## PLANNING AND ENVIRONMENT COMMITTEE

## 15 MARCH 2023

# 2

# DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING – 7 & 8 IZATT CLOSE, EDGE HILL – DIVISION 7

D Thomas : 8/7/5396 : #7098353

PROPOSAL:	MATERIAL CHANGE OF USE FOR A MULTIPLE
	DWELLING

LANDOWNER: B E MADDEN (7 IZATT CLOSE) BGH NOMINEES PTY LTD (8 IZATT CLOSE)

APPLICANT: THE GBH PROPERTY UNIT TRUST C/- WILDPLAN PTY LTD PO BOX 8028 CAIRNS QLD 4870

INTERESTED PARTIES: WILDPLAN PTY LTD THE GBH PROPERTY UNIT TRUST 8 PENCILS PTY LTD 5KF PTY LTD LA3 PTY LTD BGH NOMINEES PTY LTD B E MADDEN

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

LOCATION OF SITE:

**PROPERTY**:

ZONE:

LOCAL PLAN:

PLANNING SCHEME:

REFERRAL AGENCIES:

NUMBER OF SUBMITTERS:

STATUTORY ASSESSMENT DEADLINE: 7 & 8 IZATT CLOSE, EDGE HILL

LOT 21 & 22 ON RP726354

MEDIUM DENSITY RESIDENTIAL

NOT APPLICABLE

CAIRNSPLAN 2016 V3.1

NIL

17 NOT PROPERLY MADE SUBMISSIONS

15 MARCH 2023

# APPLICATION DATE:

DIVISION:

APPENDIX:

- 25 NOVEMBER 2022
- 7
  - 1. APPROVED PLAN(S) & DOCUMENT(S)
  - 2. NOTICE OF INTENTION TO COMMENCE USE
- 3. INFRASTRUCTURE CHARGES CALCULATIONS
- 4. SUPPORTING INFORMATION

LOCALITY PLAN



# **RECOMMENDATION**

That Council approves the development application for a Development Permit for a Material Change of Use for a Multiple Dwelling over land described as 7 & 8 lzatt Close Edge Hill, located at Lot 21 & 22 on RP726354, subject to the following:

A. MATERIAL CHANGE OF USE

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
	Project No. 2239	
Ground Floor Plan	A01 Rev P4	6 February 2023
	Prepared by 8 Pencils	
	Project No. 2239	
First Floor Plan	A02 Rev P4	6 February 2023
	Prepared by 8 Pencils	
	Project No. 2239	
Second Floor Plan	A03 Rev P4	6 February 2023
	Prepared by 8 Pencils	
	Project No. 2239	
Third Floor Plan	A04 Rev P4	6 February 2023
	Prepared by 8 Pencils	
	Project No. 2239	
Elevations	A05 Rev P4	6 February 2023
	Prepared by 8 Pencils	
	Project No. 2239	
3D Views	A06 Rev P4	6 February 2023
	Prepared by 8 Pencils	
	Project No. 2239	
Unit Layouts	A07 Rev P4	6 February 2023
	Prepared by 8 Pencils	
Flood Storage – Pre	004-2104-01-SK-0005	
Development	Rev C	23 January 2023
Development	Prepared by 5KF	
Flood Storage – Post	004-2104-01-SK-0006	
Development	Rev C	23 January 2023
Development	Prepared by 5KF	
	004-2104-01-SK-0007	16 November
Intersection – CHR(S)	Rev B	2022
	Prepared by 5KF	LULL
Proposed Landscape	01 Issue G	February 2023
Concept Plan	Prepared by LA3	
Proposed Communal Area	02 Issue G	February 2023
	Prepared by LA3	
Perspective View of	03 Issue G	February 2023
Communal Area	Prepared by LA3	
Existing Vegetation Plan	04 Issue G	February 2023
	Prepared by LA3	
Plant Palette	05 Issue G	February 2023
	Prepared by LA3	

## **Assessment Manager Conditions**

## Lapse of Approval

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

## Generally In Accordance

- 2. 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; and
  - 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

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

Notice of Intention to Commence Use

4. Prior to Commencement of the Use on the site, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached "Notice of Intention to Commence Use" form when the use has commenced.

Amalgamation of Lots

5. Amalgamate Lots 21 & 22 on RP726354 into one (1) lot and register the Plan of Survey prior to Commencement of Use.

Water Supply and Sewerage External

- 6. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure.
  - a. If necessary, augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to the adjacent properties and such that a water service connection can be provided at the lot frontage; and

b. If necessary, augment existing sewers downstream of the site, to the extent required to accommodate the increased flow generated by the development.

The external works outlined above require approval from Council in accordance with an application for Operational Work. A plan of works must be endorsed by the Chief Executive Officer prior to the commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Water Supply and Sewerage Works Internal

- 7. Undertake the following water supply and sewerage works internal to the subject site:
  - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
  - Provide a new 150mm property connection. Should any works be required to be undertaken in the adjoining property, the owner's written permission must be obtained prior to commencement of any works;
  - c. Water supply and sub-metering must be designed and installed in accordance with the *Plumbing and Drainage Act 2018* and the *Water Supply (Safety and Reliability) Act 2008*. Smart meters are to align with Council's Smart Meter Program;
  - d. Any redundant sewer property connections and water connections must be decommissioned and removed; and
  - e. Any fire booster assembly, cabinet and water meters are to be located within the property.

Note: Council does not guarantee a minimum service standard for fire fighting from Council's water network. It is the responsibility of the property owner to design the private fire system to ensure compliance with the relevant building codes and standards and install all necessary on-site pressure boosting and storage that maybe required.

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

A plan of works must be endorsed by the Chief Executive Officer prior to Commencement of Use.

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

#### **External Works**

- 8. Undertake the following works external to the subject site:
  - a. Design and construct safe traffic treatments (CHR) external to the subject site at no cost to Council in accordance with the Intersection – CHR(S) 004-2104-01-SK-0007 Rev B, prepared by 5KF Pty Ltd, dated 16 November 2022, for the intersection of Greenslopes Street with Izatt Close.

Where pavement works are required as a direct result of any widening required to facilitate the turn lanes, all works must be designed and constructed in accordance with the *FNQROC Development Manual*, certified by a Registered Professional Engineer of Queensland (RPEQ) and endorsed by the Chief Executive Officer, prior to the issue of a development permit for Operational Work;

- b. Provide a minimum 2 metre wide footpath from the eastern side of the driveway up to Greenslopes Street in accordance with the *FNQROC Development Manual* Standard Drawing S1035;
- c. Remove any redundant crossovers and reinstate the kerb and channel along the frontage of the site. Any sections showing ponding, significant cracking or the like shall be deemed as not fit for purpose and are to be replaced; and
- d. 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 works must be constructed in accordance with the *FNQROC Development Manual* and to the satisfaction of the Chief Executive Officer, prior to Commencement of Use.

#### **Internal Works**

- 9. Undertake the following works internal to the subject site:
  - a. Provide a minimum of 38 car parking spaces inclusive of two (2) accessible spaces on the site.

All car parking spaces, driveways and manoeuvring areas are to be constructed in accordance with the approved plans, *FNQROC Development Manual* Standard Drawing S1110, *AS2890.1 Off-Street Car Parking*, and *AS2890.6 Off-Street Car Parking for People with Disabilities*, including parking bay dimensions, shared areas, aisle widths, ramps, speed control, and vehicle manoeuvring.

All car parking, driveway and vehicle manoeuvring areas must be imperviously sealed, drained and line marked; and

b. Provide a commercial access crossover, aprons and driveway in accordance with the location shown on the approved plans and the *FNQROC Development Manual* Standard Drawing S1015 including minimum sight distance and width requirements.

#### **Refuse Storage**

10. The development must be designed to be serviced by private bulk bin collection for both waste and recycling. A roofed, imperviously sealed and bunded bulk bin enclosure must be provided in accordance with Council's requirements and waste contractor's requirements.

The bin enclosure must be constructed in accordance with the approved plans prior to Commencement of Use.

*Note:* Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Infrastructure and Assets.

#### Electrical

11. Underground electricity reticulation must be designed and provided to service the development in accordance with the requirements of Section D8.04 and D8.06 of the *FNQROC Development Manual*.

With particular reference to D8.04.7, all new consumer mains connections must be supplied from a pillar.

- 12. Any padmount transformer as required by the development must be installed on site and positioned in accordance with the following requirements:
  - a. Not located on land for open space or communal areas;
  - b. Screened from view by landscaping sightscreens and/or fencing;
  - c. Accessible for maintenance in accordance with the relevant utility provider standards;

- d. Must be located clear of footpaths; and
- e. Must not be located over existing infrastructure or within the road reserve tenure.

## Telecommunications

13. The development must be connected to the telecommunications network in accordance with section D8.05 of the *FNQROC Development Manual*.

## Drainage Design

14. Design a stormwater drainage system (internal and external to the land) in accordance with section D4 of the *FNQROC Development Manual* to satisfactorily drain the subject land such that the upstream drainage is not adversely affected and that the downstream drainage system is capable of adequately catering for the discharge of the modified flow produced as a result of the development.

Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement.

Once approved, all work must be carried out in accordance with the approved plan(s).

## Flood Storage Capacity

15. The development must maintain a minimum of 40% of the existing flood storage volume of the 1% AEP flood hazard event over the land at all times.

The development must be constructed in accordance with the approved plan(s) and maintain the balance of the flood storage area free from impedance at all times, including no further filling of the land unless approved by Council.

## Flooding

- 16. All finished floor levels of all habitable areas must be a minimum of 300mm above the 1% Annual Exceedance Probability (AEP) defined inundation event level.
- 17. Finished surface levels of car parking areas must be constructed equal to or greater than the 5% AEP defined inundation event level.

## Stormwater

18. 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, in accordance with the *Queensland Urban Drainage Manual, Fourth Edition (2016)*.

## Ponding/Concentration of Stormwater

19. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

## Earthworks Construction

20. All earthworks are to be generally in accordance with Flood Storage – Post Development Concept 004-2104-01-SK-0006 Rev C, prepared by 5KF Pty Ltd, dated 23 January 2023.

All earthworks must be constructed in accordance with AS 3798: Guidelines on earthworks for commercial and residential developments. At the completion of works, RPEQ Certification of the works and test results are required to be provided to Council.

## Secure Storage

- 21. Each dwelling must be provided with a secure storage area that:
  - a. Has a minimum area of 2.5m<sup>2</sup> and height of 2 metres;
  - b. Is weather proof;
  - c. Has immunity to the 1% AEP defined inundation event level; and
  - d. Includes a bicycle storage rack/device.

## Fencing

- 22. Fences and walls to the road frontage must ensure that they are not more than:
  - a. 1.2 metres in height if less than 50% transparent; or
  - b. 1.5 metres in height if greater than 50% transparency; and
  - c. Are articulated where the length exceeds 10 metres.

23. A minimum 1.8 metre high fence must be constructed to all side and rear boundaries. The fence must be wholly contained within the lot boundaries.

## Landscaping

- 24. Provide a Detailed Landscape Plan prepared by a suitably qualified Landscape Architect/Landscape Designer in accordance with the Landscape Concept Plan, prepared by LA3 dated November 2022, Issue D and a Tree Audit Plan to Council and the *FNQROC Development Manual*, demonstrating:
  - a. The location and species of all existing trees to be retained;
  - b. A planting schedule including species, quantity, container size;
  - c. Deep planting with a mixture of shade trees within the street front setback area, adjacent to the car parking area;
  - d. Deep planting within the building setback areas, included but not limited to trees or palms that can achieve heights of a minimum of 10 metres at maturity, supplied in a minimum container size of 300mm and at a planting density that will provide a screening buffer for patios on all levels above ground level to the rear and south eastern side boundaries;
  - e. Specifications for planting, mulching, permanent irrigation;
  - f. Landscaped areas adjoining parking and manoeuvring areas are protected from vehicle encroachment by a 150mm high vertical concrete kerb or similar;
  - g. Planting of the verge with street trees in accordance with the *FNQROC Development Manual* Standard Drawing for S2410 and Street Tree Planting and Design Manual D9 Landscaping and the *FNQROC Development Manual*, Cairns Regional Council Specific Requirements;
  - h. Details and specifications for any disturbed areas such as weed eradication and grassing/turfing internally and externally in accordance with the FNQROC Regional Development Landscaping Specifications and the FNQROC Development Manual, Cairns Regional Council Specific Requirements; and
  - i. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the relevantly qualified person.

The Detailed Landscape Plan must be submitted and approved in conjunction with an application for Operational Work.

Tree Protection Zone

- 25. A Tree Protection Zone must be designed and established for trees to be retained as identified on the Existing Vegetation Plan, prepared by LA3, dated February 2023 – Issue G. The Tree Protection Zone at all times must:
  - a. Be in accordance with AS4970 Protection of Trees on Development Sites;
  - b. Be designed by a suitably qualified person;
  - c. Tree protection measures are installed and maintained in accordance with *AS4970 Protection of Trees on Development Sites* for the duration of the works; and
  - d. No construction related activities (such as construction vehicle parking, liquid disposal, stockpiling etc.) occurs within the Tree Protection Zone without certification from a certified Arborist.

## Vegetation Damage

- 26. All vegetation identified on the Existing Vegetation Plan, prepared by LA3, dated February 2023 Issue G must be retained and details included within the Landscaping Plan pursuant to Condition 24.
- 27. Assessable vegetation clearing must not commence until a Development Permit for Operational Works has been obtained. The following documents should be submitted in conjunction with an application for Operational Works:
  - a. A Tree Audit Plan generally in accordance with the Existing Vegetation Plan, dated February 2023 Issue G demonstrating the location and species of proposed trees to be removed and retained;
  - b. Where construction works such as filling in the vicinity of any tree to be retained, the Tree Protection Zone and Structural Root Zone must be detailed on the plan;
  - c. Methodology to ensure protection of trees to be retained in accordance with the Australian Standard *AS4970 Protection of trees on development sites* where works will encroach within the Tree Protection Zone; and

d. A Detailed Landscape Plan in accordance with the proposed Landscape Concept Plan, prepared by LA3, dated November 2022, Issue D and pursuant to condition 24 Detailed Landscape Plan demonstrating the proposed site landscaping and street tree planting.

## **Construction Management Plan**

28. A Construction Management Plan (CMP) prepared and submitted to Council.

The Construction Management Plan must address all activities/operations associated with the construction including:

- a. Hours of construction;
- b. Location(s) of construction access;
- c. Parking of vehicles (including site employees and delivery vehicles);
- d. Traffic management and control (including loading and unloading);
- e. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;
- f. Tree protection management;
- g. Site safety and security after hours to prevent public entry; and
- h. Location and details of construction signage including any signage that is to be illuminated.

The CMP must be endorsed by Council and made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work.

The endorsed Construction Management Plan must be complied with and a copy kept on site at all times during construction of the development.

**Screening of Visually Obtrusive Components** 

29. Position and screen the following components of the development, so that at no time they are visible from any road to which the site has frontage, adjoining premises or otherwise on display from any public thoroughfare or vantage point:

- a. Air conditioning units;
- b. Refuse storage areas; and
- c. Plant and machinery units.
- 30. Plant and machinery units including air conditioners must not be situated on any outdoor living areas.

Street Signage Incorporating Numbering

31. Clear and legible signage incorporating the street number must be provided for the benefit of motorists. Signage and numbering must be installed on the premises prior to the Commencement of Use.

#### Damage to Infrastructure

32. In the event that any part of Council's existing 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 Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced by Cairns Regional Council, at the developer's cost, prior to the Commencement of Use.

Sediment and Erosion Control

33. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994* and *FNQROC Development Manual*).

## Acid Sulfate Soils

34. If any excavation is proposed that may result in disturbance of potential acid sulfate soils, an acid sulfate soils investigation must be undertaken prior to excavation.

*Note: Planning Scheme Policy – Acid Sulfate Soils provides guidance on preparing an acid sulfate soils investigation.* 

## FURTHER ADVICE

## Definitions

1. All terms used in this development approval have those definitions as defined under the *Planning Act 2016 (Qld)* and *Planning Regulation 2017* (Qld) (as at the date of the approval), *Queensland Development Code* and *CairnsPlan 2016*.

To the extent of any inconsistency, the order of precedence of the above instruments is as follows:

- a. Planning Act 2016 (Qld);
- b. Planning Regulation 2017 (Qld);
- c. Queensland Development Code;
- d. CairnsPlan 2016.

FNQROC Regional Development Manual

2. Access to the *FNQROC Regional Development Manual*, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – www.cairns.qld.gov.au.

Infrastructure Charges Notice

3. 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. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the 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 Infrastructure Charges Notice.

## Cyclone Watch Site Management

4. 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.

## Planning Laws

5. For information relating to the Planning Act 2016 log on to https://planning.dsdmip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to <u>www.cairns.qld.gov.au</u>.

## Bushfire

6. The Building Certifier is responsible for assessing whether the proposed development meets the relevant construction requirements in accordance with Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas.

## Future Compliance

7. This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.

## Smart Water Meters

- 8. Council will be implementing "smart" water meters during the currency period of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what the type of water metre should be installed.
- **B.** Infrastructure Charges Notice
  - 1. That an Infrastructure Charges Notice be given for the development.

## LAND USE DEFINITIONS\*

In accordance with CairnsPlan 2016 the approved land use of Multiple Dwelling is defined as:

"Means a residential use of premises involving 3 or more dwellings, whether attached or detached".

\*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 is in receipt of a development application seeking a development permit for a Material Change of Use for a Multiple Dwelling situated at 7 & 8 Izatt Close, Edge Hill on land formally described as Lots 21 & 22 on RP726354.

The proposal seeks to establish 22 units across the two (2) sites including 12 x two (2) bedroom and 10 x three (3) bedroom units. The proposal will result in the demolition of two (2) Dwelling Houses, one on each of the lots. The new building will consist of a total height of 14.8 metres and four (4) storeys. The use will provide 38 car parking spaces (inclusive of two (2) accessible vehicle parks) provided within the immediate car park to the east and south of the units, the majority of which will be covered due to being situated underneath the roof form of the units above ground level. The units will be supported by bulk bins situated adjacent to the car park and two (2) separate communal recreational areas. The communal area along the eastern boundary consists of turfed open space, concrete seating, a picnic shelter which includes table seating and a BBQ. The communal space to the south consists of turfed open space, opportunity for vegetable garden beds and a pergola with underroof seating. Both recreational areas will be linked to the units via a concrete pathway.

The ground floor of the complex consists of:

- Units 001-004 (Two (2) bedrooms & two (2) bathrooms);
- Unit 005 (Three (3) bedrooms & two (2) bathrooms); and
- An outdoor area for each unit inclusive of an outdoor patio area, private open space and a shed.

The first floor of the complex consists of:

- Units 101-104 (Two (2) bedrooms & two (2) bathrooms); and
- Units 105-108 (Three (3) bedrooms & two (2) bathrooms).

The second floor of the complex consists of:

- Units 201-204 (Two (2) bedrooms & two (2) bathrooms); and
- Units 205-207 (Three (3) bedrooms & two (2) bathrooms).

The third floor of the complex consist of:

• Units 301-302 (Three (3) bedrooms & two (2) bathrooms).

The subject sites are located within the Medium Density Residential Zone of the CairnsPlan 2016 v3.1, with the proposed development being subject to Code Assessment. The site is impacted by the Acid Sulfate Soils, Airport Environs, Bushfire Hazard, Flood and Inundation Hazard and Transport Network Overlays.

The application has been assessed in accordance with the legislative framework for Code Assessment, including the *Planning Act 2016*, *Planning Regulation 2017*, Development Assessment Rules and the applicable benchmarks contained in CairnsPlan 2016 v3.1. The application is recommended to be approved, subject to conditions.

## TOWN PLANNING CONSIDERATIONS

## Background

The sites are both improved by existing Dwelling Houses which have been present on site for a significant period of time.

## Site and Surrounds

The development area as part of the application is over two (2) existing lots that are situated at the end of a cul-de-sac, being Izatt Close. The sites are identified as Lots 21 & 22 on RP726354 and contain an area of 951m<sup>2</sup> and 1,657m<sup>2</sup> respectively. A total site area equal to 2,608m<sup>2</sup> is the subject of the application. Given the subject sites are at the end of Izatt Close, they are irregularly shaped with smaller than typical frontages sited within the located. The frontage of both sites is equivalent to approximately 31 metres wide.

The surrounding locality within Izatt Close, consists of predominantly Dwelling Houses with two (2) Dual Occupancies located on the corner of the street at the intersection with Greenslopes Street. The larger locality consists of a greater variety in land uses with Multiple Dwellings having been engrained within the Edge Hill locality between Collins Avenue and Greenslopes Street.



Figure 1: Site Photo from Izatt Close

Site Description	
Address	7 & 8 Izatt Close, Edge Hill
Lot on Plan Description	Lots 21 & 22 on RP726354
Area	951m <sup>2</sup> & 1,657m <sup>2</sup>
Zone	Medium Density Residential
Existing Use of Land	Dwelling Houses
Road Frontages	Approximately 31 metres to Izatt Close
Topography	Generally Flat
Vegetation	Sparse mature vegetation throughout the site
Waterway	Nil

# Proposal

The proposal seeks to establish 22 units across the two (2) sites including 12 x two (2) bedroom and 10 x three (3) bedroom units. The proposal will result in the demolition of two (2) Dwelling Houses, one on each of the lots. The new building will consist of a total height of 14.8m and four (4) storeys.

The use will provide 38 car parking spaces (inclusive of two (2) accessible vehicle parks) provided within the immediate car park to the east and south of the units, the majority of which will be covered due to being situated underneath the roof form of the units above ground level.

The units will be supported by bulk bins situated adjacent to the car park and two (2) separate communal recreational areas. The communal area along the eastern boundary consists of turfed open space, concrete seating, a picnic shelter which includes table seating and a BBQ. The communal space to the south consists of turfed open space, opportunity for vegetable garden beds and a pergola with underroof seating. Both recreational areas will be linked to the units via a concrete pathway.

The ground floor of the complex consists of:

- Units 001-004 (Two (2) bedrooms & two (2) bathrooms);
- Unit 005 (Three (3) bedrooms & two (2) bathrooms); and
- An outdoor area for each unit inclusive of an outdoor patio area, private open space and a shed.

The first floor of the complex consists of:

- Units 101-104 (Two (2) bedrooms & two (2) bathrooms); and
- Units 105-108 (Three (3) bedrooms & two (2) bathrooms).

The second floor of the complex consists of:

- Units 201-204 (Two (2) bedrooms & two (2) bathrooms); and
- Units 205-207 (Three (3) bedrooms & two (2) bathrooms).

The third floor of the complex consist of:

• Units 301-302 (Three (3) bedrooms & two (2) bathrooms).



Figure 2: 3D Model View of the Proposal from Izatt Close

# Medium Density Residential Zone Purpose

The purpose statement within the Medium Density Residential Zone Code outlines that the Medium Density Residential Zone is to provide for medium density multiple dwellings and community uses, small scale services, and facilities and infrastructure to support local residents. Specifically, a range of accommodation activities in low to medium rise multiple dwellings are expected to be established, with developments providing a high level of amenity taking into account impacts such as traffic, noise, dust, odour and lighting. The purpose of the code is achieved through a medium residential density, scale and character in the locality, development which reflects and responds to the natural features and constraints of the land and appropriate infrastructure to support the needs of the local community.

Given the proposed development consists of 22 units within the complex across two (2) sites equalling a total site area of 2,608m<sup>2</sup>, it is considered that the use delivers an anticipated form of development within the locality. The development results in a high standard of amenity which is achieved through a variety in setbacks, building façade, roof forms and landscaping.

# Building Height/Storeys

The proposed Multiple Dwelling varies in height across the structure and reaches a total height 14.8 metres and four (4) storeys. The prescribed Acceptable Outcomes of the Medium Density Residential Zone outline that buildings and structures are not more than 15 metres and four (4) storeys in height. As a result, the proposed structure meets the prescribed outcomes of the CairnsPlan 2016 v3.1 in relation to height and total number of storeys for uses within the Medium Density Residential Zone.

## Setbacks/Privacy

The Multiple Dwelling & Short-term Accommodation Use Code prescribes within the Acceptable Outcomes that front boundary setbacks should not be less than 6m. All development proposed to be situated above ground level will achieve the required setback, with only the corner portion of the car park roof and the corner of the eaves of the third storey protruding into the front 6m setback. Given the subject site is situated at the end of a cul-de-sac, the front boundary is an irregular shape. Izatt Close contains numerous other structures (limited to open style carports) on nearby properties that protrude into the prescribed front setbacks. Given the car park will be an open style and the corner of the awning having a relatively minimal encroachment, it is considered that the proposed front setback maintains the character and amenity of the area, will not impact upon the amenity and daylight access for adjoining premises and facilitates sufficient areas for landscaping which has been demonstrated on landscape plans submitted as part of the application material.

The prescribed setbacks for the proposed development in accordance with the use code outlines that buildings and structures are not setback less than 4m to a rear boundary. The proposed development has achieved this required setback excluding the small gardens sheds of units situated on ground level and the eaves of the building on the third floor (3.1 metres from rear boundary). Given the minor nature of these types of structures compared to patios and block walls being situated within these areas, it is considered that there will be minimal impacts on adjoining properties and provides sufficient areas for deep plantings between the building and neighbouring premises.

The Multiple Dwelling & Short-term Accommodation Use Code prescribes within the Acceptable Outcomes that side boundary setbacks should not be less than 3m for buildings of three (3) and four (4) storeys. The unit complex building at ground level meets the prescribed setback. The second storey meets the prescribed side setback excluding a small portion of a bedroom of Unit 108 which is setback 2.76 metres from the western side boundary and the corner of the eaves of the building over this level which are situated 1.34 metres from the western boundary and 2.3 metres from the eastern boundary. No windows are located within these encroachments. The third floor of the complex complies with the prescribed Acceptable Outcomes in relation to side boundary setbacks. Setbacks of adjoining properties within the street, consist of a variety of side and rear setbacks which, on some properties, are setbacks of 0 metres. Given the minor nature of these encroachments being limited to eaves and a small portion of a bedroom less than 0.3 metres within the setback, it is considered to not compromise the character and amenity within the locality, whilst providing privacy for adjoining premises and sufficient space for deep plantings.

## Transport Network

A review of the ability of the development to be catered for on the site in relation to traffic movements, concluded in the upgrade of the intersection of Greenslopes Street and Izatt Close to incorporate a new channelised right-turn treatment (CHR) to cater for the increase in vehicles expected to access the site compared to current circumstances. In addition to internal works such as the construction of a new access and car parking area, which is to occur in accordance with the relevant standards, it is considered the proposal and recommended works will ensure the site can cater for traffic movements without compromising the safety and efficiency of the network.

The section of Greenslopes near Izatt Close does not currently contain a footpath on the northern side. Council's Active Transport Strategy identifies that this portion of the pedestrian network is of high priority to be delivered to improve the connectivity to the east and west pedestrian paths. As a result, in combination with the significant increase in density of the subject site post-development and increased vehicle movements, it is considered reasonable and relevant to recommend the application of a condition requiring the construction of a 2 metre wide footpath for the full length of Izatt Close between the driveway and Greenslopes Street.

## Flooding/Drainage

The prescribed requirements of the CairnsPlan 2016 in relation to flooding are focused on the ability of the proposed development to maintain a minimum of 40% of the existing flood storage capacity of the subject site, provide habitable floor levels that are equal to or greater than the 1% Annual Exceedance Probability (AEP) event level, have a no worsening impact upon surrounding properties and provide adequate drainage infrastructure to ensure the use drains to a lawful point of discharge.

The application included volumetric flood storage calculations prepared by a Registered Professional Engineer of Queensland (RPEQ) and have confirmed the development and associated earthworks will meet the acceptable outcome. A development condition has been recommended to be imposed to ensure that the habitable floor levels of the use meet the prescribed requirement. The proposal has demonstrated that the drainage infrastructure that is to be provided to the development meets the relevant standards of the *Queensland Urban Design Drainage Manual* (QUDM) and the *FNQROC Development Manual*. Stormwater runoff will be captured from the roofs and carpark areas and conveyed via piping to the Izatt Close road reserve where it will link with the larger drainage network. Sufficient grading of the site ensures that all stormwater can achieve this point of discharge with no water to be discharged to surrounding properties.

## Materials Assessed in the Application

The applicant provided the following materials during the assessment process:

- Planning Assessment Report prepared by wildPlan;
- Plans of Development prepared by 8 Pencils;
- Engineering Services Report prepared by 5KF;
- Landscaping Plans prepared by LA3;
- Response to Information request prepared by wildPlan; and
- Response to matters raised in relation to compliance with the planning scheme during the assessment period.

These materials have been considered in the assessment of the application.

## **LEGISLATIVE FRAMEWORK**

## **Statutory Planning Considerations**

State P Policy	Planning	The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The CairnsPlan 2016 advances the SPP except for erosion prone areas and coastal management district and therefore all the relevant State interests have been appropriately reflected in CairnsPlan 2016.
FNQ R Plan 2009-2	Regional 2031	

## **Matters Prescribed by Regulation**

Schedule 9 & 10	The application did not trigger and referrals in accordance with the Planning
of the <i>Planning</i>	Regulation 2017.
Regulation 2017	

## LOCAL CATEGORISING INSTRUMENT

## CairnsPlan 2016 v3.1

## Strategic Framework Assessment

The development is subject to Code Assessment and therefore assessment against the Strategic Framework of the CairnsPlan 2016 v3.1 is not required, in accordance with section 45 (3) of the *Planning Act 2016*.

## Relevant Assessment Benchmarks of CairnsPlan 2016

The proposed development was assessed against the following assessment benchmarks of CairnsPlan 2016 v3.1.

CairnsPlan 2016 Assessment Benchmarks	
Assessment Benchmark	Assessment
Medium Density Residential Zone Code	Complies - The development is considered to achieve an appropriate outcome with regard to the Purpose Statements, Overall Outcomes, Performance Outcomes and Acceptable Outcomes (to the extent relevant) of the Medium Density Residential Zone Code. The proposal will provide for medium density multiple dwellings which are an anticipated land use within this zone.
Acid Sulfate Soils Overlay Code	Complies – The proposed development will ensure that any disturbance of potential acid sulfate soils will be appropriately managed.
Airport Environs Overlay Code	Complies – The proposed development will ensure protection of the existing and future safety, efficiency and operational integrity of Cairns Airport and associated aviation facilities.
Bushfire Hazard Overlay Code	Complies – The proposed development ensures that the subject site is appropriately located to minimise potential adverse impacts of bushfire on people, property and the environment.

Flood and Inundation Hazard Overlay Code	Complies – The proposed development protects the safety of people and minimises damage to property and the environment, whilst not adversely impacting upon the flood characteristics of the site and surrounds.
Transport Network Overlay Code	Complies – The proposed development will provide transport infrastructure to meet the demands of the land use.
Multiple Dwelling and Short-term Accommodation Code	Complies – The proposed development ensures that the use is appropriately design, located and operated.
Environmental Performance Code	Complies – The proposed development ensures that the development is designed and operated to avoid impacts on sensitive receiving environments.
Excavation and Filling Code	Complies – The proposed development ensures that excavation and filling occurs in a manner that does not adversely impact upon the character, amenity, environmental values and flooding/drainage of the site and surrounds.
Infrastructure Works Code	Complies – The proposed development ensures that infrastructure is provided to meet the needs of the proposal
Landscaping Code	Complies – The proposed development ensures that landscaping is provided to enhance the tropical amenity and character of the surrounding locality.
Parking and Access Code	Complies - The proposed development ensures that parking and access infrastructure is provided to service the demand generated by the additional use.
Vegetation Management Code	Complies – The proposed development ensures that vegetation damage occurs in an appropriate and sustainable manner.

## Assessment against the Outcomes of the Relevant Benchmarks

Where non-compliant with an Outcome of a relevant benchmark, a performance-based assessment has been undertaken, as detailed below.

Assessment Benchmark	Performance-based assessment	
Medium Density Residential Zone Code		
Site Coverage AO2.1 – "The site coverage is not more than 40%"	PO2 - "The site coverage of all buildings and structures is in keeping with the residential character and amenity of the area"	
	Compliance: The proposed development includes a site coverage of 48.6%, which exceeds the prescribed requirement of 40% for the land use. The surrounding locality contains a variety of site coverage percentages ranging from just less than 40% to in excess of 50%. As a result of the proposal being within the range that is within the established character of the locality, in consideration with only minor encroachments within the setbacks, it is considered that the land use will maintain the residential character and amenity of the area.	

Multiple Dwelling and Short-term Accommodation Code		
Design AO5.2 – "Each dwelling has openings to at least two different Aspects"	PO5 – "Development is designed to: (a) maximise cross-breezes to dwellings; (b) promote access to breeze and natural light" Compliance: The proposed development results in units 101- 104 and 201-203 with openings to the north only. However, the design of the units ensures that cross ventilation can be achieved, in particular from the south-east which lines up with the openings of the walkways between units. Additionally, the design of the units incorporates large patios which will be shaded in the afternoons due to being north facing which will ensure that these spaces remain relatively cool. As a result, it is considered that the proposal ensures that sufficient access to cross-breezes and natural light.	
Design AO6.4 – "The length of any continuous eave line does not exceed 15 metres"	PO6 – "Development reduces the appearance of building bulk through siting and the incorporation of design features including: (a) balconies; (b) variation in building form; (c) roof features; (d)the use of curves, steps, recesses, projections or variation in plan and elevation" Compliance: The proposed development incorporates eave lengths that exceed the prescribed 15 metres. Where this occurs, the building design incorporates façade with sufficient articulation including a variety in depth including patios and a roof height and form changes. As a result, it is considered to reduce the building bulk through differing design features.	
Design AO7.1 – "Buildings and structures are set back not less than 6 metres from a road frontage" AO7.2 – "Buildings and structures are set back not less than 4 metres to the rear boundary"	<ul> <li>PO7 – "Development is sited so that the setback from boundaries:</li> <li>(a) maintain the character and amenity of the streetscape and surrounding area</li> <li>(b) retains daylight access for adjoining premises;</li> <li>(c) provides privacy and amenity for residents and occupants on site and on adjoining premises;</li> <li>(d) provides for appropriate landscaping"</li> </ul>	

AO7.3 – "The side boundary setback for buildings and structures is: (a) for buildings of 1 or 2 storeys, not less than 2 metres for the entire building; or (b) for buildings of 3 and 4 storeys, not less than 3 metres for the entire building; or (c) for buildings greater than 4 storeys in height no acceptable outcomes are provided"	Compliance: The Multiple Dwelling & Short-term Accommodation Use Code prescribes within the Acceptable Outcomes that front boundary setbacks should not be less than 6m. All development proposed to be situated above ground level will achieve the required setback, with only the corner portion of the car park roof and the corner of the eaves of the third storey protruding into the front 6m setback. Given the subject site is situated at the end of a cul-de- sac, the front boundary is an irregular shape. Izatt Close contains numerous other structures (limited to open style carports) on nearby properties that protrude into the prescribed front setbacks. Given the car park will be an open style and the corner of the awning having a relatively minimal encroachment, it is considered that the proposed front setback maintains the character and amenity of the area, will not impact upon the amenity and daylight access for adjoining premises and facilitates sufficient areas for landscaping which has been demonstrated on landscape plans submitted as part of the application material.
	The prescribed setbacks for the proposed development in accordance with the use code outlines that buildings and structures are not setback less than 4m to a rear boundary. The proposed development has achieved this required setbacks excluding the small gardens sheds of units situated on ground level and the eaves of the building on the third floor (3.1 metres from rear boundary). Given the minor nature of these types of structures compared to patios and block walls beings situated within these areas, it is considered that there will be minimal impacts on adjoining properties and provides sufficient areas for deep plantings between the building and neighbouring premises. The Multiple Dwelling & Short-term Accommodation Use Code prescribes within the Acceptable Outcomes that side boundary setbacks should not be less than 3 metres for buildings of three (3) and four (4) storeys. The unit complex building at ground level meets the prescribed setback. The second storey meets

	the prescribed side setback excluding a small portion of a bedroom of Unit 108 which is setback 2.76 metres from the western side boundary and the corner of the eaves of the building over this level which are situated 1.34m from the western boundary and 2.3m from the eastern boundary. No windows are located within these encroachments. The third floor of the complex complies with the prescribed Acceptable Outcomes in relation to side boundary setbacks. Setbacks of adjoining properties within the street, consist of a variety of side and rear setbacks which, on some properties, are setbacks of 0 metres. Given the minor nature of these encroachments being limited to eaves and a small portion of a bedroom less than 0.3 metres within the setback, it is considered to not compromise the character and amenity within the locality, whilst providing privacy for adjoining premises and sufficient space for deep plantings.
Amenity AO11.1 – "Development involving: (a) 6 dwellings or more not less than 35% of the site area is provided as communal recreational area; or (b) 5 dwellings or less no acceptable outcomes are provided" AO11.2 – "The design of the communal recreation area is designed so that: (a) at least 50% of the communal recreation area has a minimum dimension of not less than 5 metres; (b) paved or sealed areas do not exceed 30% of the required communal recreation area"	PO11 – "Development provides accessible and functional communal recreation area for the benefit of residents" Compliance: The proposed development incorporates communal recreation areas that feature dimensions less than 5m wide at some points and cover less than 35% of the subject site. The communal area along the eastern boundary consists of turfed open space, concrete seating, a picnic shelter which includes table seating and a BBQ. The communal space to the south consists of turfed open space, opportunity for vegetable garden beds and a pergola with underroof seating. Both recreational areas will be linked to the units via a concrete pathway. Ground floor units are provided a courtyard ranging up to 120m <sup>2</sup> . Landscaped areas and communal spaces combine for a total of 30.5% of the site which equates to approximately 800m <sup>2</sup> . The shape and accessibility to the areas ensure that they reflect functional areas that will be sufficient to cater for the residents of the complex.

Landscaping AO13.2 – "A landscaped area not less than 2 metres in depth is provided and maintained within the site along the full length of the side and rear boundaries"	PO13 – "Landscaping contributes to establishing an attractive and safe streetscape and a high standard of amenity and privacy for adjoining premises and for residents" Compliance: Due to the unique shape of the subject site, the proposed car park for the complex consists of a setback of 1.97 metres for a length of approximately 12 metres to the western side boundary. Given the minor nature of the structure within the prescribed 2 metre landscape buffer, it is considered that this will have no impact on the ability of the development to establish deep plantings and other appropriate landscaping bordering this side boundary to provide an attractive environment and privacy to the adjoining premises.
Bushfire Hazard Overlay Code	
Safety of People, Property & the Environment AO1.1 – "Development is not located in an area of Potential impact buffer or Medium, High or Very high potential bushfire intensity area"	<ul> <li>PO1 – "Development maintains the safety of people and property by:</li> <li>(a) avoiding areas of Potential impact buffer or Medium, High or Very high potential bushfire intensity or</li> <li>(b) mitigating the risk through: <ul> <li>(i) the siting of development;</li> <li>(ii) including firebreaks that provide adequate:</li> <li>(A) setbacks between lots/buildings/structures and hazardous vegetation;</li> <li>(B) access for firefighting/other emergency vehicles.</li> <li>(iii) adequate road access for firefighting/other emergency vehicles.</li> <li>(iv) adequate and accessible water supply for firefighting purposes"</li> </ul> </li> <li>Compliance: <ul> <li>The proposed development is situated within a potential bushfire hazard buffer area.</li> <li>Hazardous vegetation is identified to the east of the subject site, however is separated from urban development by a sealed road and other existing forms of residential uses. The subject</li> </ul> </li> </ul>

Environmental Performance Code	site contains evacuation routes to the west which are clear of potential bushfire hazards. The subject site will be provided with a connection to the reticulated water network and adequate firefighting infrastructure. As a result, it is considered that the proposed development will not increase the risk to people, property and the environment.
Refuse Collection AO5.2 – "Development involving: (a) Multiple dwelling of six or more dwellings; or (b) Residential care facility, Retirement facility, Rooming accommodation or Short-term accommodation for six or more rooms; or (c) Centre activities; (d) Industrial activities; or (e) Sport and recreation activities; must be designed to be serviced by bulk bins for waste and recycling collection; (f) a bulk bin enclosure must be provided, that at a minimum: (i) at an accessible on site location at or near the road frontage; and (ii) provides sufficient on site manoeuvrability area for collection services, and vehicles enter and leave the site in a forward gear; and (iii) are of a sufficient size to accommodate the required bulk bins; and (iv) are sited and designed to be unobtrusive and screened from view from the street frontage; and (v) are imperviously sealed, roofed and bunded, and contain a hose down area connected to the internal wastewater system"	PO5 – "Development provides waste and recycling collection, separation and storage facilities that are designed, located and managed to: (a) avoid adverse impacts on building occupants, neighbouring properties and the public realm; (b) allow for the safe and efficient collection of waste and recycling" Compliance: The proposed development will be provided with bulk bins contained within an enclosure that is roofed, bunded and imperviously sealed. Given the residential nature of the proposal and constraints of the site, it is proposed for bulk bins to be wheeled to the frontage of the site for collection. As a result of the surrounds being low scale residential uses at the end of a cul-de- sac it is considered to be a low traffic area. The proposed arrangements are considered appropriate given there it will not compromise the existing safe and efficient transport network.

Landscaping Code		
Landscaping Code Landscaping AO1.2 – "Development provides landscaping in accordance with the minimum area, dimensions and other requirements of applicable development codes"	<ul> <li>PO1 – "Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the region by:</li> <li>(a) promoting the region's character as a tropical environment;</li> <li>(b) softening the built form of development;</li> <li>(c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;</li> <li>(d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development;</li> <li>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</li> <li>(f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces;</li> <li>(g) ensuring private outdoor recreation space is useable;</li> <li>(h) providing long term soil erosion protection;</li> <li>(i) integrating existing vegetation and other natural features of the premises into the development;</li> </ul>	
	Compliance: Due to the unique shape of the subject site, the proposed car park for the complex consists of a setback of 1.97 metres for a length of approximately 12 metres to the western side boundary. Given the minor nature of the structure within the prescribed 2 metre landscape buffer, it is considered that this will have no impact on the ability of the development to establish deep plantings and other appropriate landscaping bordering this side boundary to provide an attractive environment and privacy to the adjoining premises.	

## **RELEVANT MATTERS**

The development is subject to Code Assessment and therefore no other relevant matters have been considered in accordance with section 45 of the *Planning Act 2016*.

## PUBLIC NOTIFICATION

The development is subject to Code Assessment and therefore Public Notification was not required to be undertaken in accordance with section 45 of the *Planning Act 2016*, however 17 submissions were received regarding the Development.

The following matters were raised in not properly made submissions:

Issue	How matter was dealt with
The submitters identified concerns relating to the scale, height and location of the building. In particular, the inconsistency with the character of the area being lower scale dwellings. With potential impacts on these properties.	The purpose statement within the Medium Density Residential Zone Code outlines that the Medium Density Residential Zone is to provide for medium density multiple dwellings and community uses, small scale services, and facilities and infrastructure to support local residents. Specifically, a range of accommodation activities in low to medium rise multiple dwellings are expected to be established, with developments providing a high level of amenity taking into account impacts such as traffic, noise, dust, odour and lighting. The purpose of the code is achieved through a medium residential density, scale and character in the locality, development which reflects and responds to the natural features and constraints of the land and appropriate infrastructure to support the needs of the local community.
	Given the proposed development consists of 22 units within the complex across two (2) sites equalling a total site area of 2,608m <sup>2</sup> , it is considered that the use delivers an anticipated form of development within the locality. The development results in a high standard of amenity which is achieved through a variety in setbacks, building façade, roof forms and landscaping.
	The proposed Multiple Dwelling varies in height across the structure and reaches a total height 14.8 metres and four (4) storeys. The prescribed Acceptable Outcomes of the Medium Density Residential Zone, outline that buildings and structures are not more than 15 metres and four (4) storeys in height. As a result, the proposed structure meets the prescribed outcomes of the CairnsPlan 2016 v3.1 in relation to height and total number of storeys for uses within the Medium Density Residential Zone.
	The Multiple Dwelling & Short-term Accommodation Use Code prescribes within the Acceptable Outcomes that front boundary setbacks should not be less than 6 metres. All development proposed to be situated above ground level will achieve the required setback, with only the corner portion of the car park roof and the corner of the eaves of the third storey protruding into the front 6 metre setback. Given the subject site is situated at the end of a cul-de-sac, the front boundary is an irregular shape. Izatt Close contains numerous other structures (limited to open style carports) on nearby properties that protrude into the prescribed front setbacks. Given the car park will be an open style and the corner of the awning having a relatively minimal encroachment, it is considered that the proposed

front setback maintains the character and amenity of the area, will not impact upon the amenity and daylight access for adjoining premises and facilitates sufficient areas for landscaping which has been demonstrated on landscape plans submitted as part of the application material.
The prescribed setbacks for the proposed development in accordance with the use code outlines that buildings and structures are not setback less than 4m to a rear boundary. The proposed development has achieved the required setbacks excluding the small gardens sheds of units situated on ground level and the eaves of the building on the third floor (3.1 metres from rear boundary). Given the minor nature of these types of structures compared to patios and block walls beings situated within these areas, it is considered that there will be minimal impacts on adjoining properties and provides sufficient areas for deep plantings between the building and neighbouring premises.
The Multiple Dwelling & Short-term Accommodation Use Code prescribes within the Acceptable Outcomes that side boundary setbacks should not be less than 3 metres for buildings of three (3) and four (4) storeys. The unit complex building at ground level meets the prescribed setback. The second storey meets the prescribed side setback excluding a small portion of a bedroom of Unit 108 which is setback 2.76 metres from the western side boundary and the corner of the eaves of the building over this level which are situated 1.34 metres from the western boundary and 2.3 metres from the eastern boundary. No windows are located within these encroachments. The third floor of the complex complies with the prescribed Acceptable Outcomes in relation to side boundary setbacks. Setbacks of adjoining properties within the street, consist of a variety of side and rear setbacks which do are on some properties, setbacks of 0 metres. Given the minor nature of these encroachments being limited to eaves and a small portion of a bedroom less than 0.3 metres within the setback, it is considered to not compromise the character and amenity within the locality, whilst providing privacy for adjoining premises and sufficient space for deep plantings.

The submitters raised concerns regarding the increased traffic volumes anticipated for the subject site, specifically in relation to Izatt Close being a cul- de-sac	A review of the ability of the development to be catered for on the site in relation to traffic movements, concluded in the upgrade of the intersection of Greenslopes Street and Izatt Close to incorporate a new channelised right-turn treatment (CHR) to cater for the increase in vehicles expected to access the site from current circumstances. In addition to internal works such as the construction of a new access and compliant car parking area, which is to occur in accordance with the relevant standards, it is considered the proposal and recommended works will ensure the site can cater for traffic movements without compromising the safety and efficiency of the network. The imposition of a development condition for the construction of a footpath network from the subject site to Greenslopes Street has been recommended to ensure safe pedestrian movements are provided in light of increased vehicle traffic and connect to an active network for the community.
The submitters expressed concerns regarding future residents overlooking into adjoining premises and reducing the existing privacy of the residents.	The proposed development ensures that all patios and windows are situated in excess of the prescribed boundary setbacks. The layout of the units results in some patios facing side and rear boundaries containing sensitive land uses. A development condition has been imposed to ensure that adequate landscaping is provided to these areas to prevent overlooking and maintain the privacy of adjoining premises. In particular, patios that have frontage to a side and/or rear boundaries.
The submitters raised concerns in regard to the flooding and drainage management of the site and potential impacts on adjoining properties	The prescribed requirements of the CairnsPlan 2016 in relation to flooding are focused on the ability of the proposed development to maintain a minimum of 40% of the existing flood storage capacity of the subject sites, provide habitable floor levels that are equal to or greater than the 1% Annual Exceedance Probability (AEP) event level, have a no worsening impact upon surrounding properties and provide adequate drainage infrastructure to ensure the use drains to a lawful point of discharge.
	The application included volumetric flood storage calculations prepared by a Registered Professional Engineer of Queensland (RPEQ) and have confirmed the development and associated earthworks will meet the acceptable outcome. A development condition has been recommended to be imposed to ensure that the habitable floor levels of the use meet the prescribed requirement. The proposal has demonstrated that the drainage infrastructure that is to be provided to the development meets the relevant standards of the <i>Queensland Urban Design Drainage Manual</i> (QUDM) and the <i>FNQROC Development Manual</i> . Stormwater runoff will be captured from the roofs and carpark areas and conveyed via piping to the Izatt Close

	road reserve where it will link with the larger drainage network. Sufficient grading of the site ensures that all stormwater can achieve this point of discharge with no water to be discharged to surrounding properties.
The submitters raised concerns in regard to noise generated by the proposal, with particular reference during the construction period & odour of waste bins	The proposed development is for residential purposes, which is anticipated to result in low noise levels consistent with the surrounding locality. Noise concerns over the level of noise generated by the occupants will primarily be dealt with where required outside of the relevant planning controls. The refuse area is located with a significant buffer to adjoining premises which will include landscaping. A construction management plan has been recommended to be imposed on the proposed development which would be required to be endorsed by Council prior to any works occurring on the site. This plan is required to include adequate noise and dust controls that will be appropriately managed to reduce any construction impacts upon the surrounding locality.
The submitters raised concerns in regard to the potential bushfire hazard on the site.	The proposed development is situated within a potential bushfire hazard buffer area. Hazardous vegetation is identified to the east of the subject site, however is separated from urban development by a sealed road and other existing forms of residential uses. The subject site contains evacuation routes to the west which are clear of potential bushfire hazards. The subject site will be provided with a connection to the reticulated water network and adequate firefighting infrastructure. As a result, it is considered that the proposed development will not increase the risk to people, property and the environment.
	The proposed development is situated approximately 70 metres from densely vegetated characteristics. A buffer between these areas occurs by way of a sealed road and a unit complex. Given the proposed development is utilising a site which already contains urban development, it is considered there will be no impact to flora and fauna in these nearby areas.

## INFRASTRUCTURE CHARGES

Council's Charges Resolution No.2 of 2021 identifies that an Infrastructure Charge is levied for the development. The applicable charge has been calculated in accordance with the Resolution and section 120 of the *Planning Act 2016.* 

A copy of the calculations are contained within **Attachment 3**.

# LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

The development does not require the delivery of trunk infrastructure identified within the Local Government Infrastructure Plan to facilitate the development.

## **REASONS FOR DECISION**

The reasons for this decision are:

- 1. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 v3.1 and is considered to comply with the Overall Outcomes and Performance Outcomes of the applicable codes.
- 2. In assessing the proposed development, conditions have been imposed to ensure compliance with the assessment benchmarks of the CairnsPlan 2016 v3.1.
- 3. The proposed development provides an anticipated form of development being Multiple Dwelling in the Medium Density Residential Zone to a medium residential density, scale and character.
- 4. The proposed development provides a high level of amenity taking into account impacts such as traffic, noise, dust, odour and lighting.
- 5. The proposed development ensures that it protects the safety of people, minimises damage to property and the environment and does not directly or cumulatively cause or increase adverse impacts of flood inundation on other properties.
- 6. The Multiple Dwelling ensures that it is compatible with surrounding development due to being appropriately located and designed.

## RISK MANAGEMENT

## Council Finance and the Local Economy

The development is to occur on privately owned land and all costs are the responsibility of the developer.

## **Community and Cultural Heritage**

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

## **Natural Environment**

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

## **ATTACHMENTS**

- 1. Approved Plan(s) & Document(s)
- 2. Notice of Intention to Commence Use
- 3. Infrastructure Charges Calculations
- 4. Supporting Information

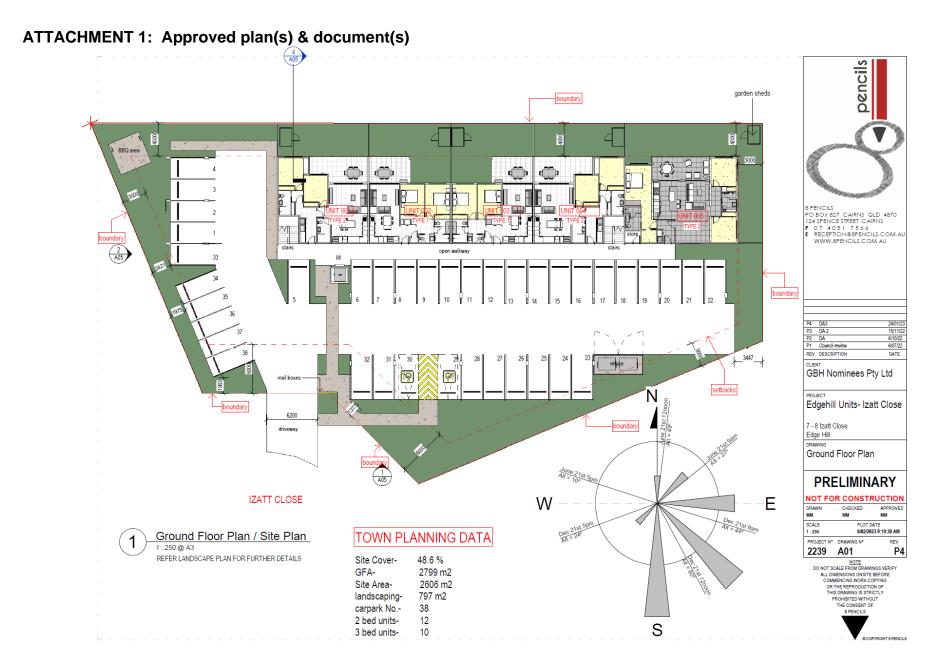
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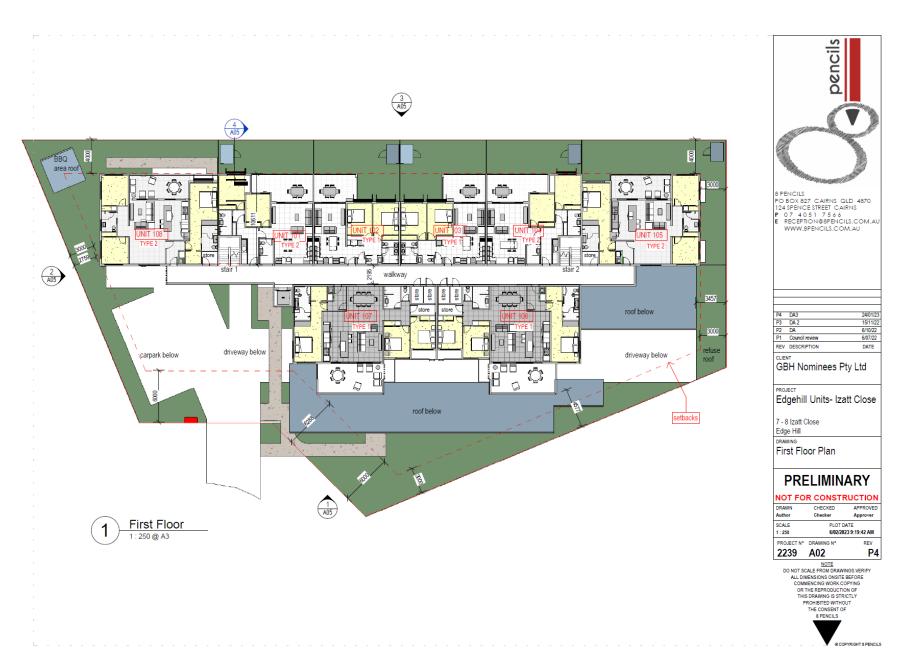
Dylan Thomas Planning Officer Action Officer

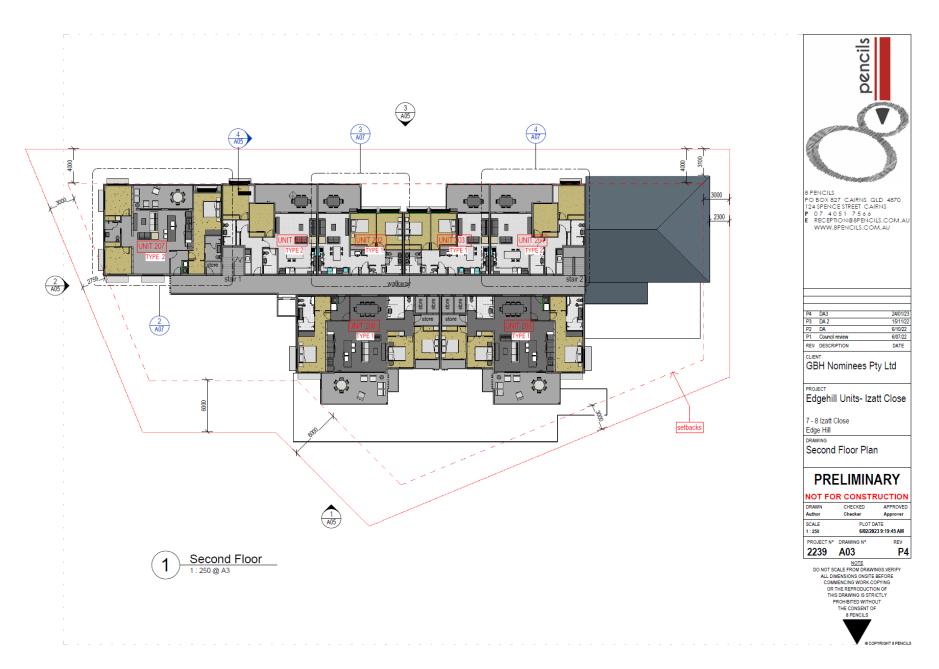
Claire Simmons Executive Manager Development & Planning

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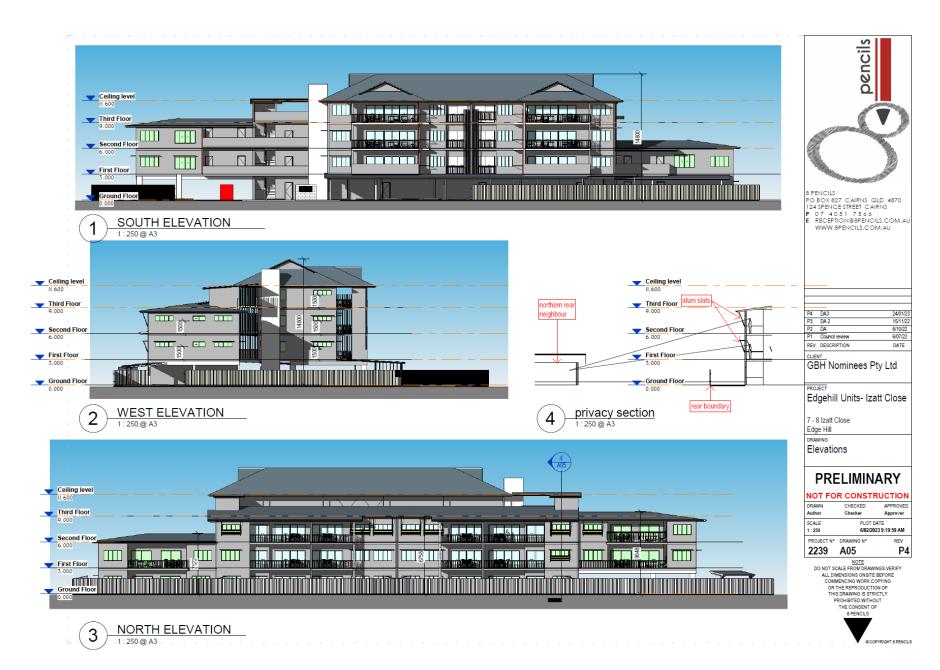
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 P 07 4051 7566
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 WWW.8PENCILS.COM.AU 3000-3000 , 2300 stair 1 2 A05 stair. walkway 13481 P4 DA3 P3 DA2 24/01/23 15/11/22 P2 DA P1 Council review 6/10/22 6/07/22 REV DESCRIPTION DATE A 1 A07 CLIENT đ GBH Nominees Pty Ltd 000  $\mathbb{O}$ Ö PROJECT 30 Edgehill Units- Izatt Close 7 - 8 Izatt Close Edge Hill setbacks DRAWING Third Floor Plan an. PRELIMINARY NOT FOR CONSTRUCTION DRAWN CHECKED APPROVED Author Checker Approver 1 A05 SCALE 1:250 PLOT DATE 6/02/2023 9:19:47 AM PROJECT N° DRAWING N° REV 2239 A04 P4 NOTE DO NOT SCALE FROM DRAWINGS VERIFY ALL DIMENSIONS ONSITE BEFORE COMMENCING WORK.COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT Third Floor 1 1:250 @ A3 THE CONSENT OF 8 PENCILS COPYRIGHT 8 PENCILS



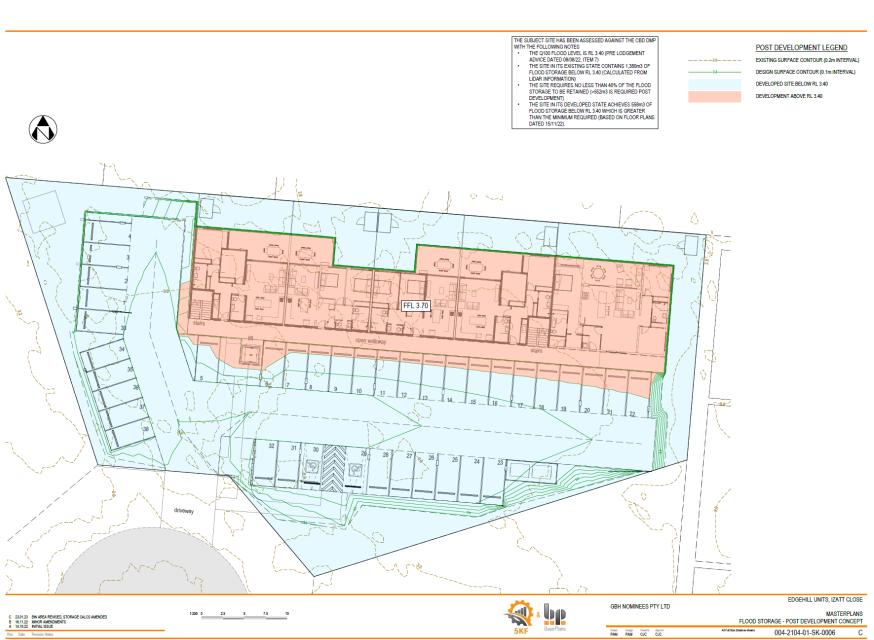






23/01/2023 10:17:41 AM Rit: 8:1WorkingDrewings/023/023-2202/01 Drewings/00 Masterplanning/023-2202-00-6K-0005\_Flooding.dwg

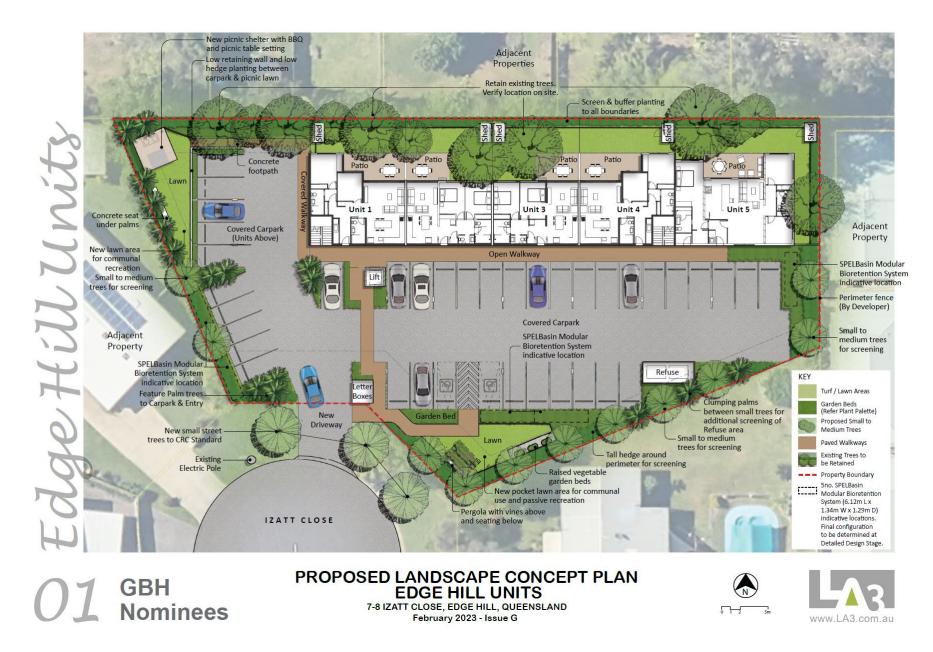
52



23/01/2023 10:17:X3 AM File: 8:1/likeking/Drewings/023/023-2202/01 Drewings/00 Mesterplanning/023-2202-00-8K-0005\_Pooding.dwg

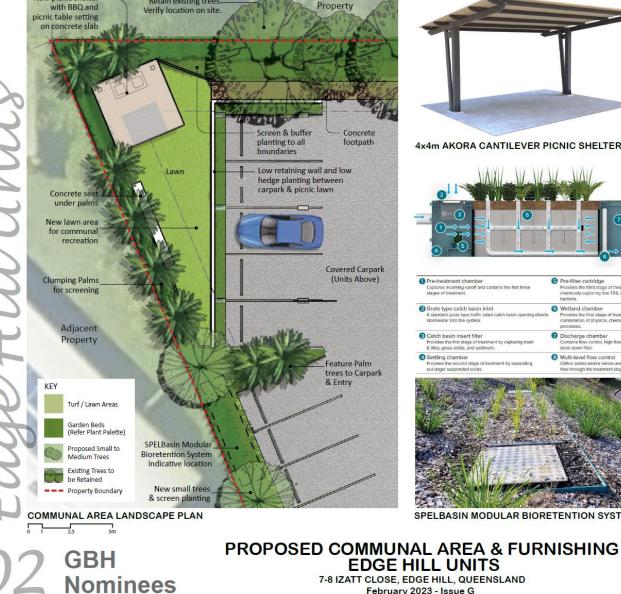


B 16.11.22 MINOR AMENOMENTS	1500 0 5 10 15 20	<u>~</u>	GBH NOMINEES PTY I TD	EDGEHILL UNITS, IZATT CLOSE			
			GERNOMINEESTITIETE		MASTERPLANS INTERSECTION - CHR(S)		
A 14.10.22 NITIAL ISSUE Rev Date Revision Notes		5KF Base Plans	Dream Device Check'd Appivid PAM PAM CJC CJC	A3 Full Size (Date as shown)	004-2104-01-SK-0007	В	
18/11/2022 0:22 45 PM Flar: 8:18/nites/Drawines/028/22.2202011 Cenario-will/E Mantenian-in-6023.2202.05.86.0007 Interarchine (2-Fis. 6	47					-	





New picnic shelter



Retain existing trees.



4x4m AKORA CANTILEVER PICNIC SHELTER



 Pre-treatment chamber
 Captures incoming runoff and contains the first three Pre-filter cartridge
 Provides the third stage of treatment by physically and chemically capturing fine TSS, metals, nutrients, and stages of treatment bacteria. 2 Grate type catch basin inlet 6 Wetland chamber A standard grate type traffic rated c stormwater into the system. Provides the final stage of treatment through a combination of physical, chemical and biological Catch basin insert filter Discharge chamber Contains flow control, high flow bypass and optiona drain down filter. Provides the first stage of treatmen & litter, gross solids, and sediment.

8 Multi-level flow control Orifice plates and/or valves are used to control the flow through the treatment stages.



SPELBASIN MODULAR BIORETENTION SYSTEM

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600x1200x800mm H PRE-FABRICATED CORRUGATED GALVANISED STEEL RAISED PLANTER BEDS



STREETSTYLE PICNING SETTING



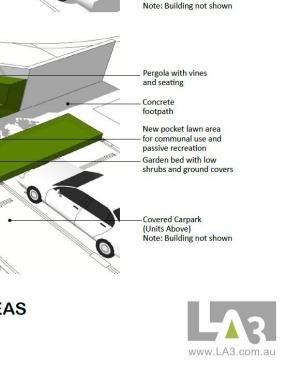
FRONTIER DOUBLE BBQ



56

Adjacent

New lawn area for communal recreation Concrete seat under palms Clumping palms -Screen & buffer for screening planting to all boundaries fill Umi VIEW OF PICNIC SHELTER & PICNIC LAWN New small trees for screening Raised vegetable garden beds Screen & buffer planting to all boundaries VIEW OF PERGOLA & VEGETABLE GARDEN PERSPECTIVE VIEWS OF COMMUNAL AREAS 03 GBH Nominees **EDGE HILL UNITS** 7-8 IZATT CLOSE, EDGE HILL, QUEENSLAND



New picnic shelter with BBQ and picnic table

setting on concrete slab

Retain existing trees.

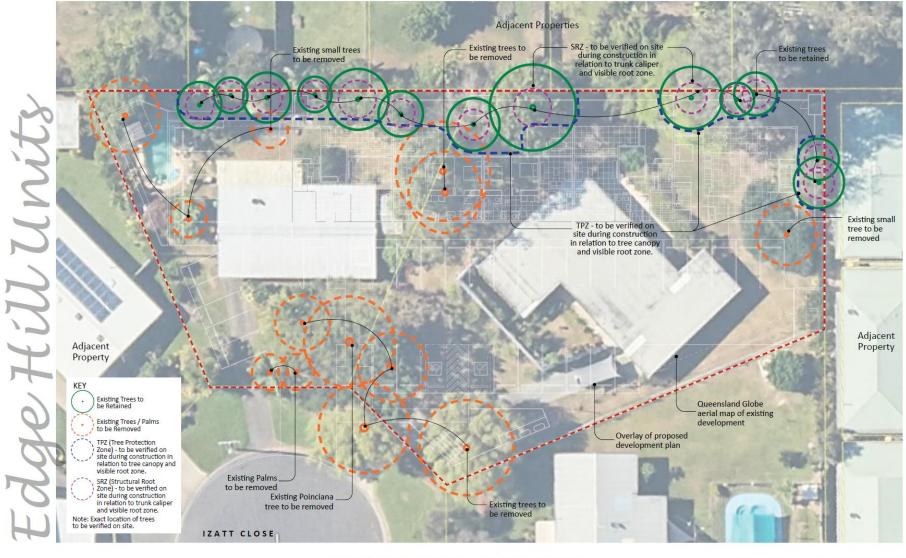
Verify location on site.

Screen & buffer planting to all boundaries Low retaining wall and low hedge planting between

carpark & picnic lawn

Covered Carpark (Units Above)

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04 GBH Nominees EXISTING VEGETATION PLAN EDGE HILL UNITS 7-8 IZATT CLOSE, EDGE HILL, QUEENSLAND February 2023 - Issue G





7-8 IZATT CLOSE, EDGE HILL, QUEENSLAND February 2023 - Issue G



### **ATTACHMENT 2: Notice of Intention to Commence Use**



# Notice of Intention to Commence Use

## **DEVELOPMENT PERMIT** Planning Act 2016

Development Permit	8/7/5396
Date of Approval	15 March 2023
Approved Use	Multiple Dwelling
Location	7 & 8 Izatt Close, Edge Hill
Property Description	Lot 21 & 22 on RP726354

I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above

on \_\_\_\_\_ (insert date).

I have read the conditions of the Decision Notice issued and believe that all the applicable conditions have been complied with.

Applicant:

Address:

Contact Phone:

Signature of Applicant/Owner:

Date:

# ATTACHMENT 3: Infrastructure Charges Calculations

Attac	hment to Infrastructure Ch	arges Notice				Cai		
Applicant Name:	The GBH Property Unit Trust		DA/ICN Number: 8/7/5396		DM5 Ref:	7142006		
Development Address:	t Address: 7 & 8 Izatt Close		Preparing Officer:			DT	Thomas	
EDGE HILL QLD 4870			Relevant Charges Policy:		Cairns Regional Council Charges Resolution No. 2 of 2021			)21
Property Description:	roperty Description: Lot 21 & 22 on RP726354		Date Levied:		01-Mar-23			
			Index:		124.93			
			index.		124.00			
Levied Charge Calcu	ulation							
AC - (BASE CHARGE)								
Category	Use			(	Quantity	Sub Total	Indexed Sub Total	
Residential uses	Multiple dwelling	Use component	\$ 16,364.65	for each dwelling with 2 or less bedrooms	12	\$196,375.80	\$204,275.16	
Nesideniidi uses	Multiple dwelling	Impervious area component	\$-			\$0.00	\$0.00	
		Use component	\$ 22,027.88	for each dwelling with 3 or more bedrooms	10	\$220,278.80	\$229,139.68	
Residential uses	Multiple dwelling	Impervious area component	\$-			\$0.00	\$0.00	
					PROPOSED CHARGE	\$416,654.60	\$433,414.84	
C - (CREDIT)								
Category	Use			for each dwelling with 3 or	Quantity	Sub Total	Indexed Sub Total	
Residential uses	Dwelling house	Use component	\$ 30,677.65	for each dwelling with 3 or more bedrooms	2	\$61,355.30	\$63,823.36	
		Impervious area component	\$ -			\$0.00	\$0.00	
					EXISTING CHARGE	\$61,355.30	\$63,823.36	
					LC (LEVIED CHARGE)	\$355,299.30	\$369,591.48	
					DATE PAYABLE	MCU - Before	the change occurs	
REVIEWED A Davey				OFFICE USE ONLY:	DATE PAID			
					Account: RECEIPT NUMBER		T648 GL 05446	

