

ORDINARY MEETING 28 APRIL 2010	10
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MATERIAL CHANGE OF USE (CODE ASSESSMENT) INDOOR SPORT AND ENTERTAINMENT – 41-43 HARGREAVES STREET EDMONTON – DIVISION 2

Lauren Payler : 8/7/1922 : #2519647

PROPOSAL: INDOOR SPORT AND ENTERTAINMENT

APPLICANT: GULE INVESTMENTS PTY LTD
C/- PLANNING FAR NORTH
PO BOX 7801
CAIRNS QLD 4870

LOCATION OF SITE: 41-43 HARGREAVES STREET EDMONTON

PROPERTY: LOT 178 ON SP197995

PLANNING DISTRICT: WHITE ROCK EDMONTON

PLANNING AREA: INDUSTRY

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: DEPARTMENT OF TRANSPORT & MAIN ROADS

NUMBER OF SUBMITTERS: N/A

STATUTORY ASSESSMENT DEADLINE: 28/04/2010

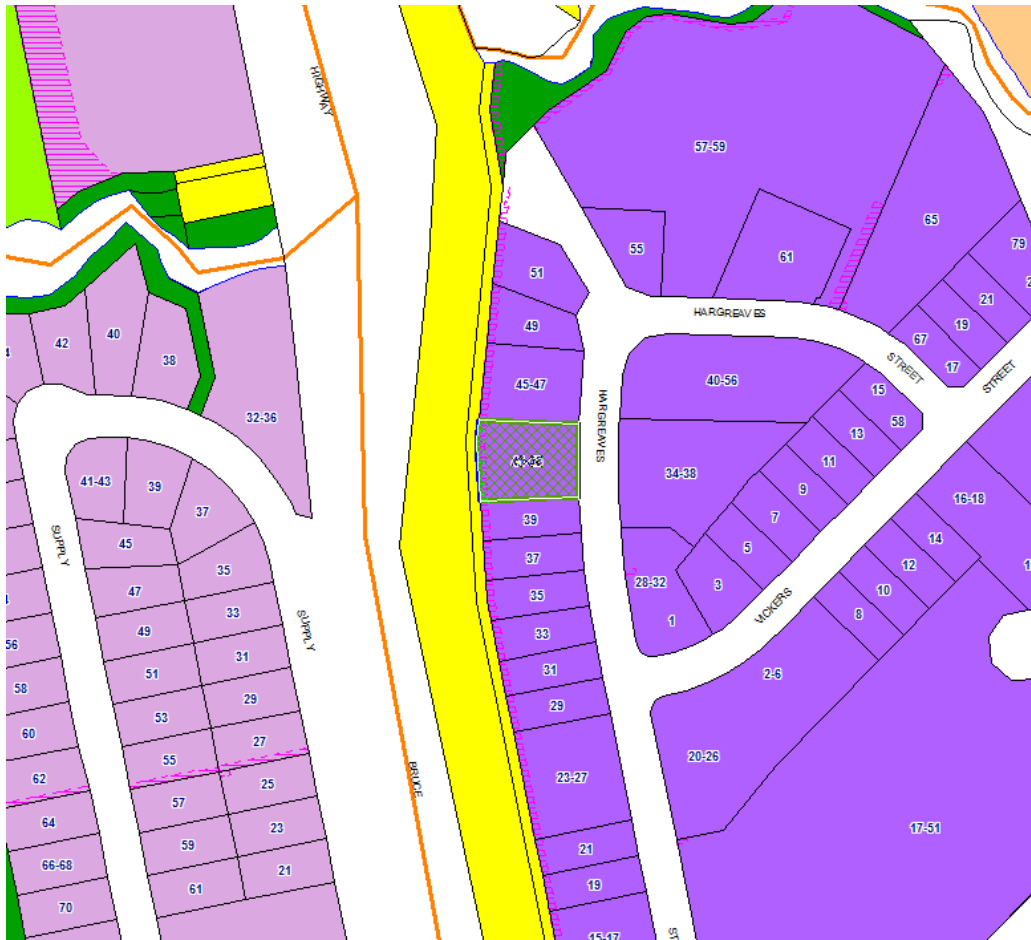
APPLICATION DATE: 15/03/2010

DIVISION: 2

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. DEVELOPER CONTRIBUTION CALCULATIONS

LOCALITY PLAN



- 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.**

Water Supply Contributions

- 3. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.**

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$9,148.17 (1.83 EDUs).

Payment is required prior to Commencement of Use.

Wastewater Contributions

- 4. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.**

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$6,710.61 (1.83 EDUs).

Payment is required prior to Commencement of Use.

Road Network Contributions

- 5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision and upgrading of the road network.**

Contributions must be paid at the rates applicable at time of payment.

Payment is required prior to Commencement of Use.

Water Saving

- 6. All new toilet devices in the development must be fitted with dual flush cisterns and new 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.**

Vehicle Parking

7. **The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of thirty-five 35 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.**

Car Parking Layout

8. **The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:**
 - a. **Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;**
 - b. **Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);**
 - c. **Aisle widths must comply with the minimum requirements of the Australian Standard.**

Amended plans must be endorsed by the Chief Executive Officer prior to the construction of the parking area.

Protection of Landscaped Areas From Parking

8. **Landscaped areas adjoining the parking area must be protected by a 150mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.**

Use of Easement B

9. **No building/structure is to be erected within the easement.**
10. **The owner will be liable for the costs of repairing any infrastructure constructed which is damaged as a result of Council undertaking drainage works in the easement.**
11. **Any vehicle parking and manoeuvring surfaces located within the easement will be required to be removed and reinstated at the owners expense, if drainage works are required within the easement.**
12. **Undertake a local drainage study on the subject land to demonstrate that:**

- a. All proposed car parking located within Easement B will be Q20 immune; and
- b. That proposed car parking located within Easement B will not have adverse hydraulic impacts or impede the intended function of the easement.

The drainage study 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 construction of the car parking located within Easement B.

Bicycle Parking

13. Provide secured, on-site bicycle parking in accordance with CairnsPlan. Based on the provisions in Schedule 2 of the Parking and Access Code, the minimum number of parking spaces required for this development is five (5) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

14. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The 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.

External Works

15. Undertake the following works external to the land at no cost to Council:
 - a. Make good the kerb at the redundant crossover; and
 - b. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.

Such work must be constructed in accordance with the FNQROC Development Manual to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Above Ground Transformer Cubicles/ Electrical Sub-Stations

16. 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.

Landscaping Plan

17. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. Deep planting of front boundary setback area with species which provide dense screening of the car parking area;
 - b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.
 - c. Inclusion of any 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. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Refuse Storage

18. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.

Details Of Development Signage

19. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Advertising Signage

20. Signs on the subject land must conform with Council's Local Law No. 28 (Control of Advertising), to the requirements and satisfaction of the Chief Executive Officer.

Crime Prevention Through Environmental Design

21. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency		Concurrency Agency Reference	Date	Council Electronic Reference
Department	of	214/10P/102 (2050.17)	29/03/10	#2526157
Main Roads				

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 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.
4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

6. The following notation will be included in Council's Rate Record for the allotment:

“Any works, including driveways, parking spaces and landscaping located within the Easement B will be required to be removed and reinstated at the owners expense, if necessary”.

EXECUTIVE SUMMARY:

Council is in receipt of an application to establish an Indoor Sports Centre within an existing industrial warehouse located at 43 Hargreaves Street, Edmonton.

The proposal fails to comply with the Acceptable Measures for parking provision and site landscaping. However, the proposal has demonstrated compliance with the related Performance Criteria. Approval, subject to conditions, is recommended.

TOWN PLANNING CONSIDERATIONS:

Proposal

The site has an area of 2,321m². The site currently contains a single storey building, constructed as an industrial warehouse. The building contains a circulation driveway, allowing for vehicles to travel around the perimeter of the building.

The proposal is for the internal refurbishment of the building to convert it from an industrial warehouse to an Indoor Sports Centre catering for indoor cricket, soccer and netball on two courts. Car parking provision will be made around the building.

The courts will be provided with a netted enclosure and will allow for the abovementioned sports to be undertaken. Ancillary to the proposed main use of the building, a kiosk area will be provided for players.

The existing building has an area of 1,054m². This will remain unchanged by the proposal. The site coverage of the existing building is approximately 45.4%. The height of the existing building is approximately 8.8 metres.

CairnsPlan Assessment

CairnsPlan White Rock Edmonton Planning District		Code Applicability	Compliance
Planning Area	Industry	✓	Complies.
Land Use	Indoor Sport and Entertainment	✗	No Code.
Overlays	Hillslopes	✗	-
	Character Precinct	✗	-
	Vegetation Conservation & Waterway Significance	✗	-
	Potential or Actual Acid Sulphate Soil Material	✓	Complies- No new works proposed.
	Bushfire Management	✗	-
	Flood Management	✗	-
	Height and Impact of Buildings	✗	-

	Operational Aspects of the Cairns International Airport	✓	Complies.
	Local Heritage	✗	-
	Excavation and Filling Code	✓	Complies – No new works proposed.
General	Infrastructure Works Code	✓	Conditioned to comply.
	Landscaping Code	✓	See comments below.
	Parking & Access Code	✓	See comments below.
	Reconfiguring a Lot Code	✗	-
	Development Near Major Transport Corridors & Facilities	✓	Complies.

Compliance Issues

Parking and Access Code

The applicant proposes to provide a total of 35 car parking spaces on the site. It is noted that 11 of those spaces are designated for small cars only.

The site was previously used for industrial uses, which under CairnsPlan generates a car parking requirement of 1 space per 90m² floor area. The site currently provides car parking in accordance with this requirement. The retrofit of an Indoor Sport and Entertainment use within the building was not envisaged at the time of the planning and construction of the building on the site.

CairnsPlan 2009 requires that 20 vehicle parking space be provided for each court, with a total of 40 vehicle parking spaces being required for the proposal. The site can accommodate a maximum of 35 spaces and therefore cannot meet the Acceptable Measure of 40 vehicle parking spaces. The applicant has provided the following justification for the parking shortfall:

The following scheduling of games will likely to be implemented:

Indoor Cricket

- *3 nights per week.*
- *Maximum 5 games per night.*
- *At any one time no more than 35-40 people present.*

Indoor Soccer / Netball

- *3 nights per week.*
- *Maximum 6 games per night.*
- *At any one time no more than 25-30 people present.*

In considering the worst case scenario, Indoor Cricket with a maximum of 40 people being present at any one time, the vehicle parking requirement of 20 spaces per court seems sound. However, an Alternative Acceptable Solution could be granted on the following grounds:

- *Teams will consist of people who may car pool or share lifts to the facility.*

- *Teams will consist of people who cannot drive, with the most prominent example being children or teenagers under the age of 17, who may be dropped to the centre or get to the centre by other means of transport (bicycle, public transport, walking).*
- *Team members may 'kiss and play', that is, be dropped to the centre before a game starts and be picked up at the completion of the game.*
- *Team members may be in various teams and may play more than 1 game on a night.*

With the above scenarios being very likely to take place, a shortfall of 5 car parking spaces for the entire facility can be accommodated by the abovementioned grounds.

Whilst on-street car parking cannot be counted towards the final car parking numbers for the site, the road reserve of Hargreaves Street can accommodate any unlikely car parking overflow. This would not adversely impact on the smooth functioning of Hargreaves Street, as the area is predominantly an industrial area, where night time uses are very limited.

The proposal satisfies the Performance Criteria P1 and P9 which states:

Sufficient parking spaces must be provided on the site to accommodate the amount and type of vehicle traffic generated by the development of the site, having particular regard to:

- a) the desired character of the area in which the premises is located; and*
- b) the nature and scale of the development; and*
- c) accessibility to the premises; and*
- d) the nature and frequency of public transport serving the area; and*
- e) whether or not the development involves the retention of an existing building, particularly an identified historic building, and the previous requirements for car parking for the building; and*
- f) whether or not the use involves the retention of other cultural heritage features or significant vegetation; and*
- g) the different types of vehicles that visit the premises are adequately accommodated.*

Concern is raised by the functionality of spaces along the side property boundaries and the limited vehicle manoeuvring space around the building. However, it is acknowledged that with some minor amendments the layout is likely to comply with Australian Standards. Condition 8, requiring amendment to design, has been included to address this issue.

Landscaping Code

The Acceptable Measure A1.2 of the Landscaping Code requires that a minimum of 10% of the site is landscaped. The site currently contains a sparsely planted strip along the frontage of the site. No landscaping is provided along the side or rear boundaries. It is unlikely that the site currently complies with the Acceptable Measure.

The proposed car parking along the frontage of the site will require the reduction in the width of the landscaped strip. Planting can also be provided along the western rear boundary of the site. However, the drainage easement located at the rear of the site must remain unimpeded.

The Performance Criteria P1 seeks the following:

Landscaping is used to:

- a) *promote the City's tropical climate and character; and*
- b) *soften the built form of development and enhance its appearance; and*
- c) *retain and improve Streetscapes to create an attractive centre environment.*

The surrounding area contains a range of industrial uses with varying standards of landscaping. Many existing premises within Hargreaves Street feature a thin strip of landscaping along the front boundary with no landscaping to the side or rear boundaries. Other premises have no landscaping at all.

Conditions of approval have been included to ensure that landscaping along the frontage results in a dense screen. By choosing species which will grow to provide dense screening, the reduction in the width of the landscaped strip can be positively offset. Conditions also require some landscaping to the rear of the site to improve the visual amenity of the car parking area.

Easement

The site contains an easement, being Easement B on RP912874 which has an area of 270m². Parking will be constructed within the easement. Infrastructure Management and Development Engineering have reviewed the proposal and requested that conditions of approval be included to ensure that the function of the easement is not compromised.

Referral Agencies

The development required referral to the Department of Transport and Main Roads as a Concurrence Agency for proximity to the proposed Southern Bus way, proximity to the Bruce Highway and proximity to the North Coast Railway. The response is attached as Appendix 2.

HEADWORKS / CONTRIBUTIONS:

The proposed development triggers Developer's Headwork's Contributions. Refer to Appendix 3 to view calculations.

The applicant contends that no contributions should apply to the development on the following grounds:

The Planning and Environment Committee on 10 February, 2010 approved Development Application 8/8/1112 for a Material Change of Use for Indoor Sport and Entertainment (Dance Studio). The following was provided in the Council Agenda Report (Council Reference #2461628) in relation to Headworks Contributions:

The proposal does not trigger Developer`s Headworks Contributions as the gross floor area remain unchanged and that contribution[s] were recently paid under Development Approval 8/7/1439.

This application is similar to Development Application 8/8/1112 in that no extension to the gross floor area is proposed.

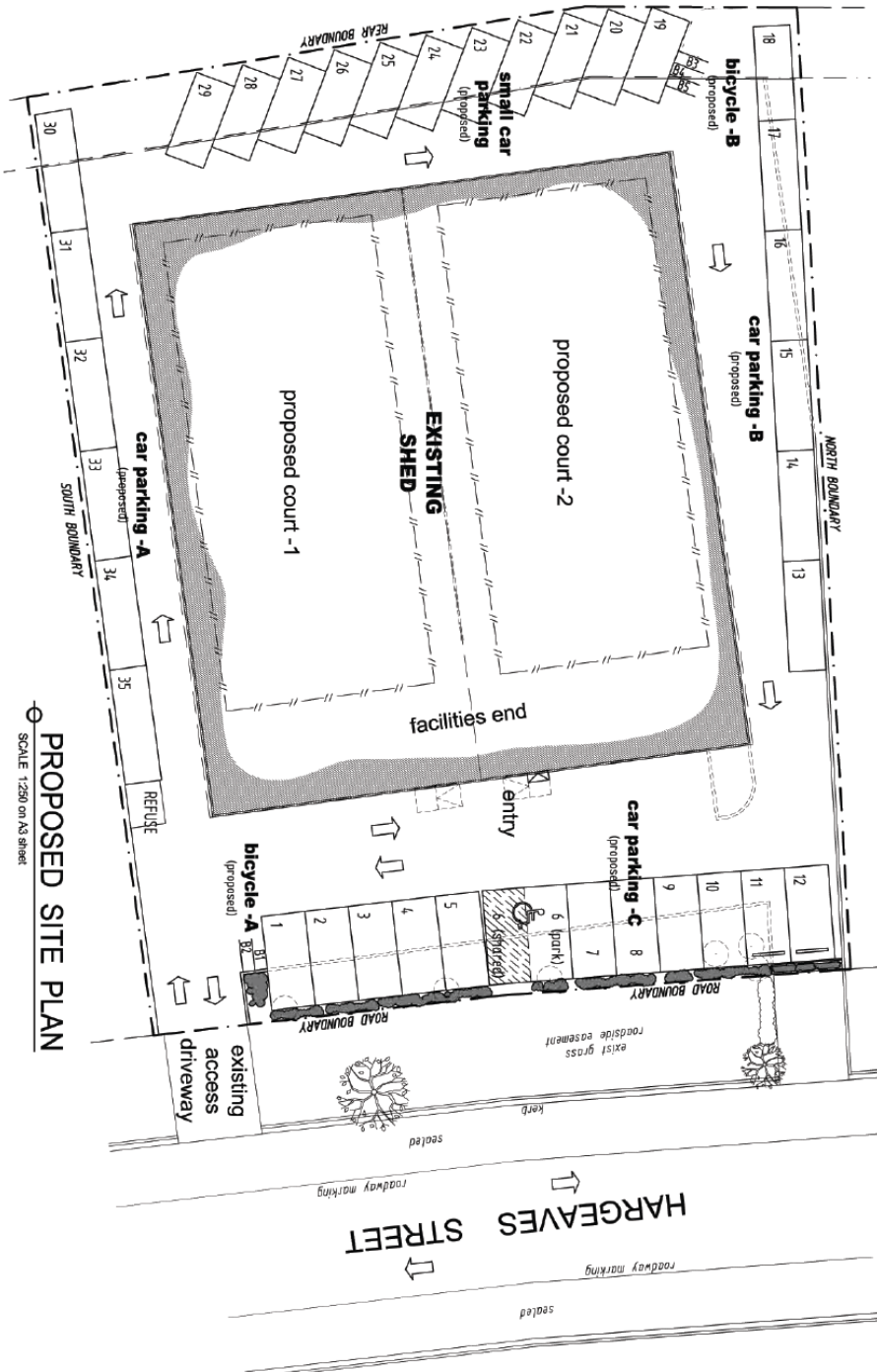
Review of application 8/7/1439 confirms that the development was not charged infrastructure contributions. However, this was an error and was not consistent with the Trunk Infrastructure Contributions Policy. An error on a previous application does not justify non compliance with a current Planning Scheme Policy.

Lauren Payler
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

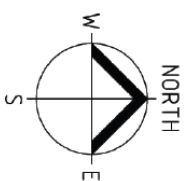
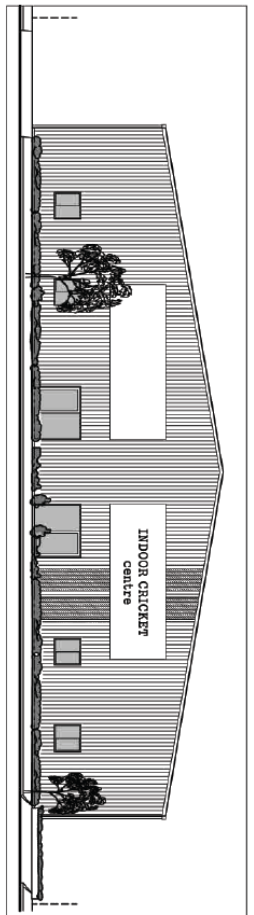
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)

Gregory G Terzi Associate Urban Architectural Technology BUILDING DESIGN & DRAFTING
 LICENSE - URSA 111048 - BUILDING DESIGNER - MEDIUM RISE Phone: 0428 214 235



PROPOSED SITE PLAN
 SCALE 1:250 ON A3 SHEET

east ELEVATION -front view
 SCALE 1:200 ON A3 SHEET



PROJECT:
 PROPOSED INDOOR
 CRICKET CENTRE
 at 41-43 Hargreaves Street
 EDMONTON
 For: GILE INVESTMENTS Pty Ltd
 drawing No. SHEET No. ISSUE
 0072 PA02 1

APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Queensland
Government

Council Ref: 8/7/1922

29 March 2010

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Attention: Ms Lauren Payler

Dear Ms Payler

Sustainable Planning Act 2009 – Referral Agency Response

Applicant: Gule Investments Pty Ltd

Application: Material Change of Use (Indoor Sport & Recreation)

Location: Lot 178 on SP 197995, Parish of Cairns
41-43 Hargeaves Street, Edmonton

Department of **Main Roads**



I refer to the above application received at the Department of Transport & Main Roads on 29 March 2010 requesting consideration of the above development.

Pursuant to section 287 of the *Sustainable Planning Act 2009*, the Department of Transport & Main Roads (DTMR), as a Concurrence Agency, has reviewed the impact of the proposed development and requires that Council include the following conditions of development for the subject application.

Should you have any queries regarding the response please contact Malcolm Hardy on 4050 5511.

Council is requested to reflect the conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

The Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely

Malcolm Hardy
Senior Planner (Assets & Operations) Far North

Assets & Operations (A&O)
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 6185 CAIRNS Queensland 4870
ABN 39 407 690 291
A&O Enquiries MALCOLM HARDY
Our Ref : 214/10P/102 (2050.17)
Telephone - 4050 5511
Facsimile - 4050 5429

B/c

Gule Investments Pty Ltd
C/- Planning Far North
PO Box 7801
Cairns Qld 4870


For your information



Malcolm Hardy
Senior Planner (Assets & Operations) Far North

Conditions of Development	Reasons	Condition Basis
<p>Visual Amenity Treatments</p> <p>4. The applicant/landowner shall enhance and maintain landscaping within the existing Buffer Strip along the Subject Land's frontage to the Bruce Highway, such that the Bruce Highway infrastructure and traffic flows are screened as much as practicable by suitably selected trees and shrubs from the Subject Land.</p> <p>The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirements are that the species are native, low maintenance species that are effective at providing the necessary screening specified above and do not create a safety risk (that is, no thorns, poisonous fruits or berries or large nuts).</p> <p>All landscaping works shall be completed prior to the commencement of the approved use to the written approval of DTMR.</p>	<p>To screen onsite vehicular circulation.</p>	<p>Main Roads Road <i>Landscape Manual</i></p>
<p>Advertising</p> <p>5. No advertising device for the proposed development is permitted within the state-controlled road reserve (Bruce Highway).</p>	<p>Advertising devices may obscure signage and distract motorists.</p>	<p>s. 50 <i>Transport Infrastructure Act 1994 (Qld)</i></p>
<p>Parking</p> <p>6. No parking associated with the development is permitted within the state-controlled road reserve (Bruce Highway).</p>	<p>Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.</p>	

APPENDIX 3 DEVELOPER CONTRIBUTION CALCULATIONS

		CAIRNSPLAN APPLICATIONS RECEIVED AFTER 1/7/2009 Planning Scheme Policy 4:04:05 - Trunk Infrastructure Contributions DEVELOPERS HEADWORKS CONTRIBUTIONS	
Gule Investments Pty Ltd		N/A	
<small>DEVELOPERS NAME</small>		<small>ESTATE NAME</small>	
41-43 Hargreaves St		Edmonton	
<small>STREET No. & NAME</small>		<small>SUBURB</small>	
MCU (Indoor Sport and Entertainment)		Lot 178 on SP197995	
<small>DEVELOPMENT TYPE</small>		<small>LOT & RP No.s</small>	
2531627		8/7/1922	
<small>SKIDS No.</small>		<small>COUNCIL FILE NO.</small>	
1		31-Dec-09	
<small>VERSION No.</small>		<small>QUARTER ENDING</small>	
		4	
		<small>VALIDITY PERIOD</small>	
This logsheet is indexed appropriately only for payments made within the quarter noted above.			

	DIST.	\$/ ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER	Edmonton	6.00	4,999.00	X 1.83	0.00	\$9,148.17	635/ 05735
WASTEWATER	Edmonton	4	3,667.00	X 1.83	0.00	\$6,710.61	636/ 05743
Transport (Roads)	Cairns Urban District 1			DMR Component CRC Infrastructure Sub Total Transport		\$30,269.83 \$80,441.28 \$110,711.11	348/ 05764 348/ 05716
DRAINAGE	Skeleton Creek			Stream Management Stormwater Quality		\$0.00 \$0.00	358/ 5060 400/5149
Public Parks & Community Land	White Rock - Edmonton			MCU Land Use	0		354/ 05726
BONDS		0.00				\$0.00	
		0.00				\$0.00	
OTHER		0.00				\$0.00	
	None					\$0.00	
TOTAL					\$126,569.89		

Prepared by	L Payler	on	6-Apr-10	Amount Paid	
Checked by		on		Date Paid	
Amendments		Date		Receipt No.	
				Cashier	

1. The Developer should confirm these details with Development Assessment prior to arranging payment
2. City Assessment must update these details if the effective quarter is no longer current
3. City Assessment must update these details in the event of policy change or variation to Development Approval
4. These details must be presented at time of payment
5. A photocopy of these details to be forwarded to Development Assessment once payment is received
6. The original of these details to be forwarded to Finance Department with receipt once payment is received
7. Payment details to be entered into Developer Contributions Register by Finance Officer