02.10.2026

Our Ref: 36650-001-01
Your Ref: ROL 2026_5921/1

The Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attn: Environment & Planning

Dear Planners,

Change Application for a Minor Change - Development Permit ROL 2026_5921_1
Reconfiguring a Lot (Access Easements)
Cassowary Road, Cassowary
Lot 41 on N157598, Lot 80 on NR616 & Lot 81 on SR571

We act on behalf of the Applicant, Avenol Developments Pty Ltd, in relation to the abovementioned matter.

The approval dated 19 June 2026 (Doc ID: 1370604), permits the creation of three (3) access easements within the subject land.

In accordance with section 78 of the Planning Act 2016 (the Act) we hereby submit a Change Application for a minor change to the abovementioned development permit and seek Council's approval to update Condition 5 to remove the requirement for the existing crossing to achieve immunity to an Annual Exceedance Probability (AEP) of 10%.

The reporting prepared by Civil Walker Consulting Engineers contained within *Attachment B* confirms that the existing crossing is fit for purpose and will continue to operate as intended.

Lot 41 is an existing allotment and that the subject culvert creek crossing represents the existing access to the lot. The purpose of creating the access easement to Lot 41 is a matter of convenience by formalising the existing arrangement. It is not considered reasonable for a specified immunity to be provided given existing immunity is not being reduced and the development permit does not seek to provide increased development.

Anecdotally, the crossing is inundated a couple of times a year for short periods. To determine the theoretical inundation frequency and time of inundation, a detailed flood model will be required. This is not considered warranted because development does not seek to change the existing crossing or allotment access arrangement. The development does not seek to modify the existing crossing and therefore no change in afflux will result from proposed development.

It considered reasonable that Condition 5 is updated as indicated below:

Crossing over Cassowary Creek

5. *Prior to the endorsement of Survey Plan, the existing creek crossing between Lots 41 and Lot 80 must be ~~certified~~ inspected by a RPEQ (Registered Practising Engineer Queensland) as being structurally sound and suitable for continued use. ~~an Annual Exceedance Probability (AEP) of 10%.~~*

   A copy of the ~~certification~~ inspection report must be provided to Council.

   Should the existing crossing require replacement, the Applicant must submit an Operational Works application to Council for a new sealed creek crossing between Lot 41 and Lot 80.

   The application should include;
   ~~a. A catchment study for the catchment upstream of the crossing that considers flows for the 5, 20, 50 and 100 year Annual Recurrence Interval (ARI);~~
   ~~b. A crossing designed and certified by a RPEQ (Registered Practising Engineer Queensland). The crossing must accommodate for a minimum 10% AEP;~~
   c. A sediment and erosion control plan for the impacted area;
   d. A plan showing how the disturbed area will be stabilised and rehabilitated upon completion.

   The design of the creek crossing must not inhibit fish passage within the waterway.

   The creek crossing must be constructed and certified by an RPEQ as having been appropriately constructed. The above work must be undertaken at no cost to Council.

   Such work must be constructed to the satisfaction of the Chief Executive Officer prior to endorsement of the Survey Plan.

Overall, the proposed change is considered minor and inconsequential and do not result in substantially different development.

Planning Act 2016 Considerations

The Change Application can only be assessed as a minor change if the change satisfies the definition of *minor change* provided in Schedule 2 of the *Planning Act 2016* as follows:-

> *"minor change means a change that—*
> *.....*

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application."

A response as to how the proposed Change Application satisfies the criteria of a *minor change*, as defined within the *Planning Act 2016*, is provided below:

(i) would not result in substantially different development; and

Response:

The Development Assessment Rules at Schedule 1 provides advice on determining what is considered substantially different development. On review, it is considered that the proposed changes do not result in a substantially different development as:

- The proposed changes do not involve a new use.
- The changes do not result in the application applying to a new parcel of land.
- The proposed changes do not substantially alter the built form of the development.
- The proposed changes do not impact upon the proposed development to operate as originally intended.
- The changes do not result in removing any components of the development.
- The proposed change will not result in significant impacts on traffic flow and the transport network.
- The proposed changes do not introduce or increase the severity of any known impacts.
- The proposal does not require social impact assessment.

- There is no incentive or offset component associated with the development approval.
- The proposed changes will not have any impacts on infrastructure provision as the changes do not result in a such an increase in yield which would require additional demand on infrastructure.

(ii) if a development application for the development, including the change, were made when the change application is made would not cause –

(A) the inclusion of prohibited development in the application; or

Response:
The proposed changes do not result in the inclusion of prohibited development in the application.

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or

Response:
Referral agency assessment was required for the initial application. A review of the referral triggers confirms that if the application were submitted today, referral to any additional referral agencies or for any other matters would not be triggered.

(E) public notification if public notification was not required for the development application.

Response:

The change does not cause a change to the level of assessment for the development.

Accordingly, based on the above, we advise that the proposed change is considered a minor change as it does not result in substantially different development, does not introduce development that would now be considered prohibited, has no effect on referral agency triggers should the application be remade now.

Affected Entities

Ergon Energy is identified as an affected entity. A copy of this request will be provide to Ergon Energy.

Landowner's Consent

Landowner's consent is not required as the applicant is also the landowner.

Application Fee

The prescribed fee for this application has been determined to be $523.00. Payment will be undertaken upon Council issuing an invoice for the applicable fee.

Supporting Documents

In accordance with the Act, the following documentation is attached to allow Council's consideration:

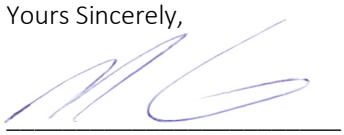
Attachment A:	Planning Act Form 5 – Change Application Form;
Attachment B:	Civil Walker Consulting Engineer reporting, 230-008-001L & 230-008-003L

Conclusion

Overall, it is considered that the above has clearly demonstrated that the proposed changes constitute a minor change and therefore the Change Application can be assessed and approved by Council as minor change.

We trust that the enclosed documentation is sufficient to allow for assessment, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,



MICHAEL TESSARO
Associate / Senior Planner
Brazier Motti Pty Ltd

ATTACHMENT A

brazier motti

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

***Note**: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).*

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (*individual or company full name*)	Avenol Developments Pty Ltd
Contact name *(only applicable for companies)*	
Postal address *(P.O. Box or street address)*	c/- Brazier Motti Pty Ltd PO Box 1185
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUSTRALIA
Email address *(non-mandatory)*	cns.planning@braziermotti.com.au
Mobile number *(non-mandatory)*	07 4054 0400
Applicant's reference number(s) *(if applicable)*	36650-001-01

2) Owner's consent - Is written consent of the owner required for this change application?
***Note**: Section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.*

☐ Yes – the written consent of the owner(s) is attached to this change application
☒ No

PART 2 – LOCATION DETAILS

3) Location of the premises *(complete 3.1) or 3.2), and 3.3) as applicable)*

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (*all lots must be listed*), ***or***
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises *(appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).*

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Cassowary Road	Cassowary
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)
	4873	41	N157598	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Cassowary Road	Cassowary
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)
	4873	80	NR616	Douglas Shire

	Unit No.	Street No.	Street Name and Type	Suburb
c)			Cassowary Road	Cassowary
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)
	4873	81	SR571	Douglas Shire

3.2) Coordinates of premises *(appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)*

***Note**: Place each set of coordinates in a separate row.*

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) *(if applicable)*
		☐ WGS84 ☐ GDA94 ☐ Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) *(if applicable)*
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ Other:	

3.3) Additional premises

☐ Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application

☒ Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

***Note**: see section 78(3) of the Planning Act 2016*

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
☒ Development permit ☐ Preliminary approval	ROL_2026_5921/1	19 June 2026	Douglas Shire Council
☐ Development permit ☐ Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval *(e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building)*:

Amendment to Condition 5.

6.2) What type of change does this application propose?

☒ Minor change application – proceed to Part 5

☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☐ No – proceed to Part 7
☒ Yes – list all affected entities below and proceed to Part 7

***Note**: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.*

Affected entity	Pre-request response provided? (*where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)*	Date notice given *(where no pre-request response provided)*
Ergon Energy	☒ No ☐ Yes – pre-request response is attached to this change application	2 October 2026
	☐ No ☐ Yes – pre-request response is attached to this change application	
	☐ No ☐ Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

***Note**: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at https://planning.dsdmip.qld.gov.au.*

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

☐ No
☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

☐ No
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of *DA Form 1 – Development application details* as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☐ No
☐ Yes – the completed Part 5 (Building work details) of *DA Form 2 – Building work details* as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

***Note**: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.*

☐ No
☐ Yes – the completed Part 5 (Referral details) of *DA Form 1 – Development application details* as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules

☐ I agree to receive an information request if determined necessary for this change application
☐ I do not agree to accept an information request for this change application

***Note**: By not agreeing to accept an information request I, the applicant, acknowledge:*

- *that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties*
- *Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.*

Further advice about information requests is contained in the DA Forms Guide: Forms 1 and 2.

12) Further details

☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the: • responsible entity in 4); and • for a minor change, any affected entities; and • for an other change all relevant referral requirement(s) in 10) ***Note**: See the Planning Regulation 2017 for referral requirements*	☒ Yes
For an other change application, the relevant sections of *DA Form 1 – Development application details* have been completed and is attached to this application	☐ Yes ☒ Not applicable
For an other change application, where building work is associated with the change application, the relevant sections of *DA Form 2 – Building work details* have been completed and is attached to this application	☐ Yes ☒ Not applicable
Supporting information addressing any applicable assessment benchmarks is attached to this application ***Note**: This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning report template.*	☒ Yes
Relevant plans of the development are attached to this development application ***Note**: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see DA Forms Guide: Relevant plans.*	☒ Yes

14) Applicant declaration

☒ By making this change application, I declare that all information in this change application is true and correct.

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

***Note**: It is unlawful to intentionally provide false or misleading information.*

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: | Reference number(s):

QLeave notification and payment *Note: For completion by assessment manager if applicable*			
Description of the work			
QLeave project number			
Amount paid ($)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

ATTACHMENT B

brazier motti

CivilWalker
CONSULTING ENGINEERS

Ref: 230-008-001L

3 August 2026

Avenol Developments Pty Ltd
c/- Jim Noli
40 Eagle Close
Bonnie Doon Qld 4873
via email: jvnoli@bigpond.com

Lot 41 on N157598 – Cassowary Road, Cassowary
Existing Site Access Culvert

We confirm that a site inspection was conducted on 3 July 2026 of the drainage culvert that provides site access to the parcel of land located on Cassowary Road, Cassowary described as Lot 41 on N157598. The culvert is located within Bunns Creek approximately 400m downstream from its crossing of Cassowary Road.

It is understood that this culvert has been in continuous service at the location for several decades.

The recent visual assessment evaluated the inlet, outlet, barrel structure and surrounding bed and banks. The inspection findings confirm that:

- The culvert structure remains properly aligned and appears to be in sound condition.
- The headwall structures at both the upstream and downstream ends of the culvert appear to have been constructed with good workmanship and are in sound condition.
- There is no evidence of scouring, undermining, or bank erosion surrounding the installation.
- The structure did not show any obvious signs of shifting / displacement and water flow through the structure is unimpeded by the culvert headwalls and barrel structure.

The asset appears to be in a stable condition appropriate for its age and environment. We do not reasonably consider that there is an imminent risk of structural failure that will impact on site access to the subject property.

Photographs from the site visit are provided below.



Photographs – Existing Crossing Surface




Photographs - Upstream




Photographs - Downstream

Yours faithfully
CivilWalker Consulting Engineers

Daryl Walker
Director | Principal Engineer
BE(Hons) ME DipPM RPEQ 19806 RPEng 1259

CivilWalker
CONSULTING ENGINEERS

Ref: 230-008-003L

15 September 2026

Avenol Developments Pty Ltd
c/- Brazier Motti
12-20 Toogood Road
Woree Qld 4868
via email: Michael.tessaro@braziermotti.com

Lot 41 on N157598 – Cassowary Road, Cassowary
Existing Site Access Culvert Immunity

We refer to Council's requirement for the existing creek crossing between Lot 41 and Lot 80 (i.e. the Lot 41 site access) to be suitable for an annual exceedance probability (AEP) of 10%.

CivilWalker Consulting Engineers has undertaken an assessment of the crossing catchment, with the parameters assessed as follows for a 10% AEP event:

- Catchment boundaries determined based on Lidar data.
- Catchment area calculated to be 1,182 hectares.
- Hydrology calculations based on the rational method in accordance with the Queensland Urban Drainage Manual (QUDM), which is suitable for rural based catchments up to 2,500 hectares in size.
- Fraction impervious, f_i = 0.00 for open space in accordance with QUDM Table 4.5.1
- C_{10} = 0.18 based on dense bushland with high permeability, being suitable for the significant rainforest component of the catchment.
- Time of concentration (t_c) calculated based on creek flow travel time which is the suitable methodology for rural creek catchments in accordance with QUDM Table 4.6.1.
- Creek flow travel time t_c calculated in accordance with QUDM Section 4.6.11 adopting part (c) "Stream Velocity Method". There are two catchment components being:
    - Upper catchment characterised by an average slope of 364.00m AHD – 80.00m AHD / 1.23km = 23%.
    - Lower catchment characterised by an average slope of 80.00m AHD – 15.34m AHD / 5.37km = 1.2%.
    - Travel velocity = 3.0m/s for 23% catchment and 0.3m/s for 1.2% catchment in accordance with QUDM Table 4.6.6.
    - Travel time, being t_c = 1.23km / 3m/s + 5.37km / 0.3m/s = 18,310 seconds = 305 mins
- Rainfall Intensity for 10% AEP event = 36.7mm/hr (FNQROC IFD Chart 22 "Mossman / Port Dougals".
- Peak flow rate, Q = 0.18 x 36.7 x 1182 / 360 = 21.7m³/s adopting the rational method in accordance with QUDM Section 4.3.

The existing creek capacity was assessed immediately upstream of the culvert adopting a cross section and creek bed slope developed from the Lidar contour data obtained. That assessment was undertaken adopting Izzard's equation as presented in QUDM. This equation was adopted so that varying Manning's "n" values (rock in creek bed (0.060) and un-maintained channel with heavy vegetation (0.125)) could be adopted throughout the cross section. The assessment determined that the creek cross section assessed overflows within the 10% AEP event, it breaks its banks. The existing

culvert will therefore not provide 10% AEP flood immunity to the proposed lot. Actually, if the existing culvert was included in the assessment, the resulting headwater would increase the level of flood water locally at the crossing location.

It is noted that Lot 41 is an existing allotment and that the subject culvert creek crossing represents the existing access to the lot. The purpose of creating the access easement to Lot 41 is a matter of convenience by formalising the existing arrangement. It is not considered reasonable for a specified immunity to be provided given existing immunity is not being reduced and the development permit does not seek to provide increased development density or increased traffic movements.

However, it is considered reasonable that safety associated with the crossing could be improved by:

- provision of flood markers on each end of the crossing so that flood water depth can be assessed when the crossing is submerged; and
- provision of raised reflective pavement markers on each side of the crossing at 2m maximum centres to provide improved delineation at night.

Photographs of the subject culvert crossing are provided below for information.




Photographs – Existing Crossing Surface




Photographs - Upstream




Photographs - Downstream

Yours faithfully
CivilWalker Consulting Engineers

Daryl Walker
Director | Principal Engineer
BE(Hons) ME DipPM RPEQ 19806 RPEng 1259