

28 May 2021

**Enquiries:** Jenny Elphinstone  
**Our Ref:** BW 2021\_4129/1(Doc ID 1014249)  
**Your Ref:**

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

Phillaman & Eugenia Davis  
C/- Rapid Building Approvals  
Suite 2, Level 2,  
82 Grafton St,  
CAIRNS QLD 4870

**Email:** [approvals@rapidapprovals.com.au](mailto:approvals@rapidapprovals.com.au)

Attention Mr Scott Wheeler

Dear Sir

**Development Application for a Preliminary Approval for Building Work  
Shed at L5 Mahogany Road Diwan**

Council refers to the recent application for a shed on the land. Council has no previous record of an approval for a material change of use for a dwelling house being for any structure or building. The establishment of a donga and storage building requires a material change of use as it triggers a residential use of the property. When assessing such development reference is made to the Planning Scheme codes that seek amongst other matters all impacts of the use is contained to the land. Concern is held for the establishment of a buildings, with an intention to use these, in an isolated location, and the need to provide domestic services such as an onsite wastewater infrastructure. The attached Action Notice identifies Council's finding that the application is piecemeal and a material change of use is required. Please note a domestic fee application for the application is the same as would be required for Building Work Assessable Against the Planning Scheme.

Secondly, comment is made in the nature of the original and amended application both seek a Preliminary Approval, rather than a Development Permit. Preliminary approvals are specific technical terms under the Planning Act which are either followed by a Development Permit (for the same matter) or seek a variation to override the Planning Scheme. Where a material change of use is approved and acted on, any further building work in the Conservation Zone is sought under a "*Development Permit for Building Work Assessable Against the Planning Scheme.*"

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

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

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Attention Mr Scott Wheeler

Dear Sir

**ACTION NOTICE**  
**(in accordance with Section 3.1 of the Development Assessment Rules)**

Reference is made to the development application lodged with Council on 14 May 2021 for which an amended Form 1 was received on the 18 May 2021.

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

**Applicant Details**

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**Name:** E Davis & P S Davis  
**Postal Address:** C/ Rapid Approvals  
Suite 2, Level 2,  
82 Grafton St,  
Cairns Qld 4870  
**Email:** [approvals@rapidapprovals.com.au](mailto:approvals@rapidapprovals.com.au)

**Property Details**

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**Street Address:** Mahogany Road Diwan  
**Real Property Description:** Lot 5 on RP738674  
**Local Government Area:** Douglas Shire Council

**Application Details**

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**Application Number:** BW 2021\_4129/1

Nature of Development Proposed:	Preliminary Approval for Building Work Assessable Against the Planning Scheme for a shed.
Description of the Development Proposed:	Preliminary Approval for Building Work Assessable Against the Planning Scheme for a shed.

### **Reasons why the application is not properly made**

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

- The application is piecemeal in that there is no underlying approval for a material change of use for a dwelling house.

### **Actions to be undertaken**

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

- An application is required for a material change of use for a dwelling house. The application needs to assess the relevant codes of the Planning Scheme including any clearing of the land, requirements for vegetated setbacks and construction of driveways and associated crossovers.

### **Due Date**

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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**

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Please quote Council's application number: BW 2021\_4129/1 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**