

21 June 2023

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUI 2023\_5398/1 (Doc ID 1165037)  
**Your Ref:** AU008658

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

Peace World Pty Ltd  
C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

**Email:** [Patrick.clifton@rpsgroup.com.au](mailto:Patrick.clifton@rpsgroup.com.au)

Attention Mr Patrick Clifton

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 17 May 2023.

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: Peace World Pty Ltd  
Postal Address: C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870  
Email: [Patrick.clifton@rpsgroup.com.au](mailto:Patrick.clifton@rpsgroup.com.au)

**Property Details**

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Street Address: 5967 Captain Cook Highway Craiglie  
Real Property Description: Lot 11 on C22510  
Local Government Area: Douglas Shire Council

**Application Details**

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Application Number: MCUI 2023\_5398/1  
Nature of Development Proposed: Development Permit for a Material Change of Use for a Food and Drink Outlet with drive-through facility.  
Description of the Development Proposed: Development Permit for a Material Change of Use for a Food and Drink Outlet with drive-through facility.

## 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:

1. The extent of floor area categorises the use as impact assessable development, not code assessable development.
2. The advertising device does not meet the Acceptable Outcome AO2.1 of the Industry Zone Code, rendering the development as code assessable development.

## Actions to be undertaken

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

- The application is to be made under the *Planning Act 2016* and a application Form 1 is required to include all proposed development, i.e., impact assessable development for the material change of use and code assessable development for operational work for an advertising device.

Please note, Council will issue an invoice for the application fee for the development permit for operational work for the advertising device once the correct form 1 has been lodged. Alternatively, should the applicant seek to pay directly this fee is \$344.00 for the current financial year is required.

## 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: MCUI 2023\_5398/1 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**