

20 September 2023

Enquiries: Jenny Elphinstone & Rebecca Taranto
Our Ref: CA 2023_5496/1 (Doc ID:1182244)
Your Ref: DAINTREE MICROGRID PROJECT

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

Volt Advisory Group Pty Ltd
Level 7,
757 Ann Street
Fortitude Valley QLD 4006

Email: andrew.small@environmentpacific.com

Attention Mr Andrew Small

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 25 August 2003 for which an application fee was recently paid.

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

Applicant Details

Name: Volt Advisory Group Pty Ltd
Postal Address: Level 7
757 Ann Street
Fortitude Valley QLD 4006
Email: andrew.small@environmentpacific.com

Property Details

Street Address: 174 Buchanan Creek Road Cow Bay
Real Property Description: Part of Lot 5 on BK157130 and Part of unconstructed gazetted road adjacent to parts of Lot 5 on BK157130.
Local Government Area: Douglas Shire Council

Application Details

Application Number: CA 2023_5496/1

Nature of Development Proposed:

Development Permit for a Combined Application for:

- A. Material Change of Use for a Renewable Energy Facility (8 MW electrical generation solar station and battery storage);
- B. Material Change of Use for a Utility Installation (Hydrogen production, hydrogen power generation conversion and Utility installation to distribute generated power);
- C. Operational Work being excavation / filling over 25m³;
- D. Operational Work being work within a local government road (installation of underground cables and construction of road access driveways);
- E. Reconfiguration of a lot creating two lots by lease agreement for a period of more than ten (10 years).

Description of the Development Proposed:

Development for :

- A. Material Change of Use for a Renewable Energy Facility (8 MW electrical generation solar station and battery storage);
- B. Material Change of Use for a Utility Installation (Hydrogen production, hydrogen power generation conversion and Utility installation to distribute generated power);
- C. Operational Work being excavation / filling over 25m³;
- D. Operational Work being work within a local government road (installation of underground cables and construction of road access driveways);
- E. Reconfiguration of a lot creating two lots by lease agreement for a period of more than ten (10 years).

Reasons why the application is not properly made

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

- A. Description of land over which application is made.

Part of the unconstructed gazetted road, that separates parts of the lot, is part of the land over which the application is made. The application form does not include this road area. Refer to the figure below.



Figure 1 – Area in the yellow box is indicative of the area over which the application for a Material Change of Use is also proposed.

- B. Description of development varies between the planning report and the Form 1.
The planning report refers to the development being an “*undefined use.*” Development needs to specify land uses where these are defined by the Planning Regulation and the Planning Scheme.
In this instance the proposed uses appear to comprise of:
- a. a *Renewable Energy Facility*; and
 - b. a *Utility Installation.*
- Both uses are defined by the Planning Scheme and the Planning Regulations.
- C. Application Form 1
The Form 1 does not separately describe the five aspects of development sought under *Part 3 – Development Details, Section 1 – Aspects of development* and respectfully in the subsequent sections Form 1.
- D. Reconfiguration of a Lot - description on Form1
Does not accurately reflect the plan on page 45 of the planning report where two separate lease lots are being proposed.
- E. Conflict between Planning Report and Form 1.
The report refers to undefined uses and two lease lots being created.

Actions to be undertaken

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

- A. Description of land over which application is made.
For the description of the land over which the application is made, the Form 1 needs to include the part of the unconstructed gazetted road.
- B. Form 1 needs to accurately state each use that is defined by the Planning Scheme.
- C. Development Application Form 1
The application Form 1 needs to separately describe each aspect of development sought under *Part 3 – Development Details, Section 1 – Aspects of development.*
- D. Form 1 needs to accurately state the proposed lot reconfiguration.
- E. The planning report should be reviewed to ensure there is accurate consideration to the development being sought and defined uses of the Planning Scheme.

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: CA 2023_5496/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning