



Cairns Office

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Our Ref: PR113314/SDR/AMB/L72936
Your Ref: 8/13/1740
Date: 29 November 2013

Attn: Ms Michelle Henderson
Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Via: Mail/E-mail

Dear Michelle,

RE: REQUEST FOR A NEGOTIATED DECISION NOTICE UNDER S361 OF THE SUSTAINABLE PLANNING ACT 2009 (1 INTO 2 LOTS PLUS ACCESS EASEMENT) OVER LAND DESCRIBED AS LOT 27 ON RP804231.

We act for Mackay Sugar Ltd regarding a Development Approval issued by Cairns Regional Council (the Assessment Manager) on 29 October 2013 under the *Sustainable Planning Act 2009* (the Act) over the above property.

The Decision Notice approved the following aspects of development:

- Reconfiguration of a Lot 1 Lot into 2 Lots plus access easement

We calculate that under Section 461(2) of the Act the Applicant's appeal period runs for 20 business until **28 November 2013**. To enable the applicant more time to make the representations, on **6 November 2013**, we suspended the Applicant's appeal period for 20 business days until **4 December 2013**.

Under Section 361 of the Act, we now provide written representations regarding the Decision Notice. We request that Council consider these representations and issue a Negotiated Decision Notice to amend the items as discussed below.

Written Representations

Condition 3 – Masterplan

The applicant has not sought approval for any further development with this subdivision only seeking to formalise an existing lease. We would seek to negotiate this condition with Council to ensure that future landuse is maintained

We request that this condition be deleted.



Condition 4 – Street Layout and Design

This condition acknowledges the internal roadway (covered by an access easement) will remain in private ownership but also seeks to impose a standard of construction normally associated with public roads. The applicant is concerned that this is a reasonable requirement and would seek to deal with Council in a way that would allow the development to proceed for this one (1) additional lot which achieving a suitable standard of access.

We seek Council's consideration of a revised condition dealing with internal access.

Condition 9 – Landscape Plan

The condition requires works that would not normally be required of a lot within the industrial area with access granted via easement. In this case, it is requested that this condition be removed or reworded to allow these allotment to process without these works.

Infrastructure Charges Notice

The proposal seeks to formalise an existing lease into a registered allotment. We highlighted in the application material that the existing use of premises is not proposed to change and yet there are requirements under the Council's approval for a headworks contribution of **\$96,944.14** which is not reflective of the actual demands of the development.

The applicant considers this charge to be excessive in light of the development proposed and the conditions that also require works. we request that Council re-evaluate the headworks impact of the development in light of the possible demands and provide an alternative.

The applicant is prepared to meet with Council to discuss these matters in more detail during the Negotiated Decision Notice review. We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely

RPS

A handwritten signature in blue ink, appearing to read 'Stuart Ricketts'.

Stuart Ricketts
Senior Planner - Principal

cc: Attn: Mr Hayden Slattery
C/- Mossman Central Mill Co Ltd
PO Box 97
MOSSMAN QLD 4873