

23 May 2023

**Enquiries:** Jenny Elphinstone  
**Our Ref:** MCUI 2023\_5398/1 (Doc ID 1158440)  
**Your Ref:** AU008658

Administration Office  
64 - 66 Front St Mossman  
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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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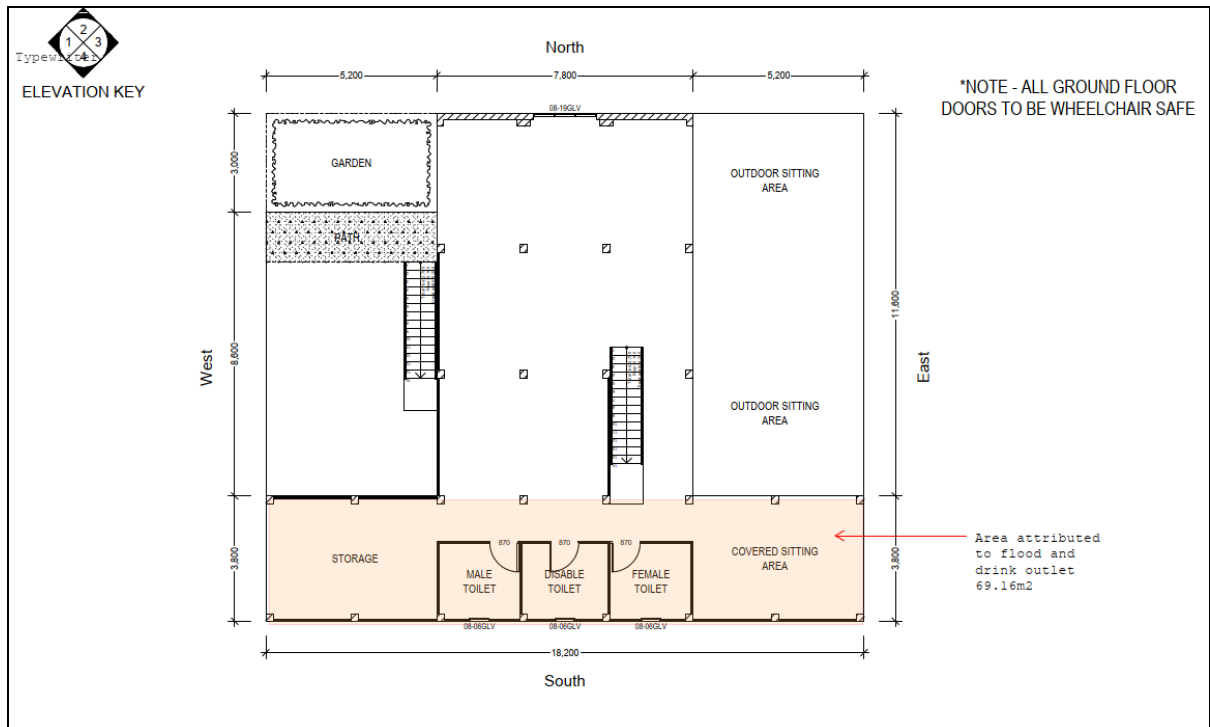
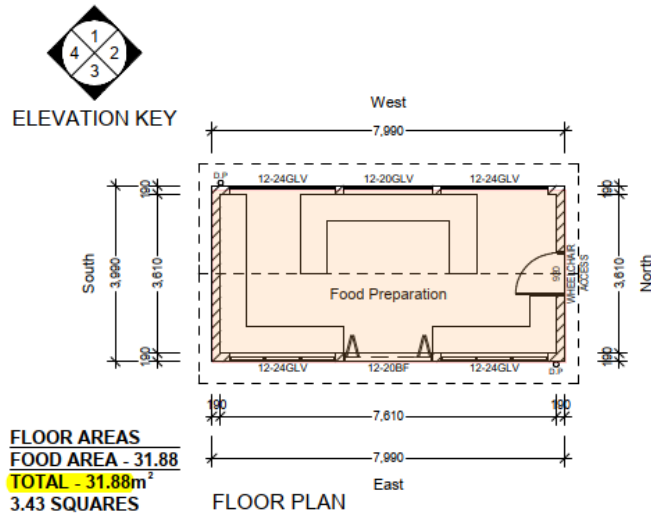
Application Number: MCUI 2023\_5398/1  
Nature of Development Proposed: Development Permit for a Material Change of Use for a Food and Drink Outlet with drive-through facility.  
Description of the Development Proposed: Development Permit for a Material Change of Use for a Food and Drink Outlet with drive-through facility.

## Reasons why the application is not properly made

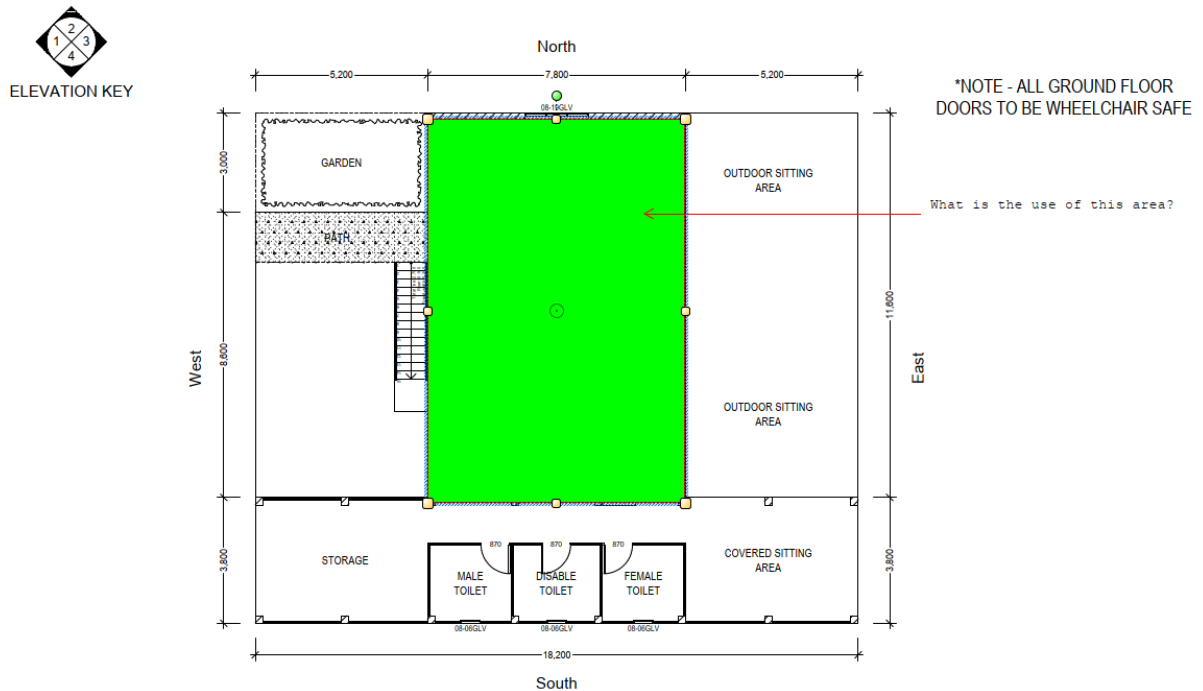
The following is a statement of reasons why the application is not a properly made application:

- The plans which form part of the application indicate a floor area for the use of at least 101m<sup>2</sup> (floor area of coffee and food preparation / outlet building); covered seating area, toilet areas and storage). This extent of floor area categorises the use as impact assessable development, not code assessable development.

Calculated areas:



2. The accompany plans indicate the use of the first floor of the existing building as being of an accommodation nature however the plan is titled "Office Space Level"). The applicant needs to clarify the land use of this building. Note - the use of Office is impact assessable development in the Industry Zone. Furthermore, clarification is needed for the ground floor area of this building that is undercover and not nominated as with "covered seating area." Refer to diagram below.



- The application details free standing non third-party advertising signage with a face area of 18m<sup>2</sup> and sited within the 8m setback from the road boundary. The extent of signage and the location of the in triggers code assessable development in the Industry Zone.

### Actions to be undertaken

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 clarity given as to the nature (type) and level of assessment for all proposed development on the land including food and drink outlet with drive-through facility, advertising signage and other uses for the remainder of the existing building.

### 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**

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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**