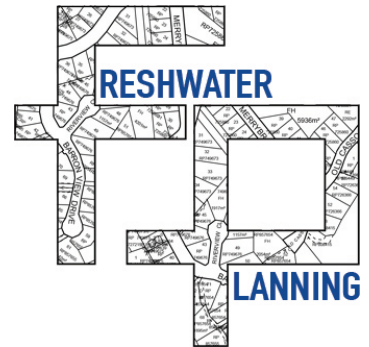


Your Ref: MCU/17/0017
Our Ref: F17/34



30 May, 2018

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Brian Millard
Regional Planning Group

Dear Sir,

**RE: DEVELOPMENT APPLICATION MCU/17/0017
REQUEST FOR A NEGOTIATED DECISION NOTICE
APPLICATION FOR A MATERIAL CHANGE OF USE – TOURIST PARK, SHORT TERM
ACCOMMODATION AND FOOD AND DRINK OUTLET.
LOTS 10, 11 & 12 ON SP168631, 1 – 7 WILLIAMS CLOSE, MAREEBA.**

I refer to the Mareeba Shire Council's Decision Notice (Council's Ref: MCU/17/0017) dated 18 April, 2018. This letter offers Change Representations for a Changed Decision Notice under Section 75 of the Planning Act 2016.

Amendments to the Approved Plans

This Response provides an Amended set of Proposal Plans to those that were Approved as a result of the imposed Condition 3.6 Maximum Accommodation Density that was inserted during the Council's Ordinary Meeting. The proponents Consultant, Jim Papas Civil Designer Pty Ltd, has confirmed that the Amended Plans do not increase the maximum population over the site, instead slightly reducing it. The Amended Plans also ensure that an appropriate and acceptable level of parking is provided for the Approved Use. Calculations provided by Jim Papas Civil Engineering Designer Pty Ltd can be made available at Council's request. It is considered that the Amended Proposal Plans are acceptable and are as a result of the imposed Condition 3.6 Maximum Accommodation Density as executed by Council within its Ordinary Meeting.

In addition to the Amended Proposal Plans, a detailed set of Landscaping Plans are attached and have been provided to demonstrate that an appropriate level of amenity, through Landscaping, is provided with the Approved Staged Development.

Notes

In relation to Condition 4.6 Lighting, the proponent has engaged a professional Lighting Consultant to ensure that appropriate design is provided in accordance with Condition 4.6 ensuring that minimal affect on the adjoining residents is provided while ensuring safe and effective lighting compliant with the Crime Prevention through Environmental Design (CPTED) principles.

Representations are provided in this letter in relation to Conditions of the Decision Notice. It is requested that Council Officers provide a Draft Copy of the Negotiated Decision Notice with sufficient time for review prior to any Negotiated Decision Notice being Issued or Tabulating of the Item on the Agenda.

The following Representations are provided in accordance with Section 75 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

3.4 Noise Nuisance

3.4.3 Acoustic Screen Fencing - Stage 1

Prior to the commencement of the use of Stage 1, the applicant/developer must erect a solid 2.4 metre high, neutral colour, screen boundary fence for:

- (i) the entire northern boundaries of Lots 10 and 11 on SP168631; and*
- (ii) that part of the northern boundary of Lot 12 on SP168631, commencing at the western boundary of Lot 12 on SP168631 and extending to a minimum of twenty metres to the east of the proposed backpackers accommodation building.*

The fence must be designed and constructed in accordance with the Department of Transport and Main Roads' Road Traffic Noise Management: Code of Practice, Chapter 5. The applicant/developer must provide RPEQ certification that the fence has been designed and constructed in accordance with the beforementioned code of practice.

All fencing must be erected prior to the commencement of the use and must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

Representation

It is requested that Council Amend this Condition removing the Fencing design and construction requirements with regards to the Department of Transport and Main Roads' Road Traffic Noise Management: Code of Practice, Chapter 5. It is acceptable and considered appropriate that any Acoustic Fencing provided onsite be designed and constructed in accordance with a RPEQ Certification. The proponents Civil Consultant has reviewed this document and notes that these required practices are not required nor relevant to this proposal and should be removed.

In addition to this, it is requested that the Condition be amended to remove the Fencing requirement for the entire northern boundary of Lot 10 on SP168631. The northern boundary of Lot 10 adjoins Open Space (Parklands) of which provides a substantial visual aesthetics and amenities to the site and Approved Development. The proponent of the Development notes that the attached image below demonstrates the visual aspect of the site from the location of the Approved Restaurant's windows which is of vital aesthetics to the site and proposal that would be lost with the provision of a 2.4 metre high solid fence. It is not understood as to why the Fencing is required to Acoustically Screen the adjoining vegetated parkland. It is considered appropriate and acceptable in this instance that the provision of Acoustic Screen Fencing be provided for any

Tourist/Accommodation Uses that adjoin the Rural Residential Uses of Debel Close. In addition to this the proponent is content to provide supplementary Acoustic Screen Fencing along the common boundary of Lots 8 and 9 on RP901433 for an appropriate length (approximately 15 metres) from the southern corner that adjoins the site to ensure appropriate amenity and screening is provided to the Debel Close residents, in particular 4 Debel Close. The proponent additionally notes that any Acoustic Screen Fencing provided along this common boundary of Lots 8 and 9 would not adversely affect any visual amenity to the Residents of 4 Debel Close as this neighbouring property contains a septic absorption mound and a cluster of sheds and general storage of items (as demonstrated in the images below) which the proposed Fencing is not considered to affect the visual amenity of the park. It is further noted that the existing dwelling is approximately greater than 35 metres further towards the front boundary from the proposed additional Screened Fencing with the existing Shed diminishing any view of this park area from the dwelling. It is considered that the proposed amended Condition below provides for a more appropriate outcome providing a greater level of Acoustic Screening to the adjoining residential properties of Debel Close without affecting any visual aspect of the Parklands.

View of Parkland from Approved Restaurant



View of the neighbouring property showing a septic absorption mound and a cluster of sheds and general items



Requested Action

It is requested that Condition 3.6 Hours of Operation Condition be amended to the following:

3.4 Noise Nuisance

3.4.3 Acoustic Screen Fencing - Stage 1

Prior to the commencement of the use of Stage 1, the applicant/developer must erect a solid 2.4 metre high, neutral colour, screen boundary fence for:

- (i) the entire northern boundaries of Lots ~~10~~ and 11 on SP168631; and*
- (ii) provide additional fencing approximately 15 metres from the southern point of the adjoining common boundaries of Lots 8 and 9 on RP901433.*
- (ii) that part of the northern boundary of Lot 12 on SP168631, commencing at the western boundary of Lot 12 on SP168631 and extending to a minimum of twenty metres to the east of the proposed backpackers accommodation building.*

~~*The fence must be designed and constructed in accordance with the Department of Transport and Main Roads' Road Traffic Noise Management: Code of Practice, Chapter 5.*~~
The applicant/developer must provide RPEQ certification that the fence has been designed and constructed in accordance with the ~~beforementioned code of practice~~ relevant standards.

All fencing must be erected prior to the commencement of the use and must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

3.6 Maximum Accommodation Density

Each bedroom within the development must accommodate no more than two (2) persons at any one time.

Representation

The proponent accepts this Condition's intent to ensure that mass boarding of patrons within a single room is avoided. The Attached Amended Plans provide an updated design of the proposal to come in line with this Condition, as per previously outlined. It is requested that the above Condition be amended to include the term 'adult' ensuring to protect the Proposal from mass boarding of adult patrons while allowing for the provision of families staying at the development. This will allow for young families to be able to be accommodated within a single room without affecting the abovementioned Condition.

Requested Action

It is requested that Condition 3.6 Maximum Accommodation Density be amended to the following:

3.6 *Maximum Accommodation Density*

Each bedroom within the development must accommodate no more than two (2) adult persons at any one time.

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4.5 *Landscaping*

4.5.1 *The development must be landscaped in accordance with an approved landscape plan.*

4.5.2 *Prior to the issue of the development permit for operational works, a detailed landscape plan showing each stage, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.*

4.5.3 *The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.*

4.5.4 *The landscaping plan must incorporate the following:*

- *the planting of street trees along the Williams Close frontage;*
- *landscaping strips within the subject land, along the Williams Close frontage, the northern boundary and internal roads.*

4.5.5 *A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.*

4.5.6 *The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.*

Representation

Attached to this Request for a Negotiated Decision Notice are a set of detailed Landscaping Plans from Susan Quigg Landscape Designer of the development. It is requested that this Condition be amended to reflect the attached detailed Landscaping Plans which are considered to be designed in accordance with the abovementioned Conditions. These Landscaping Plans ensure that appropriate amenity and visual aesthetics are incorporated with the development.

Requested Action

It is requested that Condition 4.5 Landscaping be amended to the following based upon the attached Landscaping Plans:

4.5 Landscaping

Landscaping shall be provided generally in accordance with the attached Susan Quigg Landscaping Designer Landscaping Plans to the satisfaction of Council's delegated officer.

This completes this Request for a Negotiated Decision of the Development Approval. Please do not hesitate to contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,



MATTHEW ANDREJIC

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