

PLANNING AND ECONOMIC COMMITTEE	1
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10 SEPTEMBER 2014	
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MATERIAL CHANGE OF USE (IMPACT) - MULTIPLE DWELLINGS, SHOPPING & BUSINESS FACILITIES - 157 - 159 LAKE STREET CAIRNS CITY, 14 FLORENCE STREET CAIRNS CITY - DIVISION 5

Gerard Rosse: 8/8/1336 SEDA: #4412834

PROPOSAL: MULTIPLE DWELLINGS, SHOPPING & BUSINESS FACILITIES

APPLICANT: BRYANT QLD PTY LTD
C/- RPS AUSTRALIA EAST
PO BOX 1949
CAIRNS QLD 4870

LOCATION OF SITE: 157 - 159 LAKE STREET CAIRNS CITY, 14 FLORENCE STREET CAIRNS CITY

PROPERTY: LOT 1 AND 2 ON RP701247 AND LOT 182 ON CP1983

PLANNING DISTRICT: CBD – NORTH CAIRNS

PLANNING AREA: TOURIST AND RESIDENTIAL

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: NA

NUMBER OF SUBMITTERS: NONE

STATUTORY ASSESSMENT DEADLINE: 15 SEPTEMBER 2014

APPLICATION DATE: 1 JULY 2014

DIVISION: 5

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. NOTICE OF INTENTION TO COMMENCE USE
4. 3. INFRASTRUCTURE CHARGES NOTICE
4. 4. WATER SUPPLY CONNECTION ESTIMATE LETTER (#4375421)

LOCALITY PLAN



RECOMMENDATION:

That Council approves the development application for Multiple Dwellings, Shopping Facilities & Business Facilities over land described as Lots 1 and 2 on RP701247 and Lot 182 on CP1983, located at 157 - 159 Lake Street and 14 Florence Street Cairns City, subject to the following:

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

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

Drawing or Document	Reference	Date
Sections	Apogee Apartments CA Architects 738_ SK 201 Rev 6	6/06/2014
Typical Ground Floor	Apogee Apartments CA Architects 738_ SK 202Rev 6	11/06/2014
Typical Parking Level 1 & 2	Apogee Apartments CA Architects 738_ SK 203 Rev 6	11/06/2014

Podium Level 3	Apogee Apartments CA Architects 738_ SK 204 Rev 6	11/06/2014
Typical Unit Level 4 - 12	Apogee Apartments CA Architects 738_ SK 205 Rev 6	11/06/2014
Elevation - Florence Street	Apogee Apartments CA Architects 738_ SK 400 Rev 6	6/06/2014
Elevation - Lake Street	Apogee Apartments CA Architects 738_ SK 401 Rev 6	6/06/2014
Elevations	Apogee Apartments CA Architects 738_ SK 402 Rev 6	11/06/2014
Shadow Diagrams - June	Apogee Apartments CA Architects 738_ SK 921 Rev 1	10/07/2014
Shadow Diagrams - December	Apogee Apartments CA Architects 738_ SK 922 Rev 1	10/07/2014

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;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

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

Notice of Intention to Commence Use

3. Prior to commencement of the use on the site, written notice must be given to Council that the development fully complies with this Development Permit. Please return the attached "Notice of Intention to Commence Use" form when the use has commenced. (Attached at Appendix 2).

Water Supply and Sewerage Works External

4. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
 - a. Alterations to Council's water infrastructure in Florence Street and Lake Street are to be provided at the developer's cost in accordance with Council's letter dated 23rd May 2014 reference #4375421 (Attached at Appendix 4).

The external works outlined above require approval from Council in accordance with Engineering Works on Roads. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.

Water Supply and Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:-
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. 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;
 - c. Provide a manhole over the existing sewer immediately inside the boundary such that the balance of the sewer can be decommissioned and taken over by the owner as a private sewer;
 - d. The applicant/owner must provide written acceptance to take ownership of existing sewer upstream of manhole as private sewer;
 - e. Any redundant sewer property connection and water connection must be decommissioned and removed; and
 - f. 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).

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

The plan of works must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

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 issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.

Sewer Easement

6. **Create an easement in favour of Council having a nominal width of 3 metres over the new manhole 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 a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Damage to Infrastructure

7. **In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use or issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.**

Refuse Storage

8. **Refuse storage is required to service the site in the form of bulk bins in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.**
9. **The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.**

Liquid Waste Disposal

10. **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.**

External Works

11. Undertake the following works external to the land at no cost to Council:

- a. Concrete the Florence Street verge as per Plan 738_SK 202 dated 11/06/2014 and in accordance with the concrete strength, thickness and mesh specifications detailed in FNQROC drawing S1035;
- b. Provision of a concrete commercial crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015B;

NB: The maximum grade for a cross-over is 3% and when the site fronts and existing footpath the new cross-over must not interfere with the existing footpath formation.

- c. Make good the kerb(s) at redundant crossover(s);
- d. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;
- e. Construct landscaped/grass/coloured concrete verge islands at Lake Street Frontage except the driveway crossover;
- f. Construct tree guard around the existing trees in the road reserve;
- g. Extend the existing culvert under the footpath at the corner of Lake St and Florence St adjacent to the subject land;
- h. Upgrade the existing concrete footpath to be 2m wide, for the full frontage along Lake Street, in accordance with FNQROC drawing S1035;
- i. Plan No 738_SK 202 dated 11/06/2014 is to be amended to reflect:
 - a. The car parks to be removed on the Lake Street Frontage due the concrete driveway crossover; and
 - b. The provision of two (2) spaces to be located fronting the redundant cross-overs on the Florence Street frontage.

Amended plans must be to the satisfaction of Council Officers prior to the issue of a Development Permit for Operational Works;

- j. 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; and

- k. **Linemark parking spaces in front of the subject land on both the Florence Street and Lake Street Frontages.**

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary. (Only apply this clause in areas of high pedestrian activity, e.g. – inner city areas, around commercial nodes etc.).

The external works outlined above require approval from Council in accordance with Local Law No.1 (Administration) and Local Law No.4 (Local Government Controlled Areas, Facilities and Roads). Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or issue of a Compliance Certificate for the Plan of Survey, whichever occurs first.

Lawful Point of Discharge

12. **The flow of all external stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.**
13. **Down pipe connections are to discharge into the kerb and channel only.**

Ponding and/or Concentration of Stormwater

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

Vehicle Parking

15. **The amount of vehicle parking must be a minimum of 108 spaces of which 15 spaces must be provided as visitor spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

Council recommend that the parking allocation for the residential areas be above the Q100 level and the ground level is allocated to the commercial tenancies and customers.

Vehicle Wash Bay

16. A vehicle wash bay must be provided. It must be roofed and bunded and wastewater must be discharged through a 550 litre triple interceptor to sewer or as agreed to by the Chief Executive Officer.

Protection of Landscaped Areas from Parking

17. Landscaped areas adjoining the parking area must be protected by a 150 mm 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

18. 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 Lake Street frontage.

Bicycle Parking

19. 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 this development is 20 spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

20. 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.

Landscaping Plan

21. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

Planting Design

- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree;
- b. The location and species of plants with respect to the ground floor, podiums and planter boxes and other landscape features;

- c. Planting of the footpath with trees, using appropriate species with regard to any site constraints;
- d. A planting design which is in accordance with the FNQROC Development Manual;
- e. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;
- f. Details of any perimeter or street fencing; and
- g. Clothes drying areas screened from public view and have access to natural sunlight.

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

Air-Conditioning Screens

- 22. Air-conditioning 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. Such screening must be completed prior to the Commencement of Use.

Lockable Storage

- 23. Provide each unit with a minimum of 2.5 m² (minimum five (5) m³ volume) of lockable storage space conveniently located with respect to car accommodation.

Limitations on Balcony Screening

- 24. Street frontage balconies are not to be screened by shutters, glazing, louvres or similar permanent structures to a greater extent than twenty-five per cent of their horizontal dimension.

Crime Prevention Through Environmental Design

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

Details of Development Signage

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

Advertising Signage

27. Signs on the subject land must conform with relevant Local Laws applied under the Cairns Regional Council Control of Advertising (Application of a Continuing Local Law) to the requirements and satisfaction of the Chief Executive Officer.

Noise

28. Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

Demolish Structures

29. 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.

Street Numbering

30. The development must provide clear and legible signage incorporating the street numbers on letterboxes and the kerbside of Florence Street and Lake Street for the benefit of the motoring public.

Amalgamation of Lots Required

31. The applicant/owner is to Amalgamate of Lot 1 and 2 on RP701247 and Lot 182 on CP1983 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 4 (four) years from the day the approval takes effect in accordance with the provisions of Section 339 and 341 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 2007*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. *The Sustainable Planning Act 2009* confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

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

LAND USE DEFINITIONS*

In accordance with CairnsPlan the approved land uses of *Shopping Facilities*, *Business Facilities* and *Multiple Dwellings* is defined as:

Shopping Facilities:

Means the use of premises for the display and retail sale of goods and for personal services such as betting (in the form of a TAB agency or similar facility), hair and beauty care, laundering and dry cleaning and other customer services.

The use includes the hiring out of small domestic items such as appliances, entertainment, sporting and health equipment and the exchange of domestic items and clothing.

The use includes facilities commonly described as shop, supermarket, department store, hardware store up to 500m2 GFA; stall, market or salon.

Business Facilities

Means the use of premises for:

- The conduct of a business or office where the principal activity is the provision of business or professional advice, services and goods or the office based administrative functions of any organisation;*
- The medical or paramedical care or treatment of persons and which does not involve the accommodation those persons on the premises.*

The use includes:

- Facilities commonly described as professional office, real estate office, estate sales office, bank, building society, credit union or funeral parlour;*
- Care or treatment by practitioners such as an acupuncturist, podiatrist, naturopath, chiropractor, dentist, general or specialist medical practitioner, optometrist, pathologist, physiotherapist or radiologist, together with ancillary services such as pharmacy.*

Multiple Dwelling

Means the use of premises comprising six or more dwelling units of self-contained accommodation on one lot for residential purposes.

The use includes accommodation commonly described as flats, home units, apartments, townhouses or villa houses.

**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 an Impact Assessable application seeking a Development Permit for a Material Change of Use comprising of Multiple Dwellings, Shopping Facilities and Business Facilities contained within a proposed 16 storey tower located at the corner of Lake and Florence Street, Cairns City. The Multiple Dwelling use is a Code Assessable land use and the Shopping Facilities and Business Facilities trigger Impact Assessment in this location. The application underwent Public Notification and no submissions were received.

The primary issues of non-compliance relate to the height and setbacks of the proposed building when considered against the CairnsPlan. A minor shortfall of car parking is also noted. Details of the non-compliance are discussed in the below report.

Despite non-compliance with some acceptable measures within the Scheme, overall the proposal complies with the purpose of the relevant codes and approval is recommended subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Background

Development Approval History

A similar development (9 storey residential tower) was approved over part of the site in December 2007 for Multi-Unit Housing (Council reference 8/7/1035). A request to change the conditions of the Development Permit was also approved by Council in June 2008.

Since the above approval was issued by Council, the site has been sold to the current applicant, who has also acquired the corner allotment, being Lot 2 on RP701247. The acquisition of this additional land has facilitated a more favourable design, which is the subject of this application.

The subject site

The subject site is located at the corner of Florence and Lake Street, Cairns, and comprises three (3) titles as outlined above. The site is contained within the Tourist & Residential Planning Area within the CBD – North Cairns District under the CairnsPlan.

The site covers a total area of 2,030m² and currently comprises a small vacant commercial building at the Florence Street frontage, as well as some established vegetation and remnants of a demolished dwelling. The site is unburdened by easements, level to the street and currently has two points of access - one to each of Lake and Florence Streets.

Proposal

This application seeks a Development Permit for a Material Change of Use for Multiple Dwellings, Shopping Facilities and Business Facilities located within a 16 storey tower on the subject site.

Specifically, the primary elements of the proposed development include the following:

- A 13 storey tower atop a 3 storey podium (16 Storeys in total) with a total height of 40.05m to uppermost ceiling;
- 30 x 2 bedroom and 30 x 3 bedroom units (total of 60 units);
- 428m² of ground floor commercial floor space (Shopping Facilities and Business Facilities);
- Podium level recreational deck and pool area; and
- 108 car parking spaces on the ground and first floors.

The proposed units are intended to cater for permanent residential occupation only, whilst the commercial tenancies are likely to comprise professional offices and retail type tenancies. Vehicular access to the building is proposed to occur via Lake Street, while pedestrian access is primarily accommodated through a foyer off the Florence Street frontage.

Within the Tourist and Residential Planning Area the Multiple Dwelling use is a Code Assessable land use and the Shopping Facilities and Business Facilities trigger impact assessment.

CairnsPlan Assessment

CairnsPlan CBD North Cairns Planning District		Code Applicability	Compliance
Planning Area	Tourist and Residential	✓	✓
Land Use	Material Change of Use (Code) Multiple Dwellings Shopping & Business Facilities	✓	✓
Overlays	Potential or Actual Acid Sulphate Soil Material	✓	✓
	Flood Management	✓	✓
	Height and Impact of Buildings	✓	X (see comments)
	Operational Aspects of the Cairns International Airport	✓	✓
General	Infrastructure Works Code	✓	✓
	Landscaping Code	✓	✓
	Parking & Access Code	✓	X (see comments)
	Development Near Major Transport Corridors & Facilities	✓	✓
	Excavation and Filling Code	✓	✓

Compliance Issues

Tourist and Residential Planning Area

The proposal is largely compliant with the provision of the above code noting that a number of provisions are overridden by the Height and Impact of Buildings Overlay Code discussed below.

Multiple Dwelling and Holiday Accommodation Code

The proposal meets the desired development outcomes for development regulated by the Multiple Dwelling and Holiday Accommodation Code. Inconsistencies with the Acceptable Measures relate principally to measures for built form, which are overridden by the Height and Impact of Buildings Code discussed below.

Height and Impact of Buildings Code:

Height:

The subject site is generally of a regular shape and is well in excess of the required 1,000 m² to accommodate a tall building. The site is located within Precinct 2 where the Acceptable Measure under Height identifies a maximum building height to be 30 metres. The proposed development comprises a maximum height of 40.05 metres (10 metres above the Precinct 2 height) to the underside of the uppermost ceiling from finished ground level. It is noted that the development does have higher than standard ceiling heights (minimum of 2.7 metres and up to 3.2 metres) which have been included for their sustainability and amenity benefits.

While the subject site is situated within Precinct 2 where a building height of 30 metres is identified as an Acceptable Measure, the applicant notes that the site is located only one block from Precinct 1 (building height of 48 metres is) and is surrounded by several existing and approved developments of similar or greater heights to that of the proposal.

In terms of satisfying the Performance Criteria within the above Code relating to the Height provisions, the proposal is compliant.

In terms of the Planning Scheme itself, historically the Height of an Impact of Buildings Overlay has not set the height limit for developments subject to the Overlay even though the community expectation for the Overlay code to determine height remains. The code requires a wholesale review if it is to be used as a tool regulating height in the CBD-North Cairns District and the Acceptable Solutions (for Height) moved to the Performance Criteria to allow more consistent, enforceable height outcomes to be achieved.

Site Coverage:

The proposal seeks an alternative solution to the site cover requirements outlined under the relevant Acceptable Measure of the Height and Impact of Building Overlay Code. Site coverage for the proposal is as follows:

Height	Site Coverage Acceptable Measure	Proposal
Up to 11.5 metres	100%	88%
Between 11.5 metres to 18.5 metres	50%	47%
18.5 metres to 30 metres	30% (up to 30m)	47% (up to 40m)

It is noted that the design is within the site cover requirements up to 18 metres in height by comprising less than 100% site cover up to 11.5 metres for the podium and under 50% site cover for the first three storeys of residential space. Beyond 18 metres in height, the design exceeds the 30% site cover requirement by continuing site cover at 47%.

The non-compliance with site cover requirements is a result of the linear tower design which differs to the Acceptable Measure which provides for a staggered approach, with a stepping of building bulk from the lower to upper levels. The linear tower design is noted as being more typical of existing development in the city, and is considered to provide for a more aesthetically pleasing structure.

Despite the non-compliance, the proposed design is of a bulk and scale that is considered consistent with other similar structures in the city, and one which is appropriate for the site. This view is supported by the plot ratio which is 4:1, being consistent with the Acceptable Measure of the code.

Setbacks:

With regard to setback requirements, the applicant argues that as with the height, the linear tower design generally results in compliance with prescribed setbacks up to 18 metres in height, and non-compliance beyond the 18 metres limit as outlined in the table below.

Setback	Setback Measure	Acceptable	Proposal	Compliance
Up to 11.5 m	0 metres	0 metres	0 metres	Yes
11.5 metres to 18 metres	Main Frontage: 6 metres	Main (Lake Street): 7 metres	Main (Lake Street): 7 metres	Yes
	Other Frontage: 4 metres	Other (Florence Street): 4 metres	Other (Florence Street): 4 metres	Yes
	Side and Rear Boundaries: 2 metres	Side and Rear Boundaries: 3 metres	Side and Rear Boundaries: 3 metres	Yes
Between 18 metres and 30 metres	Main Frontage: ½ the height of all levels above 11.5 metres (14.5 metres required)	Main: 7 metres	Main: 7 metres	No (See commentary)
	Other Frontage: 1/3 the height of all levels above 11.5 metres (9.6 metres required)	Other Frontage: 4 metres	Other Frontage: 4 metres	
	Side and Rear Boundaries: 1/4 the height of all levels above 11.5 metres (7.25 metres required)	Side and Rear Boundaries: 3 metres	Side and Rear Boundaries: 3 metres	

With particular regard to the adjoining residential property to the north, the applicant notes that a setback relaxation is sought to part of the boundary near the Lake Street frontage of the site and argues that this setback encroachment is considered to be appropriate in this instance due to its minor linear extent along the boundary, and the large, over-compliant setback which is achieved along much of the rest of the boundary. Officers note that the proposal includes screening to balconies and raised window sills to the boundary which will ensure minimal overlooking.

Shadow Diagrams were provided from the applicant in response to an information request issued by Council. The diagrams identify shadowing occurring on the adjoining residential premises only occurs during the summer months in the morning. This considered acceptable in this particular case.

Based on the above Officers are accepting of the proposed setbacks and note the current proposal is considered to represent a much better outcome for adjoining properties compared to the previous approved development despite the setback relaxations being sought.

Shopping and Business Facilities Code

The development complies with the Code insofar as it relates to the affected areas.

Parking and access Code

Calculation of parking numbers in accordance with the Parking and Access Code indicates that the proposal generates total demand of 112 spaces. The current proposal provides for a total of 108 spaces, representing a shortfall of 4 spaces.

As justification for the shortfall the applicant seeks to apply the higher 'city centre' rate of 1 space per 50m² NLA for the commercial component, as opposed to the non-city centre rate of 1 spacer per 25m² NLA, owing to the proximity of the site to the boundary of this area ('City Centre Planning Area' being located on the opposite side of Florence Street). Officers acknowledge the development being an 'integrated mixed use development' for the purposes of the code as it includes Multiple Dwellings and Shopping / Business Facilities. Resultantly and therefore cross-utilisation opportunities are considered to exist, allowing for the prescribed relaxation of 30% to be applied to the commercial component in accordance with the provisions of the code.

The applicant has made clear that no relaxation is sought in relation to the residential component of the proposal. The relaxation is only sort in regards to the commercial component. The applicant also argues that the site currently comprises a commercial building at the Florence Street frontage which does not provide any onsite parking.

Officers also note the site is located on a major public transport route (Lake Street) and opportunity for public transport and pedestrian access are favourable. Based on the above, Officers are satisfied that the minor shortfall for the commercial component is considered acceptable in this case.

Public Notification / Submissions

The application underwent Public Notification from 22 July 2014 to 13 August 2014. During this time no submissions were received.

HEADWORKS / CONTRIBUTIONS:

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

Gerard Rosse
Planning Officer
Action Officer

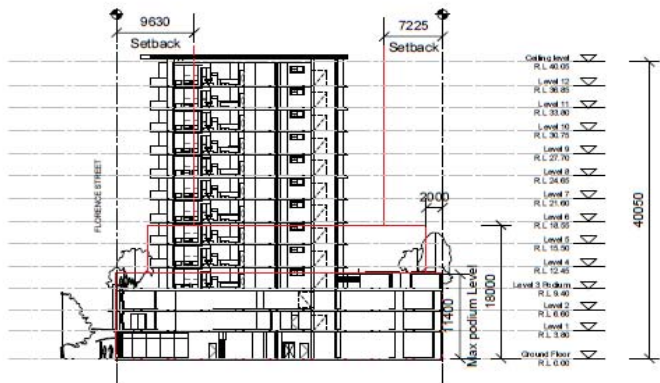


Graham Boyd
Manager Development & Regulatory Services

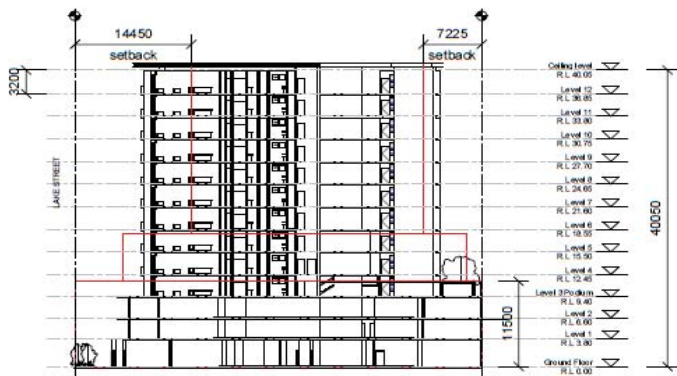


Peter Boyd
Acting General Manager, Planning & Environment

EXECUTIVE PLAN



01 Section - 01
1: 500



02 Section 02
1: 500



03 Perspective View - Florence Street

CA ARCHITECTS
www.caarchitects.com.au

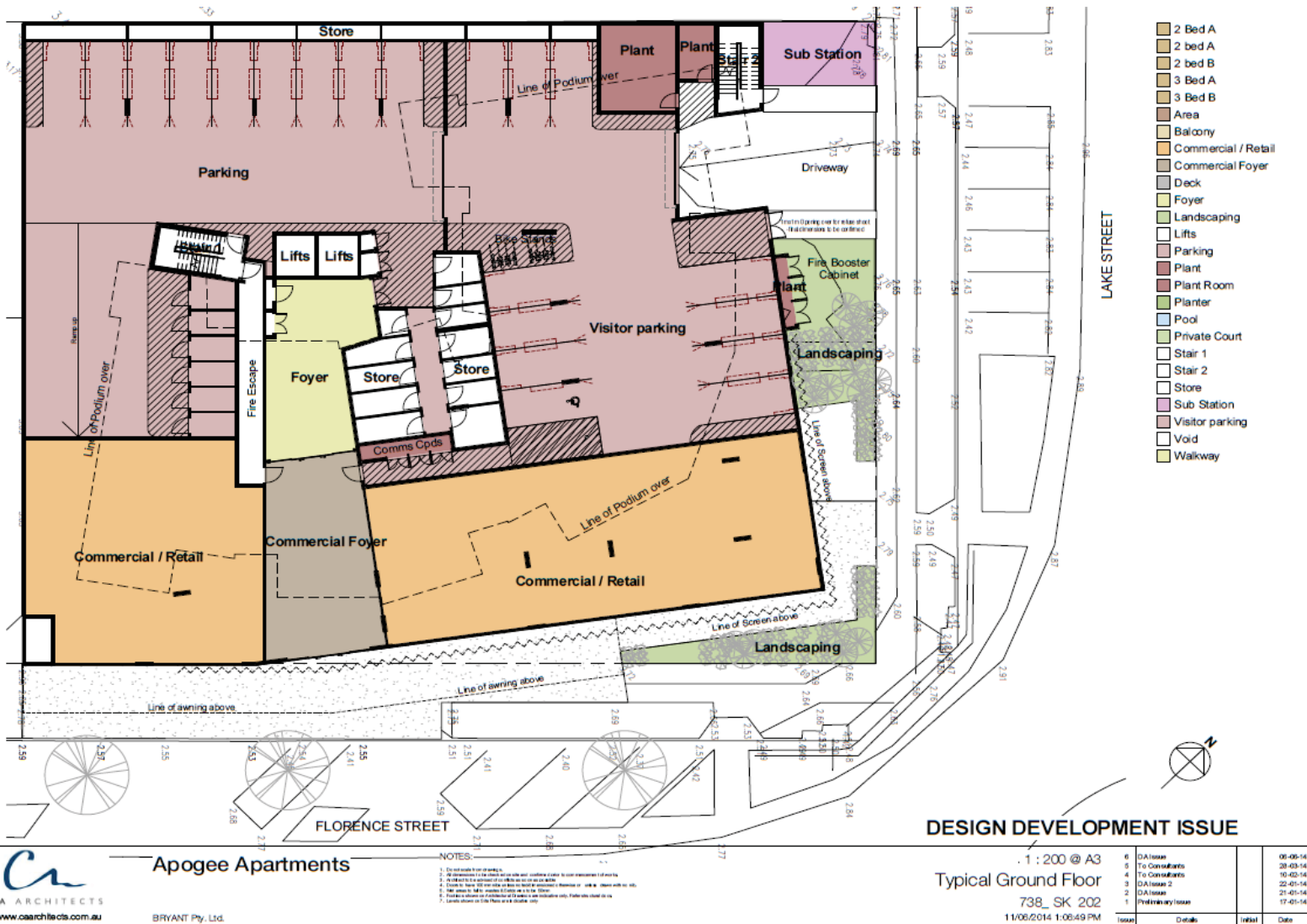
Apogee Apartments
BRYANT Pty. Ltd.

- NOTES:
1. This drawing is for information only.
 2. All dimensions shall be in millimeters unless otherwise stated.
 3. All dimensions shall be in millimeters unless otherwise stated.
 4. Check for any 2D line work and then the final dimensions shall be in millimeters unless otherwise stated.
 5. All dimensions shall be in millimeters unless otherwise stated.
 6. All dimensions shall be in millimeters unless otherwise stated.
 7. Levels shown on this drawing are a guide only. Further details shall be in the final design.

DESIGN DEVELOPMENT ISSUE

1 : 500 @ A3
SECTIONS
738_SK 201
6/06/2014 5:21:03 PM

Issue	Details	Initial	Date
6	D/A Issue		06-06-14
5	To Consultants		28-03-14
4	To Consultants		18-02-14
3	D/A Issue 2		22-01-14
2	D/A Issue		21-01-14
1	Preliminary Issue		17-01-14





- 2 Bed A
- 2 bed A
- 2 bed B
- 3 Bed A
- 3 Bed B
- Area
- Balcony
- Commercial / Retail
- Commercial Foyer
- Deck
- Foyer
- Landscaping
- Lifts
- Parking
- Plant
- Plant Room
- Planter
- Pool
- Private Court
- Stair 1
- Stair 2
- Store
- Sub Station
- Visitor parking
- Void
- Walkway



DESIGN DEVELOPMENT ISSUE

Apogee Apartments
 CA ARCHITECTS
 www.caarchitects.com.au
 BRYANT Pty. Ltd.

NOTES:
 1. Do not scale from drawings.
 2. All dimensions are shown in millimetres unless otherwise stated.
 3. Check for clash between services and structure.
 4. Check for clash between services and structure.
 5. All dimensions are shown in millimetres unless otherwise stated.
 6. Check for clash between services and structure.
 7. Check for clash between services and structure.

1 : 200 @ A3
 Typical Parking Level 1 & 2
 738_SK_203
 11/05/2014 1:07:06 PM

Issue	Details	Initial	Date
6	DA Issue		06-06-14
5	To Consultants		28-03-14
4	To Consultants		10-02-14
3	DA Issue 2		22-01-14
2	DA Issue		23-01-14
1	Preliminary Issue		17-01-14



DESIGN DEVELOPMENT ISSUE

CA ARCHITECTS
www.caarchitects.com.au

Apogee Apartments
BRYANT Pty. Ltd.

NOTES:

1. See site plan for details.
2. All dimensions are in meters unless otherwise stated.
3. All dimensions are in meters unless otherwise stated.
4. Check for any other site constraints or restrictions.
5. All dimensions are in meters unless otherwise stated.
6. All dimensions are in meters unless otherwise stated.
7. All dimensions are in meters unless otherwise stated.

1 : 200 @ A3
Podium Level 3
738_SK 204
11/08/2014 1:03:30 PM

Issue	Details	Initial	Date
6	DA Issue		09-05-14
5	To Consultants		28-03-14
4	To Consultants		10-02-14
3	DA Issue 2		22-01-14
2	DA Issue		21-01-14
1	Preliminary Issue		17-01-14



- 2 Bed A
- 2 bed A
- 2 bed B
- 3 Bed A
- 3 Bed B
- Area
- Balcony
- Commercial / Retail
- Commercial Foyer
- Deck
- Foyer
- Landscaping
- Lifts
- Parking
- Plant
- Plant Room
- Planter
- Pool
- Private Court
- Stair 1
- Stair 2
- Store
- Sub Station
- Visitor parking
- Void
- Walkway



DESIGN DEVELOPMENT ISSUE



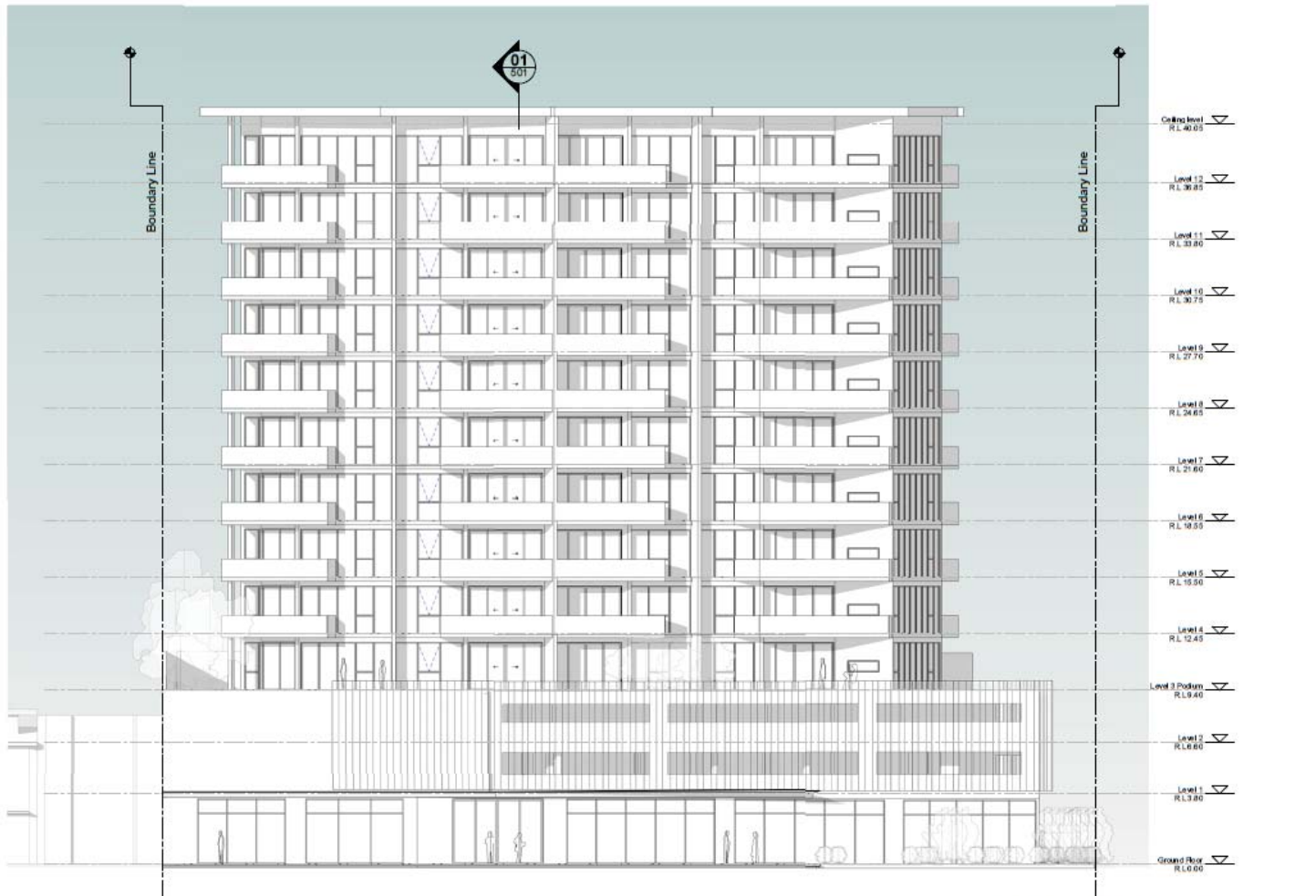
Apogee Apartments

NOTES:
 1. Do not scale from drawings.
 2. All dimensions are in millimetres unless otherwise stated.
 3. All drawings are to be read in conjunction with the contract documents.
 4. Check for any amendments to drawings.
 5. Check for any amendments to drawings.
 6. Check for any amendments to drawings.
 7. Check for any amendments to drawings.
 8. Check for any amendments to drawings.
 9. Check for any amendments to drawings.

1 : 200 @ A3
 Typical Unit Level 4 - 12
 738_SK 205
 11/06/2014 1:12:32 PM

6	DA Issue	06-06-14
5	To Consultants	28-03-14
4	To Consultants	19-02-14
3	DA Issue 2	22-01-14
2	DA Issue	21-01-14
1	Preliminary Issue	17-01-14

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DESIGN DEVELOPMENT ISSUE

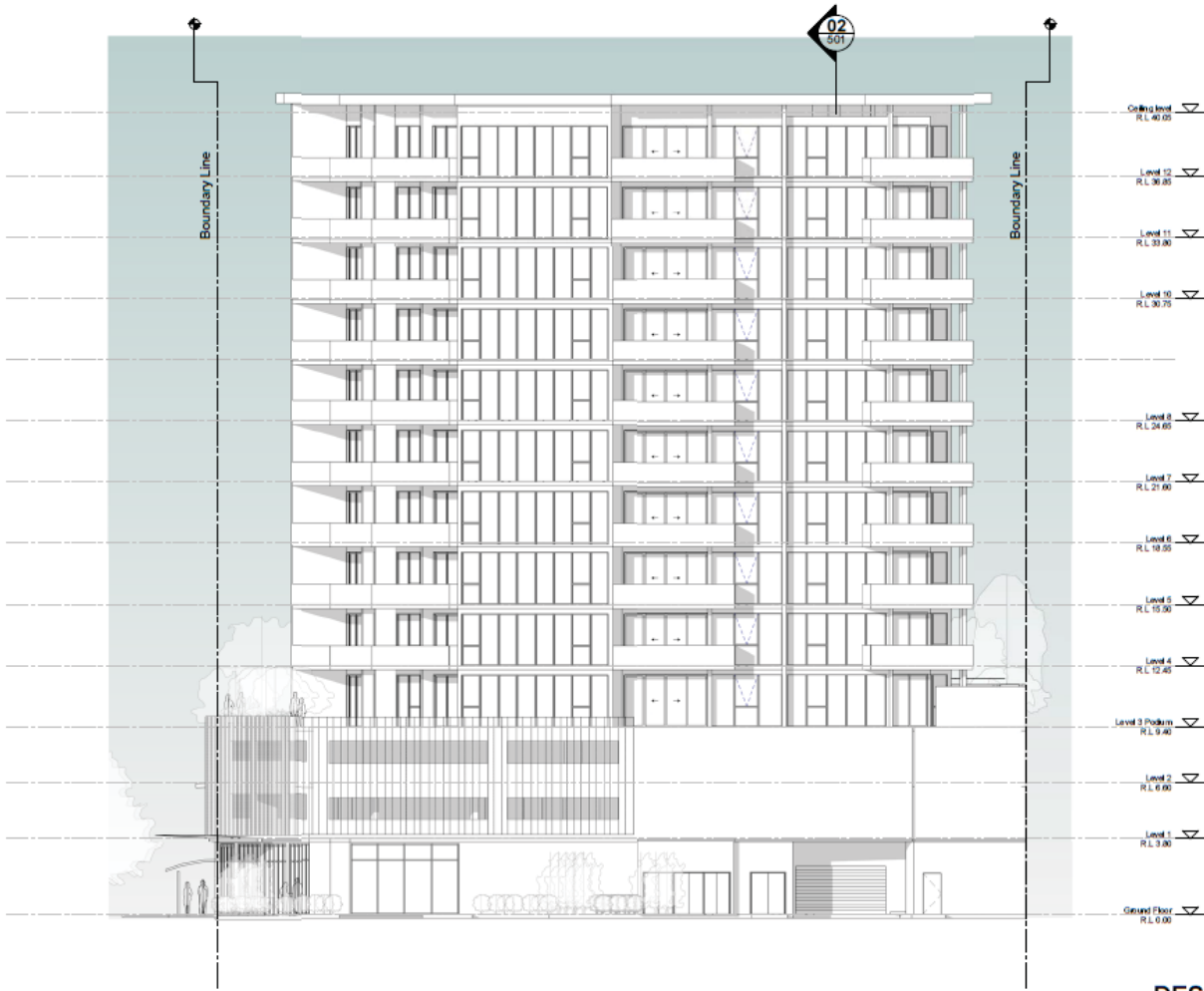


Apogee Apartments

NOTES:
 1. Do not scale from drawings.
 2. All dimensions to the center line unless stated otherwise.
 3. All dimensions to the center line unless stated otherwise.
 4. All dimensions to the center line unless stated otherwise.
 5. All dimensions to the center line unless stated otherwise.
 6. All dimensions to the center line unless stated otherwise.
 7. All dimensions to the center line unless stated otherwise.

1 : 200 @ A3
ELEVATION - Florence Street
 738_SK_400
 6/06/2014 5:59:53 PM

6	DA Issue	08-05-14
5	To Consultants	28-03-14
4	To Consultants	10-02-14
3	DA Issue 2	22-01-14
2	DA Issue	21-01-14
1	Preliminary Issue	17-01-14
Issue	Details	Initial
		Date



DESIGN DEVELOPMENT ISSUE



Apogee Apartments

BRYANT Pty. Ltd.

NOTES:

1. Do not make to our standards.
2. All dimensions to the face unless otherwise indicated.
3. All work to be done in accordance with the Australian Standards.
4. All work to be done in accordance with the Australian Standards.
5. All work to be done in accordance with the Australian Standards.
6. All work to be done in accordance with the Australian Standards.
7. Levels shown on this Plan are a guide only.

1 : 200 @ A3
 ELEVATION - Lake Street
 738_SK 401
 6/05/2014 6:00:32 PM

6	DA Issue	06-05-14
5	To Consultants	28-03-14
4	To Consultants	10-02-14
3	DA Issues 2	22-01-14
2	DA Issues	21-01-14
1	Preliminary Issue	17-01-14
Issue	Details	Issue Date



DESIGN DEVELOPMENT ISSUE



Apogee Apartments

BRYANT Pty. Ltd.

NOTES:

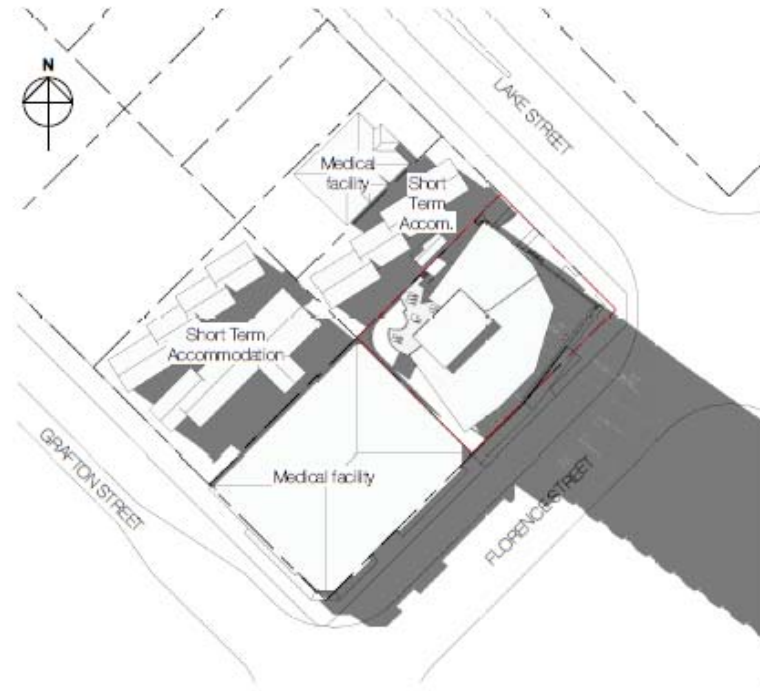
1. Do not scale from drawings.
2. All dimensions to be checked and confirmed on site to suit construction of works.
3. All work to be completed in accordance with the relevant codes of practice.
4. Levels to be used for all work unless otherwise stated.
5. See notes to site plan for details of levels to be used.
6. Levels to be used for construction of all work unless otherwise stated.
7. Levels shown in this Plan are for illustrative only. Further details to be confirmed on site.

1 : 200 @ A3
ELEVATIONS -
738_SK 402
11/08/2014 1:47:02 PM

6	DA Issue	06-05-14
5	To Consultants	28-03-14
4	To Consultants	10-02-14
3	DA Issue 2	22-01-14
2	DA Issue 1	21-01-14
1	Preliminary Issue	17-01-14



1 Shadow Diagram - Jun 9am
1:1000



2 Shadow Diagram - Jun 4pm
1:1000



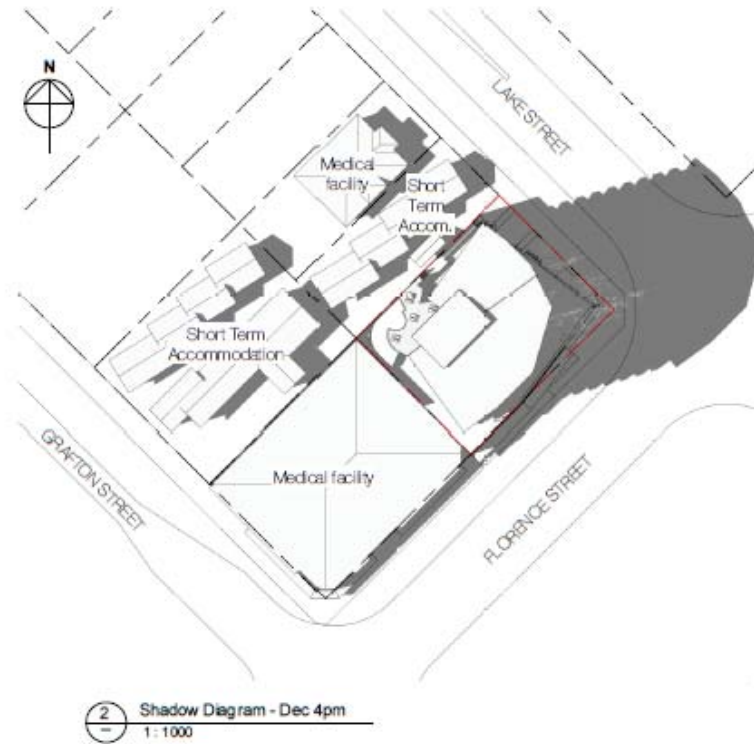
Apogee Apartments

BRYANT Pty. Ltd.

- NOTES:
1. All shadows are cast from the top of the building.
 2. All shadows are cast from the top of the building.
 3. All shadows are cast from the top of the building.
 4. All shadows are cast from the top of the building.
 5. All shadows are cast from the top of the building.
 6. All shadows are cast from the top of the building.

1:1000 @ A3
Shadow Diagrams - June
738_SK 921
10/07/2014 11:22:42 AM

1	CA Architects	REV	10/07/14
Issue	Details	Issue	Date



 Apogee Apartments www.caarchitects.com.au BFRANK Pty Ltd.	NOTES: 1. To be read in conjunction with the architectural drawings. 2. All dimensions are in millimetres unless otherwise stated. 3. All dimensions are to the face of the work unless otherwise stated. 4. All dimensions are to the centre of the work unless otherwise stated. 5. All dimensions are to the centre of the hole unless otherwise stated. 6. All dimensions are to the centre of the hole unless otherwise stated.	1 : 1000 @ A3				
		Shadow Diagrams - December 738_SK 922 16/07/2014 11:28:00 AM	1	CA Arch Request	SKM	10.07.14
			Issue	Control	Drawn	Date

APPENDIX 2 NOTICE OF INTENTION TO COMMENCE USE



APPENDIX 2 – NOTICE OF INTENTION TO COMMENCE USE

**Development Permit
Sustainable Planning Act 2009**

NOTICE OF INTENTION TO COMMENCE USE

Development Permit	[document reference]
Date of Approval	
Approved Use	[full proposal]
Location	[related property address]
Property Description	Lot [related property title field 1] on <<Plan Type "RP,SP,C,Plan,BUP,N">>[property title field 5]

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

on _____ (insert date).

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

Applicant: _____


Address: _____

Contact Phone: _____

Signature of Applicant/Owner

Date: _____

APPENDIX 3 INFRASTRUCTURE CHARGES NOTICE

Adopted Infrastructure Charges Notice					
Applicant:	BQH Pty Ltd o/RPS	File Number:	8/8/1338	DMS Ref:	4470914
Address:	Cnr of Florence and Lake	Date issued:	27/08/2014	Officer:	Gerard Rosse
Parcel Number/s:	53946/49/55119	Contributions Issued Under:	Council Adopted Charges Resolution - Jun 2011		
Lot & RP Number/s:	L182 L1&2 RP701247	Index Used:	CPI	30-Jun-14	105.8
Water		Catchment:	City (W4)	Charge / EDU:	\$ 4,249.21
Development Type:	Multi-Unit / Holiday / Retire / Dual Occup / Caretaker - c) 2 bedroom unit	Demand:	15.00 EDU's	Charge:	\$63,738.19
Development Type:	Multi-Unit / Holiday / Retire / Dual Occup / Caretaker - b) 3 bedroom unit	Demand:	21.00 EDU's	Charge:	\$89,233.46
Development Type:	Shopping Facilities / Business Facilities / Detached Bottle shop / Restricted Premises /	Demand:	1.55 EDU's	Charge:	\$6,586.28
Total Existing Demand:	3.10 EDU's	Existing Land Use Credit	\$13,172.56	Total Charge:	\$146,385.37
				Receipt Code:	635 / 05733
Wastewater		Catchment:	Northern (WW2)	Charge / EDU:	\$ 3,567.69
Development Type:	Multi-Unit / Holiday / Retire / Dual Occup / Caretaker - c) 2 bedroom unit	Demand:	18.00 EDU's	Charge:	\$64,216.70
Development Type:	Multi-Unit / Holiday / Retire / Dual Occup / Caretaker - b) 3 bedroom unit	Demand:	21.00 EDU's	Charge:	\$74,919.48
Development Type:	Shopping Facilities / Business Facilities / Detached Bottle shop / Restricted Premises /	Demand:	1.55 EDU's	Charge:	\$5,529.77
Total Existing Demand:	3.10 EDU's	Existing Land Use Credit	\$11,059.54	Total Charge:	\$133,606.41
				Receipt Code:	636 / 05741
Transport		Catchment:	Cairns Urban (TR1)	Charge / EDU:	\$ 3,666.46
Development Type:	Multi-Unit / Holiday / Dual Occup / Caretaker - a) Units 2 bedroom	Demand:	22.50 EDU's	Charge:	\$82,495.37
Development Type:	Multi-Unit / Holiday / Dual Occup / Caretaker - a) Units >= 3 bedroom unit	Demand:	30.00 EDU's	Charge:	\$109,993.83
Development Type:	Shopping Facilities	Demand:	11.56 EDU's	Charge:	\$42,369.62
Total Existing Demand:	3.00 EDU's	Existing Land Use Credit	\$10,999.38	Total Charge:	\$223,859.44
				Council Infrastructure:	\$223,859.44
				Receipt Code:	348 / 05716
Drainage		Drainage Management Plan:	Cairns Business District		
Nett Increase in Equivalent Contributing Area		0.3045 Ha			
Stream Management	Charge/Ha:	\$0.00	Charge:	\$0.00	358 / 5067
Stormwater Quality Management	Charge/Ha:	\$2,950.00	Charge:	\$1,334.80	400 / 5143
				Total Charge:	\$1,334.80
Public Parks and Community Land		Catchment:	CBD - North Cairns (PPCL4)	Charge/EDU:	\$ 2,828.60
Development Type:	Multi-Unit Housing and Holiday Accommodation - b) 3 bedroom unit	Demand:	36.00 EDU's	Charge:	\$101,829.63
Development Type:	Multi-Unit Housing and Holiday Accommodation - c) 2 bedroom unit	Demand:	24.00 EDU's	Charge:	\$67,886.42
Total Existing Demand:	3.00	Existing Land Use Credit	\$8,485.80	Total Charge:	\$161,230.25
				Receipt Code:	354 / 05723
Other Contributions					
Contribution Type:	Public Art Contribution MCU (Multi Unit)	Quantity:	60	\$ per unit	\$150.00
			0		\$0.00
			0		\$0.00
				Total Charge:	\$9,000.00
TOTAL CHARGES					
CHECKED BY:	Michael Rookwood	TOTAL CHARGE:		\$675,416.27	
		Date Payable:	MCU - Before the change occurs		
Note:					
The infrastructure charges in this notice are levied in accordance with Section 629 of the Sustainable Planning Act 2009					
Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may change. Please contact the Development Assessment Team, Cairns Regional Council prior to payment for review					
Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted					
Please contact the Development Assessment Team on 07 4044 3044 or by email townplanner@cairns.qld.gov if you have any enquiries regarding infrastructure charging.					

APPENDIX 4 WATER SUPPLY CONNECTION ESTIMATE LETTER (#4375421)

ENQUIRIES: Russell Fraser
 PHONE: 0427 139 888
 YOUR REF:
 OUR REF: #4375421 (8/7/2015)

23 May 2014

Bryant Constructions
 PO Box 4927
 Cairns QLD 4870
 (Via Email: jglew@bryantqld.com.au)

Attention: Jay Glew

Dear Sir

WATER CONNECTION ESTIMATE CNR FLORENCE AND LAKE STREET

This estimate is for the following connection work as shown in red on the attached sketch:-

- 4 x 150mm Water Service Connections;
- Install 150mm Main from the existing main in Florence Street to the 300mm Trunk Main in Lake St;
- Interconnection of the new 150mm main to the existing 150mm main in Lake Street.

150mm Connection	Deposit Paid	\$	Receipt No.	
Total Estimated Cost Only		\$101,778.00		

Whilst every effort has been made to estimate the works conservatively Council does not provide a price guarantee. Council notes that existing services in the footpath and timing of the works, among other factors could impact the price.

Please return the Estimate Acceptance slip below to our Water Services office via fax on 07 4058 1178 to acknowledge acceptance of this fee estimate.

Works will not commence until acknowledgement of the fee estimate has been received.

If you have any queries regarding this estimate please contact Russell Fraser on 0427 139 888.

Yours sincerely

Paul Utting
 General Manager, Water and Waste

Encl. Sketch of connection work

✂-----

Estimate Acceptance

Your Ref:

Address: Corner of Florence and Lake Streets

Total Estimated Cost Only: \$101,778.00

Please sign below to accept this estimate & return to our Water Services office via fax
07 4058 1178.

Name: _____ Signature: _____

Dated: _____