

ORDINARY MEETING 25 SEPTEMBER 2013	2
---	----------

MATERIAL CHANGE OF USE (CODE) INDOOR SPORT & ENTERTAINMENT, BUSINESS FACILITIES & RESTAURANT - CAPTAIN COOK HIGHWAY, SMITHFIELD - DIVISION 9

S Graham : 8/7/2747: #4014758

PROPOSAL: MATERIAL CHANGE OF USE – INDOOR SPORT & ENTERTAINMENT (CINEMAS & GYMNASIUM), BUSINESS FACILITIES (BANK & MEDICAL FACILITIES) AND RESTAURANTS

APPLICANT: SAS TRUSTEE CORPORATION
C/- BRAZIER MOTTI
PO BOX 1185
CAIRNS QLD 4870

LOCATION OF SITE: SMITHFIELD SHOPPING CENTRE, CNR KENNEDY HIGHWAY & CAPTAIN COOK HIGHWAY, SMITHFIELD

PROPERTY: LOT 177 NR6432 & LOT 1 SP109016

PLANNING DISTRICT: BARRON SMITHFIELD

PLANNING AREA: SUB-REGIONAL CENTRE

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: DEPARTMENT OF TRANSPORT & MAIN ROADS
DEPARTMENT OF ENVIRONMENT & HERITAGE PROTECTION (DEHP)

NUMBER OF SUBMITTERS: N/A

STATUTORY ASSESSMENT DEADLINE: 11 OCTOBER 2013

APPLICATION DATE: 20 JUNE 2013

DIVISION: 9

APPENDIX:

1. EXECUTIVE PLAN
2. APPROVED PLAN(S) & DOCUMENT(S)
3. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
4. INFRASTRUCTURE CHARGES NOTICE
5. SUPPORTING INFORMATION TO PLANNING REPORT

LOCALITY PLAN

Entire Site



Proposed Development Area



RECOMMENDATION:

That Council approves the Development Application for Indoor Sport & Entertainment, Business Facilities and Restaurant over land described as Lot 177 NR6432 and Lot 1 SP109016, located at the corner of the Kennedy Highway and the Captain Cook Highway, Smithfield, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan Existing	Hames Sharley Drawing 31416 – DA01	06/06/13
Site Plan Future	Hames Sharley Drawing 31416 – DA03	05/15/13
Precinct Site Plan	Hames Sharley Drawing 31416 – DA04	05/23/13
Ground Floor	Hames Sharley Drawing 31416 – DA05	05/13/13
First Floor	Hames Sharley Drawing 31416 – DA06	05/13/13
Bio Box Level	Hames Sharley Drawing 31416 – DA07	05/15/13
Roof Plan	Hames Sharley Drawing 31416 – DA08	05/15/13
Dry Walking Area	Hames Sharley Drawing 31416 – DA09	05/22/13
East Elevations	Hames Sharley Drawing 31416 – DA10	05/13/13
North & West Elevation	Hames Sharley Drawing 31416 – DA11	05/13/13
West – East Section	Hames Sharley Drawing 31416 – DA12	05/13/13
North-South Section	Hames Sharley Drawing 31416 – DA13	05/13/13
Material Layering	Hames Sharley Drawing 31416 – DA15	05/23/13

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amendment to Design

3. **The proposed development must be amended to accommodate the following changes:**
 - a. **Provide a passenger pick up / drop off zone in proximity to the ground floor access to the cinema lobby entrance;**
 - b. **Provide a pedestrian crossing between the southern car park and the proposed development in proximity to the ground floor access to the cinema lobby entrance;**
 - c. **Provide a solid fence or other suitable barrier along the rear boundary adjoining the drainage reserve to prevent pedestrian / vehicle access through the reserve and to address the noise attenuation requirements as detailed in other relevant conditions of this approval.**

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply and Sewerage Works Internal

4. **The applicant/owner must undertake water supply and sewerage works internal to the site to connect the proposed buildings to existing water supply and sewerage infrastructure.**

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

Three (3) copies of the plan of the works must be endorsed by the Chief Executive Officer prior to commencement of works on site.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the Commencement of Use.

5. **CCTV inspections of Council sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.**
6. **In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use.**

Parking

7. The amount of vehicle parking must be as specified in the Traffic Impact Assessment Report, dated 17 June 2013, prepared by Lambert & Rehbein (ref: B12418TR001_Final).

The total number of carparking spaces for the Shopping Centre when fully developed in accordance with this approval and other existing approvals is 1701 spaces.

The parking layout must comply with Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and Australian Standard AS2890.2 2004 Parking Facilities - off street car parking – commercial vehicles.

8. The parking must be constructed in accordance with the FNQROC Development Manual specifications prior to Commencement of 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.

Protection of Landscaped Areas from Parking

9. Landscaped areas adjoining the parking area must be protected from vehicular encroachment by a 150mm high vertical concrete kerb or similar obstruction, which must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Landscaping Plan

10. The applicant/owner must landscape the subject land and street frontages in accordance with the FNQROC Development Manual and in accordance with a landscape plan endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works. In particular, the plan must show:
- a. Specific details and species selections for screening qualities for the landscaping along the rear boundary, where possible;
 - b. The landscaping requirements of the Department of Transport and Main Roads;
 - c. Landscaping in car park traffic islands in proximity to the development site; and
 - d. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be 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 Commencement of Use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Site Specific Drainage Plan

11. Prepare a site specific drainage plan to determine the drainage measures for roof and surface water and the mitigation measures required to minimise such impacts. In particular, the plan must address the following:
 - a. The extent of the 100 year ARI flood event in relation to the site both pre and post development;
 - b. Identify any requirement for drainage easements (if required);
 - c. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;
 - g. Lawful point of discharge.

All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.

The drainage plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use.

Minimum Fill and Habitable Floor Levels

12. All floor levels in all buildings must be located at a level above the Q100 flood immunity level determined by the above condition.

Storage of Machinery and Plant

13. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

14. The applicant/owner must submit a sediment and erosion control plan prior the issue of a Development Permit for Building Works. Such plans are to 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 the FNQROC Development Manual).

Refuse Storage

15. An area of a suitable size is to be provided at ground level to store the number of commercial refuse bins required to service the respective stages of the development. Brochures on these requirements - 'Requirements for Refuse Storage - Commercial Premises' is available from Cairns Water & Waste.
16. Any refuse bin enclosures must be roofed and bunded and fitted with a bucket trap.

Liquid Waste Disposal

17. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Advertising Signage

18. Signs on the subject land must conform with Council's Local Laws (Control of Advertising), to the requirements and satisfaction of the Chief Executive Officer.

External Lighting

19. 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 Planning Scheme requirements, whereby vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Crime Prevention through Environmental Design

20. The applicant/owner must ensure that all lighting and landscaping requirements comply with Council's General Policy Crime Prevention through Environmental Design (CPTED). A CPTED Design and Plan is to be submitted to the Chief Executive for endorsement prior to commencement of use.

Health

21. Premises proposed for storage and preparation, handling, packing or service of food must comply with the requirements of the *Food Act 2006* and Food Safety Standards.

22. Prior to construction or alteration (existing) of any premises used for storage, preparation, handling, packing or service of food, application for such must be made with Council's Public Health Unit.
23. An application for construction or alteration (existing) of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, and details of the proposed layout and materials to be used in the construction of all equipment, benches, fixtures and fittings. The plans must include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.
24. Prior to operation of the food business, the operator must hold a Food Operators Licence under the *Food Act 2006*.

Noise

25. A report prepared by a qualified Acoustical Consultant must be endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work. The report must indicate design and construction features to be incorporated in the development to ensure that vehicle loading / unloading areas and any mechanical plant and equipment, including on the roof, will not cause adverse impacts on nearby residences.
26. Noise from either air conditioning units, swimming pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1997* and *Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance)*.

Air-Conditioning Screens

27. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Above Ground Transformer Cubicles / Electrical Sub-Stations

28. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work for the respective stage of development.

Construction Signage

29. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
- a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Dept. Transport & Main Roads	TMR13-006829(500/516)	13/08/2013	# 4075068
Dept. Environment & Heritage Protection	SPCL05761913(MCU)	15/08/2013	# 4113403

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 and 341 of the *Sustainable Planning Act 2009*.

2. 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 cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. *The Sustainable Planning Act 2009* confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

5. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdp.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with CairnsPlan 2009 the approved land uses of 'Indoor Sport & Entertainment', 'Business Facilities' and 'Restaurant' are defined as follows:

"Indoor Sport and Entertainment:

Means the use of premises for sport, physical exercise, recreation or public entertainment predominantly within a building.

The use includes facilities commonly described as sports centre, gymnasium, amusement and leisure centre, cinema, dance club, music club, nightclub, reception room, theatre, convention centre or function centre."

“Business Facilities***Means the use of premises for:******The conduct of a business or office where the principal activity is the provision of business or professional advice, services and goods or the office based administrative functions of any organisation;******The medical or paramedical care or treatment of persons and which does not involve the accommodation those persons on the premises.******The use includes:******Facilities commonly described as professional office, real estate office, estate sales office, bank, building society, credit union or funeral parlour;******Care or treatment by practitioners such as an acupuncturist, podiatrist, naturopath, chiropractor, dentist, general or specialist medical practitioner, optometrist, pathologist, physiotherapist or radiologist, together with ancillary services such as pharmacy.”******“Restaurant******Means the use of licensed or unlicensed premises for the provision of meals or light refreshments to members of the public for consumption on or off the premises.******The use includes facilities commonly described as bistro, bar and grill, cafe, milk bar, snack bar, coffee shop, tearoom, takeaway, drive through food outlet or fast food outlet.”***

*These definitions are provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

EXECUTIVE SUMMARY:

Council is in receipt of a Development Application for additional development at the Smithfield Shopping Centre. The proposed development includes a cinema (5 screens) on the upper floor and gymnasium, restaurants, bank and medical facilities on the ground floor. The development site is located between the existing Shopping Centre and the Smithfield Tavern and will utilise existing parking areas on site. No additional accesses to the Kennedy Highway or Captain Cook Highway are proposed. The proposal will be a replacement for an approved cinema development in the north-eastern corner of the site (DA 8/7/923). A copy of the proposed plan is attached at Appendix 1.

The primary issues associated with the proposed development relate to parking and amenity, both of which have been adequately addressed in the assessment or by way of conditions. The proposal is Code Assessable and public notification was not required.

The proposed development is recommended for approval, subject to conditions.

PLANNING CONSIDERATIONS:

Background

Smithfield Shopping Centre is located at the junction of the Captain Cook and Kennedy Highways with surrounding land uses predominantly comprising of residential properties to the north, a mixture of commercial uses (e.g. warehouses, food outlets, shops etc) across the Captain Cook Highway to the east, residential subdivisions and the Cable Ski Park to the south and residential properties, parkland and some commercial uses to the west.

The tenant base currently trading within the existing Shopping Centre can be broadly categorised as:

- Anchor tenants (Woolworths, Coles and K-Mart);
- Mini anchor tenants;
- Tavern;
- Bottle shop;
- Speciality store tenants; and,
- Retail and bulky goods stores at northern end.

Over the last 4-6 years, Smithfield Shopping Centre has undergone progressive redevelopment, with for the construction of the Tavern and Bottle Shop in the south-western section of the site being the most recent addition.

Approvals Background

The plans attached at Appendix 5 identify the location of current approvals applying to the land (discussed further below).

Development Permit 8/7/923

Development Permit 8/7/923 was issued in 2007 and extended in 2011 until 27 November 2015. Approval was issued for the construction of bulky goods shopping facilities and a cinema complex with associated shopping facilities/food outlets at the Smithfield Shopping Centre. The cinema complex and associated shopping facilities/food outlets were proposed to be located in the extreme north-eastern corner of the centre, with part of the northern car park being demolished. The bulky goods shopping facilities were proposed to be located at the southern end of the centre, between the existing mall and the approved tavern and bottle shop (DA 8/7/162) and in the same location as the proposed development.

The current proposal is a replacement for development approved under Development Permit 8/7/923. The Applicant intends to cancel DA 8/7/923 should approval be obtained for the current proposal.

Development Permit 8/8/1066

Development Permit 8/8/1066 was issued on 13 December 2012 and approved the construction of a discount department store, speciality shops and an extension to an existing supermarket. The discount department store was proposed to be constructed in the area of the central car park, with a large portion of this car park area and two (2) existing speciality stores to be demolished. A total of eight (8) new speciality stores were also proposed to be constructed in conjunction with the discount department store along with small extensions to three (3) existing stores, an access pathway, toilets, change rooms, bicycle parking spaces and a service area. Furthermore, it was proposed that a car park deck would be constructed on the roof of the discount department store and a second car park deck in the south-eastern corner of the site over part of the southern car park.

This approval remains valid and is not impacted upon by the proposed development.

Proposal

The proposal seeks approval of a Development Permit for a Material Change of Use - Indoor Sport and Entertainment (Cinemas & Gymnasium), Business Facilities (Bank & Medical Facilities) and Restaurants. A copy of the proposed plans is attached at Appendices 1 & 2.

The proposed development seeks to utilise a vacant portion of land towards the southern end of the site, between the existing shopping centre and the Smithfield Tavern. No change to the existing buildings is proposed as the new building will be constructed adjacent to existing development.

The proposed development includes a two (2) storey development which will accommodate a five (5) cinema complex consisting of three (3) x 257 seat cinemas, one (1) x 226 seat cinema and one (1) x 357 seat V-Max Cinema on the upper floor. This upper section of the proposed building will be accessed via a new staircase and lift that is to be positioned to the east of the proposed building.

The ground floor level will comprise a mix of restaurants, medical facilities, a gymnasium and banks. Each of these tenancies at ground level will address the Kennedy Highway frontage where the main entry points will be located. In addition, outdoor dining opportunities will complement the proposed restaurant outlets across the front of the proposed building and a covered walkway will provide a connection between the existing shopping centre and uses to the west.

The application does not indicate specific tenancies for the individual ground floor uses of Indoor Sport & Entertainment (Gymnasium), Business Facilities (Bank and Medical) and Restaurant, as the Applicant wishes to retain some flexibility in the allocation of these uses in order to respond to market demand.

Service vehicle and loading areas are proposed to the rear of the building. The Applicant advises the intent behind repositioning the cinema development from the northern car park area where it is currently approved (DA 8/7/923) to its proposed location in the south of the site is to establish a formal, accessible and convenient entertainment precinct in the north of Cairns. The Applicant also advises that the proposed development scheme promotes a higher level of integration with the existing Shopping Centre, while broadening the experience for cinema patronage and shopping clientele. A three dimensional image of the proposed development is attached at Appendix 5.

CairnsPlan Assessment

CairnsPlan Barron Smithfield Planning District		Code Applicability	Compliance
Planning Area	Sub-Regional Centre	✓	Complies – refer below
Land Use	Shopping & Business Facilities	✓	Complies – refer below
Overlays	Hillslopes	✗	N/A
	Character Precinct	✗	N/A
	Vegetation Conservation & Waterway Significance (Category 4 Waterway)	✓	Complies – proposed development does not occur with riparian corridor / waterway
	Potential or Actual Acid Sulphate Soil Material	✓	Complies subject to Conditions (Operational Works)
	Bushfire Management	✓	Complies- site is within an existing urban area.
	Flood Management	✗	N/A
	Height and Impact of Buildings	✗	N/A
	Operational Aspects of the Cairns International Airport	✓	Complies – no impact on safe operation of Airport
	Local Heritage	✗	N/A
General	Excavation and Filling Code	✓	Complies- Cleared, relatively level site will require minimal excavation / filling and not adversely impact on amenity or cause land instability, flooding or drainage issues. Conditions recommended.
	Infrastructure Works Code	✓	Complies- existing services available.
	Landscaping Code	✓	Complies subject to Conditions
	Parking & Access Code	✓	Complies – refer below
	Reconfiguring a Lot Code	✗	N/A
	Development Near Major Transport Corridors & Facilities	✓	Complies – proposal utilises existing access points and will not compromise the safety or efficiency of the Captain Cook or the Kennedy Highways. DTMR Conditions also apply.

Sub-Regional Centre Planning Area Code

The purpose of this Code is to facilitate the achievement of the following desired development outcomes for the Sub-Regional Centre Planning Area:

- a. *Existing sub-regional and any new centres of similar form develop as major community focal points providing a range of services and as major employment nodes;*
- b. *The development and consolidation of sub-regional centres to provide shopping facilities, together with a broad range of business, professional, medical and similar services and community facilities is facilitated;*
- c. *The establishment of entertainment and recreational facilities, particularly indoor facilities, within or adjacent to sub-regional centres is facilitated;*
- d. *Uses of a service industry nature that serve the needs of the district community are accommodated;*
- e. *The scale and density of development contributes to a high standard of amenity;*
- f. *The establishment of medium density residential development, particularly within mixed use developments, where design and siting ensure that a high standard of residential amenity will be achieved is facilitated;*
- g. *Uses identified as inconsistent uses in the Assessment Table dealing with material change of use for the respective Districts are not established in the Sub-Regional Centre Planning Area.*

The proposed development does not offer any particular challenges to the purposes of the Sub-Regional Centre Planning Area Code and facilitates the further development of the existing Shopping Centre with business, restaurant and indoor entertainment uses as envisaged under the Code. The proposal complies with the maximum building height and setback requirements of the Code and satisfies the Performance Criteria with respect to landscaping, design and function of the Centre. In particular, the proposal provides covered walkways, awnings and articulation to the car park and vehicular access areas to present an attractive interface.

The proposed development site does not immediately adjoin any Residential Planning Areas, although to the north of the development site is a drainage reserve and beyond this is an established residential area. The amenity of this area is already established by virtue of the existing Shopping Centre being located on the site for many years. Loading areas are proposed to be located to the rear of the building and adjoining the drainage reserve, in a similar manner to the existing situation. Additionally, mechanical plant and equipment will be located in the roof area of the proposed building. To ensure there are no adverse noise impacts on nearby residential uses a condition of approval is recommended requiring an Acoustic Report to be submitted prior to the issuance of a Development Permit for Building Work.

Shopping & Business Facilities Code

The only aspect of the proposed development subject to a Land Use Code is the Business Facilities component. There are no Codes for Indoor Sport and Entertainment or Restaurant land uses in *CairnsPlan 2009*.

The proposed development integrates with the existing development on the site to provide convenient access to services, makes a positive contribution to the amenity of the locality, provides visual interest through articulation and use of varying materials on its façade and enables casual surveillance of public areas. The proposal is therefore considered to satisfy the relevant Performance Criteria and Purpose Statements of the Shopping & Business Facilities Code as they relate to the proposed Business Facility uses.

Parking & Access Code

The Applicant submitted a Traffic Impact Assessment which addressed the likely parking demand created by the proposed development. This assessment considered the proposal against the requirements in Schedule 1 of Council's Parking and Access Code as well as addressing matters with respect to:

- varying peak periods of parking demand for different uses;
- cross utilisation for the various components within the proposed development and with the balance of the existing Smithfield Shopping Centre; and,
- parking demands associated with the proposed cinema use based on data provided by the potential operator for existing operating cinemas in Cairns, rather than applying the broader calculation under the definition of 'Indoor Sport & Entertainment'.

The following table provides the Applicant's assessment of the parking demand against Council's Planning Scheme requirements, noting that the final floor areas for the ground floor tenancies are yet to be finalised. Any variation to the thresholds applied in the below table are unlikely to have a significant impact on the overall parking requirements.

Table 3-1 Proposed Statutory Car Parking Requirements

Component	NLA (m ²)	Scheme Requirement	Required Car Parks
Existing Centre Requirement (As per Previous Development Approvals – not including recent DDS)			1,280
+ Ground Level Restaurants	403	1 space per 25m ²	16.1
+ Ground Level Indoor Sport and Entertainment (Gym)	363	1 space per 15m ²	24.2
+ Ground Level Medical	661	1 space per 20m ²	33.0
+ Ground Level Business Facilities (Bank)	528	1 space per 25m ²	21.1
+ First Level Indoor Sport and Entertainment (Cinemas)	1385 Seats	1 space per 15m ² or 1 space per 5 seated spectators, whichever is the greater	277.0
Total Car Parks Required			1,652
Total Car Parks Provided			1,543

The 'first principles' assessment by the Applicant determined that notwithstanding the theoretical shortfall of 109 spaces under the Planning Scheme, the provision of the parking spaces as proposed in Table 3-1 above is sufficient to accommodate the proposed and existing development.

Council's Engineering staff met with the Applicant's Traffic Engineer and have expressed their general agreement with the approach taken to the parking analysis in the Traffic Impact Assessment and that adequate existing on-site parking is available to cater for the proposed use.

The Traffic Impact Assessment also considered the cumulative parking demand to be generated by the proposed development and the approval for the discount department store (DA 8/8/1066). This Assessment states that with the implementation of DA 8/8/1066, there will be an increase in the total parking supply, including the current proposal, to 1,701 spaces for the entire centre. It is noted that DA 8/8/1066 includes a requirement for construction of a parking deck in the south-eastern corner of the site once this approval commences. Based on the information submitted by the Applicant, Council Planning and Engineering staff are satisfied that the proposal currently before Council does not trigger the requirement for construction of the parking deck.

Conditions of approval are also recommended requiring:

- a passenger drop-off zone in proximity to the ground floor access to the proposed cinema;
- provision for, or reconfiguration of existing, pedestrian crossings between the exiting southern car park and existing and future development; and,
- bicycle parking.

In consideration of the above, the proposal is deemed to be generally compliant with the Performance Criteria and Purpose Statements of the Parking and Access Code.

Public Notification / Submissions

The proposed development is Code Assessable, therefore public notification was not required and no submissions were received.

Concurrence Agencies

The Application required referral to two (2) Concurrence Agencies as discussed below.

Department of Transport & Main Roads (DTMR)

DTMR provided its approval and associated conditions which are summarised as follows and attached at Appendix 3:

1. Access to the Shopping Centre is confined to the existing three (3) access points;
2. Upgrade of the existing access off the Kennedy Highway, including continuation of the central median opposite the existing access to prevent right out traffic movement;
3. Upgrade the existing on-site roundabout near the Kennedy Highway access to provide inbound vehicles priority movement;
4. Upgrade of the existing Smithfield roundabout to a signalised roundabout on the south, west and north approaches;
5. Upgrade the existing pedestrian crossing of Kennedy Highway at the existing bus stop;
6. Reinstatement of any existing footpaths disturbed by the proposed works;
7. Provision of pedestrian barrier along full frontage of the site (except at approved entrances);
8. Landscaping within 5m of the site frontage to meet DTMR landscaping Manual;
9. Pedestrian and cycle access to bus stops and bus interchange area;
10. Provision of a taxi facility parallel to the kerb and in proximity to the ground floor access to the cinema lobby; and
11. Provision of bicycle facilities.

It is noted that the majority of the above conditions are similar to the DTMR conditions applying to approval issued under Development Permit 8/8/1066.

Department of Environment & Heritage Protection (DEHP)

DEHP referral was triggered as a consequence of the vehicle servicing depot on the site (K-Mart Tyre and Auto) potentially being a contaminated site. It is noted that the proposed development area is located in the southern portion of the Shopping Centre whilst the vehicle servicing depot is located in the central portion of the Shopping Centre. Notwithstanding, DEHP issued its approval with conditions applying to the proposed development (refer to Appendix 3). The conditions relate to the management, notification and remediation processes required should previously undetected contaminants be identified during site works.

INFRASTRUCTURE CHARGES:

The proposed development triggers Developer's Infrastructure Charges. Refer to Appendix 4 to view calculations.

The application does not specify gross floor areas (GFAs) for the individual ground floor uses of Indoor Sport & Entertainment (Gymnasium), Business Facilities (Bank and Medical) and Restaurant, as the Applicant wishes to retain some flexibility in the allocation of these uses subject to market demand. Once specific tenancies for the ground floor uses have been confirmed, the Applicant can request a revision of the Infrastructure Charges Notice.

The calculations as they relate to the cinema use on the upper floor have been determined based on the applicable rates and uses under the Trunk Infrastructure Charges Policy.

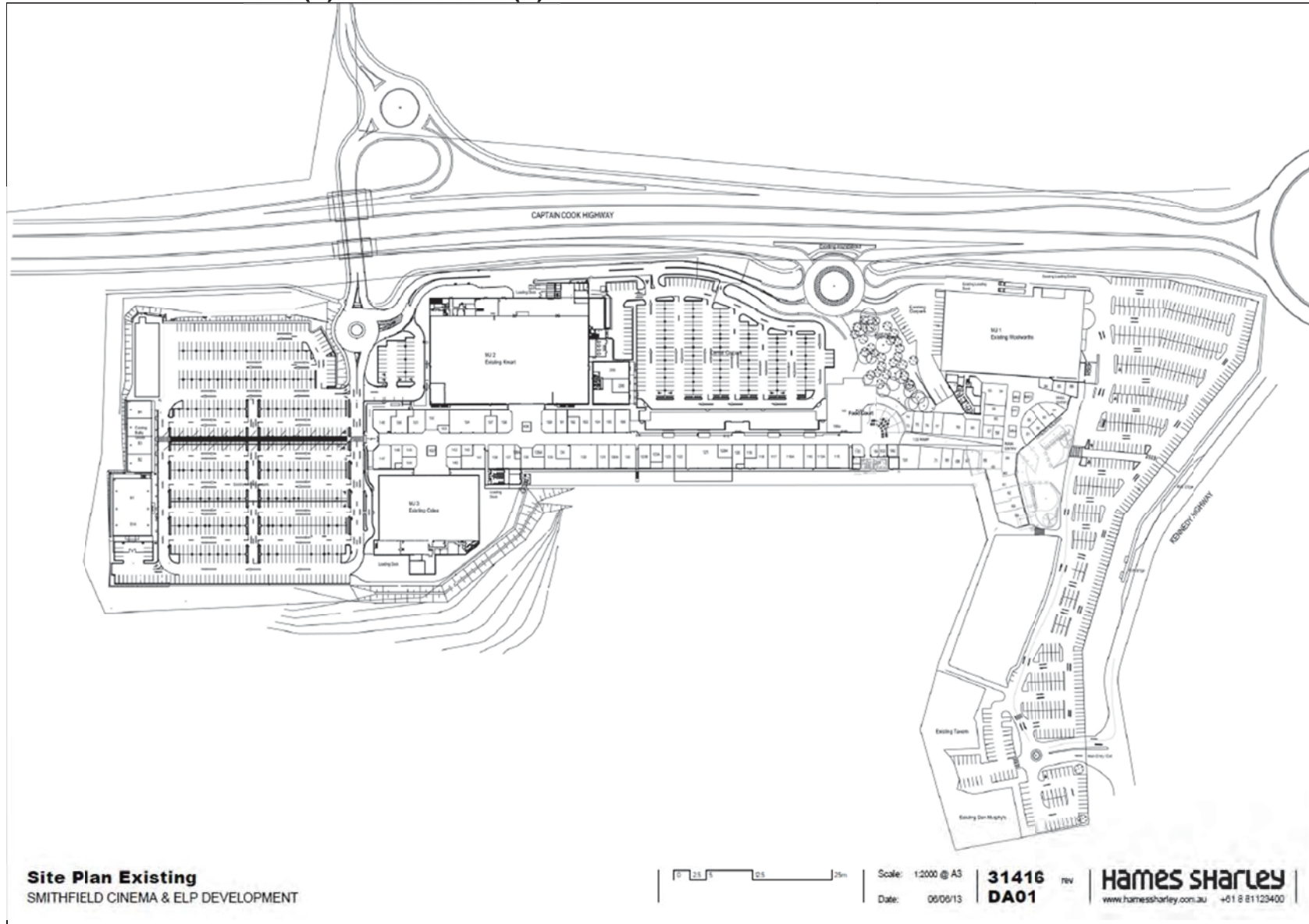
S Graham
Planning Officer
Action Officer

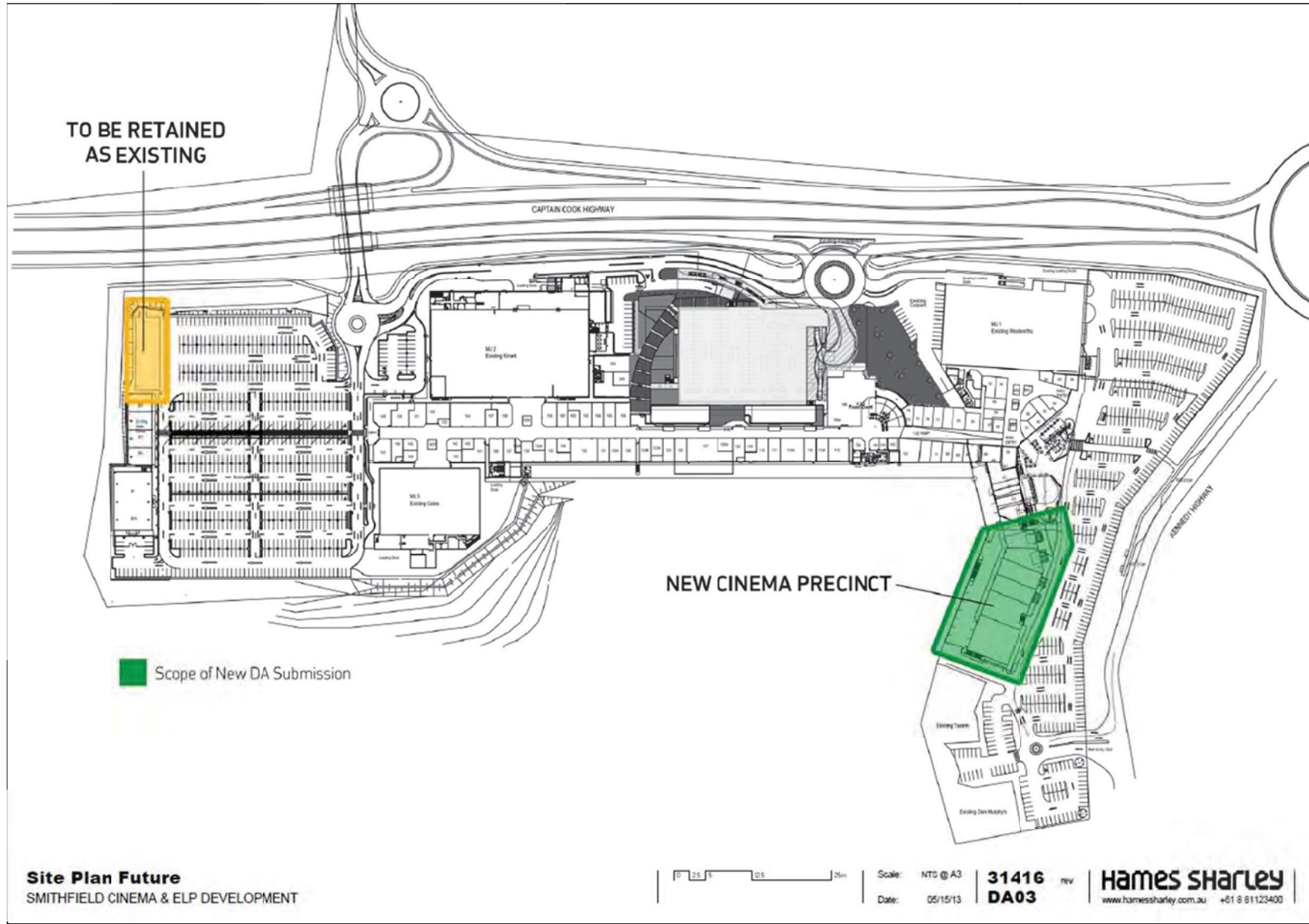
Graham Boyd
Acting General Manager Planning & Environment

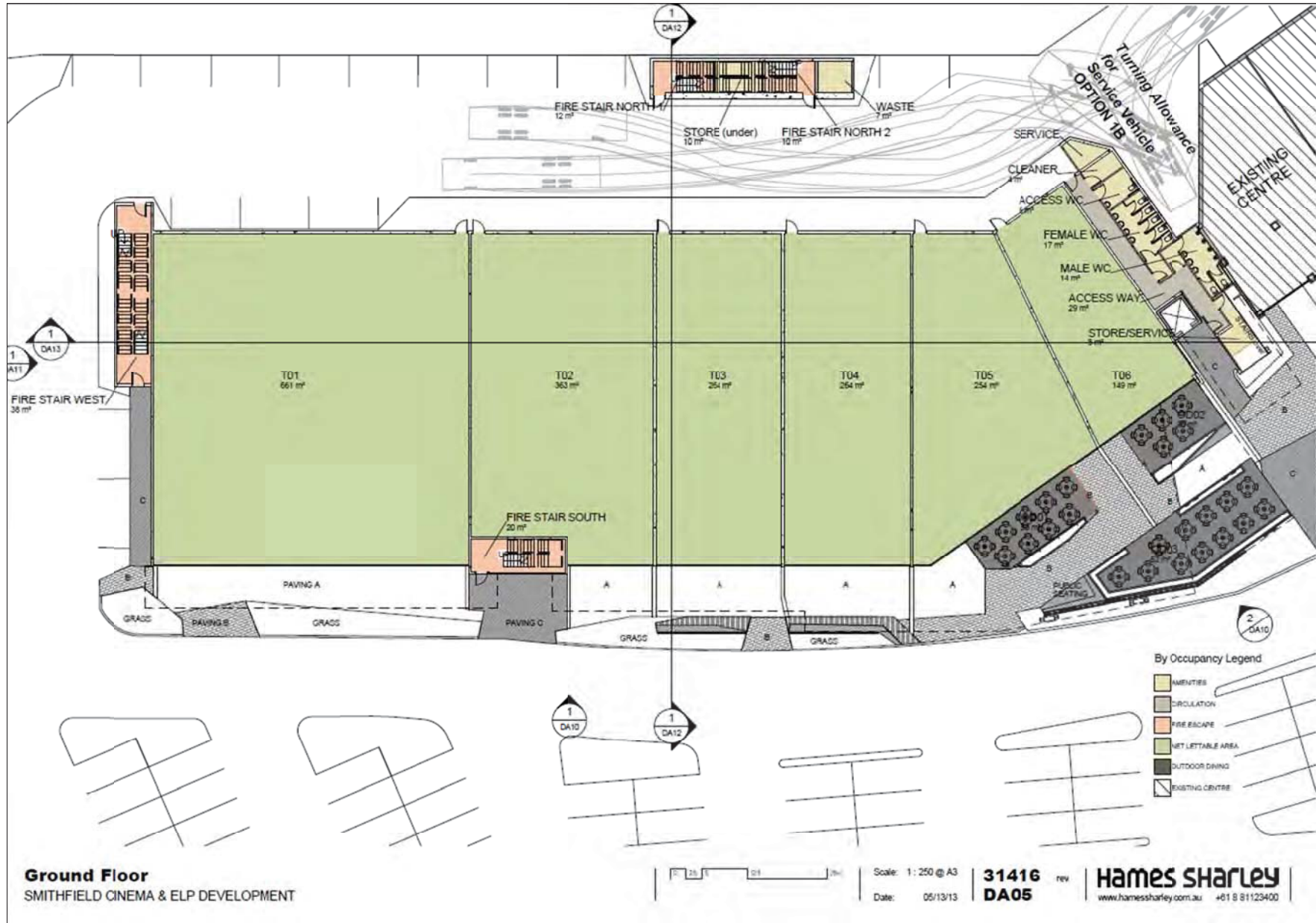
APPENDIX 1 – EXECUTIVE PLAN

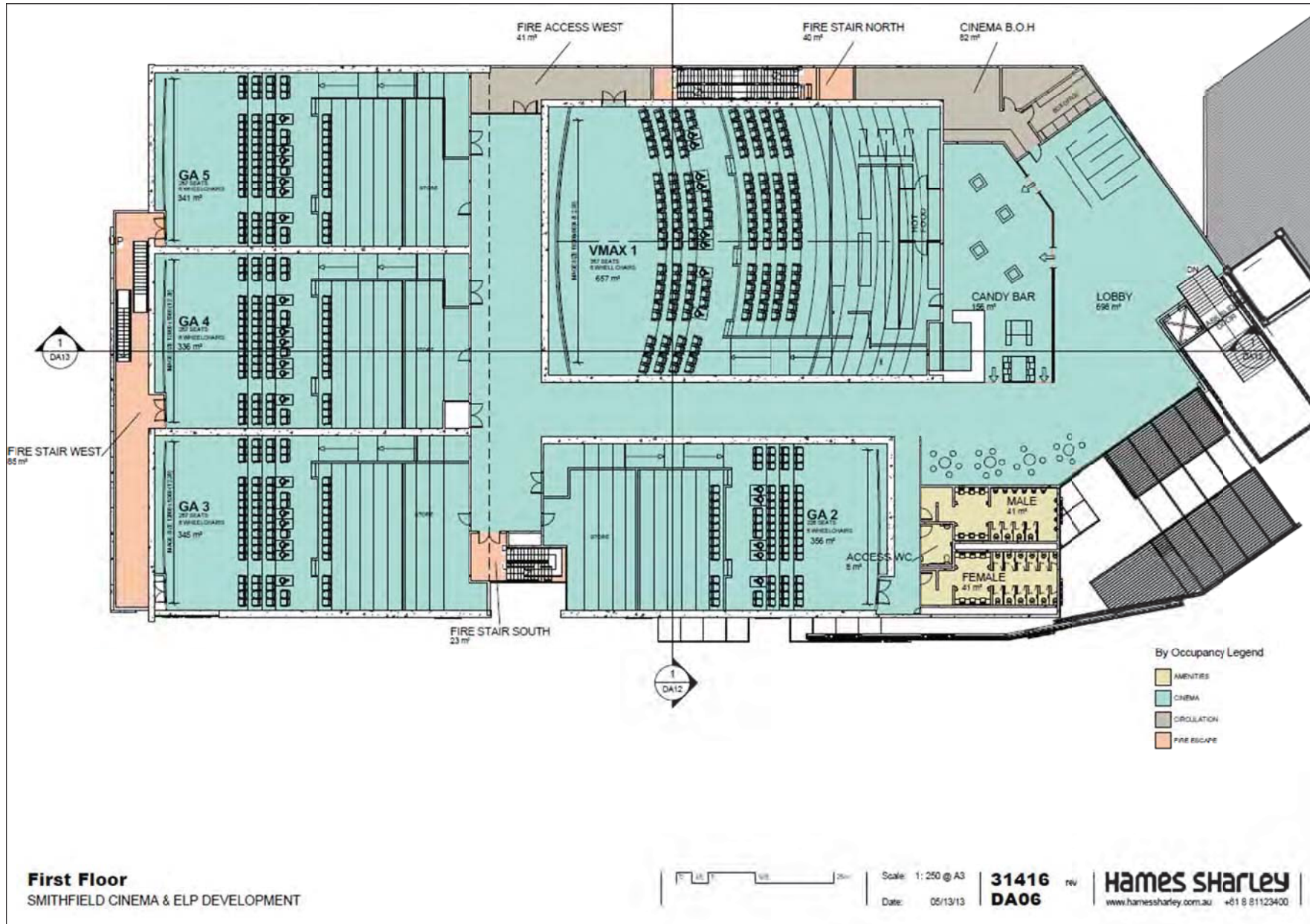


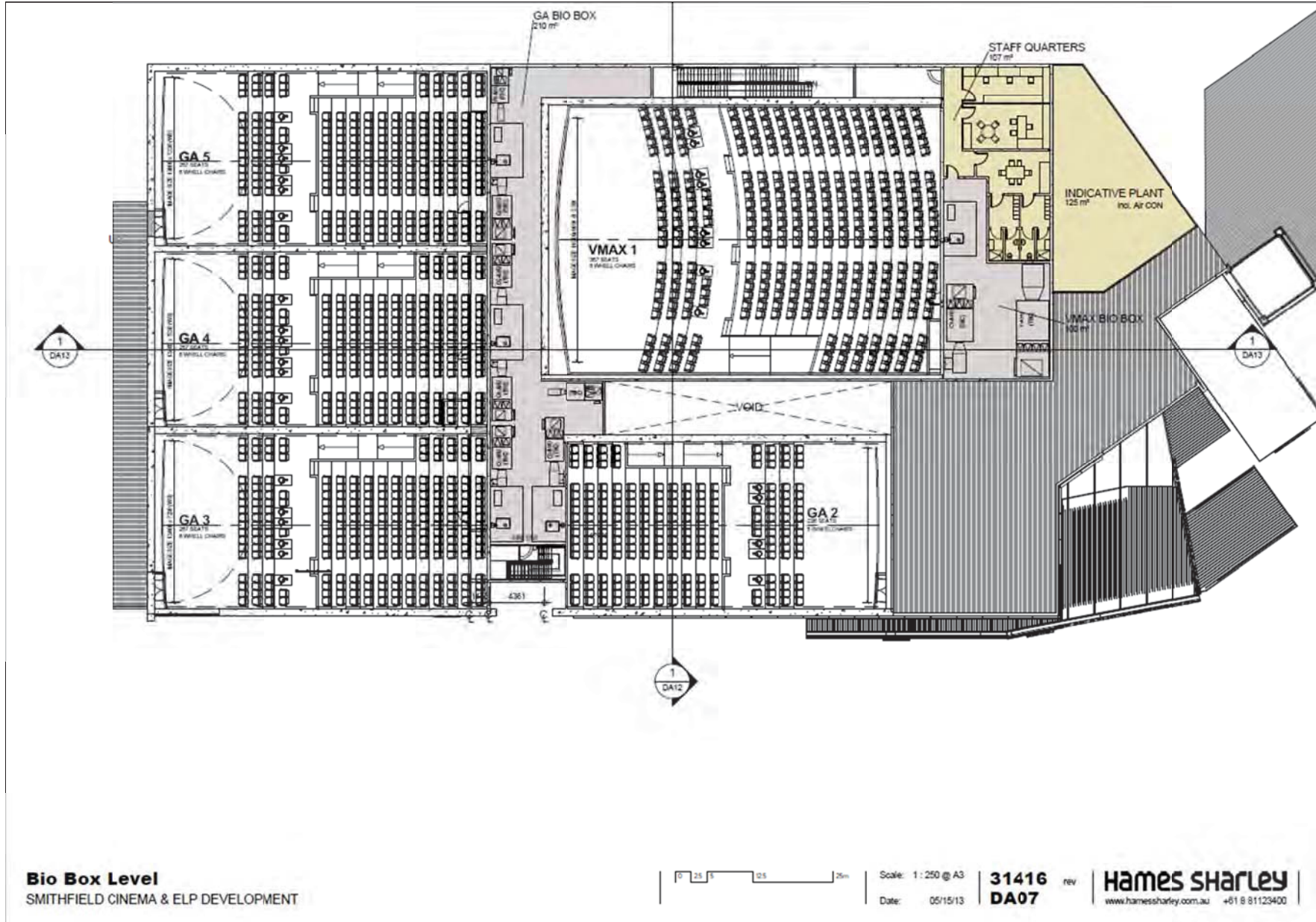
APPENDIX 2 - APPROVED PLAN(S) & DOCUMENT(S)

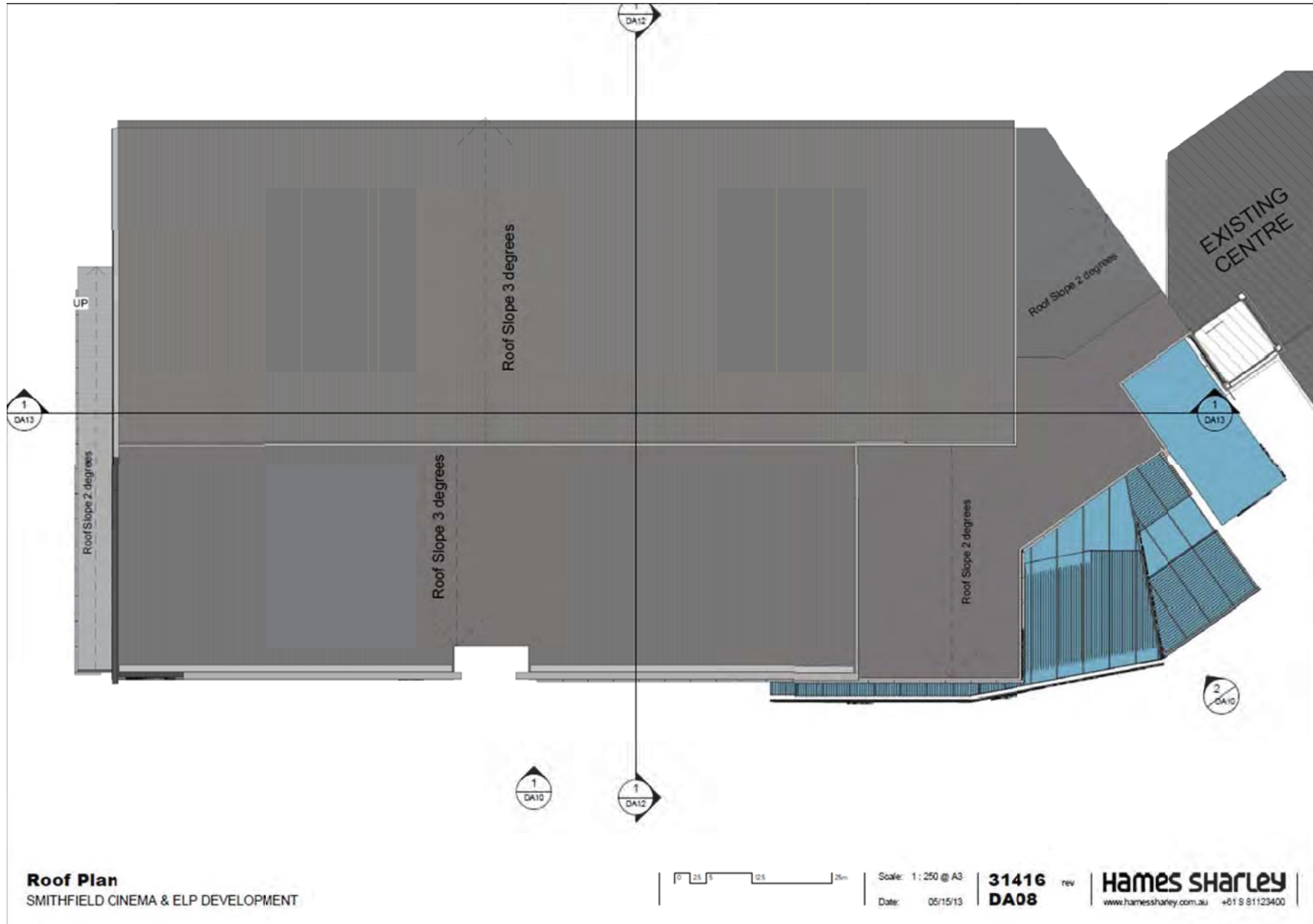














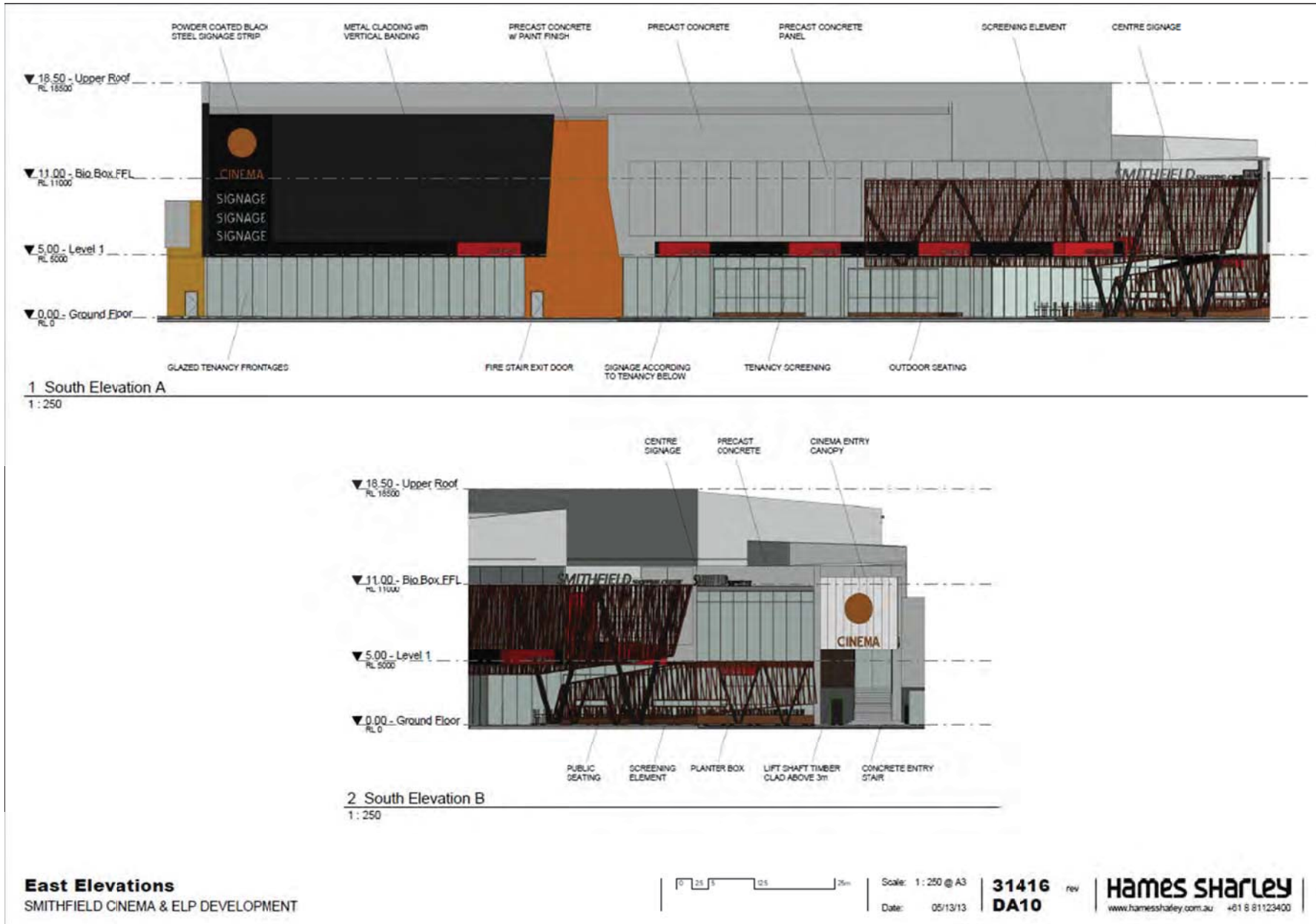
Dry Walking Area
SMITHFIELD CINEMA & ELP DEVELOPMENT

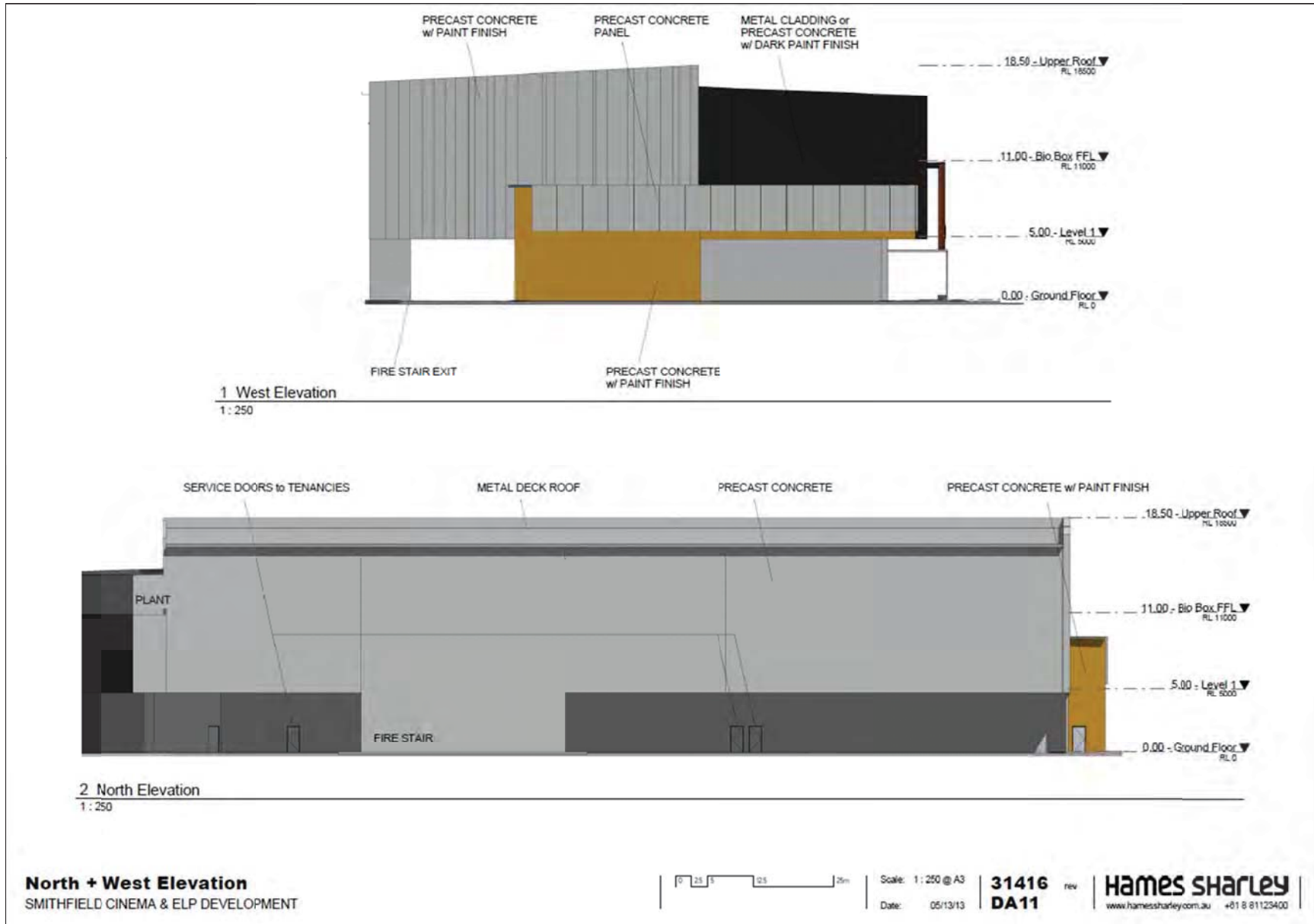


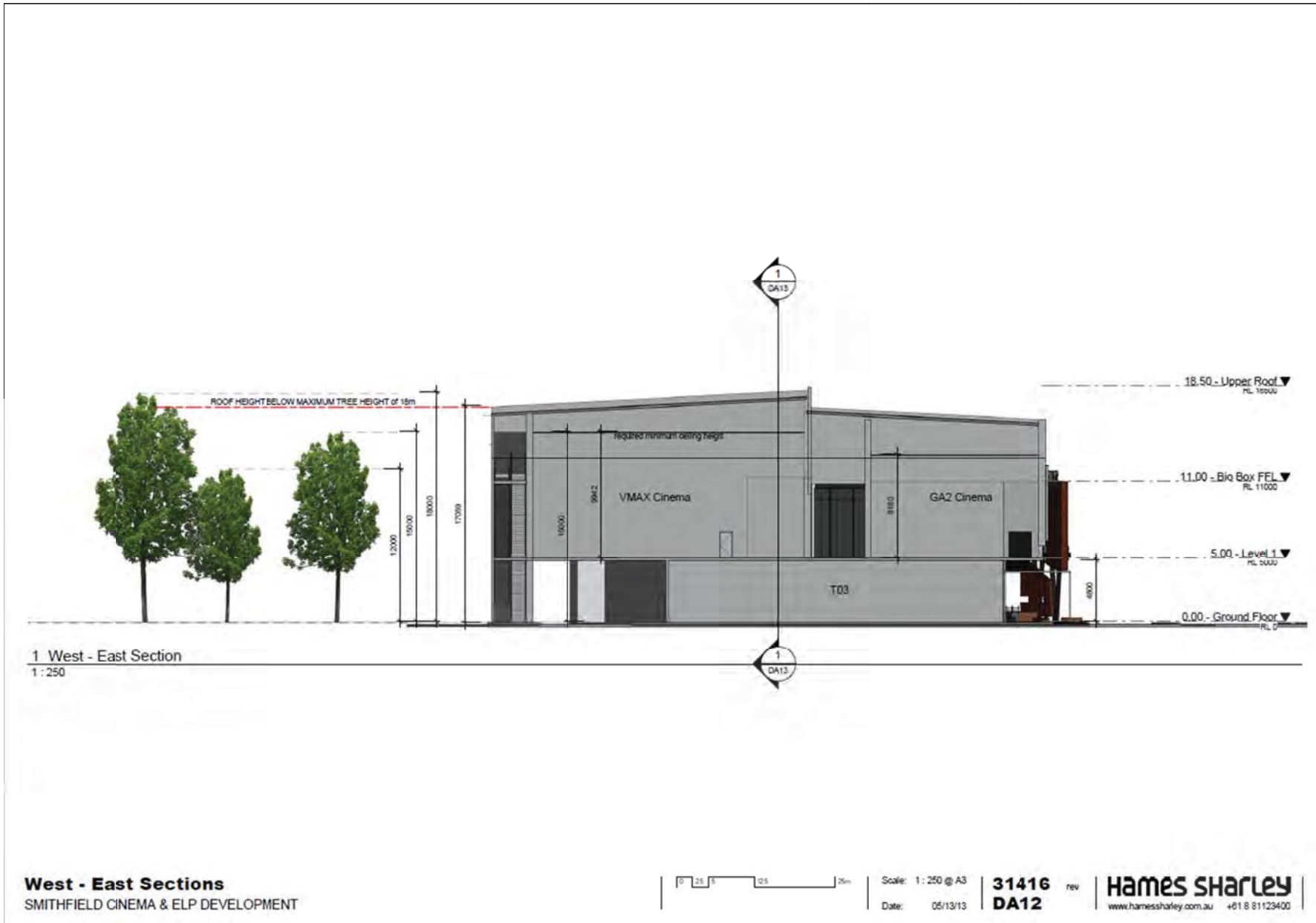
Scale: 1:500 @ A3
Date: 05/22/13

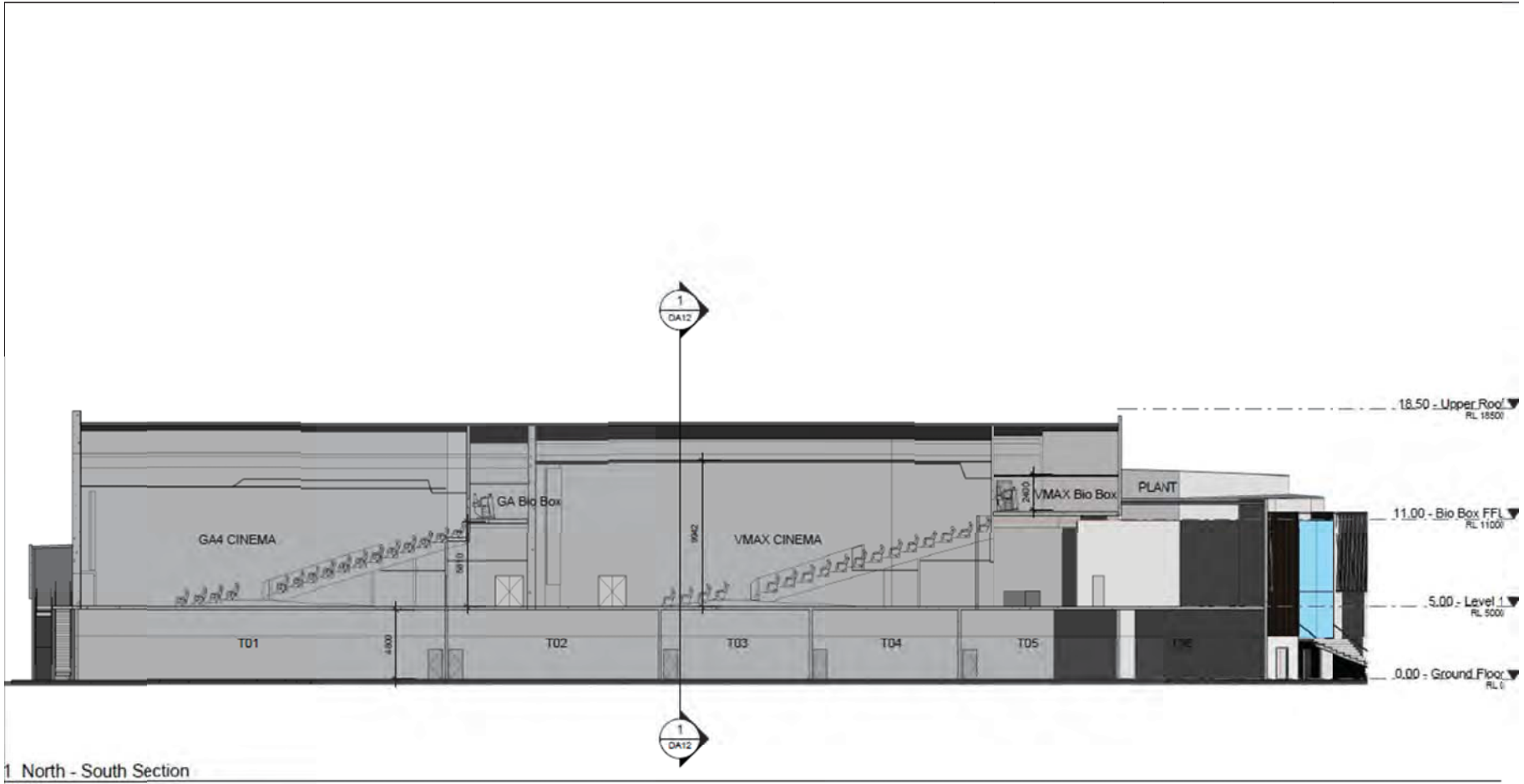
31416 rev
DA09

HAMES SHARLEY
www.hamessharley.com.au +61 8 81123400



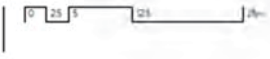






1 North - South Section
1:250

North - South Section
SMITHFIELD CINEMA & ELP DEVELOPMENT



Scale: 1:250 @ A3
Date: 05/13/13

31416 rev
DA13

HAMES SHARLEY
www.hamessharley.com.au +61 8 81123400

The image displays architectural material layering diagrams and a perspective rendering of the Smithfield Cinema building. Two diagrams at the top show cross-sections of the facade with three layers (1, 2, 3) and material options. The left diagram shows options for Timber Slat, Articulated, Layered, Perforated Art, Dark Fallow, and Glass. The right diagram shows options for Glass, Dark Fallow, Wall, Perforated Art, Perforated Steel, and Timber Slat. A central perspective rendering shows the building's facade with a large 'CINEMA' sign and a yellow sun logo. The building features a mix of materials, including wood slats and glass.

Material Layering
SMITHFIELD CINEMA & ELP DEVELOPMENT

Scale: @ A3
Date: 05/23/13

31416 rev
DA15

Hames Sharley
www.hamessharley.com.au +61 8 81123400