MATERIAL CHANGE OF USE (CODE ASSESSMENT) - OUTDOOR SPORT & ENTERTAINMENT (TENNIS CENTRE) – 358-368 SHERIDAN STREET CAIRNS NORTH – DIVISION 7

L Jackson : 8/7/1516 : #1934005

PROPOSAL: OUTDOOR SPORT & ENTERTAINMENT (REGIONAL TENNIS CENTRE)

APPLICANT: PLANZ TOWN PLANNING PTY LTD
2 CROWLEY CLOSE
WHITFIELD QLD 4870

LOCATION OF SITE: 358-368 SHERIDAN STREET
CAIRNS NORTH QLD 4870

PROPERTY: LOT 317 ON NR7749

PLANNING DISTRICT: CBD NORTH CAIRNS

PLANNING AREA: SPORT AND RECREATION

PLANNING SCHEME: CAIRNSPLAN 2005

REFERRAL AGENCIES: DEPARTMENT OF NATURAL RESOURCES & WATER
DEPARTMENT OF MAIN ROADS
QUEENSLAND TRANSPORT

NUMBER OF SUBMITTERS: NA

STATUTORY ASSESSMENT DEADLINE: 3 JULY 2009

APPLICATION DATE: 24/12/2008

DIVISION: 7

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

RECOMMENDATION:

That Council approve the development application for Outdoor Sport & Entertainment (Regional Tennis Centre) over land described as Lot 317 on NR7749, located at 358 – 368 Sheridan Street, Cairns North, 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:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Plan</td>
<td>21692-SK14A Rev C</td>
<td>22 Dec 2008</td>
</tr>
<tr>
<td>Tennis Facility Project Plan</td>
<td>21692-SK14B Rev C</td>
<td>22 Dec 2008</td>
</tr>
<tr>
<td>Proposed area of fill</td>
<td>21692-SK15</td>
<td>22 Dec 2008</td>
</tr>
<tr>
<td>Ground Floor Plan – Option 4</td>
<td>1744 S6</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>First Floor Plan – Option 4</td>
<td>1744 S7</td>
<td>26/03/2009</td>
</tr>
<tr>
<td>Layout Plan</td>
<td>21692-SK19 Rev A</td>
<td>Feb 2009</td>
</tr>
<tr>
<td>Example of Shade Structure</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:

   a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;

   b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual; and

       Except where modified by these conditions of approval.

Timing of Effect

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

Elevation Plans

3. The applicant is to submit elevations of the proposed development.

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

Height of Shade Structure

4. The height of the shade structure is not to exceed 13.5m.

Water Supply Contributions

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

       Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $9,979.27 (2.18 ERAs).

       Payment is required prior issue of a Development Permit for Building Work.

Wastewater Contributions

6. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.
Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $6,789.75 (2.18 ERAs).

Payment is required prior issue of a Development Permit for Building Work.

Water Supply and Sewerage Works Internal

7. Undertake the following water supply and sewerage works internal to the subject land:-

a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;

b. Relocate the existing sewer within the site such that the sewer is a minimum of 1.5 metres away from any hard court playing surfaces and clear of the zone of influence from the footings and foundations of any building/structure.

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

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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.

Inspection of Sewers

8. CCTV inspections of sewers must be undertaken both prior to commencement of works on site, and at works completion where works have been undertaken over or to sewers. Defects deemed to be caused by the works associated with this development must be rectified to the satisfaction of the Chief Executive Officer at the developer's cost prior to Commencement of Use.

Damage to Infrastructure

9. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developers cost, prior to the Commencement of Use.
Water Saving

10. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

Refuse Storage

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

Vehicle Parking

12. The amount of vehicle parking must be a minimum of 70 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

13. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and CairnsPlan, in particular:

   a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;

   b. The physical speed control device located at the entrance/exit to the parking area must be retained and maintained;

   c. Manoeuvring space must be provided to enable all vehicles to enter and exit the site in forward gear (including refuse and service/delivery vehicles);

Amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Protection of Landscaped Areas from Parking

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

15. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One sign must be located on the Sheridan Street frontage.

Bicycle Parking

16. Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTROADS Guide to Traffic Engineering Practice Part 14 - Bicycles. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is 20 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

17. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

18. At no time shall external lighting create straight parallel lines of lighting that is 500m to 1,000m long. Buildings and structures are to have non-reflective cladding. Upward shining lights, flashing or sodium lights are not permitted at any time.

19. Lighting must not exceed the maximum intensity of illumination of 50 Candela measured at 2 metres above the horizontal.

External Works

20. Undertake the following works external to the land at the developer’s cost:

a. Construct a 2.0 metre wide concrete footpath to Sheridan & Lily Street frontage in accordance with FNQROC Development Manual Standard Drawing 1035; Kerb ramps must be fitted with Tactile Ground Surface Indicators in accordance with Australian Standard AS1428.4: 2002 Design for Access and Mobility Part 4: Tactile Indicators.

b. Construct full width bitumen widening to the northern side of Lily Street and the Lake Street road frontages;

c. Relocate power poles at the front of the subject land to behind the kerb or within blister islands – as required along the Lily Street Road frontage;
d. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;

e. Construct tree guard around the existing trees in the road reserve;

f. 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.

g. Construct kerb and channel to Lily Street;

h. Line mark parking spaces in front of and adjacent to the subject land along the Lily Street Frontage;

i. Relocate/erect traffic/parking signs outside the subject land

j. Extend the existing culvert under CH 372 Lily Street adjacent to the subject land.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above require approval from Council in accordance with Local Law 22 – (Activities on Roads). Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to 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.

Acid Sulfate Soil Investigation

21. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development if filling and/or excavation proposed is to an extent that invokes the Potential or Actual Acid Sulfate Soil Material Code. Soil sampling and analysis must be undertaken in accordance with procedures specified in, ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ (1998) or updated version of document produced by Department of Natural Resources and Water (DNRW – QASSIT), and State Planning Policy 2/02 - ‘Planning and Managing Development involving Acid Sulfate Soils’. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Above Ground Transformer Cubicles/ Electrical Sub-Stations

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

Stockpiling and Transportation of Fill Material

23. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

a. peak traffic times; or
b. before 7am or after 6pm Monday to Friday; or
c. before 7 am or after 1pm Saturdays; or
d. on Sundays or Public Holidays.

24. Dust emissions or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

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

Landscaping Plan

26. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
a. An overall planting design for the whole site showing all species proposed;

b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.

c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

27. 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, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels Commercial / Industrial: CBD and Environs Area - Zone 1

28. All floor levels in all new buildings must be located above the Q100 flood immunity level of 2.9 metres AHD, in accordance with FNQROC Development Manual, the CBD environs Drainage Management Plan and Planning Scheme requirements.

Note that the Q100 flood level is the minimum allowable level and Council recommends a freeboard of 150mm to floor levels. Council’s current records indicate existing ground levels of approximately 3.2-3.3 metres AHD.

Sediment and Erosion Control

29. 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 the FNQROC Development Manual).
Advertising Signage

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

Crime Prevention Through Environmental Design

31. The applicant/owner must ensure that all lighting and landscaping requirements complies with Council’s General Policy Crime Prevention Through Environmental Design (CPTED).

Health

32. 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.

33. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council’s Public Health Unit.

34. An application for the construction or alteration of any food premises must be accompanied by two copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the Food Act 2006, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

35. Prior to operation of the food business, the operator must hold a current Food Licence issued by Councils 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.

36. Noise from air conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance).
CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

<table>
<thead>
<tr>
<th>Concurrency Agency</th>
<th>Concurrence Agency Ref</th>
<th>Date</th>
<th>Council Electronic Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queensland Transport</td>
<td>CRN-233 P29992</td>
<td>27 Feb 2009</td>
<td>1987180</td>
</tr>
<tr>
<td>Department of Natural Resources and Water</td>
<td>IA0109CNS0002</td>
<td>23 Feb 2009</td>
<td>1977813</td>
</tr>
<tr>
<td>Department of Main Roads</td>
<td>214/20A/102 (2287.01)</td>
<td>10 March 2009</td>
<td>1934005</td>
</tr>
</tbody>
</table>

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

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.


EXECUTIVE SUMMARY:

An application has been submitted for a Regional Tennis Centre located in the sporting reserve that contains the Tobruk Memorial Swimming Pool in North Cairns. The site is in a Sport and Recreation Planning Area under CairnsPlan. The proposal is a partial re-organisation and upgrading of existing uses but ultimately it seeks to establish the Regional Tennis Facility. A total of 70 car parking spaces are proposed on site. The application is code assessable and did not require public notification.

The application generally satisfies the requirements of CairnsPlan. Issues canvassed in the report include setbacks, land use, height, lighting impacts, flooding, car parking and traffic. All of these matters can be mitigated with appropriate conditions.
The application is recommended for approval.

**TOWN PLANNING CONSIDERATIONS:**

**Site and Surrounds**

The site is located in North Cairns to the east of Sheridan Street/Captain Cook Highway and is bounded by Lake Street to the east, Rutherford Street to the north, Lily Street to the south and Sheridan Street (Captain Cook Highway) to the west. The site has an area of 4.5ha, is flat, has very limited vegetation and contains the Tobruk Swimming Pool, hockey fields, tennis courts, vigoro fields and other sporting fields and associated buildings such as amenities/clubhouses and car parking. The site has been used as a sporting field for decades and is the main sporting field serving the recreation needs of North Cairns.

Surrounding development consists of parklands to the east, commercial development to the west, residential and tourist uses to the south and residential and industrial uses to the north.

**Proposal**

The proposal is for a Regional Tennis Centre over the entire site incorporating the following:

- Demolition of 11 existing tennis courts and hockey warm up area;
- 12 new International Tennis Federation standard hard court tennis courts;
- 1 court is to be a show court with the provision for a portable grandstand;
- All courts to be flood lit;
- A new two storey Clubhouse with gym, players lounge, office, pro-shop, kiosk, ablutions and change rooms is proposed near Sheridan Street;
- Perimeter and internal court fencing;
- Onsite car parking for 70 vehicles;
- Landscaping and walkways;
- A shade structure over the main tennis court.

The proposal also involves the re-organisation of the existing hockey and vigoro pitches. However the existing buildings (i.e. club rooms, shelter and toilet block) on Lake Street and Rutherford Street will remain. The existing small shelter on Sheridan Street will be removed. No alterations are proposed to the Tobruk Pool. Significant landscaping is proposed to screen the courts and the building from Sheridan Street. Upgrading to Lake Street is proposed to facilitate additional parking.

It is noted that the proposal is essentially a re-organisation and upgrading of existing facilities and overall results in a very minor expansion of existing facilities (i.e. 1 additional tennis court and 1 additional clubhouse) provided at the park.
CairnsPlan Assessment

<table>
<thead>
<tr>
<th>Planning Area</th>
<th>Code Applicability</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sport and Recreation</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Material Change of Use (Code Assessment) - Outdoor Sport &amp; Entertainment</td>
<td>✗</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overlays</th>
<th>Code Applicability</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillslopes</td>
<td>✗</td>
<td>NA</td>
</tr>
<tr>
<td>Vegetation Conservation &amp; Waterway Significance</td>
<td>✗</td>
<td>NA</td>
</tr>
<tr>
<td>Cultural Heritage</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Potential or Actual Acid Sulphate Soil Material</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Bushfire Management</td>
<td>✗</td>
<td>NA</td>
</tr>
<tr>
<td>Flood Management</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Height and Impact of Buildings</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Operational Aspects of the Cairns International Airport</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Excavation and Filling Code</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Infrastructure Works Code</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Landscaping Code</td>
<td>✓</td>
<td>Complies</td>
</tr>
<tr>
<td>Parking &amp; Access Code</td>
<td>✓</td>
<td>Refer to discussion following</td>
</tr>
<tr>
<td>Reconfiguring a Lot Code</td>
<td>✗</td>
<td>NA</td>
</tr>
<tr>
<td>Development Near Major Transport Corridors &amp; Facilities</td>
<td>✓</td>
<td>Complies</td>
</tr>
</tbody>
</table>

Compliance Issues

Sport and Recreation Planning Area Code

Under this code, the acceptable measures require that buildings/structures are not more than 8m in height, are setback not less than 10m from the Highway and 6m from any other road frontage. Furthermore, car parking areas are required to be setback 6m from a road frontage and the setbacks must be landscaped.

The proposal complies with the setback requirements with some very minor exceptions. Slight intrusions into the setback areas for car parking and fencing occur. Such minor intrusions are not significant and the proposal will still satisfy the performance criteria by providing buildings and structures that will contribute to the design amenity of the area and protect the amenity of other land uses.

The height of the proposed Clubhouse is a two storey development approximately 7m in height while the lighting poles to the tennis courts will have a height of not more than 9m. The slight exceedance in height for the light poles is considered reasonable as they are not bulky structures, are set back from the surrounding roads, are small in terms of size, are limited in number primarily to the tennis court areas and hence will have a limited visual impact. The light poles will not detract from surrounding streetscapes and will not result in a bulky appearance that will be out of context with the scale and massing of other structures and buildings in the area.

A shade structure is proposed over the main tennis courts with a height up to 13.5m. The applicant submits the following with respect to the height of this structure:

*The shade structure will have a solid roof and be open on all sides and – to allow for the flight of the tennis balls – the structure would be 13.5m high over the net area and about 10m at the ends of the court. That is the structure would not be any higher than the three storey units located on adjacent properties or the grandstands at Tobruk Pool.*
The exceedance in height created by the roof structure is 2m to 5.5m over a very small area (i.e. the size of a tennis court). The proposed structure is lightweight, will not appear bulky, is consistent with the height of surrounding structures and will not appear out of context or obtrusive within the streetscape. The height of the structure is therefore supported.

**Cultural Heritage Code**

The site is identified as being a Local Heritage Site. This relates to the Tobruk Memorial Pool which was built in 1962 on reclaimed land by war veterans and their wives. The pool will not be altered, removed or changed in any way. The proposal does not result in the addition of buildings which will diminish the importance of or detract from the appearance of the pool. No concerns are raised in relation to the integrity and historic significance of the pool which will remain.

**Flood Management Code**

The site is located in the Q100 flood inundation area. It is proposed to fill some of the site for the tennis courts and the building pad for the clubhouse. The remainder of the site will be left as is. The applicant submits that the overall impact of the fill on the overland flow and drainage is expected to be minimal. The tennis courts will have flood immunity to the 1 in 5 year Flood/Storm Tide Event, and the building will have Q100 immunity. CairnsPlan requires flood immunity to 1 in 5 year flood/storm event, hence the proposal satisfies this requirement. The Clubhouse is required to have immunity to a 1 in 100 year flood/storm event. This is proposed and conditions have been imposed to ensure this is satisfied.

**Lighting**

In terms of lighting, the impact of lighting to nearby residential areas needs to be considered as well as the impact upon passing planes as the site is under the main flight path to the airport.

The applicant submits the following with respect to lighting:

The tennis courts will be illuminated, the lighting has been designed so that it will not impact on the operational aspects of the Cairns Airport with regard to light emission.

The site is located within the Primary Light Control Plans Overlay Zone B. This requires that lighting does not exceed a maximum intensity of illumination of 50 candela 2 metres above source. The proposed lighting complies with this requirement, as discussed below.

The majority of the courts will have a system that will provide a lighting level of 500 Lux and the show courts will have either 1000 or 1500 Lux. The fittings will be a “shoebox” style environmental metal halide light fitting of 1000 Watts, mounted on poles that are a minimum of 8.0m high (see example in Figure 3 below).

The lights will be from the Courtsider Range of lights and are purely a downwards facing light. The tennis court surface colours have been selected for their ability to absorb light.
To achieve the 500 Lux lighting levels, 6 lights per court will be used. For 1000 Lux, 12 light fittings (2 fittings mounted per post using a modified mounting bracket / arm) and similarly for 1500 lux, 18 light fittings (3 fittings mounted per post).

The proposed lighting is to be positioned over the tennis courts near the corner of Sheridan and Lily Streets. There is significant separation between the location of lighting and residential uses across Lily Street. It is unlikely that the lights will adversely impact upon the amenity of residents across Lily Street due to the significant separation distance and the relatively low height level of the lighting. A condition will be imposed to ensure that lighting does not adversely impact on surrounding residents.

In relation to the operation of the airport, the lighting proposed is designed to face down only. The proposed lighting will not adversely impact on passing planes. Conditions can be imposed to ensure that lighting is downward facing.

Parking

The site currently contains 43 onsite spaces in a parking area that is accessed off Sheridan Street, slightly south of the Tobruk Memorial Pool. It is proposed to retain most of this parking area, re-arrange the layout and expand it by 27 spaces resulting in a total parking area of 70 spaces.
It is acknowledged that the site is currently used for a variety of sporting purposes including hockey, swimming, tennis and vigoro. The existing car parking area is not able to cater for the demand of the entire area. However most people currently park in the extensive on street car parking areas surrounding the site on Lily, Lake and Rutherford Streets. The applicant submits that the number of formal car parking spaces for the site currently is 220 spaces of which 43 are on site, 62 are on Rutherford Street, 96 are on both sides of Lake Street and 19 spaces are on Lily Street.

Extensive information has been submitted with the application in relation to parking. In particular, the applicant highlights that the seasonal nature of sports and also the different timing of sporting activities all has a bearing on parking demand and the ability of the area to cater for the demand. The applicant notes that the greatest parking demand is likely to be between 130 and 210 spaces on Saturdays, at the peak of (hockey, tennis and vigoro) sporting events.

The parking rates required under CairnsPlan for the Tennis Facility are as follows:

Tennis – 4 spaces per court. 12 courts requires 48 car parking spaces.

Clubhouse unlicensed – 1 space per 45 sq.m of net lettable area. Approximate net lettable area 600 sq.m. 14 spaces are required for this.

Licensed Clubroom – 1 space per 15 sq.m of net lettable area. Approximate net lettable area 96 sq.m. Therefore 7 spaces required.

The total amount required for the new tennis facilities is 69 spaces. The parking area onsite will be expanded to 70 spaces therefore satisfying this requirement.

The pool, hockey/vigoro fields and clubhouses generate a total parking requirement of 190 spaces. The total demand for the site is therefore 259 spaces. 331 spaces are proposed both on street and off street.

The applicant has provided details showing that because of the timing of the variety of uses, the maximum parking demand will be on Saturdays of between 130 and 210 spaces. Given 331 spaces are provided for, the car parking proposed will adequately cater for the demand.

It is accepted that the surrounding area currently accommodates most of the parking required for the sporting requirements of the area and this is proposed to continue. Lake Street has no development to the east as that land is Council park land. Parking on Lake Street therefore does not impact upon parking in residential streets. Lily Street and Rutherford Street are utilised as well for the sporting fields. Immediately adjacent to the site on-street parking is utilised at both Rutherford and Lily Streets.

The residential uses on the other side of the roads are able to access on street parking on that side of the road for their requirements. It is considered that the parking generated by the sporting fields will not result in an unreasonable use of the surrounding streets in terms of parking.
Overall, the proposed parking arrangement is supported.

**Traffic**

Changes to Lake Street are proposed in the longer term. Lake Street will become a connector road that will link up to the airport access. Traffic along Lake Street will therefore increase in the longer term. Further to this, Lake Street is a bus corridor. Queensland Transport has provided a redesign of Lake Street as part of their concurrence agency referral which includes widening, parking areas and bus stops. The design has appropriate widths to ensure that parking can occur safely during times of high use of the sporting fields without impeding traffic on Lake Street.

**Public Notification / Submissions**

The proposal is code assessable and did not require public notification.

**Referral Agencies**

The proposal was referred to several referral agencies who have provided comments and conditions. Importantly, Queensland Transport has imposed conditions requiring a significant upgrading to Lake Street which is a Public Transport Corridor. The upgrading requires street widening, bus bays, car parking and the like.

**Headworks Contributions**

The proposed development triggers Developer’s Headwork’s Contributions which are provided as an appendix.

L Jackson  
Planning Officer  
**Action Officer**

Simon Clarke  
**Manager Development Assessment**
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)
Example of shade structure (not necessarily the final design)
10 March 2009

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

Dear Mr Briggs

Cairns Regional Council: Captain Cook Highway (Sheridan Street)
Situated at 358-368 Sheridan Street, Cairns North
Lot 317 on NR 7749, Parish of Cairns
Planz Town Planning Pty Ltd
Proposed Material Change of Use (Outdoor Sport & Entertainment (Regional Tennis Facility & Ancillary Uses)) Application
Referral Agency Response (conditions apply)

I refer to the above application received at the Department 19 January 2009 and 6 March 2009 requesting consideration of the above development.

Pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, the Queensland Department of Main Roads, as a Concurrency Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following attached conditions of development for the subject application.

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

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

This Department would appreciate a copy of Council’s decision notice regarding the application.

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

Yours sincerely

Malcolm Hardy
SENIOR PLANNER FAR NORTH

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 6155 CAIRNS Queensland 4870
ABN 87 836 727 711
Conditions of Development and
Statement of Reasons

Council Ref: 8/7/1516  Date: 10 March 2009
State-controlled road: Captain Cook Highway (Sheridan Street)
Proposal: Material Change of Use (Outdoor Sport & Entertainment (Regional Tennis Facility & Ancillary Uses)
Real property description: Lot 317 on NR 7749, Parish of Cairns
Site locality: 358-368 Sheridan Street, Cairns North
Applicant: Planz Town Planning Pty Ltd

General Comments:
The proposed development will enable “big events” (such as the Pre-Olympics hockey international matches or Amateurs Bali at Tobruk Pool), when carparking requirements are known to exceed Cairns Plan requirements and on-site and adjoining streets provision of carparking. For these events, overflow parking is made available on the proposed Cairns Hockey/ Cairns Vigoro lease area on the Subject land or on Lot 1 on NR 2618 on the opposite side of Lake Street.

The proposed Lake Street Transit Network development will result in the removal of current carparking in the Lake Street reserve, which is likely to increase the frequency of the need for these overflow parking areas.

<table>
<thead>
<tr>
<th>Conditions of Development</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Layout</strong></td>
<td>To ensure the development proceeds</td>
<td></td>
</tr>
<tr>
<td>1. Unless otherwise approved in writing by Main Roads the</td>
<td>in accordance with the proposal</td>
<td></td>
</tr>
<tr>
<td>development site layout must generally comply with Cairns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Council Drawing No. 21/92-SK14A, Revision C, dated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22/12/08.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Permitted Road Access Location</strong></td>
<td>Main Roads must ensure that access</td>
<td></td>
</tr>
<tr>
<td>2. Vehicular access between the state-controlled road</td>
<td>between to the Subject Land does</td>
<td></td>
</tr>
<tr>
<td>(Sheridan Street) and the Subject Land shall be via:</td>
<td>not adversely impact the safe and</td>
<td></td>
</tr>
<tr>
<td>(i) the existing direct access to the Tobruk Pool, with</td>
<td>efficient operation of the state-</td>
<td></td>
</tr>
<tr>
<td>separate ingress and egress driveways and landscaped</td>
<td>controlled road</td>
<td></td>
</tr>
<tr>
<td>median, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) Rutherford, Lake and Lily Streets, to the satisfaction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Cairns Regional Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditions of Development</td>
<td>Reasons</td>
<td>Condition Basis</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>3. No additional direct vehicular access between the state-controlled road (Sheridan</td>
<td>To screen onsite vehicular</td>
<td>Main Roads Road Landscape Manual</td>
</tr>
<tr>
<td>Street) and the Subject Land is permitted.</td>
<td>circulation.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visual Amenity Treatments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The applicant/landowner shall provide a 1m wide landscaped strip along the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subject Land’s frontage to Sheridan Street, in front of the existing and proposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>carparks, except for the access driveways, to screen the onsite vehicular</td>
<td></td>
<td></td>
</tr>
<tr>
<td>circulation. The landscaping shall be designed and planted such that when the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>landscaping matures, it provides a minimum 1m high screening and complementary screen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>trees approximately 6m tall at 7m spacings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The species of plants used in the landscaping works shall be in accordance with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council’s standards. If Council does not have standards, then the only requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>are that the species are native, low maintenance species that are effective at</td>
<td></td>
<td></td>
</tr>
<tr>
<td>providing the necessary screening, specified above and do not create a safety risk</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(that is, no thorns, poisonous fruits or berries or large nuts).</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All landscaping works shall be completed prior to the commencement of the approved use to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the written approval of Main Roads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertising</td>
<td>Advertising devices may obscure signage and distract motorists.</td>
<td>s. 50 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
<tr>
<td>5. No advertising device for the proposed development is permitted within the state-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>controlled road reserve (Sheridan Street).</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>Lack of on-site parking can cause vehicle queuing and conflict at an</td>
<td></td>
</tr>
<tr>
<td>6. No parking associated with the development is permitted within the state-controlled</td>
<td>access to the state-controlled road.</td>
<td></td>
</tr>
<tr>
<td>road reserve (Sheridan Street).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
23 February 2009

The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870
Attention: Luke Jackson

Dear Sir,

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (CODE ASSESSMENT) – OUTDOOR SPORT & ENTERTAINMENT (REGIONAL TENNIS FACILITY AND ANCILLARY USES) AT LOT 317 ON NR7749 AT 358 -368 SHERIDAN STREET, CAIRNS NORTH – REFERRAL AGENCY RESPONSE

The chief executive of the Department of Natural Resources and Water (advice agency for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the Integrated Planning Act 1997, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact Cristina Froemmcme on 07 4057 3890.

Yours sincerely,

Cristina Froemmcme
Natural Resource Officer
Landscapes and Community Services
North Region

ENCL. Referral Agency Response

CC
Planz Town Planning Pty Ltd
2 Crowley Close
WHITFIELD QLD 4870
Attn: Nikki Huddy
Department of Natural Resources and Water –
Referral agency response
Given under Section 3.3.16 of the Integrated Planning Act 1997

1. Application details
1.1. Applicant’s name       Planz Town Planning Pty Ltd
1.2. Property description   Lot 317 on NR7749
1.3. Development type       MCU
1.4. Assessment manager     Cairns Regional Council
1.5. Assessment manager reference  B71518
1.6. Referral date          19 January 2009
1.7. Our references         TrackJob – IA0109/CNS0002

2. Advice agency response – Acid Sulfate Soils

The Department of Natural Resources and Water (NRW) has reviewed the material provided with the above application.

State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02) and associated guideline applies to all land, soil or sediment at or below 5 metres AHD where the natural ground level is less than 20 metres AHD. SPP 2/02 applies to development that would result in:

- excavations at or below 5m AHD of 100 m³ or more, or
- filling of land at or below 5m AHD with an average depth of 0.5m or more, with 500 m³ or more of material

The proposed works are for filling of 1000 m³ of land that is predominantly below 5 metres AHD to an average depth of 0.25 m. This depth of fill is below the threshold where SPP2/02 requires ASS investigations or management plans.

Recommendation
NRW has no requirements under SPP 2/02 for this proposal but advises Council to include the following condition:
- Provide the location from which the fill material will be sourced so that Council is satisfied that this material does not contain ASS or PASS.

3. Third Party Advice – Flooding

NRW has a shared role and responsibility in relation to flood hazards under State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (SPP 1/03).

The subject site is located within a 'Defined Flood Event 1: 100 ARI' zone as shown in the Cairns Plan Flood Inundation overlay map.

Accordingly, NRW has undertaken a review of the proposed development. It notes that the proposal involves filling the land for the proposed tennis courts to achieve flood immunity to 1 in 5 years A R I and filling the land for the proposed Tennis Club House to achieve flood immunity of 1 in 100 years. The applicant also states that the proposed fill will have a minimal impact on the overland flow and drainage.
NRW – referral agency response

No information was provided on the loss of flood storage and the capacity of the street storm water drainage to cope with additional flow.

Recommendation

NRW recommends that Council ensures that the applicant addresses SPP 1/03 particularly in relation to:

- the loss of flood storage that will occur as a result of the proposed development;
- and
- the capacity of the downstream network to transport the volume of runoff.

4. Third Party Advice – Aboriginal Cultural Heritage

Under Section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the cultural heritage duty of care are $750 000 for a corporation and $75 000 for an individual.

Applicants will comply with the cultural heritage duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with the cultural heritage duty of care guidelines gazetted under the Aboriginal Cultural Heritage Act 2003, available on the NRW’s website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under Part 7 of the Aboriginal Cultural Heritage Act 2003.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, NRW. Application forms to undertake a free search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the NRW’s website—www.nrm.qld.gov.au/cultural_heritage.

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

Coordinating Officer: Cristina Froemmingke
Address: PO Box 937, Cairns QLD 4870
Phone: 07 4057 3890

Cristina Froemmingke
Natural Resource Officer
Landscapes and Community Services
North Region
23 February 2009
27 February 2009

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

Attention: Luke Jackson

Concurrence Agency Response—Integrated Planning Act 1997 (IPA) s3.3.16

Application for: Development Permit for a Material Change of Use – Outdoor Sport & Entertainment (Regional Tennis Facility and Ancillary Uses)
358 – 368 Sheridan Street, Cairns North
Cairns Regional Council Reference Number – 8/7/1516
Queensland Transport Reference Number – CRN-233

I refer to correspondence received from Planz Town Planning Pty Ltd, by this department on 19 January 2009, seeking approval for the above proposal, as indicated on the plans listed in the table below.

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Plan Name</th>
<th>Plan Date</th>
<th>Plan Version</th>
</tr>
</thead>
<tbody>
<tr>
<td>21692-SK14A</td>
<td>Cairns Regional Tennis Facility Project Plan</td>
<td>17/12/2008</td>
<td>C</td>
</tr>
<tr>
<td>prepared by Cairns Regional Council</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21692-SK14B</td>
<td>Cairns Regional Tennis Facility Tennis Facility Project Plan</td>
<td>17/12/2008</td>
<td>C</td>
</tr>
<tr>
<td>prepared by Cairns Regional Council</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21692-SK15</td>
<td>Cairns Regional Tennis Facility Corner of Sheridan &amp; Lily Streets Development Application Proposed Area of Fill</td>
<td>18/12/2008</td>
<td>B</td>
</tr>
<tr>
<td>prepared by Cairns Regional Council</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
An assessment of the proposed development within the limits of Queensland Transport's (QT) jurisdiction, namely land use and transport coordination under the (Transport Planning and Coordination Act 1994) has been completed.

It is advised that the proposal is supported with conditions of development as identified on the attached Statement of Reasons. These conditions must be included in any decision notice issued for this proposal.

A copy of this letter and the Statement of Reasons has been sent to the applicant for their information and action as required.

Yours sincerely,

Helen Kerr
Principal Planner
Attachment 1

Queensland Transport Concurrence Agency Conditions and Statement of Reasons

Application for: Development Permit for a Material Change of Use – Outdoor Sport & Entertainment (Regional Tennis Facility and Ancillary Uses) 358 – 368 Sheridan Street, Cairns North
Cairns Regional Council Reference Number – 8/7/1516
Queensland Transport Reference Number – CRN-233

Please note: Where ‘future Public Transport Corridor’ or proposed Public Transport Station’ are referred to in the conditions below, these refer to the alignment, location and land requirements as depicted on the Queensland Transport Lake Street Sports Precinct Development Application (CRN233) Cairns Transit Network Impact Typical Bus Station 1545SP02 and dated 27 February 2009.

<table>
<thead>
<tr>
<th>Timing</th>
<th>Conditions for the subject application</th>
<th>Jurisdiction for the condition and reasons</th>
</tr>
</thead>
</table>
| Protection of Future Public Transport Corridor | 1. The Cairns Regional Tennis Facility Project Plan number 21692-SK14A version C, prepared by Cairns Regional Council dated 17/12/2008 and The Cairns Regional Tennis Facility Tennis Facility Project Plan number 21692-SK14B version C, prepared by Cairns Regional Council dated 17/12/2008, and any plans for future stages of development shall incorporate the alignment, locations and land requirements for the future public transport corridor and proposed public transport station as shown on the Queensland Transport Lake Street Sports Precinct Development Application (CRN233) Cairns Transit Network Impact Typical Bus Station 1545SP02 and dated 27 February | Section 8A Transport Planning and Coordination Act 1994
Queensland Transport has a mandate to protect the operational integrity of the future public transport corridors. When development occurs, these corridors will ultimately form a network of public transport corridors throughout the Cairns urban area. |
<table>
<thead>
<tr>
<th>Timing</th>
<th>Conditions for the subject application</th>
<th>Jurisdiction for the condition and reasons</th>
</tr>
</thead>
</table>
| To be maintained at all times | 2. Any amendments to the *Cairns Regional Tennis Facility Project Plan* number 21692-SK14A version C, prepared by Cairns Regional Council dated 17/12/2008 and/or the *Cairns Regional Tennis Facility Project Plan* number 21692-SK14B version C, prepared by Cairns Regional Council dated 17/12/2008, must be approved in writing by Queensland Transport. | Section 8A  
*Transport Planning and Coordination Act 1994*  
Queensland Transport has a mandate to protect the operational integrity of the future public transport corridors. When development occurs, these corridors will ultimately form a network of public transport corridors throughout the Cairns urban area. |
| To be maintained at all times | 3. No buildings, structures or landscaping shall be located within the future public transport corridor.                                                                                                                                                                                     | Section 8A  
*Transport Planning and Coordination Act 1994*  
It is essential that the corridor is not threatened by building works or the construction of buildings or structures that may require removal or relocation at a later stage or otherwise undermine its operational integrity. |
| To be maintained at all times | 4. No works shall be carried out within the future public transport corridor other than works directly associated with the protection, provision or construction of the corridor.                                                                                                                     | Section 8A  
*Transport Planning and Coordination Act 1994*  
It is essential that the corridor is not threatened by building works or the construction of buildings or structures that may require removal or relocation at a later stage or otherwise undermine its operational integrity. |
<table>
<thead>
<tr>
<th>Timing</th>
<th>Conditions for the subject application</th>
<th>Jurisdiction for the condition and reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be maintained at all times</td>
<td>5. Any plans of the development to be viewed by the public must have the future public transport corridor labelled as such.</td>
<td>Section 8A Transport Planning and Coordination Act 1994 This condition is applied to ensure future residents are informed of the future use of the corridor.</td>
</tr>
<tr>
<td></td>
<td>6. The development shall not direct or increase stormwater flows onto the future public transport corridor or otherwise threaten the safety or integrity of future transport operations.</td>
<td>Section 8A Transport Planning and Coordination Act 1994 It is essential the corridor is not threatened by an increase in run-off or flooding that will threaten or otherwise undermine its operational integrity. QT permits infill material to be placed on to the corridor for this condition to be satisfied.</td>
</tr>
<tr>
<td>Public Transport Accessibility and Connectivity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior to commencement of the use and to be maintained</td>
<td>7. The pedestrian and bicycle network throughout the development shall be located, designed and constructed generally in accordance with The Cairns Regional Tennis Facility Project Plan number 21692-SK14A version C, prepared by Cairns Regional Council dated 17/12/2008; and The Cairns Regional Tennis Facility Tennis Facility Project Plan number 21692-SK14B version C, prepared by Cairns</td>
<td>Section 8A Transport Planning and Coordination Act 1994 To increase opportunities for people to access public passenger transport through well connected and designed cycling and walking paths.</td>
</tr>
<tr>
<td>Timing</td>
<td>Conditions for the subject application</td>
<td>Jurisdiction for the condition and reasons</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Regional Council dated 17/12/2008, and in accordance with the FNQROC and Austroads Part 13 (attached). Please note that the pedestrian access to the proposed public transport station will need to be altered slightly as follows.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. The pedestrian access illustrated on the abovementioned maps does not match up with the required location needed for access to the proposed future station on the CAD drawings released by Council. Therefore, the applicant is required to ensure the final plans illustrate a safe and direct pedestrian connection across the site to the proposed Tobruk Station, as indicated on the Queensland Transport Lake Street Sports Precinct Development Application (CRN233) Cairns Transit Network Impact Typical Bus Station 1545SP02 and dated 27 February 2009 and the Lake Street Sports Precinct Development Application (CRN233) Cairns Transit Network Impact 1545SP01 and dated 27 February 2009 for pedestrian and cyclist access at all times.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Airport Safety and Efficiency</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. The proponent is to provide a letter from Cairns Airport Management confirming that the proposed lighting to be utilised on this tennis court development is consistent with CASA's requirements for lighting in the vicinity of aerodromes and will not adversely impact on the operations of Cairns Airport. It is recommended to consult the Civil Aviation Safety Authority (CASA) - Manual of Standards (Part 139) - Aerodromes - Chapter 9 - Visual Aids Provided by Aerodrome lighting - Section 9.21 - &quot;Lighting in the Vicinity of Aerodromes&quot; for specific advice on requirements.</td>
<td>Section 8A Transport Planning and Coordination Act 1994. Queensland Transport has an interest in ensuring that aircraft safety and efficiency in operational airspace is protected and development does not have a significant impact by causing a permanent or temporary obstruction or resulting in a potential hazard to aircraft movements within the operational area.</td>
</tr>
<tr>
<td>Timing</td>
<td>Conditions for the subject application</td>
<td>Jurisdiction for the condition and reasons</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>for the installation of lighting</td>
<td>airspace of an airport.</td>
</tr>
</tbody>
</table>

### End of Trip Cycling Facilities

| Prior to the commencement of use and then to be maintained | 10. Install and maintain secure bicycle parking in the location as indicated on the Cairns Regional Tennis Facility Corner of Sheridan & Lily Streets Development Application Proposed Area of Fill Plan number 21692-SK15 version B, prepared by Cairns Regional Council dated 18/12/2008, and in accordance with Austroads Part 14 | Section 8A Transport Planning and Coordination Act 1994. Queensland Transport has an interest in ensuring that public passenger transport offers an attractive alternative to private transport and that adequate infrastructure is provided to support public passenger transport. |

### Advice

A portion of the subject site is located within the Public Safety Area of the Cairns International Airport. Queensland Transport does not support development that would increase the number of people congregating in the Public Safety Area. Consequently, Queensland Transport encourages the applicant to ensure that the number of people congregating in this area is reduced as much as possible.
C/c Planz Town Planning Pty Ltd
2 Crowley Close
Whitfield Qld 4870

Attention: Nikki Haddy

For your information (Application No 8/7/1516 refers). Should you wish to discuss any aspects of this concurrence agency response, please contact Suzanne Lindemann, A/Planner on 4040 6379.

Yours Sincerely,

Helen Kerr
Principal Planner

27 February 2009
## APPENDIX 3 DEVELOPER CONTRIBUTION CALCULATIONS

### DEVELOPERS CONTRIBUTIONS SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Developer</td>
<td>Planed Town Planning Pty Ltd</td>
</tr>
<tr>
<td>Street Name</td>
<td>Ha</td>
</tr>
<tr>
<td>Street Name</td>
<td>Ha</td>
</tr>
<tr>
<td>Suburb</td>
<td>350 - 360 Sheldrake Street</td>
</tr>
<tr>
<td>City of</td>
<td>North Canberra</td>
</tr>
<tr>
<td>Owner</td>
<td>5600</td>
</tr>
<tr>
<td>Lot and Plan No.</td>
<td>Lot 317 NR 7749</td>
</tr>
<tr>
<td>Development Permit No.</td>
<td>8PT1961-21</td>
</tr>
</tbody>
</table>

### WATER SUPPLY

<table>
<thead>
<tr>
<th>Disturbance</th>
<th>Adjustment</th>
<th>( \text{R} )</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Rate</td>
<td>$2,650.00</td>
<td>Current Rate (Indexed)</td>
<td>$3,210.00</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$104.00</td>
<td>Current Rate (Indexed)</td>
<td>$136.28</td>
</tr>
<tr>
<td>Base Rate</td>
<td>$4,324.00</td>
<td>Current Rate (Indexed)</td>
<td>$5,177.02</td>
</tr>
<tr>
<td>Base Rate Jan</td>
<td>2009</td>
<td>Base Index</td>
<td>118.49</td>
</tr>
</tbody>
</table>

### PROPOSED DEVELOPMENT

- 2.5.1 Placement of Assembly (over 275m² gpa)
  - Total Demand: $1.26 \text{ EDA}

### WATERSCAPE

- Cost (other than stormwater): $39.84 \text{ EDA}
  - Total Demand: $39.84 \text{ EDA}

### DRAINAGE

- Cost: $7,385.13 \text{ EDA}
  - Total Demand: $7,385.13 \text{ EDA}

### LEASED DEVELOPMENT

- Cost: $39.84 \text{ EDA}
  - Total Demand: $39.84 \text{ EDA}

### DEVELOPERS CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Component</th>
<th>Adjustment</th>
<th>( \text{R} )</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$1,949.23</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ACCOMMODATION

<table>
<thead>
<tr>
<th>Component</th>
<th>Adjustment</th>
<th>( \text{R} )</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>$1,949.23</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Developers Headworks Contributions

**Planz Town Planning Pty Ltd**

<table>
<thead>
<tr>
<th>DEVELOPTERS NAME</th>
<th>ESTATE NAME</th>
<th>STAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>358 - 368 Sheridan Street</td>
<td>North Cairns</td>
<td>NA</td>
</tr>
<tr>
<td>Lot 317 NR 7749</td>
<td></td>
<td>56000</td>
</tr>
</tbody>
</table>

#### MCU - Regional Tennis Facility

<table>
<thead>
<tr>
<th>STREET No &amp; NAME</th>
<th>SUBURB</th>
<th>LOT &amp; RP No.s</th>
<th>PARCEL No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>358 - 368 Sheridan Street</td>
<td>North Cairns</td>
<td>Lot 317 NR 7749</td>
<td>56000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEVELOPMENT TYPE</th>
<th>COUNCIL FILE NO.</th>
<th>QUARTER ENDING</th>
<th>VALIDITY PERIOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>87/1516-01</td>
<td>31-Dec-08</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

#### SKU No. Version No.

| 199349 | 1 |

**This logsheet is indexed appropriately only for payments made within the quarter noted above.**

<table>
<thead>
<tr>
<th>DIST.</th>
<th>$ / ERA</th>
<th>NET ERA</th>
<th>ADJUSTMENT</th>
<th>AMOUNT DUE</th>
<th>AMOUNT PAID</th>
<th>RECEIPT TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER</td>
<td>EX 10 3,821.30 X 2.18 0.00 $8,330.82</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pro 10 756.26 X 2.18 0.00</td>
<td>$1,648.05</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Water sub- total</td>
<td></td>
<td>$9,979.27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WASTEWATER</td>
<td>EX 24 2,155.21 X 2.18 0.00</td>
<td>$4,098.35</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pro 24 959.35 X 2.18 0.00</td>
<td>$2,091.30</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sewerage sub- total</td>
<td></td>
<td>$6,789.75</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Road Network

- **Catchment:** Cairns Urban Flow
- **District No:** 1
- **Network:** Cairns Urban Flow
- **Street Name:** 358 - 368 Sheridan Street
- **STREET No:** 317 NR 7749
- **LOT & RP No.s:** 56000

#### Drainage

- **Catchment:** Cairns Business District
- **Street Management:** $0.00
- **Stormwater Quality:** $0.00

#### Community Purpose

- **MCU Land Use / Planning Area:** City Wide
- **CBD - North Cairns:** $0.00

#### Bonds

- **None**
- **None**
- **None**

#### Other

- **None**
- **None**
- **None**

**TOTAL**

$16,789.01

**Prepared by**

Luke Jackson

**Amount Paid**

on 12-Mar-09

**Checked by**

Sarah Cook

**Date Paid**

on 12-Mar-09

**Receipt No**

**Cashier**

---

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

---

**Agenda – Ordinary Meeting 27/5/09 - #2055870**