



**ENQUIRIES:** Michelle Henderson  
**PHONE:** (07) 4044 3546  
**YOUR REF:** 17-01/000929  
**FILE REF:** **8/7/4584** (6289802)  
**REFERENCE:** **9547/ 2019**

29 January 2020

Billion Century Group Pty Ltd  
C/- Planning Plus  
PO Box 399  
CAIRNS QLD 4870

By Email: info@planningplusqld.com.au

Dear Sir,

### **DECISION NOTICE UNDER S63 PLANNING ACT 2016**

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|                          |   |
|--------------------------|---|
| Development application: | 8/7/4584  |
| Property address:        | 340-346 Sheridan Street, Cairns North   |
| Property description:    | Lot 29, 30, 31 32 on C198131  |
| Application proposal:    | Multiple Dwelling, Short-Term Accommodation,<br>Shop, Hotel and Food & Drink Outlet |

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With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined by Council's Standing Committee Meeting A held on 22 January 2020.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

An Infrastructure Charges Decision Notice in accordance with s119 of the *Planning Act 2016* will be issued under separate cover.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Strategic Planning & Approvals Team on telephone number (07) 4044 3546.

Yours faithfully

For Peter Boyd  
Manager Strategic Planning & Approvals  
**Att.**



[www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)  
[council@cairns.qld.gov.au](mailto:council@cairns.qld.gov.au)



PO Box 359, Cairns Q 4870  
119-145 Spence St, Cairns Q 4870



Ph: 1300 69 22 47  
24 hours / 7 days



A Great Barrier Reef Marine Park Authority Initiative

## Decision Notice

### APPLICANT DETAILS

Billion Century Group Pty Ltd  
C/- Planning Plus  
PO Box 399  
CAIRNS QLD 4870

### ADDRESS

340-346 Sheridan Street, Cairns North

### REAL PROPERTY DESCRIPTION

Lot 29, 30, 31 & 32 on C198131

### PROPOSAL

Multiple Dwelling, Short-Term Accommodation, Shop, Hotel and Food & Drink Outlet

### DECISION

Approved in full subject to conditions (refer to approval package below).

### DECISION DATE

22 January 2020

### TYPE

Material Change of Use (Development Permit)

### PLANNING INSTRUMENT

CairnsPlan 2016 v1.3

### REFERRAL AGENCIES

State Assessment and Referral Agency  
Department of State Development, Manufacturing, Infrastructure and Planning  
Far North Queensland Regional Office  
Postal: PO Box 2358, CAIRNS QLD 4870  
Email: CairnsSARA@dsgmip.qld.gov.au

### SUBMISSIONS

There were no submissions for this application.

### FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works  
Development Permit for Plumbing Works  
Notice of Intention to Commence Use

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

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

| Drawing or Document   | Reference   | Date                    |
|---|---|-------------------------|
| Site Plan   | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Ground Floor Plan   | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Level 1 Floor Plan  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Levels 2 & 3 Floor Plan                                       | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Level 4 Floor Plan  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Level 5 Floor Plan  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Level 6 Floor Plan  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Level 7 Floor Plan  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Roof Plan   | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Unit Types  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Elevations Sheridan St<br>and South West                      | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Elevations South East<br>and North West                       | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Elevations Vertical Green<br>Analysis                         | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Section 1   | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Sections 2 and 3  | Drawing prepared by CA Architects<br>(Council document reference 6252330)   | Received<br>21 Nov 2019 |
| Medium Rigid Vehicle<br>Entry Manoeuvre                       | Drawing no 1395-1 Rev A prepared by<br>Trinity Engineering and Consulting<br>(Council document reference 6252330) | Received<br>21 Nov 2019 |
| Medium Rigid Vehicle<br>Exit Manoeuvre                        | Drawing no 1395-2 Rev A prepared by<br>Trinity Engineering and Consulting<br>(Council document reference 6252330) | Received<br>21 Nov 2019 |
| B85 Vehicle Exit<br>Manoeuvre                                 | Drawing no 1395-3 Rev A prepared by<br>Trinity Engineering and Consulting<br>(Council document reference 6252330) | Received<br>21 Nov 2019 |
| Landscape Concept<br>Plans                                    | Drawings prepared by LA3 (Council<br>document reference 6140010)  | April 2019              |
| 3D Visualisations<br>(Sheridan Street view<br>and Hotel view) | Drawings prepared by CA Architects<br>(Council document reference 6252330)  | Received<br>21 Nov 2019 |

## **Assessment Manager Conditions**

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - a. The specifications, facts and circumstances as set out in the application submitted to Council;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

## **Timing of Effect**

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

## **Notice of Intention to Commence the Use**

4. 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. The Applicant must return the attached "Notice of Intention to Commence Use" form prior to the commencement of the use (Attached at Appendix 2).

## **Amalgamation of Lots**

5. The Applicant/Owner/Developer shall amalgamate Lots 29, 30, 31 and 32 on C198131. The amalgamation may occur in conjunction with the registration of a Building Format Plan but must occur prior to the Commencement of Use.

## **Operational Works**

6. Operational Works approval is required for all on street works associated with the development. Approval is required to be obtained prior to the commencement of any works on the site.

All such works must be completed to the satisfaction of the Chief Executive Officer prior to the Commencement of Use or issue of Certificate of Classification, whichever occurs first. Where plans are required to be submitted for approval, one (1) A3 size copy and one (1) electronic pdf copy of all relevant plans must be submitted.

## **Certification of Building Height**

7. Prior to the issue of a Development Permit for Building Work, the Applicant/Owner/Developer shall demonstrate to Council and the Cairns International Airport that all buildings, structures, aerals, lightning rods, antennae, poles, posts, trees (at maximum height) or other obstacles will not penetrate the Cairns International Airport Obstacle Limitation Surface which is 30.5 metres AHD over the site.
8. Prior to the issue of a Development Permit for Building Work, the Applicant/Owner/Developer must provide confirmation to Council, and the Cairns International Airport that any encroachments into the Operational Airspace (OLS or PANS-OPS) of the Cairns International Airport as a result of construction activities, including but not limited to the use of cranes or other equipment, have been approved by the Civil Aviation Safety Authority (CASA) and Airservices Australia.
9. Prior to the issue of a Certificate of Classification for the development, the Applicant/Owner/Developer shall submit certification from a licensed surveyor that the overall height of the as-constructed roof and any associated structures or trees (at maximum height) are in accordance with the material provided in response to Condition 7. A copy of the certification is to be provided to Cairns Airport.

To ensure the final building height is on program, the Applicant/Owner/Developer must submit certification and a copy provided to Cairns Airport from a licensed surveyor that the "As Constructed" Level four (4) height is in accordance with the latest drawings.

## **Acoustic Design**

10. The Applicant/Owner/Developer shall ensure that the development is designed and constructed to attenuate noise in accordance with *AS2021 (2015) Acoustics – Aircraft Noise Intrusion – Buildings siting and construction*.

Prior to the issue of the Certificate of Classification or Commencement of Use, whichever occurs first, the Applicant/Owner/ Developer shall submit certification to Council from an appropriately qualified and experienced Acoustic Engineer confirming that the development has been designed and constructed in accordance with *AS2021-2015 Acoustics – Aircraft Noise Intrusion – Buildings siting and construction*.

*Note: The Concurrence Agency Response provides further advice about development occurring within a Transport Noise Corridor.*

## **Detailed Landscape Plan**

11. Prior to the issue of a Development Permit for Building Work, submit a Detailed Landscape Plan, prepared generally in accordance with the approved Landscape Concept Plans prepared by LA3 and illustrating/demonstrating the following features:

- a. Deep vertical landscaping within the entire side and rear property boundary setback areas nominated on the Ground Level – Landscape Concept Plan and as depicted in the Elevations Vertical Green Analysis to achieve visual articulation and softening of the built form, minimising overlooking into neighbouring properties whilst maximising cross breezes and natural light into the buildings;

*Note: the proposed Pocket Garden with seating along the southern side boundary is not approved. Deep feature planting of tropical species is required that must achieve the heights depicted in the Elevations Vertical Analysis.*

*“Deep planting is the planting of shrubs and trees within the natural ground of the site where there are no structures or basements below the surface of the ground. Deep planting allows sufficient area and conditions to accommodate the normal full growth of large scale trees.”*

- b. Planter boxes, roof top planting and vertical walls must be designed in consultation with the building designer and structural engineer to ensure the building is capable of accommodating these landscape features. The detailed landscape design must include relevant engineering, soil medium, mulching and irrigation specifications to demonstrate that the species selected for the planter is appropriate and will achieve the desired visual outcome;
- c. Final species selection for the roof top gardens must be able to withstand a roof top environment (i.e. drought tolerant and wind resistant) and be suitably resilient;
- d. a detailed planting design and schedule for all proposed landscaped areas including but not limited to street frontages, side and rear property boundary setback and roof top areas. The planting schedule is to include a selection of layered/tiered tropical species which will grow to differing heights including trees, palms and shrub species within the side and rear property boundaries to achieve heights depicted within the Elevations Vertical Green Analysis within the property boundary. At a minimum the planting must screen the built form of solid walls below the finished floor of level 4;

*Note: The proposed Indian Mast Trees, Polyalthia longifolia and Alexandra Palms Archontophoenix alexandrae, are acceptable although additional trees shrubs and palms to achieve the layered vertical landscaping/garden must be included within the deep planted setback areas.*

- e. any landscaped areas adjoining car parking and manoeuvring areas must be protected by a 150mm high vertical concrete kerb or similar obstruction. The kerb must be sufficiently setback from the edge of the landscaped area to prevent vehicular encroachment and damage to plants and vehicles;
- f. details of the climatic conditions of the locality which will inform the species selection;

- g. details of the size of the planter boxes including engineering specifications and any associated irrigation system;
- h. details of any fencing associated with the development;
- i. detail how the proposed landscape treatments respond to the design principals of tropical urbanism as detailed within Planning Scheme Policy SC6.16;
- j. details and specifications for the installation of the car park shade trees and gardens inclusive of in ground permanent irrigation and concrete kerb for tree protection. The car parking trees must be installed in accordance with the FNQROC Development Manual Standard Drawing S4100 Tree protection within carriageway with a minimum two (2) x 2 metre mulched area excavated to a depth of 500mm backfilled with imported soil. The species nominated for shade trees must provide a significant evergreen canopy at maturity;
- k. A planting schedule specifying for all trees and palms to be planted within the side and rear setback areas, within the car parking area and Level 1 to be supplied in an advanced size (minimum 400mm/45lt container and minimum two metres in height with a clear trunk and canopy). A minimum 200mm contained size must be specified for shrubs; and
- l. Any existing landscape treatments, either hardscape or softscape, street furniture, infrastructure or assets that are proposed to be removed, relocated or retained.

The Detailed Landscape Plan must be submitted to and approved by the Chief Executive Officer prior to the commencement of building works on the site.

The completion of all landscaping works for the approved development must be undertaken in accordance with the approved plan prior to the issue of a Certificate of Classification or the Commencement of Use, whichever occurs first.

Landscaped areas must be maintained at all times and for the life of the development, to the satisfaction of the Chief Executive Officer.

### **Street Trees**

12. The installation of six (6) street trees within the verge fronting Sheridan Street or an alternative number approved by Council, which will achieve the intent /heights demonstrated within the 3D Visualisations. Details and specifications for street tree supply, installation and establishment must be provided in accordance with the FNQROC Development Manual Standard Drawing S4210 Street Tree Planting. The minimum area for street tree planting must be in accordance with the FNQROC Development Manual Standard Drawing S1004 Typical Section for 4.5m Verge inclusive of the installation of a root barrier and distance from services;

Or

Additional specific specifications for supply, planting installation and establishment must be submitted for assessment within the landscaping documentation for the proposed installation of street trees within a reduced tree zone.

13. The street trees proposed are to be approved by Council and pre-ordered.
14. Street trees must be supplied in an advanced container size, minimum two (2) metres in height with a clear trunk and canopy at installation and are not to encroach within the pedestrian or vehicular access whilst establishing or at maturity.
15. Street trees are to be established and maintained in accordance with the Australian Standard AS4373 Pruning of Amenity Trees and the Planning Scheme Policy - Crime Prevention Through Environmental Design.
16. The verge treatment must be in accordance with the FNQROC Development Manual Landscaping Design Guidelines Verges D9.06. Turf must be installed in accordance with FNQROC Development Manual Landscaping Specifications Turfing S8.04
17. The external works outlined above require a Development Permit for Operational Works. Such work must be constructed in accordance with the endorsed plan(s), to the satisfaction of the Chief Executive Officer and inspected by Council, prior to the Commencement of Use.

### **Landscape Maintenance and Management Plan**

18. In conjunction with the submission of a Detailed Landscape Plan, the Applicant/Owner/Developer shall submit for approval a Landscape Maintenance and Management Plan. This plan must detail the maintenance and management regime(s) that are to be implemented to ensure the landscape features of the development are retained for the life of the development.
19. The endorsed Landscape Maintenance and Management Plan must be referenced within the Building Management Statement.

### **Pedestrian Access**

20. The design of the building shall be such that any ramping or step up into the property is wholly contained within the site and does not occur within the road reserve. No grade change for pedestrian access is permitted to occur within the road reserve.
21. A minimum unobstructed width of 2m clear shall be maintained at all times along the footpath for the entire frontage of the site upon Commencement of Use.

## **Vehicular Access**

22. Provide a commercial standard concrete crossover and apron for the Sheridan Street entrance in accordance with the FNQROC Development Manual Standard Drawing S1015, Revision C unless otherwise approved by the Chief Executive Officer.
23. Prior to the Commencement of Use, the Applicant/Owner/Developer shall remove any redundant crossovers and reinstate with Kerb and Channel, to the satisfaction of the Chief Executive Officer.

## **Vehicle Parking**

24. The amount of vehicle parking for the development must be as per the approved plans of development, being a total of 98 car parking spaces. The car parking layout including, but not limited to parking bay dimensions, aisle widths, speed control, blind aisles, ramp grade and transitions and clearance heights (including for accessible parking spaces) must comply with the requirements of Australian Standard AS2890.1-2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. All car parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

The car parking and manoeuvring areas on the site must specifically provide for the following:

- a. Parking spaces adjacent to columns and walls must have a minimum unobstructed clear width in accordance with the requirements of AS2890.1;
- b. The disabled off-street car park must be design in accordance with AS2890.6 Off Street Car Parking for People with Disabilities; including parking bay dimensions and shared area;
- c. The driveway servicing the car parking area must include a physical means of speed control at the exit point;
- d. No reliance must be placed on on-street parking to meet any parking demand generated by the development;
- e. Provision must be made for the loading and unloading of vehicles and servicing of the site by a garbage collection vehicle within the site;
- f. Tandem parking spaces 79-86 are to be for the specific use of the 4 x 3br units only, such that spaces 79 & 83, 80 & 84, 81 & 85 and 82 & 86 are each for the use of a single household, to be formalised in the community management statement;
- g. The vehicle parking and manoeuvring layout much be such that all vehicles, including service vehicles and buses, can enter and exit in a forward direction, and

- h. line marking and signage of all car parking areas.
25. All car parking spaces associated with the units, commercial and retail activities must be allocated and appropriately identified within the car parking areas on the site. Parking spaces allocated for commercial and retail activities must be made freely available, accessible and identifiable.

All car parking spaces to be allocated must be shown on a Parking Layout Plan to be submitted prior to and endorsed by the Chief Executive Officer prior to the issue of the Certificate of Classification.

### **Parking Signage**

26. Erect signs advertising the location of off-street visitor parking prior to the commencement of use.

### **Bicycle Parking**

27. Provide secured, on-site bicycle parking in accordance with Table 10-1 of AUSTRROADS Guide to Traffic Engineering Practice Part 14 – Bicycles. The bicycle parking spaces must be provided and available for use at the time of Commencement of Use.

### **External Works**

28. The Applicant/Owner/Developer shall undertake the following External Works:
- a. Provide a new crossover and aprons in accordance with the FNQROC Development Manual Standard Drawing S1015;
  - b. The new section of footpath must match neatly with the existing footpath at both extents in relation to alignment and grade;
  - c. Upgrade the existing footpath along the full frontage of the property to minimum 2m wide in accordance with the FNQROC Development Manual Standard Drawing S1035;
  - d. Replace the kerb and channel along the Sheridan Street frontage; and
  - e. Reinststate any redundant crossovers and replace with kerb and channel.

The works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use or issue of the Certificate of Classification, whichever occurs first.

### **Water Supply and Sewerage Works External**

29. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:

- a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage; and
- b. Augment existing sewers and pump station(s) downstream of the site, to the extent required to accommodate the increased flows generated by the development.

The external works outlined above require Operational Works approval from Council. One (1) copy of a plan of the works at A3 size and one (1) electronic pdf copy must be provided to Council as part of the application. Such work must be constructed in accordance with the approved plan(s) to the satisfaction of the Chief Executive Officer prior to Commencement of Use or issue of the Certificate of Classification, whichever occurs first.

### **Water Supply and Sewerage Works Internal**

30. 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. Smart meters are to align with Council's Smart Meter Program;
- c. Provide a plan showing the layout of the buildings and location of the sewer main traversing the site taking into consideration any relocation options;
- d. Relocate the existing sewer or amend the development layout such that the sewer is a minimum of 1.2 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure;

or

Any building works located over or near the existing sewer is subject to a Plumbing application for Permission to Build over/and or Adjacent to Sewer Mains. The design of the building and footings over the sewer must comply with Council's requirements, in particular:-

- i. Relining or replacement of the sewer;
- ii. The pier footings are to extend below the invert of the sewer;
- iii. An access zone of 2.4m high by 1.5m wide centrally over the sewer is to be provided;

- iv. Saw cut joints are to be made in the ground slab or provide removable paving to facilitate removal of the concrete over the sewer.
- e. Private Water and Sewerage infrastructure must be managed by a Community Titles Scheme. If the development consists of more than one Body Corporate a parent Body Corporate shall be established to manage the operation and maintenance of the internal water and sewerage infrastructure;
- f. Any redundant sewer property connection and water connection shall be decommissioned and removed.

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 Council's approval for the Plan of Survey, whichever occurs first.

### **Firefighting**

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

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

Works required by this condition must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or issue of the Certificate of Classification, whichever occurs first.

### **Sewer Easement**

- 32. Create an easement in favour of Council subject to Council's relevant standard terms document having a nominal width of 3 metres over the existing sewer 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 approval and dating of the Building Format Plan and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey. The approved easement document must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey prior to the Commencement of Use.

### **Inspection of Sewers**

33. CCTV inspections of existing sewers must be undertaken at works completion where works inclusive of building works and construction activities have been undertaken over, adjacent or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or Council's approval for the Plan of Survey whichever occurs first.

### **Damage to Infrastructure**

34. In the event that any part of Council's existing road, sewerage, water or drainage 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 / Developer must notify Cairns Regional Council immediately of the affected infrastructure, and have it repaired or replaced by Cairns Regional Council, at the Applicant's / Owner's / Developer's cost, prior to the Commencement of Use or issue of a Certificate of Classification, whichever occurs first.

### **Refuse Storage**

35. The development must be designed to be serviced by bulk bins. A bulk bin enclosure must be provided in accordance with Council's requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.

Details must be shown on the plan of works and must be approved by the Chief Executive Officer prior to issue of an Operational Works Approval or Compliance Permit for Building Works.

The bin enclosure must be constructed in accordance with the approved plans prior to the commencement of use or lodgement of the building unit plan whichever occurs first.

### **Liquid Waste Disposal**

36. 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.

## **Site Based Stormwater Management Plan**

37. The applicant is required to submit a Site Based Stormwater Management Plan (SBSMP) for the development. This document must nominate the required soil and water management measures that are to be installed/implemented on the subject site to control the severity and extent of soil erosion, pollutant transport and any other water quality issues that may arise on the subject site (or on adjacent properties as a result of development of the subject site) during the construction phase and post-construction phase of the development. The SBSMP must be in accordance with the requirements of the Environmental Protection Act 1994, the Queensland Urban Drainage Manual, and the FNQROC Development Manual and must be submitted prior to works commencing on the subject site. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.

## **Lawful Point of Discharge**

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

## **Minimum Fill and Floor Levels**

39. All habitable floor levels in the building must be located a minimum of 300mm above the 1% AEP flood event level of approximately 3.10 metres AHD (i.e. habitable floor levels shall be no less than 3.40 metres AHD) plus any hydraulic grade effect, in accordance with the FNQROC Development Manual, CBD Environs Drainage Management Plan and CairnsPlan 2016 requirements.

## **Ponding and/or Concentration of Stormwater**

40. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.
41. The proposed development must be designed and constructed to have a no-worsening effect on external properties.

## **Sediment and Erosion Control**

42. 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, the FNQROC Development Manual and Best Practice Erosion and Sediment Control – IECA Australasia, November 2008).

### **Lockable Storage**

43. Each unit must be provided with a minimum 2.5m<sup>2</sup> (minimum 5m<sup>3</sup> volume) of lockable storage space conveniently located with respect to the car parking spaces within the basement of the building.

### **Underground Electricity and Telecommunications Supply**

44. An underground connection of both electricity and telecommunication services are to be provided to the development.
45. All existing overhead power lines along Sheridan Street must be placed underground to the full extent of the development's frontage. The existing overhead service line and timber poles must be recovered. Such works are to be undertaken by Ergon Energy or its approved contractor at the applicant's expense.
46. If the electrical load of the development requires a supply upgrade by Ergon Energy, provision must be made for a padmount transformer on site. A pole mount transformer would not be acceptable to Council. The padmount substation is to be incorporated within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas. A dedicated vehicle access and parking space must be provided for access and maintenance by Ergon. Details of the electrical substation positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Approval for Building Work.
47. The above conditions relating to electricity supply must be provided to Ergon Energy at the same time as the application for Network Connection Services/power supply.

### **Lighting**

48. 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.
49. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).
50. All lighting shall be designed and constructed by a suitably qualified and experience person/entity to ensure that it does not increase the risk of an aircraft incident and has regard to the *Manual of Standards Part 139 – Aerodromes Chapter 9 Section 9.21 – Lighting in the Vicinity of Aerodrome*.

### **Multiple Dwelling/Short Term Accommodation Screening**

51. Where habitable rooms of the proposed Multiple Dwellings/Short Term Accommodation address external property boundaries, provide suitable screening in accordance with the approved plans of development.

## Detailed Plans – Materials, Finishes and Colour Palette

52. Prior to the issue of a Development Permit for Building Work, the Applicant/Owner must submit and have approved by Council detailed plans, prepared by a registered Architect or Building Designer for implementation within the development. The detailed plans must illustrate the façade treatment, external materials, and colours of the building, in accordance with the following:
- Detailed elevation and façade treatment drawings for the ground, and typical tower floor levels;
  - Detailed plans, sections and elevations of materials for the façade including structural elements such as balustrades, screens, windows;
  - Provision for servicing and infrastructure, including but not limited to fire and sprinkler boosters; and
  - Screening to windows and balconies in accordance with conditions of this development approval.

Carry out the building work in accordance with the approved drawings to the satisfaction of the Chief Executive Officer. Submit certification to Council by a registered Architect or Building Designer confirming the building has been constructed in accordance with approved drawings prior to the commencement of use.

## Acoustic Treatments

53. A double-boarded screen fence of a minimum height of two (2) metres must be provided and/or retained along the side and rear boundaries of the proposed land. The fence must be designed to protect the amenity of adjoining residential uses and assist with noise and light attenuation, to the satisfaction of the Chief Executive Officer. Details of the fence are to be included in the Landscape Plan prepared for the development.
54. That the hotel restaurant outlook be adequately screened to protect the amenity of adjoining residents.

## CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

| Concurrency Agency | Concurrency Agency Reference | Date        | Council Electronic Reference |
|--------------------|------------------------------|-------------|------------------------------|
| SARA               | 1908-12609 SRA               | 25 Nov 2019 | 6243766                      |

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

## **ADVICE**

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

## **Infrastructure Charges Notice**

3. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

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

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

## **Transport Noise Corridor**

4. The subject site is located within a Transport Noise Corridor (mandatory) as designated by the State Government – SPP Interactive Mapping. New residential buildings and alterations must comply with the Queensland Development Code (QDC) Mandatory Part (MP) 4.4 'Buildings in a Transport Noise Corridor' (QDC4.4). Under the Code, buildings need to achieve certain levels of noise mitigation through the use of appropriate materials for the floor, walls, roof, windows and doors. For more information on Transport Noise Corridors visit [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au) or to access the SPP Interactive Mapping visit [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au).
5. Council will be implementing "smart" meters during the currency of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what they type of water meter/sub meter should be installed.
6. Advertising Devices in this location may require a permit under Council's Local Law No. 4 (Advertising Devices) 2019.

Where the advertising device is located on a State Controlled Road or visible from a State Controlled Road, it must comply with the Department of Transport and Main Roads Roadside Advertising Manual.

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

## **LAND USE DEFINITIONS\***

In accordance with CairnsPlan 2016 the approved land uses of *Multiple Dwelling*, *Short Term Accommodation*, *Shop*, *Hotel* and *Food & Drink Outlet* are defined as:

Multiple Dwelling:

*Premises containing three or more dwellings for separate households.*

Short-Term Accommodation:

*Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.*

*The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.*

Shop:

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

Hotel:

*Premises used primarily to sell liquor for consumption. The use may include short-term accommodation, dining*

Food and Drink Outlet:

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

\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

## **APPEAL RIGHTS**

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are attached as Appendix 5.

---

**END OF DECISION NOTICE**

## APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

### Plan - Site Plan



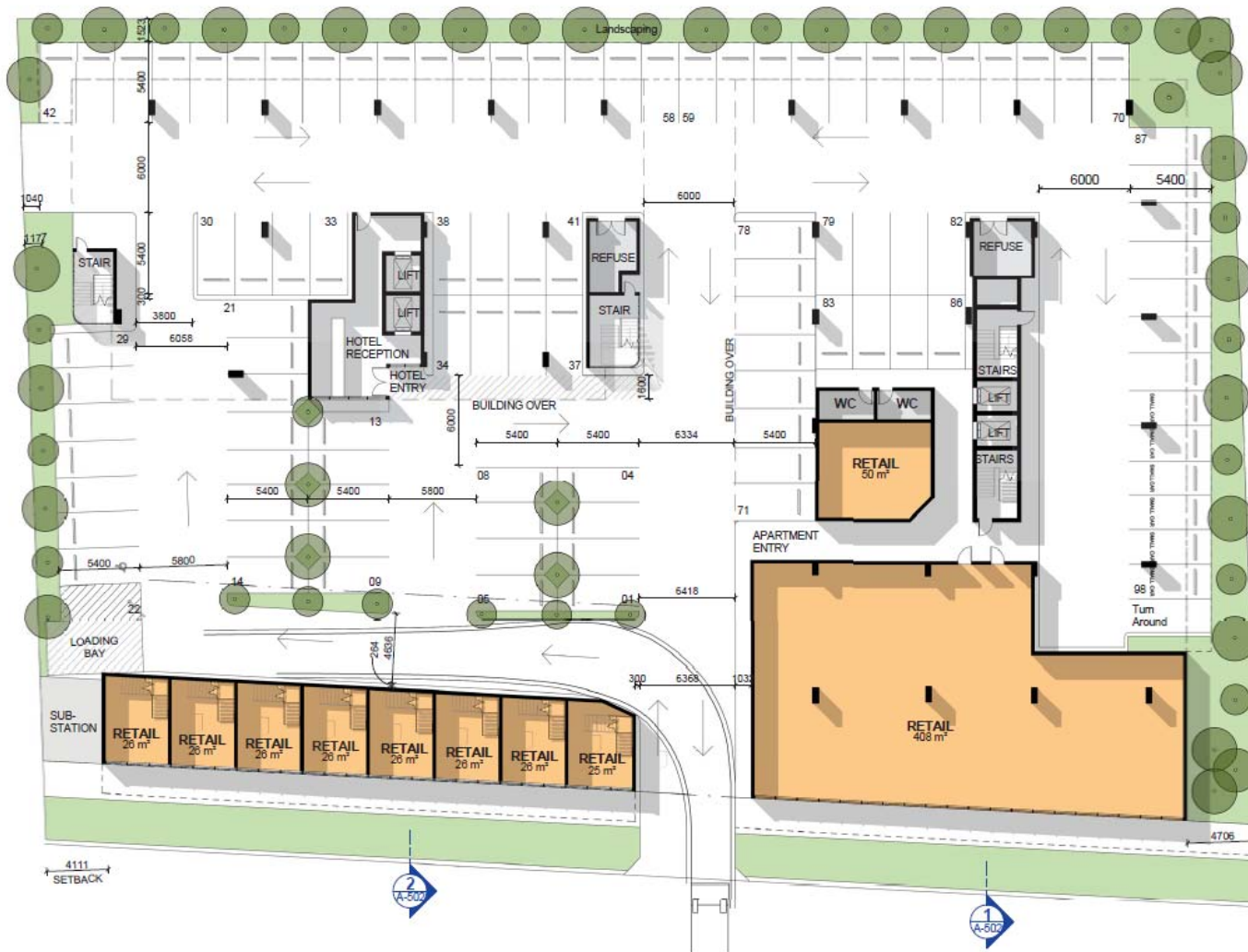
### Legibility

The site is located at 340-346 Sheridan street.

The site is quite unique with such a large Sheridan street frontage, this allows for a commercial frontage facing Sheridan street to activate the main city corridor from the north. The Sheridan street entrance provides a sophisticated and understated entry to the site with screening to facilities and greenery.

The facades are softened with vertical greenery & screens to reflect the soft tropical landscapes of Cairns.





# Plan - Level 1



340-346 Sheridan Street Development | Development Application | November 2019 | 1:250 @ A3

P9

# Plan - Level 2 & 3



# Plan - Level 4



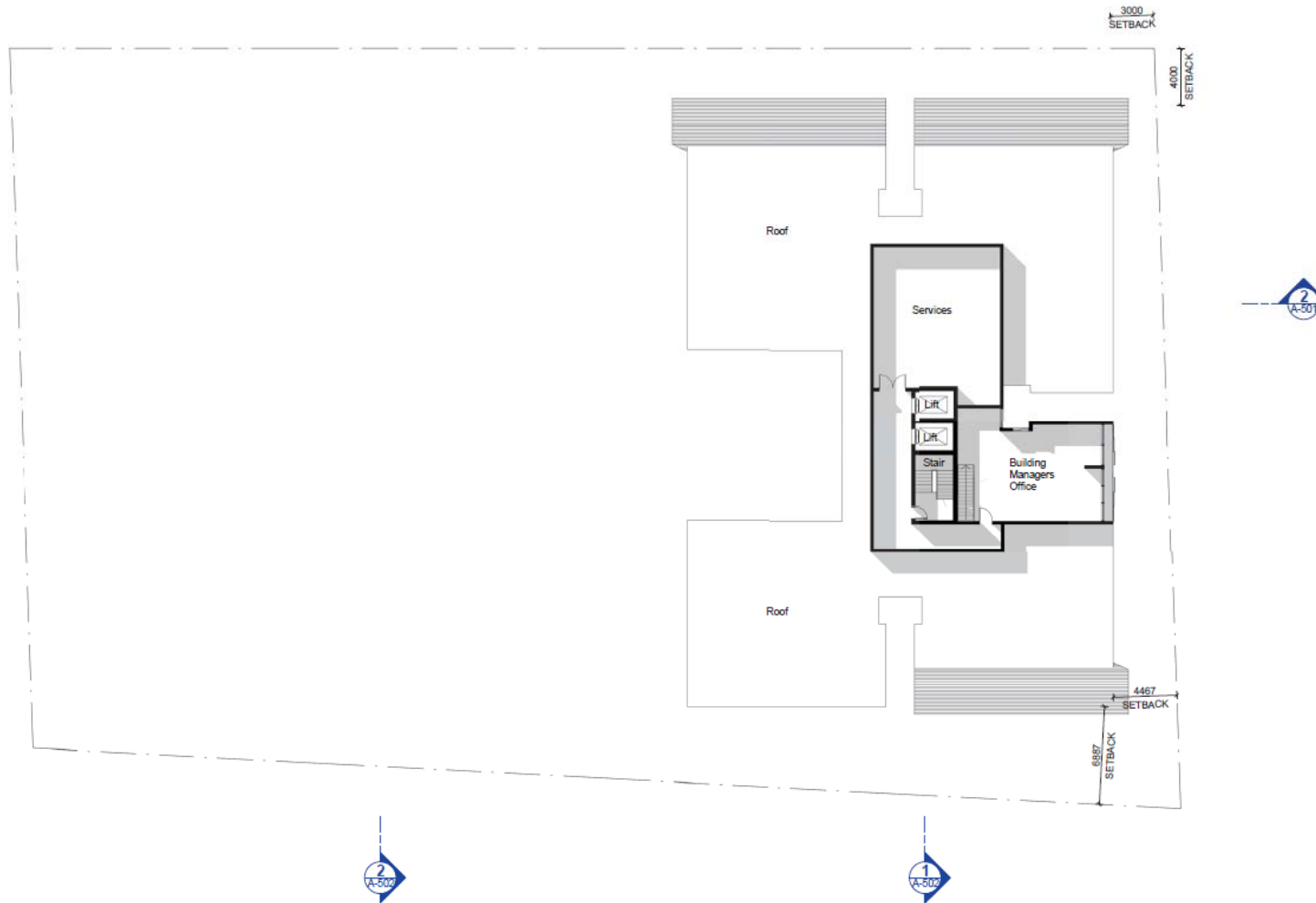
# Plan - Level 5



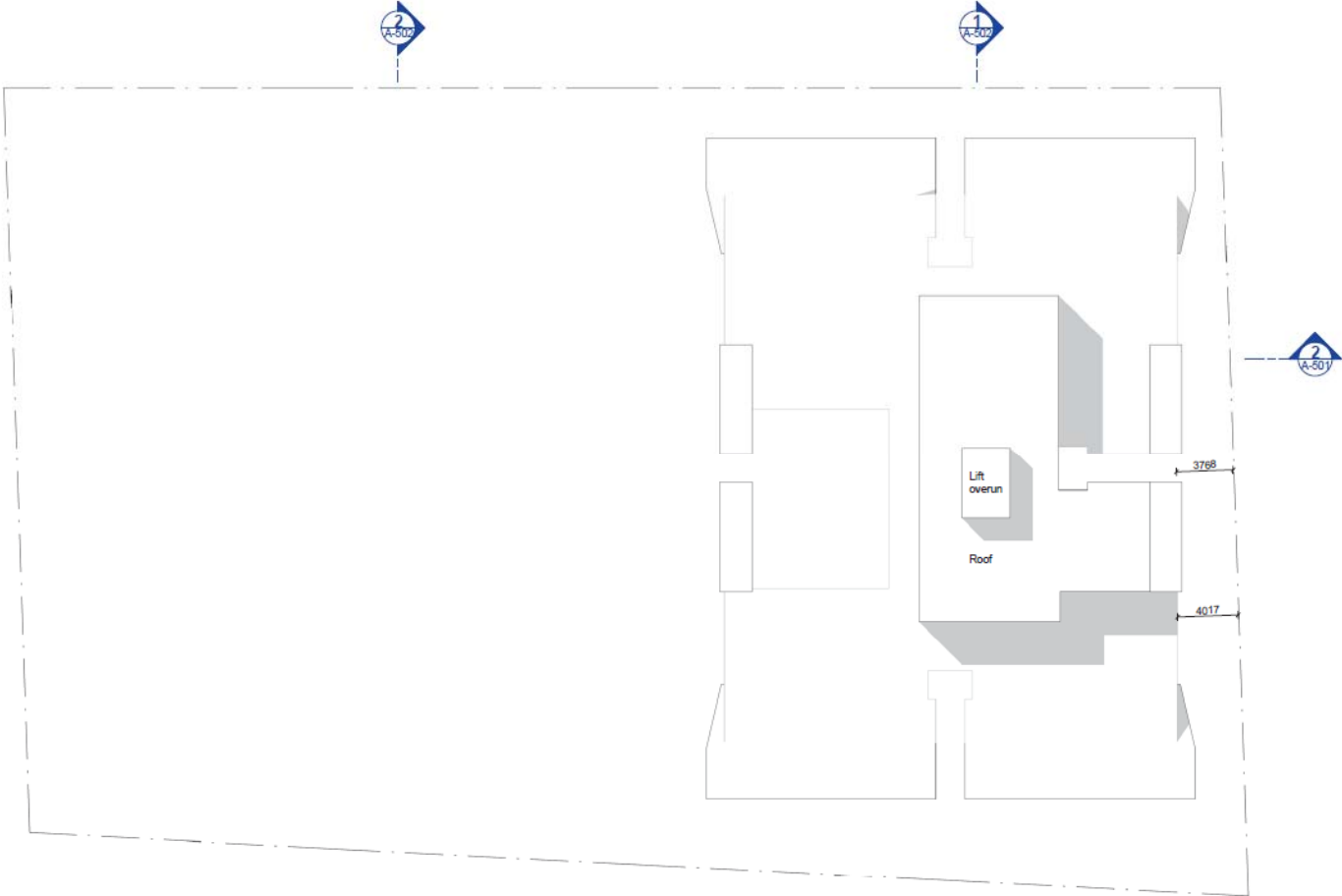
Plan - Level 6



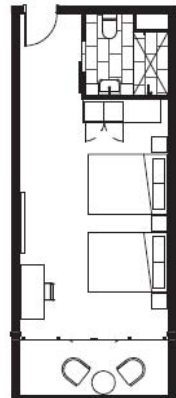
# Plan - Level 7



Plan - Roof Plan

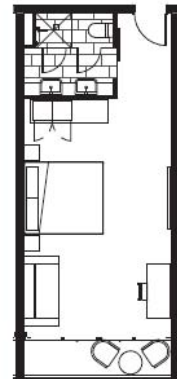


# Unit Types



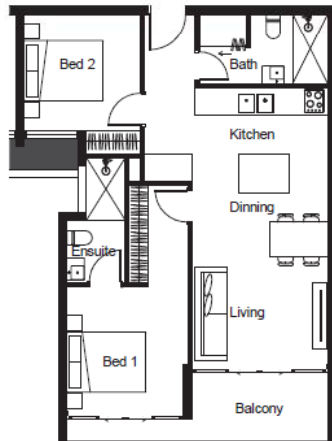
Type - 1A  
 Internal - 32m<sup>2</sup>  
 External - 6m<sup>2</sup>  
 TOTAL - 38m<sup>2</sup>

Hotel Suite 1A



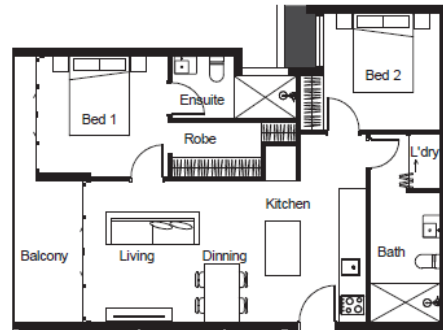
Type - 1B  
 Internal - 32m<sup>2</sup>  
 External - 4m<sup>2</sup>  
 TOTAL - 36m<sup>2</sup>

Hotel Suite 1B



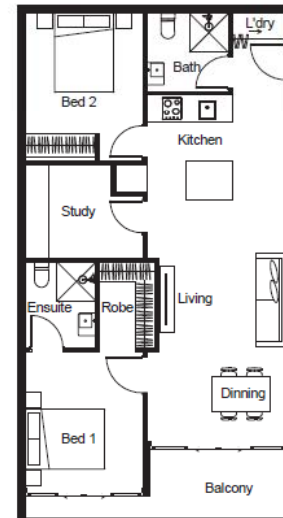
Unit Type- 2A  
 Internal - 71m<sup>2</sup>  
 External - 9m<sup>2</sup>  
 TOTAL - 80m<sup>2</sup>

Apartment Type 2A



Unit Type- 2B  
 Internal - 71m<sup>2</sup>  
 External - 9m<sup>2</sup>  
 TOTAL - 80m<sup>2</sup>

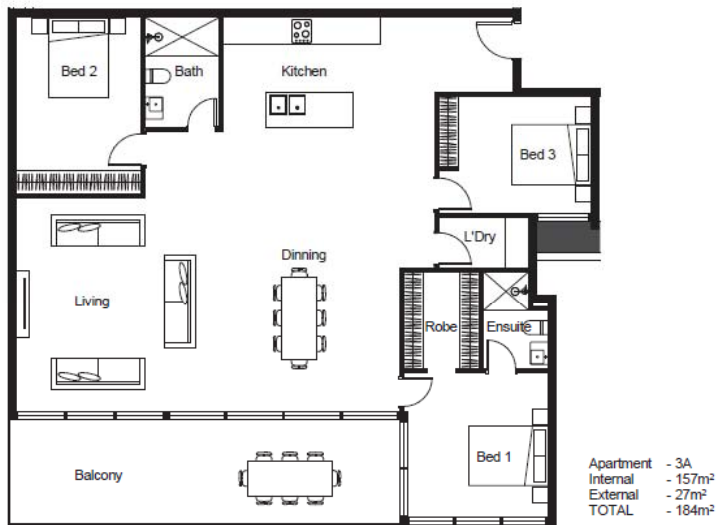
Apartment Type 2B



Unit Type- 2C  
 Internal - 83m<sup>2</sup>  
 External - 9m<sup>2</sup>  
 TOTAL - 92m<sup>2</sup>

Apartment Type 2C

# Unit Types

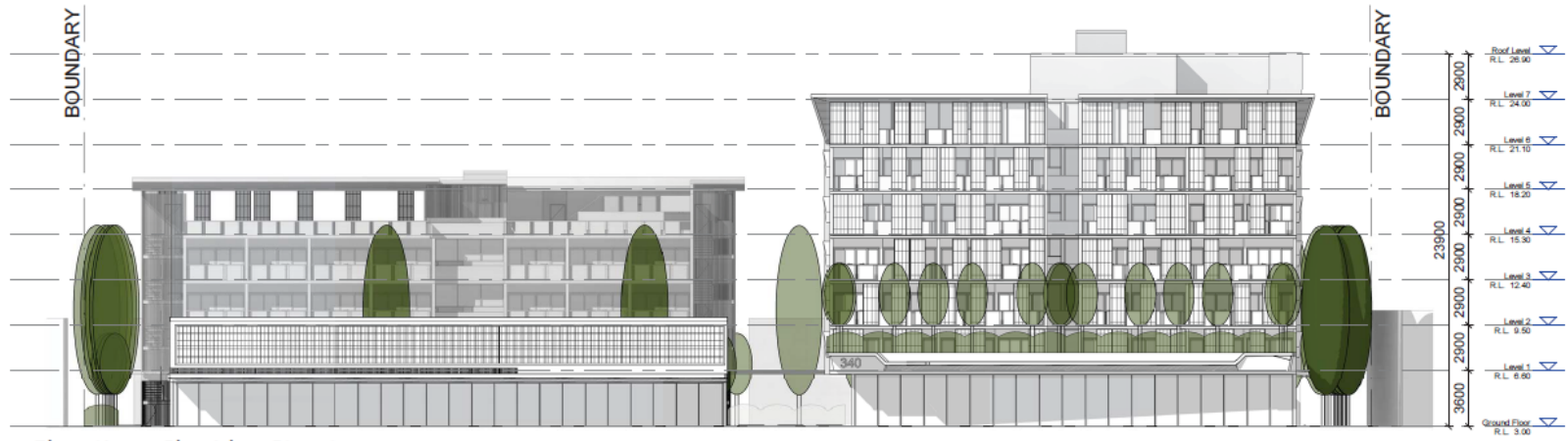


Apartment Type 3A - Penthouse



Apartment Type 4A - Penthouse

# Elevations

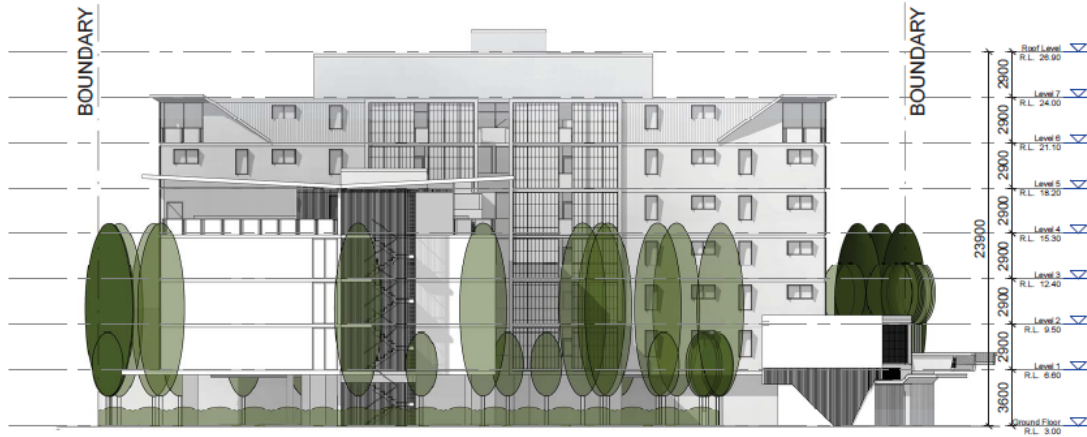


Elevation - Sheridan Street



Elevation - South West

# Elevations



Elevation - South East



Elevation - North West

# Elevations - Vertical Green Analysis



Elevation:  
Sheridan Street  
Approx. 27%



Elevation:  
South East  
Approx. 37%



Elevation:  
South West  
Approx. 52%



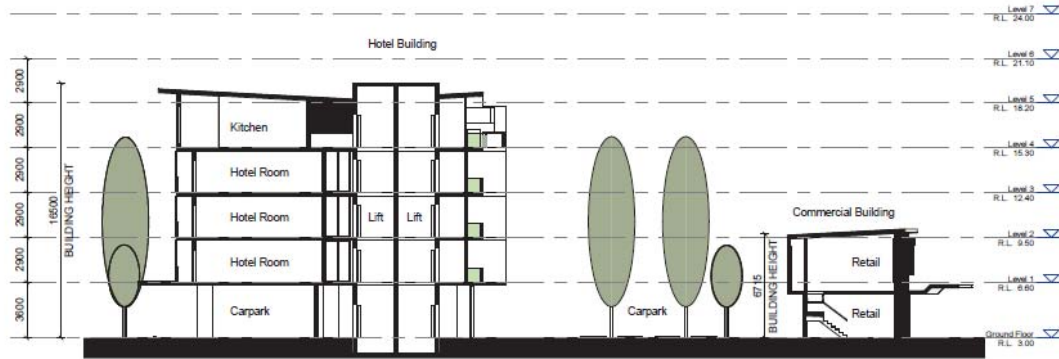
Elevation:  
North West  
Approx. 47%

# Sections

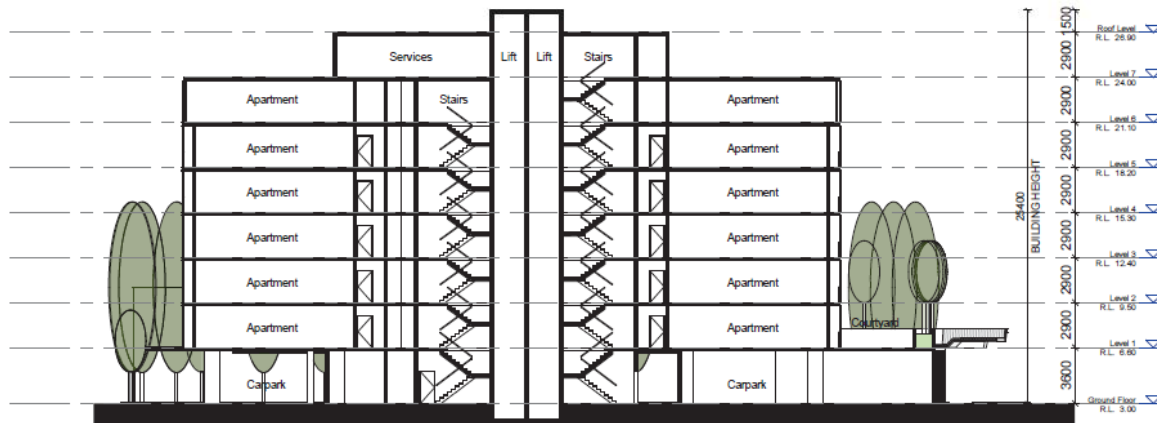


Section 1

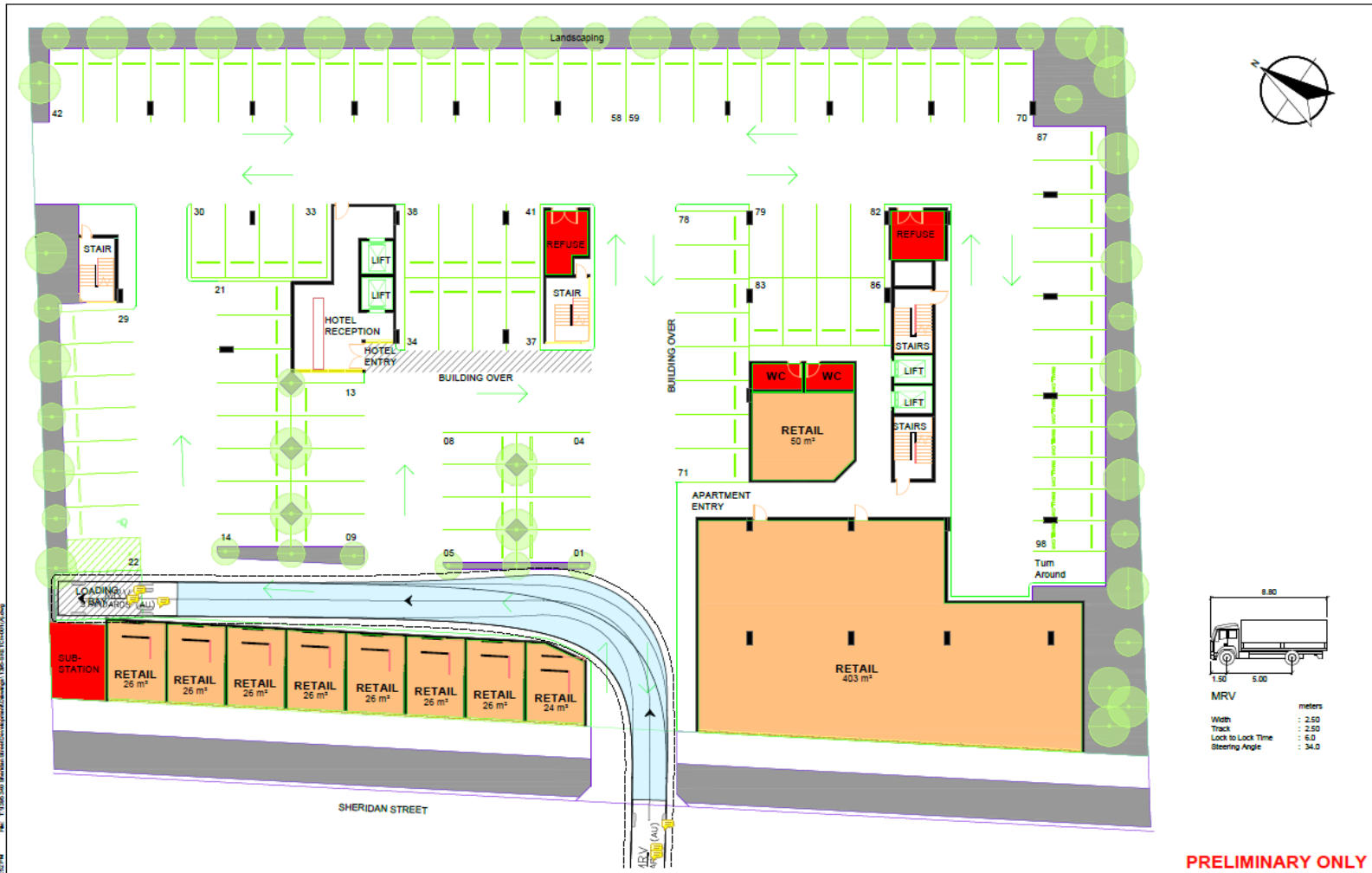
# Sections



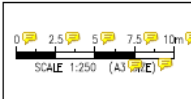
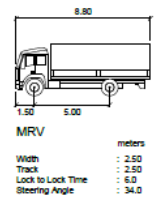
Section 2



Section 3



**PRELIMINARY ONLY**



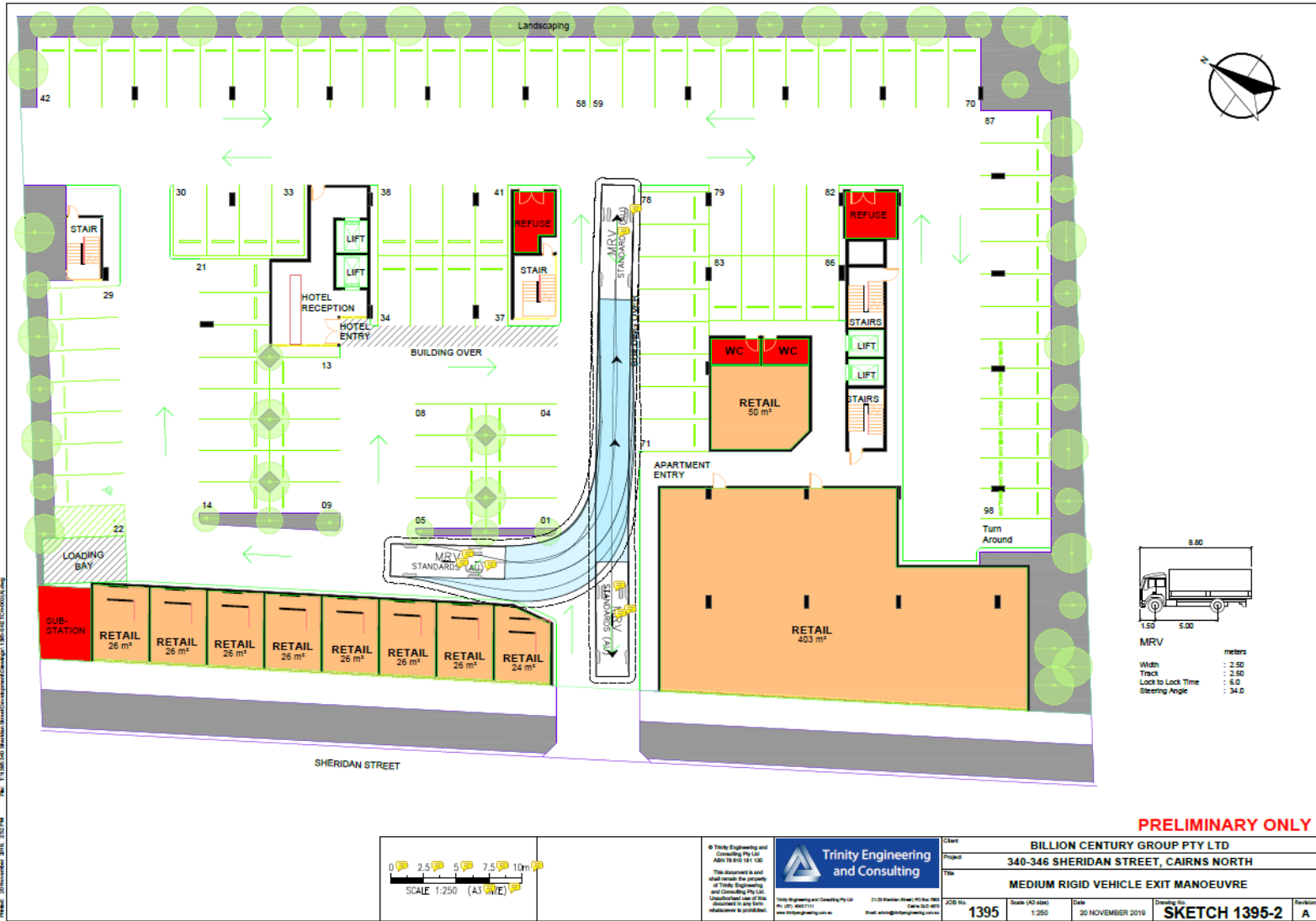
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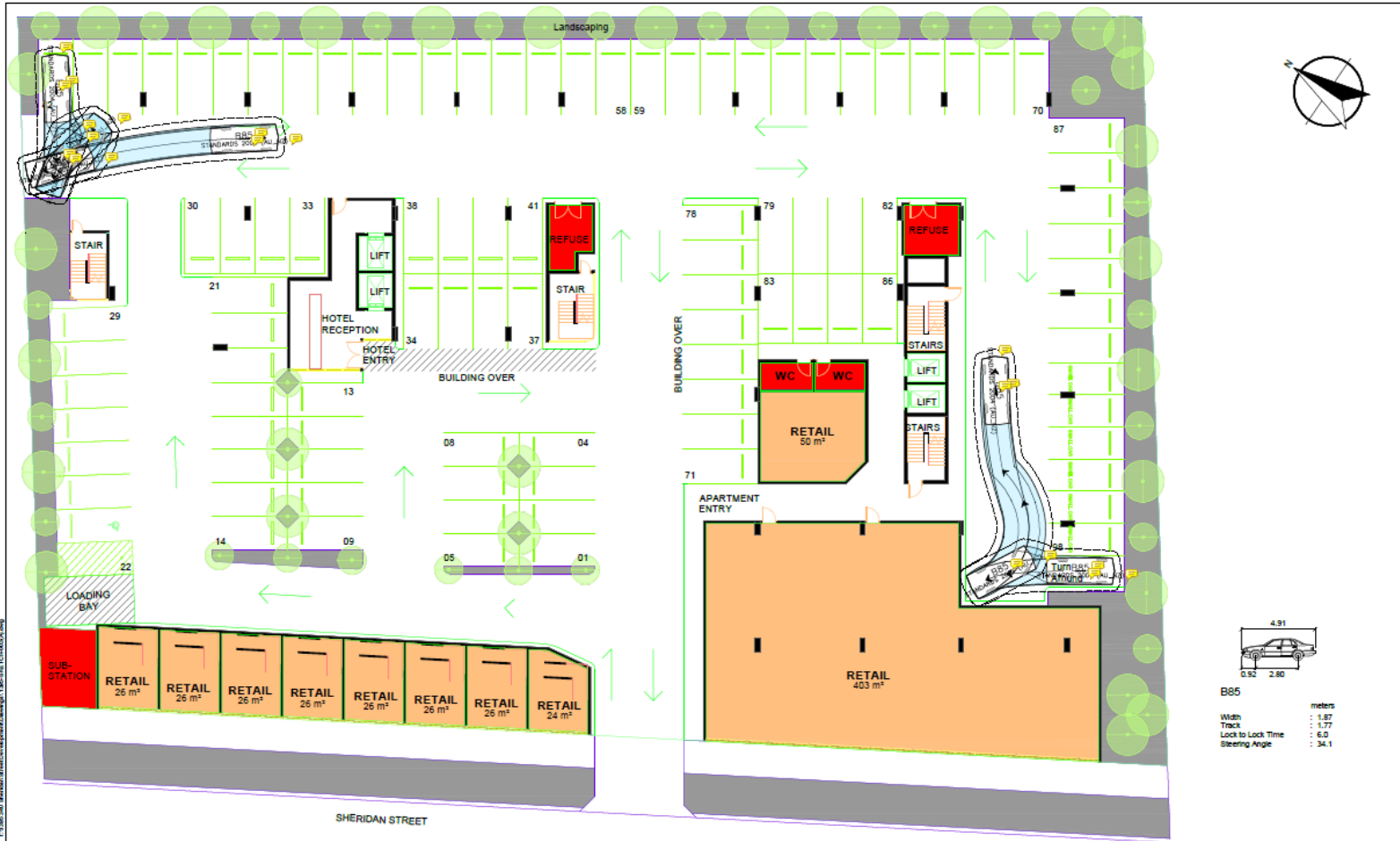
**Trinity Engineering and Consulting**

Trinity Engineering and Consulting Pty Ltd  
11/13 Gordon Street PO Box 980  
Mt. Sheridan QLD 4870  
www.trinityengineering.com.au

|          |                                       |                  |               |
|----------|---------------------------------------|------------------|---------------|
| Client   | BILLION CENTURY GROUP PTY LTD         |                  |               |
| Project  | 340-346 SHERIDAN STREET, CAIRNS NORTH |                  |               |
| Title    | MEDIUM RIGID VEHICLE ENTRY MANOEUVRE  |                  |               |
| Job No.  | 1395                                  | Scale (A3 sheet) | 1:250         |
| Date     | 20 NOVEMBER 2019                      | Drawing No.      | SKETCH 1395-1 |
| Revision | A                                     |                  |               |

External References: TED-TITLE-SKETCH-A3\_1.dwg; 1395-X-048E.dwg





**PRELIMINARY ONLY**



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www.trinityengineering.com.au Email: admin@trinityengineering.com.au

|          |                                       |                 |               |
|----------|---------------------------------------|-----------------|---------------|
| Client   | BILLION CENTURY GROUP PTY LTD         |                 |               |
| Project  | 340-346 SHERIDAN STREET, CAIRNS NORTH |                 |               |
| Title    | B85 VEHICLE EXIT MANOEUVRE            |                 |               |
| JOB No.  | 1395                                  | Scale (A3 Size) | 1:250         |
| Date     | 20 NOVEMBER 2019                      | Drawing No.     | SKETCH 1395-3 |
| Revision | A                                     |                 |               |

External References: TEO-TITLE-SKETCH-A3\_dwg:1395-3-BASE.dwg

- KEY**
- GARDEN BEDS  
REFER PLANTING  
PALETTE SHEET
  - ROAD / CARPARK
  - PAVED FOOTPATH  
TO CRC STANDARD
  - PROPOSED TREES
  - PROPOSED PALMS
  - PROPOSED STREET  
TREES
  - LOT BOUNDARY

Sheridan Street



**DESIGN STATEMENT**

The proposed landscape will transform this new mixed use development into a mini-urban oasis. The design maximises the limited open space using vertical landscape and facade planters covered with lush vegetation to soften the look and feel of the complex. The design also emphasises the importance of providing comfortable outdoor spaces and basic activities for users while creating and maintaining vantage points to the surrounding scenic environment. At the ground level, incorporating a small pocket garden on the south boundary continues the principle with seating and screening of the complex with tall Indian Mast Trees, hedges and accent palms. The residential courtyards on level one are provided with deep planters to allow trees to grow and give shade against the Western sun while still allowing views to the surrounding developments. The roof garden is designed to complement the adjacent restaurant and pool area by incorporating 'spillover spaces' including picnic areas, a mini-playground and a sunset deck for a more intimate conversation while enjoying a panoramic view of the nearby mountainous backdrop. There is also an opportunity to include some sensory garden plants or a veggie patch to further enhance the user's experience.



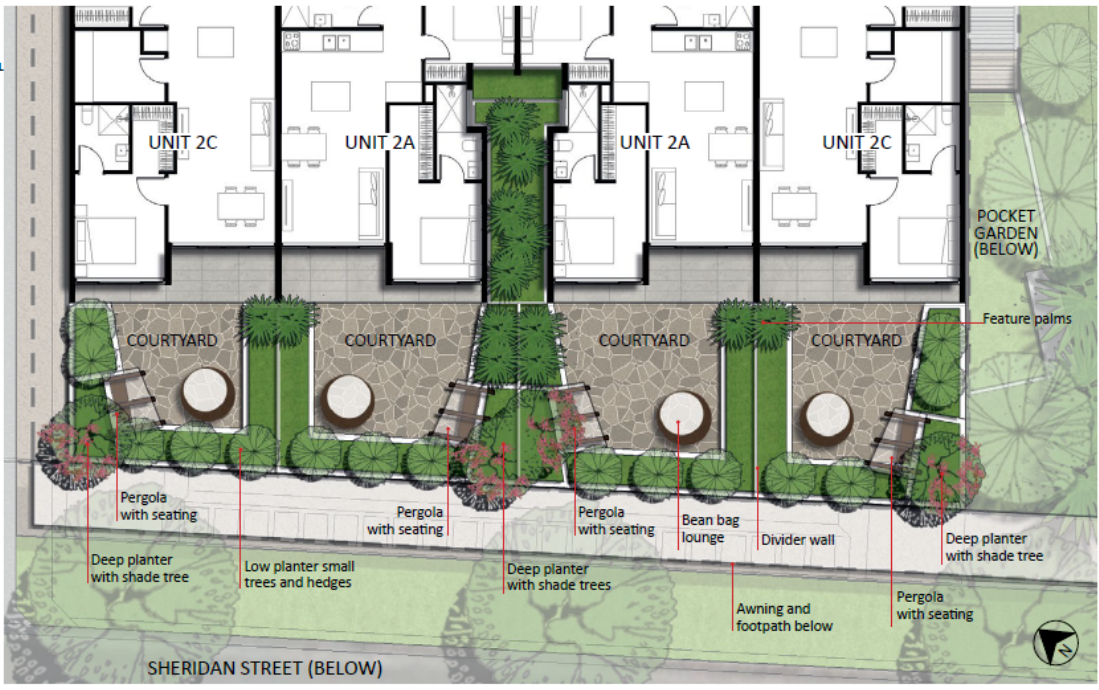
SCALE 1:300@A3

**ANDREW PROWSE**  
LANDSCAPE ARCHITECT

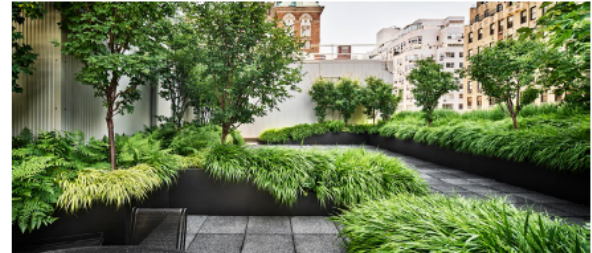
**GROUND LEVEL - LANDSCAPE CONCEPT PLAN**  
**SHERIDAN STREET DEVELOPMENT**  
340-346 SHERIDAN STREET, CAIRNS, QUEENSLAND  
April 2019 - Issue A

**LA3**  
www.LA3.com.au

- KEY**
- GARDEN BEDS
  - REFER PLANTING PALETTE SHEET
  - CRAZY CUT NATURAL STONE PAVING
  - PROPOSED TREES
  - PROPOSED PALMS



Sheridan Street



ANDREW PROWSE  
LANDSCAPE ARCHITECT

**LEVEL 1 COURTYARDS - LANDSCAPE CONCEPT**  
**SHERIDAN STREET DEVELOPMENT**  
 340-346 SHERIDAN STREET, CAIRNS, QUEENSLAND  
 April 2019 - Issue A





Sheridan Street

PALMS



Archontophoenix alexandrae



Chamaedorea seifrizii



Cytostachys renda



Ptychosperma macarthurii

TREES



Atractocarpus fitzalanii



Cupaniopsis anacardioides



Lagerstroemia 'N. White'



Lagerstroemia indica



Plumeria rubra



Polyalthia longifolia

SEMI-SHADE PLANTS



Calathea zebrina



Monstera deliciosa



Philodendron 'Imperial Red'



Philodendron 'Xanadu'

SHRUBS & GROUNDCOVERS



Agave attenuata



Alpinia purpurata



Bougainvillea sp.



Codiaeum variegatum



Ficus 'Green Island'



Gardenia 'Radicans'



Hemigraphis exotica



Hymenocallis littoralis



Ixora 'Malay Pink'



Murraya 'Min-a-min'



Phyllanthus multiflorus



Ophiopogon japonicus



Ophiopogon 'Stripey White'



Radermachera 'Summerscent'



Rhapis excelsa



Rhoeo spathacea



Schefflera arboricola



Vriesea imperialis

ANDREW PROWSE  
LANDSCAPE ARCHITECT

PLANT PALETTE  
SHERIDAN STREET DEVELOPMENT  
340-346 SHERIDAN STREET, CAIRNS, QUEENSLAND  
April 2019 - Issue A

LA3  
www.LA3.com.au

## Sheridan Street View



340-346 Sheridan Street Development | Development Application | November 2019  
3D Visualisation

P3

43.2019.9547

43/95

Hotel View



**APPENDIX 2: Notice of Intention to Commence Use**



**Notice of Intention to Commence Use**

**DEVELOPMENT PERMIT**  
***Planning Act 2016***

|                      |  |
|----------------------|--|
| Development Permit   | 8/7/4584   |
| Date of Approval     |  |
| Approved Use         | Multiple Dwelling, Short-Term Accommodation, Shop, Hotel and Food & Drink Outlet |
| Location             | 340, 342, 344 & 346 Sheridan Street, CAIRNS NORTH                                |
| Property Description | Lots 29, 30, 31 & 32 on C198131  |

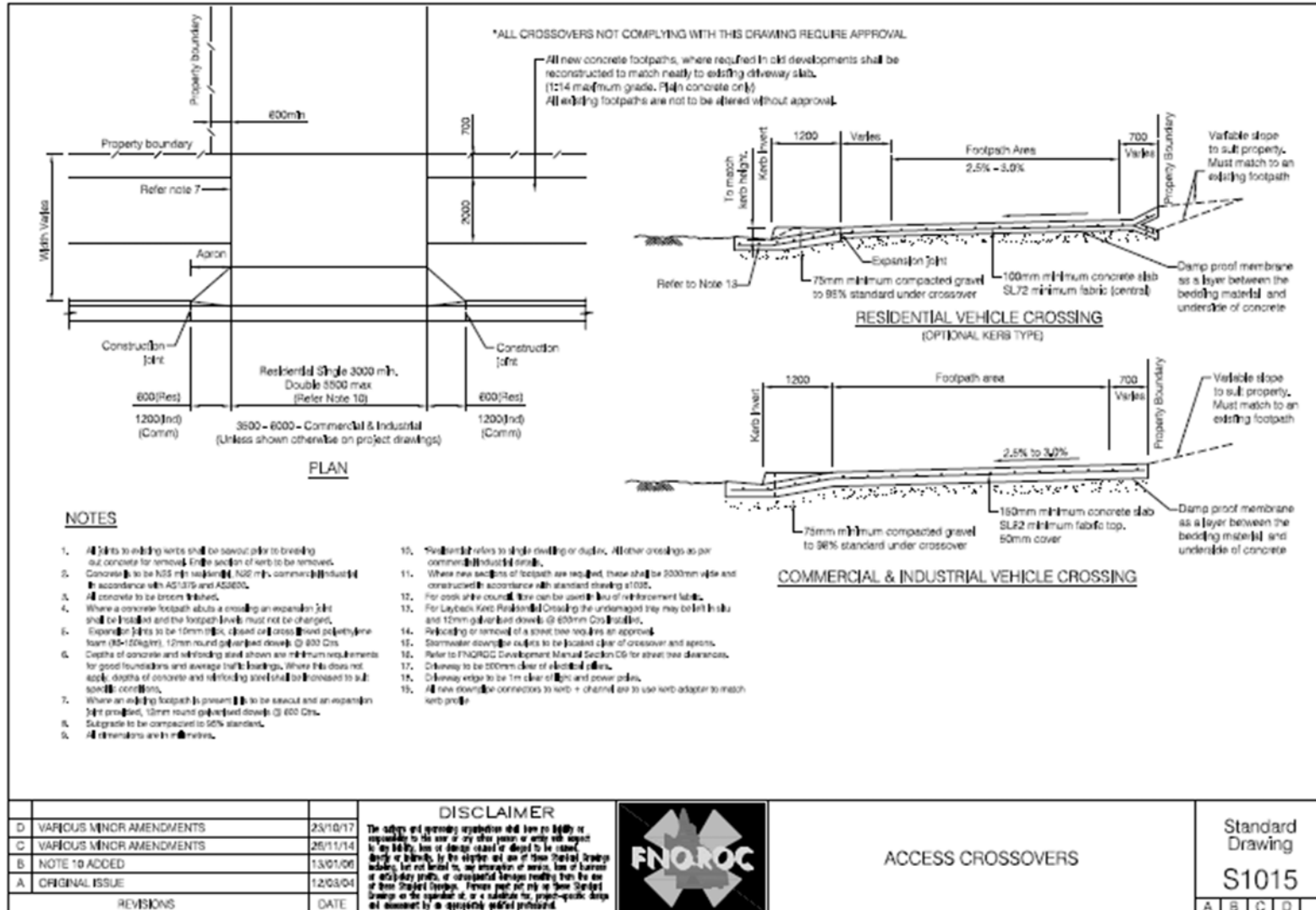
I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above

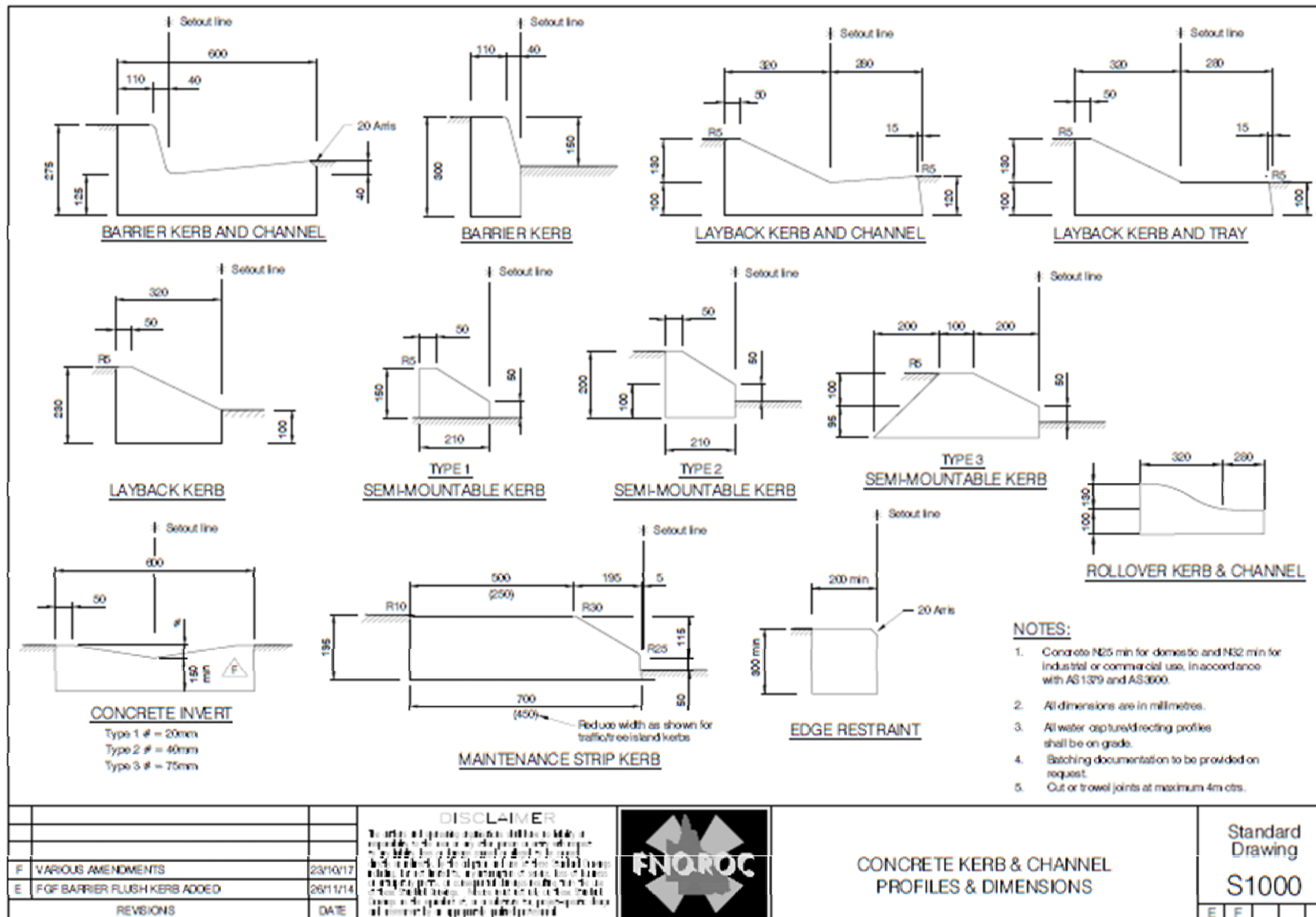
on \_\_\_\_\_ (insert date).

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: FNQROC Standard Drawings





## APPENDIX 4: Concurrence Agency conditions & requirements

RA6-N



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

SARA reference: 1908-12609 SRA  
Council reference: 8/7/4584  
Applicant reference: 17-01

25 November 2019

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

Attention: Michelle Henderson

Dear Sir/Madam

### **SARA response—340, 342, 344 and 346 Sheridan Street, Cairns North**

(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 15 August 2019.

#### **Response**

---

|                   |  |
|-------------------|--|
| Outcome:          | Referral agency response – with conditions.  |
| Date of response: | 25 November 2019   |
| Conditions:       | The conditions in <b>Attachment 1</b> must be attached to any development approval |
| Advice:           | Advice to the applicant is in <b>Attachment 2</b>                                  |
| Reasons:          | The reasons for the referral agency response are in <b>Attachment 3</b>            |

#### **Development details**

---

|               |  |  |
|---------------|--|--|
| Description:  | Development permit   | Material change of use (multiple dwelling, short-term accommodation, shop, hotel and food & drink outlet). |
| SARA role:    | Referral agency  |  |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use of premises near a State transport corridor or that is a future State transport corridor |  |

Page 1 of 8

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

SARA reference: 1908-12609 SRA  
 Assessment Manager: Cairns Regional Council  
 Street address: 340, 342, 344 and 346 Sheridan Street, Cairns North  
 Real property description: Lot 29 on C198131, Lot 30 on C198131, Lot 31 on C198131 and Lot 32 on C198131  
 Applicant name: Billion Century Group Pty Ltd & Good Hero Investment Pty Ltd  
 Applicant contact details: C/- Planning Plus,  
 PO Box 399  
 Redlynch QLD 4870  
 info@planningplusqld.com.au  
 State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:
 

- Approved
- Reference: TMR19-028066 (500-1420)
- Date: 20 November 2109

 If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at [ron.p.kaden@tmr.qld.gov.au](mailto:ron.p.kaden@tmr.qld.gov.au) or (07) 40457151

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in Attachment 4.

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email [CairnsSARA@dmdmp.qld.gov.au](mailto:CairnsSARA@dmdmp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Joanne Manson  
 A/Manager (Planning)

cc Billion Century Group Pty Ltd & Good Hero Investment Pty Ltd, info@planningplusqld.com.au  
 enc Attachment 1 - Referral agency conditions  
 Attachment 2 - Advice to the applicant  
 Attachment 3 - Reasons for referral agency response  
 Attachment 4 - Representation provisions  
 Attachment 5 - Approved plans and specifications

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

| No.  | Conditions   | Condition timing  |
|--|--|---|
| <b>Material change of use</b>  |  |   |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): |  |   |
| 1.   | <p>(a) The road access location is to be located generally in accordance with:</p> <ul style="list-style-type: none"> <li>• TMR Layout Plan (20A – 2.06km) prepared by Queensland Government Transport and Main Roads, dated 18/11/2019, File Reference TMR19-28066 (500-1420), Issue A.</li> <li>• Plan – Ground Floor, 340-346 Sheridan Street, dated April 2019</li> </ul> <p>(b) Road access works comprising of a sealed left-in / left-out commercial crossover must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Far North Queensland Regional Organisation of Councils (FNQROC) Standard Drawing S1015 - Access Crossovers, dated 23/10/17, Revision D.</p> | <p>(a) At all times</p> <p>(b) and (c) Prior to the commencement of use</p> |
| 2.   | Direct access is not permitted between the Captain Cook Highway (Sheridan Street) and Lots 29 - 30 on C198131 & Lot 32 on C198131.   | At all times  |
| 3.   | <p>(a) The existing vehicular property accesses located between Lots 29 - 30 on C198131 &amp; Lot 32 on C198131 and the Captain Cook Highway (Sheridan Street) must be permanently closed and removed.</p> <p>(b) The kerb and channelling between the pavement edge and the property boundary must be reinstated in accordance with Far North Queensland Regional Council Organisation (FNQROC) Concrete Kerb and Channel, Standard Drawing S1000, dated 23/10/17, Issue F at no cost to the Department of Transport and Main Roads'.</p>   | (a) and (c) Prior to the commencement of use                                |
| 4.   | <p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) interfere with and/or cause damage to the existing</li> </ol>  | (a) and (b) At all times  |

| No. | Conditions  | Condition timing  |
|-----|---|---|
|     | <p>stormwater drainage on the state-controlled road;</p> <p>(iii) surcharge any existing culvert or drain on the state-controlled road;</p> <p>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</p>  |   |
| 5.  | <p>(a) A RPEQ certified design of traffic safety devices for pedestrian safety at the driveway entrance to the site must be submitted to the Cairns district office of the Department of Transport and Main Roads - <a href="mailto:far_north_queensland.idas@tmr.qld.gov.au">far_north_queensland.idas@tmr.qld.gov.au</a>. The design must be undertaken in accordance with AS/NZ 2890, Australian/New Zealand Standard Parking Facilities, Part 1: Off Street Parking.</p> <p>(b) The proposed development and works to achieve pedestrian safety must be undertaken in accordance with the RPEQ certified design.</p> <p>(c) RPEQ certification must be provided to the Department of Transport and Main Roads – <a href="mailto:far_north_queensland.idas@tmr.qld.gov.au">far_north_queensland.idas@tmr.qld.gov.au</a>, confirming that the development has been constructed in accordance with the design.</p> | <p>(a) Prior to obtaining development approval for building works</p> <p>(b) and (c) Prior to the commencement of the use and maintained at all times</p> |

## Attachment 2—Advice to the applicant

| General advice |  |
|----------------|--|
| 1.             | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.5. If a word remains undefined it has its ordinary meaning.  |
| 2.             | <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the State Planning Policy Interactive Mapping System website: <a href="https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking">https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking</a> and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p> |
| 3.             | <p>In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>   |

### **Attachment 3—Reasons for referral agency response**

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(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for the department's decision are:**

- The proposed development will reduce the number of access points to the state-controlled road.
- The Department of Transport and Main roads has issued a decision notice – permitted road access location under section 62(1) of the *Transport Infrastructure Act 1994*.
- The proposed access is appropriately located and is unlikely to impact on the safety, function and efficiency of the state-controlled road.
- The proposed development is increasing the impervious area. A condition has been included to ensure that the development does not result in an actionable nuisance or worsening of stormwater or drainage impacts of the state-controlled road.
- The proposed development involves an accommodation activity and will require compliance with the Queensland Development Code MP4.4 – Buildings in a Transport Noise Corridor.
- The proposed development (with conditions) complies with the State Development Assessment Provisions, State code 1: Development in a state-controlled road environment.

**Material used in the assessment of the application:**

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

## **Attachment 4—Change representation provisions**

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(page left intentionally blank – separately attached)

## **Attachment 5—Approved plans and specifications**

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(page left intentionally blank – separately attached)

## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



**Permitted Road Access Location**  
 Near the northern boundary of Lot 31 on C198131,  
 and approx 150m south of Lily Street (2.06km RHS)  
 E 145.759308, N -16.905560


**Access Restrictions**  
 (a) Left-In, Left-Out vehicle movements only,  
 (b) Design vehicles up to a maximum size Four Axle Truck -  
 Class 5 Medium Length Heavy Vehicle\*\*

Note: \*\* as described in Austroads Vehicle Classification System

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**


SARA ref: 1908-12609 SRA

Date: 25 November 2019



|  |
|--|
| Branch/Unit: Corridor Management / Far North Region  |
| Projection/Datum: Geocentric Datum of Australia (GDA) 1994   |
| <ul style="list-style-type: none"> <li><span style="color: blue;">—</span> PROPERTY BOUNDARY</li> <li><span style="color: yellow;">—</span> SUBJECT LAND</li> <li><span style="color: yellow;">●</span> EXISTING CROSSOVERS TO BE PERMANENTLY REMOVED</li> </ul> |

**TMR Layout Plan  
 (20A - 2.06km)**

|   |                                  |                  |
|---|----------------------------------|------------------|
|  Queensland Government<br>Transport and Main Roads |                                  |                  |
| Plan: 1 / 1   | Issue: A                         | Date: 18/11/2019 |
| Drawn by: RPK   | File ref: TMR19-28066 (500-1420) |                  |

© The State of Queensland, 2016. © Pitney Bowes Software Pty Ltd, 2016. © QR Limited, 2019. Based on [Dataset: State Digital Road Network (SDRN)] provided with the permission of Pitney Bowes Software Pty Ltd (Contract as at 04/10). [Dataset: RdL\_Centre\_Line, May 2016] provided with the permission of QR Limited and other state government sources. Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and

Plan - Ground Floor

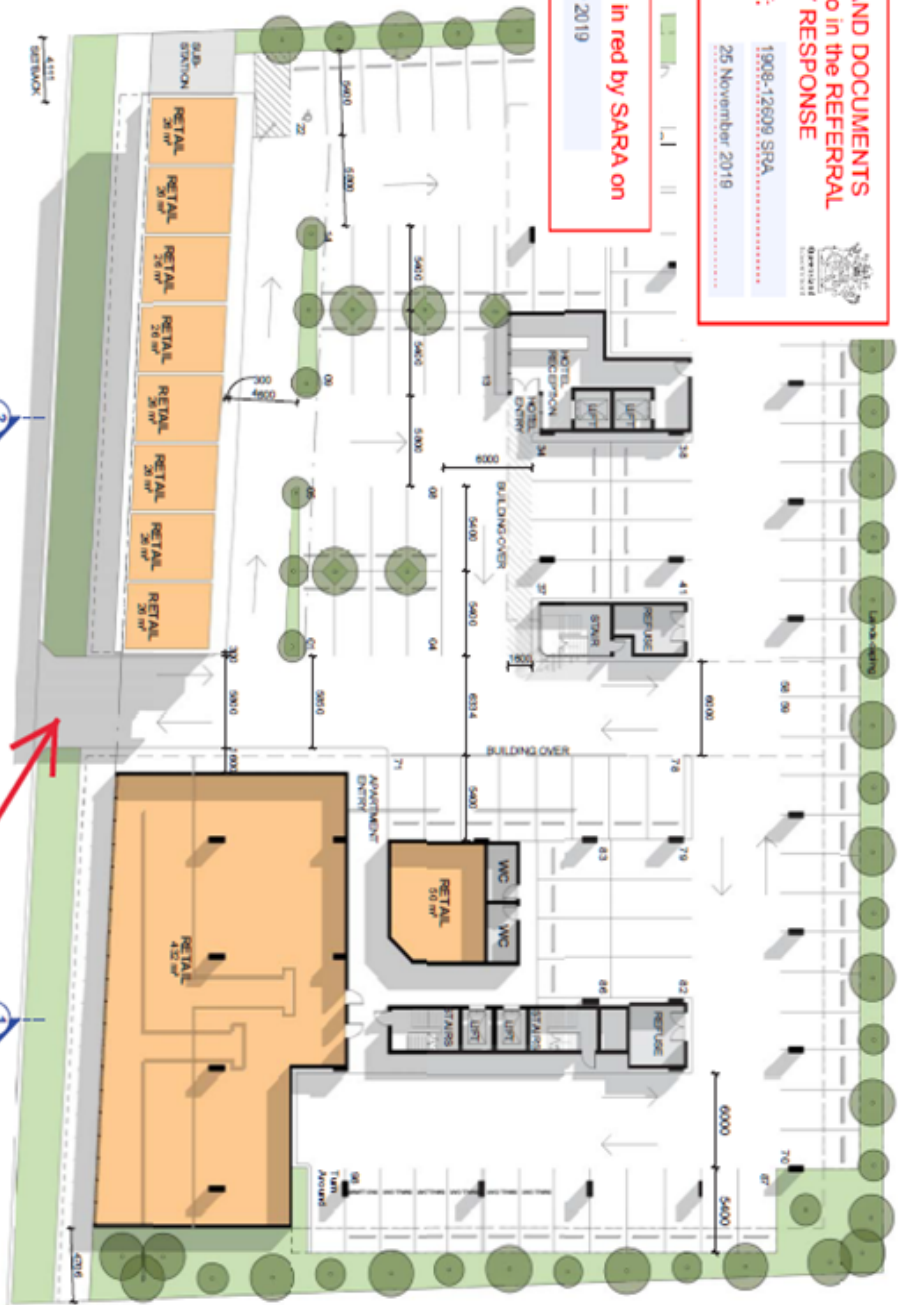
PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 1908-12609 SRA

Date: 25 November 2019



Amended in red by SARA on 25 November 2019



340-346 Sheridan Street Development | Development Application | April 2019  
 1230 @ A3

Road access works comprising of a sealed left-in/left out commercial crossover must be provided as the road access location in accordance with Condition 1.

Our ref TMR19-028066 (500-1420)  
Your ref 17-01  
Enquiries Ronald Kaden



Department of  
Transport and Main Roads

20 November 2019

## Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

**This is not an authorisation to commence work on a state-controlled road<sup>1</sup>**

Development application reference number 8/7/4584, lodged with Cairns Regional Council involves constructing or changing a vehicular access between Lot 29C198131, 30C198131, 31C198131, 32C198131, the land the subject of the application, and Captain Cook Highway (Sheridan Street) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

### Applicant Details

Name and address Billion Century Group Pty Ltd  
C/- Planning Plus  
PO Box 399  
Redlynch QLD 4870

### Application Details

Address of Property 340 - 346 Sheridan Street, Cairns North QLD 4870  
Real Property Description 29C198131, 30C198131, 31C198131, 32C198131  
Aspect/s of Development Development Permit for Material Change of Use for Short Term Accommodation, Shop, Hotel and Food & Drink Outlet

### Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

| No. | Conditions of Approval  | Condition Timing |
|-----|---|------------------|
| 1   | The permitted road access location for the development is near the northern boundary of Lot 31C198131, in accordance with:<br>a) TMR Layout Plan (20A - 2.06km) Issue A 18/11/2019,<br>b) Plan - Ground Floor 340-346 Sheridan Street <u>Development Page 8</u> prepared by CA Architects dated April 2019, and<br>c) Ground Level - Landscape Concept Plan Sheridan Street Development prepared by Andrew Prose Landscape Architect dated April 2019 Issue A | At all times.    |

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval  | Condition Timing             |
|-----|---|------------------------------|
| 2   | Direct access is prohibited between Captain Cook Highway (Sheridan Street) and the development Lots 29C198131, 30C198131, 31C1989131, 32C198131 at any location other than the permitted road access location described in Condition 1.   | At all times.                |
| 3   | The use of the permitted road access location is to be restricted to:<br>a) Left-In, Left-Out vehicle movements only<br>b) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle**<br><br>Note: ** as described in Austroads Vehicle Classification System   | At all times.                |
| 4   | Road Access Works comprising a commercial / industrial vehicle crossing must be provided at the Permitted Road Access Location, generally in accordance with;<br>a) FNQROC Standard Drawing S1015 - Access Crossovers   | Prior to commencement of use |
| 5   | The existing road access works situated between Captain Cook Highway (Sheridan Street) and development Lots 29C198131, 30C198131 & 32C198131, as indicated on TMR Layout Plan (20A - 2.06km) Issue A 18/11/2019, must be removed and all kerb and channel / grassed areas reinstated between the pavement edge and the property boundary in accordance with;<br>a) FNQROC Standard Drawing S1000 - Concrete Kerb & Channel Profiles &Dimensions | Prior to commencement of use |

#### Reasons for the decision

The reasons for this decision are as follows:

- a) Each of the lots (29C198131, 30C198131, 31C1989131, 32C198131) currently have road frontage and vehicle access via Captain Cook Highway (Sheridan Street), a state-controlled road.
- b) The development proposal will no longer require three of the four vehicle access locations.
- c) The existing vehicle access for lot 31C1989131 will be used for the proposed development
- d) As the proposed development is increasing generation, a section 62 approval is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

**Information about the Decision required to be given under section 67(2) of TIA**

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

**Further information about the decision**

1. In accordance with section 67(7) of TIA, this decision notice:
  - a) starts to have effect when the development approval has effect; and
  - b) stops having effect if the development approval lapses or is cancelled; and
  - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

**Further approvals**

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Development Control Officer, Corridor Management should be contacted by email at [ron.p.kaden@tmr.qld.gov.au](mailto:ron.p.kaden@tmr.qld.gov.au) or on (07) 4045 7151.

Yours sincerely



Peter McNamara  
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings  
Attachment B - Section 70 of TIA  
Attachment C - Appeal Provisions  
Attachment D - Permitted Road Access Location Plans

**Attachment A**  
**Decision Evidence and Findings**

Evidence or other material on which findings were based:

| Title of Evidence / Material  | Prepared by  | Date             | Reference no.             | Version / Issue |
|---|--|------------------|---------------------------|-----------------|
| TMR Layout Plan<br>(20A - 2.06km)                                       | Queensland<br>Government Transport<br>and Main Roads | 18 November 2019 | TMR19-28066<br>(500-1420) | A               |
| Plan - Ground Floor<br>340-346 Sheridan Street<br>Development           | CA Architects  | April 2019       | Page 8                    | -               |
| Ground Level - Landscape<br>Concept Plan<br>Sheridan Street Development | Andrew Prose<br>Landscape Architect                  | April 2019       | -                         | A               |

**Attachment B**  
**Section 70 of TIA**

*Transport Infrastructure Act 1994*  
Chapter 6 Road transport infrastructure  
Part 5 Management of State-controlled roads

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**70 Offences about road access locations and road access works, relating to decisions under s 62(1)**

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
  - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
  - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
  - (c) obtain any other access between the land and the road contrary to the decision; or
  - (d) use a road access location or road access works contrary to the decision; or
  - (e) contravene a condition stated in the decision; or
  - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
  - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

**Attachment C**  
**Appeal Provisions**

*Transport Infrastructure Act 1994*  
Chapter 16 General provisions

---

**485 Internal review of decisions**

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
  - (a) applies to the review; and
  - (b) provides—
    - (i) for the procedure for applying for the review and the way it is to be carried out; and
    - (ii) that the person may apply to QCAT to have the original decision stayed.

**485B Appeals against decisions**

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
  - (a) applies to the appeal; and
  - (b) provides—
    - (i) for the procedure for the appeal and the way it is to be disposed of; and
    - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
  - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

*original decision* means a decision described in schedule 3.

*reviewed decision* means the chief executive's decision on a review under section 485.

**31 Applying for review**

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
  - (a) the notice did not state the reasons for the original decision; and
  - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

**32 Stay of operation of original decision**

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
  - (a) may be given on conditions the relevant entity considers appropriate; and
  - (b) operates for the period specified by the relevant entity; and
  - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

*relevant entity* means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

### **35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

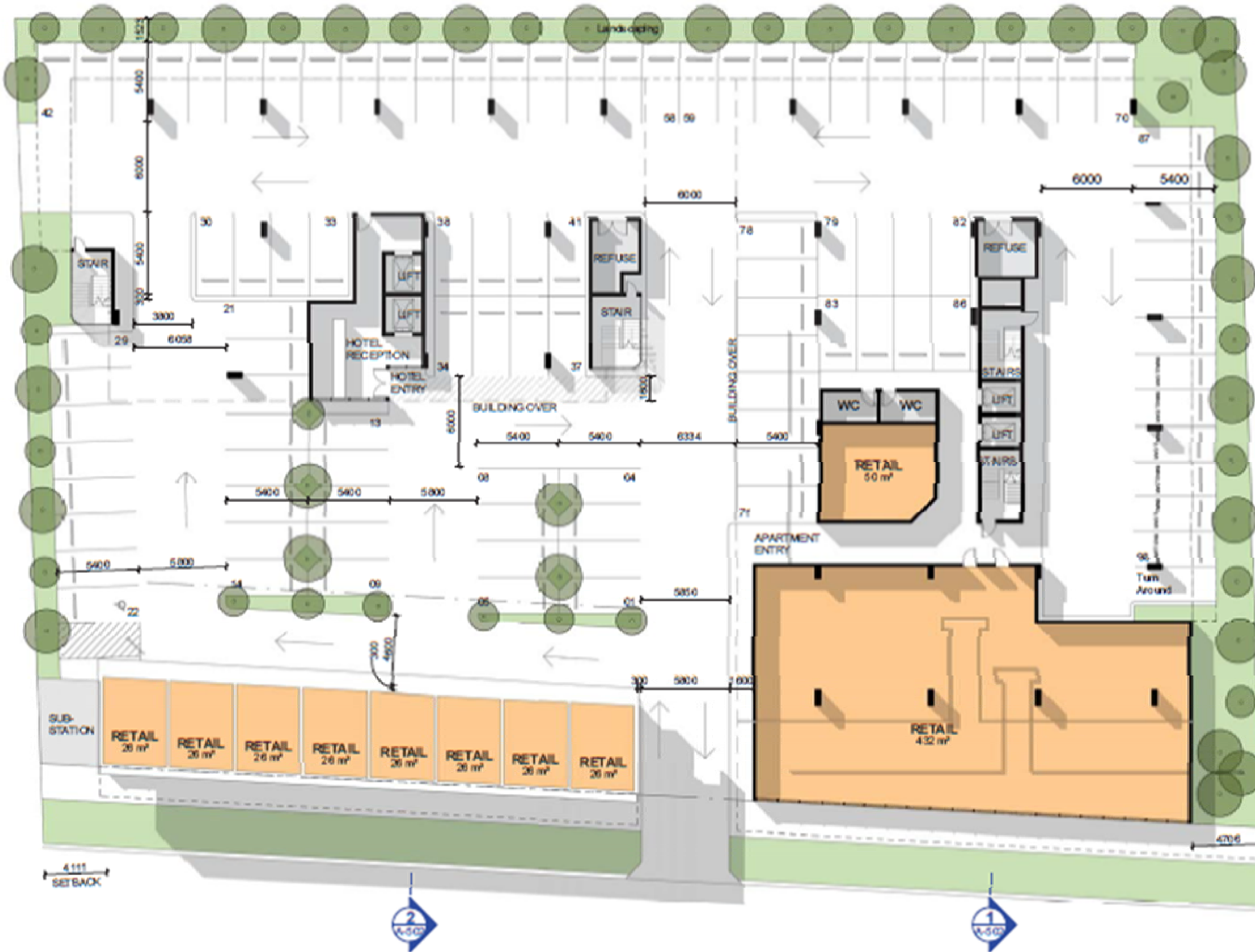
- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



# Plan - Ground Floor



340-346 Sheridan Street Development | Development Application | April 2019  
 1:250 @ A3

n

P6

- KEY**
- GARDEN BEDS  
REFER PLANTING  
PALETTE SHEET
  - ROAD / CARPARK
  - PAVED FOOTPATH  
TO CRC STANDARD
  - PROPOSED TREES
  - PROPOSED PALMS
  - PROPOSED STREET  
TREES
  - IGT BOUNDARY

Sheridan Street



**DESIGN STATEMENT**

The proposed landscape will transform this new mixed use development into a mini-urban oasis. The design maximises the limited open space using vertical landscape and facade planters covered with lush vegetation to soften the look and feel of the complex. The design also emphasises the importance of providing comfortable outdoor spaces and basic activities for users while creating and maintaining vantage points to the surrounding scenic environment. At the ground level, incorporating a small pocket garden on the south boundary continues the principle with seating and screening of the complex with tall Indian Mast Trees, hedges and accent palms. The residential courtyards on level one are provided with deep planters to allow trees to grow and give shade against the Western sun while still allowing views to the surrounding developments. The roof garden is designed to complement the adjacent restaurant and pool area by incorporating 'spillover spaces' including picnic areas, a mini-playground and a sunset deck for a more intimate conversation while enjoying a panoramic view of the nearby mountainous backdrop. There is also an opportunity to include some sensory garden plants or a veggie patch to further enhance the user's experience.

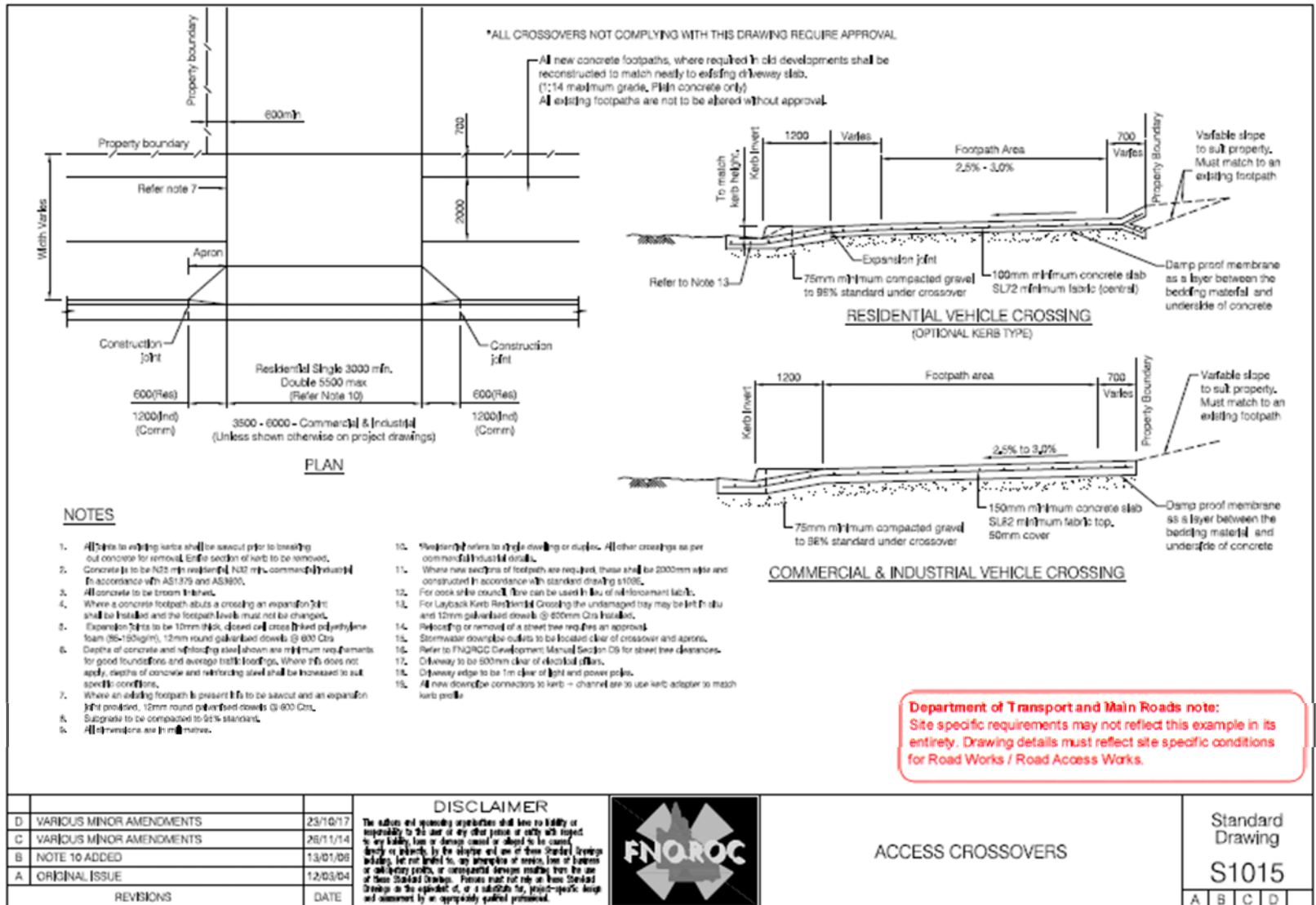


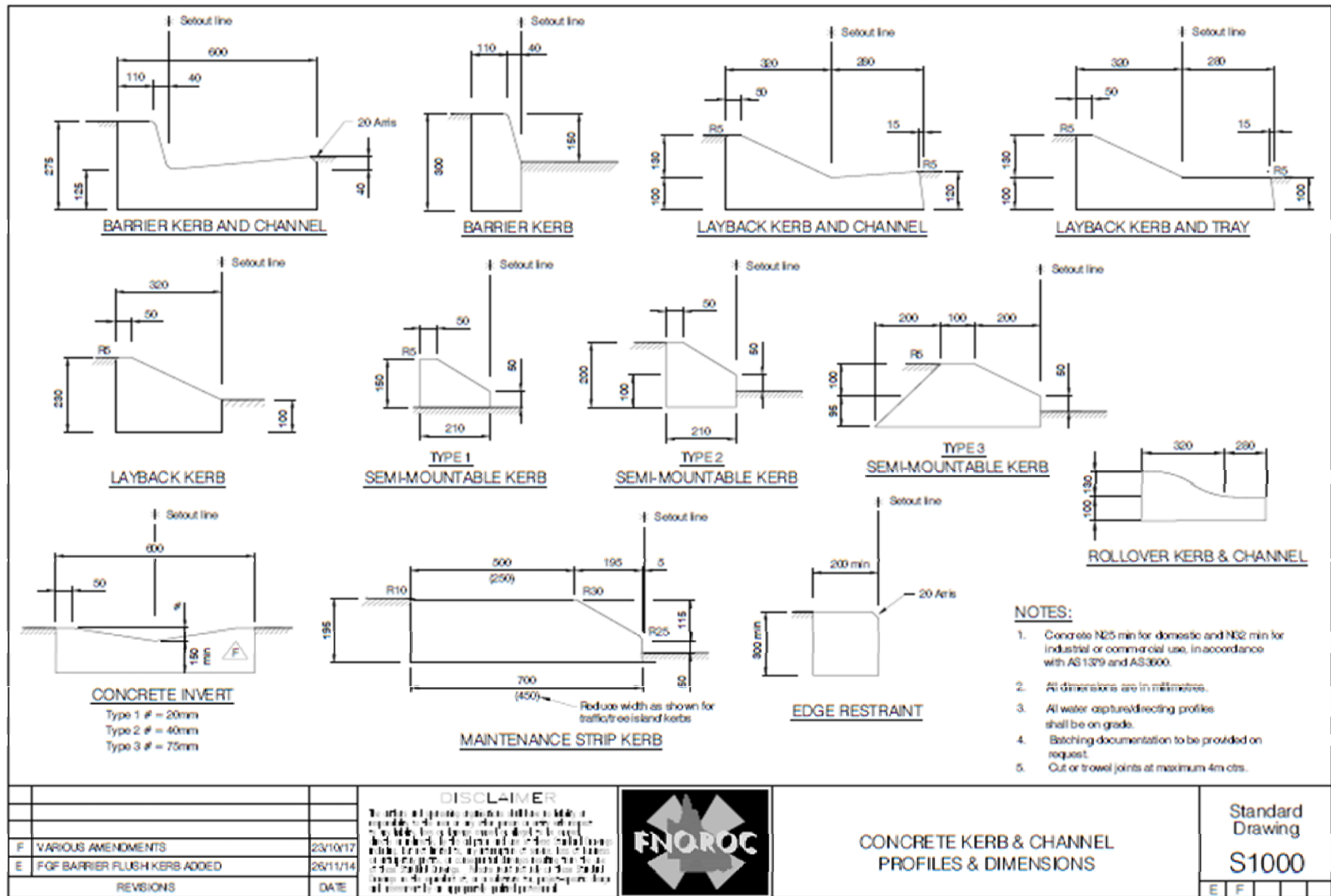
SCALE 1:300@A3

**ANDREW PROWSE**  
LANDSCAPE ARCHITECT

**GROUND LEVEL - LANDSCAPE CONCEPT PLAN**  
**SHERIDAN STREET DEVELOPMENT**  
340-346 SHERIDAN STREET, CAIRNS, QUEENSLAND  
April 2019 - Issue A







| REVISIONS                       | DATE     |
|---------------------------------|----------|
| F VARIOUS AMENDMENTS            | 23/10/17 |
| E FOF BARRIER FLUSH KERBS ADDED | 25/11/14 |

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**CONCRETE KERB & CHANNEL  
 PROFILES & DIMENSIONS**

Standard Drawing  
**S1000**

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20-August 2019

Michelle Henderson  
Planning Officer  
Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870

Via email: M.Henderson@cairns.qld.gov.au

Dear Michelle,

**DEVELOPMENT APPLICATION REFERENCE NUMBER: 8043/2017**  
**CA REFERENCE: DA 2019-08 340-346 SHERIDAN ST HOTEL**  
**CAIRNS AIRPORT THIRD PARTY ADVICE – APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR ‘MULTIPLE DWELLINGS’, ‘SHORT-TERM ACCOMMODATION’, ‘SHOP’, ‘HOTEL’, AND ‘FOOD AND DRINK OUTLET’ OVER LAND LOCATED AT 340 – 346 SHERIDAN STREET, CAIRNS NORTH, DESCRIBED AS LOTS 29 – 32 ON C198131**

Thank you for the opportunity to provide 3rd party advice on the above development.

The project seeks to redevelop four (4) existing parcels on Sheridan St to construct a (Short Term Accommodation, Shop, Hotel, and Food and Drink Outlet).

The proposed development indicates 7-8 Levels with a height of 28.4metres AHD (Roof Level 26.9m plus 1.5 Lift shaft) Report pages 19-23.

Cairns Airport Pty Ltd (CA) owns and manages Cairns Airport which includes all airside and landside operations, terminals, car parking and associated land holdings. CA is part of the North Queensland Airports group.

From CA's perspective it is imperative that development is appropriately located and designed to ensure the ongoing safety and viability of airport operations.

Development applications of interest from CA's perspective are those which may occur within, or result in the following:

1. Obstacle Limitation Surface (OLS) – all applications that infringe on the Obstacle Limitation Surface either permanent or transitory;
2. ANEF - all applications within the 20 ANEF noise contour or greater;
3. Public Safety Area (PSA) - all applications within the Public Safety Area;
4. PANS-OPS - all material change of use and/or building work applications that penetrate PANS-OPS;

5. **Wildlife Attracting Land Uses** - material change of use applications within 13 kilometres that may attract birds or bats;
6. **Lighting Hazards** - applications that involve reflected sunlight; or distracts or interferes with pilot visibility; or creates pilot confusion regarding approach or runway lighting;
7. **Land uses that may generate gaseous plumes with a velocity of greater than 4.3 m/s or airborne particulates** that that impair visibility or aircraft engine operation within 15 kilometres of the airport;
8. **Air services where located off-airport** - material change of use applications for Air services where located "off-airport" including Air strips and Helicopter Landing sites. The establishment of such uses off-airport may result in flight path conflicts;
9. **Navigational Equipment** - all applications within the area of interest shown on the relevant Airport Land Use Plan of the navigational aid; and
10. **Environmental Impacts** - all applications that may result in increased stormwater run-off or other environmental impacts on airport land.

The following submission addresses each of the above points in further detail where relevant to the proposal.

### **1. Obstacle Limitation Surface**

The OLS defines the operational airspace that should be kept free of obstacles for aircraft operations being conducted under the visual flight rules. The OLS for the site ranges from 30.5 to 32.1 metres AHD (Drg DA2019-08 OLS), the proposed building has a height of 28.4metres AHD (top of lift shaft).

- **No Impact on OLS.**

Details regarding proposed construction works have not been provided and these are also likely to lead to temporary infringements (e.g. cranes). Where construction methods are expected to result in a temporary penetration of the OLS, details of the potential penetration should be provided to CA as soon as possible but not later than ten working weeks prior to the expected date of the penetration, for further assessment and mitigation action as required by Air Services Australia, CASA and external procedural designers.

- **If temporary penetration of the OLS is expected (e.g. cranes) details should be provided to CA.**

### **2. ANEF**

The site is located within the ANEF 25-30 noise contour where AS 2021-2015 states Hotel, motel, hostel are Conditionally Acceptable. **Possible Impact**

It would be prudent that the designers are familiar with AS2021 (2015) "*Acoustics – Aircraft noise intrusion – Building siting and construction*". This standard provides the framework for managing land use and development outcomes in the vicinity of airports.

### **3. Public Safety Area**

A Public Safety Area (PSA) is defined as the area at each end of a strategic airport's runway where there is potentially an increased risk of an aircraft accident occurring. The site is not located within either of the PSAs applicable at Cairns Airport.

- **Not Applicable**

#### 4. PANS-OPS surfaces

PANS-OPS surfaces define the operational airspace a pilot is required to use when flying an aircraft under the instrument flight rules, that is, when relying on instruments for navigation. The Development should seek to avoid any permanent or temporary encroachments into PANS-OPS airspace.

If a temporary infringement of any OLS surface is anticipated during construction then assessment of the PANS-OPS surfaces needs to be conducted. In this case details should be provided to CA as soon as possible noting that a minimum of eight working weeks is required for further assessment of the impact on PANOPS surfaces by Air Services Australia, CASA and external procedural designers (EPD).

– May impact PANS-OPS to be advised by CASA/EPD.

#### 5. Wildlife Attracting Land Uses

The site is located approximately 1.43km from the Runway and therefore within 13 kilometres of the runway (refer to **Appendix 1**), The Development is to ensure landscaping species selected does not result in the attraction of wildlife (eg birds & bats). Refer to SPP and National Airports Safeguarding Framework.

Possible impact.

#### 6. Lighting Hazards

The site lies within 6 km of the Airport and "Zone B 50cd Maximum Light Intensity of light sources measured at 3 degrees above the horizontal" refer to guideline noted below.

It is recommended that a condition be included that requires lighting to be designed and constructed by a suitably qualified Person to ensure that it does not increase risk of an aircraft incident and has regard to the *Civil Aviation Safety Authority Manual of Standards Part 139—Aerodromes Chapter 9 Section 9.21 Lighting in the Vicinity of Aerodrome*. Possible impact.

#### 7. Land uses that may generate gaseous plumes

Not applicable.

#### 8. Air services where located off-airport

Not applicable.

#### 9. Navigational Equipment

Not applicable.

#### 10. Environmental impacts on Airport Land

None identified.

#### Recommendation

Based on the above assessment, it is recommended that the following conditions be imposed on any approval to mitigate potential impacts on the efficient and safe movement of aircraft:

#### OLS AND PANS-OPS

##### (a) Overall Height

The applicant/developer should ensure that all buildings, structures, aeriels, lightning rods, antennae, poles, posts, trees (at maximum height) or other obstacles remain under the Airport's Obstacle Limitation Surface which is 30.5 metres AHD over the site (Drg DA2019-08 OLS).

##### (b) Survey Certification

The applicant/developer is to demonstrate that all buildings, structures, aerials, lightning rods, antennae, poles, posts, trees (at maximum height) or other obstacles will not penetrate the Airport's Obstacle Limitation Surface which is 30.5 metres AHD over the site (Drg DA2019-08 OLS).

(c) Submit Certification

The applicant/developer must submit certification from a licensed surveyor that the overall height of the "As Constructed roof" and associated structures are in accordance with the above condition and a copy be provided to CA.

*Advisory Note*

*This condition is to be completed prior to issue of Certificate of Classification/Final Inspection Certificate or prior to commencement of use, whichever comes first.*

To ensure the final building height is on program the applicant/developer must submit certification and a copy provided to CA from a licensed surveyor that the "As Constructed" Level four (4) height is in accordance with the latest drawings.

## CONSTRUCTION IMPACTS

- (d) The applicant/developer must provide confirmation that any encroachments in the Airport's operational airspace (OLS or PANS-OPS) as a result of construction activities, including the use of cranes or other equipment, have been assessed by CASA and external procedural designers and approved by CA, prior to issue of a Development Permit for Building Works.

Submit Certification

The applicant/developer must submit certification from a licensed surveyor that the overall height of the cranes or other equipment are in accordance with the above condition.

*Advisory Note*

*Given the location and height in respect to critical airspace of the proposed development any temporary encroachments into the Airports operational airspace (OLS or PAN-OPS) is unlikely to be given approval.*

## ANEF

- (e) The proposal being classified as Hotel, motel, hostel under AS2021 (2015) is therefore Conditionally Acceptable.

The designers must be familiar with and incorporate the appropriate measures into the building design referred to in AS2021 (2015) "Acoustics – Aircraft noise intrusion – Building siting and construction".

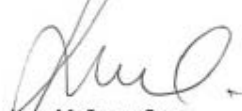
This standard provides the framework for managing land use and development outcomes in the vicinity of airports.

## LIGHTING

- (f) Lighting should be designed and constructed by a suitably qualified person to ensure that it does not increase risk of an aircraft incident and has regard to the *Manual of Standards Part 139—Aerodromes Chapter 9 Section 9.21 Lighting in the Vicinity of Aerodrome*.

If you have any queries please contact Berni Burgstaller, Senior Drafting and Projects Officer on 0418 769 519 or [berni.burgstaller@cairnsairport.com.au](mailto:berni.burgstaller@cairnsairport.com.au)

Yours sincerely



Kate McCreeryCarr  
**CAIRNS AIRPORT**  
**CHIEF OPERATIONS OFFICER**

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Our Ref: DA 2017-06, 85-89 Esplanade, 68-68a & 70-72 Abbott St Cairns

CC: Department of Infrastructure Local Government and Planning  
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CAIRNS QLD 4870  
[CairnsSARA@dlip.qld.gov.au](mailto:CairnsSARA@dlip.qld.gov.au)



## APPENDIX 5: Appeal Rights

### Chapter 6 Dispute resolution

#### Part 1 Appeal rights

##### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and

- 
- (iii) who is a co-respondent in an appeal of the matter;  
and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
    - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
    - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

- 
- (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## Statement of Reasons

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

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|                          |  |
|--------------------------|--|
| Development application: | 8/7/4584   |
| Property address:        | 340-346 Sheridan Street, Cairns North  |
| Property description:    | Lots 29, 30, 31 & 32 on C198131  |
| Application proposal:    | Multiple Dwelling, Short-Term Accommodation, Shop, Hotel and Food & Drink Outlet |
| Approved:                | by Council's Standing Committee A at the Meeting                                 |
| Approved on:             | 22 January 2020  |
| Planning Scheme:         | CairnsPlan 2016 v1.3   |

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### REASONS FOR DECISION

The reasons for this decision are:

The proposal demonstrates compliance with CairnsPlan 2016v1.3 and the State Planning Policy 2017 in that:

1. The proposal is consistent with the overall outcomes of the Tourist Accommodation Zone of the CairnsPlan 2016v1.3. The purpose of the zone is to provide for Multiple Dwellings and Short Term Accommodation that has a tropical design and character, and to provide for facilities and services for visitors and residents.
2. The overall height of the building is compliant with the provisions of the CairnsPlan 2016 v1.3. The building is not more than the height of the corresponding Obstacle Limitation Surface as identified in the Building Height Overlay Code, Airport Environs Overlay Map and the State Planning Policy for Aviation Facilities. A condition has been recommended requiring the applicant/owner demonstrate to Council and the Cairns International Airport that all buildings, structures, aerials and any associated permanent structure do not penetrate the Cairns International Airport Obstacle Limitation Surface over the site.
3. The proposed development provides a standard of design that achieves tropical urbanism outcomes, provides a visually appealing and interesting skyline when viewed from the surrounding areas.

4. As vehicle parking will be located behind the existing buildings, it will be largely screened from view from Sheridan Street.
5. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016v1.3 and is considered to comply with the overall outcomes and performance criteria of the applicable codes.
6. In assessing the proposed development, conditions have been recommended to ensure compliance with the assessment benchmarks of the CairnsPlan 2016v1.3.
7. The proposed development is generally consistent with the provisions of the Far North Queensland Regional Plan 2009-2031.

## CAIRNSPLAN 2016 v1.3 ASSESSMENT

### Strategic Framework

The table below summarises an assessment against the relevant aspects of the Strategic Framework of the *CairnsPlan 2016 v1.3*.

| Strategic Framework                               | Officer Comment   |
|---|---|
| <b>Settlement Pattern Theme</b>                   |   |
| 3.3.1 Strategic Outcomes                          | The use is considered to promote a diversified economy, to provide a range of housing choices, maintain the hierarchy of centres, achieve a high standard of amenity and co-locate compatible uses.   |
| 3.3.5 Element – Residential Areas and Activities  | The application seeks approval for a mixed use development that will provide a range of higher density living options that will enhance the character of the area. While non-residential uses are also proposed, they are considered to be appropriate in that they will support the local community, and will not detract from the residential amenity or compromise the role and function of centres. |
| 3.3.9 Element – Built Form, Design and City Image | The built form proposed in this Building Height Overlay Area (Precinct 2) promotes variety in the skyline and retaining views through 3 separate buildings of differing heights. Vehicle parking, loading, unloading and servicing areas are contained wholly within the site and will be largely screened from the streetscape.  |
| 3.3.11 Element – Tourism                          | The proposed mixed use development is located in a highly accessible location on Sheridan Street and provides a range of accommodation options, and is complimentary to and compatible with other land uses.  |

## ASSESSMENT BENCHMARKS

The Code Assessable proposed development was assessed against the following assessment benchmarks of CairnsPlan 2016 v1.3.

|                              |  |
|------------------------------|--|
| <b>Assessment Benchmarks</b> | Zone <ul style="list-style-type: none"> <li>• Tourist accommodation</li> </ul> Overlays <ul style="list-style-type: none"> <li>• Acid sulfate soils</li> </ul> |
|------------------------------|--|

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Airport environs</li> <li>• Building height</li> <li>• Coastal processes</li> <li>• Flood and inundation hazards</li> <li>• Transport network</li> </ul> <p>Development codes</p> <ul style="list-style-type: none"> <li>• Multiple dwelling and short-term accommodation</li> <li>• Advertising devices</li> <li>• Centre design</li> <li>• Environmental performance</li> <li>• Excavation and filling</li> <li>• Infrastructure works</li> <li>• Landscaping</li> <li>• Parking and access</li> <li>• Vegetation management</li> </ul> |
|--|--|

**NON-COMPLIANCE WITH BENCHMARKS**

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

| Assessment Benchmark                    | Reasons for the approval despite non-compliance with benchmark   |
|---|--|
| <b>Tourist Accommodation Zone</b>       |  |
| <b>AO1.1 Height</b>                     | <p>This Acceptable Outcome provides for a maximum height of 15 metres and 4 storeys, however the Building Height Overlay applies in this instance, allowing for a maximum height of 28 metres and 9 storeys.</p> <p>The proposed development generally complies with the purpose of the Zone Code, refer to the address of the Building Height Overlay Code, below.</p>        |
| <b>AO2.1 &amp; 2.2 Site Cover</b>       | <p>The proposed development has a site cover of 58%, and these Acceptable Outcomes limit site cover to 50%, (and 40% where development is for Multiple Dwellings). Refer to the address of site cover in the Building Height Overlay Code, below.</p>  |
| <b>PO5 Setbacks</b>                     | <p>Refer to the address of setbacks in the Building Height Overlay Code, below.</p>  |
| <b>Airport Environs Overlay</b>         |  |
| <b>AO1.1-1.3 Operational Air Space</b>  | <p>These Acceptable Outcomes pertain to the protection of operational air space, in terms of buildings/structures (including during construction), landscaping, and any other activities that may be associated with the development. The approval is conditioned to ensure compliance.</p>  |
| <b>AO2.1-2.2 Light and Reflectivity</b> | <p>These Acceptable Outcomes are to ensure development does not impact on the operational aspects of the Cairns Airport with regard to light and reflectivity. The approval is conditioned to ensure compliance; and includes conditions recommended to be attached to the approval by Cairns Airport. Refer to Cairns Airport Third Party Advice, attached at Appendix 4.</p> |
| <b>AO4.1-4.2 Acoustic Impacts</b>       | <p>The application to Council did not provide an acoustic assessment to demonstrate that the development is designed to prevent adverse impacts from aircraft noise, however the approval is conditioned to ensure compliance.</p>   |

| <b>Building Height Overlay</b>                      |   |  |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
|---|---|--|-----------------------------|------------------------------|-------|----------|--|---|------------|-------------------------------|---|-------------|-------------------------------|--------------|---|----------|
| <b>AO3.2<br/>Height</b>                             | <p>The subject site is located within Precinct 2 and adjoins land located in Precinct 2 along the north-western and south-eastern side boundaries, and Precinct 1 to the rear. This Acceptable Outcome allows for a height of 28 metres and 9 storeys. At eight storeys and approximately 28.4 metres, the AO is exceeded slightly by one of the proposed buildings.</p> <p>In assessing the building height, Officers are of the opinion that the height proposed represents a transition in what is able to be achieved in the adjoining Precinct 1. The design and built form will activate Sheridan Street and reinforce its role as a gateway to the Cairns CBD. The built form, comprised of 3 separate buildings of varying heights, permits access to light and ventilation for the development.</p> <p>While there is an impact on adjacent properties as a result of the height, the extent of the impact as a result of the additional height is not considered to be excessive or unreasonable.</p> <p>The building height is considered to be appropriate given the characteristics and location of the site, the design and built form and consistency demonstrated with the Performance Outcome.</p> |  |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
| <b>AO4.1<br/>Site Cover</b>                         | <p>This Acceptable Outcome states a site cover of not more than 40%, and the proposed development has a site cover of 58%. Contextually, the western side of Sheridan Street in proximity to the proposed development is zoned Mixed Use, as are a number of properties on the eastern side of Sheridan Street. These Mixed Use zoned sites are afforded site cover allowances of 80% for the first 2 stories.</p> <p>While the subject site is zoned Tourist Accommodation, consideration is given to the context of this area of Sheridan Street, and the mixed use nature of the proposed development. The form of the development is split between 3 buildings to allow view corridors between and either side.</p> <p>The proposal is considered to provide an appropriate built form for the site, encompassing tropical urbanism principles and providing for a range of land uses that are consistent with, and complementary to, the surrounding area.</p>   |  |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
| <b>AO6.4<br/>Setbacks</b>                           | <p>The proposal seeks the following alternative setbacks:</p> <table border="1" data-bbox="513 1350 1378 1917"> <thead> <tr> <th>Setback Side</th> <th>CairnsPlan 2016 requirement</th> <th>Proposed alternative setback</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>6 metres</td> <td>Zero setback for the lower two levels of the commercial building and apartment building, and between 5.3 and 6.9 for the remaining floors.</td> </tr> <tr> <td>Northern side setback (5 storey hotel building)</td> <td>3.8 metres</td> <td>Varies from 3.0 to 3.5 metres</td> </tr> <tr> <td>Southern side setback (8 storey apartment building)</td> <td>5.25 metres</td> <td>Varies from 3.0 to 4.5 metres</td> </tr> <tr> <td>Rear setback</td> <td>3.8 metres (hotel building)<br/>5.25m (apartment building)</td> <td>4 metres</td> </tr> </tbody> </table>  | Setback Side   | CairnsPlan 2016 requirement | Proposed alternative setback | Front | 6 metres | Zero setback for the lower two levels of the commercial building and apartment building, and between 5.3 and 6.9 for the remaining floors. | Northern side setback (5 storey hotel building) | 3.8 metres | Varies from 3.0 to 3.5 metres | Southern side setback (8 storey apartment building) | 5.25 metres | Varies from 3.0 to 4.5 metres | Rear setback | 3.8 metres (hotel building)<br>5.25m (apartment building) | 4 metres |
| Setback Side  | CairnsPlan 2016 requirement   | Proposed alternative setback   |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
| Front   | 6 metres  | Zero setback for the lower two levels of the commercial building and apartment building, and between 5.3 and 6.9 for the remaining floors. |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
| Northern side setback (5 storey hotel building)     | 3.8 metres  | Varies from 3.0 to 3.5 metres  |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
| Southern side setback (8 storey apartment building) | 5.25 metres   | Varies from 3.0 to 4.5 metres  |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |
| Rear setback  | 3.8 metres (hotel building)<br>5.25m (apartment building)   | 4 metres   |                             |                              |       |          |  |   |            |                               |   |             |                               |              |   |          |

|  |   |
|--|---|
|  | <p>The proposal provides a zero setback to Sheridan Street for the lower two levels of the commercial building and the apartment building, with footpath awning to activate the frontage. The levels above are generally compliant with setbacks that range between 5.3 and 6.9 metres. The form of development is considered to provide an acceptable level of amenity and to activate Sheridan Street. With a built form of 3 buildings of varying heights, view lines and vistas are able to be maintained, and a visually overbearing built form is avoided. The approval is conditioned to ensure landscaping reflects the 'city in a rainforest' concept, as shown in the concept plans attached at Appendix 1.</p> <p>The adjoining lot to the north of the subject site contains a 2 storey Dwelling House, and the adjoining lot to the south contains a 2 storey unit development. The adjoining lots to the rear front Digger Street, and each contains a 2 storey Dwelling House, with the exception of 99 Digger Street, which is occupied by Tropic Sunrise Holiday Units. These properties along the rear boundary of the site are consistently set toward the Digger Street frontage, and as such have considerable separation from the subject site, refer to the diagram at Appendix 6. It is also noted that the land to the east is included within Precinct 1 of the Overlay.</p> <p>It is acknowledged that a degree of overlooking is unavoidable with buildings of such height, which at eight (8) storeys is within the prescribed limit for the site. Particularly for the rear and southern side boundaries. The proposal provides boundary landscaping which reaches a mature height of approximately 12 metres, which will reduce opportunities for overlooking of sensitive land uses. Furthermore as a result of Council's information request the elevations have been revised to include floor to ceiling screens on all units/rooms where facing external property boundaries. The proposal is considered to achieve adequate separation to maintain privacy and amenity for residents and occupants, and to maximise the availability of light and ventilation to the development, to adjoining sites and public places.</p> |
| <p><b>AO8.1-8.2<br/>Built Form</b></p> | <p>AO8.1 states that the maximum width of any building elevation, in any plane, is 30 metres. While compliance is achieved with the commercial building, the proposed apartment building includes a length of 42 metres and the proposed hotel a length of 38 metres.</p> <p>The corresponding Performance Outcome, PO8 seeks that buildings are moderate in width and avoid a visually overbearing form, that development does not result in the appearance of a wall of buildings when viewed from streets and public places, that the development maintains view lines and vistas, and that privacy, amenity, light and ventilation are maintained and maximised. The built form contains 3 buildings of varying heights, and the building design includes recesses, vertical and screening landscaping and façade treatments to reduce building bulk. Officers consider the design achieves compliance with PO8.</p> <p>AO8.2 states the separation between towers on a single site or from towers on adjoining site is not less than 16 metres. In this instance the separation distance between the buildings is approximately 6 metres. It is reasonable to consider building height in this instance, as the 'towers' (in particular the hotel building) have a relatively low height. The proposed development is considered to achieve compliance with the</p>  |

|  |   |
|--|---|
|  | corresponding Performance Outcome.  |
| <b>AO10.1<br/>Balcony<br/>Orientation</b>                | This Acceptable Outcome seeks that habitable rooms/balconies are oriented to the front and rear of the site unless the building is setback a minimum of 8 metres from the corresponding side boundary. The hotel building complies, and the floor plan for the apartment building orients balconies to front and rear boundaries as far as possible. While there are balconies facing the southern side boundary, the proposal provides boundary landscaping and floor to ceiling screens on all units/rooms where facing external property boundaries to maintain privacy and residential amenity between adjoining developments and discourage overlooking. The approval is conditioned to ensure compliance.   |
| <b>AO21.1<br/>Landscaping</b>                            | The proposal does not provide for deep planting along the frontage of the site, given the desire for an active street frontage. The proposal also does not provide 5m x 5m deep planting at each corner of the site. The proposed development has sought to provide practical areas of landscaping that can easily be maintained and upon maturity will provide a contribution towards the Tropical Urbanism Policy.<br>The proposed landscaping is appropriate in this instance on the following basis: <ul style="list-style-type: none"> <li>• The proposal provides for 490m<sup>2</sup> (12%) landscaped area.</li> <li>• Vertical landscaping is provided along all side and rear boundaries, to soften the façade and reduce overall bulk.</li> <li>• Provision of small carpark and street trees along the frontage of the site.</li> <li>• Provision of Level 1 courtyard landscaping for the apartment building.</li> <li>• Provision of rooftop landscaping for the hotel building.</li> </ul> |
| <b>Flood and Inundation Hazards Overlay</b>              |   |
| <b>AO1.1-1.2</b>   | While parts of the subject site are impacted by the Overlay, the development is able to be designed to provide the required flood immunity, and is conditioned to ensure compliance. Additionally, as the layout involves ground floor parking, no habitable areas are located at ground floor.   |
| <b>Transport Network Overlay</b>                         |   |
| <b>PO3<br/>Major Transport<br/>Corridors</b>             | The development generally complies with Acceptable Outcomes/Performance Outcomes, and has been conditioned to ensure compliance. As this section of Sheridan Street is a State Controlled Road, refer to Appendix 4 to view Concurrence Agency conditions and requirements. An advice note is also included pertaining to requirements for buildings located in a Transport Noise Corridor.   |
| <b>Multiple Dwelling &amp; Short Term Accommodation</b>  |   |
| <b>AO2.1-2.2<br/>Site Cover and<br/>Gross Floor Area</b> | While the proposed development exceeds the Code thresholds for both site cover and gross floor area, the proposal is considered to comply with the corresponding Performance Outcome through: <ul style="list-style-type: none"> <li>• provision of landscaping that will contribute to an attractive and safe streetscape and a high level of amenity and privacy for residents;</li> <li>• provision of recreational opportunities for residents;</li> <li>• a design and landscaping which reduces the bulk of the buildings.</li> </ul> Also refer to the address of the Building Height Overlay Code, above.   |

|  |  |
|--|--|
| <b>AO4.4<br/>Light<br/>Ventilation</b> and   | While the design includes Dwellings being located on both sides of an enclosed corridor, compliance is considered to be achieved with the corresponding Performance Outcome, as the development is designed to maximise cross-breezes and promote access to breeze and natural light.  |
| <b>AO5.4<br/>Building Bulk</b>               | While there are continuous eave lines that exceed 15 metres, the development reduces the appearance of building bulk through orientation, landscaping and design features, demonstrating compliance with the corresponding Performance Outcome, PO5.   |
| <b>AO6.1-6.3<br/>Setbacks</b>                | While the proposed development is not compliant with Acceptable Outcomes pertaining to setbacks, the proposal is considered to comply with the corresponding Performance Outcome through: <ul style="list-style-type: none"> <li>• provision of appropriate landscaping that will enhance the amenity of the streetscape and surrounding area;</li> <li>• provision of privacy and amenity for residents and occupants on the site and adjoining premises through design that minimises habitable areas addressing adjoining properties and features such as landscaping and privacy screens.</li> </ul> Also refer to the address of the Building Height Overlay Code, above. |
| <b>AO7.1<br/>Screening</b>                   | Complies, the approval is conditioned to require screening treatments in the form of both landscaping and fixed screens to prevent overlooking.  |
| <b>PO10<br/>Communal<br/>Recreation Area</b> | The proposal provides accessible and functional communal recreation areas that comply with the Performance Outcome.<br><br>The apartment building provides a communal gym, pool and BBQ area provided at Level 6, and a communal pool, deck and playground area is provided at Level 4 of the Hotel building.  |
| <b>AO12.1<br/>Landscaping</b>                | The proposed development does not provide a landscaped area with a minimum width along the Sheridan Street frontage, in lieu of providing an active street frontage. However landscaping will be utilised to establish an attractive and safe streetscape and high standard of amenity and privacy for residents and adjoining premises, refer to the landscape concept plans at Appendix 1.   |
| <b>Centre Design</b>                         |  |
| <b>PO3<br/>Centre Activities</b>             | Shop, Food and Drink Outlet and Hotel are all uses that are identified as Centre Activities. While the land is zoned Tourist Accommodation, these Centre Activities are all Code Assessable on the subject site, so are considered to be appropriate in this location, particularly in the context of providing for facilities and services for visitors and residents, in line with the purpose of the Tourist Accommodation Code.  |
| <b>PO4<br/>Centre Activities</b>             | This Performance Outcome states that a Centre Activity is only established outside an appropriate identified area where there is demonstrated need, where the activity does not compromise the role and function of activity centres, and the activity is located in a highly accessible place. The location on Sheridan Street is highly accessible, and provides facilities and services for visitors and residents of the mixed use development.  |
| <b>AO11.2</b>                                | AO11.2 states that for sites with an area greater than 1,500m <sup>2</sup> , the centre activity is supported by a traffic management and impact report to ensure the safety and function of the road network. While a traffic report was not provided with the application documentation, the proposal demonstrates compliance with the requirements of the Transport Network Overlay Code, and the Parking and Access Code. In addition, the Concurrence Agency Response, including conditions of approval, is attached at Appendix 4.   |

| <b>Parking and Access</b>      |  |
|--------------------------------|--|
| <b>AO1.1<br/>Parking Rates</b> | <p>The parking demand generated by the proposed development is for 109 on-site parking spaces, and the proposal provides 98 spaces, resulting in a shortfall of 11 spaces (10%). The number of spaces provided is considered to accommodate the demand generated by the development in this instances, having regard to:</p> <ul style="list-style-type: none"> <li>• The site being located on a public transport route, in proximity to a bus stop;</li> <li>• The likelihood that a proportion of the users of the Short Term Accommodation onsite (both self-contained and non-self-contained) will not have a motor vehicle;</li> <li>• The propensity for a measure of cross-utilisation occurring on the site, taking into account the mixed use nature of the development.</li> </ul> <p>The proposal complies with the majority of Acceptable Outcomes and all Performance Outcomes, and is conditioned to ensure compliance.</p> |

## **OTHER RELEVANT MATTERS FOR CODE ASSESSMENT**

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application under section 45 of the Planning Act 2016 and section 26 of the Planning Regulations 2017.

| <b>Assessment Benchmark/Other Relevant Matters</b>          | <b>Assessment</b>   |
|---|---|
| <b>Far North Queensland Regional Plan (FNQRP) 2009-2031</b> | The development proposal is for an urban activity within the Urban Footprint. There are no requirements in the FNQ Regional Plan applicable to the development proposal.  |
| <b>State Planning Policy (SPP)</b>                          | <p>Part E of the SPP contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is subject to several state interests including:</p> <ul style="list-style-type: none"> <li>• Natural Hazards, Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay &amp; High &amp; Medium Storm Tide Inundation Area);</li> <li>• Strategic Airports and Aviation Facilities (ANEF 20-25 Contour, Obstacle Limitation Surface Area, Light Restriction Zone, Lighting Area Buffer 6km, Wildlife Hazard Buffer Zone, Aviation Facility)</li> </ul> <p>The CairnsPlan 2016v1.2 advances the SPP except for erosion prone areas and therefore all the State interests have been appropriately reflected in the Scheme.</p> |
| <b>Temporary Local Planning Instrument</b>                  | Not Applicable.   |
| <b>Local Government Infrastructure Plan (LGIP)</b>          | The site is not mapped by the Local Government Infrastructure Plan.   |

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| <b>Queensland Heritage and Places of Significance Local Heritage</b> | The site is not a Queensland Heritage Place, or a Place of Significance (Local Heritage), and does not share a common boundary with another lot that is or contains a Queensland Heritage Place. |
|--|--|

### **Non-Statutory Submission**

While the application is Code Assessable, one submission against the development was received. While the submitter is not afforded appeal rights under the *Planning Act 2016*, the grounds of the submission and corresponding Planning Officer comment are provided below.

| <b>Submitter Issue</b> | <b>Council Officers Response</b>   |
|------------------------|--|
| Height                 | <p>The submission expresses concern that the height is excessive for the city fringe.</p> <p><u>Officer comment:</u><br/>Refer to the address of the Strategic Framework and Building Height Overlay Code, above.</p>  |
| Built Form             | <p>The submission expresses concern that the built form lacks design and presents a 'wall of building'.</p> <p><u>Officer comment:</u><br/>Refer to the address of the Building Height Overlay Code.</p>   |
| Overlooking            | <p>Concern is raised that the development will have adverse privacy impacts on adjoining neighbours, with opportunities for overlooking.</p> <p><u>Officer Comment:</u><br/>Refer to the address of the Building Height Overlay Code, and the amended plans at Appendix 1 with increased screening for habitable areas.</p>  |
| Car Parking            | <p>Concern is raised that the vehicle parking provided for the proposed development is insufficient, and that there may be disruption from the parking area, in particular light and noise) on adjoining neighbours to the east.</p> <p><u>Officer Comment:</u><br/>Refer to the address of the Parking and Access Code. The approval is conditioned to require that a fence must be provided along the side and rear boundaries to protect the amenity of adjoining residential uses and assist with noise and light attenuation. There are also conditions pertaining to exterior lighting to reduce any off-site impacts.</p> |

|             |  |
|-------------|--|
| Refuse      | <p>Concern is raised at potential for odour impacts on the adjoining properties from the refuse areas.</p> <p><u>Officer Comment:</u><br/> The refuse areas are located approximately 13 metres from the rear boundary, and 13 metres from the southern side boundary. An analysis of the adjoining Digger Street properties indicates that the existing Dwelling Houses on these sites are located between 15 and 24 metres from the subject site. It is considered that the bin enclosures are located a sufficient distance from the property boundary to minimise the potential for odour impacts on adjoining properties.</p> |
| Landscaping | <p>The submission expresses concern that the landscaping is insufficient.</p> <p><u>Officer comment:</u><br/> The proposal provides landscaping along the majority of side boundaries and the entirety of the rear boundary, as well as courtyard and rooftop landscaping, to a total of 490m<sup>2</sup> (12%). The approval is conditioned to require a detailed Landscape Plan to ensure compliance with the requirements of CairnsPlan 2016v1.3.</p>   |