

<p>ORDINARY MEETING</p> <p>10 APRIL 2019</p>	<p>6</p>
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MATERIAL CHANGE OF USE FOR FUNCTION FACILITY AND SHORT-TERM ACCOMMODATION – 30-36 CARIBBEAN STREET HOLLOWAYS BEACH – DIVISION 8

C Mariot | 8/8/1521 | #6035606v2

<u>PROPOSAL:</u>	FUNCTION FACILITY AND SHORT-TERM ACCOMMODATION
<u>LANDOWNER:</u>	J R MCALLISTER & T BOCCANFUSO
<u>APPLICANT:</u>	BILLABONG ISLAND PTY LTD JAMIE MCALLISTER & TONI BOCCANFUSO 4 CHYSTANTHUS STREET TRINITY PARK QLD 4879
<u>LOCATION OF SITE:</u>	30-36 CARIBBEAN STREET, HOLLOWAYS BEACH
<u>PROPERTY:</u>	LOT 26 RP742501
<u>ZONE:</u>	LOW DENSITY RESIDENTIAL
<u>LOCAL PLAN:</u>	NOT APPLICABLE
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 V1.2
<u>REFERRAL AGENCIES:</u>	NOT APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	1 SUBMISSION RECEIVED
<u>STATUTORY ASSESSMENT DEADLINE:</u>	3 MAY 2019
<u>APPLICATION DATE:</u>	26 SEPTEMBER 2018
<u>DIVISION:</u>	8
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. APPROVED PLAN(S) & DOCUMENT(S) 2. STATEMENT OF COMPLIANCE 3. INFRASTRUCTURE CHARGES NOTICE 4. SUPPORTING INFORMATION

LOCALITY PLAN**RECOMMENDATION**

That Council approves the development application for Function Facility and Short-Term Accommodation over land described as Lot 26 RP742501, located at 30-36 Caribbean Street, Holloways Beach, subject to the following:

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

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

Drawing or Document	Reference	Date
Site Plan	026CAR Sheet No. 1-4, prepared by Davies Design and Drafting Service	January 2019
Carpark 1 Site Plan	026CAR Sheet No. 2-4, prepared by Davies Design and Drafting Service	January 2019
Carpark 2 Site Plan	026CAR Sheet No. 3-4, prepared by Davies Design and Drafting Service	January 2019
Carpark 3 Site Plan	026CAR Sheet No. 4-4, prepared by Davies Design and Drafting Service	January 2019
House and Villa Floor Plan	Council Ref: #5987166	Received 31 January 2019

Assessment Manager Conditions

- 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 88 of the Planning Act 2016.**
- 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;**
 - 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 effected 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 respective uses of the site, written notice must be given to Council that the relevant part of the development fully complies with the relevant conditions of this Development Permit. Please return the attached "Notice of Intention to Commence Use" form when the relevant use has commenced.**

Limitation of Use – Function Facility

- 5. The approved use of Function Facility is limited to the following unless otherwise authorised by the Chief Executive Officer:**
 - a. The maximum number of patrons/guests at the site at any one time is restricted to sixty (60) people (excluding staff) unless otherwise approved by the Chief Executive Officer; and**
 - b. The number of events held at the site is restricted to one (1) event on any given day.**
- 6. The hours of operation of the Function Facility is limited to the following unless otherwise authorised by the Chief Executive Officer:**
 - a. Friday and Saturday from 10am until midnight; and**
 - b. Sunday and Public Holidays from 10am until 10pm.**

Limitation of Use – Short Term Accommodation

- 7. The approved use of Short Term Accommodation is limited to the following unless otherwise authorised by the Chief Executive Officer:**
 - a. A maximum number of sixteen (16) guests;**
 - b. The maximum duration of stay of patrons must not exceed three (3) consecutive months; and**
 - c. The Short Term Accommodation component can operate 24-hours a day, Monday to Sunday.**

Noise

- 8. The use of loudspeakers and amplified devices, including amplified music is not permitted after 10:30pm Friday and Saturday and 9pm on Sunday and Public Holidays.**
- 9. Prepare a Noise Management Plan that demonstrates how the noise associated within the approved Function Facility use can be appropriately managed. The Management Plan must include, but not be limited to the following:**
 - a. Maintain a complaints register which must be made available to Council upon request. The complaints register must detail the nature of the complaint, the time it was made and the action taken to rectify the complaint;**
 - b. Provide notification of any events occurring after 10:30pm Friday or Saturday Night to neighbouring properties prior to each event with details of the event organiser included for the process of lodging noise complaints; and**
 - c. Provide further details of how the events will be managed to ensure compliance with the relevant requirements.**

The Noise Management Plan must be submitted to Council prior to the Commencement of use. The Noise Management Plan must be implemented for every event with the requirements made known to all event organisers.

- 10. A Noise Compliance Report is to be submitted to Council within six (6) months of the Commencement of the Function Facility Use, demonstrating events in that period complied with the following:**
 - a. Condition 8 of this Development Permit restricting loudspeakers or amplified music;**
 - b. The recommendations of the Noise Management Plan; and**

- c. **Inclusion of any other relevant conditions included in this Development Permit.**

The Noise Compliance Report must detail the nature of the non-compliance and provide recommendations to achieve compliance.

Site Based Operational Plan (SBOP)

- 11. **Prepare a Site Based Operational Plan (SBOP) for the management of the activities associated with the Function Facility authorised under this approval. The SBOP must be made known to all event organisers and must include the following details:**
 - a. **Details of the Noise Management Plan;**
 - b. **Detail of on-site carparking being provided to event organisers, staff, guests and patrons;**
 - c. **Details of traffic control methods; and**
 - d. **Details of the Hours of Operation and Maximum Patronage.**

The SBOP must be submitted to Council prior to the Commencement of Use. The Applicant / Owner must acknowledge in writing that all potential event organisers will be advised of the requirements of the Site Based Operational Procedure.

Vehicle Parking & Access

- 12. **Provide a minimum of twenty-five (25) carparking spaces being twenty (20) carparking spaces for the Function Facility and five (5) spaces for the Short Term Accommodation as identified on the approved plans of development. Provision of space must be provided on site for vehicles to turn around so that all vehicles, including service vehicles, can enter and exit in a forward direction.**

Service Vehicles

- 13. **Deliveries to the site must not be made prior to 7:00am or after 6:00pm, Monday to Sunday, including public holidays.**

External Works

- 14. **Undertake the following works external to the land at no cost to Council:**
 - a. **Provision of a concrete crossover (or other approved surface) and aprons for the new crossover located at the 'second gate entrance' and upgrade of existing crossover for the service vehicle entry and 'main gate' entry must be in accordance with FNQROC Development Manual Drawing S1015C.**

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

Parking Signage

15. Erect permanent parking signage located at the Caribbean Street frontage advising of the location of off-street visitor parking area and access to the site. The sign(s) must be erected prior to the commencement of use and must be maintained at all times.

Drainage Conditions

16. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.
17. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, to the requirements and satisfaction of the Chief Executive Officer.

Advertising Signage

18. Advertising Signage is limited to one (1) sign no greater than 1 metre in length and 0.3 metres in height and must not be illuminated.

Refuse Collection

19. General waste and recycling generated by the approved use, must be collected and disposed of by regulated waste contractors.

Vegetation Clearing

20. Existing vegetation on the subject land must be retained in all areas. Any further clearing requires an Operational Works Approval.

Damage to Council Infrastructure

21. In the event that any part of Council's existing stormwater or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to: mobilisation of heavy construction equipment; stripping and grubbing; the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developers/owners/builders cost, prior to the Commencement of Use.

ADVICE

1. 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.
2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
3. Should the provisions of Shared Facility Accommodation be provided to holiday makers or travellers a Shared Facilities Accommodation Local Law Permit may be required to be obtained from Council.

Health

4. The provision of serving or handling of food on the site may also require the need for a Food License to be obtained from Council. Please refer to Council's Website for more information. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
5. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the *Food Act 2006*. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.

Liquor License

6. The sale of alcohol may also require a liquor license to be obtained from the Office of Liquor and Gaming Regulation. Please refer to the State Government, Department of Liquor and Gaming for more information.

Infrastructure Charges Notice

7. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the 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 Planning Approvals 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.

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

LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016v1.2 the approved land use of Function Facility and Short Term Accommodation is defined as:

'Function Facility - Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.'

'Short-Term Accommodation - Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.'

*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 for Material Change of Use for Function Facility and Short-Term Accommodation on land located at 30-36 Caribbean Street, Holloways Beach, most commonly known as "The Billabong", described as Lot 26 on RP742501. The site has a total area of 2.086ha. The site currently adjoins residential land and the Holloways Beach Sporting Complex.

The proposal seeks to utilise an existing Dwelling House, Secondary Dwelling Unit and associated gardens to operate a Function Facility & Short Term Accommodation for private events & weddings. The applicant/owner proposes the following operation to occur:

- Approximately 90 guests or less per event, with hours of operation restricted to Friday to Sunday and restricted noise levels from 10pm;
- Utilise the existing Dwelling House and Secondary Dwelling Unit for a maximum of sixteen (16) guests, contained within seven (7) bedrooms for Short Term Accommodation. No residents will reside permanently in the Dwelling House; and
- Provision of on-site patron parking will be provided on the property with approximately twenty-five (25) carparking spaces.

The site is located within the Low Density Residential Zone of the CairnsPlan 2016v1.2. The site is affected by the Airport Environs Overlay, Acid Sulfate Soils Overlays, Flood and Inundation Overlay and Bushfire Hazard Overlay. The application is Impact Assessable within the Low Density Residential Zone. The application was publicly advertised and received one (1) submission.

Whilst a Function Facility and Short Term Accommodation would ordinarily be considered an incompatible land use within the Low Density Residential Zone, consideration has been given to site context, history of the site and the proposal's ability to maintain a high level of residential amenity, having regard to traffic, noise, lighting and other specific impacts. In particular, the following aspects have been limited through recommended conditions of approval:

- Limitation of sixty (60) guests/patrons for the Function Facility component;
- Provision for compliant on-site carparking for the Function Facility & Short Term Accommodation to avoid the use of off-site carparking; and
- Limitation of the proposed hours of operation and noise to a reasonable scale for a residential area, with hours of operation restricted to Friday to Sunday only with the use of speakers and amplification devices to cease after 10:30pm on Friday and Saturday and 9pm on Sunday.

It should be noted the Applicant's proposal is not entirely supported by officers and this is reflected in the recommendation to Council. The number of patrons put forward to Council within the development application of ninety (90) people is not considered to be of a reasonable scale for a residential area and consistent with conditions applied to other Wedding Function Facilities within residential zones around Cairns. This aspect is discussed further in the report.

In assessing the proposed development, reasonable and relevant conditions have been recommended to ensure compliance with the assessment benchmarks of the CairnsPlan 2016v1.2.

TOWN PLANNING CONSIDERATIONS

Background

The site is currently improved by a Dwelling House & Secondary Dwelling, with a combined gross floor area (GFA) of 260m² which is surrounded, for the most part by a man-made lake. The site adjoins residential land uses and is also located adjacent to the Holloways Beach Sporting Complex.

Historically, the site has been utilised as a Bed and Breakfast, which was authorised by way of Development Permit 8/8/319 issued by Council on 18 December 2001.

On 2 July 2007 a Material Change of Use was approved for Holiday Accommodation to allow six (6) cabins sited around the lake edge. This approval was never acted upon and subsequently lapsed.

The site is currently operating under a superseded planning scheme approval for the Holiday Letting of a single Dwelling House under CairnsPlan 2009 (Council Ref: 8/8/821) which permits a maximum of six (6) people not related by blood, marriage or adoption to occupy the house at any one time. The definition of House included the Short Term Letting of a House for the purpose of Holiday Rental Accommodation.

On 15 August 2018 Council issued a Show Cause Notice for carrying out assessable development with a Development Permit.

Proposal

The proposal seeks to utilise an existing Dwelling House, Secondary Dwelling Unit and associated gardens to operate a Function Facility & Short Term Accommodation for private events & weddings.

The following operation is proposed to occur:

- Approximately 90 guests or less per event, with hours of operation restricted to Friday to Sunday and restricted noise levels from 10pm;
- Utilise the existing Dwelling House and Secondary Dwelling Unit for a maximum of sixteen (16) guests, contained within seven (7) bedrooms for Short Term Accommodation. No residents will reside permanently in the Dwelling House; and
- Provision of on-site patron parking will be provided on the property with approximately twenty-five (25) carparking spaces.

ASSESSMENT BENCHMARKS

The proposed development was assessed against the following assessment benchmarks of CairnsPlan 2016v1.2:

Assessment Benchmarks	<p>Zone</p> <ul style="list-style-type: none"> • Low density residential <p>Overlays</p> <ul style="list-style-type: none"> • Acid sulfate soils (Land above 5m & below 20m AHD) • Airport environs (Wildlife Hazard Zone, Light Intensity Zone, OLS, • Bushfire hazard (Medium Potential Intensity, Bushfire Potential Impact Buffer) • Flood and inundation hazards (Flood Inundation (100year ARI, Barron River Delta Precinct) • Transport network (Access Road) <p>Development codes</p> <ul style="list-style-type: none"> • Multiple dwelling and short-term accommodation • Environmental performance • Excavation and filling • Infrastructure works • Landscaping • Parking and access • Vegetation management
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Strategic Framework Assessment

The development proposal requires assessment against the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are as discussed as follows:

Strategic Framework	Assessment
3.3 Settlement Pattern Theme	
3.3.1 Strategic Outcomes	Not Applicable.
3.3.2 Element – Centres and Centre Activities	Not Applicable
3.3.3 Element – Mixed Use Areas and Specialised Centres	Not Applicable.
3.3.4 Element – Industry Areas and Activities	Not Applicable.
3.3.5 Element – Residential Areas and Activities	<p>Complies. The Strategic Outcome identifies non-residential uses are provided where they are appropriate, support the local community, do not detract from the residential amenity of the area or compromise the role and successful function of centres within the hierarchy of centres.</p> <p>The proposal is considered appropriate given the site context and location. The existing Dwelling House and garden area is located a minimum of 40 metres from the adjoining residential property boundaries and is separated by a body of water. The subject site has been historical been utilised for a commercial operation.</p> <p>The applicant has demonstrated the proposal will not detract from the residential amenity of the area and the impacts can be appropriately mitigated on the site by limiting the following:</p> <ul style="list-style-type: none"> • Guest numbers for the Function Facility that is considered of a reasonable scale for a residential area; • Provision for compliant on-site carparking for the Function Facility & Short Term Accommodation to avoid the use of off-site carparking; and • Limitation of the proposed hours of operation and noise to a reasonable scale for a residential area. <p>The proposal will not compromise the role and successful function of centres within the hierarchy of centres.</p>
3.3.6 Element – Rural Activities	Not Applicable.
3.3.7 Element – Townships and Small Communities	Not Applicable.
3.3.8 Element – Islands	Not Applicable.
3.3.9 Element – Built Form, Design and City Image	Not Applicable.

3.3.10 Element – Places of Significance and Neighbourhood Character	Not Applicable.
3.3.11 Element – Community Health and Wellbeing	Not Applicable
3.4 Natural Areas and Features Theme	
3.4.1 Strategic Outcomes	Complies. The proposal does will not seek to remove vegetation. The proposal has adequately demonstrated that the region's natural environment, ecological processes and biodiversity values are protected and enhanced over the site.
3.5 Economic Theme	
3.5.1 Strategic Outcomes	Complies. The Strategic Framework supports development that contributes to diversifying the economy in locations where development is complimentary to scale, is highly accessible, avoids areas vulnerable to natural hazards and is supported by necessary infrastructure.
3.5.2 Element – Strong and Diverse Economy	Not Applicable.
3.5.3 Element – Tourism	Not Applicable.
3.5.4 Element – Agriculture	Not Applicable.
3.5.5 Element – Ports, Aviation and Defence	Not Applicable.
3.6 Infrastructure Theme	
3.6.1 Strategic Outcomes	The proposed development will not compromise the Strategic Outcomes of the Infrastructure Theme. The existing infrastructure onsite has adequate capacity.
3.6.2 Element – Energy	Not Applicable.
3.6.3 Element – Transport	Not Applicable.
3.6.4 Element – Water and Waste	The development is connected to the reticulated water and sewer infrastructure.
3.6.5 Element – Open Space and Recreation	Not Applicable.

Overall Outcomes Assessment

Low Density Residential Zone	
Overall Outcomes	The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents. The proposed development does not comply with the overall outcomes of the zone code, therefore an assessment against the Strategic Framework has been undertaken.

Performance Outcome Assessment

Environmental Performance Code	
Performance Outcome 1 Lighting	The existing Dwelling House and garden area is located a minimum of 40m from the boundary of neighbouring residential properties and is surrounded by a body of water. The car parking areas have been designed to avoid headlights impacting directly on adjacent residential land uses. The site contains a 1.8m fence at all property boundaries, with densely vegetated buffers adjacent to carparking areas. The lighting will not have an adverse impact on the amenity of adjacent uses. The proposal complies with the Performance Outcome.
Performance Outcome 3 Noise	<p>Conditions of approval have been recommended for the use of loudspeakers and amplified devices, including amplified music is not permitted after 10:30pm Friday and Saturday and 9pm on Sunday and Public Holidays.</p> <p>The applicant/owner will also be required to prepare a Noise Management Plan that demonstrates how noise associated with the approved use can be appropriately managed. The applicant/owner will be required to maintain a complaints register and provide notification of any event occurring after 10:30pm to adjoining neighbours.</p> <p>The car parking areas have been designed to avoid noise associated with carparking impacting directly on adjacent residential land uses. The site contains a 1.8m fence, densely vegetated buffers adjacent to carparking areas. The parking areas consists of compacted gravel, therefore it is not considered necessary for a condition of approval to be imposed to seal the proposed carparking locations.</p>
Performance Outcome 7 Hours of Operation	Conditions of approval have been recommended for limitation of the proposed hours of operation and noise to a reasonable scale for a residential area.
Transport Network Overlay	
Performance Outcome 1 Traffic	<p>Caribbean Street is an Access Place in accordance with the Transport Network Overlay. The proposal for a non-residential use will introduce non-residential traffic to Caribbean Street. The proposal is considered to meet Performance Outcome 1, as follows:</p> <ul style="list-style-type: none"> • The proposal provides compliant number of carparking spaces; • The applicant/owner has advised parking management attendants will be utilised for events. A condition of approval has been recommended for a Site Based Operational Plan to be submitted to Council which will recommend mitigation measures for traffic management controls; and • The number of patrons have been limited to mitigate the impact on the patrons parking within the street.

OTHER RELEVANT MATTERS FOR IMPACT ASSESSMENT

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application under Section 45 of the Planning Act 2016 and Section 31 of the Planning Regulations 2017:

Assessment Benchmark/Other Relevant Matters	Assessment
Far North Queensland Regional Plan (FNQRP) 2009-2031	The development proposal is for an urban activity in the urban footprint and there are no requirements in the FNQ Regional Plan applicable to the development proposal.
State Planning Policy (SPP)	<p>Part E of the SPP contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is subject to several state interests including:</p> <ul style="list-style-type: none"> • Agriculture (Agricultural Land Classification – Class A and B); • Natural Hazards, Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay, Medium Storm Tide Inundation Area and Bushfire prone area); • Strategic Airports and Aviation Facilities (ANEF 25-30 Contour 30-35 contour, OLS, Light Restriction Zone, Lighting Area Buffer (6km), Wildlife Hazard Buffer Zone, Light Restriction Zone & Aviation Facility. <p>The CairnsPlan 2016v1.2 advances the SPP except for erosion prone areas and therefore all the State interests have been appropriately reflected in the Scheme.</p>
Local Government Infrastructure Plan (LGIP)	Not Applicable.
Planning Act 2016	<p>The assessment of the development application must not modify a development, such that it results in a different development that was applied for by the applicant.</p> <p>The applicant seeks a maximum number ninety (90) patrons. A condition of approval has been included for the Function Facility to be limited to a maximum number of patrons/guests to be restricted to sixty (60) people. The condition includes suitable flexibility for larger events to be approved subject to Council approval. Considerations of approval would include mode of transport to minimise impacts external to the site. Should the applicant demonstrate that larger events can be suitably accommodated at the site, the applicant may put forward a change request to amend the conditions of the approval. This would be considered on its merits at the time of assessment.</p> <p>This condition of approval is considered reasonable and relevant having consideration for the residential zoning of the site and the complaints history associated with events at the site.</p>

MATTERS RAISED IN SUBMISSIONS

In accordance with Impact Assessable procedures outlined in Part 4 of the Development Assessment Rules (DA Rules) the proposal was publicly notified for 15 business days, the applicant declared the following actions were carried out:

- Publish a notice at least once in the newspaper circulating generally in the locality;
- Place a notice on the land in the way prescribed under the regulation; and
- Give a notice to the owners of all lots adjoining the premises.

A Notice of Compliance was received on 13 March 2018.

In accordance with section 53(3) the assessment manager considers the public notification that was carried out did not restrict the public's opportunity to make properly made submission about the application. A summary of the submissions received is provided in the table below:

No. of submissions received:	1	Properly Made		Not Properly Made
Nature of submission		Support	1	Object

Submitter Issue	Council Officers Response
Excessive number of patrons <i>The submitter raised concerns regarding the number of patrons that have previously attended the site</i>	Discussed in the body of the report. Conditions of approval have been recommended for limitation of the number of patrons for the Function Facility and Short Term Accommodation that is considered of a reasonable scale for a residential area.
Carparking <i>The submitter raised concerns regarding the number of patrons utilising on-street parking and congestion within the street</i>	Discussed in the body of the report. The carparking areas have been designed to avoid headlights impacting directly on adjacent residential land uses. The site contains a 1.8m fence, densely vegetated buffers adjacent to carparking areas. Therefore, it is considered lighting will not have an adverse impact on the amenity of adjacent uses.
Noise <i>The submitter raised concerns regarding the noise emitted from previous events</i>	Discussed in the body of the report. Conditions of approval have been recommended for the hours of operation and the restriction of loudspeakers and amplified devices, including amplified music.
Drunk and Disorderly Behavior <i>The submitter raised concerns regarding the drunk and disorderly behavior of patrons</i>	Council is unable to regulate the behaviour of patrons of utilising the premises. Onsite behaviour is not something that the Planning Scheme is able regulate and as such should be the responsibility of the on-site management. Conditions of approval have been recommended to mitigate amenity impacts only.

INFRASTRUCTURE CONTRIBUTIONS

The proposed development triggers Infrastructure Charges. Refer to Appendix 3 to view calculations.

Statement of Reasons

The following information is provided in accordance with section 63 of the *Planning Act 2016*.

REASONS FOR DECISION

The reasons for this decision are:

1. The proposed development has been assessed on a site specific basis. Consideration has also been given to the historical approvals of the site and the nature of land uses occurring over time. The subject site has an area of 2.086ha and proposed facilities are significantly removed from adjoining sensitive land uses.
2. The proposed development has sufficiently demonstrated the proposed operation maintains a high level of residential amenity, having regard to traffic, noise, lighting and other specific impacts.
3. The design and layout of on-site designated car parking areas are located to avoid noise and lighting impacts on adjacent sensitive land uses (i.e. adjoining Dwelling Houses) with densely vegetated buffer adjacent to carparking areas and the appropriate fencing.
4. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016v1.2 and is considered to comply with the overall outcomes and performance criteria of the applicable codes.
5. In assessing the proposed development, conditions have been recommended to ensure compliance with the assessment benchmarks of the CairnsPlan 2016v1.2.
6. The proposed development is generally consistent with the provisions of the Far North Queensland Regional Plan 2009-2031.



Courtney Mariot
Planning Officer
Action Officer

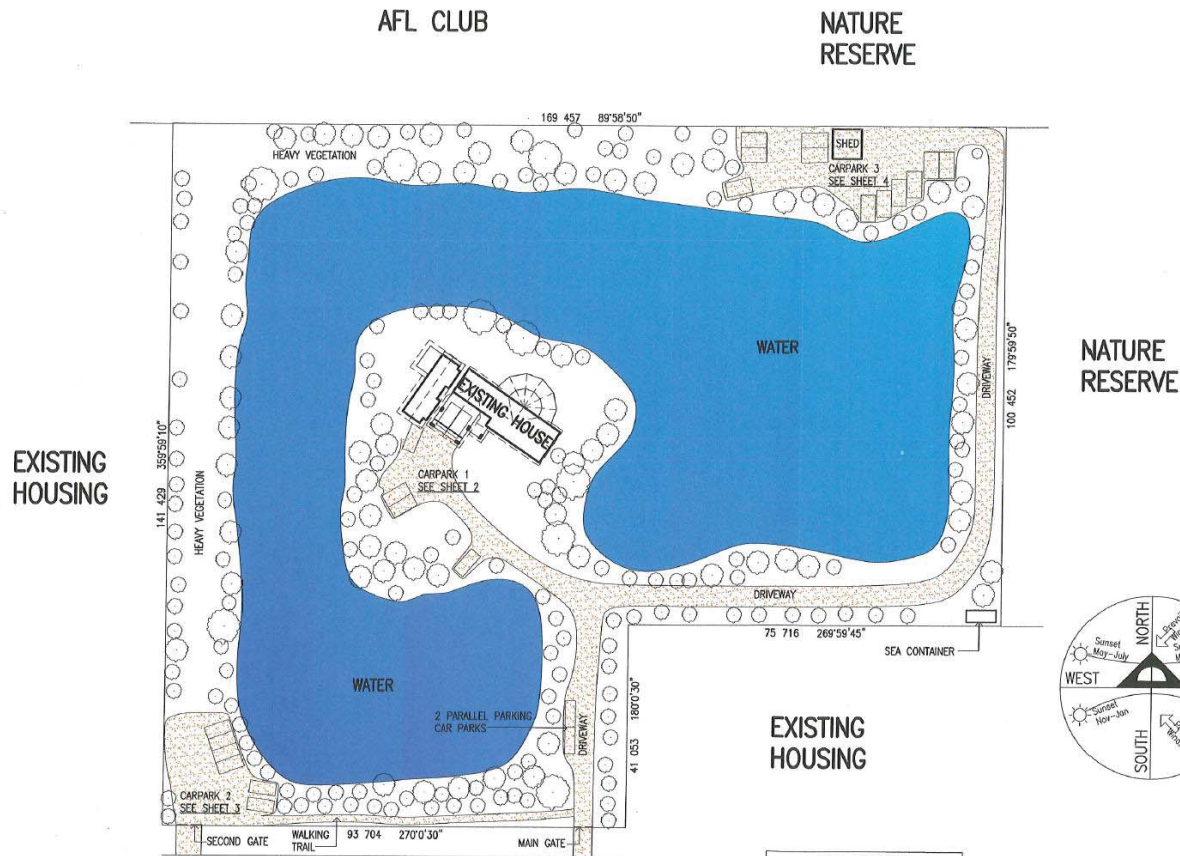


Peter Boyd
Manager Strategic Planning & Approvals



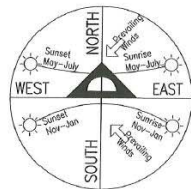
Kelly Reaston
General Manager Planning & Environment

APPENDIX 1: Approved plan(s) & document(s)



SITE PLAN
SCALE 1:750 @ A3

CAR PARKING	
CAR PARK	NUMBER
CARPARK 1	6
CARPARK 2	6
CARPARK 3	11
PARALLEL PARKING	2
TOTAL CAR PARKS	25



REAL PROPERTY DESCRIPTION
LOTS 26
R.P.742501
PARISH OF SMITHFIELD
COUNTY OF NARES
2.086ha

DATE	DETAILS

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P: 07 4032 0492 | F: 07 4032 0092
E: email@kfbeng.com.au

Date: _____
Job No: _____
Signed: _____
RPEQ No: _____

CLIENT:-
JAMIE MCALLISTER

PROJECT:-
**CARPARKING AT:-
LOT 26 CARIBBEAN ST
HOLLOWAYS BEACH**

DRAWN:-
KIM PALMER

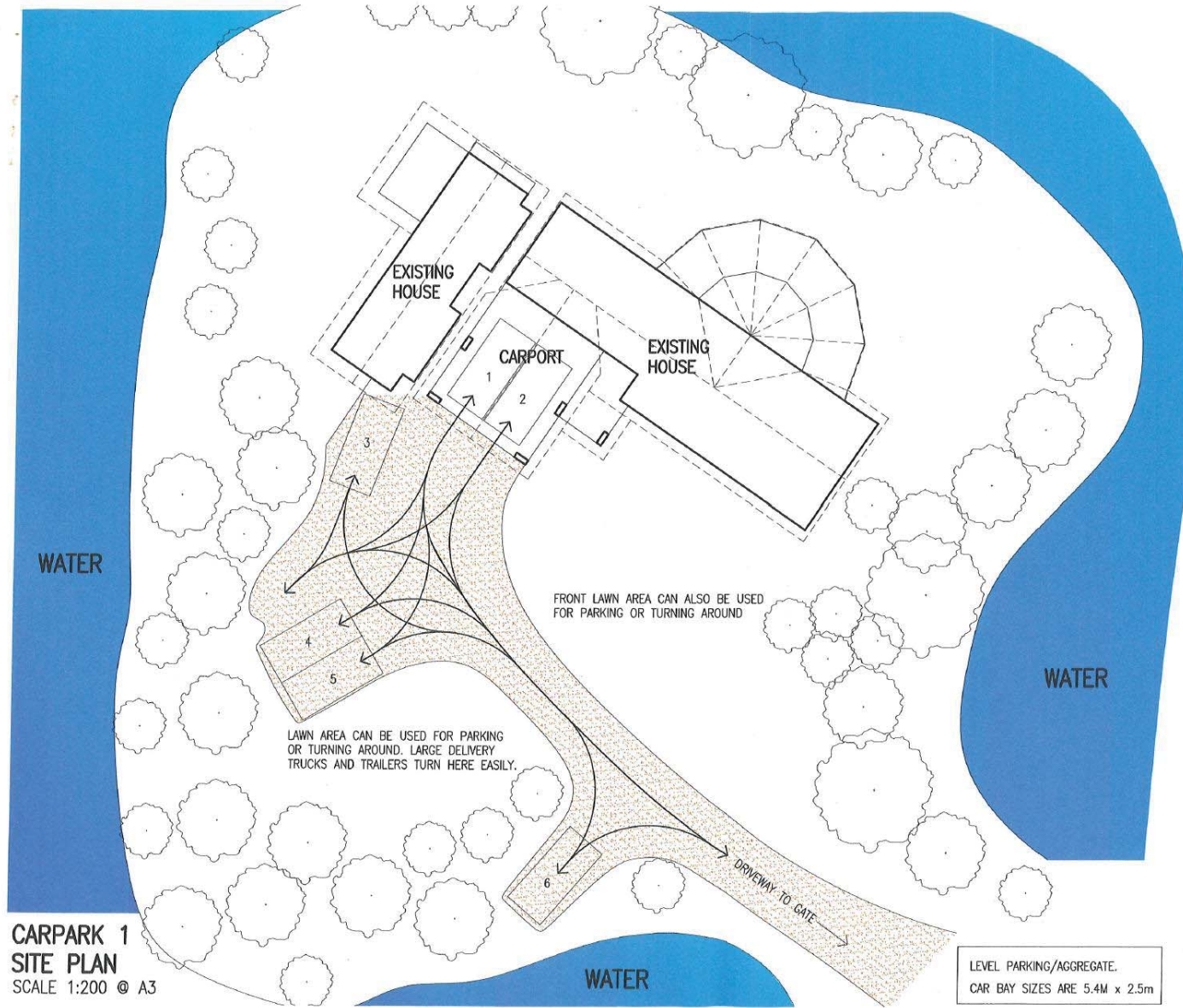
BUILDER:-
TBA

DATE:- JAN 2019

ISSUE:-

DRAWING No:-
026 CAR

SHEET No:-
1-4



DATE	DETAILS

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P: 07 4032 0482 | F: 07 4032 0652
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Date: _____
Job No: _____
Signed: _____
RPEQ No: _____

CLIENT:-
JAMIE MCALLISTER

PROJECT:-
**CARPARKING AT:-
LOT 26 CARIBBEAN ST
HOLLOWAYS BEACH**

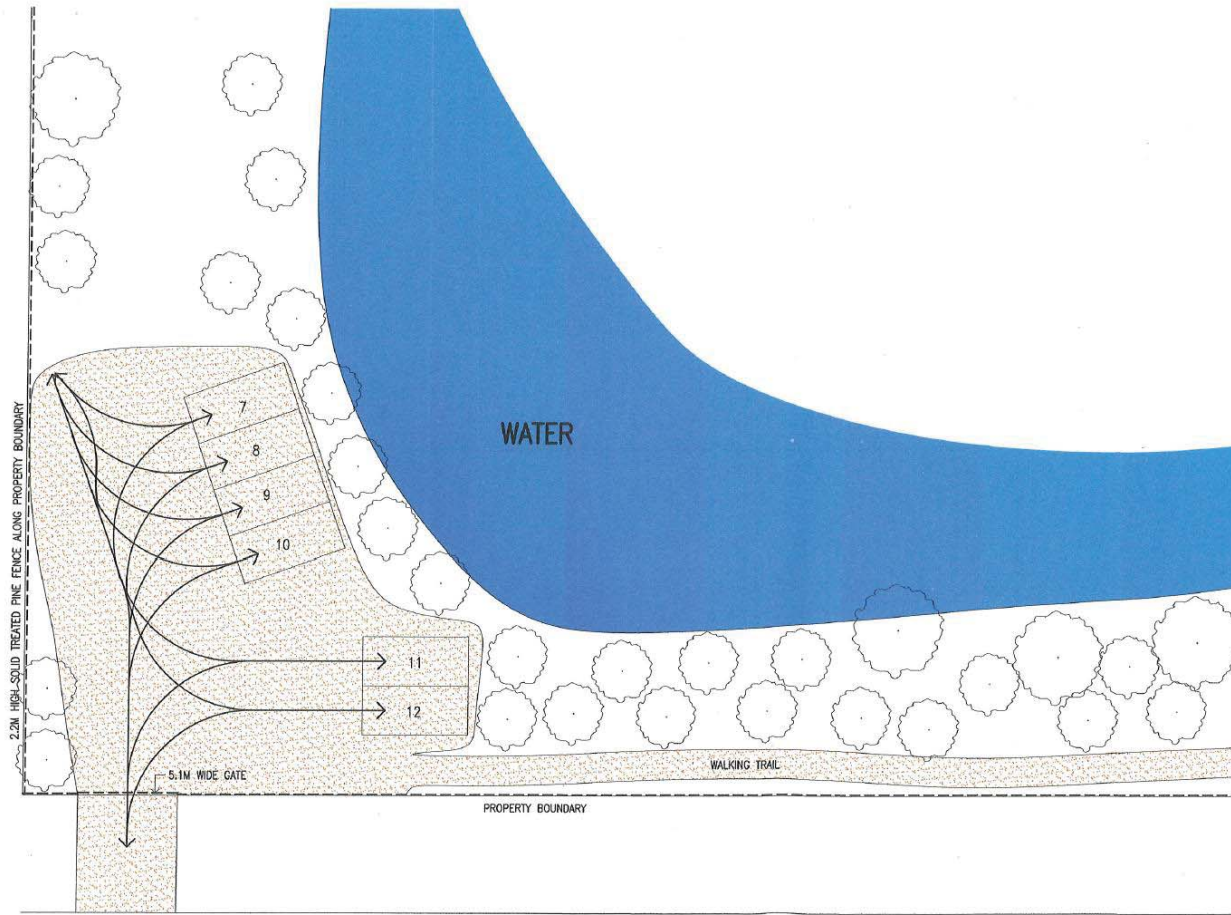
DRAWN:-
KIM PALMER

BUILDER:-
TBA

DATE:- JAN 2019
SCALE:-

DRAWING No:-
026 CAR

SHEET No:-
2-4



**CARPORT 2
SITE PLAN**
SCALE 1:200 @ A3

CARIBBEAN STREET

THIS CARPARK IS FLAT GROUND PARKING ON GRASSED AREAS.
CAR BAY SIZES ARE 5.4M x 2.5M

DATE	DETAILS

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PROJECT:-
**CARPARKING AT:-
LOT 26 CARIBBEAN ST
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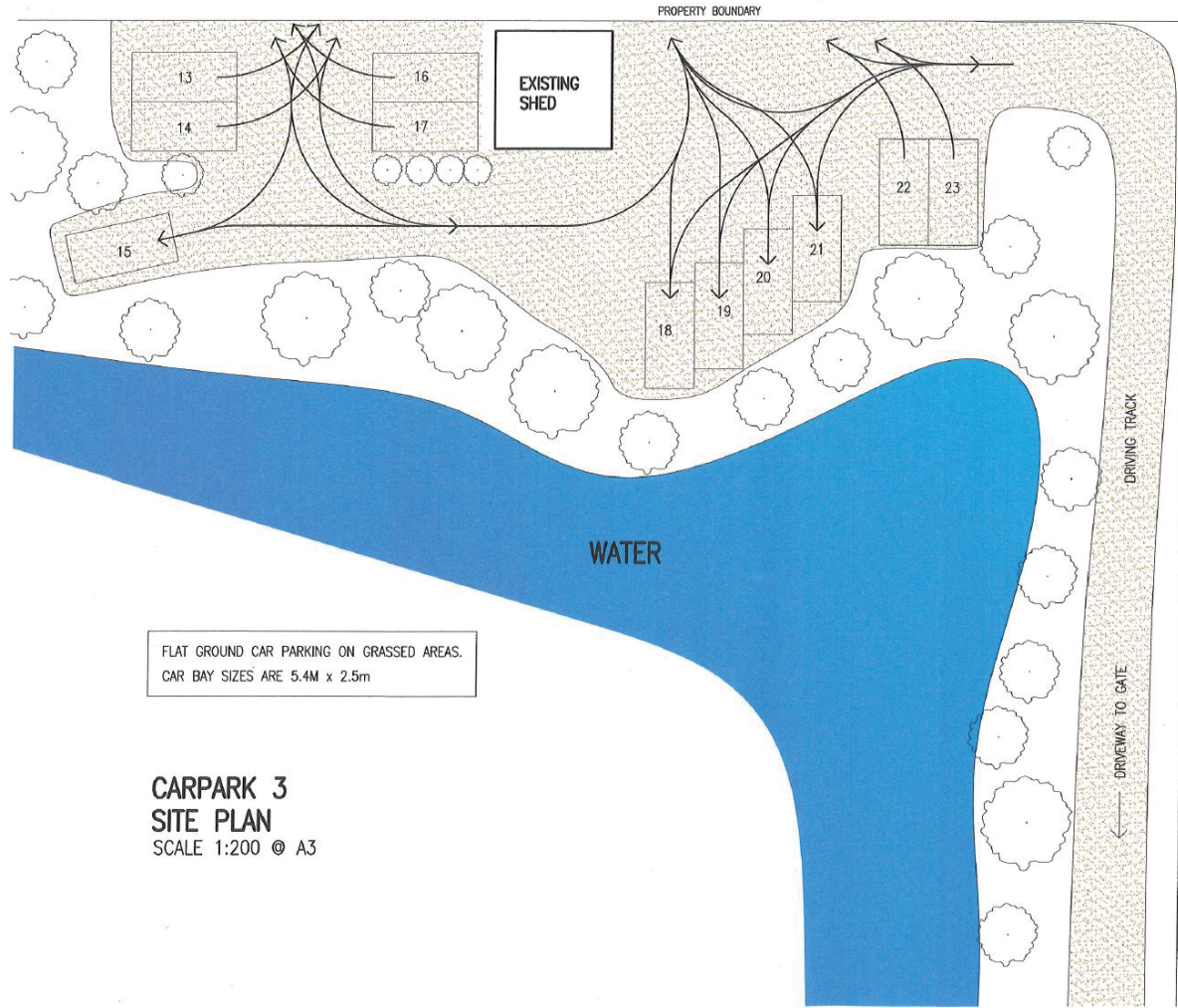
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DATE:- JAN 2019
ISSUE:-

DRAWING No:-
026 CAR

SHEET No:-
3-4



FLAT GROUND CAR PARKING ON GRASSED AREAS.
CAR BAY SIZES ARE 5.4M x 2.5m

**CARPARK 3
SITE PLAN**
SCALE 1:200 © A3

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Job No: _____
Signed: _____
RPEQ No: _____

CLIENT:-
JAMIE MCALLISTER

PROJECT:-
**CARPARKING AT:-
LOT 26 CARIBBEAN
HOLLOWAYS BEACH**

DRAWN:-
KIM PALMER

BUILDER:-
TBA

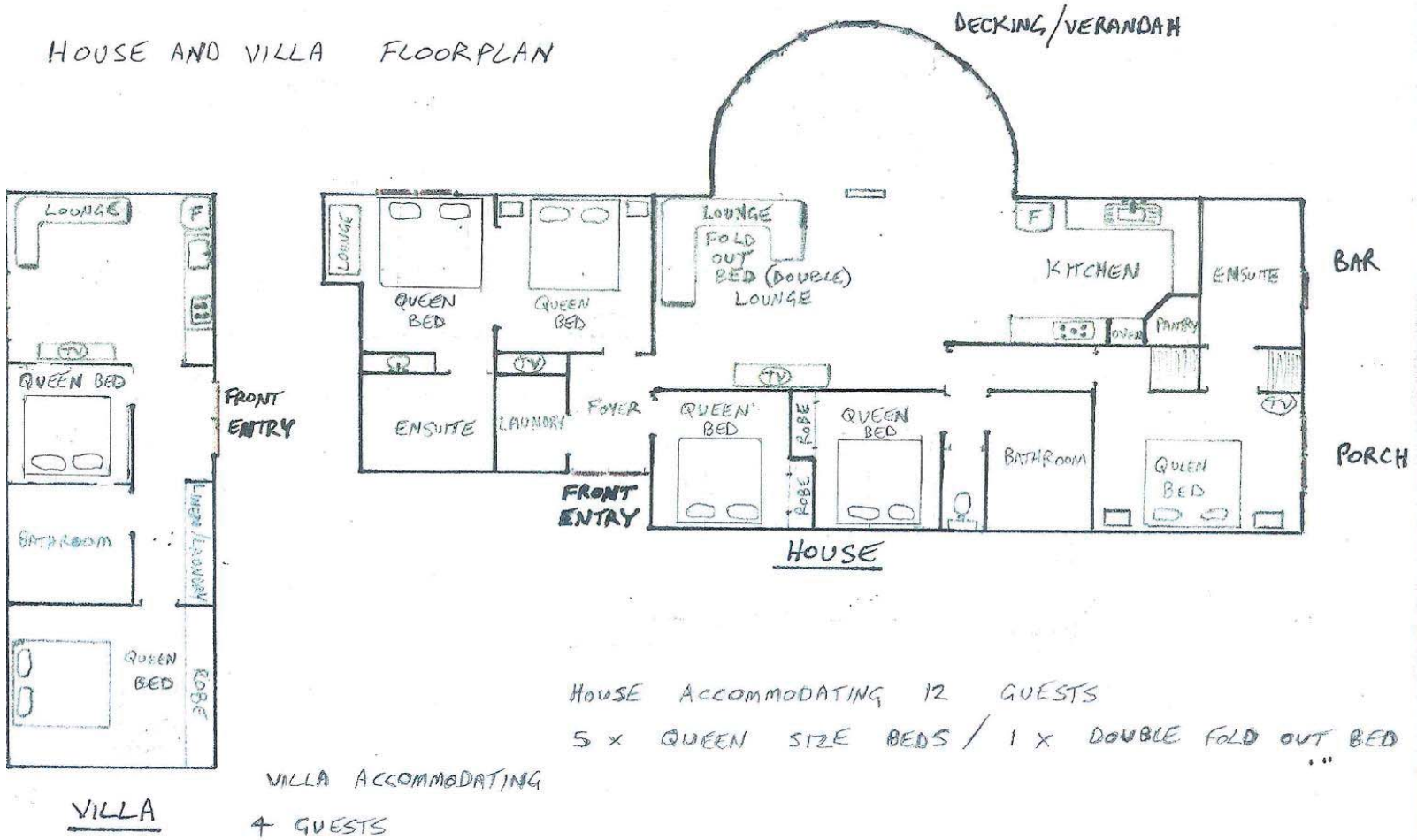
DATE:- JAN 2019

ISSUE:-

DRAWING No:-
026 CAR

SHEET No:-
4-4

HOUSE AND VILLA FLOORPLAN



HOUSE ACCOMMODATING 12 GUESTS
5 x QUEEN SIZE BEDS / 1 x DOUBLE FOLD OUT BED

VILLA ACCOMMODATING
4 GUESTS

APPENDIX 2: Notice of Intention to Commence Use



Notice of Intention to Commence Use

DEVELOPMENT PERMIT
Planning Act 2016

Development Permit	8/8/1521
Date of Approval	10 March 2019
Approved Use	Function Facility and Short-Term Accommodation
Location	30-36 Caribbean Street HOLLOWAYS BEACH
Property Description	Lot 26 on SP742501


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:	

APPENDIX 3: Infrastructure charges notice

Appendix A to Infrastructure Charges Notice									
Applicant:	BILLABONG ISLAND PTY LTD JAMIE MCALLISTEF	DA/ICN Number	8/8/1521						
Address:	30-36 Caribbean Street, Holloways Beach	Development Type:	ROL						
Parcel Number/s:	88024	Contributions Issued Under:	Infrastructure Charges Resolution (No.2) 2017						
Lot & RP Number/s:	Lot 26 RP742501	Index Used:	CPI 31-Dec-18 114						
Levied Charge Calculation		Adopted Charge Rate	Charge Area Charge Rate						
C - (EXISTING LAND USE CHARGE)									
Category	Use	Use Charge	Quantity						
Residential	Dwelling house - 3 or more bedroom dwelling	\$ 24,129.01	per 3 or more bedroom dwelling 1						
		\$ -	No stormwater charge 0						
			EXISTING CHARGE \$24,129.01						
AC - (PROPOSED LAND USE CHARGE)									
Category	Use	Use Charge	Quantity						
Accommodation (short term)	Short-term accommodation- per bedroom with 3 or more beds (that is not within a suite)	\$ 9,000.00	per bedroom with 3 or more beds (that is not within a suite) 2						
		\$ -	No stormwater charge 0						
Places of assembly	Function facility	\$ 59.50	per m ² GFA 125						
		\$ 8.50	m ² impervious (site area) 0						
			PROPOSED CHARGE \$25,437.50						
		LC (LEVIED CHARGE)	\$1,308.49						
		Account:	T648 05446						
CHECKED BY:	K Wilson	OFFICE USE ONLY:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DATE PAYABLE</td> <td style="width: 50%;"></td> </tr> <tr> <td>DATE PAID</td> <td></td> </tr> <tr> <td>RECEIPT NUMBER</td> <td></td> </tr> </table>	DATE PAYABLE		DATE PAID		RECEIPT NUMBER	
DATE PAYABLE									
DATE PAID									
RECEIPT NUMBER									

APPENDIX 4: Supporting information to planning report



Billabong Island

**30-36 Caribbean Street, Holloways Beach, 4878
MOBILE – 0417 304037**

Hours Of Operation

Holiday accommodation

7 days per week / 24 hours per day
As required, on average 40 percent occupancy

Events

- Friday - 10am until midnight (restricted noise levels from 10pm)
- Saturday - 10am until midnight (restricted noise levels from 10pm)
- Sunday - 10am until 10pm (restricted noise levels from 10pm)

Guest Numbers

Holiday Accommodation

- House - 12 guests or less
- Villa - 4 guests or less
- Total guests of 16 or less

Events

90 guests or less

Noise Control

Noise levels will be enforced to be at a maximum level of 50 decibels above background noise from 10pm until 11pm, our guests will be instructed that there is strictly no loud music that can be heard by our adjoining neighbours from 11pm onwards.

We are going to purchase some hand held sound level monitoring devices to monitor decibel levels, we will have one of these devices for our own use, we will also provide our two closest neighbours with these tools for their own use, we will provide all our adjoining neighbours with our contact details should they need to contact us with any concerns.

Any entertainer (musician) on the property will be provided with the rules in regards to noise levels and cut off times.

All our guests being either holiday makers or event guests will be provided with the rules on parking and noise levels at the time of their booking request, these rules will be enforced with a bond of \$800 to act as a deterrent to guests breaking any of these rules.

Signage will be placed around the property to respect the neighbours, we will strongly enforce these rules.

Thank you
Billabong Island

Jamie McAllister

Toni Boccanfuso

Billabong Island

**30-36 Caribbean Street, Holloways Beach, 4878
MOBILE – 0417 304037**

Car Parking

The parking layout on the Billabong Island property consist of 3 car parking areas and an additional 2 cars can also park on a widened area of the driveway, a total of 25 car spaces.

These parking areas are designed to not interfere with the neighbouring properties, there will be no headlights shining in to neighbouring housing, there is also a large distance between neighbouring buildings and the parking areas, the fenceline also consists of planted trees and shrubs acting as a buffer zone.

Car park 1 on the island is the only car parking area used for the majority of the time, carparks 2 and 3 will only be used during an event, an event will only take place on a Friday, Saturday or a Sunday, generally events are on a Saturday afternoon/evening, events are seasonal generally from May until November, an event takes place on average once or twice per month during the season.

Event Car Parking

Prior to an event, signage is placed to direct the guests to the designated parking areas, in order to assist with the parking, we supply two parking assistants to make sure that everything runs smoothly, one parking assistant remains at the front gate to direct the guests, this assistant also enforces the rule of no parking on Caribbean street and parking limits.

The 2nd assistant remains on site in the parking area to direct the guest to the car bay and also to act as a spotter.

We have had two successful trials on this method in late 2018 and it has worked well.

Our event guests are notified about the parking restrictions prior to the event , they inform their guests that it is best to make other transport arrangements (Taxi's/Uber).

Cars are generally left in the carpark over night and then picked up the next day.