

PLANNING AND ENVIRONMENT COMMITTEE	4
11 JULY 2018	

COMBINED APPLICATION FOR A MATERIAL CHANGE OF USE (MULTIPLE DWELLINGS, SHORT TERM ACCOMMODATION, OFFICE, SHOP, HOTEL AND FOOD AND DRINK OUTLET) AND RECONFIGURING A LOT (1 LOT INTO 6 LOTS) AND RECONFIGURING A LOT (1 LOT INTO 2 LOTS) – 81-83 SPENCE STREET CAIRNS CITY AND 112-114 BUNDA STREET PORTSMITH – DIVISION 5

Daniel Favier | 8/30/242 | #5596191

<u>PROPOSAL:</u>	COMBINED APPLICATION FOR A MATERIAL CHANGE OF USE (MULTIPLE DWELLINGS, SHORT TERM ACCOMMODATION, OFFICE, SHOP, HOTEL AND FOOD AND DRINK OUTLET) AND RECONFIGURING A LOT (1 LOT INTO 6 LOTS) AND RECONFIGURING A LOT (1 LOT INTO 2 LOTS)
<u>LANDOWNER:</u>	WCL-CENTRAL PARK (QLD) PTY LTD
<u>APPLICANT:</u>	WCL-CENTRAL PARK (QLD) PTY LTD C/- PLANNING PLUS CAIRNS PTY LTD PO BOX 8046 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	81-83 SPENCE STREET CAIRNS CITY AND 112-114 BUNDA STREET PORTSMITH
<u>PROPERTY:</u>	LOT 2 ON SP216464, LOT 5 ON RP907662, LOT 10 ON SP201303
<u>ZONE:</u>	PRINCIPAL CENTRE ZONE AND MIXED USE ZONE (PRECINCT 1 COMMERCIAL)
<u>LOCAL PLAN:</u>	CAIRNS CITY LOCAL PLAN
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 V1.1
<u>REFERRAL AGENCIES:</u>	STATE ASSESSMENT AND REFERRAL AGENCY
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE

STATUTORY ASSESSMENTDEADLINE:

11 JULY 2018

APPLICATION DATE:

26 OCTOBER 2017

DIVISION:

5

APPENDIX:

1. EXTRACT OF APPROVED PLANS
3. APPROVED PLAN(S) & DOCUMENT(S)
4. NOTICE OF INTENTION TO COMMENCE USE
4. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
5. INFRASTRUCTURE CHARGES NOTICE

LOCALITY PLANRECOMMENDATION:

That Council approves the development application for a Material Change of Use (Multiple Dwellings, Short Term Accommodation, Office, Shop, Hotel, Food & Drink Outlet) and Reconfiguring (1 Lot into 6 Lots) and Reconfiguring a Lot (1 Lot into 2 Lots) over land described as Lot 2 on SP216464, Lot 5 on RP907662 and Lot 10 on SP201303, located at 81-83 Spence Street, Cairns City and 112-114 Bunda Street, Portsmith, subject to the following:

PART A: MATERIAL CHANGE OF USE**APPROVED DRAWING(S) AND / OR DOCUMENT(S)**

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

Drawing or Document	Reference	Date
Staging Plan and Reconfiguration of a Lot Plan	P4	June 2018
Staging Plan – Level CP1	P5	June 2018
Staging Plan – Level 1 + CP2	P6	June 2018
Staging Plan – Level 2 + CP3	P7	June 2018
Staging Plan – Level 3 Podium Deck	P8	June 2018
Staging Plan – Typical Tower Level	P9	June 2018
Masterplan – Nova Cairns + Bunda St Carpark	P10	June 2017
Bunda Street Carpark	P11	June 2017
Level G – Towers 5 + 6	P12	June 2017
Level G – Tower 7	P13	June 2017
Level G – Towers 1 + 2	P14	June 2017
Level G – Towers 3 + 4	P15	June 2017
Level CP1 – Towers 5 + 6	P16	June 2017
Level CP1 – Tower 7	P17	June 2017
Level CP1 – Tower 1 + 2	P18	June 2017
Level 1 + CP2 – Towers 5 + 6	P19	June 2017
Level 1 + CP2 – Tower 7	P20	June 2017
Level 1 + CP2 – Tower 1 + 2	P21	June 2017
Level 1 – Towers 3 + 4	P22	June 2017
Level 2 + CP3 – Towers 5 + 6	P23	June 2017
Level 2 + CP3 – Tower 7	P24	June 2017
Level 2 + CP3 – Towers 1 + 2	P25	June 2017
Level 2 – Towers 3 + 4	P26	June 2017
Level 3 – Towers 5 + 6	P27	June 2017
Level 3 – Tower 7	P28	June 2017
Level 3 – Towers 1 + 2	P29	June 2017
Level 3 – Towers 3 + 4	P30	June 2017
Levels 4 – 14/15 – Towers 5 + 6	P31	June 2017
Levels 4 - 16 – Tower 7	P32	June 2017
Levels 4-14 Tower 1, Levels 4-12 Tower 2	P33	June 2017
Levels 4 – 16 – Towers 3 + 4	P34	June 2017
Level 15 – Towers 5 + 6	P35	June 2017
Level 15 – Tower 1, Levels 13-15 – Tower 2	P36	June 2017
Level 16 – Towers 5 + 6	P37	June 2017
Level 16 – Towers 1 + 2	P38	June 2017
Level 17 – Towers 5 + 6	P39	June 2017
Level 17 – Tower 7	P40	June 2017
Level 17 – Towers 1 + 2	P41	June 2017
Levels 14 & 17 – Tower 4, Level 17 Tower 3	P42	June 2017
Level 18 – Towers 5 + 6	P43	June 2017
Level 18 – Tower 7	P44	June 2017
Level 18 – Towers 1 + 2	P45	June 2017
Level 15 + 18 – Towers 3 + 4	P46	June 2017
Level 19 – Towers 5 + 6	P47	June 2017

Drawing or Document	Reference	Date
Level 19 – Tower 7	P48	June 2017
Level 19 – Tower 1 + 2	P49	June 2017
Level 19 – Towers 3 + 4	P50	June 2017
Level 20 – Tower 7	P51	June 2017
Level 20 – Towers 3 + 4	P52	June 2017
North & South Elevations	P54	June 2017
East & West Elevations	P55	June 2017
Internal Street Elevation – North & South	P56	June 2017
3D Perspective – Aerial	P58	June 2017
3D Perspective – Spence Street View	P59	June 2017
3D Perspective – Internal Streetscape	P60	June 2017
3D Perspective – Towers	P61	June 2017
3D Perspective – Internal Streetscape	P62	June 2017
3D Perspective – Spence Street	P63	June 2017
Yield Summary and Apartment Mix Summary	P65	June 2017
Yield Summary Towers 1 + 2	P66	June 2017
Yield Summary Towers 3 + 4	P67	June 2017
Yield Summary Towers 5 + 6	P68	June 2017
Yield Summary Tower 7 and Bunda Street Details	P69	June 2017

Assessment Manager Conditions

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse 10 years from the day the approval takes effect in accordance with the provisions of Section 85 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; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

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

Staging

4. Unless otherwise agreed by the Chief Executive Officer, the approved development must be carried out in accordance with the staging as illustrated on the approved plans.

Where the applicant can satisfactorily demonstrate compliance with the relevant conditions, Council will accept the staged titling of a Tower.

Notice of Intention to Commence Use

5. Prior to commencement of the use of each stage, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached "Notice of Intention to Commence Use" form when the use has commenced. (Attached at Appendix 3).

Operational Works

6. An Operational Works Approval is required for the excavation works, on street works, internal road works, nominated earthworks, drainage works and water and sewer works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use of each stage.

Amendment to Design

7. The proposed development must be redesigned to accommodate the following changes:

- a. **Internal Pedestrian Comfort – Design**

The canopy and internal footpath are to be provided with complementary awnings to ensure a minimum depth of protection to 3 metres with a height of no more than 4 metres between finished footpath level and the underside of the awning. In particular, protection is to be provided where a separation between the canopy and building is greater than 1 metre and the height of the canopy exceeds 4 metres.

An alternative to awning provision may be provided where it can be demonstrated such provision will interfere with the beneficial design of the public plaza or would better benefit by dense landscaping.

- b. **Privacy**

Provide screening / treatment to the living areas, balconies and habitable rooms of the dwelling units on the podium levels to ensure an acceptable level of privacy and amenity is afforded to residents from public use areas, footpaths and all roads internal and external to the site.

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

Internal Road, Plaza, Pedestrian, Vehicular Access, Parking and Common Areas

8. The internal road, plazas, pedestrian / vehicular access and parking areas (including the Bunda Street Carpark) and all other common areas servicing the development must be managed by a Community Management Scheme. Council is not responsible for the operation, construction, maintenance or any costs associated with the function and operation of this private infrastructure. If the development consists of more than one Body Corporate then a parent Body Corporate shall be established to manage the operation and maintenance of the infrastructure.

Air-Conditioning, Plant and Machinery Screens

9. Air-conditioning, plant and machinery units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Unless agreed by the Chief Executive Officer, such screening must be completed prior to the Commencement of Use.

Lockable Storage

10. Provide each unit with a minimum of 2.3m² area and 2.1m height of lockable storage space conveniently located with respect to car accommodation.

External Works (General)

11. Undertake the following works external to the land, along the full length of the property's Spence Street frontage (unless otherwise specified), at no cost to Council:
 - a. Construct full width paved footpath and landscaping generally in accordance with the Cairns City Centre Master Plan or otherwise agreed by the Chief Executive Officer, including but not limited to:
 - i. Allowance for bin / street furniture;
 - ii. The bus stop area will need to provide disabled access to footpath levels in accordance with Department of Transport and Main Roads standards; and
 - iii. Stainless Steel Tactile Ground Surface Indicators to be installed as per AS 1428.4.1:2009 and AS1428.1:2009.

- b. **Provision of a short auxiliary left turn lane and associated line marking on Spence Street.**

The width and capacity of the existing two westbound traffic lanes shall not be affected. The auxiliary left turn lane may require new or reconstructed pavement. Drawings to enable a complete review of the compliance of the proposed access, footpath and on-street work must be submitted to Council. The drawings are to show pavement details of the auxiliary left turn lane, linemarking details, traffic / parking signage details and footpath details. The drawings are also to show details of the bus stop fronting the site.

- c. **Provide detailed design drawings and implement all external works as recommended by the endorsed revised traffic impact assessment report.**
- d. **Provision of commercial concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing S1015D, or other surface treatment as deemed appropriate by Council.**

NB: The maximum grade for a cross-over is 2.5% and when the site fronts and existing footpath the new cross-over must not interfere with existing footpath formation.

- e. **The edge of the service access crossover must be setback a minimum of 1.5m from the existing light pole and post mounted switchboard / PE cell controller located on the footpath of the Spence Street road reserve. If this setback cannot be achieved without the need to relocate the said infrastructure, the infrastructure, including the lighting column on the opposite side of Spence Street, must be relocated such that the existing opposite pole arrangement and the design illuminance level as specified in AS/NZS 1158 is maintained.**
- f. **Upgrade existing Rate 3 street lighting within the median and footpath along the Spence Street frontage to Council's standard LED lighting to provide improved lighting for the safe movement of vehicular and pedestrian traffic at night. The lighting upgrade may be achieved by replacement of light and outreach only.**
- g. **Construct concrete kerb(s) at redundant crossover(s).**
- h. **The awning structural columns within the road reserve must be designed:**
 - i. **to avoid conflict with services within the road reserve; and**

- ii. to ensure public safety and structural integrity of the column(s) is maintained in the event a vehicle collides with the column(s).
- i. 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.

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 (ie the provision of temporary kerb ramps if pedestrian diversions are necessary).

The external works outlined above require approval from Council in accordance with a Development Permit for Operational 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.

External Works (Bunda Street)

12. Undertake the following works external to the land, along the full length of the property's Bunda Street frontage (unless otherwise specified), at no cost to Council:
 - a. Construct a minimum 2m wide footpath for the full frontage of the property in Bunda Street in accordance with FNQROC Development Manual Standard Drawing 1035A.
 - b. Construct pavement and asphalt the shoulder the full frontage of the site in Bunda Street in accordance with Council's FNQROC Development Manual.
 - c. Linemark parking bays adjacent to the site in Bunda Street in accordance with AS2890.5.
 - d. Provision of commercial concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing S1015D.
 - e. Re-instatement of any redundant crossovers and replace with kerb and channel. Repair any damaged kerb and channel.

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 (ie the provision of temporary kerb ramps if pedestrian diversions are necessary).

The external works outlined above require approval from Council in accordance with a Development Permit for Operational 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 of the Carpark.

Internal Works (Bunda Street)

13. Lighting of the car park and circulation areas is to be provided in accordance with Pedestrian Area Lighting Standard AS/NZS 1158.3.1:2005.
14. 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.

Design of Internal Road and Public Use Areas

15. Submit a detailed design of the internal roads and ground floor public use areas. The design shall include, but not be limited to:
 - a. Grade transitions or other means of delineating pedestrian and vehicular movement areas;
 - b. Methods to achieve safe pedestrian connections between the plaza areas, internal road and driveways to the parking areas;
 - c. Details of proposed internal road and footpath surface treatments / finishes.
 - d. Details of the canopy over the footpath areas;
 - e. Integration with the footpath, bus stop and any other external works required by other conditions of this Development Permit along the Spence Street frontage of the property; and
 - f. Locations of planting and hard landscaping works as required by other conditions of this Development Permit.

All internal works, including ongoing maintenance, are to be at the expense of the applicant / owner and at no cost to Council.

Approval for the internal works must be sought as part of the application for a Development Permit for Operational Works for each respective stage.

Water Supply and Sewerage Works External (Excludes Bunda Street Site)

16. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. The development consisting of Stages 1 to 2 is to be connected to Council's sewerage infrastructure in Spence Street that has capacity to service the development. The applicant is to negotiate with Cairns Water and Waste a possible ultimate connection of Stages 1 & 2 to a future manhole in the southern corner of the site near Hartley Street;
 - b. The development consisting of Stages 3 to 7 is to be connected to Connection to this manhole will not be permitted until a number of proposed upgrades to the CBD sewerage network have been completed by Council. The developer is to provide a program and staging plan to Council's Water and Waste department to facilitate programming of the identified upgrade works. While Council will consider accommodating the developer's staging program, Council will not be obligated nor be liable to the developer for the timing and completion of the external upgrade works required unless otherwise expressly and formally agreed to by the Chief Executive Officer;
 - c. The existing sewerage vent pipe is to be retained and fitted with an odour control vent cap. Alteration of the vent pipe, manhole cover and associated infrastructure to suit the development and external works would be permitted subject to approval. The vent pipe may be decommissioned and removed by Council in the future subject to completion of planned changes to the CBD sewerage network;
 - d. That part of the service road that will be used by Council for maintenance of the future pump station is to be contained within an easement; and
 - e. The ultimate development (consisting of Stages 1-7) is permitted to have two connections to Council's water network that are interconnected. One connection is permitted to the 300mm diameter trunk main in Spence Street and a second connection is permitted in Hartley Street. The developer is to augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties.

The external works outlined above require approval from Council in accordance with an application for Operational Works. 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 or Council Approval of the Plan of Survey, whichever occurs first or otherwise agreed by the Chief Executive Officer.

Water Supply and Sewerage Works Internal (Excludes Bunda Street Site)

17. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Internal private water and sewerage infrastructure is to be designed, constructed and commissioned in accordance with Council's development manual;
 - b. Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002* and the *Water Supply (Safety and Reliability) Act 2008*; and
 - c. Private Water and Sewerage infrastructure must be managed by a Community Titles Scheme. If the development consists of more than one Body Corporate then a parent Body Corporate shall be established to manage the operation and maintenance of the internal water and sewerage infrastructure.

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 or Council Approval of the Plan of Survey whichever occurs first or otherwise agreed by the Chief Executive Officer.

Fire Fighting

- 18. Firefighting pumped connections are to be provided with a break tank. Any proposal to pump directly from Council's water supply mains for fire or sprinkler systems without a break tank must be supported by a hydraulic analysis undertaken by a RPEQ confirming that the main is not at risk of very low pressures (i.e. ground water intrusion and implosion) and excessive transient pressures associated with pump and valve operation (i.e. water hammer).**

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

Sewer Easement

- 19. Create an easement in favour of Council having a nominal width of 3 metres over any Council owned sewerage infrastructure within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council's solicitors at no cost to Council.**

The approved easement document must be submitted at the same time as seeking Council Approval for the Plan of Survey and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey.

Refuse Storage

- 20. The development must be designed to be serviced by bulk bins. Bulk bin enclosures must be provided in accordance with Council's requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Cairns Water & Waste.**

Details must be shown on the plan of works and must be approved by the Chief Executive Officer prior to issue of a Development Permit for Building Works.

The bin enclosures must be constructed in accordance with the approved plans prior to the Commencement of Use or Council Approval of the Plan of Survey whichever occurs first.

Liquid Waste Disposal

21. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste's Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Onsite Vehicle Parking

22. Provide on-site vehicle parking in accordance with the approved plans and the Car Parking Action Plan prepared by Cardno and dated 12 October 2015 (Council ref: #4903845).

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, unless otherwise agreed by the Chief Executive Officer. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

23. Provide and implement a detailed Implementation and Monitoring Plan that demonstrates how the proposed reduction actions outlined in the "Implementation and Monitoring Plan" section of the Car Parking Action Plan prepared by Cardno and dated 12 October 2015 (Council ref: #4903845) will be implemented for the life of the project. The Implementation and Monitoring Plan should consider project staging, governance, establishment and ongoing costs.

The detailed Implementation and Monitoring Plan must be prepared by a suitably qualified professional and a copy provided to the Chief Executive Officer prior to issue of a Development Permit for Building Work for the second (2nd) Tower.

24. Following the Commencement of Use of the fifth (5th) tower constructed an evaluation report on the implementation of the detailed Implementation and Monitoring Plan must be prepared by the Applicant to demonstrate that the assumptions in the report are verified. The upper bound of temporal Parking Reduction calculations (814 car parking spaces) contained in the Car Parking Action Plan prepared by Cardno dated 12 October 2015 (Council ref: #4903845) will be applied to the development unless the evaluation report can demonstrate a higher level of reduction. The evaluation report must be to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Works for sixth (6th) and seventh (7th) Towers.

Note: Where the number of required car parking spaces cannot be provided, the Applicant may enter into an Infrastructure Agreement with Cairns Regional Council to address the deficit of onsite car parking spaces.

Parking Layout Plan

- 25. A Parking Layout Plan must be submitted which identifies the allocation of parking spaces, in accordance with requirements of the conditions of this Development Permit and to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Building Work for each respective stage.**

The plan must also identify the number and location of parking spaces allocated to each dwelling unit, including identification of number of bedrooms within each dwelling unit.

- 26. The parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and CairnsPlan unless otherwise agreed by the Chief Executive Officer, in particular:**
- a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width as determined by AS2890.1;**
 - b. The driveway serving the parking area must include a physical means of speed control at the exit point;**
 - c. Provision must be made for loading / unloading of vehicles;**
 - d. The provision of vehicle wash bays; and**
 - e. 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 showing the final layout are to be certified by a Registered Professional Engineer of Queensland confirming the design as compliant with AS2890.1 2004 and be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work for each respective stage.

Traffic Control and Circulation Plan

- 27. The applicant is to submit a fully dimensioned Traffic Control and Circulation Plan detailing all proposed internal and external road treatments, entry and exit point lane configurations & widths, line marking (including chevrons, directional arrows etc), queuing aisle details and the like both internal to the site, within all parking areas and externally along Spence Street.**

The plan must also include circulation diagrams drawn in accordance with relevant standards to ensure sufficient space is provided for manoeuvring of all types of service vehicles that are likely to use the site, including circulation within the loading dock / refuse area.

A site specific plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works for each respective stage.

Circulation and Access Plan (Bunda Street Car Park)

28. The applicant is to submit a Circulation and Access Plan detailing all proposed internal and external road treatments, entry and exit point lane configurations and widths, line marking (including chevrons, directional arrows etc), queuing aisle details and the like internal to the site and method of access control and how this will operate to ensure vehicle queuing only occurs within the site.

The plan must also include circulation diagrams drawn in accordance with relevant standards to ensure sufficient space is provided for manoeuvring of all types of service vehicles that are likely to use the site.

The Circulation and Access Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

29. All internal and external works required in the final approved traffic control and circulation plan must be constructed in accordance with the endorsed plan and to the satisfaction of the Chief Executive Officer prior to Commencement of Use of each respective stage.

Vehicle Wash Bay

30. The vehicle wash bay must be roofed / covered and bunded and wastewater must be discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.

Temporary Vehicle Turnaround

31. A temporary vehicle turnaround at the end of all partially constructed roads, including internal roads and service accesses must be provided. The turning facility must be of sufficient size to turn around all vehicles, including emergency service vehicles, in a continuous forward movement.

Details of the temporary vehicle turnaround are to be included with application for Operational Works approval and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Operational Works for each respective stage.

Protection of Landscaped Areas from Parking

32. Landscaped areas adjoining the parking areas 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

33. 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 (1) sign must be located on the Spence Street, Hartley Street and Bunda Street frontages.

Bicycle Parking

34. Provide secured, on-site bicycle parking in accordance with Table C2.7 of the *AUSTROADS of Guide to Traffic Engineering Practice Part 11 – Parking*. Based on the provisions in Table C2.7 (page 90) the minimum number of parking spaces required for the residential component of the development is 1 resident space per 3 units and 1 visitor space per 12 units. On-site bicycle parking for the non-residential component of the development must be provided in accordance with the rates specified for each of the individual uses. The bicycle parking area must be constructed prior to Commencement of Use of each respective stage.

Lighting

35. 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.

Above Ground Transformer Cubicles / Electrical Sub-Stations

36. 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.

Undergrounding of electricity supply

- 37. All electricity lines along the full frontages of the subject site are to be placed underground. Such works are to be undertaken by Ergon Energy or an Ergon Energy approved contractor at the applicant's expense and are to be completed prior to Commencement of Use.**
- 38. Prior to Commencement of Use, the applicant/owner must submit to Council a letter from Ergon Energy, or details of alternative arrangements for the works, stating that satisfactory works have been completed for the provision of:**
 - a. an underground electricity supply to the development; and**
 - b. locating of all above ground transformer cubicles clear of footpath areas.**

Cairns International Airport - Operational Airspace & Lighting Emissions

- 39. The applicant / owner must provide certification from the Cairns Airport Pty Ltd, Air Services Australia and the Civil Aviation Safety Authority (CASA) to demonstrate that:**
 - a. all buildings, structures, aerials, lightning rods, antennae, poles, posts, or other obstacles do not encroach within the Airport's operational airspace and Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Airport Operational Surfaces (PANS-OPS) as identified on the Operational Aspects of Cairns International Airport Overlay Maps in Council's Planning Scheme; and**
 - b. all lighting, cladding and building materials are of an acceptable standard so as not to impact on the operational aspects of the Airport with regard to light emissions, reflectivity or other emissions.**

The applicant/owner must independently validate compliance with the above condition at the following times:

- a. Prior to the commencement of works on site; and**
- b. Upon completion of construction but prior to the commencement of use.**

All costs associated with meeting the requirements of this condition are to be borne by the applicant/owner.

40. The applicant / owner must also provide confirmation that any encroachments in the Airport's operational airspace as a result of construction activities, including the use of cranes or other equipment, have been approved by Cairns Airport Pty Ltd International, or other responsible entity, prior to issue of a Development Permit for Building Work.

Plan of Drainage Works

41. The applicant / owner must provide a drainage plan for the development which demonstrates the subject land can be drained to the satisfaction of the Chief Executive Officer. In particular,
- a. Drainage infrastructure in accordance with the FNQROC Development Manual
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
 - i. End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
 - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
 - c. All new development shall have immunity from flooding associated with an ARI 100 year rainfall event; and
 - d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

The plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work with the necessary works being undertaken prior to Commencement of Use for each respective stage.

Lawful Point of Discharge

42. 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 upstream or downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels: CBD and Environs Area – Zone 2

43. All floor levels in all buildings must be located above the predicted 1% AEP flood level of 2.80 metres AHD, plus 300mm freeboard for residential uses, in accordance with FNQROC Development Manual and Planning Scheme requirements.

Ponding and/or Concentration of Stormwater

44. The proposed development and any retaining walls are not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Sediment and Erosion Control

45. 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).

Acid Sulfate Soils

46. Excavation may result in disturbance of potential acid sulfate soils (PASS). Prior to excavation, in association with a geotechnical assessment, an acid sulfate soil investigation must be undertaken. The investigation must be performed in accordance with the latest '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' produced by the Department of Environment and Resource Management (previously DNRW), and State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils. Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralise acid, prior to disposal as fill, in accordance with the DNRW '*Queensland Acid Sulfate Soil Technical Manual*'.

Structural Engineering Report

- 47. Provide a site specific structural engineering report prepared by a qualified registered professional engineer for the building area (including podiums and basement area) indicating the soil type and stability of the land and providing an indication of the suitability of the land for the intended purpose prior to the issue of a Development Permit for Building Works for each respective stage.**

Landscaping Plan

- 48. The site, including ground floor public use areas, podium deck recreational areas, must be landscaped in accordance with details included on a Landscaping Plan which is in accordance with the FNQROC Development Manual and Cairns City Centre Master Plan unless otherwise agreed by the Chief Executive Officer. The Landscaping Plan must show:**
 - a. Proposed methods of integrating the landscape theme with the streetscape upgrades required along the Spence Street frontage of the property;**
 - b. Planting Design:**
 - i. The inclusion of individual character through landscape design and plant species for the roads, public uses areas and outdoor areas within the development;**
 - ii. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;**
 - iii. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers.**
 - c. The roof terrace must remain un-landscaped;**
 - d. Hard Landscaping Works:**
 - i. Hardscape elements such as raised garden beds, seating areas, street furniture, refuse bins and details of proposed water features;**
 - ii. Methods of providing suitable shelter, weather protection and shade to users of the outdoor areas, including any proposed shade tree planting;**
 - iii. Natural and finished ground levels including details of all retaining works;**

- iv. Details of any perimeter, private courtyard, terrace, plaza or street fencing;
- v. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150 mm high vertical concrete kerb or similar obstruction; and
- vi. Bicycle parking in public areas in accordance with conditions of this Development Permit.

Two (2) A1 copies and one (1) A3 copy of the Landscaping Plan must be endorsed by the Chief Executive Officer prior to the issues of a Development Permit for Building Work for each respective stage.

The completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to Commencement of Use of each respective stage. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Screen Fence to Boundaries

49. A screen fence must be provided to the side and rear boundaries of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality.

Hoarding must be installed to separate commenced stages from future stages.

The applicant / owner must negotiate an acceptable level of fencing with Queensland Rail.

The fencing must be completed prior to the Commencement of Use.

Crime Prevention Through Environmental Design

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

Pest Plant Management

51. Pest Plant Management is to be in accordance with the requirements of AP1.34 Pest Plant Management of the FNQROC Development Manual.

Small infestations of the Class 2 Pest Plant "American Rats-tail Grass"
**Sporobolus jacquemontii* and the Class 3 Pest Plant "Singapore Daisy"
**Sphagneticola trilobata* are known to be present on the site.

Details of Development Signage

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

Advertising Signage

- 53. Signs on the subject land must conform with relevant Local Laws and Planning Scheme to the requirements and satisfaction of the Chief Executive Officer.**

This Development Permit does not authorise the installation of any assessable Advertising Device.

Note: Advertising Devices including Pylon Signs, Billboard Signs, Projecting Signs and Illuminated Signs are assessable development under the CairnsPlan 2016 V1.2 Planning Scheme and may require a Development Permit for Operational Works. Please note the use of LED, LCD, Plasma or similar screens are not “Acceptable Outcomes” under the Advertising Devices Code.

Construction Management Plan

- 54. A Construction Management Plan must be submitted to, and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work for the relevant stage(s). The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:**

- a. Hours of construction;**
- b. Parking of vehicles (including site employees and delivery vehicles);**
- c. Traffic management and control (including loading and unloading);**
- d. Maintenance of safe pedestrian access across the site’s frontage (including access by persons with a disability);**
- e. Building waste storage and disposal;**
- f. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;**
- g. Tree protection management; and**
- h. Location and details of construction signage including any signage that is to be illuminated.**

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

Construction Signage

- 55. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:**
- a. Developer;**
 - b. Project Coordinator;**
 - c. Architect / Building Designer;**
 - d. Builder;**
 - e. Civil Engineer;**
 - f. Civil Contractor;**
 - g. Landscape Architect**

Construction Access

- 56. Vehicular access to the site for construction and demolition purposes must be provided from Hartley Street only, unless authorised by the Chief Executive Officer.**

Temporary Perimeter Fencing

- 57. Temporary perimeter fencing must be provided around each stage to prevent pedestrian and vehicular access, apart from construction vehicles, to the remainder of the site.**

Stockpiling and Transportation of Fill Material

- 58. 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;**
 - b. before 7:00 am or after 6:00 pm Monday to Friday;**
 - c. before 7:00 am or after 1:00 pm Saturdays; or**
 - d. on Sundays or Public Holidays.**
- 59. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.**

Storage of Machinery and Plant

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

Demolish Structures

- 61. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to Commencement of Use.**

Damage to Council Infrastructure

- 62. In the event that any part of Council's existing sewer / water, drainage 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 developer's/owners/builders cost, prior to the Commencement of Use.**

Limitation on Use of Roof Terrace

- 63. The roof terrace is permitted only for use as an outdoor recreation space. To be clear, this area is not permitted to be used for consumption of food and beverage or other uses that may attract wildlife, particularly birdlife, unless agreed to by the Chief Executive Officer.**

PART B: RECONFIGURING A LOT

Assessment Manager Conditions

- 1. 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, including recommendations and findings confirmed within technical reports; and**
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

Except where modified by these conditions of approval.

Timing of Effect

- 2. The conditions of the Development Permit must be satisfied prior to Council Approval of the Plan of Survey, except where specified otherwise in these conditions of approval.**

Staged Development

3. The development is able to be undertaken in stages as generally indicated on the approved Plan of Development. Council must be notified of any proposed changes to the approved stage boundaries. The development must be undertaken in numerical sequence as depicted on the Approved Plan of Development.

Community Title Scheme

4. The development shall be established in a Community Title Scheme with Common Property. All proposed allotments shall be included as part of the principal/first/basic Community Title Scheme.

Conversion of Easements to Common Property

5. The conversion of any private easement(s) within the Community Title Scheme development to common property shall only be carried out in conjunction with a further registration of a Plan of Survey in the allotment in which the easement to be converted is located.

Water Supply & Sewerage Master Plan

6. An updated Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the development, including the ultimate development intent, can be serviced. The Master Plan shall identify any upgrades required to external water and sewerage infrastructure servicing the development.

The Water Supply and Sewerage Master Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the development.

Water Supply and Sewerage Works External

7. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Extend water and sewer infrastructure to connect the site to Council's existing water and sewer infrastructure at a point that has sufficient capacity to service the development.

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 issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewerage Works Internal

- 8. Undertake the following water supply and sewerage works internal to the subject land:**
 - a. Each lot within the Community Title Scheme development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;**
 - b. Private property sewers and water mains are to be designed, constructed and accepted to the same standard as public infrastructure;**
 - c. Each lot within the Community Title Scheme development must be provided with water supply sub-metering designed and installed in accordance with *The Plumbing and Drainage Act 2002* and the *Water Supply (Safety and Reliability) Act*; and**
 - d. Private Water and Sewerage infrastructure shall be owned, managed and maintained under a Community Title Scheme. Where the development consists of more than one Body Corporate, a principal Body Corporate shall be established to manage the operation and maintenance of the internal water and sewerage infrastructure.**

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 issue of a Compliance Certificate for the Plan of Survey.

Inspection of sewers

- 9. CCTV inspections of all constructed sewers (including property sewers) must be undertaken. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer and at no cost to Council prior to the issue of a Compliance Certificate for the Plan of Survey.**

Sewer Easement(s)

- 10. Create an easement in favour of Council, having a nominal width of 3 metres over all existing and constructed Council owned sewers within the site, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document(s) must be submitted to Council for approval by Council's solicitors at no cost to Council.**

The approved easement document(s) must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Infrastructure, Local Government and Planning	WR17/39399	26 October 2017	#5594871
Department of Infrastructure, Local Government and Planning	1711-2349 SRA	9 May 2018	#5749274

Refer to Appendix 4: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

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.**

Infrastructure Charges Notice

- 3. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the 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.

4. For information relating to the *Planning Act 2009* log on to www.dsdmip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

Food Premises

5. 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.
6. 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.
7. An application for the construction or alteration of any food premises must be accompanied by two (2) 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.
8. Prior to operation of the food business, the operator must hold a current Food License 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.

LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016v1.1 the approved land uses are defined as:

Multiple Dwelling

Premises containing three or more dwellings for separate households.

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.

Office

Premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for the following:

- business or professional advice;
- service of goods that are not physically on the premises;
- office based administrative functions of an organisation.

Shop

Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.

Hotel

Premises used primarily to sell liquor for consumption. The use may include short term accommodation, dining and entertainment activities and facilities.

Food and Drink Outlet

Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.

*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 new Combined Development Application for a Material Change of Use for 'Multiple Dwellings', 'Short Term Accommodation', 'Office', 'Shop', 'Hotel' and 'Food and Drink Outlet' and Reconfiguring a Lot (1 Lot into 6 Lots) and Reconfiguring a Lot (1 Lot into 2 Lots) over land at 81-83 Spence Street, Cairns City and 112-114 Bunda Street, Portsmith. The proposed development is commonly known as 'Nova City'.

The Development Application is Code Assessable under the CairnsPlan 2016 v1.1 and did not require Public Notification.

The Development Application was referred to Ergon Energy and the State Assessment and Referral Agency for consideration of infrastructure and urban design matters. The referral agencies responded in support of the Development Application.

There is an existing Preliminary Approval and a number of separate Development Permits over the site to support the 'Nova City' development. The purpose of the application currently before Council seeks to collate the existing Preliminary Approval and Development Permits under a single approval.

The further purpose of the current Development Application is to include the property at 112-114 Bunda Street for the purpose of additional car parking associated with the 'Nova City' development and reconfiguration of land described as Lot 5 on RP907662 to facilitate purchase from Cairns Regional Council for use as additional onsite car parking.

The proposed development has been assessed by Planning Officers specifically with reference to the earlier Preliminary Approval and Development Permits and compliance with the CairnsPlan 2016v1.1 Planning Scheme.

With respect to development over 81-83 Spence Street Cairns City, the current Development Application does not raise any additional issues that haven't already been considered and conditioned by Planning Officers. Officers have assessed the additional elements to the project discussed above and have put forward reasonable and relevant conditions.

The Development Application is recommended for approval.

TOWN PLANNING CONSIDERATIONS

Background

The application relates to the 'Nova City' development for which Cairns Regional Council has already granted the following approvals:

- Decision Notice for a Permissible Change on 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676) for a:

- o Development Permit Material Change of Use for 'Multiple Dwellings', 'Holiday Accommodation', 'Shopping Facilities', 'Business Facilities', 'Detached Bottle Shop' and 'Tavern' (Stage 1); and
- o Preliminary Approval for a Material Change Of Use for 'Multiple Dwellings', 'Holiday Accommodation', 'Shopping Facilities', 'Business Facilities', 'Detached Bottle Shop' and 'Tavern' (Stage 2-7).
- Decision Notice for a Development Permit for Material Change of Use for 'Multiple Dwellings', 'Holiday Accommodation', 'Shopping Facilities', 'Business Facilities', 'Detached Bottle Shop' and 'Tavern' (Stage 2) on the 14 December 2015 (#4969566).
- Decision Notice for a Development Permit for Operational Works (Dutton Street Drainage Upgrade) on 25 May 2016 (#5112654). These works are understood to be completed.
- Decision Notice over Lot 5 on RP907662 for Preliminary Approval under s242 of the Sustainable Planning Act to override CairnsPlan 2106 to provide for; use rights, applicable codes, and levels of assessment to apply to the subject property in accordance with the CairnsPlan 2016 Principal Centre Zone on 17 May 2017 (#5438328).

Proposal

The Combined Development Application seeks approval for Development Permit for Material Change of Use for 'Multiple Dwellings', 'Short-term Accommodation', 'Office', 'Shop', 'Hotel' and 'Food and Drink Outlet' and Reconfiguration of a Lot (1 Lot into 6 Lots) and Reconfiguring a Lot (1 Lot into 2 Lots) over land located at 81-83 Spence Street Cairns City and 112-114 Bunda Street Portsmith. The proposed development is commonly known as 'Nova City'.

The application is consistent with existing approvals other than that it seeks to utilise additional land, identified as Part of Lot 5 on RP907662 and Lot 2 on SP216464, in the development for the purpose of car parking. The proposal seeks to make efficient use of the land by providing 62 car parks on top of new drainage works which have been constructed within Lot 5, and 68 spaces on vacant land on Bunda Street (Lot 2), for use in conjunction with the 'Nova City' development.

Furthermore, two Reconfiguration of a Lot components have been added to the application to facilitate the proposed staging of the development and sale of part of Part of Lot 5 on RP907662 (presently owned by Council). The proposed reconfiguration is to be undertaken in accordance with the Staging Plan attached at Appendix 2.

A complete architectural package detailing the development, prepared by CA Architects and COX Rayner Architects, is included for reference at Appendix 2.

A summary of the main elements of the development are provided as follows:

- Six residential towers (Towers 1, 2, 4, 5, 6, 7) ranging from 17 – 20 storeys;
- One commercial tower (Tower 3) of 16 storeys;
- 1,124 units (ranging from 1 bedroom to 3 bedroom Units);
- 5,972m² of retail floor space;
- 11,141m² of commercial/office floor space;
- Total of 810 car parking spaces (made up of 678 car parking spaces in ground floor/podium levels, 62 spaces over Lot 5 on RP907662 and 68 spaces over Lot 2 on SP216464 on Bunda Street); and
- Access from internal roads via Spence and Hartley Streets.

The development as a whole remains largely consistent with the existing approvals with the exception of the additional land being included for car parking and some minor changes to the unit mix.

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:

The proposed development has been assessed by Planning Officers specifically with reference to the earlier Preliminary Approval and Development Permits and compliance with the CairnsPlan 2016v1.1 Planning Scheme.

The development proposal complies with the overall Purpose of the Principal Centre Zone and Cairns City Centre Local Plan. In particular, the development reinforces the role of the City Centre as the principal focus for Cairns and the region, provides for active street frontages, pedestrian connectivity, a mix of commercial and residential land uses and a high standard of design.

The proposed Reconfiguration of a Lot is intended to facilitate the proposed staging of the development and also the subdivision of Lot 5 on RP907662 (presently owned by Council) and sale to the applicant.

With respect to development over 81-83 Spence Street Cairns City, the current Development Application does not raise any additional issues that haven't already been considered and conditioned by Planning Officers. Officers have assessed the additional elements to the project discussed above and have put forward reasonable and relevant conditions.

ASSESSMENT BENCHMARKS

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

Assessment Benchmarks	Zone • Mixed used • Principal centre Local Plans • Cairns city centre Overlays • Acid sulfate soils • Airport environs • Flood and inundation hazards • Natural areas • Transport network Development codes • Multiple dwelling and short-term accommodation • Centre design • Environmental performance • Excavation and filling • Infrastructure works • Landscaping • Parking and access • Reconfiguring a lot
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NON-COMPLIANCE WITH BENCHMARKS

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below:

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Mixed Use Zone Code	
PO5 and PO7	The proposed Bunda Street carpark is located within the Mixed Use Zone. Whilst the proposed development sterilises the site for any interim commercial development, the use is low scale and could be developed alternatively in the future for a commercial use. Officers are satisfied that the proposed use does not compromise or perform the role and function of a centre within the hierarchy of centres in the region.
Cairns City Centre Local Plan Code	
	The proposed built form complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676).
Acid Sulfate Soils	
AO1.2, AO2.2	The development is conditioned to require an acid sulfate soil assessment to identify potential disturbance of soils. Where soils are disturbed soils are to be neutralised and treated appropriately.

Airport Environs Overlay Code	
AO1.1, 1.2, 4.1	The submitted plans indicate that all buildings and structures will be located below the Obstacle Limitation Surface (OLS) of the Cairns International Airport, albeit only slightly. The development will also involve lighting throughout, including in the public plaza level, which could potentially impact on operational aspects of the Airport given the height and nature of the proposal. In order to satisfactorily address the OLS and lighting requirements in Performance Criteria P1, P2 and P6 of the Overlay Code, a condition of approval is recommended requiring certification by the Cairns International Airport, or other responsible entity, that the development does not encroach within the OLS or create lighting emissions that will impact on the operational aspects of the Airport. The subject site is located on the fringe of the 20 ANEF contour. Consideration will be given at the time of seeking a Building Permit whether there is need for acoustic treatment from aircraft noise levels. The roof top dining is fully enclosed and the roof top terrace areas must only be used for outdoor recreation space. To be clear, the roof top terrace areas are not permitted to be used for consumption of food and beverage or other uses that may attract wildlife, particularly birdlife. Subject to compliance with the recommended conditions of approval, the operations of the Cairns International Airport are unlikely to be adversely affected by the proposed development.
Natural Areas Overlay Code	
AO2.2	The proposal includes an area mapped as Urban Waterway 'B' Trigger Area. This area is a concrete-lined drain which does not hold any biodiversity value. Under an earlier Operational Works approval the open drain has been capped.
Multiple Dwelling and Short Term Accommodation Code	
AO1.1-15.1	The proposed built form complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676). For further comment please see below.
Centre Design Code	
	The proposed development complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676).

Environmental Performance Code	
	The proposed development complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676).
Excavation and Filling Code	
	The proposed development complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676). The proposed development will be subject to a further Operational Works application to facilitate internal and external civil works.
Infrastructure Works Code	
	The proposed development complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676). The proposed development is conditioned to be connected to necessary infrastructure services.
Landscaping Code	
	The proposed development complies with the existing Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676). The development is subject to further landscaping application and approval.
Parking and Access Code	
AO1.1	Parking is to be provided in accordance with the Preliminary Approval dated 30 October 2015 (#4925658) (originally approved on 14 November 2014 #4548676) and the approved Car Parking Action Plan prepared by Cardno.
Reconfiguring a Lot Code	
	The proposed reconfiguration is for management purposes only, including: - Reconfiguring a Lot (1 Lot into 6 Lots) over Lot 10 on SP201303 to include boundaries around each tower/stage; and - Reconfiguring a Lot (1 Lot into 2 Lots) over Lot 5 on RP907662 to facilitate purchase of part of the Lot 5 from Council and amalgamation into Lot 10 on SP201303

Multiple Dwelling and Short Term Accommodation Code

Several of the development requirements within this Code are over-ridden by the applicability of the Height and Impacts of Buildings Overlay Code, including site coverage, gross floor area (GFA) and setbacks.

The site frontage requirements comply with the minimum 15m requirement under Acceptable Measure A1.2 and sufficient area is available on the 2.41ha site to accommodate the intended land use and associated facilities in accordance with Performance Criteria P1. The one area of non-compliance in this regard is in relation to car parking, which has been previously addressed under the earlier Development Permits and Preliminary Approval.

The built form aspects of the proposal provides for varying structural and architectural elements and use of balconies, podium level open spaces and variations to provide visual interest and reduced bulk. Conditions are included to require incorporation of vertical landscaping to further soften the building façade.

Conditions are included to require screening of any service structures and mechanical plant that are not already incorporated into the built form to achieve compliance with Performance Criteria P14.

The proposal provides for accessible and functional landscape and recreation areas for the benefit of residents on the podium levels, as well as additional opportunities afforded by the public plaza component at the ground floor, thus satisfying the intent of Performance Criteria P9-10.

Acceptable Measure A9.1 requires each dwelling unit to have a private outdoor area with dimensions of 3m and accessed directly from internal living spaces. Each dwelling unit is provided with either a private courtyard or balcony accessed from an internal living space. The design of the units is such that the internal living areas open up onto the balconies to provide for a combined indoor / outdoor space. Typical dimensions of the balconies are 2m x 3m, which is considered sufficient relative to the size of the units so as to provide accessible and functional spaces, thus satisfying Performance Criteria.

Each of the Towers is generally separated by more than 9m, providing adequate privacy to habitable rooms in accordance with Acceptable Measure A12.1. Where there is a lesser setback, the outdoor living areas are orientated so they do not overlook the adjoining tower. It is expected that any privacy issues arising may be able to be internally addressed through blinds and curtains.

Unit storage areas are indicated on the car parking levels. However as the dimension and areas are not nominated, conditions are included to require that each unit is provided with a minimum 2.3m² of lockable storage. Acceptable Measure A13.1 requires a minimum storage space of 3.5m² per dwelling unit, however the minimum 2.3m² is consistent with the earlier Development Permits and Preliminary Approval.

Overall, the proposal facilitates infill development and increased population densities in the CBD and provides for a mix of housing options. The proposal is considered compliant with the earlier Development Permits and Preliminary Approval and CairnsPlan 2016v1.1 Planning Scheme.

INFRASTRUCTURE CONTRIBUTIONS

The proposed development triggers Infrastructure Contributions, refer to Appendix 5 to view calculations.

In the calculation of the contributions Officers adopted the following assumptions:

- The site area used in the calculation of the Stormwater Charge includes the part of Lot 5 (1,280m²) to be purchased from Council and amalgamated with Lot 10.
- On the Commercial (retail) space officers have levied charges based on the highest possible use being for Food and Drink Outlet

It will be necessary that the Infrastructure Contributions are recalculated prior to commencement of use in order to accurately capture the stages Commercial (Retail) demand.



Daniel Favier
Planning Officer
Action Officer

Peter Boyd
Manager Strategic Planning & Approvals



Kelly Reaston
General Manager Planning & Environment

APPENDIX 1: Extract of approved plans



NOVA CAIRNS | Development Application | June 2017
Masterplan - Nova Cairns + Bunda St Carpark

Scale 1:1000@A3

ASPIAL CACOX P10



NOVA CAIRNS | Development Application | June 2017
3D Perspective - Spence St View

ASPIAL CACOX P99





NOVA CAIRNS | Development Application | June 2017
 3D Perspective - Spence St

ASPIAL CACOX

APPENDIX 2: Approved plan(s) & document(s) (#5793426)

TO BE DISTRIBUTED SEPARATELY

nence Use



Notice of Intention to Commence Use

DEVELOPMENT PERMIT *Planning Act 2016*

Development Permit	8/30/242
Date of Approval	11 July 2018
Approved Use	Material Change of Use (Multiple Dwellings, Short Term Accommodation, Office, Shop, Hotel, Food & Drink Outlet)
Location	81-83 Spence Street CAIRNS CITY 112-114 Bunda Street PORTSMITH
Property Description	Lot 2 on SP216464, Lot 5 on RP907662 and Lot 10 on SP201303

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 4: Concurrence Agency conditions & requirements



Department of Infrastructure,
Local Government and Planning

Our ref: WR17/39399

Your ref:

26 October 2017

Mr Richard Coulson
Richard.Coulson@cox.com.au

Dear Mr Coulson

Thank you and the CACOX Architecture team for attending a pre-lodgement meeting with the Office of the Queensland Government Architect (OQGA) on 13 October 2017 regarding urban design matters for the Nova City development proposal at Spence Street Cairns.

The Nova City development is a significant residential and commercial proposal for the Cairns Central Business District. The OQGA commends the incorporation of a number of exemplar urban design principles as part of the project vision, including the establishment of a tropical and appropriately scaled street connection through the site, a public plaza, the use of naturally ventilated corridors and the high percentage of sleeving of on-site car parking with mixed uses.

It is recognised that Nova City has already been the subject of a preliminary approval and subsequent development approvals. The OQGA understands the application has been triggered for urban design advice as the result of the inclusion of an additional adjoining site, as a result of the applicant's desire to consolidate existing development approvals. The OQGA understands that the current proposal substantially reflects existing approvals.

It was advised during our discussion that the design solution and in particular the proposed glazed façade treatments and overall built form of the tower forms, were a client led requirement. Although the level of design resolution of the Nova City proposal is nearing completion, the OQGA has identified additional opportunities and design measures that could be adopted by the proponent to further address the key principles in State Code 24: Urban design outcomes for significant projects.

Please find attached our detailed Urban Design advice on the Nova City proposal. This letter and attached advice can now be lodged with your development application for the purpose of Schedule 10, Part 18 of the *Planning Regulation 2017*, Urban Design.

Level 39
1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3452 7009
Website www.dilgp.qld.gov.au
ABN 251 66 523 889

The OQGA is available to further discuss urban design issues related to your development if you desire. This would be at no additional cost following the pre-lodgement meeting.

If you require further information, I encourage you to contact Dominique Gallagher, Manager, in the OQGA on 3452 7888 or by email at qld.gov.architect@dlgp.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Middleton', followed by a horizontal line.

Malcolm Middleton OAM LFRAIA NZIA
Queensland Government Architect

Cc:
Evan Yelavich
evan@planningplusqld.com.au

Carlo Amerio
carlo@caarchitects.com.au

Attachment 1 – Urban Design Advice

This advice is provided as triggered by Schedule 10, Part 18 of the *Planning Regulation 1997*.
The advice is structured as per the principles contained in State code 24: Urban design outcomes for significant projects.

Project

Nova City – 48 Spence Street, Cairns – Kelly Developments

Be responsive to local climatic conditions and patterns

The OQGA understands that the current proposal substantially reflects existing approvals. It was advised during our discussion that the design solution and in particular the proposed glazed façade treatments and overall built form of the tower forms, were a client led requirement. The OQGA understands the application has been triggered for urban design advice as the result of the inclusion of an additional adjoining site, as a result of the applicant's desire to consolidate existing development approvals.

Notwithstanding these earlier approvals it is noted the proposed glazed façade treatment for the buildings in tropical North Queensland, does not incorporate vertical shading fins on the eastern and western elevations. When appropriately designed, shading fins can significantly reduce heat loading, and an overreliance on the thermal properties of the glazing units and mechanical cooling systems (air-conditioning).

It is noted and commended that the proposed ground plane responds to local climatic conditions, providing elements such as street trees and a fixed canopy to the pedestrian area – offering some protection for pedestrians, in particular during the wet season. The OQGA recommends the enhancement of this aspect through the incorporation of significant deep planting along the length of the proposed street to provide year-round shade and shelter to the street and pedestrian areas.

The OQGA commends the use of natural ventilation for the corridors, and recommend that the use of plenums be considered and investigated to provide residents with further natural ventilation options, building on, and enhancing the proposed natural ventilation design for the corridors.

It is acknowledged that the proposed insulated glazing units of the façade will provide a level of comfort to residents particularly when air-conditioning is in use. However, it is further noted that although there are operable casement windows and external balconies, the opportunity to extend natural ventilation to other part of the buildings should be considered by the design team.

Be inspired by local places and incorporate locally significant character and cultures

It is noted and commended that elements of the proposed street and podium facilities incorporate local character through landscape design and resort styled facilities. While inspiration for the project has been drawn from tourism related activities and the resort city culture of Cairns, it is not apparent how other locally significant characteristics, such as the hinterland landscape, have been incorporated into the project. The use of greater landscaping on the roof terraces and significant deep plantings at street level will provide stronger ties to the tropical nature of the location, drawing a relationship to the significant hinterland landscape and softening the glazed façade of the proposed towers.

Consider, incorporate and enhance the natural landscape

The OQGA was advised that the connected podium recreation spaces will be landscaped with local trees and plants, however, the roof terraces do not currently contain significant soft landscaping elements. While the podium landscaping is commended, the OQGA would suggest that a more significant and detailed landscape response to the roof terraces be considered to provide amenity, help moderate temperatures and reduce urban heat impacts at a local level.

It is understood that there are proposed green walls to neighbouring properties. It is noted that these are often difficult to detail green infrastructure elements in a coastal and tropical context. Appropriate maintenance and renewal strategies for the proposed green walls is an important consideration to ensure the edge treatment of the development continues to provide amenity to the neighbouring buildings and to maintain the high-quality design intent of the development.

Work with and respond to natural systems and processes (i.e. hydrology and ecology)

It is acknowledged that the proposal provides a continuous landscaped podium, streetscape vegetation and green wall areas. The use of water harvesting, and water sensitive urban design (WSUD) as part of the development is important to ensure the continued maintenance of the landscape and the design intent for these areas.

Create functional, well defined, legible and connected streets and spaces

It is noted and supported that the proponent has proposed a through pedestrian and vehicle connection from Spence Street to Hartley Street. The proposed mixed use and 'eat street' offering will encourage and enhance the public realm and connectivity through this precinct of the Cairns central business district (CBD). The continuous podium provides a seamless streetscape within the development, further enhanced by a public plaza at the centre of the site. It is noted that management and programming of the public plaza will determine the success of its continued activation and use within the broader CBD.

As identified above, the inclusion of significant deep planting along the length of the proposed street to provide extensive and continuous shade and shelter will assist to improve pedestrian comfort, encourage pedestrian movement, whilst delivering a streetscape that is reflective of the vision for the development and the local tropical nature of Cairns.

Deliver diverse and well integrated development density and land use mix, sympathetic to local settings and values

It is noted the Nova City proposal offers one commercial tower (with ground level retail) and six residential towers, positioned for both the local and investment market. The proposed development contributes positively to the ground plane of the Cairns CBD, drawing the city in, and providing links through the site to create a street and mixed retail precinct that adds value to the CBD. The proposed creation of an 'eat street' provides a level of differentiation to other CBD offerings, whilst supporting the proposed city street connection.

Consider and embed opportunities for adaptation and change

It is acknowledged the staging of the proposed development has provided a level of adaptation and change, allowing for modifications to unit configuration to meet the market demand, and the configuration of the commercial tower for either commercial or educational purposes. Although the staging of the project provides opportunities for adaptation in response to market conditions, it is important that the key city enhancing elements, such as the street and public realm are not value managed from the project as a result of market conditions and resultant staging of the proposed development.

Be innovative creative and forward-thinking

It is commended that the proposed Nova City development has been designed to connect seamlessly with the CBD and draw people in through the site, creating a new street and public plaza space for the city.

Notwithstanding, the design elements identified above, including shading fins, additional landscape and the opportunity to extend the proposed natural ventilation of the corridors to the apartments, will provide a more flexible, contemporary and environmentally responsive design response suitable for the tropical setting of Cairns.

RA29-N



Department of Infrastructure,
Local Government and Planning

Our reference: 1711-2349 SRA
Council reference: 8/30/242
Applicant reference: 14-18/R000676(1)

9 May 2018

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870
PlanningAdmin@cairns.qld.gov.au

Attention: Daniel Favier

Dear Sir/Madam

Changed referral agency response—with conditions
(Given under section 28 of Development Assessment Rules)

On 11 January, 31 January, 8 March and 12 April 2018 the department received representations from the applicant requesting the department change its referral agency response. The department has considered the representations and now provides this changed referral agency response which replaces the response dated 5 January 2018.

Applicant details

Applicant name:	WCL – Central Park (QLD) Pty Ltd
Applicant contact details:	PO Box 8046 Cairns QLD 4870 info@planningplusqld.com.au

Location details

Street address:	48-50 Hartley Street, Cairns City; 112-114 Bunda Street, Portsmith; Spence Street, Cairns City
Real property description:	Lot 10 on SP201303; Lot 2 on SP216464; Lot 5 on RP907662
Local government area:	Cairns Regional Council

Application details

Development permit	Material Change of Use (Multiple Dwellings, Short Term Accommodation, Office, Shop, Hotel and Food and Drink Outlet)
Development permit	Reconfiguring a lot (1 Lot into 6 Lots)

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.1.1.1 Infrastructure - state transport infrastructure
- 10.9.4.2.1.1 State transport corridors and future State transport corridors
- 10.9.4.2.3.1 State transport corridors and future State transport corridors
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Bunda Street Carpark – General Arrangement (as amended in red by TMR 04/01/2018)	Flanagan Consulting Group	20/12/2017	3897-C35	2
Masterplan – Nova Cairns + Bunda St Carpark (as amended in red by TMR 28/11/2017)	Aspial CACOX	June 2017	P10	-
TMR Layout Plan (810-1.02km)	Queensland Government - Department of Transport and Main Roads	09/11/2017	TMR17-23016 (500-694)	B
<u>Nova – 48-50 Hartley Street, Cairns Podium, Tower 1 and Tower 2 Acoustic Review at Pre-Tender Stage</u>	<u>WSP</u>	<u>12/04/2018</u>	<u>PS106594-ACG-REP-001</u>	<u>1</u>

A copy of this response has been sent to the applicant for their information.

For further information please contact Tony Croke, Principal Planning Officer, SARA Far North QLD on 4037 3205 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc WCL – Central Park (QLD) Pty Ltd, c/- Planning Plus, email: info@planningplusqld.com.au

enc Attachment 1—Changed conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Material change of use		
State-controlled road —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
In accordance with approved plans		
1.	The Bunda Street carpark road access to the development must be carried out generally in accordance with the following plan: Bunda Street Carpark - General Arrangement, prepared by Flanagan Consulting Group, dated 20/12/2017, Drawing No 3897-C35 and Revision 2 (as amended in red by TMR)	Prior to the commencement of use and to be maintained at all times.
Vehicular Access to state-controlled road		
2.	The road access location between Lot 2 on SP216464 and the state-controlled road, is to be in accordance with the TMR Layout Plan prepared by the Queensland Government - Department of Transport and Main Roads, dated 9/11/2017, reference TMR17-023016 (500/694) version B.	At all times
Railways —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
In accordance with approved plans		
3.	The development must be carried out generally in accordance with the setback of proposed development from the railway corridor and the indicative wheel stops to the railway corridor shown on Masterplan – Nova Cairns + Bunda St Carpark, prepared by Aspiat CACOX, dated June 2017, plan reference P10 (as amended in red by TMR)	Prior to the commencement of use and to be maintained at all times.
Stormwater and drainage		
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor. (b) Any works on the land must not: - create any new discharge points for stormwater runoff onto the railway corridor; - interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; - surcharge any existing culvert or drain on the railway corridor; - reduce the quality of stormwater discharge onto the railway corridor. (c) RPEQ certification with a Stormwater Management Plan must be provided to the Program Delivery and Operations Unit, Far	(a) & (b) At all times. (c) Prior to the

	North Queensland Region (Far.North.Queensland.IDAS@tnr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.	commencement of the use.
Railway noise		
5.	(a) Noise attenuation measures to achieve the following noise criteria must be provided: - external railway noise criteria of ≤ 84 dB(A) (single event maximum sound pressure level) free field and ≤ 62 dB(A) L_{eq} (24hr) free field for communal open space shown on Level 3 – Towers 1 +2, prepared by Aspiat CACOX, dated June 2017, plan reference P29. (b) Balconies on Tower 1, and Tower 2 and Tower 4 on Levels 1 to 19 shown on South Elevation, Elevations, prepared by Aspiat CACOX, dated June 2017, plan reference P54, must include: - balustrades that are solid, gap-free and continuous for their complete length other than gaps required for drainage purposes in accordance with the Building Code of Australia; and - highly acoustically absorbent material treatment for the total area of the soffit above these <u>the following balconies nominated in section 5.7.3 and identified in Appendix B of the Nova – 48-50 Hartley Street, Cairns, Podium, Tower 1 and Tower 2, Acoustic Review at Pre-Tender Stage, prepared by WSP, document number PS106594-ACG-REP-001, dated 12/04/2018, revision 1:</u> - Podium, Units 19 and 20 - Tower 2, Unit 6, Floors 4 to 9 - Tower 2, Unit 7, Floors 4 to 7 - Tower 2, Unit 8, Floors 4 and 5 - Tower 2, Unit 9, Floor 4. (c) <u>Balconies on Levels 1 to 19 of Tower 4 shown on South Elevation, Elevations, prepared by Aspiat CACOX, dated June 2017, plan reference P54, must include:</u> <u>balustrades that are solid, gap-free and continuous for their complete length other than gaps required for drainage purposes in accordance with the Building Code of Australia; and</u> <u>highly acoustically absorbent material treatment for the total area of the soffit above these following balconies.</u>	(a) & (b) – (c) Prior to the commencement of use for the <u>relevant tower first stage of development</u>
Filling, excavation and structures		
6.	Any excavation, filling/backfilling/compaction, retaining structures, batters and other works involving ground disturbance must not encroach upon or de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times
Fencing		
7.	The existing fencing provided along the site boundaries with the railway corridor must be retained.	Prior to the commencement of use and to be maintained at

		all times
State transport networks—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
Bus Stop Relocation		
8.	(a) The existing bus stop, 'Cairns Central Shopping Centre (Spence St)', (Hastus ID: 750440, TransLink ID: 702424) must be relocated to the location shown on Masterplan – Nova Cairns + Bunda St Carpark, prepared by Aspiat CACOX, dated June 2017, plan reference P10 (as amended in red by TMR 4 December 2017) (b) The relocated bus stop must be in accordance with the Disability Standards for Accessible Public Transport 2002 made under subsection 31(1) of the <i>Disability Discrimination Act 1992</i> and include the following components in accordance with the Department of Transport and Main Roads' TransLink Public Transport Infrastructure Manual 2015: • all mandatory bus stop components for an 'Intermediate stop' detailed in Section 5.7 - 'Bus stop components' (pages 30-41) of Chapter 5 - 'Bus stop infrastructure'; • Figure 5.11 – 'Bus stop identification markers' (page 50) and Table 5.9 - 'Stop signage/stop marker' (page 35) of Chapter 5 - 'Bus stop infrastructure', and Sign Type IS-10b 'Bus Stop – J Pole Sign (TransLink)' (section 4.26. - 4.26.2, pages 63-64) of the Signage Manual – Bus Network Infrastructure, TransLink Division, Department of Transport and Main Roads, September 2014; • an indented bus stop to accommodate the concurrent setdown of two (2) x single unit rigid bus of 12.5m in length in a nose to tail arrangement in accordance with Section 5.6.3.1 - 'Bus stop length requirements' and 'Table 5.7: Minimum bus stop length requirements' (pages 28-29) of 'Bus stop infrastructure'; and • a hardstand and access in accordance with 'Intermediate Stop – Site Layout – With Indented Bus Bay', DRG 5-0022 of Appendix 5-B – 'Layout and technical drawings'. (c) Written notice must be provided to the Department of Transport and Main Roads' TransLink Division (07 3851 8700 or at bus_stops@translink.com.au) prior to relocating the existing bus stop. (d) The existing bus stop, 'Cairns Central Shopping Centre (Spence St)', (Hastus ID: 750440, TransLink ID: 702424) must be removed and the footpath reinstated in accordance with the standards of Cairns Regional Council.	(a) & (b) Prior to the commencement of use for the first stage of development. (c) Prior to obtaining development approval for operational work or building work, whichever occurs first. (d) Following the completion of parts (a) and (b) of this condition and prior to the

	(e) RPEQ certification with supporting documentation must be provided to the Program Delivery and Operations Unit, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a), (b) and (d) of this condition.	commencement of use for the first stage of development. (e) Prior to the commencement of use for the first stage of development.
Taxis		
9.	(a) The setdown area adjacent to the shared zone shown on Level G – Towers 3 + 4, prepared by Aspial CACOX, dated June 2017, plan reference P15 should be designed and constructed to ensure that at least one parking bay is capable of accommodating a taxi suitable for use by people with disabilities. (b) The parking bay required in part (a) of this condition must be in accordance with the following: • Disability Standards for Accessible Public Transport 2002 - subsection 31(1) of the <i>Disability Discrimination Act 1992</i>; • AS1428.1 – Design for Access and Mobility; and • AS2890.6 – Parking Facilities, Part 6: Off-street parking for people with disabilities.	Prior to the commencement of use and to be maintained at all times.

Attachment 2— Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the approved plans of development, particularly with regard to: the road access to the state control road.
- To ensure the development and its construction does not cause adverse structural impacts on future state-transport infrastructure.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on state transport corridors.
- To minimise noise intrusions on a development from a state-controlled transport corridor.
- To ensure that there is no unauthorised access onto the transport corridor and to protect impacts on the transport corridor.
- To ensure that buildings can be maintained without requiring access to a state-controlled transport corridor.
- To ensure that at least one parking bay is capable of accommodating a taxi suitable for use by people with disabilities

Attachment 3—Advice to the assessment manager

General advice	
Ref.	Railway Corridors and State Transport Networks
1.	Memorandum of Understanding for Railway Level Crossings As per the <i>Memorandum of Understanding between the Local Government Association of Queensland and Queensland Rail and the Department of Transport and Main Roads with respect to the Management and Funding Responsibility for Level Crossing Safety</i>, the local government is responsible for any safety upgrades to a level crossing if the change in risk to the level crossing is due to changes in nearby land uses which have been authorised by local government. Cairns Regional Council should continue to monitor the level of safety risk and number of reported level crossing issues at the Spence Street crossing (ID:605) of the North Coast Line in Cairns as further development in the area is approved. The proposed development will be likely to contribute to cumulative impacts on the safety of the railway level crossing. Consideration should also be given to implementing improved control and safety measures, as required.
2.	Relocated bus stop In relation to compliance with parts (c) and (e) of the bus stop relocation condition, the detailed design of the bus stop should be submitted to the TransLink Division of the Department of Transport and Main Roads for endorsement prior to construction or any works commencing. Please contact the TransLink Division on telephone number 07 3851 8700 or at bus_stops@translink.com.au in relation to this matter. The Department of Transport and Main Roads' <i>TransLink Public Transport Infrastructure Manual 2015</i> and <i>Bus Network Infrastructure Signage Manual</i> are available at: http://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Public-transport-infrastructure-manuals.aspx
3.	Pedestrian Access to Bus Stops The proposed development is likely to increase pedestrian demand to access the bus stop on the opposite side of Spence Street ('Cairns Central Shopping Centre, Spence Street', TransLink ID: , Hastus ID: 750225) as this stop services all Cairns bus routes except service 133 as it is the next stop from the Cairns Central Terminus. There is currently no safe, convenient or direct pedestrian access available to this bus stop for passengers crossing Spence Street from the development. In particular, as there is no pedestrian crossing leg on the development (southern) side of the Spence Street/McLeod Street intersection. Pedestrians would therefore be required to cross two sets of traffic lights at this location or cross Spence Street via its Bunda Street intersection which would entail two crossings of the railway level crossing. Given the lack of safe and direct pedestrian access, this may lead to unsafe and ad hoc pedestrian movements across Spence Street. Cairns Regional Council should investigate options to ensure safe and direct pedestrian access can be obtained from the development across Spence Street to this bus stop. In particular, a pedestrian crossing leg is recommended on the development (southern) side of the Spence Street/McLeod Street signalized intersection.
4.	Works on a Railway Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations. In particular, the new sewer gravity main across the railway corridor in Hartley Street will require relevant approvals to be obtained from the railway manager, such as a licence to enter

	and construct and/or way leave agreement, amongst other relevant approvals. Please be advised that this concurrence agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager. The applicant should contact Queensland Rail on (07) 3072 1229 or at qrpropertywayleaves@qr.com.au in relation to this matter.
5.	Interference with Bus Stop The existing bus stop, 'Cairns Central Shopping Centre (Spence St)', (Hastus ID: 750440, TransLink ID: 702424) will be impacted on by the development. This bus stop must be able to function and pedestrian access to this facility must be maintained during the relocation of the bus stop and the construction of the development. Accordingly, if any temporary bus stop and pedestrian access arrangements are required, the applicant must reach agreement on suitable arrangements with the Department of Transport and Main Roads' TransLink Division (bus_stops@translink.com.au or on 3851 8700) prior to any construction or works commencing.
State-controlled road	
Ref.	Road works approval
6.	In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

GE78-N



Department of Infrastructure,
Local Government and Planning

Department of Infrastructure, Local Government and Planning
Statement of reasons for application 1711-2349 SRA
 (Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: WCL – Central Park (QLD) Pty Ltd
 Applicant contact details: PO Box 8046
 Cairns QLD 4870
 info@planningplusqld.com.au

Location details

Street address: 48-50 Hartley Street, Cairns City; 112-114 Bunda Street, Portsmith;
 Spence Street, Cairns City
 Real property description: Lot 10 on SP201303; Lot 2 on SP216464; Lot 5 on RP907662
 Local government area: Cairns Regional Council

Development details

Development permit: Material Change of Use (Multiple Dwellings, Short Term
 Accommodation, Office, Shop, Hotel and Food and Drink Outlet)
 Development permit: Reconfiguring a Lot (1 Lot into 6 Lots)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State code 1: Development in a state-controlled road environment State code 2: Development in a railway environment State code 6: Protection of state transport networks
2. Reconfiguring a lot	State code 1: Development in a state-controlled road environment State code 2: Development in a railway environment

Reasons for the department's decision

The reasons for the decision are:

- The proposed development is adjacent to the railway and a state-controlled road (Bunda Street) and also exceeds the thresholds for impacting on state development infrastructure.
- Subject to conditions, the development is capable:
 - o of not having an adverse impact on the railway, the state-controlled road and state transport networks
 - o not affecting the safety of people using and working or living near the railway or state-controlled road

Far North Queensland regional office
 Ground Floor, Chr Gratton and Hartley
 Street, Cairns
 PO Box 2358, Cairns QLD 4870

Page 1 of 2

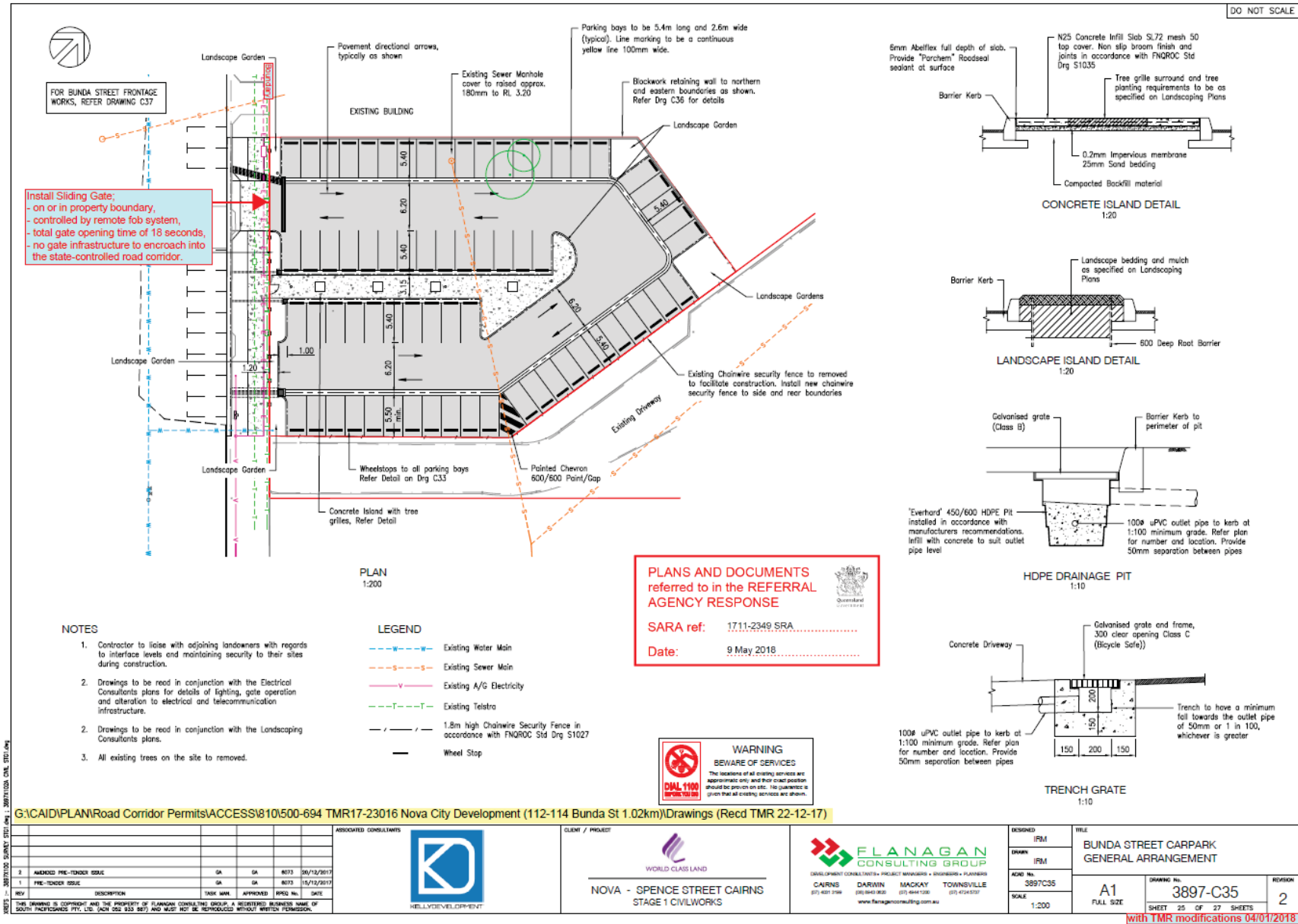
- o ensuring safe and convenient access to public passenger transport.
- Conditions have also been imposed to ensure that:
 - o there is a single left-in/left-out access via Bunda Street, a state-controlled road
 - o the existing bus stop is relocated
 - o there are no adverse structural impacts on state-transport infrastructure
 - o the impacts of stormwater events are minimised and managed
 - o any noise impacts from the railway are minimised
 - o there is no unauthorised access onto the transport corridor
 - o buildings can be maintained without requiring access to a state-controlled transport corridor
 - o at least one parking bay is capable of accommodating a taxi suitable for use by people with disabilities
- Subject to conditions, the proposed development complies with the relevant provisions in the State Development Assessment Provisions:
 - o State code 1: Development in a state-controlled road environment,
 - o State code 2: Development in a railway environment, and
 - o State code 6: Protection of state transport networks.

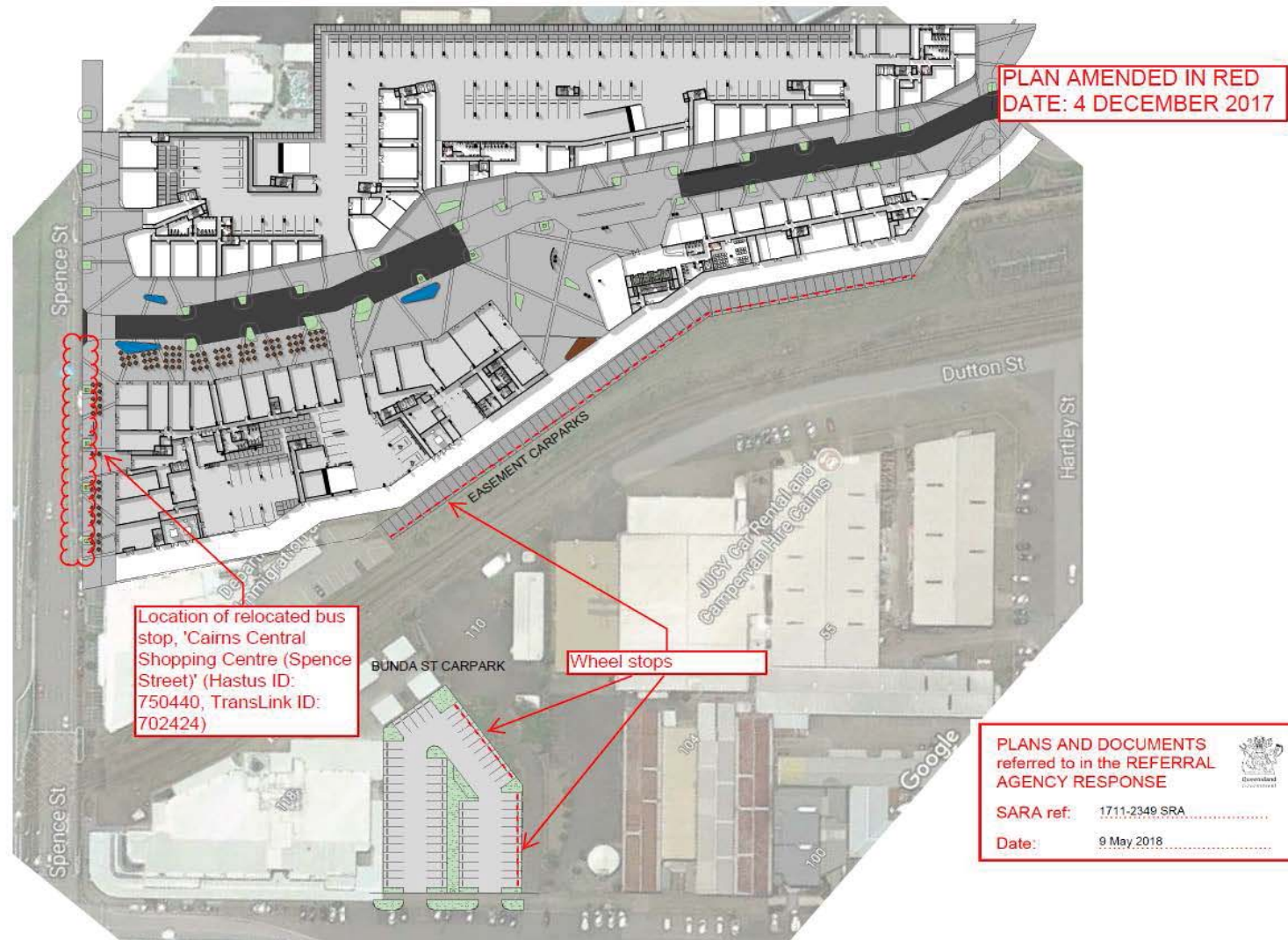
Decision

- The development application is for Material Change of Use (Multiple Dwellings, Short Term Accommodation, Office, Shop, Hotel and Food and Drink Outlet) and Reconfiguring a Lot (1 Lot into 6 Lots) on 10SP201303; 2SP216464; and 5RP907662.
- The department issued an **amended** referral agency response with conditions, dated ~~6 January 9~~ **May 2018** to attach to any development approval issued.

Relevant material

- Development application material including
 - o the Planning Report – 'Nova City' Development (Stages 1 – 7) prepared by Planning Plus and dated July 2017 and
 - o **the Nova – 48-50 Hartley Street, Cairns, Podium, Tower 1 and Tower 2, Acoustic Review at Pre-Tender Stage, prepared by WSP, document number PS106594-ACG-REP-001, dated 12/04/2018, revision 1**
- State Development Assessment Provisions version 2.1, effective 11 August 2017, published by the Department of Infrastructure, Local Government and Planning
- Development assessment mapping system (DAMS), published by DILGP
- *Planning Act 2016*
- Planning Regulation 2017
- Technical Agency assessment response

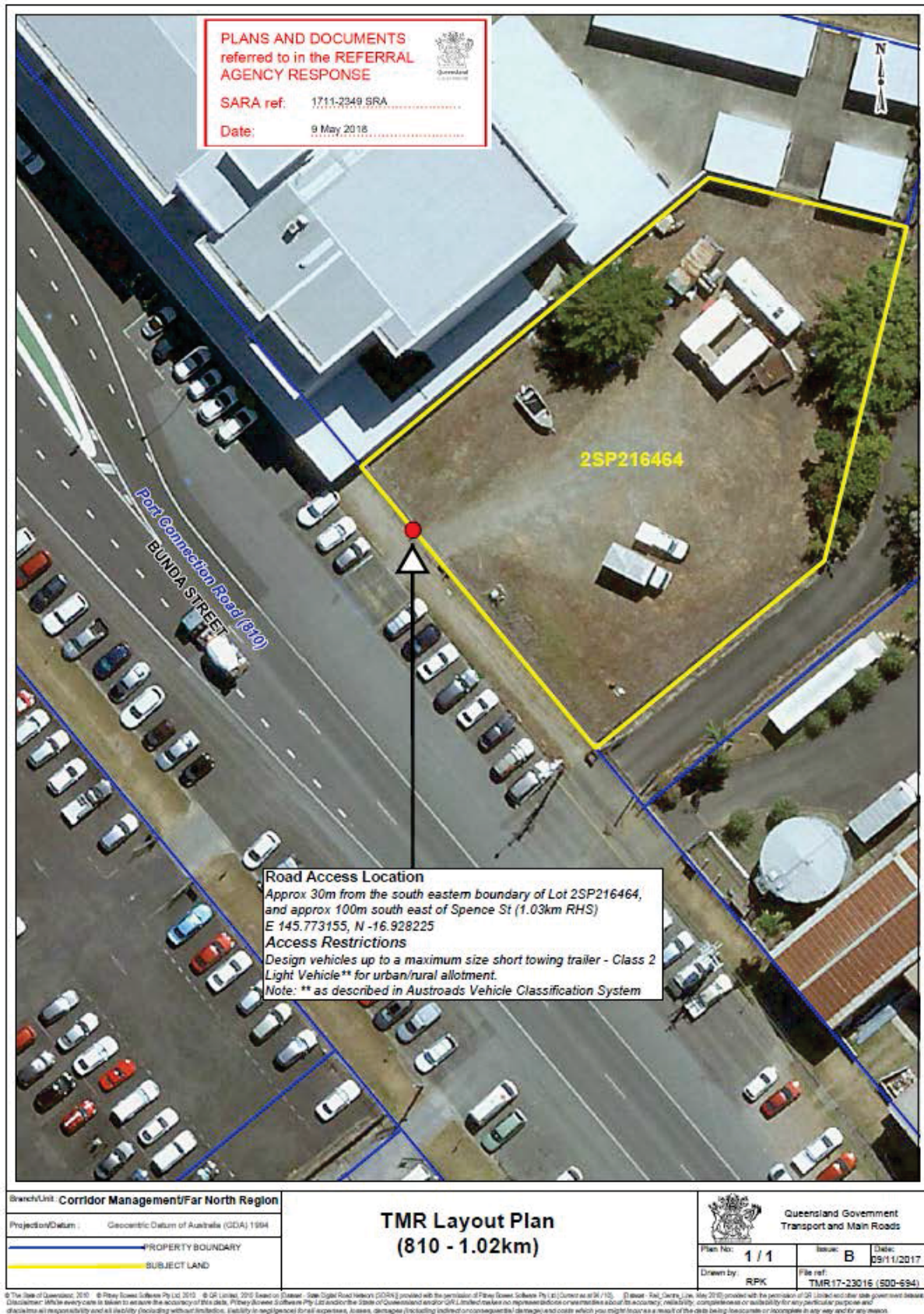




NOVA CAIRNS | Development Application | June 2017
Masterplan - Nova Cairns + Bunda St Carpark

1:1000@A3

ASPIAL CACOX P10



APPENDIX 5: Infrastructure charges notice

Appendix A to Infrastructure Charges Notice											
Applicant:	WCL-Central (QLD) Pty Ltd	DAICN Number: 8/30/242	DM5 Ref: 5790909								
Address:	81-83 Spence Street Cairns City 112-114 Bunda Street Portsmith	Development Type:	MCU								
Parcel Number/s:	128701 60168 148152	Contributions Issued Under:	Infrastructure Charges Resolution (No.2) 2017								
Lot & RP Number/s:	2SP216464, 5RP907662, 10SP201303	Index Used:	CPI	31-Mar-18	112.4						
Levied Charge Calculation			Adopted Charge Rate	Charge Area Charge Rate							
C - (EXISTING LAND USE CHARGE)											
Category	Use	Use Charge	Quantity	Charge							
Residential	Dwelling house - 3 or more bedroom dwelling	\$ 23,578.70 per 3 or more bedroom dwelling	2	\$47,157.39							
		Stormwater Charge \$ - No stormwater charge	0	\$0.00							
				EXISTING CHARGE \$47,157.39							
AC - (PROPOSED LAND USE CHARGE)											
Category	Use	Use Charge	Quantity	Charge							
Residential	Multiple dwelling - - 1 bedroom dwelling	\$ 9,540.41 per 1 bedroom dwelling	177	\$1,688,652.08							
		Stormwater Charge \$ - No stormwater charge	0	\$0.00							
Residential	Multiple dwelling - - 2 bedroom dwelling	\$ 15,423.19 per 2 bedroom dwelling	855	\$13,186,831.36							
		Stormwater Charge \$ - No stormwater charge		\$0.00							
Residential	Multiple dwelling - 3 or more bedroom dwelling	\$ 20,760.62 per 3 or more bedroom dwelling	92	\$1,009,977.15							
		Stormwater Charge \$ - No stormwater charge		\$0.00							
Commercial (office)	Office	\$ 119.00 per m ² GFA	11141	\$13,255,779.00							
		Stormwater Charge \$ 8.50 m ² impervious (site area)	27164	\$230,894.00							
Commercial (retail)	Food and drink outlet (other)	\$ 153.00 per m ² GFA	5972	\$913,716.00							
		Stormwater Charge \$ 8.50 m ² impervious (site area)	0	\$0.00							
				PROPOSED CHARGE \$19,255,849.59							
LC (LEVIED CHARGE)				\$19,208,692.20	Account: T648 05446						
CHECKED BY: K Nolan		OFFICE USE ONLY:		<table border="1"> <tr> <td>DATE PAYABLE</td> <td></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	
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