

26 March 2024

Enquiries: Jenny Elphinstone
Our Ref: BW 2024_5584/1(Doc ID 1218467)
Your Ref: 20234090/PO-34414

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

Mossman Resort Holiday Villas
C/- GMA Certification Group Pty Ltd
PO Box 2760
NERANG QLD 4211

Email: adminpd@gmacert.com.au

Attention Ms Rebekah Mulligan

Dear 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 15 March 2024.

Precious approval was issued for the land by the former Douglas Shire Council, being Town Planning Consent TPC 547 for land use approval under the provisions of the town planning scheme for a Holiday Cabin Park comprising Accommodation Buildings, Caretaker's Residence and Kiosk. Conditions of the approval require, amongst other matters, the development to comply with the provisions of the Council's planning scheme and a six (6) m landscape setback to the site's entire frontage. The approval continues to apply to the land.

The siting of the building within the six (6) m setback is contrary to the existing approval.

The report accompanying the application forms details that the nature of the use is not only vehicle parking but also storage of equipment. The application form should correctly describe the proposed use. The performance outcomes require buildings to be setback to

- a) maintain the character and amenity of the area;
- b) achieve separation from neighbouring buildings and from road frontages.

The proposed 1m setback is considered insufficient. While the neighbouring road has some vegetation, it also provides for Council infrastructure. Vegetation in the road may be removed to provide for current and proposed infrastructure and should not be relied upon to provide screening for the land.

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

Applicant Details

Name: Mossman Resort Holiday Villas
Postal Address: C/- GMA Certification Group Pty Ltd
PO Box 2760
NERANG QLD 4211
Email: adminpd@macert.com.au

Property Details

Street Address: 1-9 Alchera Drive Mossman
Real Property Description: Lot 11 on RP747622
Local Government Area: Douglas Shire Council

Application Details

Application Number: BW 2024_5584/1
Nature of Development Proposed: Development Permit for Building Work Made Assessable Against the Planning Scheme for new construction for a shed building for car parking.
Description of the Development Proposed: Development Permit for Building Work Made Assessable Against the Planning Scheme for new construction for a shed building for car parking

Reasons why the application is not properly made

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

1. The application has not been made using the approved forms. The development is contrary to an existing approval that is current to the land. A change is required to the existing development approval Town Planning Consent TPC 547 for land use approval under the provisions of the town planning scheme for a Holiday Cabin Park comprising Accommodation Buildings, Caretaker's Residence and Kiosk on land described as Lot 11 on RP716548; and
2. 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:

1. The application needs to be made for a change application to the existing development approval Town Planning Consent TPC 547 for land use approval under the provisions of the town planning scheme for a Holiday Cabin Park comprising Accommodation Buildings, Caretaker's Residence and Kiosk on land described as Lot 11 on RP716548 is required; and
2. The required fee is to be paid; and
3. Written consent of the owner of the premises to the application if required.

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: BW 2024_5584/1 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