PLANNING REPORT

SUBJECT: **MAISEL AG PTY LTD TTE - MCU - CAR WASH - LOT 2 M35663 - 308 BYRNES STREET, MAREEBA - MCU/17/0007.DOCX**

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Maisel Ag Pty Ltd	**ADDRESS**	308 Byrnes Street, Mareeba
DATE OF NDN REQUEST	10 January 2018	**RPD**	Lot 2 on M35663
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Car Wash		

FILE NO	MCU/17/0007	**AREA**	1,381m^2
LODGED BY	Freshwater Planning Pty Ltd	**OWNER**	Maisel Ag Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two (2) Submissions Received		

ATTACHMENTS:
1. Decision Notice dated 20 December 2017
2. Applicant's written representations received 10 January 2018

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 20 December 2017, subject to conditions.

The application was impact assessable and two (2) properly made submissions were received in response to public notification of the application.

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Version: 3, Version Date: 17/01/2018

The applicant has subsequently made written representations about Conditions 3.6.1, 3.4.2, 3.4.3 (hours of operation & noise), 4.1 and 4.2 (access and Lerra Street widening) and requests the issue of a negotiated decision notice.

Council officers have reviewed the applicant's representations and are of the opinion that the requested amendments to Conditions 3.6.1 and 4.1 are reasonable. A partial amendment to Condition 4.2 is recommended to require widening of Lerra Street (from Byrnes Street to Kennedy Street) on the development side only.

It is recommended that the request be approved in part and a negotiated decision notice be issued.

OFFICER'S RECOMMENDATION

It is recommended that:

"1. In relation to the written representations made by Freshwater Planning Pty Ltd on behalf of Maisel Ag Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Maisel Ag Pty Ltd	**ADDRESS**	308 Byrnes Street, Mareeba
DATE OF NDN REQUEST	10 January 2018	**RPD**	Lot 2 on M35663
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Car Wash		

and in accordance with the Planning Act 2016,

(A) Condition 3.6.1 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate 24 hours a day, 7 days per week.

(B) Conditions 4.1 and 4.2 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

4.1 Access

*A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.*

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- *The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*

- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

(C) Conditions 3.4.2 and 3.4.3 remain as per Council's Decision Notice issued on 20 December 2017.

2. A Negotiated Decision Notice be issued to the applicant, State referral agency and submitters advising of Council's decision."

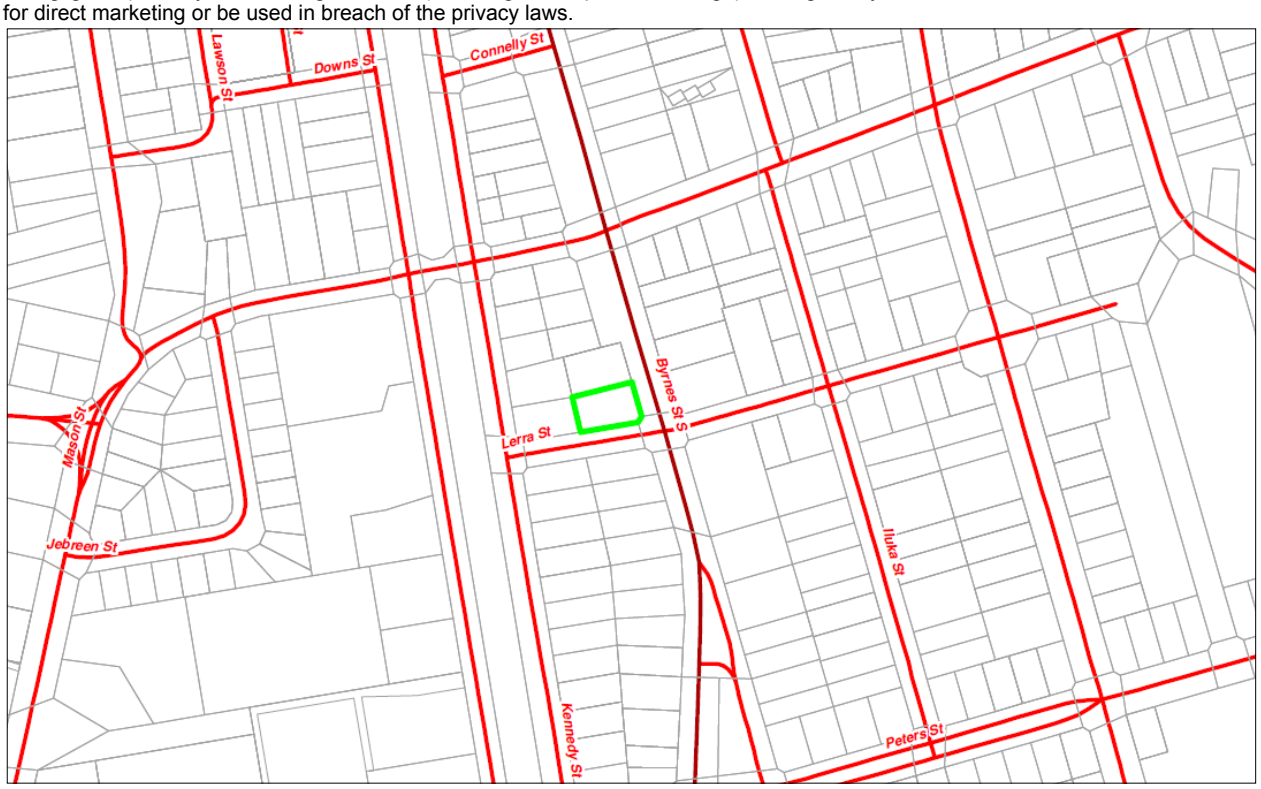
THE SITE

The subject site is situated diagonally opposite the Mareeba Mazda/Mitsubishi dealership at 308 Byrnes Street, Mareeba, and is described as Lot 2 on M35663. The site is generally regular in shape with an area of 1,381m^2 and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 27 metres of frontage to Byrnes Street and approximately 50 metres of frontage to Lerra Street. Byrnes Street is a State controlled road and is bitumen sealed from kerb to kerb. Lerra Street is also constructed to a bitumen sealed standard, however, is not sealed to the kerbing on either side of the road.

Although previously containing a dwelling and mature landscaping, the site has now been cleared of all improvements and vegetation. All immediate surrounding lots are zoned Low Density Residential and contain single detached dwellings. The allotment to the north of the site contains an accounting business and remedial massage business.

Map Disclaimer:
Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

On the 20 December 2017, Council approved the application made by Freshwater Planning Pty Ltd on behalf of Maisel Ag Pty Ltd for the issue of a development permit for Material Change of Use – Car Wash over land described as Lot 2 on M35663, situated at 308 Byrnes Street, Mareeba.

The approval was granted subject to various conditions. The decision notice was issued on 20 December 2017 and is included as **Attachment 1**.

Freshwater Planning Pty Ltd, on behalf of the applicant, have written to Council making representations (**Attachment 2**) in relation to Conditions 3.6.1, 3.4.2, 3.4.3, 4.1 and 4.2 and seeking the issue of a negotiated decision notice.

APPLICANT'S REPRESENTATIONS

Maisel Ag Pty Ltd has provided the following statement in support of their request for the issue of a negotiated decision notice:

> *The Mareeba Township is currently lacking what is considered by many residents as a necessary facility for enhanced liveability, especially for a Rural Township, in the form of a Car Wash. This is particularly important in a region that is looking towards water restrictions, has growing concern and involvement in protecting the Great Barrier Reef from untreated stormwater runoff and whose Township, we believe, is ready to meet the North's investment potential. Since lodging the Development Application with Council, and in particular since undertaking Public Notification, many Residents and Business owners have remarked that this is a long required facility that Mareeba will now be able to list among its many services. There has been a lot of positive talk and excitement about this project, with the most asked question now being "when will it be open?" This is further evidenced by Council receiving only a single, negative Submission to a Use on the main road into the Mareeba CBD.*
>
> *Mareeba is a Rural Town that is considered to be a gateway to the north for all forms of travellers, including business, residents, agricultural and its supporting industries, grey nomads and tourists. The Mareeba Township currently offers a wide range of essential services (ie: service stations, news agencies, McDonalds, etc.) that operate either 24 hrs each day or open early in the morning at around 4am or 5am.*
>
> *A substantial amount of research was undertaken prior to completing the proposed Development Application that was presented for approval. As a result, Specific Car Wash and Acoustic design professionals who specialise in designing Car Washes and mitigating the acoustic effects to the immediate adjoining residents were engaged, at considerable cost, with the brief to ensure that the design was optimised for the block, was gentle in both its colour scheme and building design features and would meet or exceed all stringent planning and design requirements/regulations. We voluntarily restricted the hours of operation for the vacuum bays from 7am to 10pm as a courtesy to the adjoining residential properties. Furthermore, the professionals engaged design Car Washes all around Australia and are familiar with the specific characteristics that need to be included on Car Wash sites to make the development financially viable, function in accordance with all of the local regulations and mitigate negative effects to the surrounding residents and infrastructure.*
>
> *The proposed Car Wash development has been designed with the diverse Township's 'culture' in mind. Being open for patrons 24 hours a day will help to ensure a viable business by not only being able to cater to all these diverse needs, but to enhance the*

customer experience by reducing queuing times and by providing choice to patrons to avoid busy road times (such as the school drop-off and pickup gridlock that we have all experienced on Byrnes Street) which will enhance road and patron safety. The site's own security will also be enhanced by 24 hr operation.

Extensive investigations were undertaken by ourselves in relation to the required operating hours. We attended over 20 Car Washes from Cairns to Brisbane, discussing at length with the owners/operators what was required to meet customer expectations and to run a successful Car Wash. As a result, we have learned that most patrons expect a Car Wash to be open 24hrs, right in line with most fuel stations. Our proposed Car Wash site is located between two 24hr fuel/mini-mart service stations.

Unfortunately, the current Conditioned Operating Hours, as altered by the Councillor's within Council's Meeting, has jeopardized the viability of this commercial venture and caused us to rethink our position on moving forward with the project.

Condition 3.6.1

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

Representation by Applicant

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash, with the Super Wash Bay, Self-Serve Wash Bays and Auto Wash Bays to operate 24 hours a day, 7 days a week. This Recommendation was attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans. It is understood that at the Council Meeting (20 December, 2017) the Councillors Amended the Town Planning Officers Recommended Hours of Operation over the entire site. This severe reduction in operating hours will have a significant impact to the viability of this commercial venture.

The EcoAcoustics Environmental Noise Assessment and submitted Development Plans, integrate Noise Amelioration in the physical form of:

1. *Concrete panel walls;*
2. *Acoustic fencing;*
3. *Automatic, rapid close, roller doors to the Automatic Wash Bays entry and exit;*
4. *End caps being fitted to the Vacuum Bay islands; and*
5. *Lining the Vacuum Bay roof with acoustic insulation.*

The site itself has been specifically designed to minimise acoustic impacts by:

1. *Positioning the Vacuum Bays to the west of the site with a concrete panel boundary wall and acoustic lined roof- greatly minimising any impact to the residents to the west/northwest;*
2. *Positioning the Dog Washes closest to Lerra Street due to the low noise generated in this area. This allows the Vacuum Islands to be further away from Lerra Street, increases the distance of travel to nearby noise receiving locations and allows greater shielding from the main Car Wash building;*

3. *Including two automatic wash bays (instead of one) greatly increases the equipment costs, but lowers the overall noise generated by the site as these two Automatic Wash bays are essentially a 4-sided concrete panel wall enclosure with the entry/exit opening covered with a high-speed acoustic roller door;*
4. *Positioning the Super Wash Bay concrete panel wall closest to the northern boundary. This allows a larger site boundary wall coverage, and hence effectively mitigates the noise effects to the adjoining building approximately 9 metres away; and*
5. *Positioning the Plant Room between the Super Wash Bay and the Self-Serve Wash Bays which prevents the overall intensification of noise produced from these wash bays that can occur when there are a number of non-automatic wash bays lined consecutively.*

The above points outline the included Car Wash physical and design Attenuation Measures. When they are combined with the noise criteria set out within the Environmental Protection (Noise) Policy, 2008 (details contained within the accompanying acoustic report completed by EcoAcoustics) the proposal clearly demonstrates that the overall site can operate 24 hours a day, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm. The proposal is considered to meet and exceed the minimum acoustic design requirements ensuring that appropriate and additional Noise Amelioration is provided which will deliver the most appropriate outcomes to the adjoining Residential Area.

As stated above by the proponents of the site; for this Car Wash Facility to be viable and sustainable, the Conditioned Hours of Operation need to be amended back to the original Town Planning Officers Recommendation. As Mareeba is a Rural Township, a starting time of 7 am is inappropriate as this removes a substantial portion of clientele in the form of (but not limited to) Rural Workers, Grey Nomads, Travellers to and from the Cape and Cairns, Business persons and operators, tourists and residents commuting to both Cairns and the surrounding Tablelands for work, holidays and other essential services not currently provided within Mareeba. The proponents have worked closely with Council's Planning Department in relation to the Development to ensure that an appropriate Development including sufficient Noise Amelioration was provided.

It is requested that the Hours of Operation revert to the original Town Planning Officers Recommendation of a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm; as this is what is considered to be most appropriate and viable for this Commercial Venture within the Mareeba Rural Township.

If Council has further concerns in relation to the provided Noise Ameliorations within the TMC Building Design Groups Proposal Plans and Attenuation Measures outlined within the EcoAcoustics Report, we ask that a Peer Review nominating the specific areas of concerns be provided so this may be investigated further.

It is also noted that if Council still chooses to alter the Hours of Operation from a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm then the current level of Noise Amelioration currently documented throughout the Design and required by the EcoAcoustic Report will be substantially reduced while still complying with the requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

In conclusion, the current Conditioned Hours of Operation are not considered to be reasonable or fair given that 24hr operation of fuel stations both to the North and South of the site are adjacent to residential lots, and will increase the risk that the Car Wash Facility will become an unviable venture.

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

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate ~~between the hours of 7 am and 10 pm, seven (7) days per week~~ ***24 hours a day, 7 days per week****.*

Response

The applicant's representations in respect of Condition 3.6.1 are comprehensive and based on the expert advice provided in the EcoAcoustic Report.

Based on the acoustic expert's report and the noise amelioration measures to be incorporated into the development, the proposed 24 hour operation of the car wash bays will not result in unreasonable noise impact.

Notwithstanding the above, Condition 3.4.3 of the development approval provides a fall back condition in the event of a substantiated future noise complaint.

Condition 3.4.3 is as follows:

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

In response to the applicant's representations, the findings of the EcoAcoustic Report, and the protections offered under Condition 3.4.3, it is recommended that Condition 3.6.1 be amended as follows:

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate ~~between the hours of 7 am and 10 pm, seven (7) days per week~~ ***24 hours a day, 7 days per week****.*

Conditions 3.4.2 and 3.4.3

3.4 Noise Nuisance/Control

3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

Representation by Applicant

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash with the Super Wash Bay, Self-Serve Wash Bays and Automatic Wash Bays to operate 24 hours a day, 7 days a week (attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans). It is understood that at the Council Meeting on the 20 December, 2017 the Councillors Amended the Council Town Planner's Recommended Hours of Operation over the entire site, severely reducing the Hours which is considered to result in a non-viable venture as aforementioned.

If the Hours of Operation Condition is not Amended to an appropriate outcome, then the following Conditions need to be amended. If the Hours of Operation remain as per Conditioned, then the Noise Amelioration provisions provided within the TMC Design Plans and required within the EcoAcoustic Report will need to be amended (as the designed trading hours will be decreased) to comply with only the minimum day and evening requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

If the Hours of Operation Condition is not Amended, the Hours of Operation are severely decreased and the Conditioned Substantiated Noise Complaint requirement is no longer required or acceptable given the reduced Hours of Operation. As the Hours are altered to standardised hours, the ability for substantial noise complaints are now removed and this needs to be reflected in the Approved Conditions. It is not considered fair, reasonable, relevant or acceptable to require substantial Noise Attenuation Measures and Noise Complaint requirements for the reduced Hours of Operation.

If the Hours of Operation Condition (Condition 3.6) is not amended to reflect an appropriate outcome to both the Council and Applicant then it is requested that Condition 3.4 Noise Nuisance/Control be amended to the following:

3.4 Noise Nuisance/Control

3.4.2 ~~All~~ Noise attenuation measures proposed for the development ~~and~~ included on the approved plans, including the concrete panel walls, acoustic fencing ~~and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b)~~ must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

~~3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.~~

~~The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.~~

Response

As it is proposed to amend Condition 3.6.1, no change is recommended to Conditions 3.4.2 and 3.4.3.

Conditions 4.1 and 4.2

4.1 *Access*

*A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.*

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- *Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*

- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

Representation by Applicant

The Mareeba Shire Town Planning Officers have been working closely with Freshwater Planning Pty Ltd and the Applicant in relation to the preparation of the proposed Car Wash layout which included the provision of Draft Conditions and discussions in relation to any items that were of concern to both Council and/or the Applicant. It is understood that after the Planning Officers and Applicant found an agreeable ground for the Draft Conditions, Council's Management Team altered the Conditions adding 'Exit onto Lerra Street must be left turn only' and 'Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street' as opposed to the Draft Condition which required that the 'development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary'.

It is understood that the provided Conditions within the Decision Notice are illegal as they provide not reasonable, relevant, fair or acceptable requirements on the Developer. It is not considered appropriate or moral for the Council to require the External Road Upgrade of Lerra Street to the Kennedy Street intersection especially if requiring the exit to the site to be 'left turn only' on Lerra Street, therefore further limiting the use of the already accepted limited use of Lerra Street from Kennedy Street. The site has been meticulously designed to ensure that the Car Wash not only works as efficient as possible but to also ensure that the most appropriate vehicular movements are achieved. The Department of Transport and Main Roads has restricted the site to ingress only from Byrnes Street with all egresses to be provided to Lerra Street. The internal design of the Car Wash ensures that this is to occur and any ingress from Lerra Street caters for the Use of the Vacuum Bays and Dog Wash only as any Car Washing Facilities are accessed from Byrnes Street. This ensures that a greatly limited access to the site is provided from Lerra Street and minimal use of Lerra Street from Kennedy Street.

Discussions with the Applicant, their consultants, along with Council's Planning Officers all agree that the substantial majority of customers (for not only this Development but any development) look for the shortest and most appropriate route possible, which in this instance, is considered to be Byrnes Street and not through the back streets. It is considered that creating a 'left turn only' onto Lerra Street will, for the majority, punish the surrounding residential area, and in particular residents of Kennedy Street, as these will be most affected by ensuring that a longer and more inconvenient travel will occur. It is considered that if even 1 in 10 vehicles egress the site towards Kennedy Street, then that equates to approximately 10 vehicles per day (the same amount that the existing Residential Dwelling is accepted to account for) within the site's peak Usage and the likeliness of 1 vehicle movement per hour towards Kennedy Street. These figures are based upon the considered busiest peaks for the Car Wash as mentioned within the Town Planning Submission. In addition to this, by removing any 'right out onto Lerra Street' this will remove any alternative access should there be an accident, congestion or incident within intersection of Byrnes and Lerra Streets or fronting the site. Further to this, it is understood that implementation of 'left turn only' on Rankin Street fronting the McDonalds site shows that if vehicles want to turn right, then they turn right either over the plastic island or by doing a U-turn after the provided restricted area.

It is considered that the provided Conditions in relation to Access and Roadworks External Construction that differ from the provided and agreed upon Draft Conditions are not acceptable, or appropriate as detailed above. The provision of a 'left turn only' onto Lerra Street will be a disadvantage to surrounding residents, in particular those located on Kennedy Street, and is not considered acceptable as this also does not allow an alternative access should an incident occur. As the site will be accessed infrequently from Lerra Street and predominately from the Byrnes Street side of Lerra Street, the requirement to provide External Roadworks is not considered reasonable, relevant or fair and is requested to be deleted. This required External Roadworks Construction is not considered to be supported by the traffic analysis provided within the Report or by the original assessment with the Town Planners.

It is requested that Condition 4.1 Access and 4.2 Roadworks External Construction Conditions be amended to the following, which is what was agreed upon with the original provision of Draft Conditions:

4.1 Access

*A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.*

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

~~*Exit onto Lerra Street must be left turn only.*~~

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- ~~*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street*~~ *The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary.*

- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

Response

The section of Lerra Street between Byrnes Street and Kennedy Street ranges from 4 to 5 metres in width.

The widening of Lerra Street, on the development side, for the frontage of the subject land is reasonable and not in dispute. This widening would take Lerra Street to 6.5 to 7 metres in width.

Continuing the development side widening of Lerra Street to Kennedy Street (approximately 50 metres) would improve 2-way traffic movements and reduce damage to the edge of the bitumen pavement.

If the widening of Lerra Street beyond the frontage of the site is maintained, the restriction to left turn exit only should be removed.

It is recommended that Condition 4.1 and 4.2 be amended as follows:

4.1 Access

*A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.*

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

~~*Exit onto Lerra Street must be left turn only.*~~

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- ~~*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*~~
  The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.

- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

Date Prepared: *15 January 2018*

ATTACHMENT 1

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
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20 December 2017

Officer: Carl Ewin
Direct Telephone: 07 4086 4656
Our Reference: MCU/17/0007
Your Reference: F17/21

Maisel Ag Pty Ltd TTE
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
FRESHWATER QLD 4870

Dear Sir/Madam

Decision Notice
Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0007
Street Address:	308 Byrnes Street MAREEBA QLD 4880
Real Property Description:	Lot 2 on M35663
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Car Wash
Date of Decision:	20 December 2017

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

Document Set ID: 3336548
Version: 1, Version Date: 22/12/2017

Document Set ID: 3339178
Version: 3, Version Date: 17/01/2018

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "***necessary infrastructure condition***" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

   - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
   - to ensure compliance with the following conditions of approval.

2. Timing of Effect

   2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

   2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

   2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.

3. General

   3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

   3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

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3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance/Control

3.4.1 Refrigeration equipment, pumps, filter systems, mechanical plant, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the *Environmental Protection (Noise) Policy 2008*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the

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applicant/developer or any subsequent owner/operator to do so.

3.5 Waste Management

On-site refuge storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

3.6.2 Vacuum/dog Wash Bays

The vacuum bays and dog wash bays are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week. No operation of these components of the approved use are permitted to operate outside these hours.

3.7 Signage

3.7.1 Building Signage

Any signage erected on any buildings:

- Must only contain content relating to the approved use;
- Must not exceed the height of the building they are mounted on; and
- Must not move, revolve, strobe or flash;

3.7.2 Freestanding Signage

One (1) freestanding sign is permitted to advertise the approved use only, and must generally be constructed in accordance with the dimensions, location and construction notes shown on the

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approved plan/s (Drawing No. 17-025 DA Sheet 2 of 7 Proposed Site Layout dated Nov 2017).

All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Councils delegated officer.

The erection and use of any advertising signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.

- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

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4.3 Stormwater Management

4.3.1 Prior to building works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.

4.3.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with one (1) designated employee car park which is available solely for the parking of employee vehicles.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must be concrete sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.5 Landscaping & Fencing

4.5.1 Prior to the commencement of the use, the applicant/developer is to provide landscaping on the site in accordance with the submitted landscape plan (Drawing No. 17-025 DA Sheet No. 6

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of 7 Proposed Landscape & Lighting Plan dated Nov 2017), to the satisfaction of Council's delegated officer.

All landscaping must be mulched, irrigated and maintained for the life of the development.

4.5.2 The external faces of the concrete panel walls along the western and northern boundaries of the site (as shown on the approved plans) are to be painted a neutral colour agreed to by Council's delegated officer.

1.8-metre-high solid screen fencing of neutral colour, is to be erected along the northern boundary of the site between the bin area/oil separator wall and super wash bay wall, and between the super wash bay wall and the north-east corner of the site, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

No fencing is to be erected along the Byrnes Street frontage of the site.

4.6 Lighting

Where lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.7 Water Supply

A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service

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the development requirements in accordance with FNQROC Development Manual Standard (as amended).

4.8 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Table 4, item 1	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au

A copy of any referral agency conditions is attached.

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APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan/Document Number	Plan/Document Title	Prepared by	Dated
17-025 DA Sheet 1 of 7	Existing Conditions Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 2 of 7	Proposed Site Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 3 of 7	Elevations	TMC Building Design Group	Nov 2017
17-025 DA Sheet 4 of 7	Sections	TMC Building Design Group	Nov 2017
17-025 DA Sheet 5 of 7	Proposed Stormwater & Sewer Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 6 of 7	Proposed Landscaping & Lighting Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 7 of 7	Car Swept Paths & Car Parking Layout	TMC Building Design Group	Nov 2017

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER'S ADVICE

(a) A number of other charges or payments may be payable as a result of conditions of approval. The applicable fees are set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

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(c) Property Connection to existing sewer main

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(d) A Trade Waste Permit will be required prior to the commencement of use.

(e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(f) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(g) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

(h) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

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(i) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(B) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 31 October 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (road widening works)
- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were two (2) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below;

	Name of principal submitter	Address
1.	N Brtevnik & Steve Kemp	1 Lerra Street, Mareeba QLD 4880
2.	Mareeba Chamber of Commerce	345 Byrnes Street, Mareeba QLD 4880

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will

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defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights

Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au

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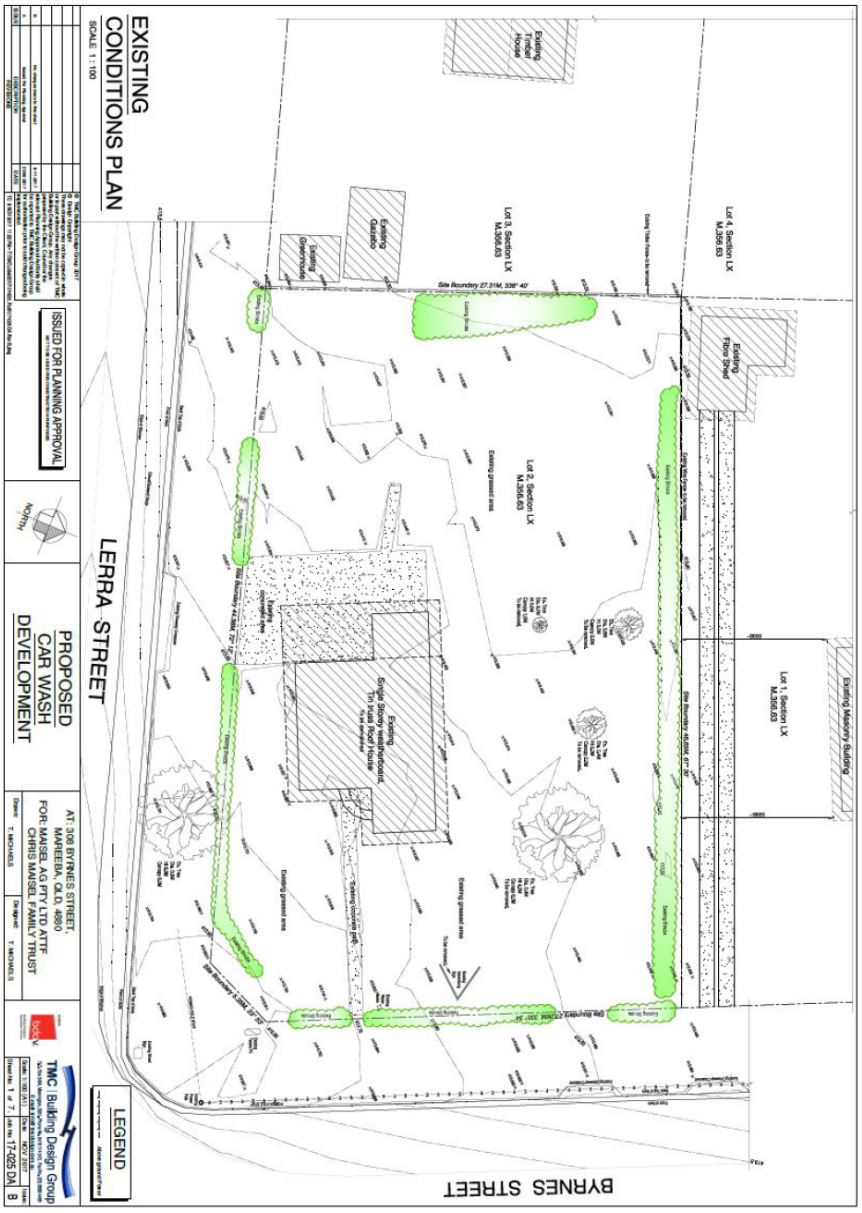
Approved Plans/Documents



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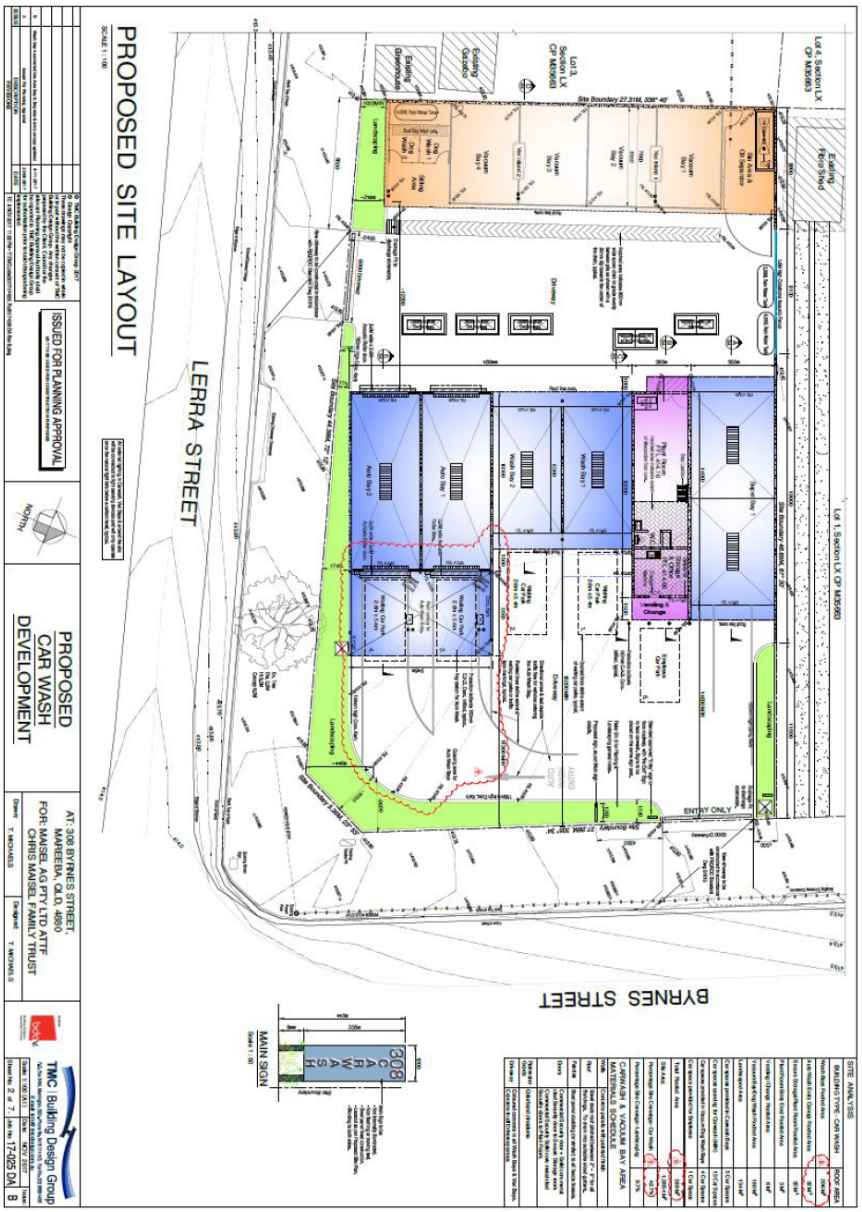

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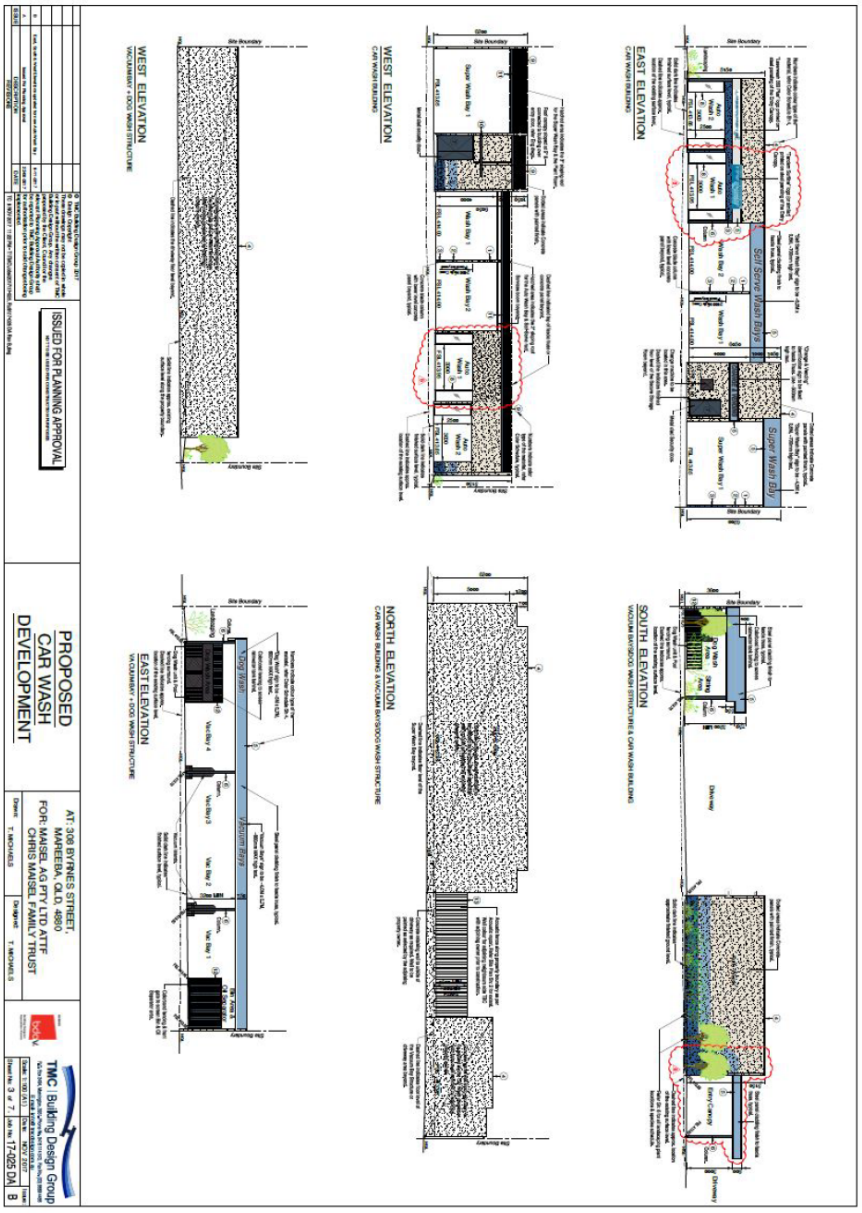

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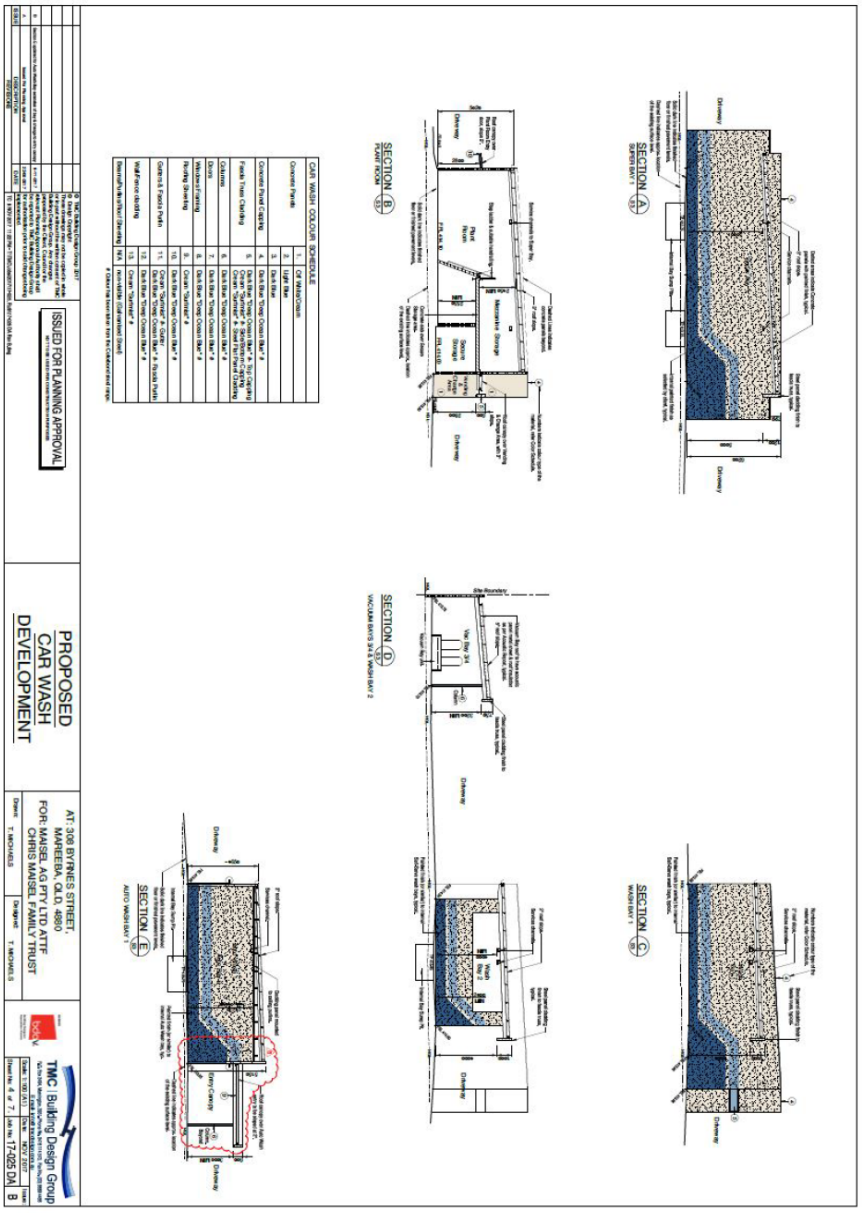

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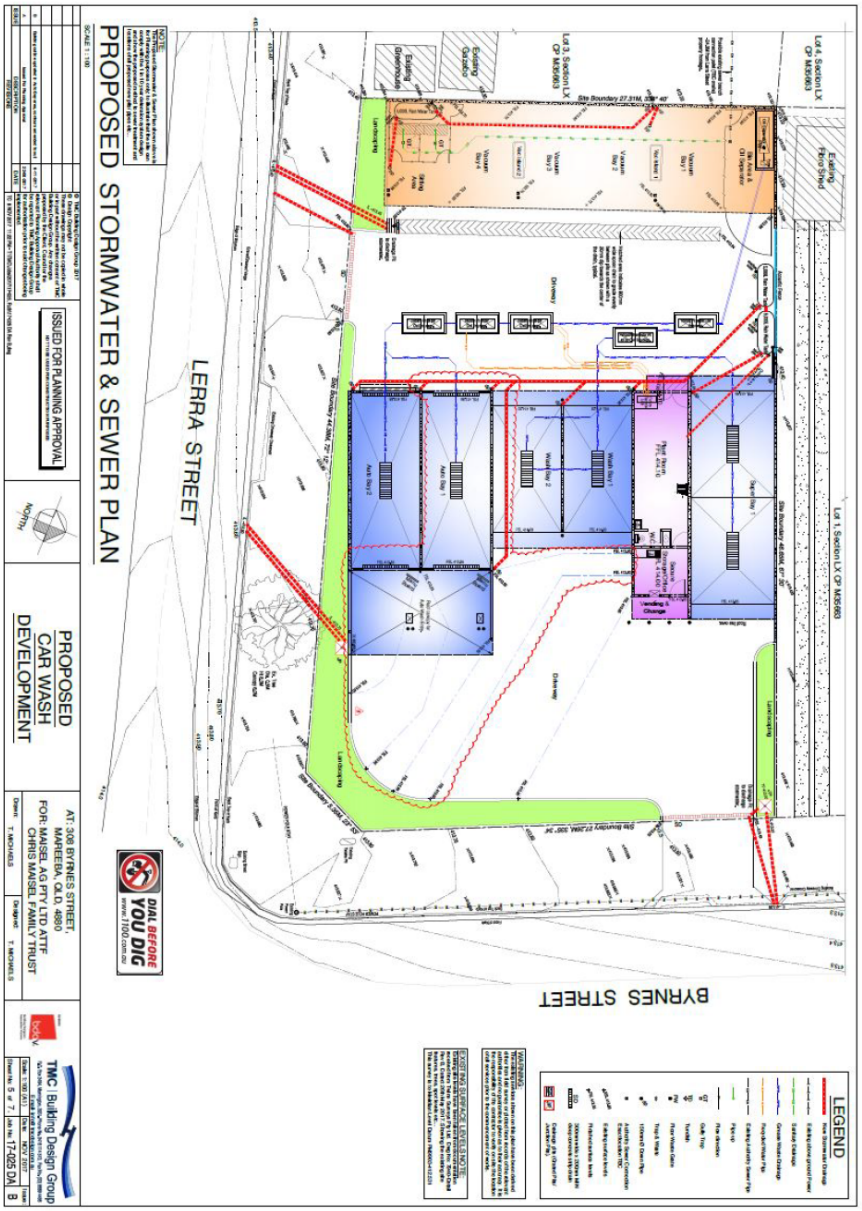

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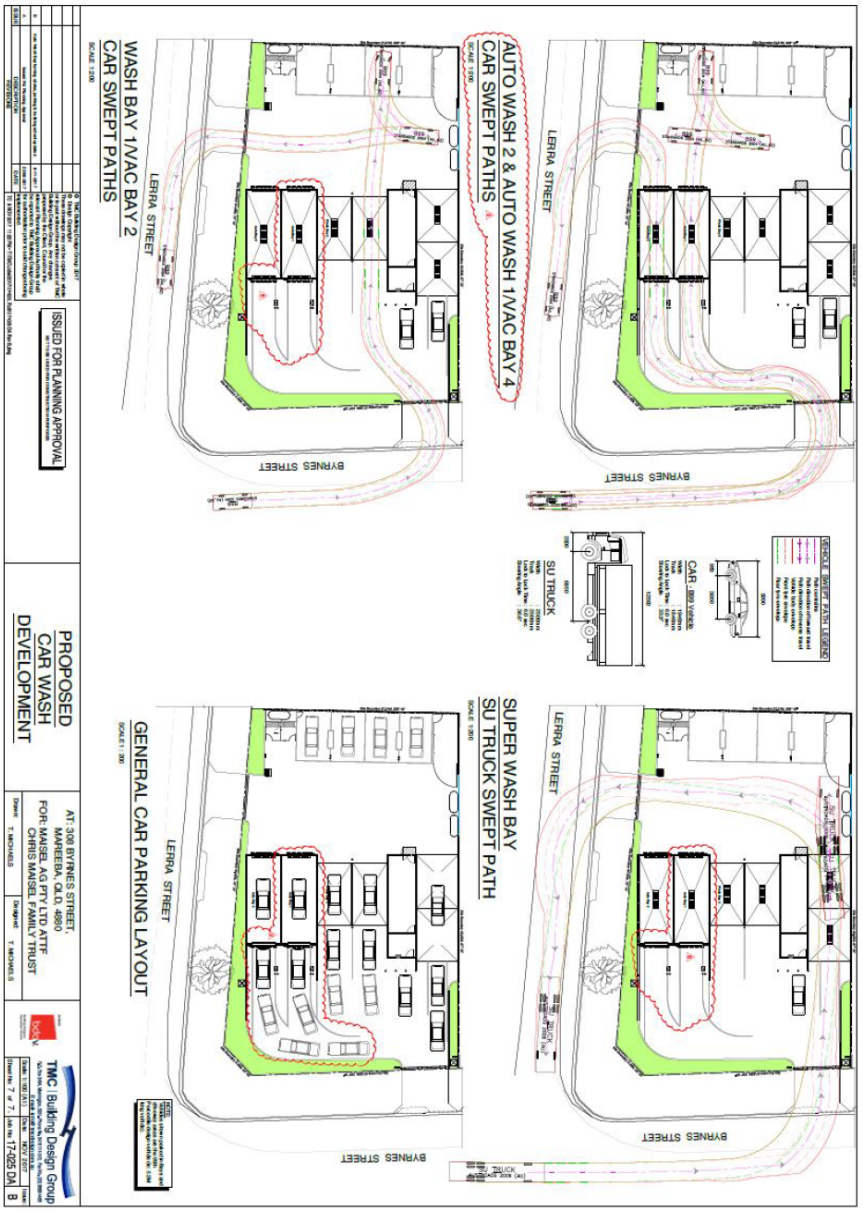

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Referral Agency Response

RA6-N

Queensland Government

Department of Infrastructure, Local Government and Planning

Our reference: 1709-1647 SRA
Your reference: MCU/17/0007

31 October 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
info@msc.qld.gov.au

Attention: Mr Carl Ewin

Dear Sir/Madam
Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 28 September 2017.

Applicant details

Applicant name:	MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust
Applicant contact details:	C/- Freshwater Planning Pty Ltd, 17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

Location details

Street address:	308 Byrnes Street, Mareeba
Real property description:	Lot 2 M35663
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for car wash facility

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

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

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Conditions
Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions
The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager
Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
TMR Layout Plan (664-0.96km)	Queensland Government Transport and Main Roads	23/10/2017	RMR17-22649(500-1174)	B
Proposed Car Wash Development	TMC Building Design Group	August, 2017	17-025 DA Sheet 2 of 7	A

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@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Brett Nancarrow
Manager (Planning)

cc MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust c/- freshwaterplanning@outlook.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

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Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.2.1 State transport infrastructure—The chief executive administering the *Planning Act 2016* 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.	The development must be carried out generally in accordance with the following plan: • Proposed Site Layout prepared by TMC Building Design Group dated August 2017, reference Sheet No. 2 of 7 and revision A.	Prior to the commencement of the use and to be maintained at all times
2.	(a) The road access locations, are to be located generally in accordance with TMR Layout Plan (664-0.96km), prepared by Queensland Government Transport and Main Roads, dated 23/10/2017, reference TMR17-22649(500-1174), Issue B. In particular road access location from Byrnes Street is to be located near the northern boundary of Lot 2 on M35663 and approximately 40m north of Lerra Street. The access is to be entry only and restricted to a design vehicle up to a maximum size single body truck – Class 5 heavy vehicle as described in Austroads Vehicle Classification System. (b) The road access works comprising commercial and industrial crossover must be designed and constructed in accordance with the FNQROC Standard Drawing S1015.	(a) At all times (b) Prior to the commencement of use
3.	Direct access is not permitted between Byrnes Street and the subject site at any location other than the permitted road access location identified in Condition 1.	At all times
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road.	(a) and (b) at all times

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Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

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Attachment 3—Advice to the assessment manager

General advice	
Road access works approval	
1.	Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. 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). Please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

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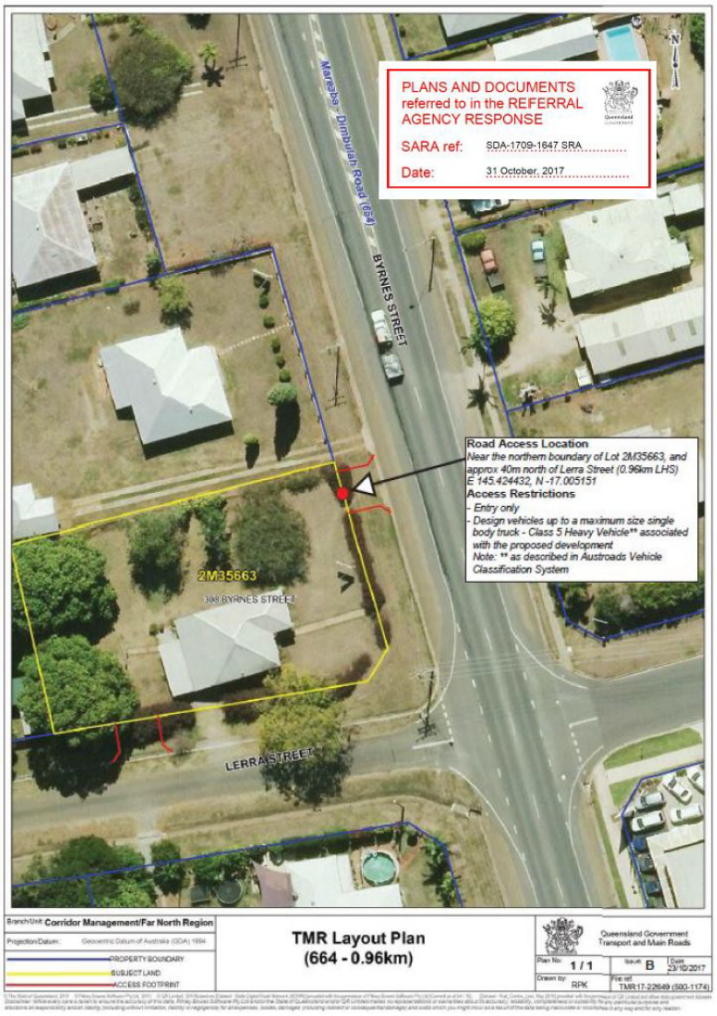

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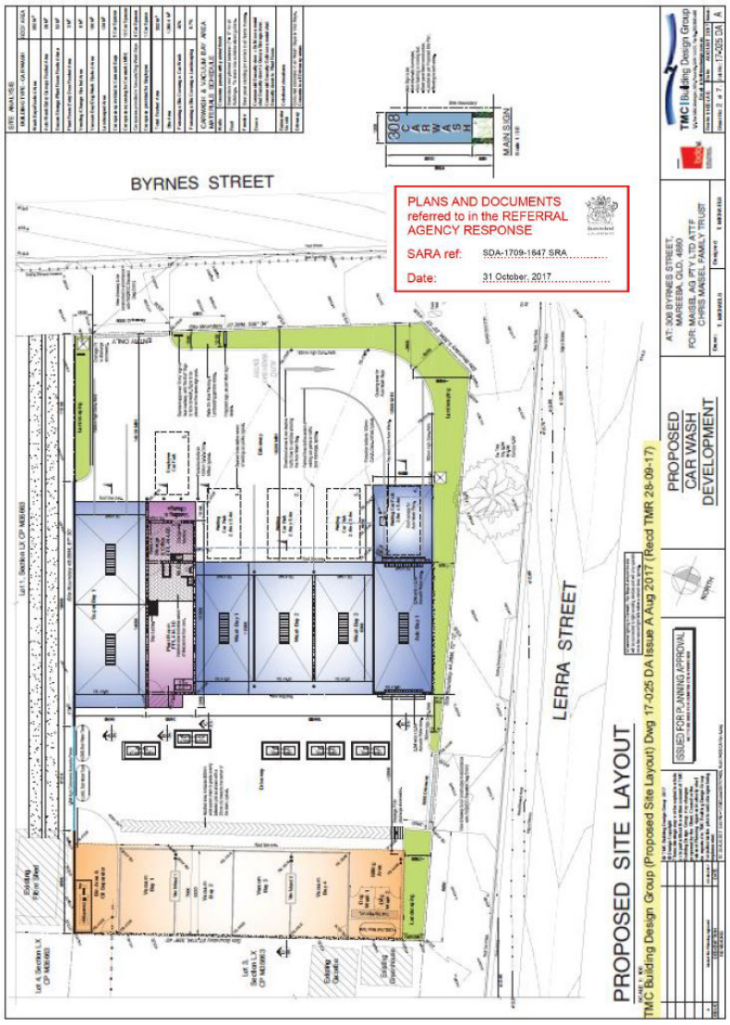

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Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* 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.

(Refer to Schedule 1 of the Planning Act 2016)

(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 us 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 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-

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(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, table 1, item 1 – each principal submitter for the development application; and
  (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
  (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 has 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

(1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
(2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
(3) A person who, but for subsection (1) could have made an application under the Judicial Review Act 1991 in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
(4) In this section –
decision includes-
  (a) conduct engaged in for the purpose of making a decision; and

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(b) other conduct that relates to the making of a decision; and
(c) the making of a decision or failure to make a decision; and
(d) a purported decision ; and
(e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-
(a) is final and conclusive; and
(b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

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ATTACHMENT 2

Your Ref: MCU/17/0007
Our Ref: F17/21

09 January, 2018

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

Attention: Carl Ewin
Regional Planning Group

Dear Sir,

RE: DEVELOPMENT APPLICATION MCU/17/0007
REQUEST FOR A NEGOTIATED DECISION NOTICE
APPLICATION FOR A MATERIAL CHANGE OF USE – CAR WASH
LOT 2 ON M35663, 308 BYRNES STREET, MAREEBA.

I refer to the Mareeba Shire Council's Decision Notice (Council's Ref: MCU/17/0007) dated 20 December, 2017 and email on 22 December, 2017. This letter offers Change Representations for a Changed Decision Notice under Section 75 of the Planning Act 2016.

Representations are provided in this letter in relation to Conditions of the Decision Notice. The following Representations are provided in accordance with Section 75 of the *Planning Act 2016*.

The proponent has provided the following dialogue in relation to the altered Conditions by both the Councillors and Council's Management Team from the originally provided Draft Conditions from the Town Planning Department.

> *The Mareeba Township is currently lacking what is considered by many residents as a necessary facility for enhanced liveability, especially for a Rural Township, in the form of a Car Wash. This is particularly important in a region that is looking towards water restrictions, has growing concern and involvement in protecting the Great Barrier Reef from untreated stormwater runoff and whose Township, we believe, is ready to meet the North's investment potential. Since lodging the Development Application with Council, and in particular since undertaking Public Notification, many Residents and Business owners have remarked that this is a long required facility that Mareeba will now be able to list among its many services. There has been a lot of positive talk and excitement about this project, with the most asked question now being "when will it be open?" This is further evidenced by Council receiving only a single, negative Submission to a Use on the main road into the Mareeba CBD.*
>
> *Mareeba is a Rural Town that is considered to be a gateway to the north for all forms of travellers, including business, residents, agricultural and its supporting industries, grey nomads and tourists. The Mareeba Township currently offers a wide range of essential services (ie: service stations, news agencies, McDonalds, etc.) that operate either 24 hrs each day or open early in the morning at around 4am or 5am.*

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t/e The Freshwater Trust
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A substantial amount of research was undertaken prior to completing the proposed Development Application that was presented for approval. As a result, Specific Car Wash and Acoustic design professionals who specialise in designing Car Washes and mitigating the acoustic effects to the immediate adjoining residents were engaged, at considerable cost, with the brief to ensure that the design was optimised for the block, was gentle in both its colour scheme and building design features and would meet or exceed all stringent planning and design requirements/regulations. We voluntarily restricted the hours of operation for the vacuum bays from 7am to 10pm as a courtesy to the adjoining residential properties. Furthermore, the professionals engaged design Car Washes all around Australia and are familiar with the specific characteristics that need to be included on Car Wash sites to make the development financially viable, function in accordance with all of the local regulations and mitigate negative effects to the surrounding residents and infrastructure.

The proposed Car Wash development has been designed with the diverse Township's 'culture' in mind. Being open for patrons 24 hours a day will help to ensure a viable business by not only being able to cater to all these diverse needs, but to enhance the customer experience by reducing queuing times and by providing choice to patrons to avoid busy road times (such as the school drop-off and pickup gridlock that we have all experienced on Byrnes Street) which will enhance road and patron safety. The site's own security will also be enhanced by 24 hr operation.

Extensive investigations were undertaken by ourselves in relation to the required operating hours. We attended over 20 Car Washes from Cairns to Brisbane, discussing at length with the owners/operators what was required to meet customer expectations and to run a successful Car Wash. As a result, we have learned that most patrons expect a Car Wash to be open 24hrs, right in line with most fuel stations. Our proposed Car Wash site is located between two 24hr fuel/mini-mart service stations.

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Unfortunately, the current Conditioned Operating Hours, as altered by the Councillor's within Council's Meeting, has jeopardized the viability of this commercial venture and caused us to rethink our position on moving forward with the project.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

Representation

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash, with the Super Wash Bay, Self-Serve Wash Bays and Auto Wash Bays to operate 24 hours a day, 7 days a week. This Recommendation was attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans. It is understood that at the Council Meeting (20 December, 2017) the Councillors Amended the Town Planning

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Officers Recommended Hours of Operation over the entire site. This severe reduction in operating hours will have a significant impact to the viability of this commercial venture.

The EcoAcoustics Environmental Noise Assessment and submitted Development Plans, integrate Noise Amelioration in the physical form of:

1. Concrete panel walls;
2. Acoustic fencing;
3. Automatic, rapid close, roller doors to the Automatic Wash Bays entry and exit;
4. End caps being fitted to the Vacuum Bay islands; and
5. Lining the Vacuum Bay roof with acoustic insulation.

The site itself has been specifically designed to minimise acoustic impacts by:

1. Positioning the Vacuum Bays to the west of the site with a concrete panel boundary wall and acoustic lined roof- greatly minimising any impact to the residents to the west/northwest;
2. Positioning the Dog Washes closest to Lerra Street due to the low noise generated in this area. This allows the Vacuum Islands to be further away from Lerra Street, increases the distance of travel to nearby noise receiving locations and allows greater shielding from the main Car Wash building;
3. Including two automatic wash bays (instead of one) greatly increases the equipment costs, but lowers the overall noise generated by the site as these two Automatic Wash bays are essentially a 4-sided concrete panel wall enclosure with the entry/exit opening covered with a high-speed acoustic roller door;
4. Positioning the Super Wash Bay concrete panel wall closest to the northern boundary. This allows a larger site boundary wall coverage, and hence effectively mitigates the noise effects to the adjoining building approximately 9 metres away; and
5. Positioning the Plant Room between the Super Wash Bay and the Self-Serve Wash Bays which prevents the overall intensification of noise produced from these wash bays that can occur when there are a number of non-automatic wash bays lined consecutively.

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The above points outline the included Car Wash physical and design Attenuation Measures. When they are combined with the noise criteria set out within the Environmental Protection (Noise) Policy, 2008 (details contained within the accompanying acoustic report completed by EcoAcoustics) the proposal clearly demonstrates that the overall site can operate 24 hours a day, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm. The proposal is considered to meet and exceed the minimum acoustic design requirements ensuring that appropriate and additional Noise Amelioration is provided which will deliver the most appropriate outcomes to the adjoining Residential Area.

As stated above by the proponents of the site; for this Car Wash Facility to be viable and sustainable, the Conditioned Hours of Operation need to be amended back to the original Town Planning Officers Recommendation. As Mareeba is a Rural Township, a starting time of 7 am is inappropriate as this removes a substantial portion of cliental in the form of (but not limited to) Rural Workers, Grey Nomads, Travellers to and from the Cape and Cairns, Business persons and operators, tourists and residents commuting to both Cairns and the surrounding Tablelands for work, holidays and other essential services not currently provided within Mareeba. The proponents have worked closely with Council's Planning Department in relation to the Development to ensure that an appropriate Development including sufficient Noise Amelioration was provided.

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It is requested that the Hours of Operation revert to the original Town Planning Officers Recommendation of a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm; as this is what is considered to be most appropriate and viable for this Commercial Venture within the Mareeba Rural Township.

If Council has further concerns in relation to the provided Noise Ameliorations within the TMC Building Design Groups Proposal Plans and Attenuation Measures outlined within the EcoAcoustics Report, we ask that a Peer Review nominating the specific areas of concerns be provided so this may be investigated further.

It is also noted that if Council still chooses to alter the Hours of Operation from a 24 hours a day trading period, with the Vacuum Bays and Dog Wash restricted to operate between 7am to 10pm then the current level of Noise Amelioration currently documented throughout the Design and required by the EcoAcoustic Report will be substantially reduced while still complying with the requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours.

In conclusion, the current Conditioned Hours of Operation are not considered to be reasonable or fair given that 24hr operation of fuel stations both to the North and South of the site are adjacent to residential lots, and will increase the risk that the Car Wash Facility will become an unviable venture.

Requested Action

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

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3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate ~~between the hours of 7 am and 10 pm, seven (7) days per week~~ ***24 hours a day, 7 days per week.***

3.4 Noise Nuisance/Control

3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

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3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.

Representation

The Mareeba Shire's Town Planning Officers Recommended that the Operating Hours for the Approved Car Wash be restricted to only the Vacuum Bays and Dog Wash with the Super Wash Bay, Self-Serve Wash Bays and Automatic Wash Bays to operate 24 hours a day, 7 days a week (attributed to the EcoAcoustics Environmental Noise Assessment and TMC Building Design Groups Proposal Plans). It is understood that at the Council Meeting on the 20 December, 2017 the Councillors Amended the Council Town Planner's Recommended Hours of Operation over the entire site, severely reducing the Hours which is considered to result in a non-viable venture as aforementioned.

If the Hours of Operation Condition is not Amended to an appropriate outcome, then the following Conditions need to be amended. If the Hours of Operation remain as per Conditioned, then the Noise Amelioration provisions provided within the TMC Design Plans and required within the EcoAcoustic Report will need to be amended (as the designed trading hours will be decreased) to comply with only the minimum day and evening requirements of the Environmental Protection (Noise) Policy, 2008. This will result in an acceptable (but greater level of noise generated over the site) as the acoustic mitigation requirements will be significantly reduced from those required for operating during the day, evening and night hours. 5

If the Hours of Operation Condition is not Amended, the Hours of Operation are severely decreased and the Conditioned Substantiated Noise Complaint requirement is no longer required or acceptable given the reduced Hours of Operation. As the Hours are altered to standardised hours, the ability for substantial noise complaints are now removed and this needs to be reflected in the Approved Conditions. It is not considered fair, reasonable, relevant or acceptable to require substantial Noise Attenuation Measures and Noise Complaint requirements for the reduced Hours of Operation.

Requested Action

If the Hours of Operation Condition (Condition 3.6) is not amended to reflect an appropriate outcome to both the Council and Applicant then it is requested that Condition 3.4 Noise Nuisance/Control be amended to the following:

3.4 Noise Nuisance/Control

3.4.2 ~~All~~ Noise attenuation measures proposed for the development ~~and~~ included on the approved plans, including the concrete panel walls, acoustic fencing ~~and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b)~~ must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

~~*3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.*~~

~~*The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2008.*~~

4. Infrastructure Services and Standards

4.1 *Access*

*A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.*

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

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4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- *Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*
- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

Representation

The Mareeba Shire Town Planning Officers have been working closely with Freshwater Planning Pty Ltd and the Applicant in relation to the preparation of the proposed Car Wash layout which included the provision of Draft Conditions and discussions in relation to any items that were of concern to both Council and/or the Applicant. It is understood that after the Planning Officers and Applicant found an agreeable ground for the Draft

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Conditions, Council's Management Team altered the Conditions adding '*Exit onto Lerra Street must be left turn only*' and '*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street*' as opposed to the Draft Condition which required that the *'development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary*'.

It is understood that the provided Conditions within the Decision Notice are illegal as they provide not reasonable, relevant, fair or acceptable requirements on the Developer. It is not considered appropriate or moral for the Council to require the External Road Upgrade of Lerra Street to the Kennedy Street intersection especially if requiring the exit to the site to be 'left turn only' on Lerra Street, therefore further limiting the use of the already accepted limited use of Lerra Street from Kennedy Street. The site has been meticulously designed to ensure that the Car Wash not only works as efficient as possible but to also ensure that the most appropriate vehicular movements are achieved. The Department of Transport and Main Roads has restricted the site to ingress only from Byrnes Street with all egresses to be provided to Lerra Street. The internal design of the Car Wash ensures that this is to occur and any ingress from Lerra Street caters for the Use of the Vacuum Bays and Dog Wash only as any Car Washing Facilities are accessed from Byrnes Street. This ensures that a greatly limited access to the site is provided from Lerra Street and minimal use of Lerra Street from Kennedy Street.

Discussions with the Applicant, their consultants, along with Council's Planning Officers all agree that the substantial majority of customers (for not only this Development but any development) look for the shortest and most appropriate route possible, which in this instance, is considered to be Byrnes Street and not through the back streets. It is considered that creating a 'left turn only' onto Lerra Street will, for the majority, punish the surrounding residential area, and in particular residents of Kennedy Street, as these will be most affected by ensuring that a longer and more inconvenient travel will occur. It is considered that if even 1 in 10 vehicles egress the site towards Kennedy Street, then that equates to approximately 10 vehicles per day (the same amount that the existing Residential Dwelling is accepted to account for) within the site's peak Usage and the likeliness of 1 vehicle movement per hour towards Kennedy Street. These figures are based upon the considered busiest peaks for the Car Wash as mentioned within the Town Planning Submission. In addition to this, by removing any 'right out onto Lerra Street' this will remove any alternative access should there be an accident, congestion or incident within intersection of Byrnes and Lerra Streets or fronting the site. Further to this, it is understood that implementation of 'left turn only' on Rankin Street fronting the McDonalds site shows that if vehicles want to turn right, then they turn right either over the plastic island or by doing a U-turn after the provided restricted area.

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It is considered that the provided Conditions in relation to Access and Roadworks External Construction that differ from the provided and agreed upon Draft Conditions are not acceptable, or appropriate as detailed above. The provision of a 'left turn only' onto Lerra Street will be a disadvantage to surrounding residents, in particular those located on Kennedy Street, and is not considered acceptable as this also does not allow an alternative access should an incident occur. As the site will be accessed infrequently from Lerra Street and predominately from the Byrnes Street side of Lerra Street, the requirement to provide External Roadworks is not considered reasonable, relevant or fair and is requested to be deleted. This required External Roadworks Construction is not considered to be supported by the traffic analysis provided within the Report or by the original assessment with the Town Planners.

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Requested Action

It is requested that Condition 4.1 Access and 4.2 Roadworks External Construction Conditions be amended to the following, which is what was agreed upon with the original provision of Draft Conditions:

4. *Infrastructure Services and Standards*

4.2 *Access*

*A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.*

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

~~*Exit onto Lerra Street must be left turn only.*~~

4.2 *Roadworks External Construction*

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

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- ~~*Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street*~~ *The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to a point ten (10) metres to the west of the sites western boundary.*

- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

This completes this Request for a Changed 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,

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