

Confidential

Routine

Urgent

Critical

DIRECTOR-GENERAL

Memorandum for Approval

SUBJECT

- Acquisition of Lot 2 Reed Road, Trinity Park for the replacement of the Marin Coast Neighbourhood Centre.

PURPOSE

- To seek financial approval for the acquisition of the above property, subject to the terms and conditions of the property contract.

REASON FOR URGENCY

- This memorandum for approval has been marked critical as financial approval from the Director-General is required within 21 days of the property contract execution date of 3 April 2009.

RECOMMENDATIONS

- That the Director-General:
 1. approves the financial expenditure for the purchase of Lot 2, Reed Road, Trinity Park described as Lot 2 on Registered Plan 818352 for the amount of \$535 000 (excluding GST)
 2. notes that in the event that the above condition cannot be suitably satisfied, the contract will be terminated. If the department is satisfied with the results of the contract conditions Facilities Management will proceed to settle the property.

APPROVED / NOT APPROVED



LINDA A. APELT
Director-General

17/4 /2009

COMMENTS:

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BACKGROUND

- The Marlin Coast Neighbourhood Centre is currently located at 45 Cumberland Avenue, Smithfield, Cairns, which is owned by the Department of Communities. The existing centre is operating at maximum capacity and is unable to cope with the increasing demand on the services. The site is unsuitable for further development.

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- Representatives from the Marlin Coast Neighbourhood Centre identified and provided input into property options for the purchase of a new site.
- Staff from Facilities Management has undertaken extensive consultation with the relevant stakeholders and identified Lot 2 Reed Road, Trinity Park as the most suitable available site. A contract of sale to purchase the property has been executed. Negotiations were in accordance with the Government Land Policies.

ISSUES

- The contract of sale is subject to financial approval and a due diligence period which will include the confirmation of connection to, and the capacity of, existing service infrastructure (sewerage) satisfaction with the results of town planning investigations.
- The current land use zoning for the property is inconsistent with the proposed development and a 'Material Change of Use' will be required. A preliminary town planning report was requested from Project Services to determine an appropriate course of action. The report recommends seeking approval for the 'Material Change of Use' through a Community Infrastructure (Ministerial) Designation. This process involves the Minister considering the 'Material Change of Use' and any public submissions arising from the public consultation period, prior to deciding the application.
- Investigations have revealed that mains sewerage is not available and a pumped system will be required. Project Services estimate that the cost will be \$60 000.
- The property was listed for sale at \$825 000. A market valuation of \$500 000 was assessed by a private valuer. In order to secure the property, departmental officers have agreed on a purchase price of \$525 000. This price is 5% above the valuation and is considered acceptable.
- Following successful settlement of the property, the department will write to the council and reject their offer to lease their land indicating an alternative property has been secured.

CULTURAL IMPACT

- The department is not aware of any cultural impact that may occur.

OPTIONS

- In the event that the above conditions cannot be suitably satisfied, the contract will be terminated.

FINANCIAL IMPLICATIONS

- The department has entered into a contract of sale to purchase Lot 2 Reed Road, Trinity Park for \$525 000 (inc GST) with acquisition costs of approximately \$10 000.

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Author:	Fiona Grinstead	3898 0598	N/A	08/04/2009
Manager: Facilities Management	Brendan Jarvis	3405 5438	0411 074 314	15/04/2009
Director: Facilities Management	Geoff Yell	3247 8316	0432 748 333	15/04/2009
Assistant Director-General:	Sandra van Schagen	3235 9649	0428 749 750	16/04/2009
Information Officers: Dennis Adams, Hannah Albrow, Zilia Basson				
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CONSULTATION

Internal Consultation

- Mr Mick Linnan, Regional Executive Director, Far North Queensland Region, Service Delivery, Community and Youth Justice Services
- Mr Norman Anderson, Principal Project Manager, Asset Management and Capital Works, Corporate Performance and Portfolio Services (CPPS)
- Mr Bill Davidson, Director, Asset Management and Capital Works, CPPS

External Consultation

- Project Services

ATTACHMENT

- Attachment 1 – Location and photo of Lot 2 Reed Road, Trinity Park.

RTI RELEASES

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Information Officers: Dennis Adams, Hannah Albrow, Zilia Basson				
File path: H:\CESD\MESB\CSU\2009\COM\2009 COM Drafts\COM 01481-2009.doc				

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Attachment 1 – Photos and location

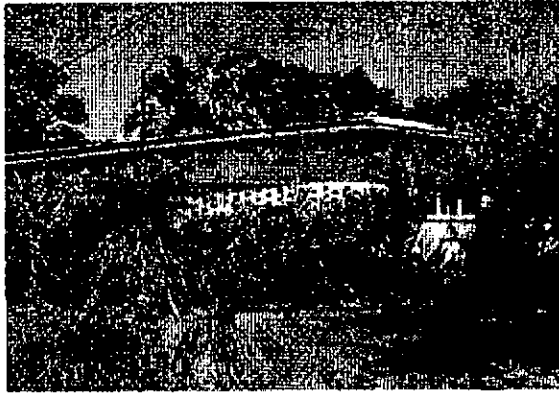


Figure 1: House (X) situated on block adjacent to the 41m NE boundary

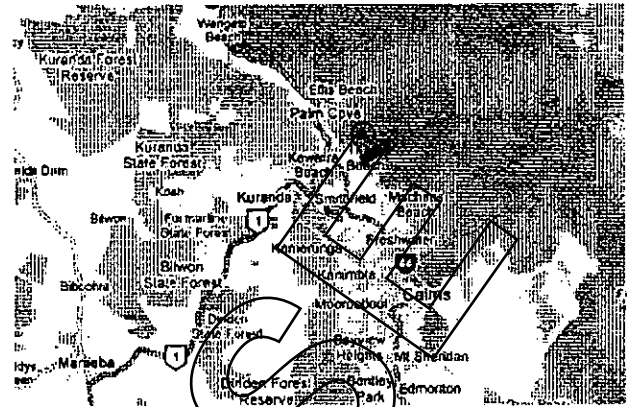


Figure 2: Coastal Map – A: Trinity Beach

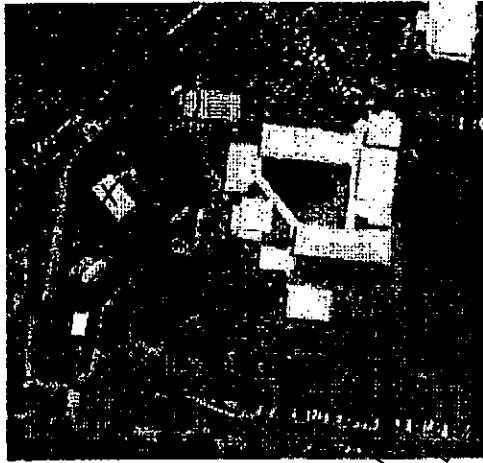


Figure 3: Aerial Photo of block
Please note boundary lines are indicative only

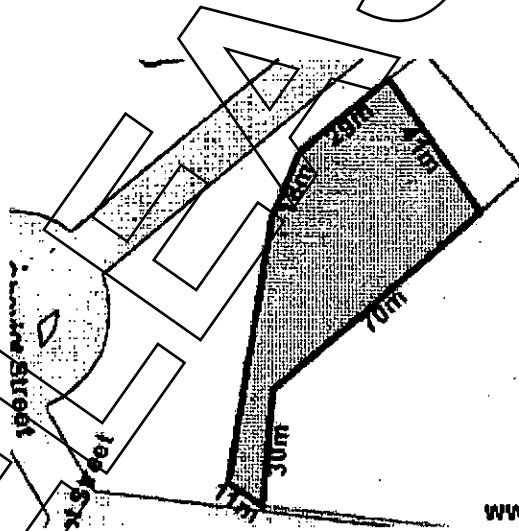


Figure 4: Boundary diagram (RPDATA)

www.rpdata.com

RTI REVIEW

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**DIRECTOR-GENERAL
DEPARTMENT OF COMMUNITIES**

Memorandum for Approval Briefing Note for Information

SUBJECT

- Compliance with the *Sustainable Planning Act 2009* (SPA). To seek the Director-General's determination with respect to a 'public housing' project at 24 Harbour Drive, Trinity Park (Cairns). An urgent determination is required to meet the scheduled program commencement of early March 2010.

Program Owner: Tony Waters Deputy Director-General Housing and Homelessness Services Ph: 3227 8052	Office in Charge of Property Delivery: Damian Lavercombe Assistant Director-General Communities' Property Portfolio Ph: 3225 1527
Officer in Charge of NGO Contracting: Not applicable	Regional Service Delivery Responsible Officer: Not applicable

RECOMMENDATIONS

- That the Director-General determines that:
 1. the 'public housing' project at 24 Harbour Drive, Trinity Park as described in this submission is 'not substantially inconsistent' with the relevant planning scheme
 2. subject to financial approval, the project will progress to construction.

NOTED / ENDORSED / NOT ENDORSED

LINDA A APELT
Director-General

/ /2010

COMMENTS:

BACKGROUND

- The Commonwealth Government is providing \$1.085 billion to the state of Queensland to increase social housing supply and support jobs and economic growth. As of 8 October 2009, the Queensland Government has been granted approval by the Commonwealth Government to deliver a program of 4000 units of social housing under this Plan. Queensland is obligated to complete a first stage of approximately 500 dwellings by 30 June 2010 and 75% of the total program by December 2010. The Department of Communities is continuing to work with the development and construction sector in the delivery of this program which spans 303 projects across Queensland.
- The National Partnership Agreement on the Nation Building and Jobs Plan (NBJP) commits the Commonwealth and the states and territories 'to meeting the objective of timely economic stimulus aimed at improved nation building and supporting economic growth and jobs'. Delivery of housing projects within the required timeframe is, therefore, essential.
- 'Public Housing' as defined in the SPA is exempt development. The SPA enables such projects to be undertaken without development approval but in accordance with the provisions in the SPA Chapter 9, Part 5.
- To facilitate the timely delivery of housing units, an altered process was adopted for projects being delivered under the NBJP capital works program (HS01683/09).
- The town planning assessment of the above project and recommendation was endorsed at the SPA Committee meeting on 10 February 2010.

KEY ISSUES

- The NBJP Program project is for 19, two-bedroom apartments configured as five, two-storey buildings on a 3,831m² site. The proposed site is located within the Residential 1 Planning Area of the Barron-Smithfield District of the *Consolidated Cairns Plan 2009* but the particular site is identified within the Schedule of Special Facilities Approvals (Earl Hill South Special Facilities) of the planning scheme.
- The Cairns Plan states that: *'Prior to the commencement of the Cairns Plan, certain premises in the City were included in a Special Facilities zoning under the transitional schemes. The Cairns Plan does not contain a Special Facilities or similar zoning. The development of premises identified in the Schedule of Special Facilities Approvals are intended to proceed in accordance with the requirements:*
 - *of the approved use identified in the Schedule, the conditions of the relevant approvals or*
 - *in accordance with the requirements of the Cairns Plan if the approved use under the Special Facilities approval is not advanced.'*
- The Earl Hill South Special Facilities Approval provides for a maximum of 300 dwelling units to be included within the 'Bluewater Harbour' development. This includes 19 dwellings on the subject site. The Cairns Regional Council has stated in its letter dated 12 February 2010 (Attachment 2) that 19 multiple dwelling units over Lot 1801 on SP165903 accords with the Earl Hill South Special Facilities Approval, where the proposal complies with those relevant planning provisions of the Planning Scheme for the Balance of the City of Cairns and conditions of the original Court Consent Order. Council also notes that Edge Architecture's letter of 23 November 2004 (Attachment 3) reflects the applicable provisions of the Planning

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Author: Principal Planning Officer	Chyrelle Carley	3227 8086	N/A	25/02/2010
Assistant Director: Portfolio Planning	Paul Coonan	3227 7516	0412 057 155	25/02/2010
Director: Planning and Development	Hiro Kawamata	3239 6689	0407 620 925	25/02/2010
Assistant Director-General: Communities' Property Portfolio	Damian Lavercombe	3225 1527	0419 419 396	25/02/2010
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File path: http://dc105wapmsv06/Communities/Attachments/29516/tpl478600608.doc				NP_R

Scheme for the Balance of the City of Cairns for the establishment of multiple dwelling units on Lot 1801 relevant at the date of the letter.

- The two conditions affecting the development of multiple dwelling units under the Court Consent Order for the 'Bluewater Harbour' development in 1997 relate to the access point for vehicles to the site and landscaping to the adjoining house allotments. Both of these conditions are addressed in the project as proposed.
- The original 'Bluewater Harbour' estate development had design covenants as part of the sale contracts. These covenants are not binding on the department but in the attachment, notations have been made indicating where the project does comply (Attachment 4).
- The project complies with the proposed development criteria for the Earl Hill South Multi-Unit Lots in relation to site density, population allocation, site coverage, building setbacks and height of buildings and structures. The project offers alternative solutions to the development criteria for car parking and for the Court Consent Order conditions for access points for vehicles and landscaping (Attachment 1).

CULTURAL IMPACT

- The department is not aware of any cultural impact which may occur.

FINANCIAL IMPLICATIONS / GST

- If the recommendation in this submission is approved, the project at 24 Harbour Drive, Trinity Park will progress to financial approval and construction.
- There are no GST issues.

CONSULTATION

Internal Consultation

- Not applicable.

External Consultation

- Cairns Regional Council was contacted with regard to the planning scheme applicable to the site as outlined in the developer's proposal tendered to the department. Council confirmed the provisions of the Special Facilities Approval (Attachment 3).
- Plans and project information will be provided to Council prior to commencement of site works as per the approved process for the assessment of NBJP projects.

ATTACHMENTS

- Attachment 1 - SPA Meeting, 10 February 2010 - Summary of Town Planning Assessment
- Attachment 2 - Cairns Regional Council letter confirming applicable planning scheme requirements of site - 12 February 2010
- Attachment 3 - Edge Architecture letter - 23 November 2004
- Attachment 4 - Bluewater Harbour Building Covenants

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ATTACHMENT 1

SPA Meeting – 10 February 2010 Summary of Town Planning Assessment

Project Details:

Address:	24 Harbour Drive, Trinity Park
Real Property Description:	Lot 1801 on SP165903
Local Authority:	Cairns Regional Council
Proposal Details:	19, two-bedroom apartments
Housing Program:	Nation Building and Jobs Plan (NBJP)
Program Year:	2009/2010
Project Services Ref:	56535
CIMS Ref:	54505

Background:

The project involves a material change of use, which is defined as 'Multiple Dwelling' in the *Consolidated Cairns Plan 2009*.

The subject site is within the Residential 1 Zone of the Barron Smithfield District Plan of the *Consolidated Cairns Plan 2009* and is identified in the Schedule of Special Facilities Approvals (Earl Hill South Special Facilities).

The project has been assessed against the Schedule of Special Facilities Approvals, provisions in the Court Consent Order, and the relevant provisions of the Planning Scheme for the Balance of the City of Cairns. These are stated in the Edge Architecture letter dated 23 November 2004 (refer to Attachment 3), confirmed by the Cairns Regional Council letter dated 12 February 2010 (refer Attachment 2).

Details of Proposed Development against Planning Scheme Provisions:

Provision	Planning Scheme Requirements	Proposed Development
1. Vehicle Movements	<p><i>Condition 14 Court Consent Order</i></p> <p>'The applicant is to provide bollards to prevent vehicle access, in accordance with Council's policy, between the proposed townhouses and the road/stub off Debbie Street, being Wendy Street....'</p>	<p>The project does not include providing bollards in the end of Wendy Street, but the aim of this condition is satisfied with a 1.8m timber paling fence and landscaping being provided to the Wendy Street boundary, thereby preventing vehicle access to the site at this point. There are no internal roads which direct vehicles to this part of the development.</p>
2. Landscaping	<p><i>Condition 15 Court Consent Order</i></p> <p>'In relation to the proposed townhouse allotments adjacent to existing properties of Debbie Street, a landscaping buffer for visual screening purposes is to be provided between the townhouse development and the existing residential allotments at the time of construction of the townhouses, all to the requirements and satisfaction of the Director of Planning and Development.</p> <p>All townhouse development shall be in accordance with the relevant provisions of Section 2 Part D of the Planning Scheme for the Balance of the City of Cairns.'</p>	<p>The intent of this condition to provide a landscaped buffer for visual screening purposes is addressed by the proposed 1.8 metre timber paling fence and landscaping to the boundaries adjoining house allotments. In addition, the Project Manager will further consult with the officers in the Cairns Regional Council during site works on the extent of the landscaping proposed.</p> <p>Council's letter (Attachment 2) states that the applicable provisions of the Planning Scheme for the Balance of the City of Cairns are reflected in Edge Architecture's letter dated 23 November 2004.</p> <p>The proposal is in accordance with all</p>

		of the provisions in this letter, which include site density, population allocation, site cover, building setbacks and height however the proposal does not meet the provisions for car parking.
3. Car Parking	<p><i>Proposed Development Criteria</i></p> <p>Two bed unit: 1.5 spaces per unit plus visitor parking of 0.25 spaces per unit. In all cases, a minimum of one space per unit is to be roofed.</p> <p><i>A total of 34 car parking spaces are required.</i></p>	<p>The proposed development does not meet the proposed development criteria in relation to car parking.</p> <p>A total of 19 car parking spaces have been provided for the 19 units. This rate of provision is in accordance with the department's car parking rates which have been established on the basis of Australian Bureau of Statistics data on car ownership in public housing and public transport availability. A car space will not be marked for exclusive use of a unit. It is anticipated that the level of car ownership in allocated tenants will allow visitor spaces to meet normal use requirements on site without impacting on street parking.</p> <p>Public transport bus services run from Reed Road approximately 400 metres to the north of the site, on the hour, to and from the Cairns CBD, seven days a week.</p>

Plan References:

- 1124_DD_205 – Typical Floor Plans and Elevations Building 5;
- 1124_DD_101 – Site Plan;
- 1124_DD_201 – Typical Floor Plans and Elevations Building 1;
- 1124_DD_202 – Typical Floor Plans and Elevations Building 2;
- 1124_DD_203 – Typical Floor Plans and Elevations Building 3; and
- 1124_DD_204 – Typical Floor Plans and Elevations Building 4.

Council Comments:

	Supported
	Not Supported
	Objections Raised
	No Objections Raised
	No response Received
X	Not required

Project information will be provided to Cairns Regional Council prior to the commencement of site works, as per the approved process for NBJP projects. Project Services sought advice from Council in regards to the Special Facilities Approval however did not seek Council opinion on the proposed development.

Recommendation:

Given the proposal complies with the use intended for the site and the minor nature of the non-compliances with the planning scheme requirements; it is recommended that the project is 'not substantially inconsistent' with the planning scheme.

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**DIRECTOR-GENERAL
DEPARTMENT OF COMMUNITIES**

Memorandum for Approval Briefing Note for Information

SUBJECT

- Compliance with the *Sustainable Planning Act 2009* (SPA). To seek the Director-General's determination with respect to a 'public housing' project at 24 Harbour Drive, Trinity Park (Cairns).

REASON FOR URGENCY

- The project is part of the Nation Building and Jobs Plan (NBJP), requiring an urgent IPA determination to meet the scheduled program commencement of early March 2010.

Program Owner: Tony Waters Deputy Director-General Housing and Homelessness Services Ph: 3227 8052	Office in Charge of Property Delivery: Damian Lavercombe Assistant Director-General Communities' Property Portfolio Ph: 3225 1527
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RECOMMENDATIONS

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NOTED / ENDORSED / NOT ENDORSED
LINDA A APELT Director-General / /2010
COMMENTS:

BACKGROUND

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Scheme for the Balance of the City of Cairns for the establishment of multiple dwelling units on Lot 1801 relevant at the date of the letter.

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FINANCIAL IMPLICATIONS / GST

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