

14 August 2025

Enquiries: Rebecca Taranto
Our Ref: MCUC 2025_5813/1(Doc ID1314902)
Your Ref: 36519-001-01

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RRL One Pty Ltd (Tte)
C/- Brazier Motti Pty Ltd
PO Box 1185
CAIRNS QLD 4870

Email: cairns@braziermotti.com.au

Dear Sir/Madam

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

Reference is made to the development application lodged with Council on 06/08/2025. The application is not a properly made application in accordance with Section 51(5) of the *Planning Act 2016*.

Please be advised that the proposed change is not a Minor Change application as the proposed increase from 148 beds to 222 beds and reduction of onsite carparking spaces from 28 to 15 spaces will result in significant on and off-site impacts.

In addition, advice has been received from Council's infrastructure department that the 100mm watermain supplying the premises may not be sufficient to service the proposed development and may need to be upgraded.

Applicant Details

Name: RRL One Pty Ltd (Tte)
Postal Address: C/- Brazier Motti Pty Ltd
PO Box 1185
Cairns QLD 4870
Email: cairns@braziermotti.com.au

Property Details

Street Address: 37-39 Warner Street Port Douglas
Real Property Description: Lot 50 on RP896319
Local Government Area: Douglas Shire Council

Application Details

Application Number: MCUC 2025_5813/1
Nature of Development Proposed: Material Change of Use (Code)
Description of the Development Proposed: Minor Change - Backpackers Accommodation

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 proposal represents a material change to the existing use and therefore cannot be considered as a Minor Change.

The Planning Act 2016, Schedule 2, provides the following definition for Minor Change;

Minor Change- means a change that-

- (a) For a development application –*
 - (i) does not result in a substantially different development;*

The Development Assessment Rules- Version 3.0, Schedule 1: Substantially Different Development, provides the following;

A change may be considered to result in a substantially different development if any of the following apply to the proposed change-

- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; and*
- (g) introduces new impacts or increase the severity of known impacts;*

The following actions need to be undertaken to make the application properly made

As the application cannot be considered as a Minor Change application, you will need to submit an application to Council that nominates another category of development, either a Change other than a Minor Change application, or a Material Change of Use to increase the intensity or scale of use of the premises.

Advice

Should a new development application be submitted to Council, you are strongly advised to include the following supporting documents with the application;

- A DA Form 1 for Material Change of Use, or a DA Form 5 for a Change other than a Minor Change;
- A traffic study for the site, including the location and dimensions of the vehicle parking spaces being provided. Swept paths should also be shown for all parking spaces;
- Amended plans for the proposed development. The plans of the development are to be clear, legible and scaled plans that illustrate existing and proposed aspects of the development.
- An assessment of the impact from the proposed development to Council's water and sewer network;
- A Planning Report addressing the codes relevant to the development.

As an application fee has been paid for the Minor Change application, you can request to have this fee refunded or credited towards a new application.

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: MCUC 2025_5813/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning