

**PLANNING AND ECONOMIC COMMITTEE****13 AUGUST 2014****3**

MATERIAL CHANGE OF USE - HOLIDAY ACCOMMODATION TO MULTIPLE DWELLINGS & HOLIDAY ACCOMMODATION - UNITS 8, 18, 23, 29, 32, 36, & 39 AT 26-30 SHERIDAN STREET CAIRNS CITY - DIVISION 5

Gary Warner: 8/7/3031: #4411857

PROPOSAL: MULTIPLE DWELLINGS & HOLIDAY ACCOMMODATION

APPLICANT: R P PALETHORPE  
PO BOX 461  
PORT DOUGLAS QLD 4877

LOCATION: 26-30 SHERIDAN STREET CAIRNS CITY

PROPERTY: LOTS 8, 18, 23, 29, 32, 36, 39 ON BUP101919

PLANNING DISTRICT: CBD NORTH CAIRNS

PLANNING AREA: CITY CENTRE

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: N/A

NUMBER OF SUBMITTERS: N/A

STATUTORY ASSESSMENT DEADLINE: 29 AUGUST 2014

APPLICATION DATE: 30/06/2014

DIVISION: 5

APPENDIX:

1. APPROVED PLAN (PART)
2. SUPPORTING INFORMATION TO PLANNING REPORT
  - A. AERIAL PHOTO
  - B. SAMPLE FLOOR PLAN
  - C. COPY ORIGINAL APPROVAL
  - D. COPY AMENDING LETTER TO ORIGINAL APPROVAL

**LOCALITY PLAN**



**RECOMMENDATION:**

That Council approves the development application for Multiple Dwellings & Holiday Accommodation over land/buildings described as Lots 8, 18, 23, 29, 32, 36, 39 on BUP101919, located at 26-30, Sheridan Street Cairns City, 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
Plan of Survey for Units	BUP101919	25/01/1995

**ASSESSMENT MANAGER CONDITIONS**

No conditions apply.

**ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. The applicant/owner should consult with a Licensed Building Certifier regarding the possible requirement to re-classify the buildings/units.

4. For information relating to the *Sustainable Planning Act 2009* log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access FNQROC Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

### **LAND USE DEFINITIONS**

In accordance with the approved land uses of Multiple Dwellings & Holiday Accommodation defined as:

#### **Multiple Dwelling**

**Means; the use of premises comprising six or more dwelling units of self-contained accommodation on one lot for residential purposes. The use includes accommodation commonly described as flats, home units, apartments, townhouses or villa houses.**

#### **Holiday Accommodation**

**Means; the use of premises for the accommodation of tourists or travellers.**

**The use may include restaurants, bars, meeting and function facilities, dining room, facilities for the provision of meals to guests and a manager's unit and office when these facilities are an integral part of the accommodation. The use includes facilities commonly described as holiday apartments or suites, international or resort hotel or motel.**

\*This definition is 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 has received a Material Change of Use application to "convert" the use of some apartments within the Il Centro Complex from Holiday use to a Mix of Holiday and Permanent Use to provide the subject seven owners with flexibility in terms of how their respective units are utilised. The premises were Approved under an old (1971) Planning Scheme as "accommodation Units" a definition that did not make a distinction between holiday or permanent use of a particular unit. The proposal does give rise to the perceived conflicts between planning Law and Body Corporate and Real Estate Law however in this report Planning Law and rights must prevail. The proposal can be approved as the building, its location, its Planning Area and it's on site amenity and facilities are all sufficient to provide for either form of use and occupation.

## **PLANNING CONSIDERATIONS:**

### **Proposal**

A Material Change of Use application has been received requesting the “conversion” of use of seven existing units in the Il Centro complex from Holiday Accommodation to a mix of Holiday Accommodation and Multiple Dwellings. (Multiple Dwellings being permanent self-contained accommodation). Il Centro is a four storey accommodation building constructed in 1995 that has largely been used for holiday accommodation over the past 15 years. The complex contains 39 units and 40 car parks and is owned in strata by various owners and investors. Changes in ownership over time have led to some owners occupying their own units or leasing their units to long term tenants. The units that form the subject of this application are shown on Building Format Plan 101919 (See Appendix 1). The car parks are legally contained within the title to each lot/unit. The areas of each unit are as listed below.

<b>Lot No.</b>	<b>Unit / Lot Area (m<sup>2</sup>)</b>	<b>Car park Area (m<sup>2</sup>)</b>
<b>8</b>	<b>56</b>	<b>15</b>
<b>18</b>	<b>54</b>	<b>16</b>
<b>23</b>	<b>54</b>	<b>16</b>
<b>29</b>	<b>53</b>	<b>15</b>
<b>32</b>	<b>53</b>	<b>15</b>
<b>36</b>	<b>54</b>	<b>14</b>
<b>39</b>	<b>54</b>	<b>14</b>

Each of the subject units is generally 4.27m wide and approximately 12m long. Each unit contains a single separate bedroom and are self-contained. Appendix 2 contains an extract from the building plans showing the ground floor and level 1. Unit 2 is a larger 2 bed room “Managers” unit. Internal access is gained through lifts and stairs. The units have access to a 400m<sup>2</sup> outdoor recreation/pool area. The units that are the subject of this application are distributed across 3 levels of the building whilst the associated car parking is all located in the ground floor level.

### **Background**

The subject complex is located in the southern end of Sheridan Street immediately opposite the Police Station and Court house. A vacant site adjoins to the south and has a recent approval issued for multiple uses including business and shopping facilities and multiple dwellings. (See aerial photo in Appendix 2).

As noted above the complex has predominantly been used as a holiday and business short term letting facility despite originally being approved as a more general “accommodation” facility. Changing market and living conditions have driven the need for some unit owners to review how the units are used and in order to provide certainty and flexibility the subject request has been made to provide for both short term and permanent living within the subject units. It is noted that most accommodation buildings constructed throughout the city in recent times have gained approval for both uses, to provide the same level of flexibility. By way of background to this application the following summary of the buildings’ planning history is provided as follows.

The 1971 Planning Scheme for the City of Cairns was the Planning Scheme in force when the application for the development of the site was submitted and approved. Two elements of that Planning Scheme and the associated Town Planning Bylaw and Policy on Car Parking are particularly relevant to the consideration of the matter. They are the definition of the land use and the car parking requirements.

### **Land Use Definitions**

Under the 1971 Scheme, there were three defined terms for what may broadly be described as medium density residential uses:

- Accommodation Units (high density)
- Accommodation Units (medium density)
- Accommodation Units (low density).

The definitions of Accommodation Units (high density) and Accommodation Units (medium density) both included the wording:

*Any land, building or other structure used or intended for use as flats and home units, serviced rooms, boarding houses, guest houses, hostels, unlicensed hotels, old peoples homes, motels or residential club.*

The difference between the two was that high density referred to a site population density exceeding 300 persons per hectare but not exceeding 800 persons per hectare while medium density referred to a site population density of not more than 300 persons per hectare and to a height not in excess of 10 metres.

The definition of Accommodation Units (low density) referred to development comprising two flats or two home units only in accordance with Council Policy and not in excess of 7.5 metres in height.

The definitions, particularly high density and medium density, did not make any distinction between use of accommodation on a tourist or short term basis and use on a permanent or long term basis.

### **Car Parking Requirements**

At the time the original application was made and approved, the car parking requirements pursuant to the 1971 Scheme were set out in a Local Planning Policy No 5 titled "Car Parking (a) Guidelines for Provision of Off-Street Parking".

The requirements for the defined term of Accommodation Units included the following:-  
(a) *Flat building – One car space for each flat and one additional car space for each four flats;*

(c) *Motels –*

(1) *Self-contained units (including manager's unit)  
One car space per unit.*

*N.B. Applications for the Strata Titling of Self Contained Motel Units will not be approved unless one car space per motel unit is provided on the site.*

### **Original Development Application**

An application for Town Planning Consent (planning approval) was submitted to the Council in December, 1993. (REF 3902/93 and 8/18/1571) The application was for Accommodation Units as defined in the 1971 Planning Scheme. The proposal was for a four storey building to contain 38 x 1 bedroom units and 1 x 2 bedroom unit. 41 car parking spaces were to be provided on the ground level of the development. The application was considered by the Planning and Development Committee in February, 1994 and was approved subject to relatively normal and straight forward conditions. A copy of the original approval is contained in Appendix 2.

The only matter which required detailed consideration was the provision of car parking. The report on the application indicated that a minimum of 48 spaces (the calculation appears to have been rounded down) were required to be provided on the site but that 39 spaces were proposed to be provided. The report also indicated that the architects for the proposal had requested that Council accept a contribution in lieu of the provision of the additional 9 spaces on the site. At the time the contribution was \$16,000 per car park shortfall.

The application was approved subject to conditions with Condition 1 requiring a minimum of 39 spaces be provided on the site. In a separate resolution, the Committee resolved to accept a contribution in lieu of the provision of the shortfall of 9 spaces. The architects were advised accordingly by letter dated 8 February 1994.

### **Request for Variation to Car Parking Requirements**

In May 1994, the architects submitted a request for Council to vary the car parking requirements. This was one of four requests relating to the proposed development at 26 – 30 Sheridan Street and to three other similar proposals.

The variation proposed was that parking be provided at the rate of 1 space per holiday apartment or unit rather than at the rate of 1.25 spaces per unit which was the requirement of the 1971 Planning Scheme.

While the original application had not been promoted as holiday or short term accommodation, the requests were made on the following basis:-

- a. The developments had been designed as holiday apartments. The developments incorporated on site management and a breakfast room. The apartments included a convenience kitchenette and were bigger than a motel room but were too small for permanent living.
- b. The apartments were designed to supplement the deficiency of hotel rooms in the City.

- c. The apartments were designed for a market that was not recognised in the 1971 Planning Scheme but was recognised in the draft Planning Scheme.
- d. The car parking requirement generated by holiday apartments is definitely less than that generated by apartments for permanent residents. This had been recognised in the draft Planning Scheme. Support of the proposed variation would give support to positive tourist development in Cairns.

The report addressing the parking issues discussed the existing and proposed car parking requirements and the implications of agreeing to the requests. Three options were identified:-

Option 1 – Require car parking to be provided at the rate of 1.25 spaces per apartment and accept a contribution for the shortfall in parking.

Option 2 – Resolve to amend the Car Parking Policy to introduce all the parking requirements included in the draft Planning Scheme.

Option 3 – Regard the developments as being the same as a strata titled, self-contained motel and accept car parking at the rate of 1 space per apartment.

Option 1 of 1.25 spaces per apartment and a contribution for any shortfall was recommended.

The Council resolved to accept 1 space per apartment. The architects were advised accordingly by letter dated 18 May 1994. (Copy attached in Appendix 1).

### **1997 Planning Scheme**

The draft Planning Scheme which became the 1997 Planning Scheme for Part of the City of Cairns was advertised for public comment in the second quarter (approximately) of 1994. It proposed the introduction of a separate definition of Holiday Apartments and some changes to car parking rates.

The proposed provisions of the draft Planning Scheme were well known in the first half of 1994 and were relied upon by the architects, at least in the request for consideration of the car parking requirements.

There was also a difference between the car parking rates for Accommodation Units and Holiday Apartments although that difference did not apply in the Central Business Zone (the Main Business and Shopping Zone under the 1971 Scheme), the zoning of the site.

For both uses, the parking rate was 1 space per unit for sites situated within the Central Business Zone (where the subject site is located).

The parking requirements in the draft were:-

- *Accommodation Units (High Density) and Accommodation Units (Medium Density) situated with the Central Business zone 1 space per unit*
- *situated outside the Central Business zone 1 ¼ spaces per unit*
- *Holiday Apartments (High Density) and Holiday Apartments (Medium Density)- one space per apartment*

### CairnsPlan Assessment

CairnsPlan CBD North Cairns Planning District		Code Applicability	Compliance
<b>Planning Area</b>	City Centre	✓	Complies
<b>Land Use</b>	Material Change of Use (Code Assessment) Multiple dwellings & Holiday Accommodation	✓	Complies – see text
<b>Overlays</b>	Hillslopes	✗	
	Vegetation Conservation & Waterway Significance	✗	
	Character Precinct	✗	
	Potential or Actual Acid Sulphate Soil Material	✗	
	Bushfire Management	✗	
	Flood Management	✗	
	Height and Impact of Buildings	✓	Precinct 1 – Complies
	Operational Aspects of the Cairns International Airport	✓	Existing building
<b>General</b>	Local Heritage Code	✗	
	Excavation and Filling Code	✗	
	Infrastructure Works Code	✗	
	Landscaping Code	✗	
	Parking & Access Code	✓	Complies
	Reconfiguring a Lot Code	✗	
	Development Near Major Transport Corridors & Facilities	✗	

### General Comments

The proposed changes are requested for within an existing building that is located within the City Centre Planning Area. The “Purpose” Statements from the City Centre Planning Area Code are of particular relevance and are quoted as follows:

*“The purpose of this Code is to facilitate the achievement of the following desired development outcomes for the City Centre Planning Area:*

- *The role of the City Centre, as the principal focus for Cairns, the region and the regional tourism industry, is maintained and strengthened;*
- *The widest range of higher order and specialised forms of retail, business, administrative, community, indoor entertainment and leisure facilities and cultural activities are established within the City Centre Planning Area;*

- The provision of housing for permanent residents and additional accommodation for tourists is facilitated, provided a high standard of residential amenity can be achieved;
- *A vibrant, engaging and active City Centre that is safe, comfortable and enjoyable for pedestrians”*

(Report Authors underlining)

Given that the subject application is over parts of an existing accommodation building built in 1995 under the Planning Scheme of that day the proposal can still meet most of the CairnsPlan 2009 Code provisions for the City Centre Planning Area.

### Multiple Dwelling & Holiday Accommodation Land Use Code

This code makes no distinction between the two land uses of Multiple Dwellings and Holiday Accommodation. The code is focussed on design aspects of new buildings being established for either of the above two purposes. Some of the purpose statements from this code are relevant to the subject proposal, eg.

*“Ensure that Multiple Dwellings are compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns;*

*Ensure that the design of Multiple Dwellings creates a pleasant living environment and is appropriate for the tropical climate of Tropical North Queensland;*

*Effectively manage the impacts of multiple dwelling development on neighbours;’*

The subject proposal (in an existing building) does not offer any challenges to these purpose statements.

The Multiple Dwelling & Holiday Accommodation Land Use Code does not have any Acceptable measures suggesting a minimum size for units. The code does specify minimum requirements for communal and private outdoor space. In particular, the acceptable measure for a communal landscaping / recreation area is 35% of the site. The subject site has an area of 1523m<sup>2</sup> ( requires 530m<sup>2</sup> of communal landscape and recreational area). The building has an outdoor landscaped pool area of 400m<sup>2</sup> and numerous other landscaped planted areas which easily meet the code requirement for landscape and recreational areas. Each unit is also required to be provided with private functional outdoor living areas directly accessed from the living areas of the units, the subject units each have a small balcony that just meet the 3m minimum dimension of the code.

In general, despite the 15 year time span since the construction of the building and the introduction of CairnsPlan 2009 and 3 changes in planning schemes over that time the subject building is still able to meet most of the requirements of the Multiple Dwelling & Holiday Accommodation Land Use Code.

### Parking & Access Code

The CairnsPlan 2009 Parking and Access code contains the following parking requirements as Acceptable Measures:

Multiple Dwellings	- 1.5 spaces per one or two bedroom unit
Holiday Accommodation	- 0.75 space per self contained unit

The subject seven units each have one space allocated per unit which provides a reasonable compromise between the above two figures and takes into account the inner city location of the premises. The building has never been provided with supplementary visitor parking.

### **ISSUES**

There are a number of peripheral issues arising from the receipt of the subject proposal. These are generally technical matters and generally do not directly constitute planning issues.

#### **Owners consent to making a Development Application**

This issue does effect how an application might progress through the planning process. The applicant contended that the proposal can be lodged with Council without the consent of the relevant Body Corporate endorsement. Council officers sought legal advice on this aspect of the proposal, which concluded that;

- a. provided the proposed use will involve the use of common property for access purposes only, common property does not form part of the land the subject of the application and need not be included in the IDAS form 1; and
- b. if there is to be no development of the common property (e.g. no material increase in the scale of the use of common property) the common property does not form part of the application and it follows that the consent of the body corporate is not required;

On the above basis the application was processed without the consent of the Body Corporate for Il Centro.

Further, there is nothing in law to prevent the applicants from making the subject application.

#### **Building Classification**

Buildings are classified under the Building Code of Australia in accordance with the purpose for which it is designed, constructed or adapted to be used. The subject building was classified as a Class 2 building from the outset, most likely reflecting the generic "Accommodation Unit" use for which it was approved. A Class 2 building is one which includes more than one dwelling unit, each of which is generally solely occupied by one or more people to the exclusion of others. This classification is appropriate to the subject seven units. This fact may bring into question the classification of the balance of the building.

## **Holiday Let Management**

There have been submissions made to the effect that the permanent occupation of units within such complexes may impact on the commercial viability of “Management Rights” obtained by operators/ managers of such complexes. Advice to Officers indicates that the “Management Rights” are entered into between the Body Corporate Committee and the prospective Managers, such “rights” amount to a care-taking agreement that includes one or more units within a complex. Officers understand that there is no obligation for any particular unit owner to have their particular unit included in a “letting” pool. It is not the role of the Planning system to “protect” any financial roles of a person that has the care-taking role in such complexes.

## **Body Corporate Role**

Council as assessment manager under the *Sustainable Planning Act 2009* ('SPA') is not required to consider other obligations contained in body corporate legislation. It is also noted that the premises are “managed” under a Community Management Statement for Il Centro Community Titles Scheme 17438, including common property which is owned by the Body Corporate for Il Centro Community Titles Scheme 17438 ('the CMS').

The CMS records that it is subject to the Accommodation Module, which provides the fine detail for the management structure of the individual community titles scheme. There have been attempts in the past for such schemes to be restricted in terms of the type of residential uses that can take place in a complex. Such attempts to set restrictive and limiting rules have failed in the Hearings of the Queensland Body Corporate and Community Management Commissioner.

## **Impacts**

The key matter for consideration in this application is the residential amenity of both the permanent dwellers and any holiday makers. In terms of built form the subject units are of adequate size for permanent living and reflect the size of many units located in Cairns that are used for permanent living. Despite 15 year gap between current planning scheme and the scheme under which the building was constructed there has been little change in the design parameters for the living and recreational spaces. There may also exist a different level of expectation of living conditions between permanent vs holiday users of such premises, such expectations are human behaviour issues rather than planning issues. The relevant Body Corporate Community Management statement clearly spells out day to day managements of apartment complexes of this nature which are in neutral in terms of the nature of the occupation of the units within a building.

There are no impacts on the integrity of the current and past planning schemes as all schemes have anticipated different types of residential use in this part of the city.

There are no perceivable differences in demand on the resources of the Council or the Body Corporate between a fully occupied holiday apartment and an apartment being lived in permanently.

There is unlikely to be any change in the intensity or scale of use of the common property of the complex, in particular the outdoor recreational area. It would indeed be difficult to differentiate between the two forms of users of those facilities. Permanent owners may have higher expectations in terms of maintenance of a building of this nature as they are more likely to be in a position to observe the day to day up-keep of the premises. This is a human nature matter which once again is controlled by the Community Management Statement for the premises.

### **Summary & Recommendations**

In summary Officers conclude that the proposed dual use of the subject units will have no environmental impacts. The units and associated Common Property have sufficient size and amenity to sustain both permanent and holiday land uses. The proposed uses are not in conflict with the relevant provisions of the Planning Scheme.

### **Public Notification / Submissions**

The proposal is Code Assessable and did not require Public Notification. Informal written and verbal submissions were made and have been taken into account during the assessment process.

### **HEADWORKS / CONTRIBUTIONS:**

The proposed development does not trigger Developer's Headwork's Contributions as these were calculated and paid when the building was established in 1995.



Gary Warner  
Coordinator - Development Assessment  
Action Officer

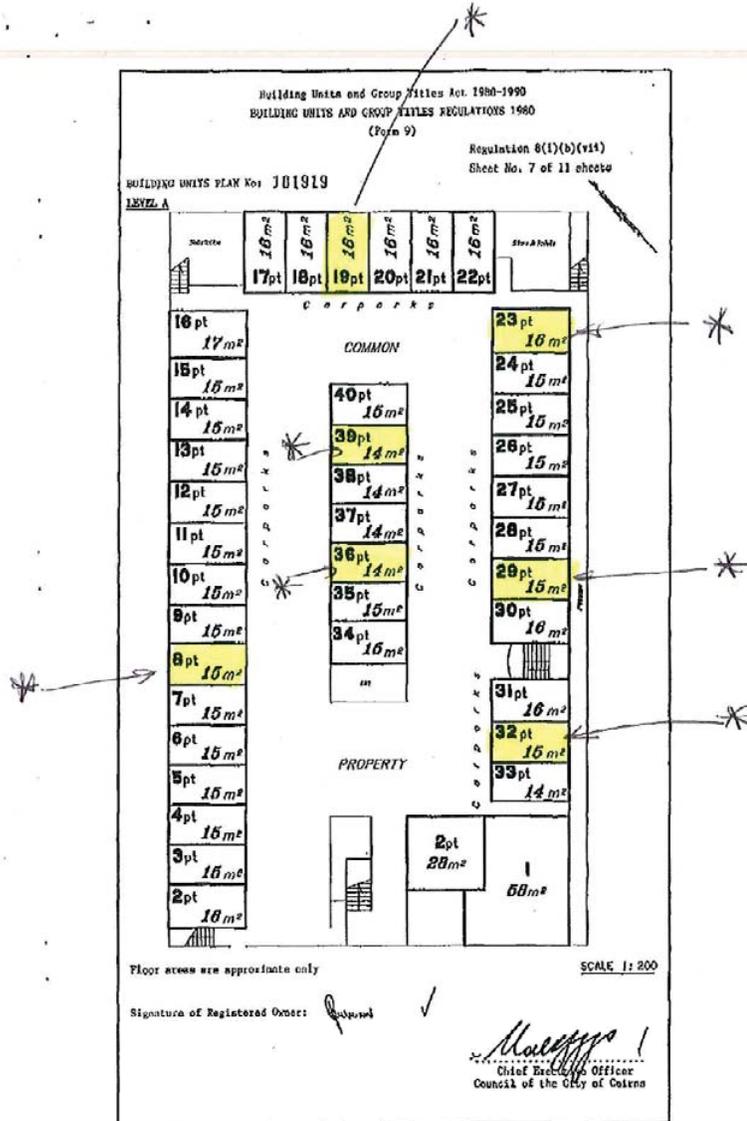


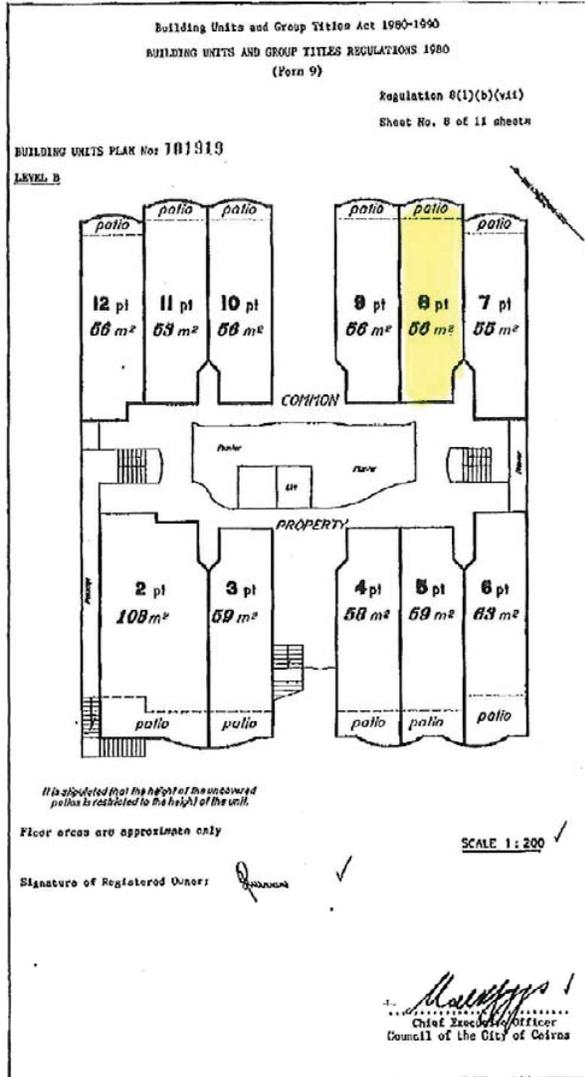
Graham Boyd  
Manager Development & Regulatory Services

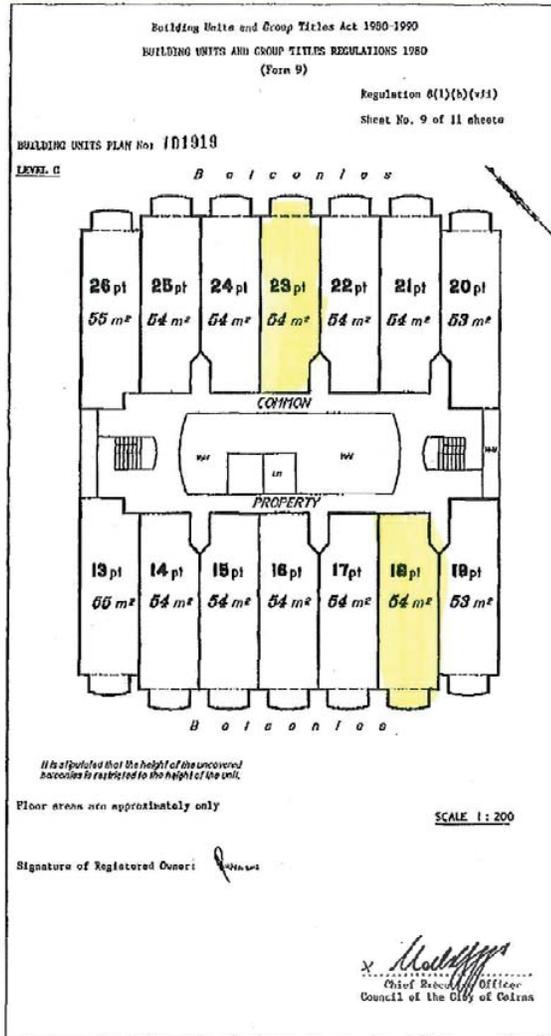


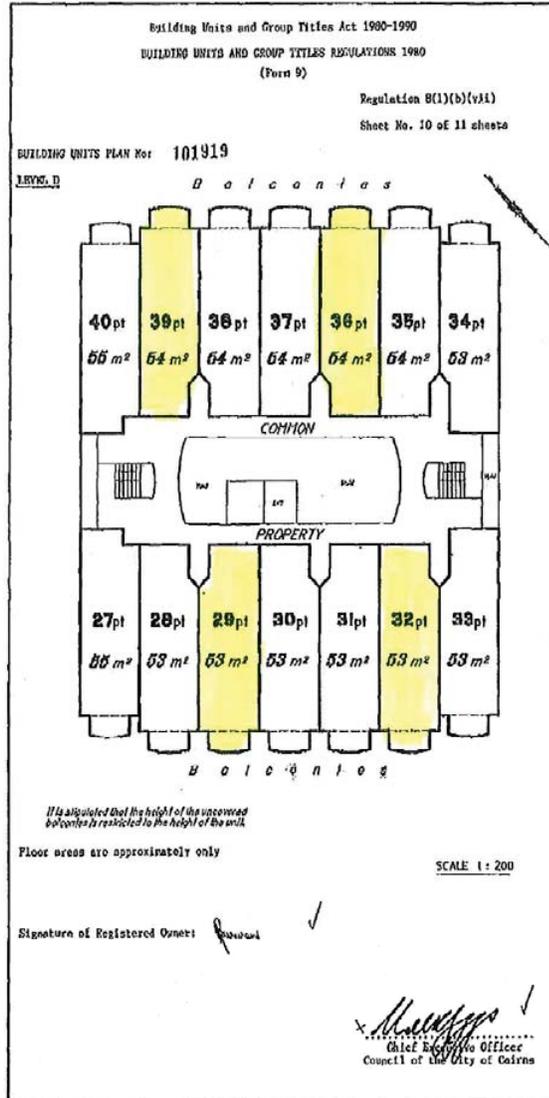
Peter Boyd  
Acting General Manager Planning & Environment

**APPENDIX1 – PART APPROVED PLAN (PART BUP101919)  
SUBJECT UNITS HIGHLIGHTED**









Building Under the Group Titles Act 1980-1990  
BUILDING UNITS AND GROUP TITLES REGULATIONS 1980  
(Form 9)

Regulation 8(1)(b)(vi)  
Sheet No. 11 of 11 sheets

BUILDING UNITS PLAN No: 101919  
LEVEL 1

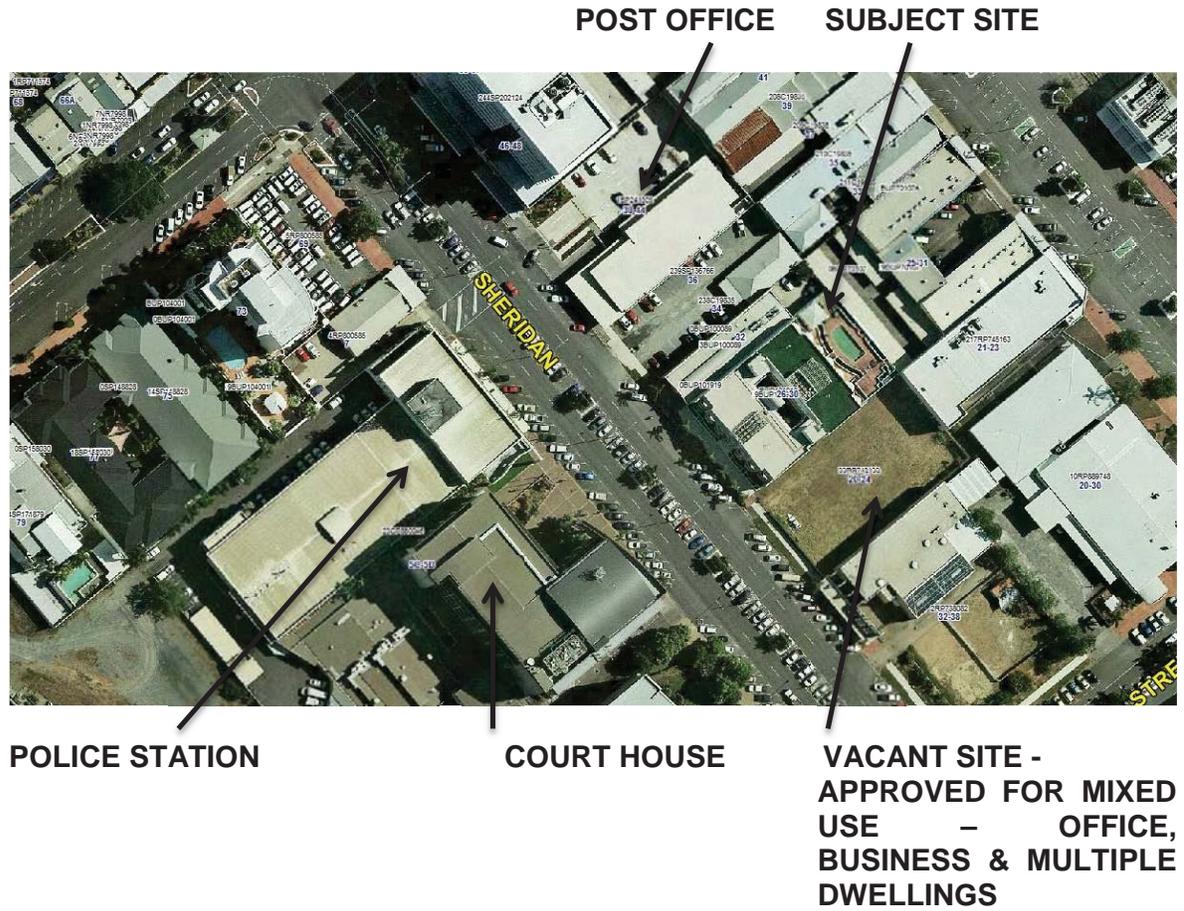
The diagram is a floor plan for Level 1. It features a large outer rectangle labeled 'COMMON' at the top. Inside this is a smaller rectangle labeled 'PROPERTY' at the bottom. Within the 'PROPERTY' area, there are two rectangular fixtures labeled 'W', representing water fixtures. The plan shows various wall thicknesses and door openings.

SCALE 1:200

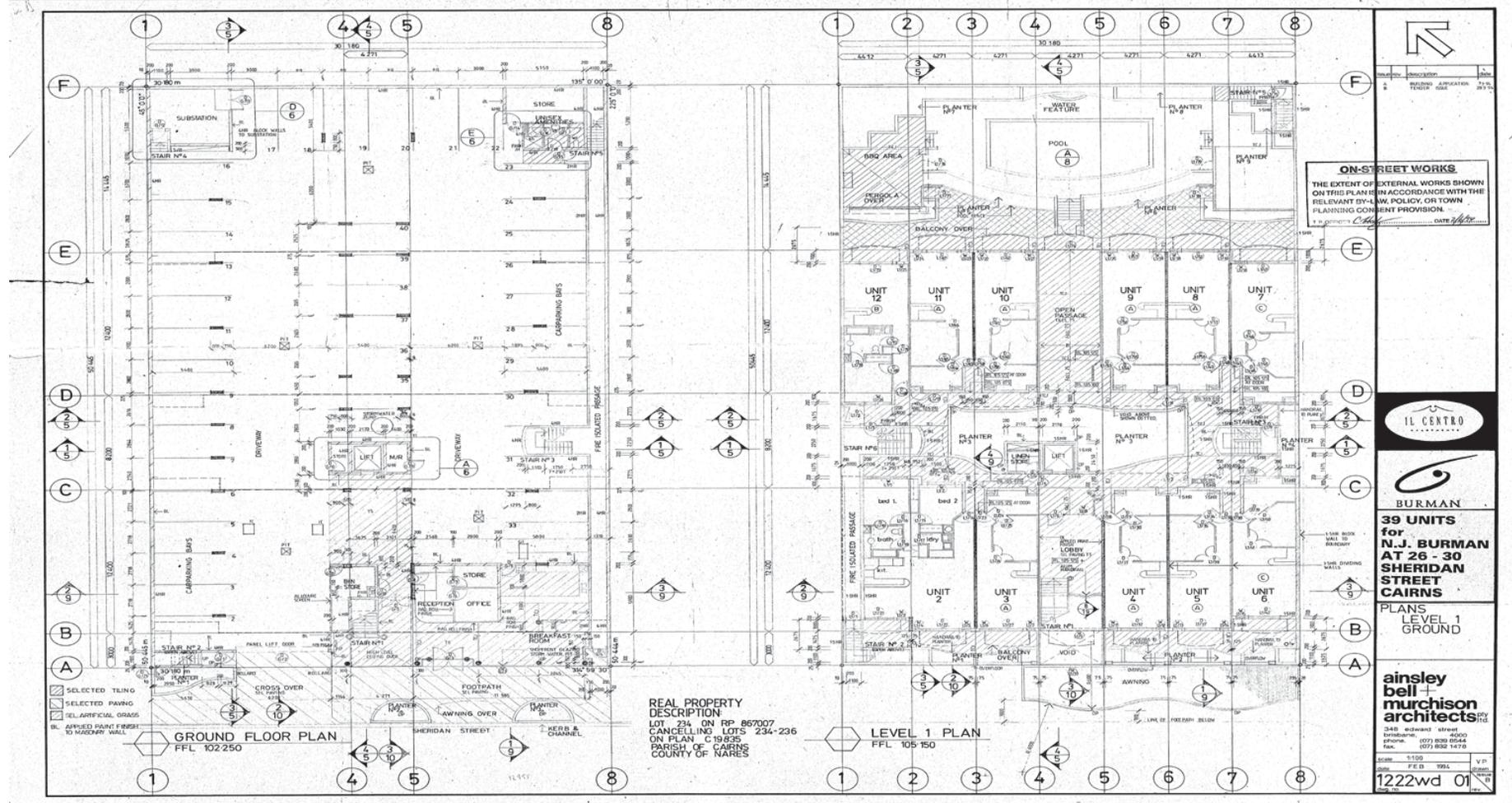
Signature of Registered Owners: *Reverend* ✓

*[Signature]*  
Chief Executive Officer  
Council of the City of Colton

**APPENDIX 2 A – SUPPORTING INFORMATION – AERIAL PHOTO OF LOCALITY**



APPENDIX 2 B - SUPPORTING INFORMATION – SAMPLE FLOOR PLAN



## APPENDIX 2C SUPPORTING INFORMATION - COPY ORIGINAL APPROVAL

Mr C Hodgson  
 (070) 50 2425  
 (070) 31 3232  
 KLH (1059) 3902/93, MC13105

8 February, 1994

CONSENT  
 LANDS DEPARTMENT  
 TOWN PLANNING SECTION  
 DEVELOPMENT WORKS ENGINEER  
 FINANCE DEPARTMENT  
 RECORDS

Neville J Burman  
 Level 14  
 National Mutual Tower  
 15 Lake Street  
 CAIRNS Q 4870

Dear Sir/Madam,

I refer to your application for the Consent of Council to the erection and use of a building and use of land:-

described as : Lots 234, 235 and 236 on Plan C19835  
 situated at : 26-30 Sheridan Street, Cairns  
 containing an area of : 1,523m<sup>2</sup>  
 current use : Vacant Land

CONSENT has been given by the Council to the use of such land and the erection and use of a building or buildings for the purpose of 3 x 1 bedroom and 1 x 2 bedroom accommodation units subject to the following conditions:-

- a. Any erection and use and occupation shall at all times comply with the conditions laid down and provided for in the Town Planning Scheme from time to time.
- b. The provisions of the Local Government Act, the Local Government [Planning and Environment] Act, the Building Act, the Health Act, the Food Act 1981 and all other relevant Acts and Regulations and the By-Laws of the Council from time to time shall at all times be observed and performed in relation to the land, the building and the use and occupation thereof.
- c. Submission to and approval by Council of satisfactory building plans and specifications in accordance with the Building Act, Council's By-Laws and the City of Cairns Town Planning Scheme where applicable and generally in accordance with the approved Plan No. 1222 SK1 dated December 1993.
- d. The issue of this Consent in no way implies building approval, either in principle or in detail, of any plans of the proposed development which may have been submitted and approval of such plans shall be the subject of a separate application in accordance with the Council's By-Laws.
- e. The provisions of the Town Planning Consent are to be effected prior to the commencement of the specific use as granted by the said Consent.

AND WITHOUT limiting the generality of the foregoing conditions, the following specific conditions shall apply:-

1. Provision shall be made on the site for carparking spaces and access thereto at the rate current at the time the Building Application is submitted as well as for the loading/unloading of vehicles. Such carparking, access and loading/unloading areas shall be constructed in accordance with the requirements of the City of Cairns Town Planning Scheme and By-laws and the approved plans and to the reasonable satisfaction of the City Engineer. On the present method of calculation 48 spaces would be required.

A minimum of 39 spaces shall be provided on the site.

2. The access to the off-street carpark shall have a minimum vertical clearance of 2,100mm.
3. The vehicular driveway serving the carparking area shall feature a physical means of speed control at the exit point near the front alignment to the satisfaction of the City Planner.
4. A landscaping plan, conforming with all the relevant provisions of the approved plan/s of layout, shall be submitted to and shall be approved by the City Planner prior to the issue of Building Approval. In particular, the plan shall show a minimum of 790m<sup>2</sup> of on site landscaping.
5. Areas to be landscaped shall be established and maintained at all times to the satisfaction of the City Planner.
6. All toilets in the accommodation units shall be fitted with dual flush cisterns to the satisfaction of the City Planner.
7. The location of the refuse storage area shall be approved by the Chief Health Surveyor, having regard to neighbouring residential properties. Refuse storage, removal and collection methods shall be in accordance with the "Refuse Management Regulations 1983", Council Policies and to the satisfaction of Council's Chief Health Surveyor.

The refuse storage area shall provide for the separation of various components of refuse as required by the Chief Health Surveyor.

8. The applicant shall construct the following works external to the subject site :-
  - a. Repair the existing kerb and channel in Sheridan Street.
  - b. Provide full width footpath paving to the Sheridan Street frontage.
  - c. Remove redundant crossovers and reinstate kerb and channel.
  - d. The footpath shall be planted and the planters irrigated in accordance with the requirements of the CBD Landscape Master Plan.
  - e. Provision of a light industrial crossover plus apron.

Three copies of a plan of the works shall be submitted to and shall be approved by the City Engineer prior to issue of Building Approval. Such works shall be constructed in accordance with the approved plan to the satisfaction of the City Engineer and/or the current Council specifications.

9. The applicant shall undertake protection or alterations to the sewer to the satisfaction of the City Engineer as may be necessary in accordance with Council's Policy adopted in June 1975.

10. The applicant shall contribute towards the augmentation of water supply and sewerage services. The amount of the contribution shall be determined by the City Engineer prior to the issue of the Building Approval. On the present method of calculation, the augmentation costs shall be \$24,540 for water supply and \$27,110 for sewerage.
11. The site shall be amalgamated into one allotment and the plan of amalgamation shall be lodged for registration in the Department of Lands prior to the issue of Building Approval.
12. Mechanical drying facilities shall be provided to all accommodation units to the satisfaction of the City Planner.
13. The applicant shall contribute in lieu of upgrading the centre median landscaping in accordance with the provisions of the CBD Landscape Master Plan. On the present method of calculation the contribution shall be \$2,265.
14. A report prepared by a qualified acoustics engineer identifying sound control measures that will be incorporated in the proposed development to alleviate aircraft noise exposure shall be submitted to the City Planner prior the issue of Building Approval.
15. A cantilevered awning shall be erected over the footpath with a setback of 1 metre from the face of the kerb to the satisfaction of the City Planner.
16. To guarantee the satisfactory completion of the building, site works, landscaping, drainage works and any required works external to the land, the applicant shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000, such Guarantee to be in a format considered satisfactory by the City Accountant. The Bond or Guarantee shall be lodged prior to the issue of any Building Approval on the land in relation to this Permit and the Council may call up the Guarantee to complete all or any part of the works mentioned herein to its satisfaction, should the developer of the land fail to do so.

If there shall at any time be any breach of any of the above conditions to this Consent, Council has powers under the provisions of the Local Government [Planning and Environment] Act to take legal action to ensure compliance with these conditions. Council may also determine to revoke the Consent.

I would point out that you have the right by virtue of the provisions of Part 7 of the Local Government [Planning and Environment] Act to appeal to the Court against any of the abovementioned conditions. I attach hereto the relevant section of the Local Government [Planning and Environment] Act for your information.

Yours faithfully,



**B. A. HEDLEY,  
DIRECTOR - PLANNING & DEVELOPMENT.**

Atch.

APPENDIX 2D SUPPORTING INFORMATION - Copy of Letter amending Original Approval

CAIRNS CITY COUNCIL



000165031

Mr. B. Hedley  
 (070) 502 470  
 (070) 31 3232  
 SDS (1210/30) MC14307, MC13761  
 MC13765, MC13587  
 May 18, 1994

HEADER	2492
FILE	13105
DATE	/ /
OFFICER	

Ainsley Bell & Murchison Architects Pty. Ltd.,  
 348 Edward Street,  
 BRISBANE. QLD. 4000.

Dear Sir/Madam,

**RE : REQUESTS FOR VARIATION TO CARPARKING  
 REQUIREMENTS - PROPOSED HOLIDAY APARTMENTS**

I refer to your letters concerning requests for variations to carparking requirements. Your requests were considered by Council at the recent Ordinary meeting.

After considering your requests in detail, Council resolved to support an on site carparking rate of one space for each accommodation unit for developments at -

26-30 Sheridan Street  
 20-24 Sheridan Street  
 62-66A Abbott Street  
 141-143 Grafton Street

on the basis that :-

- the proposed developments will have on-site management and are intended to operate as holiday apartments;
- Council's Policy currently requires one carspace for each strata titled self-contained motel unit which is considered to be a similar use to the proposed holiday apartments; and
- the proposed holiday apartments are unlikely to generate the same level of on-site carparking as permanent accommodation due to the short term occupancy of residents and due to the location of the proposed developments in the Central Business District.

Council Officers will calculate the on-site carparking requirement of any other applications for holiday apartments with on-site management in the Central Business District at the rate of one carspace for each apartment.

Yours faithfully,

**E.A. TAYLOR,  
 ACTING DIRECTOR - PLANNING & DEVELOPMENT.**

SCOTT COPY TO - 3977/94, 3955/94, 3902/94 AND 3937/94.