

OUR REF: ROL 4894/2012 (416656)

25 February 2014

Port Douglas Master Fishermen's Association Inc
PO Box 47
MOSSMAN QLD 4873

Attention: Mr Terry Melchert

Dear Sir

**NOTICE OF NOT PROPERLY MADE APPLICATION FOR
RECONFIGURING A LOT (1 LOT INTO 2 LOTS) AND
CREATION OF AN ACCESS EASEMENT TO A ROAD
WHARF STREET, PORT DOUGLAS**

Reference is made to your submitted application for Reconfiguring a Lot (1 Lot into 2 Lots) and an Access Easement to a Road.

Please note that in accordance with section 261 of the *Sustainable Planning Act 2009* (SPA), the application is **not** a properly made application. The following is a statement of reasons why the application is not a properly made application:

- Mandatory supporting information has not been supplied / required sections of the forms have not been correctly completed.
- The applicable fee for administering the application has not been provided.

The fees payable for a Reconfiguration of a Lot (1 Lot into 2 Lots) are \$2084 (\$1197 plus \$447 for each lot). This amount has now been paid.

The proposed plan details an Easement. The proposed Easement is an Access Easement to a Road and as such constitutes a Reconfiguring of a Lot under the SPA. An application fee of \$831 is payable to Council for the creation of an Access Easement to a Road. This fee is outstanding.

Details of the proposed Easement must be included on IDAS Form 7. These are currently missing.

The proposed plan does not state how Lot 11 will be serviced. These details need to be submitted.

The SPA requires that consideration be given to the land use when signing and dating a Survey Plan that is a consequence of a Development Permit for Reconfiguring of a lot.

The underlying land use approval, a copy of which has been included in the application documentation, nominates staged development. The staging reflects a timing of development not the creation of exclusive developments of the two stages. Current car parking and ancillary office and infrastructure associated with the Waterfront Industry on proposed Lot 11, for boat repair and maintenance is situated on proposed Lot 12.

The approval of the submitted proposed plan would not permit the future development of Waterfront Industry, as currently approved as stage 1b, on Lot 11. Details as to how requirements for car parking and the provision of ancillary infrastructure will be addressed need to be provided. One example of this may be by providing this parking and access to parking as common land and providing any buildings (office) on this part of the land as being Part of Lot 12.

Please note that in accordance with section 266 of the *Sustainable Planning Act 2009*, the application will lapse if the above issues are not addressed within 20 business days from receipt of this notice, or a further period as agreed between the assessment manager and the applicant.

The assessment period for the application will not commence until such time as the above issues have been addressed. Council will take no further action until the application is properly made.

Should you require any further information in relation to this matter, please do not hesitate to contact Jenny Elphinstone of the Development and Environment Branch on telephone number 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment