not be subject to a level of noise from passing traffic and/or aircraft which exceeds the level of noise acceptable for residential use, having regard to the provisions of the *Environmental Protection (Noise) Policy 1997 and the Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance)*.

Health Conditions

19. An area of a suitable size is to be provided at ground level to store the number of refuse bins required to service the site.

The enclosure must be imperviously paved, roofed and bunded to prevent the ingress of stormwater and drained to Council’s sewer. Pre-treatment may be required for the sewer connection in accordance with Council’s Trade Waste Policy.

20. Noise emitted by air conditioning units and/or pumps associated with the swimming pool must be inaudible when measured at the boundary of any adjoining premises.

Consideration of Sewer Lines

21. The applicant must either:

   a. Relocate the existing sewer or site the proposed building such that the sewer is a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure; or

   b. Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SEH.

   c. A detailed plan incorporating the above requirements must be submitted with sufficient time for Council consideration and approval but prior to the Operational Works application.
All the above sewer works must be designed and constructed in accordance with Council's Development Manual and the building footings must be designed so as not to place any load on the sewer. The details of the building footings adjacent to the sewer must be submitted to and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Demolish Structures

22. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to the commencement of the use.

Bicycle Storage

23. The applicant/owner must ensure the provision of a secured, on-site bicycle storage area for residents. A Total of fifty-eight (58) spaces must be provided in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles of which 17 are for visitor use. This storage area shall be constructed prior to the commencement of the use.

External Lighting

24. All external lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The lighting must conform with the Planning Scheme, whereby vertical illumination at a distance of 1.5 metres outside the boundary of the subject land shall not exceed eight (8) lux measured at any level upwards from the ground level.

25. The applicant/owner must ensure that all lighting and landscaping requirements comply with Council’s General Policy Crime Prevention Through Environmental design (CPTED).

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. Suitable access and facilities to cater for disabled persons are encouraged to be provided within the approved development to ensure the development does not conflict with the provisions of the Disability Discrimination Act.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning is received and that the relevant emergency telephone contacts are provided to Council Officers, prior to the commencement of works.

4. Builders site access and vehicle parking should be addressed as part of ‘Operational Works’. Extended usage of street parking should also be addressed and shall require Council approval.

5. Use of the footpath for storage of the builders’ materials is prohibited by Council.


G. That Council does not accept the written submission by Vanessa Tate of 132/134 Sheridan Street, Cairns City as being a properly made submission under Section 3.4.9(3) of the Integrated Planning Act 1997 as it was received after the close of the Notification Stage of the IDAS and advise Ms Tate of such.

H. That Council advise the submitters Carmel Baillie, Bernard Rubin, Ross Bird and Marian and George Thomson that complaints regarding noise emissions and inappropriate patron behaviour in association with the Asylum Backpacker’s establishment should be referred to the responsible State Authorities being: the Environment Protection Agency; Liquor Licensing; and Queensland Police. Furthermore that Council is unable to directly address complaints regarding these issues as it has no ability to do so.

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**EXECUTIVE SUMMARY:**

Application is made to redevelop the existing hostel, at the corner of Minnie and Grafton Streets, to provide for a greater number of tourists within new buildings. The development proposes a population density slightly higher than the maximum of the Development Control Plan 1 for Residential Density. No issue is raised with the density proposed.

Concern was raised with the loss of on-street parking and the proposed siting of a porte cochere within the adjacent road reserve of Minnie Street. The applicant has recently submitted amended plans deleting the porte cochere component. The applicant is seeking approval for a zero setback in Minnie Street with a footpath awning in lieu of constructing the porte cochere.
The impact of the development is exacerbated by the lack of building setback from Minnie Street and the lack of deep planting areas to the adjacent streets. The report recommends approval of the development subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Proposal

The application proposes the redevelopment of the site, providing for an increased number of hostel beds configured in grouped units, rather than traditional dormitories. Only part of the existing buildings will be retained, those fronting Minnie Street. All other buildings will be removed and replaced with new building structures in a staged construction program. This includes the removal of the existing swimming pool and construction of a new pool in the southeast corner of the lot. The majority of the communal landscaped open space will be also sited in this location with on-site parking adjacent to the northern property boundary.

The development will consist of backpacker “suites” each comprising five, bedrooms off a common living area. Each suite has a laundry, bathroom and ensuite for “Bedroom 1.” The bedrooms each provide a queen size bed. Discussions with the applicant revealed that the redeveloped hostel will be seeking a high end tourist use.

Additional services for the accommodation include a separate laundromat, extensive kitchen and dining area, general and bag store area, convenience shop and expansive reception and lobby/waiting area.

The application originally proposed a porte cochere to the Minnie Street frontage. The whole of the porte cochere was to be sited within the Minnie Street road reserve. The applicant also proposes that the roof of the porte cochere be landscaped and used as communal open space. Concern has been raised with the applicant and this aspect of the development has been deleted by an amended plan submitted on 25 February 2005. The applicant’s submission dated 25 February 2005 also made reference to negotiations between the applicant, Council Officers and the divisional Councillor (Cr Gill) being undertaken with agreement subsequently reached on the “preferred form of the development” including the following design changes:

a. Removal of the envisaged Porte Cochre from the Minnie Street frontage and inclusion of a full width pedestrian pathway with covered areas; and
b. Maintenance of a 0-metre setback to the Minnie Street frontage, maintaining consistency with the adjoining property located on the western boundary.

Strategic Plan/DCP

The primary function of the CBD under the Strategic Plan is to provide business and shopping facilities. The development does not reflect the preferred intent under the Strategic Plan, nevertheless it is a use commonly found in this area.
As assessment against the DCP – Residential Density is tabled as follows.

<table>
<thead>
<tr>
<th>DCP Requirement</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Population Density, 800pph (242.8 persons)</td>
<td>826pph (250 persons)</td>
<td>Does not comply, refer to comments</td>
</tr>
<tr>
<td>Minimum Site Area : 1,500m²</td>
<td>3,035m²</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Population Density**

Section 4.1.1 of the DCP specifically states that the maximum population density is not to be exceeded. There is no allowance within the DCP for Council to apply discretion in this matter. There is provision under the IPA and the former Local Government (Planning and Environment) Act for Council to approve a development despite a conflict with the DCP provided there are reasonable planning grounds to substantiate the conflict.

The applicants have submitted the following arguments for an increase in population density.

**There are numerous examples of approvals for higher densities in the CBD and Palm Cove.**

**Officer Comment**

Development at Palm Cove is not comparable as that is under a Separate Planning Scheme document which allows Council to permit a density higher than the suggested maximum. Higher densities in the CBD are usually associated with mixed use development than includes shopping facilities which is consistent with the DCP.

The development is staged and Stage 1 does not exceed the requirements of the Transitional Planning Scheme. When Stage 2 is developed the CairnsPlan will have been adopted and this does not limit population density.

**Officer Comment**

The respective argument is inappropriate as the application has not been lodged under the IPA Scheme nor has it been substantiated that the proposed development will be fully compliant with the Code requirements of that Scheme.

The request approval is for only a marginal increase above the DCP maximum. The impacts resulting from the increased density, should the development be used to its full capacity is negligible.

**Officer Comment**

It is agreed that it is likely that the possible impact resulting from the increased density will be negligible and it is noted that no concerns has been raised with the increased density from either Infrastructure Management or Cairns Water. It is on this basis only that the increased density is considered acceptable on planning considerations.
An Assessment against the DCP 2 Height & Impact of Buildings (Precinct 3) is tabled as follows.

<table>
<thead>
<tr>
<th>DCP Requirement</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum site area for a Tall Building: 2,000m²</td>
<td>3,035.1m²</td>
<td>Complies</td>
</tr>
<tr>
<td>Regular shaped lot required for a Tall Building</td>
<td>Regular shaped lot</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum Site Coverage: Levels 1, 2 and 3: 35%; Levels 4, 5, and 6: 25%</td>
<td>Level 1: 1,129m² (37%); Levels 2-6 841.9m² (27.7%)</td>
<td>Does not comply, refer to comments.</td>
</tr>
<tr>
<td>Maximum Plot Ratio, 1.75:1</td>
<td>1.76:1</td>
<td>Does not comply, refer to comments.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DCP Requirement</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height, 18m</td>
<td>18m</td>
<td>Complies</td>
</tr>
<tr>
<td>Setbacks: Grafton Street: 6m; Minnie Street: 6m; Side /rear setbacks: ¼ building height (requires a setback of 4.0 metres).</td>
<td>Grafton Street: 6m; Minnie Street: zero setback for 62% of frontage; To West boundary: existing building on boundary, 6.2 m to building face; To North boundary: 17.54m to building face.</td>
<td>Complies. Does not comply refer to comment. Does not comply, refer to comment Complies</td>
</tr>
<tr>
<td>Landscaped Open Space Area. 10% of deep landscaping (6m depth to all road frontages and 3m depth to side and rear boundaries).</td>
<td>None detailed.</td>
<td>Does not comply, refer to comment.</td>
</tr>
<tr>
<td>Tropical Character</td>
<td>Well designed with balconies to each Suite</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Tall Building Requirements:**

- Shadow Diagrams detailing affected properties: None submitted. Refer to comments
- Traffic Report: None submitted Refer to comments
- Planning Report: Provided Complies
- Design by A Registered Architect: Advice supplied from Building Services Authority, Queensland Government, that JB Design is suitably qualified. Complies
- Cairns Port Authority Advice: Advice received that proposed development is found acceptable. Complies
Privacy Issues

<table>
<thead>
<tr>
<th>Privacy Issues</th>
<th>Sufficient separation of residential wings is provided.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>No large expanses of reflective glass</td>
<td>None proposed</td>
<td>Complies</td>
</tr>
<tr>
<td>Provision of lifts</td>
<td>One</td>
<td>Refer to comments.</td>
</tr>
<tr>
<td>Blank Walls</td>
<td>Walls of the development are well articulated.</td>
<td>Complies</td>
</tr>
<tr>
<td>Setbacks Between buildings, minimum 9m.</td>
<td>Buildings are linked, wings are separated by more than 9m distance.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Site Coverage & Plot Ratio**

There are marginal increases in site coverage and plot ratio above the DCP maximums. These increases are minimal and their impact is not considered to be detrimental to the surrounding area. The mass of building bulk is relieved by the inclusion of private balcony areas and this is a reasonable planning consideration by which to support a conflict with the DCP requirement.

**Building Setbacks**

One of the existing buildings is sited directly abutting the rear (western property boundary). This building is to be demolished and a new building constructed. Given that the new building will abut a neighbouring commercial property the lack of setback is considered acceptable. At first floor level the new building will achieve the required setback.

It is proposed to construct the new buildings with zero setback to Minnie Street. The applicant suggests that Council support the lack of building setback on the following grounds:

a. The proposed development satisfies the majority of the Planning Scheme requirements with respect to boundary setbacks;

b. An awning will be provided to shade pedestrians along Minnie Street; and the proposed building will be setback approximately 20 metres from the intersection of Grafton Street. The corner of Minnie and Grafton Street will be utilised for open space purposes. This layout reduces the dominance of the building at the intersection, which is the highest profile part of the site.

Significant concern is raised with the lack of building setback, the dominance of the streetscape by the proposed buildings. The intent of the DCP is that the precinct be characterised by dense planting setbacks to the street.

At first floor level the required setbacks 6.0 metres from the street and 4.0 metres from the side boundary are achieved.
On-Street Parking and Road Widths

The proposal plans nominate car parking in the centre of Minnie Street. No such parking currently exists in this location and the proposed centre median parking and traffic islands are not consistent with Council's proposed road hierarchy and advice from Infrastructure Management which defines a collector road (i.e. 7.5m wide carriageway only). The provision of centre parking would require a realignment to the existing roadway which will cause unacceptable traffic problems with the transition to the next block (i.e. changing widths of Minnie Street between Grafton and Lake Streets). The centre parking is not supported, and a condition is included in the recommendation advising that the parking is not to be constructed.

Drainage

There is an existing drainage problem in Minnie Street, and flooding appears to occur in a similar manner to flooding within the CBD area. That is during high tidal events the kerb and channel becomes inundated with water which cannot outlet due to the tailwater levels of the stormwater pipes.

Any solution to this problem requires a holistic drainage management approach by Council, and cannot be solved in an adhoc manner by placing development conditions on individual applicants around the CBD. Any such conditions placed on the developer (for example culverts in the kerb and channel, raising the footpath etc.) would create localised flooding problems, and limit the effectiveness of future overall drainage solutions.

Screen Fencing

The plans accompanying the application indicate that a 2.0 metre high screen fence is proposed along the street frontage to provide privacy to the open space area. A further submission by the property owner has indicated an intention to construct a 2.7-3.0m high fence. Such height is inappropriate to the street boundary and a condition of the approval limits the fence height to 2 metres.

Landscaping

The existing trees in Minnie Street will be compromised by the siting of the proposed building works. The buildings are setback from the street only near the street intersection to provide for the required communal landscaped open space area.

The DCP requires that 10% of the landscaping consist of deep planting to the satisfaction of Council and in particular a depth of 6 metres adjacent to the streets and 3 metres to the side and rear boundaries. Excepting the existing buildings where these are within the desired building setbacks, new development should be accompanied by appropriate landscaping. This deep planting area is not to include the swimming pool.

The proposed car parking area at the northern area of the site is located within the required 3 metre width of deep planting area. This siting is considered appropriate as the parking abuts the parking area on the neighbouring site. A recommendation supports this variation to the siting requirement of the DCP however the required deep planting within 6 metres of the street setback is maintained.
Building Shadows

Although no shadow diagrams were submitted it can be interpreted that the majority of shadows will fall on the adjacent streets (Grafton and Minnie) and on the neighbouring commercial property, the catering appliances premises at the corner of Sheridan and Minnie Streets. The buildings are not of a height from which shadow would be anticipated to fall beyond the road reserves.

Traffic

Section 4.9 General provisions of the DCP 2 require that certain information be submitted to accompany an application for a Tall Building including a Traffic Impact Study detailing the proposed traffic circulation which will access the subject land, in particular the turning movements and the provision of traffic islands, line-marking, signage, the movements of traffic adjoining streets. The traffic report must have regard to the single flow of traffic, right of way, queuing areas in accordance with Austroads, Queensland Streets and Council’s Development Manual;

Although required traffic report was not submitted with the application or provided in response to the information request. The applicant claimed that as the Department of Main Roads had raised no issues nor requested any conditions, therefore no traffic report was required. This is an incorrect assumption as the Department of Main Roads has interest only in the impact of the development on the State-controlled road. The development may impact on the local road network which is Council’s responsibility.

Provision of Lifts

The general provisions of the DCP requires that at least one lift be provided where a building has three of more storeys. One lift has been provided.

Land Use

The proposed use is an undefined use. The Planning Scheme definition for Hostel (High Density) includes development of a Hostel where the population density exceeds 400 pph but does not exceed 800 pph. There is no definition of land use where the population for a Hostel exceeds 800 pph as the Scheme did not envisage such development. As such the use is Impact Assessable. In order to consider the appropriateness of the development the application as assessed under the Planning Scheme requirements for the establishment of a Hostel (High Density).
Impact of Proposal

An assessment of the Planning Scheme provisions for a Hostel (High Density) is tabled as follows.

<table>
<thead>
<tr>
<th>Scheme Requirement</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage: 20m</td>
<td>110m</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Site Area: 1,500m²</td>
<td>3,035m²</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Road width 20m</td>
<td>Grafton and Minnie Streets each have a width of 40m.</td>
<td>Complies</td>
</tr>
<tr>
<td>Car Parking: 18 car spaces and 1 bus bay to be provided. Visitor parking at the front of the site and accessible.</td>
<td>18 car spaces and 1 bus bay provided. Visitor parking access from Grafton Street accessible.</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum total area of Landscaped Open Space; Minimum total area: 855m²</td>
<td>1,192m², excluding the first floor podium landscaped areas.</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum of 40% in a one area requires 476m².</td>
<td>560m²</td>
<td>Complies</td>
</tr>
<tr>
<td>Refuse Disposal Area</td>
<td>Refuse area provided adjacent to car park.</td>
<td>Complies</td>
</tr>
<tr>
<td>Adequate provision of clothes drying area.</td>
<td>Separate laundry facilities to each suite of five bedrooms and separate Laundromat also provided.</td>
<td>Complies</td>
</tr>
<tr>
<td>Maximum site cover by outbuildings: 15% (285.8m²)</td>
<td>5% (94.6m²)</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum separation of buildings within site of 9m.</td>
<td>Buildings are linked, wings are separated by more than 9m distance.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

Public Notification/Submissions

Seven submissions were received. One submission was not lodged within the public notification period.

Despite a submission being lodged outside the public notification period Council has the ability to consider the submission as a properly made submission under Section 3.4.9(3). It is recommended that Council not accept the late submission as being properly made.

Three submissions, including the late submission are in support of the development. The grounds of submission opposing the development are summarised and responded to as follows.

The proposal is very large and inappropriate for this fringe location to the CBD. The buildings in the area are predominantly residential with a heritage listed church and a Masonic Temple nearby (in Minnie Street). The building of a multi-storied backpacker’s resort is not in keeping with the surrounding established buildings.
Officer Comment

The extent of proposed built form is generally consistent with the Development Control Plan and expected by the intent of the DCP and Strategic Plan. There is a substantial amount of tourist accommodation in the immediate neighbourhood and the development of a Hostel continues to offer a range of types of tourist accommodation in the area. The future development of the area providing for tourist accommodation is consistent with the intent of the draft Cairns Plan. The subject land is sited away from the registered historically significant places of the Church and Masonic Temple, which are located further east in the next street block fronting Minnie Street. The proposed buildings on the subject land are not considered to detrimentally detract from the conservation significance of those premises.

There are already a sufficient number of backpacker resorts in Cairns and there is no further need for additional establishments.

Officer Comment

This is not considered to be a relevant planning consideration.

The existing Asylum Backpacker’s premises causes considerable detriment to the amenity of the immediate neighbourhood by noise emissions and parton behaviour. This behaviour includes loud music, and sometimes a live band. The customers get louder as the night progresses, screaming, shouting, squealing and roaring obscenities as well as thumping and beating tables. Young men are observed urinating in gutters and against fences, girls dancing on the tables where they bared their breasts to the screams and hoots from the men there. The Queensland Police have been requested to attend the site on several occasions to addresses these problems. Limitations should be applied to the development, in particular in the issue of any future liquor licence. Historically the premises has operated as a commercial venture without due care or consideration to its neighbours. The increase in size and number of beds provided will only exacerbate the existing problems.

Officer Comment

The existing premises has an open courtyard to the corner of Minnie and Grafton Street and any activity by partons has directly affects the public street and the nearby residents. There is minimal fencing of the existing communal landscaped open space areas and a lack of suitable deep planting. Council acknowledges the residents’ concerns of existing inappropriate patron behaviour.

The development nominates a 1.8 metre high fence to the new pool area. A condition of the approval requires that the fence be solid and a deep planting landscaped area of 6 metres width be provided to street frontages. These requirements address the physical separation of the land use with the public areas of the street. The applicant has submitted a proposed Management Plan that addresses the issue of patron behaviour.
Complaints regarding noise emissions and inappropriate patron behaviour, for licensed liquor establishments should be referred to the responsible State Authorities being: the Environment Protection Agency; Queensland Police; and Liquor Licensing.

It is noted that the control of patron behaviour is not a consideration of Council’s Local Law for Rental Accommodation, which has regard to the maintenance, standard and safety of the premises.

The proposal to have a liquor license at the property is of great concern given the current unacceptable level of noise and behaviour of drunken patrons. The issue of a liquor license will only increase the likelihood of patrons becoming intoxicated more frequently.

Officer Comment

The application currently before Council is for approval under the Integrated Planning Act, not for the issue of a Liquor License.

The development will improve hospitality in Cairns and enhance Cairns further as a tourist destination.

Officer’s Comment

This statement is concurred with. The development reflects the intent of the Strategic Plan in regards to the development of tourism.

The removal of the old buildings on the site will greatly improve the aesthetic presentation of Minnie Street and Munro Martin Park.

Officer’s Comment

This statement is concurred with.

HEADWORKS / CONTRIBUTIONS:

Under Council’s adopted Traffic Management Plan Grafton Street is a Type G Network Road. Infrastructure Management advises that as the future configuration of Grafton Street will include a central, dividing median, the Grafton Street access should be designed as a “left in” and “left out” access only. The applicant has nominated a wide vehicle crossing to achieve access to the refuse storage area. The vehicle crossing and configuration of access to the refuse storage area, and vehicle access should be designed to meet the requirements of the Traffic Management Plan and the restricted “left-in” and “left-out” movements. Any costs associated with having to relocate the existing power pole due to the proposed location of the refuse storage area and access to such area are not considered to form part of the Traffic Management Plan requirements and the cost is to be borne by the applicant.
Minnie Street is not an identified as a Network Road pursuant to Council’s Traffic Management Plan and the cost of the required external works to this street are to fully borne by the applicant/owner.

<table>
<thead>
<tr>
<th>Element</th>
<th>Comment</th>
<th>Calculation</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>District 10: $3,651.74/EDC Residential Demand for 165 backpacker beds and a two bedroom manager’s unit: 33.50 EDC Less credit for existing 92 backpacker beds and a two bedroom manager’s unit 18.90 EDC <em>Net Demand 14.60EDC</em></td>
<td>$3,651.74/EDC x 14.60 EDC</td>
<td>$53,315.47</td>
</tr>
<tr>
<td>Sewerage</td>
<td>District 23: $2,372.62/EDC Residential Demand for 165 backpacker beds and a two bedroom manager’s unit: 33.60 EDC Less credit for existing 92 backpacker beds and a two bedroom manager’s unit 19.0 EDC <em>Net Demand 14.60EDC</em></td>
<td>$2,372.62/EDC x 14.60 EDC</td>
<td>$34,640.19</td>
</tr>
<tr>
<td>Drainage</td>
<td>CBD &amp; Environ DMP – no contributions applicable</td>
<td>No contributions applicable</td>
<td>Nil</td>
</tr>
<tr>
<td>Traffic</td>
<td>Precinct 1: $1,213.00/ERA Residential demand for 247 backpacker persons and a two-bedroom manager’s flat: 25.45 ERA Less credit for 95 persons for backpacker persons and a two bedroom manager’s flat: 10.25 ERA <em>Net Demand 15.2 ERA</em></td>
<td>$1,353.69/ERA x 15.2 ERA</td>
<td>$20,576.09</td>
</tr>
<tr>
<td>Open Space</td>
<td>Not involving subdivision of land</td>
<td>No contributions sought</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Jenny Elphinstone
Senior Planning Officer
**Action Officer**

Neil Beck
**Acting Manager City Assessment**
APPENDIX 1 – AMENDED PLANS RECEIVED 25 FEBRUARY 2005
## CITY DEVELOPMENT – FEBRUARY 2005 MONTHLY REPORT

Peter Tabulo : SDS : 1/3/83 #658824V20

**RECOMMENDATION:**

That the report on City Development for the month of February 2005 be received and noted.

---

P Tabulo

*General Manager City Development*
### ACTIVITY: City Development – Management & Support [CAA]

**Aim**
To provide management and support for the City Development Division.

**Level of Service**
- Management of City Development Division activities including Development Assessment, Building Services, Environmental Health & Local Laws.

**Officer Responsible**
General Manager City Development

### Performance Target Assessment (✓ = Satisfactory, ? = Marginal, X = Unsatisfactory)

#### No. of Divisional Operating Initiatives Completed

<table>
<thead>
<tr>
<th>1st Qtr</th>
<th>2nd Qtr</th>
<th>3rd Qtr</th>
<th>4th Qtr</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1</td>
<td>3</td>
<td>11</td>
<td>19</td>
</tr>
</tbody>
</table>

Initiatives planned to be completed: 35
Actual Initiatives Completed: 31
Target 95%

**Performance Rating:** ✓

**Variance Report**
Nil.

**Prospective Actions**
Nil.

#### Division Operating Budget Performance

<table>
<thead>
<tr>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

% under or over budget:
- Revenue: Rev tolerance range 0 to +2%
- Expenditure: Exp tolerance range 0 to -5%

**Performance Rating:** ✓

**Variance Report**
Nil.

**Prospective Actions**
Nil.
### Operating Divisional Budget Assessment: City Development

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| **Revenue**    | 4,090,675      | 4,080,600              | 10,075  | 0       | [FAVOURABLE](#)  
|                |                |                        |         |         | Reasons: N/A  
|                |                |                        |         |         | Implications / Actions: Nil                                  |
| **Expenditure**| 8,623,150      | 9,001,783              | 378,633 | 4       | [FAVOURABLE](#)  
|                |                |                        |         |         | Reasons: N/A  
|                |                |                        |         |         | Implications / Actions: Nil                                  |

### Operating Budget Assessment: General Manager City Development

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| **Revenue**    | 38,674         | 46,056                 | 7,381   | (16)    | [FAVOURABLE](#)  
|                |                |                        |         |         | Reasons: N/A  
|                |                |                        |         |         | Implications / Actions: Nil                                  |
| **Expenditure**| 443,495        | 445,644                | 2,149   | (0)     | [FAVOURABLE](#)  
|                |                |                        |         |         | Reasons: On Target  
<p>|                |                |                        |         |         | Implications / Actions: Nil                                  |</p>
<table>
<thead>
<tr>
<th>SUB PROGRAM</th>
<th>City Assessment</th>
<th>[CE]</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTIVITY</td>
<td>City Assessment – General Administration</td>
<td>[CEA]</td>
</tr>
</tbody>
</table>

**Aim**
To provide management and support to the City Assessment Branch.

**Level of Service**
- Provide management and support for Branch staff and operations.
- Attend to all administration requirements of the Branch in an accurate and timely manner.

**Officer Responsible**
Manager City Assessment

**Operating Budget Assessment:**

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| Revenue  | 1,349,222      | 1,248,903              | 100,319 | 8       | • FAVOURABLE  
• Reasons: Revenue is primarily from Applications and Sale of Planning Documents. There has been an influx of large and complex applications during the month.  
• Implications / Actions: N/A |
| Expenditure | 1,307,518      | 1,320,762              | 13,244  | 1       | • FAVOURABLE  
• Reasons: N/A |
**ACTIVITY:** Development Assessment

| Aim | To provide certainty for the development industry and the community through consistency in approach and outcomes. To reduce unnecessary delays in decision-making. To support and encourage development which complies with the legislative requirements and has regard to community expectations. |
| Level of Service | Services associated with timely and appropriate processing of :-  
  - Material Change of Use (Impact Assessment) applications.  
  - Material Change of Use (Code Assessment) applications.  
  - Reconfiguration applications.  
  - Combined Applications.  
  - Pre-lodgement enquiries.  
  - Planning Certificates.  
  - Items reported to Council. |

**Officer Responsible** Manager City Assessment

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Develop reporting for use with the Developer Contributions Register.</td>
<td>1.1.1</td>
<td>June 2005</td>
<td>15%</td>
<td>✓</td>
</tr>
<tr>
<td>2. Audit all Material Change of Use Development Permits issued by Council between 30 March 1999 and 30 March 2000 – to determine if contributions paid and use has commenced.</td>
<td>1.1.1</td>
<td>June 2005</td>
<td>15%</td>
<td>✓</td>
</tr>
<tr>
<td>3. Review Conditions and Development Manual to ensure appropriate conditions are incorporated for the assessment of hillslope applications.</td>
<td>4.2.2</td>
<td>June 2005</td>
<td>50%</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Variance Report for Initiatives not on target :**
Nil.

**Prospective Actions for Initiatives not on target :**
Nil.
Performance Target Assessment (✓ = Satisfactory, ? = Marginal, X = Unsatisfactory)

Performance Rating:
✓✓✓✓

Variance Report
There was a spike of applications received in the last days of the old Planning Schemes.

There is expected to be a further spike for applications in March under the new Planning Scheme.

Prospective Actions
Nil.

Planning Applications Received per Month by Year
(Material Change of Use, Reconfiguring a Lot & Combined)

Prospective Actions
Nil.

Pre-lodgement Enquiry Response Time (Target 8 days)

Pre-lodgement turn around time frames vary depending on staff ability and workloads. The priority this month was to focus on Development Applications and CairnsPlan training.

Prospective Actions
Nil.

Agenda – Planning & Environment Committee 10/3/05 - #955515
Performance Rating:
✓

Variance Report
Nil

Prospective Actions
Focus on meeting these deadlines will continue.

Performance Rating:
✓

Variance Report
Nil.

Prospective Actions
Nil.
The following applications were approved by Delegated Authority in January and February 2005.

<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>APPLICANT</th>
<th>ADDRESS</th>
<th>DIVISION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECONFIGURING A LOT - 2 LOTS INTO 3 LOTS</td>
<td>T. Phos</td>
<td>Spence St, Bungalow</td>
<td>5</td>
<td>5/01/2005</td>
</tr>
<tr>
<td>MATERIAL CHANGE OF USE MOTEL (79) UNITS</td>
<td>Citicare</td>
<td>702-704 Bruce Highway Cairns</td>
<td>4</td>
<td>6/01/2005</td>
</tr>
<tr>
<td>MCU - IMPACT ASSESSMENT - ANIMAL HUSBANDRY &amp; CARETAKER’S RESIDENCE</td>
<td>M &amp; R Boyle</td>
<td>167 McCoombe Street</td>
<td>5</td>
<td>12/01/2005</td>
</tr>
<tr>
<td>RECONFIGURING A LOT - BOUNDARY REALIGNMENT</td>
<td>JE &amp; TE Leahy</td>
<td>63-67 Falcon Street, Bayview Heights</td>
<td>4</td>
<td>13/01/2005</td>
</tr>
<tr>
<td>RECONFIGURING A LOT - BOUNDARY REALIGNMENT</td>
<td>T J Stewart</td>
<td>McNab Rd ALOOMBA</td>
<td>1</td>
<td>7/02/2005</td>
</tr>
<tr>
<td>RECONFIGURING A LOT - 2 LOTS INTO 3 LOTS</td>
<td>ER&amp;LJ Smith &amp; S L Crum</td>
<td>172 Hoare St MANOORA &amp; 10-30 Pease St MANOORA</td>
<td>6</td>
<td>7/02/2005</td>
</tr>
<tr>
<td>RECONFIGURING A LOT - BOUNDARY REALIGNMENT</td>
<td>R Davies</td>
<td>36 Strombus Av TRINITY BEACH &amp; 34 Strombus Av TRINITY BEACH</td>
<td>11</td>
<td>7/02/2005</td>
</tr>
<tr>
<td>MCU - IMPACT ASSESSMENT - HOME OCCUPATION</td>
<td>L Hurford</td>
<td>14 Clemson Av EDGE HILL</td>
<td>8</td>
<td>14/02/2005</td>
</tr>
<tr>
<td>MCU - IMPACT ASSESSMENT - DUAL OCCUPANCY</td>
<td>J A Wallace &amp; J E Wallace</td>
<td>33 Murphy St GORDONVALE</td>
<td>1</td>
<td>18/02/2005</td>
</tr>
<tr>
<td>RECONFIGURING A LOT - BOUNDARY REALIGNMENT</td>
<td>J M Whittington</td>
<td>88 Hayward St MOOROOBOOL &amp; 86 Hayward St</td>
<td>7</td>
<td>21/02/2005</td>
</tr>
</tbody>
</table>

Agenda – Planning & Environment Committee 10/3/05 - #955515
**ACTIVITY:** Subdivision Services

| Officer Responsible | Manager City Assessment |

| Aim | To provide certainty for the development industry and the community through consistency in approach and outcomes. To reduce unnecessary delays in decision-making. To support and encourage development which complies with legislative requirements, Council's development manual and local laws, and meets community expectations. |

| Level of Service | Service associated with timely and appropriate processing of: • Operational Works application; • Local Law applications; • Survey Plans; • Building Format Plans; • Flood Searches; |

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Facilitate industry education on Erosion and Sediment Control.</td>
<td>3.1.1</td>
<td>June 2005</td>
<td>100%</td>
<td>Yes (enter ✓)</td>
</tr>
<tr>
<td>2. Undertake stage 5 and 6 of the Rural Road Addressing Program.</td>
<td>6.1.1</td>
<td>June 2005</td>
<td>0%</td>
<td>No <em>(enter X)</em></td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:

The Erosion and sediment control course was conducted by an external consultant in October 2004. The RRA Program will commence in 2005.

* Prospective Actions for Initiatives not on target:

Planned to be undertaken in April and June.
Performance Target Assessment (✓ = Satisfactory, ? = Marginal, X = Unsatisfactory)

### Operational Works Decisions per Month by Year

- **Performance Rating:** ✓✓ ✓✓
- **Variance Report:** Nil
- **Prospective Actions:** Nil

### Building Format Plans (BFPs) and Standard Format Plans (SFPs) Signed per Month

- **Performance Rating:** ✓✓ ✓✓
- **Variance Report:** No comment.
- **Prospective Actions:** Nil.

#### Graphs:
- **Operational Works Decisions per Month by Year**
- **Building Format Plans (BFPs) and Standard Format Plans (SFPs) Signed per Month**
<table>
<thead>
<tr>
<th>SUB PROGRAM</th>
<th>Strategic Land Use Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTIVITY</td>
<td>Strategic Land Use Planning – General Administration</td>
</tr>
</tbody>
</table>

**Aim**
To provide management and support to the Strategic Land Use Planning Branch.

**Level of Service**
- Provide management and support for Branch staff and operations.
- Attend to all administration requirements of the Branch in an accurate and timely manner.

**Officer Responsible**
Manager Planning Strategies

**Operating Budget Assessment:**
This item will continue to be reported under City Assessment until the new financial year.
**ACTIVITY:** Strategic Land Use Planning

**Aim**

To ensure that community desires, Council’s objectives, and legislative requirements are reflected in strategic plans, the CairnsPlan in liaison with Government and agencies.

**Level of Service**

- Identification and preparation of strategic plans, adopted by Council, to ensure sustainable and co-ordinated urban development.

**Officer Responsible**

Manager Planning Strategies.

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>To complete the following projects by June 05:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. CairnsPlan</td>
<td>1.1.5 &amp; 1.4.1</td>
<td>June 2005</td>
<td>100%</td>
<td>Yes</td>
</tr>
<tr>
<td>• Design &amp; Printing and web page for final plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• User Guides</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Review of selected aspects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• CairnsPlan Workshop/Training Forums</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• CairnsPlan to address the issue of protection of character housing and streetscapes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Implement controls to protect visual amenity and urban form.</td>
<td>1.4.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Integrated Local Area Plans (ILAP’s)</td>
<td>1.1.4 &amp; 1.4.3 &amp; 1.7.1</td>
<td>June 2005</td>
<td>20%, 5%, 5%</td>
<td>Yes</td>
</tr>
<tr>
<td>• White Rock – Edmonton District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• CBD – North Cairns District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Smithfield – Barron District</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Redlynch Valley</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Cairns Style Manual</td>
<td>1.4.6</td>
<td>June 2005</td>
<td>0%</td>
<td>Yes</td>
</tr>
<tr>
<td>Tropical design, energy efficiency, character and amenity.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Open Space Strategy and Review of Local Area Open Space Management Plan and land valuations (link to PIP)</td>
<td>1.2.1</td>
<td>June 2005</td>
<td>5%</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Community Infrastructure Plan (link to PIP)</td>
<td>1.2.2</td>
<td>June 2005</td>
<td>0%</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Web based community profile</td>
<td>1.3.3</td>
<td>June 2005</td>
<td>70%</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Conduct Community engagement forums</td>
<td>1.1.1</td>
<td>June 2005</td>
<td>15%</td>
<td>Yes</td>
</tr>
<tr>
<td>• Map community and cultural values</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Link to community profile and ILAP’s</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Research and Response into changing demographic profile</td>
<td>1.3.1</td>
<td>June 2005</td>
<td>0%</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Research and response into decline in sugar industry and land use and social impacts.</td>
<td>1.3.2 &amp; 1.5.3</td>
<td>June 2005</td>
<td>35%</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Cairns Central Swamp Management Plan</td>
<td>4.1.4</td>
<td>June 2005</td>
<td>80%</td>
<td>Yes</td>
</tr>
<tr>
<td>11. Affiliate and promote Land for Wildlife</td>
<td>4.1.4</td>
<td>June 2005</td>
<td>0%</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
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<td></td>
</tr>
<tr>
<td>12. Hold annual planning forums / workshops with agencies, specifically look to ensure the timely provision of the following: schools, health facilities, police and justice facilities, road and transport infrastructure.</td>
<td>1.1.3 &amp; 1.2.3</td>
<td>June 2005</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>13. Facilitate a meeting with State Government Departments, Sugar Mills and Council.</td>
<td>1.5.1</td>
<td>June 2005</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td>14. Report to Council on the additional work required in relation to the FNQ NRM Ltd Natural Resources Strategy for the Wet Tropics.</td>
<td>4.1.2</td>
<td>March 2005</td>
<td>75%</td>
<td></td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:

* Prospective Actions for Initiatives not on target:
Aim

To provide a comprehensive and timely administrative support to the Branch and to respond in a professional manner with matters raised by ratepayers and customers.

Level of Service

- Maintain accurate property based records.
- Respond to resident's requests within five (5) working days.
- Process Licensing and Registration applications within quality assured procedures and within twenty (20) working days of receipt.

Officer Responsible

Manager Environmental Assessment

Operating Budget Assessment:

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/m</td>
<td>N/A.</td>
</tr>
</tbody>
</table>
| Expenditure          | 130,358        | 145,804                | 15,445  | 11      | FAVOURABLE
|                      |                |                        |         |         | Reasons: Salary savings to be reallocated in Mini Review. |
|                      |                |                        |         |         | Implications / Actions: N/A.                                |
**ACTIVITY:** Building Services [CGA]

**Aim**
To provide building regulatory services to meet State and Local legislative requirements.

**Level of Service**
- Ensure compliance of building work with Local Laws and State legislation.
- Maintain records of all building work.
- Domestic and minor commercial certification to the requirements of the Integrated Planning Act; the Building Act and other relevant legislation.

**Officer Responsible**
Manager Environmental Assessment

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Develop in partnership with City Assessment a program to educate Developers, Builders and Public so as to facilitate a mix of Good Quality, Affordable and Energy Efficient Housing types</td>
<td>1.4.7</td>
<td>June 2005</td>
<td>67%</td>
<td>✓</td>
</tr>
<tr>
<td>2. Undertake Audit of Pool Fencing</td>
<td>6.3.3</td>
<td>Dec 2004</td>
<td>90%</td>
<td>✓</td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:
Nil

* Prospective Actions for Initiatives not on target:
Nil

**Performance Target Assessment**
(✓ = Satisfactory, ? = Marginal, X = Unsatisfactory)

**Performance Rating:**
✓

**Variance Report**
Reflects activity in Building Industry.

**Prospective Actions**
N/A
**Building Searches**

- Performance Rating: ✓✓ ✓✓
- Variance Report: Reflects activity in Real Estate Sales.
- Prospective Actions: N/A

**Building Requests**

- Performance Rating: ✓✓ ✓✓
- Variance Report: Reflects activity in Building Industry
- Prospective Actions: N/A

**Building Complaints**

- Performance Rating: ✓✓ ✓✓
- Variance Report: No identifiable reasons for the variation.
- Prospective Actions: N/A
Performance Rating: ✓

Variance Report
N/A

Prospective Actions
N/A

Operating Budget Assessment:

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| Revenue       | 501,322        | 453,651                | 47,671  | 11      | • FAVOURABLE  
• Reasons: Increase in building activity, increases application fees received  
• Implications / Actions: N/A |
| Expenditure   | 241,765        | 256,737                | 14,973  | 6       | • FAVOURABLE  
• Reasons: Trainee position has just developed into full time position  
• Implications / Actions: N/A |
Preliminary Decision Notice - by Division - FY 04/05 to end of month February 2005

Estimated Building Cost

No of Applications
### ACTIVITY: Environmental Protection Unit

**Aim**

To ensure that Council’s responsibilities are fulfilled for devolved activities under the Environmental Protection Act 1994 and the Environmental Protection (Water) Policy.

- Administer devolved Environmentally Relevant Activities (ERA’s) in accordance with standard operating procedures.
- Administer the Environment Protection Policy (Water) in accordance with Memorandum of Understanding with the Environmental Protection Agency (EPA).
- Provide advice and direction to external clients in order to achieve compliance with environmental licences.
- Continue the Unlicensed Premises Inspection Program and the Environmental Authority Compliance Inspection Program.
- Achieve 100% compliance with EPA reporting requirements.
- Assess complaints of an environmentally sensitive nature and action within legislative time frames.

**Officer Responsible**

Manager Environmental Assessment

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (%)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Display principles of Corporate Environmental Policy in day-to-day operations</td>
<td>4.4.1</td>
<td>June 2005</td>
<td>67%</td>
<td>✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>2. Conduct initial audit of unlicensed devolved ERA’s and implement corrective actions</td>
<td>10.2.2</td>
<td>June 2005</td>
<td>67%</td>
<td>✓</td>
</tr>
<tr>
<td>3. Develop a State of the Environment Report</td>
<td>4.4.3</td>
<td>June 2005</td>
<td>67%</td>
<td>✓ ✓ ✓ ✓</td>
</tr>
<tr>
<td>4. Develop scheduled Flammable and Combustible inspection and electronic licensing system</td>
<td>10.2.2</td>
<td>June 2005</td>
<td>67%</td>
<td>✓</td>
</tr>
<tr>
<td>5. Report to Council on benchmarking with other Local Governments to improve our environmental system</td>
<td>4.4.2</td>
<td>Mar 2005</td>
<td>67%</td>
<td>✓</td>
</tr>
</tbody>
</table>

* **Variance Report for Initiatives not on target:**
  
  Nil

* **Prospective Actions for Initiatives not on target:**
  
  Nil
Performance Target Assessment (✓ = Satisfactory, ? = Marginal, X = Unsatisfactory)

### Development Approval's and Personal Licences issued for the operation of an Environmentally Relevant Activity

**Performance Rating:** ✓✓✓✓

**Variance Report**
Comparing favourably with 2003/2004 ERA's

**Prospective Actions**
N/A

### Identification of Unlicensed Environmentally Relevant Activities

**Performance Rating:** ✓✓✓✓

**Variance Report**
Reflects Council’s Inspection Program

**Prospective Actions**
Ongoing

### Inspections conducted in accordance with the Environmental Protection (Water) Policy 1997

**Performance Rating:** ✓✓✓✓

**Variance Report**
Staffing levels increased inspection ratio

**Prospective Actions**
N/A
### Operating Budget Assessment:

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| **Revenue**    | 116,435        | 141,917                | -25,482 | -18     | - • **UNFAVOURABLE**  
|                |                |                        |         |         | • **Reasons:** Will be addressed in the mini budget review.  
|                |                |                        |         |         | • **Implications / Actions:** N/A                           |
| **Expenditure**| 132,439        | 148,054                | 15,615  | 11      | - • **FAVOURABLE**  
|                |                |                        |         |         | • **Reasons:** 1 x staff position not fully taken up during this month  
|                |                |                        |         |         | • **Implications / Actions:** N/A                           |
**ACTIVITY:** Health Licences

**Aim**
To provide regulatory and educative services for Council’s public health responsibilities under State legislation and Council’s local laws.

**Level of Service**
- Undertake licensing and inspections of all health related premises and other public health related premises (Food Premises, Accommodation/Hostel, Personal Appearance Services).
- Provide an effective inspection program as identified by the level of risk.
- Respond to complaints received.

**Officer Responsible** Manager Environmental Assessment

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Develop and deploy a Risk Classification Program for registered premises</td>
<td>6.3.3</td>
<td>June 2005</td>
<td>67%</td>
<td>✓</td>
</tr>
<tr>
<td>2. Identify unregistered premises and implement corrective action</td>
<td>6.3.3</td>
<td>June 2005</td>
<td>67%</td>
<td>✓</td>
</tr>
<tr>
<td>3. Engage additional Environmental Health Officers to meet Council’s ongoing obligations under the Food Regulations</td>
<td>6.3.3</td>
<td>Sept 2004</td>
<td>100%</td>
<td>✓</td>
</tr>
<tr>
<td>4. Educational Program for Schools and Public</td>
<td>6.3.2</td>
<td>Sept 2005</td>
<td>35%</td>
<td>✓</td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:
Nil

* Prospective Actions for Initiatives not on target:
Nil

**Performance Target Assessment**

<table>
<thead>
<tr>
<th>Percentage of Registered Premises Inspected</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Month</th>
<th>July</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>20</td>
<td>40</td>
<td>60</td>
<td>80</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Performance Rating:** ✓

**Variance Report**
N/A

**Prospective Actions**
Ongoing inspection program
Premises identified as Registered as a % of total premises

Performance Rating:

✓✓ ✓✓

Variance Report

N/A

Prospective Actions

N/A

NOTE:
Flat numbers excluded from ‘total premises’, as flat registrations will be dealt with as a separate project

Courses /Training/ Meetings attended by Environmental Health Officers
- Staff Team Meetings
- Riskwatch Meeting
- Authority Training
- Well-Being Workshops
- Dengue Information Meeting – TPHU (Qld Health)
- EPA Workshop – Roles and Responsibilities

Other Activities carried out by Environmental Health Officers
- Overseeing and finalising of Flat Inspection Program work with Environmental Health Students/Temporary EHOs
- Liaising with water laboratory re Babinda Public Swimming Pool
- Inspection of sporting facility prior to National Rugby League event – food shops
- Continuing involvement with mosquito light trapping program
- Visit to Bedminster Waste Processing Facility
- Preparation of School Visits re Mosquito Information talks
- Continuation of Hostel inspection project
- Continuation of Concentrated Food Inspection program to ensure all food shops have been inspected within last 12 months
- Routine inspections of Rusty’s Markets
- Performance Appraisal Interviews
- Redistribution of Environmental Health Areas

Prospective Actions
- Nil
Operating Budget Assessment:

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| **Revenue**    | 335,107        | 323,174                | 11,933  | 4       | • **FAVOURABLE**  
• **Reasons:** Renewal payments exceeding this time last year  
• **Implications / Actions:** N/A |
| **Expenditure**| 454,848        | 447,832                | -7,016  | -2      | • **UNFAVOURABLE**  
• **Reasons:** Increase in expenditure on computer hardware for new staff members  
• **Implications / Actions:** N/A |
**ACTIVITY:** Vector Control

**Aim**
To deliver a program of Vector Control that reduces the prevalence of the mosquito and midge in a cost effective manner.

**Level of Service**
- Provide service to delivery effective methods to reduce vector incidences.
- Provide Pest Control on Council properties and information to the public.

**Officer Responsible** Manager Environmental Assessment

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Implement a program for Vector Control measures for development in vector areas.</td>
<td>6.3.5</td>
<td>Sept 2005</td>
<td>42%</td>
<td>✓✓ ✓✓</td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:
Nil

* Prospective Actions for Initiatives not on target:
Nil.

Performance Target Assessment (√ = Satisfactory, ? = Marginal, X = Unsatisfactory)
Fish Breeding (Eastern Rainbow)
- Fish Breeding this month, we have approximately 17,000 fingerlings. 11,000 are ready for use.

Light Trapping
- Council is still monitoring mosquito numbers in the Blue Water Harbour Development area, and other sites in Machans Beach, Stratford and Manunda on a regular basis.

Dengue
- A Dengue case has been reported in Mooroobool. Cairns Vector Control unit is currently out visiting properties in the area. Tropical Public Health DART team members are also in the area.

Inspection Program
- Cairns City Council Approved Inspection Program commenced 14th February 2005 and premises in the Parramatta Park area are being visited.

Mosquito/Midge Complaints

<table>
<thead>
<tr>
<th>Month</th>
<th>04/05 Midge (2)</th>
<th>03/04 Midge</th>
<th>04/05 Mosquito(45)</th>
<th>03/04 Mosquito</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul</td>
<td>25</td>
<td>10</td>
<td>25</td>
<td>45</td>
</tr>
<tr>
<td>Aug</td>
<td>33</td>
<td>35</td>
<td>35</td>
<td>38</td>
</tr>
<tr>
<td>Sep</td>
<td>25</td>
<td>45</td>
<td>38</td>
<td>45</td>
</tr>
<tr>
<td>Oct</td>
<td>35</td>
<td>30</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Nov</td>
<td>35</td>
<td>38</td>
<td>38</td>
<td>45</td>
</tr>
<tr>
<td>Dec</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
</tr>
<tr>
<td>Jan</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
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<tr>
<td>Feb</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
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<tr>
<td>Mar</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
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<tr>
<td>Apr</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
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<tr>
<td>May</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
</tr>
<tr>
<td>Jun</td>
<td>35</td>
<td>45</td>
<td>38</td>
<td>45</td>
</tr>
</tbody>
</table>

Operating Budget Assessment:

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>355</td>
<td>202</td>
<td>153</td>
<td>N/M</td>
<td>• N/A.</td>
</tr>
<tr>
<td>Expenditure</td>
<td>269,329</td>
<td>337,435</td>
<td>68,107</td>
<td>20</td>
<td>• FAVOURABLE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Reasons: Unfilled position, chemical usage down</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Implications / Actions: N/A</td>
</tr>
</tbody>
</table>
ACTIVITY: Animal Management

Aim
To ensure that animals are controlled so as not to create a public nuisance while at the same time promoting responsible pet ownership.

Level of Service
- Dog registration.
- Response to dog and cat complaints.
- Dog Impoundments.
- Cat Impoundments
- Provide an education program to schools and community groups.

Officer Responsible
Manager Environmental Assessment

Operating Initiative Status

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Review permitting arrangements for pensioners and special groups and report to Council</td>
<td>8.4.1</td>
<td>June 2005</td>
<td>95%</td>
<td>✓</td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:
Nil

* Prospective Actions for Initiatives not on target:
Nil

Performance Target Assessment (√ = Satisfactory, ? = Marginal, X = Unsatisfactory)

![Graph of Number of Dogs Registered]

Performance Rating:
√

Variance Report
Increase due to Dog Audit

Prospective Actions
N/A
Performance Rating:
✓✓ ✓✓

Variance Report
An increase in public awareness to the accessibility to the Animal Management Unit.

Prospective Actions
Patrol Program implementation.

Number of Dog and Cat Complaints per Month

<table>
<thead>
<tr>
<th>Month</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/05</td>
<td>500</td>
<td>400</td>
<td>300</td>
<td>200</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2003/04</td>
<td>400</td>
<td>300</td>
<td>200</td>
<td>100</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Number of REGISTERED / UNREGISTERED dogs impounded

<table>
<thead>
<tr>
<th>Month</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/2005 Registered (36)</td>
<td>100</td>
<td>80</td>
<td>60</td>
<td>40</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>2004/2005 Unregistered (42)</td>
<td>80</td>
<td>60</td>
<td>40</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>2003/2004 Registered</td>
<td>40</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>2003/2004 Unregistered</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

Prospective Actions
Ongoing

Public Education Program

<table>
<thead>
<tr>
<th>Month</th>
<th>Jul</th>
<th>Aug</th>
<th>Sep</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative Visits - Public or Schools</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Cumulative Target for 04/05</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

Performance Rating:
✓✓ ✓✓

Variance Report
Beginning of the school year, no education sessions this month.

Prospective Actions
Ongoing public education program to begin further into the school year.
### Registration and Release Details

<table>
<thead>
<tr>
<th>Details</th>
<th>February</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of dogs registered</td>
<td>246</td>
<td>17568</td>
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<tr>
<td>Number of impounded dogs</td>
<td>86</td>
<td>578</td>
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<tr>
<td>Number of impounded cats</td>
<td>5</td>
<td>48</td>
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<tr>
<td>Number of Animal Control related complaints received &amp; actioned</td>
<td>411</td>
<td>3331</td>
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<tr>
<td>Number of dogs not wearing tags</td>
<td>53</td>
<td>383</td>
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<tr>
<td>Number of dogs wearing tags</td>
<td>33</td>
<td>166</td>
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<tr>
<td>Number of dogs returned to their owner</td>
<td>53</td>
<td>324</td>
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<tr>
<td>Number of dogs euthanised</td>
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<tr>
<td>Number of cats euthanised</td>
<td>62</td>
<td>158</td>
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<td>Number of dogs surrendered to a refuge</td>
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<tr>
<td>Number of dogs still in the pound</td>
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<tr>
<td>Number of dogs seized under destruction orders</td>
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<td>Number of dangerous dog orders issued</td>
<td>2</td>
<td>11</td>
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<tr>
<td>Number of Infringements issued</td>
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<tr>
<td>Number of Restricted Dog Applications</td>
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<td>0</td>
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<tr>
<td>Number of Restricted Dog Permits issued</td>
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<tr>
<td>Number of cats impounded</td>
<td>5</td>
<td>52</td>
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<table>
<thead>
<tr>
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<th>No. YTD</th>
<th>Suburb</th>
<th>No. YTD</th>
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<td>Aloomba</td>
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<td>Kewarra Beach</td>
<td>0 14</td>
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<td>Babinda</td>
<td>0 3</td>
<td>Machans Beach</td>
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<td>Manoora</td>
<td>3 29</td>
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<tr>
<td>Bentley Park</td>
<td>2 22</td>
<td>Manunda</td>
<td>7 22</td>
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<tr>
<td>Bramston Beach</td>
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<td>Moorooool</td>
<td>3 32</td>
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<td>Brinsmead</td>
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<td>Mount Sheridan</td>
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<tr>
<td>Bungalow</td>
<td>3 15</td>
<td>Palm Cove</td>
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<td>Cairns City</td>
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<td>1 10</td>
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<td>Redlynch</td>
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<tr>
<td>Edge Hill</td>
<td>2 19</td>
<td>Trinity Park</td>
<td>1 5</td>
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<td>Edmonton</td>
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<td>Westcourt</td>
<td>8 36</td>
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<td>White Rock</td>
<td>4 19</td>
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<tr>
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<td>Whitfield</td>
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<td>Woree</td>
<td>5 29</td>
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<td>Gordonvale</td>
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<td>Yorkeys Knob</td>
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<td>Miriwinni</td>
<td>0 1</td>
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<td>Kamerunga</td>
<td>2 6</td>
<td>Green Hill</td>
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</tr>
<tr>
<td>Kanimbla</td>
<td>0 7</td>
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</tr>
</tbody>
</table>

### Operating Budget Assessment:

|                      | YTD Actual ($) | YTD Budget Revised ($) | Var ($)  | Var (%) | Variance Report & Prospective Actions (where variance is +/- 2%)
|----------------------|----------------|------------------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------
| Revenue              | 442,780        | 388,404                | 54,376   | 14      | **FAVOURABLE**  
|                      |                |                        |          |         | • Reasons: Extra revenue received due to the dog audit and the increase in registrations  
|                      |                |                        |          |         | • Implications / Actions: N/A  
| Expenditure          | 428,552        | 467,635                | 39,083   | 8       | **FAVOURABLE**  
|                      |                |                        |          |         | • Reasons: Vacant positions.  
|                      |                |                        |          |         | • Implications / Actions: N/A  

Agenda – Planning & Environment Committee 10/3/05 - #955515
ACTIVITY: Local Laws Enforcement

Aim
To ensure regulation of Council’s Local Laws and relevant legislation and further maintain compliance relating to developments with Council’s Planning Approval.

Level of Service
- Ensure all sectors of the Community comply with Council’s Local Laws, Planning Scheme and relevant legislation.
- Process and regulate applications submitted in relation to Council’s Local Laws and inspect for compliance regarding permit conditions.

Officer Responsible
Manager Environmental Assessment

Operating Initiative Status

<table>
<thead>
<tr>
<th>Operating Initiative Status</th>
<th>Corporate Plan Link</th>
<th>Due Date</th>
<th>Complete (enter %)</th>
<th>On Target</th>
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</thead>
<tbody>
<tr>
<td>1. Additional staff to be engaged</td>
<td>6.3.3</td>
<td>June 2005</td>
<td>95%</td>
<td>Yes ✓✓ ✓✓</td>
</tr>
</tbody>
</table>

* Variance Report for Initiatives not on target:
Nil

* Prospective Actions for Initiatives not on target:
Nil

Performance Target Assessment (✓ = Satisfactory, ? = Marginal, X = Unsatisfactory)

Performance Rating:
✓

Variance Report
N/A

Prospective Actions
N/A

Local Laws Permits Issued (excluding Outdoor Dining)

Performance Target Assessment

Performance Rating:
✓

Variance Report
N/A

Prospective Actions
N/A
Outdoor Dining Permits Issued

Performance Rating:
✓✓ ✓✓
Variance Report
N/A
Prospective Actions
N/A

New Complaints / Requests

Performance Rating:
✓✓ ✓✓
Variance Report
Overgrown complaints increase with seasonal changes.
Prospective Actions
Ongoing
Local Laws Inspections

Performance Rating:
✓✓ ✓✓

Variance Report
N/A

Prospective Actions
N/A

New Local Laws Approvals - % of Applications

Performance Rating:
✓

Variance Report
N/A

Prospective Actions
N/A

Legend:
- Other (106)
- Local Law 22 (68)
- Illegal Camping (102)
- Total Inspection 2003/2004
### Operating Budget Assessment:

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual ($)</th>
<th>YTD Budget Revised ($)</th>
<th>Var ($)</th>
<th>Var (%)</th>
<th>Variance Report &amp; Prospective Actions (where variance is +/- 2%)</th>
</tr>
</thead>
</table>
| **Revenue**| 248,772        | 264,301                | -15,530 | -6      | • **UNFAVOURABLE**  
  • **Reasons:** Quarterly final part-payments due at the end of March 2005. Reduction in General Advertising Signage applications for this time of year.  
  • **Implications / Actions:** N/A |
| **Expenditure** | 346,031       | 363,099                | 17,068  | 5       | • **FAVOURABLE**  
  • **Reasons:** Vacant position  
  • **Implications / Actions:** N/A |
PROPOSED PERMANENT ROAD CLOSURE OVER PART OF ROBERT ROAD, BENTLEY PARK SEPARATING LOT 250 ON SP166356 FROM LOT 33 ON SP166356 AND THE PROPOSED PURCHASE OF 1.2141 HA. OF A FLOATING ROAD RESERVE IN LOT 250 ON SP166356. APPLICANT: KOPPENS INVESTMENTS PTY LTD. - DIV. 3

Kerrie Pickering : 19/3/3-56: #956279

RECOMMENDATION:

That Council advise Natural Resources and Mines that it objects to the proposed permanent road closure of part of Robert Road, Bentley Park separating Lot 250 on SP166356 from Lot 33 on SP166356 by Koppens Investments Pty Ltd as this Road Reserve provides pedestrian access to Number Four Creek for residents from the existing sub-division to the north of Robert Road.

Furthermore, Council advise Natural Resources and Mines that it objects to the proposed purchase of 1.2141 ha. of floating Road Reserve in Lot 250 on SP166356 to Koppens Investments Pty Ltd as the future of this Reserve will be reviewed as part of the Sub-Division approval.

INTRODUCTION:

Natural Resources and Mines is seeking Council’s views and/or requirements in regard to an application by Koppens Investments Pty Ltd for permanent road closure of part of Robert Road, Bentley Park adjoining Lot 250 on SP166356 and Lot 33 on SP166356.

The proposed road closure would result in two (2) extra residential lots being created.

Also, Council has been requested to consider the proposed purchase of 1.2141 ha. of floating Road Reserve on Lot 250 on SP166356 by Koppens Investments Pty Ltd. This would give Koppens Investments Pty Ltd a total site area of 66.1161 ha.

BACKGROUND:

Koppens Investments Pty Ltd has made an application to City Assessment for a sub-division of Lot 250 on SP166356 (plan attached). The two (2) subject lots are not subject to the current reconfiguration application.

The subject area is road owned by Natural Resources and Mines representing the Crown and under the control of Council.
COMMENT:

Infrastructure Management
Infrastructure Management opposes the proposed permanent road closure as this Road Reserve provides pedestrian access to Number Four Creek for residents from the existing sub-division to the north of Robert Road.

Infrastructure Management has no requirement to preserve the 1.2141 ha. floating Road Reserve in Lot 250 on SP166356 as a future link road and therefore has no objection to the developer purchasing it subject to any requirements other Divisions of Council may have.

City Assessment
Under CairnsPlan the subject area is classified Unformed Road, with the adjoining land being in a Residential 1 Planning Area within the White Rock - Edmonton Planning District.

City Assessment objects to the subject area being permanently closed based on planning principles.

City Assessment will review the floating Road Reserve and pedestrian linkage to Number Four Creek as part of the Sub-Division Approval.

Cairns Water
Cairns Water has no requirements.

CONSIDERATIONS:

Corporate and Operational Plans:
Report prepared in accordance with Corporate Plan goal 1.1 – An integrated approach to planning by Council and stakeholders.

Statutory:
The Department of Natural Resources and Mines will deal with the application in accordance with the requirements of the Land Act 1994.

Financial
It is noted that the creation of 2 new residential allotments will generate additional rates and charges income for Council.

All other considerations were reviewed and deemed not applicable.

CONSULTATION:
As per the Comment section of this report.
OPTIONS:

1. That Council advise Natural Resources and Mines that it objects to the proposed permanent road closure of part of Robert Road, Bentley Park separating Lot 250 on SP166356 from Lot 33 on SP166356 by Koppens Investments Pty Ltd as this Road Reserve provides pedestrian access to Number Four Creek for residents from the existing sub-division to the north of Robert Road.

   Furthermore, Council advise Natural Resource and Mines that it objects to the proposed purchase of the 1.2141 ha. of the floating Road Reserve in Lot 250 on SP166356 to Koppens Investments Pty Ltd.

2. That Council advise Natural Resources and Mines that it has no objection to the proposed permanent road closure of part of Robert Road, Bentley Park separating Lot 250 on SP166356 from Lot 33 on SP166356 by Koppens Investments Pty Ltd.

   Furthermore, Council advise Natural Resource and Mines that it has no objection to the proposed purchase of the 1.2141 ha. of floating Road Reserve in Lot 250 on SP166356 to Koppens Investments Pty Ltd.

CONCLUSION:

That Council concur with the recommendation subject of this report.

ATTACHMENTS:

Attachment 1 – Natural Resources and Mines drawing number CNS05/004.
Attachment 2 – Charles O’Neill Pty Ltd drawing of future sub-division

Kerrie Pickering
**Assistant Property Officer**

Linda Kirchner
**Manager Administration Services**

Jo Anne Scarini
**General Manager Corporate Services**
Attachment 1

250
SP166356

FH

Subject Site – will result in 2 residential lots
Subject Site

Future Sub-Division

1.2141 ha. floating Road Reserve
APPLICATION TO PURCHASE PART OF LOT 31 ON CP81693 (CAPTAIN COOK HIGHWAY, ELLIS BEACH) BEING A RESERVE FOR RECREATION, HELD IN TRUST BY COUNCIL. APPLICANT: LINDSAY SHAW – DIV. 11

Kerrie Pickering : 19/3/3-60: #954636

RECOMMENDATION:

That Council advise Natural Resources and Mines that it objects to the sale of part of Lot 31 on CP881693 (Reserve for Recreation Purposes), Captain Cook Highway, Ellis Beach.

INTRODUCTION:

Council has received an application from Natural Resources and Mines to purchase 110m$^2$ of Lot 31 on CP881693 (Captain Cook Highway, Ellis Beach).

The applicant has advised that the pool area, which consists of timber decking, slate tiles and part of the concrete slab of the existing dwelling has encroached on to Lot 31 on CP881693 (Reserve for Recreation Purposes).

The proposed use is to legalise the encroachments and for inclusion into the applicant’s (Robert Lindsay Shaw) adjoining freehold property Lot 108 on B9542 (16 Buchan Street, Palm Cove).

BACKGROUND:

Lot 31 on CP881693 is a Reserve for Recreation held in Trust by Council.

The applicant (Robert Lindsay Shaw) submitted a Development Application, for Multiple Dwellings (duplex) on Lot 108 on B9542, which adjoins Lot 31 on CP81693 and was determined by Council (Delegated Authority) on the 17 December 2004. The Development Approval states that the approval given does not in any way give consent for existing works, which lie across the northern property boundary, and such works must be removed prior to the commencement of the use unless separate approval is gained for these works.
On the 27th May 2004, a report was presented to the Ordinary Meeting regarding an existing encroachment, which consisted of fencing, part of a pergola and paving in Robert Road, Bentley Park. The report recommended that Council refuse the application to sell part of its freehold property, however this decision was over turned at the Council meeting and subsequently a portion of the Council freehold property was sold to the applicant.

It is important that Council does not set a precedent when dealing with encroachments on Council owned or controlled land.

**COMMENT:**

**Precincts and Facilities**

Precincts and Facilities does not support the sale of land to the applicant. Land owners, when purchasing land or making improvements, are required to carry out the necessary searches to ensure that the infrastructure does not encroach on public land.

Furthermore, the Reserve in question is extremely fire prone and infrastructure should be placed as far away from the boundary as possible.

**City Assessment**

Under CairnsPlan the applicant’s property will be within the Residential 1 Planning Area and the proposed area to be purchased will be located in the Conservation Planning Area.

Areas included in the Conservation Planning Area include those identified as having significant values for biological diversity, ecological integrity or scenic amenity.

Although the purchase of the additional part of the land due to the encroachment is not the preferred outcome, City Assessment realises that it would be unreasonable to enforce the removal of the established structures.

City Assessment supports this proposed application to purchase.

**Infrastructure Management**

Council should not condone non-compliance with regard to building encroachments on land under its trusteeship.

This is a case of buyer beware and the current owner should have checked compliance with Council building approvals etc. before purchasing the property.

**CONSIDERATIONS:**

**Corporate and Operational Plans:**

Report prepared in accordance with Corporate Plan goal 1.1 – An integrated approach to planning by Council and stakeholders.
Statutory:
The Department of Natural Resources and Mines will deal with the application in accordance with the requirements of the *Land Act 1994.*

All other considerations were reviewed and deemed not applicable.

Sustainability:
Should the proposal proceed there will be a reduction in the community benefit given that the subject land is a Reserve for Recreation.

Any loss of such community benefit should be subject to a public consultation process in accordance with the requirements of the *Land Act 1994.*

CONSULTATION:
As per the Comment section of this report.

OPTIONS:

1. That Council advise Natural Resources and Mines that it objects to the sale of part of Lot 31 on CP881693 (Reserve for Recreation Purposes), Captain Cook Highway, Ellis Beach.

2. That Council advise Natural Resources and Mines that it consents to the application to purchase 110m² of Lot 31 on CP881693 (Reserve for Recreation Purposes), Captain Cook Highway, Ellis Beach made by Lindsay Shaw, subject to it being at no cost to Council as per Natural Resources and Mines drawing CNS05/007

CONCLUSION:
That Council concur with the recommendation subject of this report.
ATTACHMENTS:

Attachment 1 – Natural Resources and Mines drawing CNS05/007

Kerrie Pickering
Assistant Property Officer

Linda Kirchner
Manager, Administration Services

Jo Anne Scarini
General Manager, Corporate Services
Attachment 1

Plan of Lot 1 (Addition to Lot 108 on B9542)
Cancelling part of Lot 31 on CP881693

SCALE 1:1000

PARISH OF DULANBAN
COUNTY OF NARES
REGION NORTH
LOCAL AUTH OF CAIRNS CC

CNS05/007

Map 8064-42323  Compiled from sketches on file
File Reference CNS021681  Prepared by Ken Rogers  Date 19-1-2005

Queensland Government
Natural Resources and Mines

0 50 m 100 m 150 m