

1 February 2024

Administration Office
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Enquiries: Jenny Elphinstone
Our Ref: AA 2024_5570/1 & MCU 3B 045/00 (Doc ID 1207576)
Your Ref: 2837/23

Rapid Building Approvals
Suite 2, Level 2
82 Grafton Street
CAIRNS QLD 4870

Email: approvals@rapidapprovals.com.au

Attention Mr Ryan Bird

Dear Sir

ACTION NOTICE
(in accordance with Section 3.1 of the Development Assessment Rules)
292 Syndicate Road, Miallo

Reference is made to the development application lodged with Council on 19 January 2024.

Precious approval was issued for the existing dwelling by the former Douglas Shire Council, being a Material Change of Use for a Dwelling House issued on 17 November 2000 (MCU 3B 045/00). Council is aware that the dwelling is currently only used for short-term rental. As the house existing prior to the introduction of the 2018 Douglas Shire Planning Scheme, it could be occupied of short-term rentals for up to six unrelated persons or a group of related persons (family). This continued use will not apply to the additional bedrooms now proposed.

Where the dwelling is to be used only as a dwelling-house then a minor change application is required to the existing approval MCU 3B 045/00. Where the dwelling is to be used for short-term accommodation, a new material change of use application is required. Your attention is drawn to the Rural Zone Code that lists the use of short-term accommodation as impact assessable (inconsistent) development. The associated Rural Zone Assessment Table lists Impact assessable Inconsistent uses as requiring public notification and the assessment is against the whole of the Planning Scheme. Council recommends your client engage a Planning Consultant to assist with the application.

The application is not a properly made application in accordance with Section 51(5) of the *Planning Act 2016*.

Applicant Details

Name: Rapid Building Approvals
Postal Address: Suite 2, Level 2
82 Grafton Street
Cairns Qld 4870
Email: approvals@rapidapprovals.com.au

Property Details

Street Address: 292 Syndicate Road Miallo
Real Property Description: Lot 112 on N157666
Local Government Area: Douglas Shire Council

Application Details

Application Number: MCU 3B 045/00 and AA 2024_5570/1
Nature of Development Proposed: Development Permit for dwelling house extensions
Description of the Development Proposed: Amenity and Aesthetics Request for Dwelling House Extension.

Reasons why the application is not properly made

The following is a statement of reasons why the application is not a properly made application:

- The application has not been made using the approved forms and where the intent is to provide short-term accommodation a material change of use is required. Where there is the intent to use the property as a dwelling-house, a minor change is required to the existing development approval MCU 3B 045/00.
- The applicable fee for administering the application has not been provided.

Actions to be undertaken

The following actions must be undertaken in order to make the application a properly made application:

- The application needs to be made for either a minor change application to MCU 3B 045/00 where the dwelling is only to be used as a dwelling-house (no short-term rental accommodation). Where the dwelling is to be used for short-term accommodation a material change of use is required.
- The required fee is to be paid,

Due Date

Please note that in accordance with section 3.7 of the *Development Assessment Rules*, the application will be taken to have been not made if the above actions are not complied within 20 business days of this action notice unless otherwise agreed.

If the requirements within this notice are not undertaken within this period, Council will return the application and refund any paid application fee as soon as practicable.

The assessment period for the application will not commence until the application is taken to be properly made.

Other

Please quote Council's application number: AA 2024_5570/1 and MCU 3B 045/00 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning