

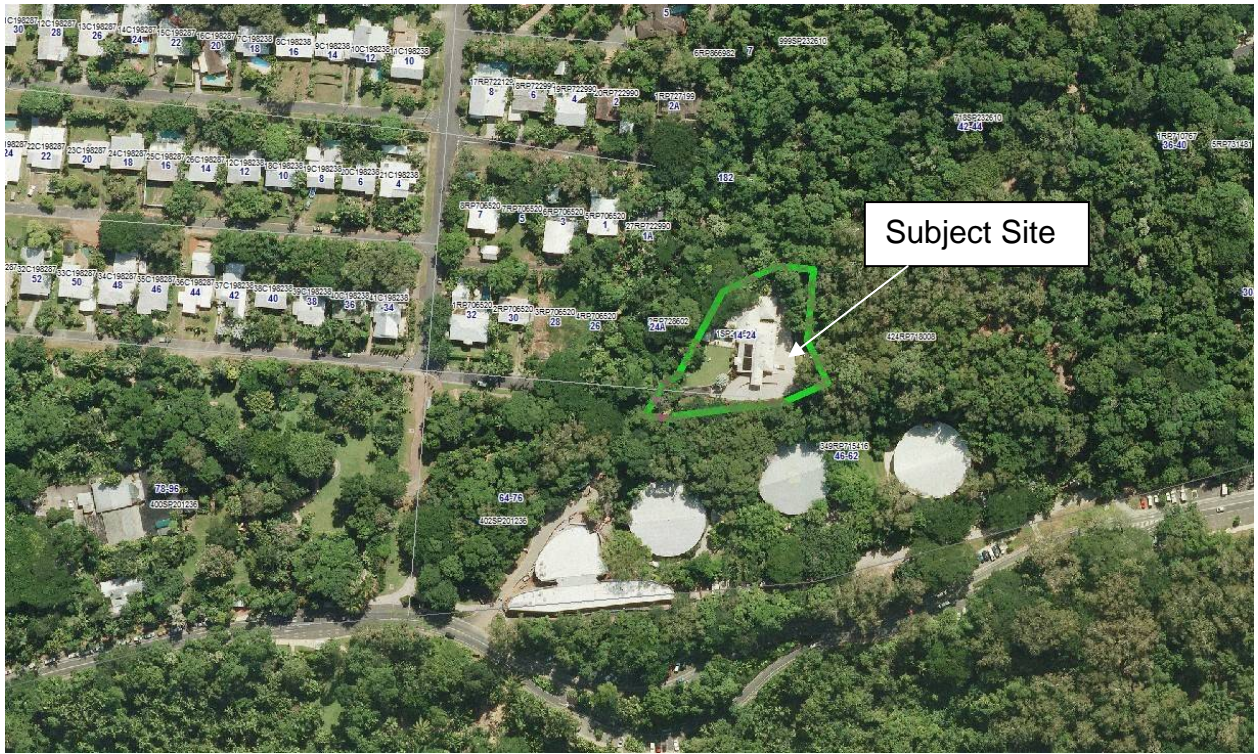
<b>ORDINARY MEETING</b> <b>26 APRIL 2012</b>	<b>12</b>
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MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) – INDOOR SPORTS & ENTERTAINMENT (FUNCTION CENTRE) & SHORT TERM ACCOMMODATION – 14-24 GOODWIN STREET, EDGE HILL – DIVISION 8

Gary Warner: 8/8/1050: #1124051

<u>PROPOSAL:</u>	INDOOR SPORTS & ENTERTAINMENT (FUNCTION CENTRE) & SHORT TERM ACCOMMODATION
<u>APPLICANT:</u>	H & J GLENNIE PO BOX 900 EDGE HILL QLD 4870
<u>LOCATION:</u>	14-24 GOODWIN STREET EDGE HILL QLD 4870
<u>PROPERTY:</u>	LOT 1 ON SP232610 & LOT 402 SP201236 PARISH OF CAIRNS
<u>PLANNING DISTRICT:</u>	INNER SUBURBS
<u>PLANNING AREA:</u>	RESIDENTIAL 1
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2009
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT (ADVICE)
<u>NUMBER OF SUBMITTERS:</u>	NIL
<u>STATUTORY ASSESSMENT DEADLINE:</u>	25 MAY 2012
<u>DIVISION:</u>	8
<u>APPENDIX:</u>	<ol style="list-style-type: none"> <li>1. APPLICATION PLANS</li> <li>2. REFERRAL AGENCY RESPONSE</li> <li>3. INFRASTRUCTURE CHARGES NOTICE</li> <li>4. SUPPORTING INFORMATION</li> </ol>

LOCALITY PLAN



**RECOMMENDATION A:**

That Council approve the Material Change of Use (Impact Assessment) application for Indoor Sports & Entertainment (Function Centre) & Short Term Accommodation over land described as Lot 1 on SP232610, located at 14-24 Goodwin Street, Edge Hill subject to the following:

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

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
<b>Floor Plans</b>	<b>Tony Driscoll Plan 0490/1E</b>	<b>Dec 2004</b>
<b>Site Plans &amp; Elevations</b>	<b>Tony Driscoll Plan 0490/2D</b>	<b>Dec 2004</b>
<b>Site Plan</b>	<b>Attachment 2 – Part John Mac Isaac &amp; Associates Plan</b>	<b>07/2008</b>
<b>Site Plan &amp; Parking Layout</b>	<b>Attachment 5 – Part John Mac Isaac &amp; Associates Plan</b>	<b>07/2008</b>

**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 put into effect prior to Commencement of Use, except where specified otherwise in these conditions of approval.

### Limitations on Use

3. a. The approved use of “Function Rooms” is restricted to 60 persons/guests at any function or combination of functions;
- b. The approved Short Term Accommodation is restricted to 4 bedrooms;
- c. The use of the 5<sup>th</sup> bedroom is restricted to the on-site manager;
- d. Vehicles using the site are restricted to vehicles, other than Heavy Vehicles, as defined from time to time in The Transport Operations (Road Use Management) Act 1995;
- e. On street parking on adjoining streets is not to be cordoned off or reserved for the exclusive use of guests/visitors to the site.

### Road Safety Audit

4. The applicant is to engage a suitably qualified and experienced engineer to undertake a road safety audit of the proposed traffic access and circulation patterns for the site. The Road Safety Audit (RSA) is to be prepared in Accordance with Austroads Road Safety Audit Guidelines (2009) - Guide to Road Safety Part 6: Road Safety Audit.

The assessment shall be based on the current engineering plans for the site and make particular reference to and commentary on:

- i) Safe pedestrian access to and from the site to adjacent parking facilities;
- ii) An assessment of the manoeuvrability of the largest vehicle likely to access the site ( Note: vehicles using the site are restricted to vehicles, other than Heavy Vehicles, as defined from time to time in The *Transport Operations ( Road Use Management) Act 1995*;
- iii) Compliance of the site and associated parking and access with all aspects of AS2890.1 and AS2890.2

The final engineering report and any associated designs are to be certified by a Registered Professional Engineer of Queensland (RPEQ) as being in accordance with the findings of the RSA. All and any works resulting from the findings of the Safety Audit shall be undertaken to the satisfaction of the Chief Executive Officer and at no cost to Council.

### Site Access

5. The site must be provided with lawful and practical access to a standard capable of accommodating the type of vehicles accessing the site and the form of access must be capable of meeting the outcomes of the Road Safety Audit (RSA), all to the satisfaction of the Chief Executive Officer. (Note: vehicles using the site are restricted to vehicles, other than Heavy Vehicles, as defined from time to time in The Transport Operations (Road Use Management) Act 1995)

### Vehicle Parking

6. The amount of vehicle parking must be a minimum of 15 spaces. The car parking layout including manoeuvring areas 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.

### Protection of Landscaped Areas from Parking

7. 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

8. Erect signs on site advising of the location of the off-street visitor parking areas. The signs must be erected prior to Commencement of Use.

### Disability Access Requirement

9. The proposed development must include provision of disabled access in accordance with the provisions of the Disability (Access to Premises – buildings) Standards 2010.

### Refuse Storage

10. Refuse storage is required in the form of a bulk bin to be serviced by a commercial bulk bin collection contractor to the satisfaction of the Chief Executive Officer.

### Landscaping

11. All existing landscaping is to be maintained and be kept free of weed and pest species on an ongoing basis to the satisfaction of the Chief Executive Officer.

## Geotechnical

12. The current and future owners of Lot 1 SP232610 shall comply in all respects with :
- a. the principles outlined in QUDM, and
  - b. The recommendations made in the Geotechnical Report #90-2008/CRC 020209 by RECS Consulting Engineers, and
  - c. The recommendations of the Drainage Study of the site required by Condition 13 below.

## Drainage Study of Site

13. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. The drainage study must be certified by a Registered Professional Engineer of QLD (RPEQ) as being in accordance with the requirements of QDUM and the recommendations within the Geotechnical report #90-2008/CRC 020209 by RECS Consulting Engineers. Particular attention should be paid to ensuring that all stormwater runoff from the development has been diverted away from the down-hill batter slopes and escarpments between the site and the Tanks Arts Centre.

In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of the lawful points of discharge and any drainage easements to convey stormwater to the lawful points of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the prior to Commencement of Use.

## Sediment and Erosion Control

14. 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).

## Lawful Point of Discharge

15. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

**Batter slope stability**

16. The geotechnical reports for the site and adjoining land have identified that there may be a continuation of progressive (localised) failures of existing batters on or adjoining the site or access thereto. The owners of Lot 1 SP232610 will be responsible for the on going maintenance and remedial work associated with any localised batter failures at no cost to Council.

**Health**

17. 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.
18. 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.
19. 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.
20. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.
21. 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.
22. Swimming pool water quality must be maintained in accordance with the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004.
23. The proprietor of proposed rental accommodation premises must make application for approval under Local Law No.1 (Administration) 2011 and Schedule 17 of Subordinate Local Law No. 1 (Administration) 2011 prior to

**the commencement of operation. Contact the Council's Public Health Unit for further information on the application process.**

### **Lighting**

- 24. 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.**

### **Hour of Operation**

- 25. The uses authorised by the approval are limited to the following hours:**
- a. Function Centre – 10am to midnight (Monday to Sunday)**
  - b. Short Term Accommodation – 24hours (Monday to Sunday)**

### **Vegetation Clearing**

- 26. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of roadworks / access driveways, the installation of services as detailed on the approved plans as stated in Condition 1. Any further clearing requires an Operational Works Approval**

**Council's Development Assessment Branch must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.**

### **Parkland Protection**

- 27. Any common boundaries with Council Esplanade parkland, general parkland or drainage reserves must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.**

### **Water Supply & Sewer - Damage to Infrastructure**

- 28. 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.**



**RECOMMENDATION B****Property Notations**

The following notation will be placed on Council's rates record for Lot 1 SP 232610:

*“Light and noise of a non-residential nature may emanate from time to time from the adjoining Tanks Arts Centre as a consequence of performances taking place therein”*

**ADVICE AGENCY CONDITIONS & REQUIREMENTS**

Advice Agency	Advice Agency Reference	Date	Council Electronic Reference
DERM - Wetland	IA0112CNS0006 – Permit SPAR03709812	22 February 2012	3504351
DERM - Heritage	IA0112CNS0006 – Permit SPAR03709712	22 February 2012	3504351

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

**ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 341 of the *Sustainable Planning Act 2009*.
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 potential cyclone warning 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 relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to [www.dip.qld.gov.au](http://www.dip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

## Infrastructure Charges Notice

5. 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.

6. Other Licences will be required to be applied for to address the Health and Liquor Licensing requirements related to the approved uses.

### LAND USE DEFINITIONS\*

In accordance with CairnsPlan 2009 the approved land uses are defined as follows:

#### **Indoor Sport and Recreation is defined as:**

*Means the use of premises for sport, physical exercise, recreation or public entertainment predominantly within a building.*

*The use includes facilities commonly described as sports centre, gymnasium, amusement and leisure centre, cinema, dance club, music club, nightclub, reception room, theatre, convention centre or function centre.*

#### **Short Term Accommodation is defined as:**

*Means the use of premises for the accommodation of visitors in rooms or dormitories, or a combination of both, and where communal facilities for the preparation of meals are provided.*

*The use includes a managers unit and office as well as recreational and entertainment facilities which cater exclusively for guests of the accommodation. The use includes accommodation commonly described as boarding house, guesthouse, backpacker's hostel or serviced rooms.*

\*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:**

The owners of Whitfield House have submitted an application to Council to formalise the expansion of their land uses on the Whitfield House site. In 2006 the owners carried out substantial improvements to the existing premises without any formal planning approvals. The previous use of the site and original building thereon was for a "Caterers Rooms" and Caretakers residence. Earlier attempts were made to regularise the use of the premises however it was necessary to address access to Whitfield House given that its current physical access is gained through a Reserve (Botanical Gardens) for which Council is Trustee. The legal access and frontage for the Whitfield House site is the unformed extension of Goodwin Street. Practical access to the site from Goodwin Street would not be possible without some form of bridge structure across the gully currently occupied by the Red Arrow walking track and adjoining stream system.

Over the past 2-3 years the legal process has been underway to provide legal and practical access via an easement over land in the Botanical Gardens Reserve. This process is close to being resolved to the point where the subject application can be made and is discussed in more detail below. The proposed use of the site for Function Centre and small (4 bedroom) short term accommodation facility can now be recommended for approval subject to relevant conditions.

## **TOWN PLANNING CONSIDERATIONS:**

### **Site and Location**

The site has an area of 3515m<sup>2</sup> and is located on an elevated platform of land above an escarpment directly behind and north of the 3 tanks that are located in the Botanical Gardens. Physical but currently un-lawful access is obtained via a driveway that passes the western side of the new Botanical Gardens Visitors Centre. The driveway is relatively narrow and steep in places. As noted above the site fronts an unformed part of Goodwin Street that contains the Red Arrow Walking Track and adjoining stream.

The site is improved by a substantial house/building that is comprised of kitchen facilities, function rooms and 5 bedrooms. See Appendix 4 for plans showing relationship to the Tanks Arts Centre buildings.

### **Resource Entitlement & Access**

The subject site currently relies on a formed but unlawful access across State owned land (Botanical Gardens) administered held in Trust by Council. To enable the making of the application a resource Entitlement to this access was required or alternatively some form of legal access provide over the current access leg. The applicants are currently ending a lengthy period of negotiations over the provision of an access easement over the current driveway to the site. The access easement will require Council to acquire a freehold interest in the access leg and subsequently granting an access easement in favour of the applicant's site. The process of acquiring the freehold interest in the access leg involves a number of parties including DERM (as the states representatives), several branches of Council, and the applicants.

DERM and Council have statutory functions that require public consultation that must be addressed prior to the formal free-holding of the land. This process has yet to be completed, in the meantime DERM have agreed to grant the applicants a “Licence to Occupy” the access leg for a year to enable the application to proceed. Work can continue on the easement documentation outside this approval. The only link with that process in the above recommendation is the requirement for the applicants to secure legal and practical access to the site by appropriate means.

## History

The existing approval for the use of the site is an approval dated 25 October 1995 (#557867) to provide for the establishment of a “Caterers Rooms and a Caretakers Residence”.

The key requirements from the 1995 conditions of approval are:

- a. the consent was limited in extent to allow the use of a maximum of 110m<sup>2</sup> gross floor area of the building for caterers rooms.
- b. Access to the site was to be provided through the Red Arrow Car Park subject to the then applicant providing an indemnity in favour of Council for all movements to and from the site from Collins Avenue
- c. Provision of a minimum of 5 car parking spaces on the site.
- d. Provision of additional car parking on the Goodwin Street frontage of the site.
- e. Payment of headworks charges for water supply, sewerage and road upgrades.

(Note: Caterers Rooms were defined at the time as “land, building, or other structures used or intended for use for the holding of receptions at which food is served: The term does not include a club, kiosk, hotel or restaurant”)

Appendix 4 contains plans and photographs of the earlier form of Whitfield House together with photos of the current form of the building.

A number of alternative proposals were canvassed by the applicants over the past 5 years however each proposal has been hampered by the lack of legal access. Over the past 5 years the expansion of the development and use of the site had also taken place over adjoining park land, this encroachment was also required to be regularised prior to any further consideration by Council. The applicants negotiated land acquisitions with DERM to regularise the unlawful occupation of the adjoining parkland and to acquire parts of Goodwin Street that were no longer needed for road all culminating in the new application site being Lot 1 SP232610.

## Proposal

The proposed use of the land now before Council for consideration is summarised as follows:

- a. An additional 120m<sup>2</sup> of Function Centre floor area to the existing Function Centre floor area of 200m<sup>2</sup> (total 320m<sup>2</sup>).
- b. Provision of 15 on site car parks
- c. Caretaker/Manger accommodation – 1 bedroom
- d. Guest accommodation – 4 bedrooms
- e. Limitation of guest numbers for function Centre – 60 guests

- f. Operating hours – Function centre - 10am to midnight  
Short Term accommodation – 24 hours

The buildings required for these uses have been constructed and are shown on the plans contained in appendix 1.

### **CairnsPlan 2009**

The site is contained in the Residential 1 and Conservation Planning Areas and development of the type proposed would normally be regarded as being “inconsistent” development. However, given the previous (1995) approval and the relative isolation of the site from other residential uses it is considered that the proposal can meet the intent of the purpose statements of the Residential 1 Planning Area Code. The site and use is also located in close proximity to the Tanks Arts Centre within which similar activities (other than accommodation) take place.

The proposal can also meet all of the Short Term accommodation Code requirements. The requirements of other codes such as; parking and access, Landscaping and Infrastructure can be addressed through relevant approval conditions.

### **Issues**

The nature and location of the site and the proposed land use raises a number of key issues as summarised below:

#### **Parking & Access**

The 320m<sup>2</sup> of Function centre floor area generates a parking demand of 21 spaces. The short term accommodation component of 5 bedrooms (including 1 bedroom manager’s accommodation) generates a parking demand of 5 spaces. A total of 26 on site spaces are therefore required. It is noted the applicants propose to restrict Function Centre guest numbers to 60. 60 guests could theoretically generate a parking demand anywhere between zero (if guests arrive by small bus) to 60 (if all guests drove to the site as individuals). The applicant’s proposal makes provision for 15 on site parking spaces. It is noted that a considerable car parking concession was granted at the time of the 1995 approval when only 5 on-site spaces was required for up to 200 potential guests. Clearly any overflow parking will need to take place on adjoining and nearby roads. The closest on street parking is that which has been formed nearby as part of the upgrade of the Botanical Gardens and the re-alignment of Collins Avenue. Generally this parking would be readily available “after hours”, however, there will be occasions when events are taking place in the subject Function Centre at the same time as events are happening at the adjoining Tanks Arts Centre. On these occasions parking will be at a premium and will be utilised on a first come first served basis. On street parking for the subject Function Centre will not have any priority or precedence over parking for other nearby events particularly given the short fall in on site parking on the subject site. The car parking and land use conditions in the recommendation have been noted accordingly.

### Extent of use

The previous use of the site appeared to be unfettered in terms of the numbers of guests that use the premises for functions with suggestions in various related documents that up to 200 persons could be present on site at any function. The sites' location, dimensions and the size of the Function Room buildings limits the number of guests that could be adequately catered for. The parking provisions have similar restrictions. The external impacts of upwards of 200 persons are also likely to be significant. The applicants have suggested that 60 persons would be a manageable and viable volume of persons. The approval has been restricted accordingly.

### Escarpment along southern boundary

As noted above the site sits atop a steep escarpment that rises behind the three tanks located in the adjoining Tanks Arts Centre. The escarpment also adjoins and parallels the access drive to the site. The physical integrity of that escarpment has been of concern to council officers and the subject of a geotechnical investigation when the closing of part of Goodwin Street was taking place. The geotechnical report notes that localised slumping may still occur along the escarpment batter slopes. Of particular concern is the control of stormwater flows near the edge of the escarpment. Council officers consider that the repair and reinstatement of localised slumping the may occur along the escarpment should not be an impost on council. Conditions relating to stormwater control and batter maintenance costs have been imposed.

### Reverse Amenity

As noted elsewhere in this report there will be times when events take place at the adjoining Tanks Arts Centre. Such events may happen at the same time as events at the subject Function Centre or they may happen when the subject premises are simply being used for accommodation purposes. The potential for some reverse amenity impacts arises in the latter of these situations. The topography and location of the Tanks Arts centre site relative to the subject land will help minimise impacts on the subject site from noise and other activities. However it is proposed that a rates notice be placed on the property file for the subject land to warn current and future owners of the likelihood of impacts from legitimate activities taking place at the Tanks Arts centre.

### **Public Notification/Submissions**

The proposal was Publicly Notified generally in accordance with the procedures outlined in *SPA 2009*. No submissions were received.

### **Referral Agencies**

The proposal required referral to the Department of Environment and Resource Management (DERM) through two of its Advice Agency referral roles. The responses are summarised as follows:

#### DERM – Heritage

The site adjoins a State Heritage Place being the Flecker Botanical Gardens site. The agency concluded that the proposal will not have any impacts on the heritage values of The Flecker Botanical Gardens

#### DERM - Wetland

The referral to the DERM Wetlands Unit was triggered by the proximity of the site to the wetlands contained in the Botanical gardens precinct south of Collins avenue. The DERM feedback contained in Appendix 2 places cautions about vegetation protection on the site and the management of stormwater departing the site.

#### Headworks/Infrastructure Charges

The uses that generate potential Infrastructure Charges are summarised as follows:

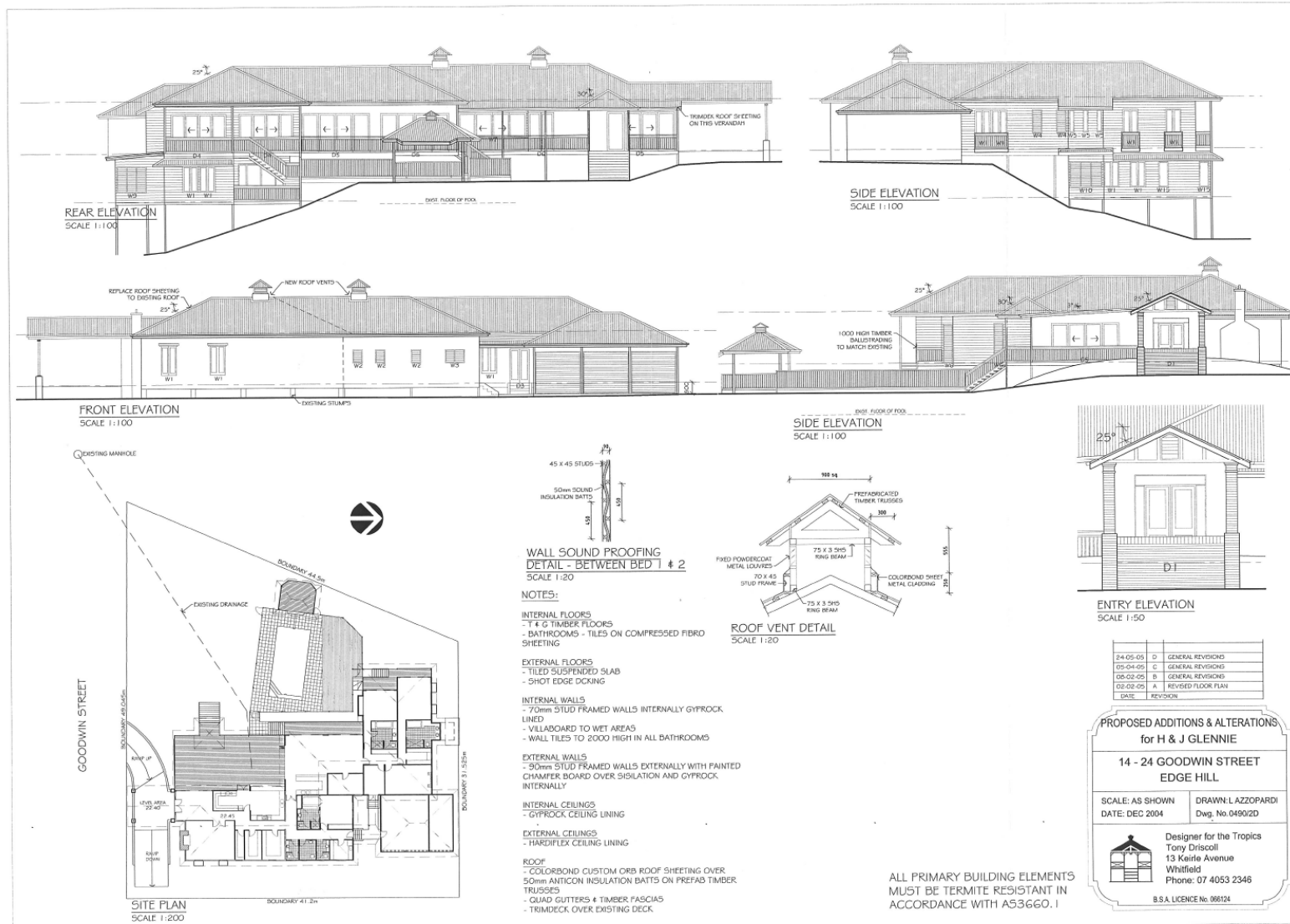
- a. Additional 120m<sup>2</sup> of Function centre Floor area
- b. 5 bedroom guest house (1 bedroom for on site manager – cancelled out as a credit from approved caretakers residence)

An Infrastructure Charges Calculation is attached as Appendix 3.

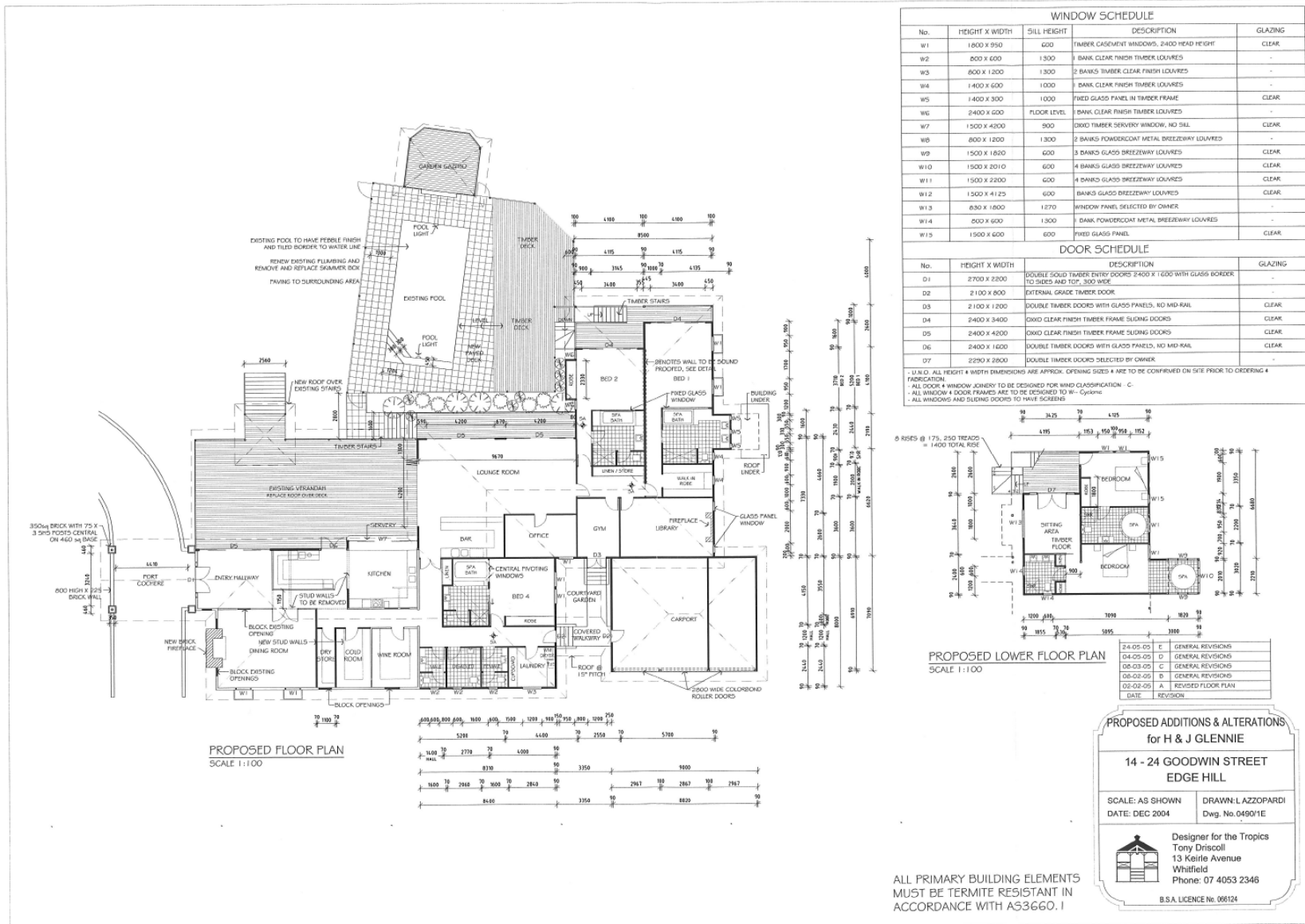
Gary Warner  
Planning Officer  
**Action Officer**

Kelly Reaston  
**Manager Development Assessment**

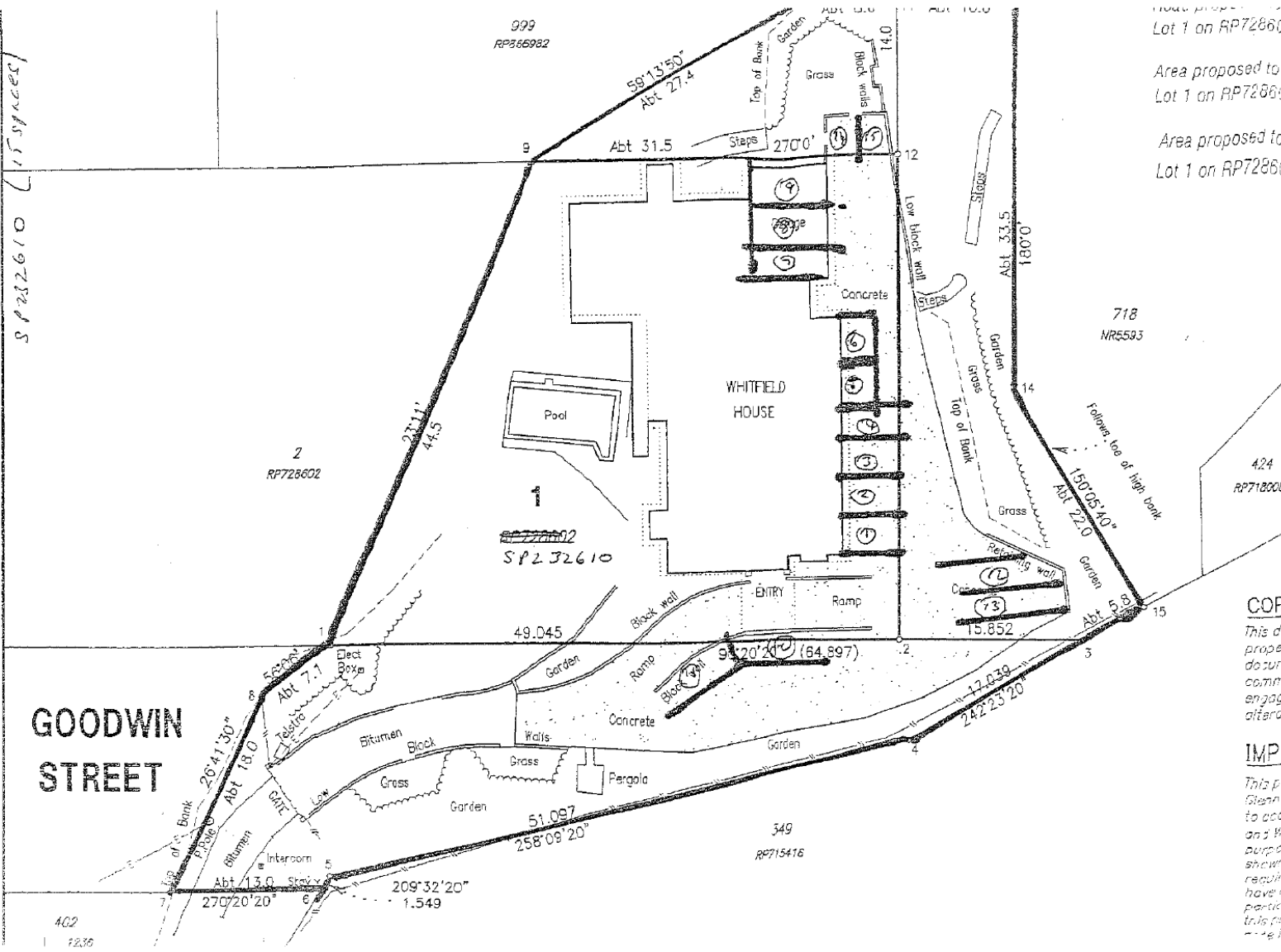
APPENDIX 1 – Application Plans







Attachment 5: Allocated car spaces on lot 1  
SP232610 (15 spaces)



Area proposed to Lot 1 on RP72860  
Area proposed to Lot 1 on RP72860  
Area proposed to Lot 1 on RP72860

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## APPENDIX 2 – Referral Agency (Advice) Response

Department of Environment  
and Resource Management

## Notice

### Advice Agency Response

*This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ('the Act').*

Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

cc. Joy & Henry Glennie  
PO Box 900  
EDGE HILL QLD 4870

Attn: G Warner  
Email: council@cairns.qld.gov.au  
Ref: 8/8/1050 (3436362)

Email: functions@whitfieldhouse.com.au

Our reference: IA0112CNS0006

#### Re: Advice Agency Response

##### 1. Application Details

Assessment Manager Ref: 8/8/1050 (3436362)

Date application referred to DERM: 11 January 2012

Development approval applied for: Development Permit

Aspect of development:

Material change of use - Land in or near a wetland	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21</i>	DERM Ref No – 381676 DERM Permit No - SPAR03709812
Material change of use – Land adjacent to or including a Queensland heritage place	<i>Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 23</i>	DERM Ref No – 381676 DERM Permit No – SPAR03709712

Development description: Material Change of Use for indoor sport function centre and accommodation

Property/Location description: Lot 1 on plan SP232610 and Lot 402 on plan SP201236  
Located 14-24 Goodwin Street and 64-76 Collins Avenue,  
Edge Hill

**Notice**  
**Advice Agency Response**

2. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows.

(a)

Material change of use - Land in or near a wetland	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 21	DERM Ref No – 381676 DERM Permit No – SPAR03709812
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Conditions should attach to any development approval, and those conditions are attached to this Notice (Attachment 1).

(b)

Material change of use – Land adjacent to or including a Queensland heritage place	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 23	DERM Ref No – 381676 DERM Permit No – SPAR03709712
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Conditions should attach to any development approval, and those conditions are attached to this Notice (Attachment 2). Please note there are two advices for Queensland heritage place permit SPAR03709712. The Flecker Botanical Gardens (QHR 602541) advice and the WWII RAN Fuel Installation (QHR 602605) advice.

3. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at the address stated below and an electronic copy to [eco.access@derm.qld.gov.au](mailto:eco.access@derm.qld.gov.au).

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

  
**Delegate:**  
Cristina Cochennec  
Natural Resource Officer  
Regional Planning & Coordination  
North Region  
  
Delegate for Chief Executive,  
Department of Environment of Resource Management

**Enquiries:**  
Cristina Cochennec  
Department of Environment and Resource Management  
5b Sheridan Street, Cairns, Q, 4870  
PO Box 937, Cairns, Q, 4870  
Telephone: 07 4222 5446  
Facsimile: 07 4222 5493  
Email: [cristina.cochennec@derm.qld.gov.au](mailto:cristina.cochennec@derm.qld.gov.au)

22 February 2012

**Attachment(s)**

The parts of this Notice referred to above for each of the DERM referral jurisdictions involved with the application

**Attachment 1**

DERM Permit <sup>1</sup> number: SPAR03709812

<b>Assessment manager reference:</b>	8/8/1050 (3436362)
<b>Date application received:</b>	11 January 2012
<b>Permit type:</b>	Development Permit
<b>Date of decision:</b>	30 January 2012
<b>Decision:</b>	For an advice agency response The assessment manager should note the attached advice.
<b>Relevant laws and policies:</b>	Sustainable Planning Regulation 2009
<b>Jurisdiction(s):</b>	Sustainable Planning Regulation 2009 – Schedule 7, table 3, item 21

## Development Description(s)

Property/Location		Development
Lot 1 on SP232610 and Lot 402 on SP201236	14-24 Goodwin Street & 64-76 Collins Avenue, Edge Hill	Material Change of use, other than for a domestic housing activity, if any part of the land is situated in a wetland or wetland management area

## RECOMMENDATION

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:

The Assessment Manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland. Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by

<sup>1</sup> Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

an appropriately qualified professional may assist the Assessment Manager to consider the impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable, the Assessment Manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted.

Where a wetland management area is mapped as a 'significant coastal wetland' under a *Regional Coastal Management Plan* it should be assessed against the policy for areas of state significance (natural resources). An Implementation Guideline should be consulted:

[http://www.derm.qld.gov.au/services\\_resources/item\\_details.php?item\\_id=202304&topic\\_id=54](http://www.derm.qld.gov.au/services_resources/item_details.php?item_id=202304&topic_id=54).

For areas where a regional coastal management plan does not exist, where the wetland management area is also defined as a 'significant coastal wetland' under the *State Coastal Management Plan – Queensland's Coastal Policy 2001 (SCMP)*, any approval is consistent with SCMP policy 2.8.1, Areas of state significance (natural resources).

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.
- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the Assessment Manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by DERM as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland
- for 'significant coastal wetlands', a buffer width of 200m to wetland

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/ revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

The Assessment Manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South*

DERM Permit number: SPAR01279110

*East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive urban design – design objectives for urban stormwater management.* For areas outside of the South-east Queensland Regional Plan area any approval should recognise the requirements of the *Urban Stormwater Quality Planning Guideline 2010*<sup>2</sup>.

#### General information for assessment managers

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

#### Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

#### Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

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

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website [www.derm.qld.gov.au/cultural\\_heritage](http://www.derm.qld.gov.au/cultural_heritage)

Delegate   
Cristina Cochenec  
Natural Resource Officer  
Regional Planning & Coordination  
Department of Environment and Resource  
Management

30 January 2012

Enquiries  
Rochelle Basham  
Department of Environment and Resource  
Management  
187-209 Stanley Street, Townsville QLD 4810  
PO Box 5318, Townsville QLD 4810  
Phone: 07 4799 7750  
Fax: 07 4799 7641  
Email: [rochelle.basham@derm.qld.gov.au](mailto:rochelle.basham@derm.qld.gov.au)

<sup>2</sup> The Urban Stormwater Quality Planning Guideline 2010, is available at:  
[http://www.derm.qld.gov.au/environmental\\_management/water/environmental\\_values\\_environmental\\_protection\\_water\\_policy/urban\\_storm\\_water\\_planning\\_guidelines.html](http://www.derm.qld.gov.au/environmental_management/water/environmental_values_environmental_protection_water_policy/urban_storm_water_planning_guidelines.html)



**Attachment 2**

Department of Environment  
and Resource Management

## Notice

### Advice Agency Response

*This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").*

Our reference:  
381676.602541.SPAR03709712

**Re: Advice Agency Response for Land Adjacent Queensland Heritage Registered Place, Flecker Botanical Gardens (QHR 602541)**

**1. Application Details**

Assessment Manager ref.: 8/B/1050

Date application referred to DERM:

11 January 2012

Development approval applied for:

Development permit

Aspects of development:

Material change of use – Land adjacent to or including a Queensland heritage place

*Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 23*

Development descriptions:

Use change from caterers rooms plus caretakers residence to Five bedroom 'short-term' accommodation with caretakers residence on site with 'Indoor sport and Entertainment' with maximum of 60 guests.

Property/Location description: Lot 1 on SP232610 and Lot 402 on SP201236

14 – 24 Goodwin Street and 64-76 Collins Avenue, Edge Hill

**Notice**  
**Advice Agency Response**

2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response, amended concurrence agency response for each of the concurrence agency referral jurisdictions for the aspects of development involved with the application is to tell the assessment manager as follows.

*Not applicable*

3. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for each of the advice agency referral jurisdictions for the aspects of development involved with the application is to recommend to the assessment manager as follows.

*The proposal will not impact upon the heritage significance of the identified adjoining Queensland Heritage Registered place Flecker Botanical Gardens (QHR 602541)*

**+4. General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at Manager, Integrated Cultural Heritage, PO Box 5381, Townsville 4810 and an electronic copy to [eco.access@derm.qld.gov.au](mailto:eco.access@derm.qld.gov.au).

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

  
**Delegate**  
Leigh Preston  
Chief Executive, Department of Environment and Resource  
Management  
21 February 2012

Reference. no. 381676.602541.SPAP03709712

**Enquiries:**  
Rob Dusting  
Integrated Cultural Heritage  
Department of Environment and Resource  
Management  
PO Box 5381, Townsville, 4810  
Phone: 4722 5342  
Fax: 4722 5331  
Email: [rob.dusting@derm.qld.gov.au](mailto:rob.dusting@derm.qld.gov.au)

Department of Environment  
and Resource Management

## Notice

### Advice Agency Response

*This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").*

Our reference:  
381676.602605.SPAR03709712

**Re: Advice Agency Response for Land Adjacent the Queensland Heritage Registered Place, WWII RAN Fuel Installation (QHR602605)**

#### 1. Application Details

Assessment Manager ref.: 8/8/1050

Date application referred to DERM:

11 January 2012

Development approval applied for:

Development permit

Aspects of development: Material change of use – Land adjacent to or including a Queensland heritage place

*Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 23*

Development descriptions: Use change from caterers rooms plus caretakers residence to Five bedroom 'short-term' accommodation with caretakers residence on site with 'Indoor sport and Entertainment' with maximum of 60 guests.

Property/Location description: Lot 1 on SP232610 and Lot 402 on SP201236  
14 – 24 Goodwin Street 64-76 Collins Avenue, Edge Hill.

**Notice**  
**Advice Agency Response**

2. The Chief Executive, Department of Environment and Resource Management (DERM) concurrence agency response, amended concurrence agency response for each of the concurrence agency referral jurisdictions for the aspects of development involved with the application is to tell the assessment manager as follows.

*Not applicable*

3. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for each of the advice agency referral jurisdictions for the aspects of development involved with the application is to recommend to the assessment manager as follows.

*The proposal will not impact upon the heritage significance of the identified adjoining Queensland Heritage Registered place, WWII RAN Fuel Installation (QHR602605)*

4. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at Manager, Integrated Cultural Heritage, PO Box 5381, Townsville 4810 and an electronic copy to [eco.access@derm.qld.gov.au](mailto:eco.access@derm.qld.gov.au).


The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

  
**Delegate**  
Leigh Preston  
Chief Executive, Department of Environment and Resource  
Management  
21 February 2012

Reference no. 381676.602605.SPAP03709712

**Enquiries:**  
Rob Dusting  
Integrated Cultural Heritage  
Department of Environment and Resource  
Management  
PO Box 5381, Townsville, 4810  
Phone: 4722 5342  
Fax: 4722 5331  
Email: [rob.dusting@derm.qld.gov.au](mailto:rob.dusting@derm.qld.gov.au)

## APPENDIX 3 – Infrastructure Charges Notice

Adopted Infrastructure Charges Notice					
<b>Applicant:</b>	Henry Glenie	<b>File Number:</b>	8/8/1050	<b>DM5 Ref:</b>	#3560360
<b>Address:</b>	Whitfield House 14-24 Goodwin Street Edge Hill	<b>Date Issued:</b>	18/04/2012	<b>Officer:</b>	Gary Warner
<b>Parcel Number/s:</b>	154491	<b>Contributions Issued Under:</b>	Council Adopted Charges Resolution - Jun 2011		
<b>Lot &amp; RP Number/s:</b>	L1 SP232610	<b>Index Used:</b>	CPI	31-Dec-11	184.4
<b>Water</b>		<b>Catchment:</b>	City (W4)	<b>Charge / EDU:</b>	\$ 4,007.24
<b>Development Type:</b>	Short Term / Special Res / Hospital / Institution - a) per room containing one bed	<b>Demand:</b>	2.00 EDU's	<b>Charge:</b>	\$8,014.47
<b>Development Type:</b>	Restaurant & Tavern - a) Kitchen, Dining, Licensed Areas	<b>Demand:</b>	4.57 EDU's	<b>Charge:</b>	\$18,313.07
<b>Total Existing Demand:</b>	3.44 EDU's Existing Land Use Credit	\$13,784.90	<b>Total Charge:</b>	<b>\$12,542.65</b>	Receipt Code: <b>635 / 05733</b>
<b>Wastewater</b>		<b>Catchment:</b>	Northern (WW2)	<b>Charge / EDU:</b>	\$ 3,364.43
<b>Development Type:</b>	Short Term / Special Res / Hospital / Institution - a) per room containing one bed	<b>Demand:</b>	2.00 EDU's	<b>Charge:</b>	\$6,728.87
<b>Development Type:</b>	Restaurant & Tavern - a) Kitchen, Dining, Licensed Areas	<b>Demand:</b>	4.57 EDU's	<b>Charge:</b>	\$15,375.46
<b>Total Existing Demand:</b>	3.44 EDU's Existing Land Use Credit	\$11,573.65	<b>Total Charge:</b>	<b>\$10,530.68</b>	Receipt Code: <b>636 / 05741</b>
<b>Transport</b>		<b>Catchment:</b>	Cairns Urban (TR1)	<b>Charge / EDU:</b>	\$ 3,976.49
<b>Development Type:</b>	Indoor Sport & Recreation	<b>Demand:</b>	7.68 EDU's	<b>Charge:</b>	\$30,539.43
<b>Development Type:</b>	Short Term Accommodation	<b>Demand:</b>	1.00 EDU's	<b>Charge:</b>	\$3,976.49
<b>Total Existing Demand:</b>	5.55 EDU's Existing Land Use Credit	\$22,069.51	<b>Total Charge:</b>	<b>\$12,446.41</b>	
			<b>DTMR (Local Function):</b>	\$0.00	Receipt Code: <b>348 / 05764</b>
			<b>Council Infrastructure:</b>	\$12,446.41	Receipt Code: <b>348 / 05716</b>
<b>Drainage</b>		<b>Drainage Management Plan:</b>	Saltwater Creek		
<b>Nett Increase in Equivalent Contributing Area =</b>		0 Ha			
<b>Stream Management</b>	Charge/Ha:	\$0.00	<b>Charge:</b>	\$0.00	Receipt Code: <b>358 / 5068</b>
<b>Stormwater Quality Management</b>	Charge/Ha:	\$4,279.96	<b>Charge:</b>	\$1,424.10	Receipt Code: <b>400 / 5141</b>
			<b>Total Charge:</b>	<b>\$1,424.10</b>	
<b>Public Parks and Community Land</b>		<b>Catchment:</b>	Inner Suburbs (PPCL 5)	<b>Charge/EDU:</b>	\$ 2,164.32
<b>Development Type:</b>	Short Term Accommodation - b) double bedroom*	<b>Demand:</b>	2.50 EDU's	<b>Charge:</b>	\$5,410.80
<b>Total Existing Demand</b>	1.00 Existing Land Use Credit	\$2,164.32	<b>Total Charge:</b>	<b>\$3,246.48</b>	Receipt Code: <b>354 / 05724</b>
<b>Other Contributions</b>					
<b>Contribution Type:</b>	Quantity:	\$ per unit	Charge	Receipt Code	
	0		\$0.00		
	0		\$0.00		
	0		\$0.00		
			<b>Total Charge:</b>	<b>\$0.00</b>	
<b>TOTAL CHARGES</b>					
<b>CHECKED BY:</b>				<b>TOTAL CHARGE:</b>	<b>\$40,190.31</b>
			<b>Date Payable:</b>	ROL - Before the Local Government approves the plan of subdivision	
<b>Note:</b>					
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: <b>Cairns Regional Council</b> . You can make payment at any of Council's Business Offices or by mail with your cheque or money order to <b>Cairns Regional Council, PO Box 359, Cairns QLD 4870</b> . 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 <a href="mailto:townplanner@cairns.qld.gov">townplanner@cairns.qld.gov</a> if you have any enquiries regarding infrastructure charging.					



**APPENDIX 4 – Supporting Information – Locality plan**

Subject site



Pre development Site Plan





**PHOTO OF WHITFIELD HOUSE – pre development**

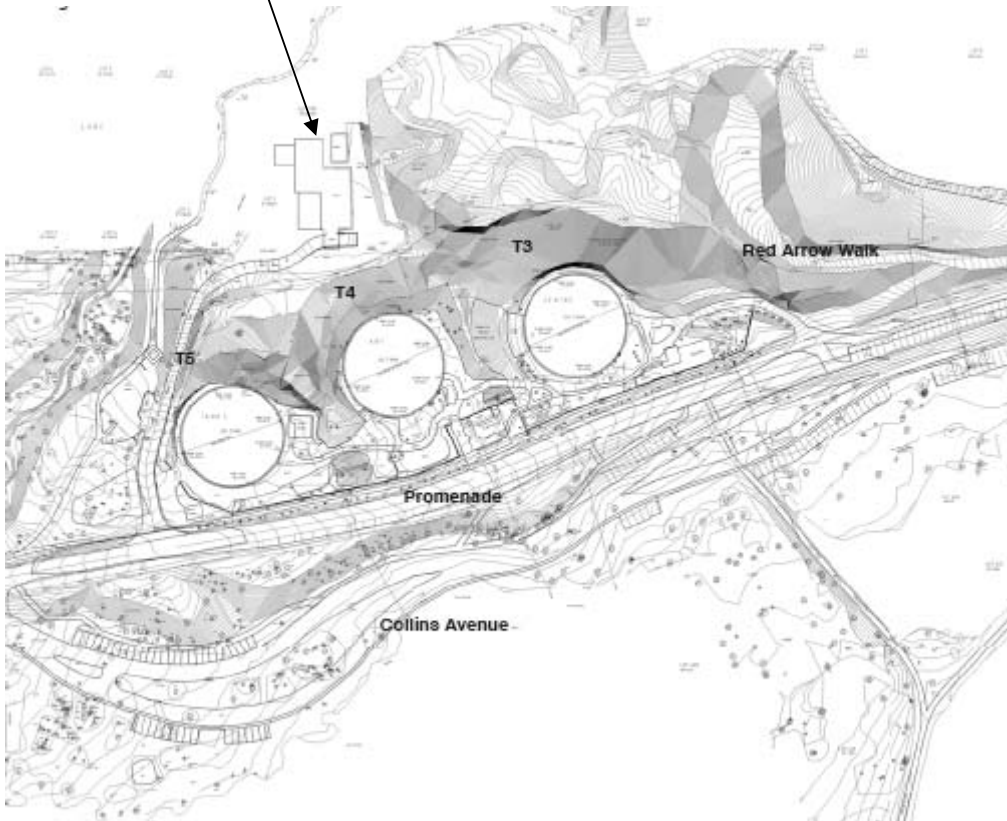


**Photo of Whitfield House – Present Form**



Extract from Tanks Arts Centre Masterplan and relationship to Whitfield House

Whitfield House



Whitfield House

