

YOUR REF: Caravan Park L45 Capt Cook Hwy
OUR REF: MCUI 2016/1591 (D#782952)

9 August 2016

Richard and Fiona Hewitt
C/ Studio Mango
457 Draper Street
PARRAMATTA PARK QLD 4870

joseph@studiomango.com.au

Dear Sir/Madam

**ACKNOWLEDGEMENT NOTICE
FOR MATERIAL CHANGE OF USE- IMPACT (CARAVAN PARK)
LOT 45 ON SR 835 CAPTAIN COOK HIGHWAY PORT DOUGLAS**

Receipt of the above application for a Material Change of Use for a Caravan Park is acknowledged as having been received on Tuesday 2 August 2016 via SEDA.

Council considers the application lodged to be significantly different to the development proposed through Council's prelodgement process. To this extent the advice provided by correspondence dated 4 November 2015 to Mr Richard Hewitt should not be relied upon in consideration of the application now lodged.

Concern is raised with the extent, nature, scale and intensity of the development and the proposed use of the eastern section of the site for a Caravan Park which is constrained by storm tide and identified erosion prone areas.

Please find attached an Acknowledgement Notice prepared in accordance with sections 267 and 268 of the *Sustainable Planning Act 2009*. The Acknowledgement Notice contains information relevant to the processing and assessment of the application.

It is understood from discussions and your application that there is no intention to clear land and there is no intention to destroy or remove marine vegetation (including mangroves).

A request for further information from Council as Assessment Manager will issue separately.

It is indicated on the Acknowledgement Notice that the application requires referral to a referral agency. Accordingly you are required to forward a copy of the application and the attached Acknowledgement Notice to the State Assessment and Referral Agency within 20 business days (section 272). You must then advise Council in writing of the date that the application was referred to each agency (section 275).

Should you be required to provide further information by the State Assessment and Referral Agency, then a copy of any response to such request must also be lodged with Council as the Assessment Manager (section 278(2)). Council requires that you provide two (2) copies of the response to all such information requests.

All responses to information requests must be lodged with the required agency and Assessment Manager prior to the commencement of the public notification.

Should you require any further information or assistance, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

Paul Hoyer
General Manager Operations



Att

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**ACKNOWLEDGEMENT NOTICE PURSUANT TO S 267 & S 268
SUSTAINABLE PLANNING ACT 2009 FOR DEVELOPMENT APPLICATION
CAPTAIN COOK HIGHWAY PORT DOUGLAS**

PROPOSAL: Material change of use for a Caravan Park

APPLICANT: Richard and Fiona Hewitt
C/ Studio Mango
457 Draper Street
Parramatta Park QLD 4870

LOCATION OF SITE: Lot 45 Captain Cook Highway
Port Douglas

REAL PROPERTY DESCRIPTION: Lot 45 on SR835

TYPE OF DEVELOPMENT:

The application seeks development approval for

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Development of a material change of use made assessable under the planning scheme		<input checked="" type="checkbox"/>	<input type="checkbox"/>

REFERRAL AGENCIES

Based on the information provided in the application, referral is required to the State Assessment and Referral Agency (SARA), administered by the Department of Infrastructure, Local Government and Planning (DILGP).

DILGP prefers that referrals are made online at www.dilgp.qld.gov.au/MyDAS.

Alternatively, referrals can be posted or emailed as follows:

State Assessment and Referral Agency
Department of Infrastructure, Local Government and Planning
Far North Queensland Regional Office
Postal: PO Box 2358, CAIRNS QLD 4870
Email: CairnsSARA@dilgp.qld.gov.au

The triggers for the referral are listed in the following table:

For an application involving	Trigger (Schedule 7 Sustainable Planning Regulation 2009)	Name of technical agency	Advice or concurrence agency
State-controlled road	Table 3, Item 1	Department Transport and Main Roads	Concurrence
State transport infrastructure (thresholds)	Table 3, Item 2	Department Transport and Main Roads	Concurrence

This list is provided for your information only. It is the applicant's responsibility to identify any referral agencies for the application and give each referral agency a copy of:

- the application (including the application forms and supporting material)
- this acknowledgement notice, and
- any required application fee.

The above material must be given to all referral agencies within:

- 20 business days after the applicant receives this acknowledgement notice, or
- the further period agreed between the assessment manager and the applicant.

If you do not give the material mentioned above to all referral agencies within these timeframes, the application will lapse (see section 273 of the *Sustainable Planning Act 2009*).

CODE ASSESSMENT REQUIRED: No

IMPACT ASSESSMENT REQUIRED: Yes

The requirements for public notification are set out in the *Sustainable Planning Act* 2009, chapter 6, part 4. You should have regard to the legislation when carrying out the public notification. In summary, you are required to:

- publish a notice at least once in a newspaper circulating generally in the locality of the land;
- place a notice on the land in the way prescribed under the *Sustainable Planning Regulation* 2009, and
- give a notice to the owners of all land adjoining the land.

All of the above notices must be in the approved form available on the Department of Infrastructure, Local Government and Planning's website at www.dilgp.qld.gov.au.

The notification period for the application must be at least:

15 business days (not including any business days between and including 20 December in a particular year and 5 January in the following year) or

The notice placed on the land must remain on the land for all of the notification period.

**ASSESSMENT MANAGER INTENDS
TO MAKE AN INFORMATION
REQUEST:**

Yes.
The request for further information
will issue separately.

- (b) the reasons the assessment manager is satisfied the application is not a properly made application; and
 - (c) the action the assessment manager is satisfied the applicant must take for the application to comply with section 261.
- (2) The assessment manager must give the applicant the notice within 10 business days after the assessment manager receives the application.
- (3) If the applicant does not take the action mentioned in subsection (1)(c) within 20 business days after receiving the notice, or the further period agreed between the assessment manager and the applicant—
 - (a) the application lapses; and
 - (b) the assessment manager must as soon as practicable—
 - (i) return the application to the applicant, other than any part of the application made electronically; and
 - (ii) refund to the applicant the fee mentioned in section 260(1)(d) that accompanied the application, less a reasonable fee, if any, decided by the assessment manager for processing the application.

267 Notice about properly made application

- (1) This section applies if the application is a properly made application.
- (2) The assessment manager must give the applicant a notice (the *acknowledgement notice*) unless—
 - (a) the application relates to development that requires code assessment only; and
 - (b) there are no referral agencies, or all referral agencies have stated in writing that they do not require the application to be referred to them under the information and referral stage.

- (3) The acknowledgement notice must be given to the applicant within 10 business days after the assessment manager receives the properly made application (the *acknowledgement period*).

268 Content of acknowledgement notice

The acknowledgement notice must state the following—

- (a) the type of approval applied for;
- (b) which of the following aspects of development the application seeks a development approval for—
 - (i) carrying out building work;
 - (ii) carrying out plumbing or drainage work;
 - (iii) carrying out operational work;
 - (iv) reconfiguring a lot;
 - (v) making a material change of use of premises;
- (c) whether an aspect of the development applied for requires code assessment, and if so, the names of all the codes the assessment manager considers to be applicable codes for the development;
- (d) whether an aspect of the development applied for requires impact assessment, and if so, the public notification requirements;
- (e) the name and address of each referral agency for the application, and whether the referral agency is an advice or concurrence agency;
- (f) if the assessment manager does not intend to make an information request under section 276—the assessment manager does not intend to make an information request;
- (g) if there are referral agencies for the application—the application will lapse unless the applicant gives to each referral agency the referral agency material within the period mentioned in section 272(2).