

IDAS form 1 Application details

(Sustainable Planning Act 2009 version 4.1 effective 4 July 2014)

This form must be used for **ALL** development applications.You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1 – Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS**Mandatory requirements**

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

WAKS Developments Pty Ltd

For companies, contact name

Peter Dutailis

Postal address

P O Box 894

Suburb Port Douglas

State QLD

Postcode 4877

Country Australia

Contact phone number

07 4099 6010

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)

Email address (non-mandatory requirement)

peter@recs.net.au

@

Applicant's reference number (non-mandatory requirement)

94-2014

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

a) What is the nature of the development? (Please only tick one box.)

☐ Material change of use ☐ Reconfiguring a lot ☐ Building work ☒ Operational work

b) What is the approval type? (Please only tick one box.)

☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

Construction of carparks beside private access road

d) What is the level of assessment? (Please only tick one box.)

☐ Impact assessment ☒ Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

a) What is the nature of development? (Please only tick one box.)

☐ Material change of use ☐ Reconfiguring a lot ☐ Building work ☐ Operational work

b) What is the approval type? (Please only tick one box.)

☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

d) What is the level of assessment?

☐ Impact assessment ☐ Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

☐ Refer attached schedule ☐ Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

- ☐ Street address and lot on plan (All lots must be listed.)
- ☐ Street address and lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)			Boer Street Craiglie	4877	37, 38 & 100	SP204464	Douglas Shire
ii)							
iii)							

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Rural	Service Industry Precinct	Special Management Area
ii)			
iii)			

Table E—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

1280m2

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Access and Services Easement

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

☐ No ☒ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
8/10/46 (#3034589)	17 January, 2011	

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

☐ No
☐ Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table G

Name of owner/s of the land	
<input checked="" type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☐ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- ☐ Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

☐ No ☒ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

☒ No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

☒ No—go to question 12 ☐ Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

☐ No
☐ Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?

☒ No
☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

- 13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)**

Description of attachment or title of attachment	Method of lodgement to assessment manager

14. Applicant's declaration

☐ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the *Sustainable Planning Regulation 2009* identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the *Sustainable Planning Regulation 2009* identifies where compliance assessment is required.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2002*.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

IDAS form 6 — Building or operational work assessable against a planning scheme

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications for building work or operational work assessable against a planning scheme.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form must be used for building work or operational work relating on strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994* and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* that requires assessment against the land use plan for that land. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

This form can also be completed online using MyDAS at www.dsdiq.qld.gov.au/MyDAS

Mandatory requirements

1. What is the nature of the work that requires assessment against a planning scheme? (Tick all applicable boxes.)

- ☐ Building work—complete Table A ☒ Operational work—complete Table B

Table A

a) What is the nature of the building work (e.g. building, repairing, altering, underpinning, moving or demolishing a building)?

b) Are there any current approvals associated with this application? (e.g. material change of use.)

- ☐ No ☒ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

Table B

a) What is the nature of the operational work? (Tick all applicable boxes.)

- ☐ Road works ☐ Stormwater ☐ Water infrastructure
☐ Drainage works ☐ Earthworks ☐ Sewerage infrastructure
☐ Landscaping ☐ Signage ☐ Clearing vegetation under the planning scheme
☐ Other—provide details

b) Is the operational work necessary to facilitate the creation of new lots? (E.g. subdivision.)

- ☒ No ☐ Yes—specify the number of lots being created

c) Are there any current approvals associated with this application? (E.g. material change of use.)

- ☐ No ☒ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
8/10/46 (#3034589)	17 January, 2011	

2. What is the dollar value of the proposed building work?
(Inc GST, materials and labour.)

\$

3. What is the dollar value of the proposed operational work?
(Inc GST, materials and labour.)

\$9,500.00

Mandatory supporting information

4. Confirm that the following mandatory supporting information accompanies this application

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications involving building work or operational work		
<p>A site plan drawn to an appropriate scale (1:100, 1:200 or 1:500 are recommended scales) which shows the following:</p> <ul style="list-style-type: none"> the location and site area of the land to which the application relates (<i>relevant land</i>) the north point the boundaries of the relevant land the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots) any existing or proposed easements on the relevant land and their function any access limitation strips all existing and proposed roads and access points on the relevant land. 	<input checked="" type="checkbox"/> Confirmed	Previously submitted

A statement about how the proposed development addresses the local government's planning schemes and any other planning documents relevant to the application.	<input type="checkbox"/> Confirmed	
A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
Applications for building work (including extensions and demolition that is assessable development)		
Floor plans drawn to an appropriate scale (1:50, 1:100 or 1:200 are recommended scales) which show the following: <ul style="list-style-type: none"> the north point the intended use of each area on the floor plan (for commercial, industrial or mixed use developments only) the room layout (for residential development only) with all rooms clearly labelled the existing and the proposed built form (for extensions only) the gross floor area of each proposed floor area. 	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
Elevations drawn to an appropriate scale (1:100, 1:200 or 1:500 are recommended scales) which show plans of all building elevations and facades, clearly labelled to identify orientation (e.g. north elevation).	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
Plans showing the size, location, proposed site cover, proposed maximum number of storeys, and proposed maximum height above natural ground level of the proposed new building work.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
Plans showing the extent of any demolition that is assessable development.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
Applications for operational work involving earthworks (filling and excavating)		
Drawings showing: <ul style="list-style-type: none"> existing and proposed contours areas to be cut and filled the location and level of any permanent survey marks or reference stations used as datum for the works the location of any proposed retaining walls on the relevant land and their height the defined flood level (if applicable) the fill level (if applicable). 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
Applications for operational work involving roadworks		
Drawings showing: <ul style="list-style-type: none"> existing and proposed contours the centreline or construction line showing chainages, bearings, offsets if the construction line is not the centreline of the road and all intersection points information for each curve including tangent point chainages and offsets, curve radii, arc length, tangent length, superelevation (if applicable) and curve widening (if applicable) kerb lines including kerb radii (where not parallel to centreline) and tangent point changes (where not parallel to centreline) edge of pavement where kerb is not constructed position and extent of channelisation location and details of all traffic signs, guideposts, guardrail and other street furniture pavement markings including details on raised pavement markers 	<input checked="" type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	Previously submitted

<ul style="list-style-type: none"> • catchpit, manhole and pipeline locations • drainage details (if applicable) • cross road drainage culverts (if applicable) • concrete footpaths and cycle paths • location and details for access points, ramps and invert crossings • changes in surfacing material. 		
Applications for operational work involving stormwater drainage		
Drawings showing: <ul style="list-style-type: none"> • existing and proposed contours • drainage locations, diameters and class of pipe, open drains and easements • manhole location, chainage and offset or coordinates and inlet and outlet invert levels • inlet pit locations, chainage and offset or coordinates and invert and kerb levels. 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	Previously submitted
Applications for operational work involving water reticulation		
Drawings showing: <ul style="list-style-type: none"> • kerb lines or edge of pavement where kerb is not constructed • location and levels of other utility services where affected by water reticulation works • pipe diameter, type of pipe and pipe alignment • water main alignments • water supply pump station details (if applicable) • minor reservoir details (if applicable) • conduits • location of valves and fire hydrants • location of house connections (if applicable) • location of bench marks and reference pegs. 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
Applications for operational work involving sewerage reticulation		
Drawings showing: <ul style="list-style-type: none"> • location of all existing and proposed services • location of all existing and proposed sewer lines and manhole locations • location of all house connection branches • kerb lines or edge of pavement where kerb is not constructed • chainages • design sewer invert levels • design top of manhole levels • type of manhole and manhole cover • pipe diameter, type of pipe and pipe alignment • location of house connections (if applicable) • sewer pump station details (if applicable). 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
Applications for operational work involving street lighting		
Drawings showing: <ul style="list-style-type: none"> • location of all light poles and service conduits • location of all other cross road conduits • type of wattage and lighting • any traffic calming devices • additional plans for roundabouts and major roads (if applicable) • details of any variations to normal alignment 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	

<ul style="list-style-type: none"> • details of lighting levels. 		
Applications for operational work involving public utility services		
Drawings showing: <ul style="list-style-type: none"> • any existing light poles and power poles • any existing underground services • details of proposed services • alteration to existing services. 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
Applications for operational work involving landscaping works		
Drawings showing: <ul style="list-style-type: none"> • the location of proposed plant species • a plant schedule indicating common and botanical names, pot sizes and numbers of plants • planting bed preparation details including topsoil depth, subgrade preparation, mulch type and depth, type of turf, pebble, paving and garden edge • the location and type of any existing trees to be retained • construction details of planter boxes, retaining walls and fences • the proposed maintenance period • irrigation system details. 	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	

Privacy— Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Your Ref: D#429182
Our Ref: J000085:WAKS:KLG (Stage 2 CBP)
Date: 25 November 2014

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

Attention: Donna Graham, Manager Development and Environment
Jenny Elphinstone, Senior Planner

Dear Mesdames,

Re: Request to Change an Existing Approval and Extend the Relevant Period for an Existing Approval

Development Permit for Reconfiguration of a Lot (1 Lot into 19 Lots) on land located at Beor Street, Craiglie, more particularly described as Lots 37, 38 and 100 on SP 248126

I refer to previous correspondence regarding the above-described Requests lodged under cover of letter dated 11 August 2014. Council's initial feedback and confirmation of further issues requiring attention in regard to those Requests was provided within correspondence dated 19 September 2014.

The following information is provided in response to matters raised in Council's most recent communication.

1. *All lots off Road D are provided with a constructed lawful point of discharge and suitable drainage be designed Road D including the car parking area.*

Response

Advice has been sought from RECS Engineers in regards stormwater discharge considerations within the access and services easement area. That advice confirms that:

"The access and open drain is constructed within the current easement for the subject lots.

It is designed to receive and control overland flow of stormwater from the lots including the car park and discharge to the existing stormwater system for minor and major flows."

Donna Graham
Manager Development and Environment

RECS stormwater drainage calculations are included for reference on Drawing No R03 Issue A (**attached**).

2. *The construction of the car parking in the Road area.*

Response

Car parks will be constructed by the Applicant within the easement area. Plans numbered C06 Issue C and C13 Issue C included as **Attachment 1** provide clarification regarding construction proposed.

As required, a Development Permit for Operational Works for this construction will be obtained prior to commencement on site.

3. *The construction of any drainage infrastructure as per (i) above.*

Response

As noted in the response at (1) above, engineering advice confirms no significant alterations to the drainage network are necessary to accommodate development on site.

4. *The easements over lots the area of Road D allow parking of vehicles.*

Response

Included within **Attachment 2** to this submission is correspondence dated 28 October 2014 issued by project solicitors, Marino Moller Lawyers. This correspondence attaches proposed amendments to Easements A, B and C. The amendments as confirmed within the draft include insertion of the following:

- (a) Clause 2.1(d) providing for "Park[ing] on the Servient Tenement as provided in this Easement"; and
- (b) Clause 2.3(e) providing for "Park[ing] Vehicles on those parts of the Servient Tenement designated or sign posted for this purpose...."

I would be grateful if you could advise whether Council accepts the amendment proposed in due course. On receipt of confirmation from Council in this regard, the Applicant will finalise the Amendment process and arrange registration as soon as possible.

Any required works would need to be undertaken under a Development Permit for Operational Work.

Response

As required, the following Application material (**Attachment 3**) is submitted for Council's assessment:

1. RECS correspondence dated 24 November 2014;
2. IDAS Form 1 Application details;
3. IDAS Form 6 – Building or Operational Work assessable against a planning scheme;
4. RECS Drawing No C06 Issue C;
5. RECS Drawing No C13 Issue C;
6. RECS Drawing No R03 Issue A; and
7. A cheque in payment of Council's Fee for this Application which is \$2,362.10, in accordance with the 2014/2015 Schedule of Fees and Charges, Table 10, Item B (provided with the original of this correspondence to be sent via postal services).

I note RECS is the Applicant contact for this Operational Works application. I would be grateful if Council could also provide a copy of its Decision Notice for this Application once issued to Gilvear Planning.

Concern is raised with the easements for Lot 100 as to the transference of any rights for subsequent child properties for the future development of Lot 100. It would be appreciated if you can give clarification as to whether this may be a further issue.

Response

Within legal advice provided at **Attachment 2** is confirmation from Marino Moller Lawyers that:

The Easements are granted in perpetuity. The benefit and burden of the Easements run with the benefited or burdened lot as the case may be ie. They pass from one owner to the next, and the burden and benefit of the easements run with the respective lots. Therefore, all future owners of the burdened lots are bound by the Easements unless they are surrendered or extinguished. This will apply to any registered variation of the Easements.

New lots created by reconfiguration of Lot 100 will continue to be burdened or benefited by the Easements, however, given the easements will not 'practically' be required for all lots in the State (indeed, will only be providing access to lot/s directly adjacent), it is our understanding that Waks Developments Pty Ltd intends to partially surrender the easement burdening Lot 100 such that ONLY lots requiring access via the easement will be affected. This is considered an appropriate response to the situation in this instance.

I trust this clarification assists Council in its consideration of the current Requests to Change and Extend Stage 2 approvals.

Conclusion

I look forward to receiving confirmation of Councils' decision on the change and extension as requested, and ask that if additional information is required to assist in of this request, please do not hesitate to call or email.

Kind regards,

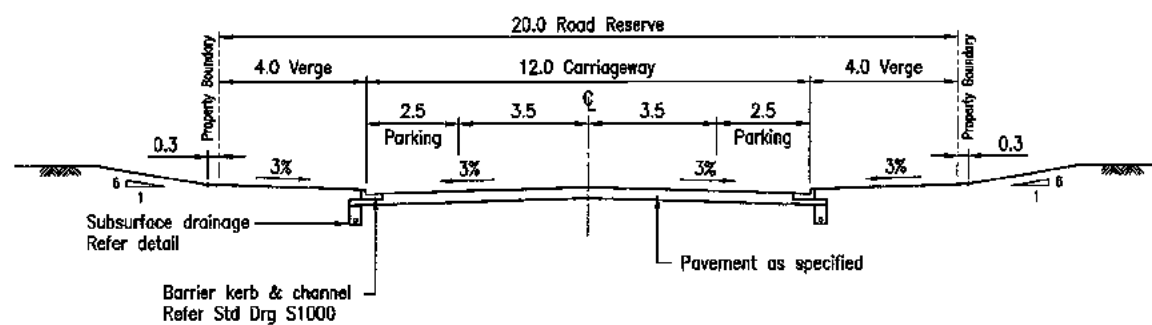
A handwritten signature in black ink, appearing to be 'KG' with a stylized flourish.

Kristy Gilvear
Director
Gilvear Planning Pty Ltd

Far North Queensland Office:

Email: kristy@gilvearplanning.com.au
Telephone: 0448 897 991
Postal: PO Box 228
BABINDA QLD 4861

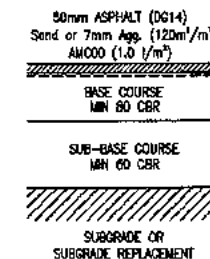
Attachment 1



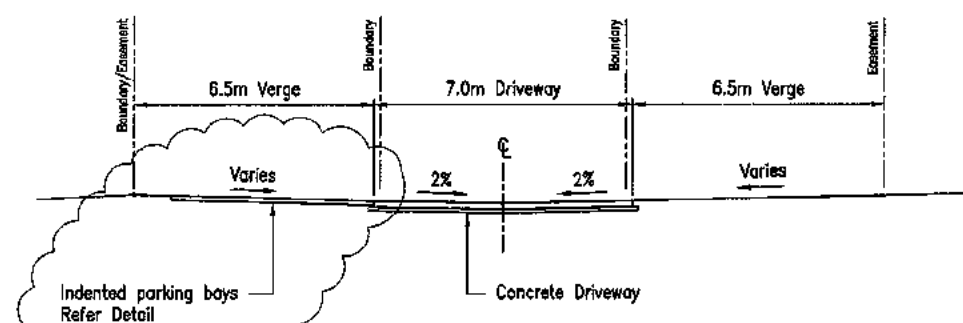
ROADS A, B & C
TYPE CROSS SECTION
1:100

PAVEMENT DEPTHS

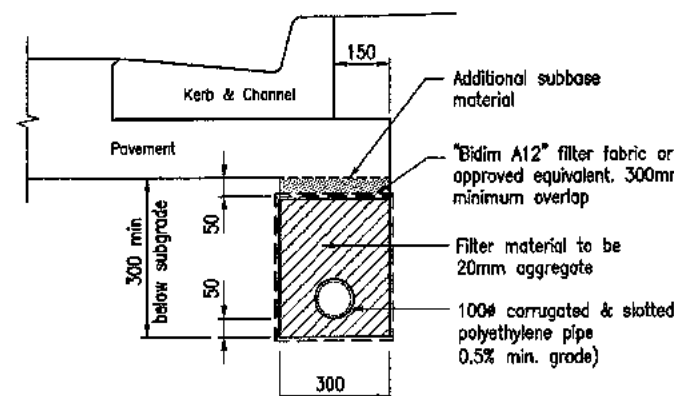
SUBGRADE CBR	BASE (mm)	SUBBASE (mm)
3	120	250
5	120	170
7	120	130
10	120	130
15	120	130



PAVEMENT DETAILS
N.T.S.

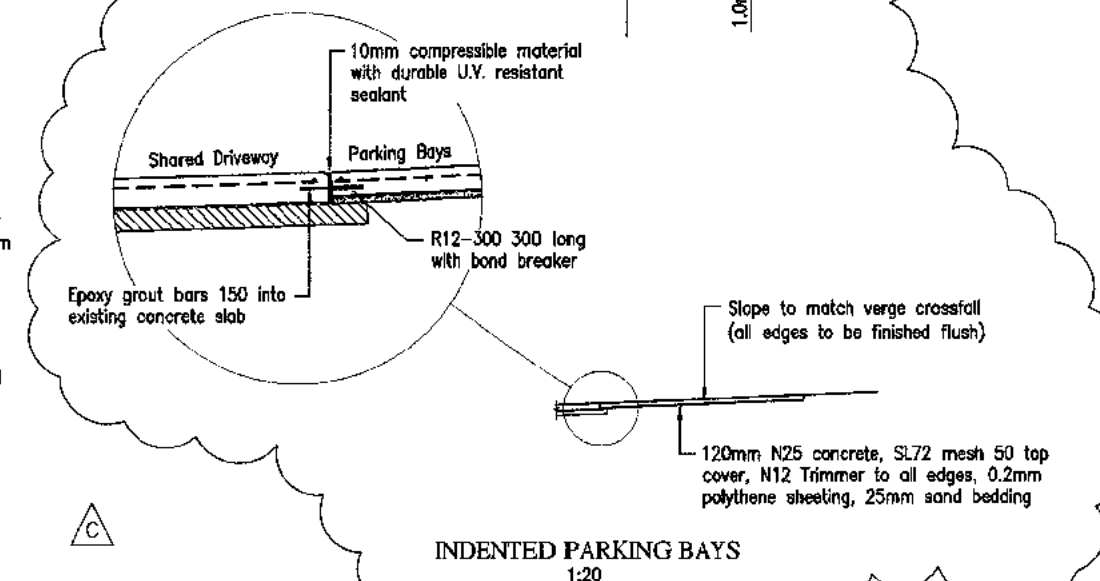


SHARED DRIVEWAY
TYPE CROSS SECTION
1:100



Subsurface drainage flushing points shall be provided at head of lines, highpoints and as shown on plans in accordance with Std Drg S1095.

SUBSURFACE DRAINAGE
N.T.S.

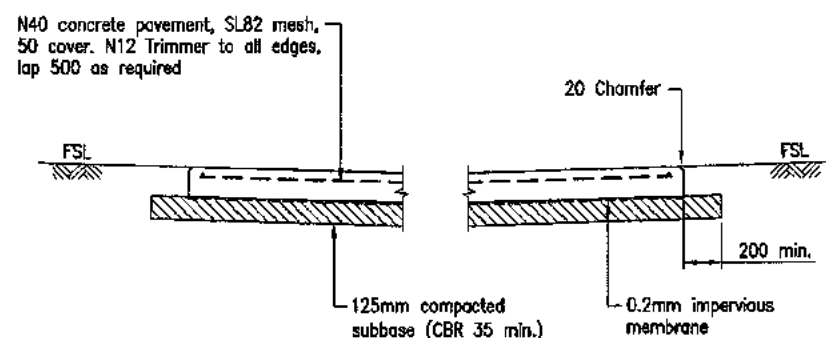


CONCRETE PAVEMENT

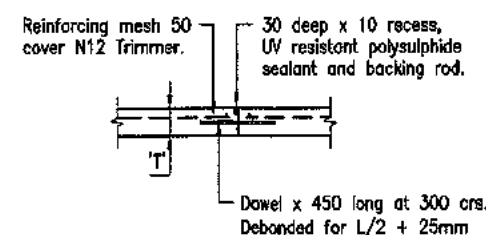
Subgrade CBR	Concrete Thickness (mm)
2	180
5	170
10	170
15	160

DOWEL DIAMETER

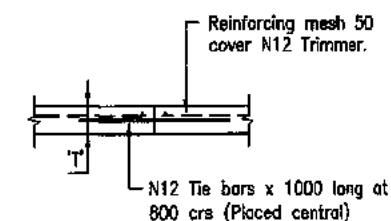
Slab Thickness 'T' (mm)	Dowel Diameter (mm)
100-140	20
141-160	24
161-190	28
191-220	32



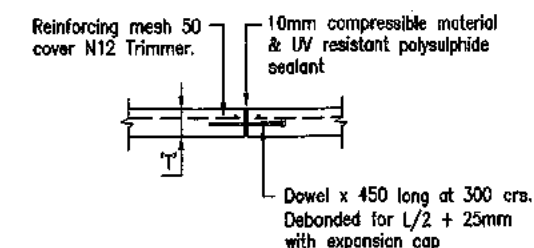
CONCRETE DRIVEWAY
1:20



DOWEL CONTROL JOINT (DCJ)
N.T.S.



CONSTRUCTION JOINT (CJ)
N.T.S.



EXPANSION JOINT (EJ)
N.T.S.

C	Indented Parking Bay Detail added	21/12/14
B	Concrete Tread changed to Shared Driveway	24/05/2012
A	Original Issue	20/02/2010
ISSUE	AMENDMENT	DATE

CONTRACTORS AND SUBCONTRACTORS MUST VERIFY DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS. USE WRITTEN DIMENSIONS ONLY.

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RECS Pty Ltd
ABN 96 081 197 006

• Port Douglas
P.O. Box 894 4877 QLD
Phone: (07) 4099 6010
Fax: (07) 4099 6020
E-mail: recs@bigpond.com
www.recs.net.au
RPEQ 5412

PROJECT
Craigie Business Park - Stage 2B

FOR
WAKS Pty Ltd

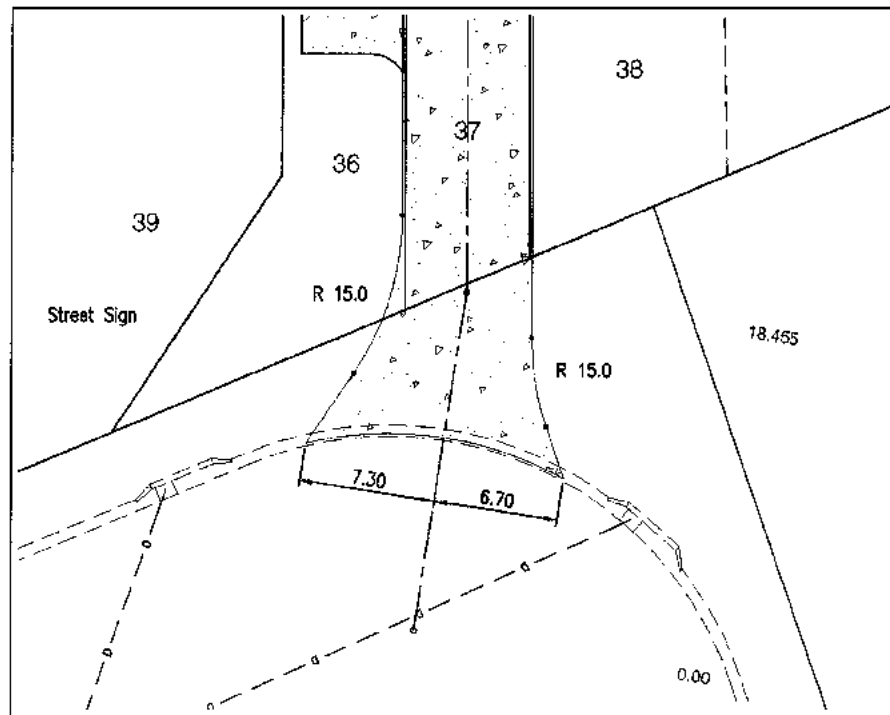
TITLE
TYPE CROSS SECTIONS & DETAILS

SCALE (if full size)
AS SHOWN

PROJECT NO.
8-2007

DRAWING NO.
C06

ISSUE
C



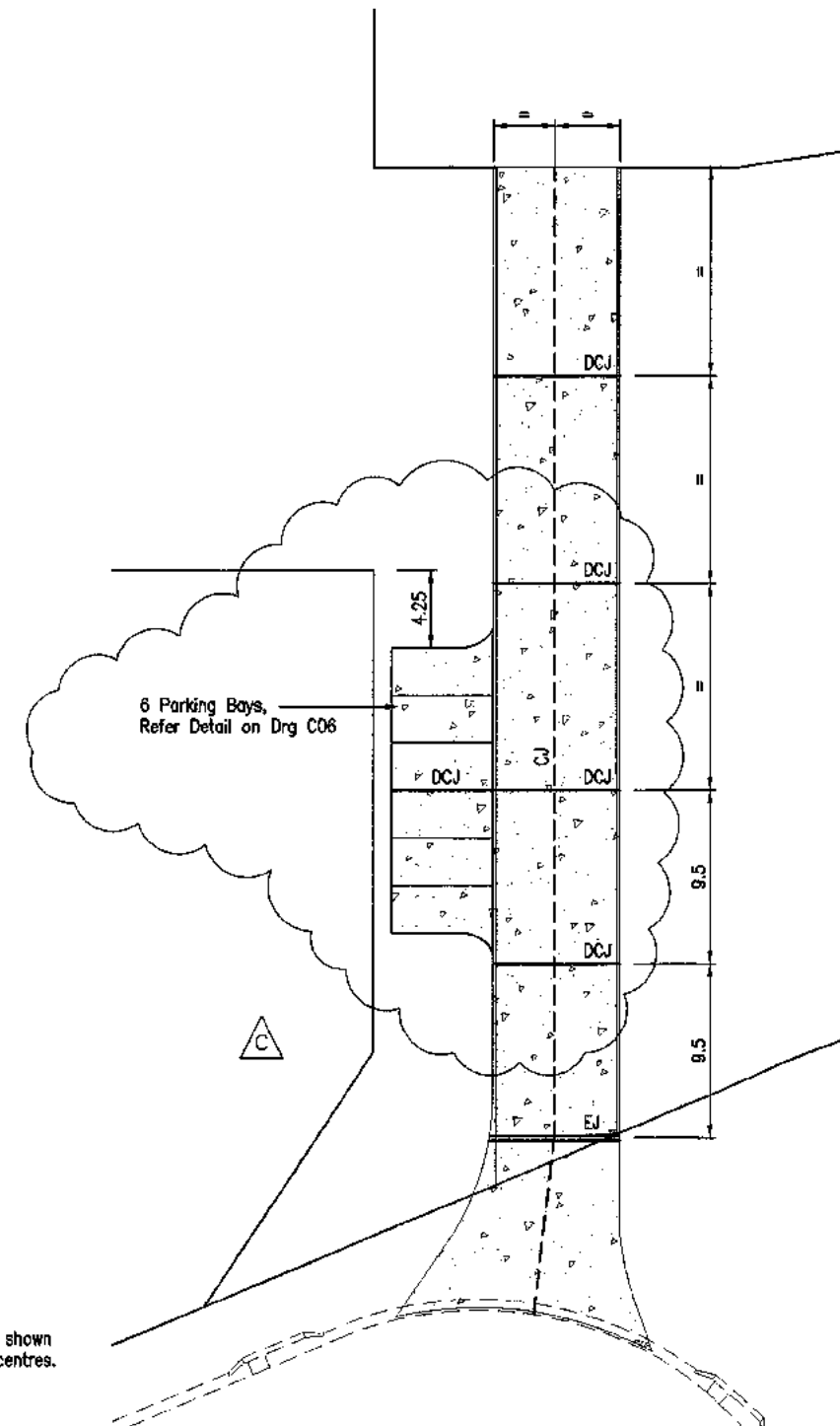
SHARED DRIVEWAY / BEOR STREET INTERSECTION
1:200

LEGEND

--- Stormwater Drainage

NOTES

1. Setout is to the lip of kerb and channel.
2. All street signs to be installed in accordance with Std Drg S1040.



JOINT LAYOUT PLAN
1:200

LEGEND

Concrete Pavement
DCJ Dowel Control Joint
EJ Expansion Joint
CJ Construction Joint

NOTES

1. Control Joints to be evenly spaced as shown on plan and not greater than 12.0m centres.

C	Indented Parking Bay noted	31/1/2014
B	Road 0 changed to Shared Driveway	26/05/2012
A	Original Issue	30/06/2010
ISSUE	AMENDMENT	DATE

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RECS Pty Ltd
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www.recswet.au
RPEQ 5412

PROJECT
Craiglie Business Park - Stage 2B

FOR
WAKS Pty Ltd

TITLE
SHARED DRIVEWAY
DETAILS

SCALE (AT FULL SIZE) AS SHOWN	PROJECT NO. 8-2007	DRAWING NO. C13	ISSUE C
----------------------------------	-----------------------	--------------------	------------

Attachment 2



Marino Moller LAWYERS

INCORPORATING THE PRACTICE OF
GREFF AND TIMMS SOLICITORS PORT DOUGLAS

Your Ref:

Our Ref: AVT:KRN:117934

Contact: Arthur V Timms

Office: Port Douglas office

PARTNERS

Charles Anthony Marino
LL.B. FAICD
William Brett Moller
B.A. LL.B.

ASSOCIATE

Christine S Ross
B.A. LL.B.

CONSULTANT

Arthur V Timms

28 October 2014

Email Transmission: kristy@gilvearplanning.com.au

Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Dear Kristy

WAKS DEVELOPMENTS PTY LTD STAGE 2 CRAIGLIE BUSINESS PARK

We refer to the Douglas Shire Council's queries and respond as follows:-

Amendment of Existing Easements

Attached are draft Amendment of Easement in respect of Easement A. Please confirm that the Easement is satisfactory to the Council and to Waks Developments Pty Ltd whereupon we propose to prepare similar Amendments for the other Easements.

Future Development of Lot 100

Attached is a copy of Titles Office Registration Confirmation Statement for Lot 100 SP 248126.

You will see that the existing Easement 714838520 over Easement A on SP 248126 is recorded on the Title to Lot 100 as benefiting Lot 100. Likewise, existing Easement No. 714838525 over Easement B on SP 248126 is also recorded as benefiting Lot 100. Easement No. 714838526 over Easement C in Lot 100 on SP 248126 benefits Lots 37 and 38.

The Easements are granted in perpetuity. The benefit and burden of the Easements run with the benefited or burdened lot as the case may be ie. they pass from one owner to the next, and the burden and benefit of the easements run with the respective lots. Therefore, all future owners of the burdened lots are bound by the Easements unless they are surrendered or extinguished. This will apply to any registered variation of the Easements.

Port Douglas
First Floor, Macrossan House
19 Macrossan Street
PO Box 57,
Port Douglas Qld 4877
P: 07 4081 6700
F: 07 4099 5421

Cairns
Marino's Arcade
70 Gratton Street
PO Box 6722,
Cairns Qld 4870
P: 07 4081 6700
F: 07 4031 2937

Edmonton
First Floor
159 Bruce Highway
PO Box 6722,
Cairns Qld 4870
P: 07 4081 6700
F: 07 4048 0925

Gordonvale
Ground Floor
56 Norman Street
PO Box 5722,
Cairns Qld 4870
P: 07 4081 6700
F: 07 4056 3799

Babinda
Ground Floor
51 Munro Street
PO Box 6722
Cairns Qld 4870
P: 07 4081 6700

New lots created by reconfiguration of Lot 100 will continue to be burdened or benefited by the Easements, however, given the easements will not 'practically' be required for all lots in the Stage (indeed, will only be providing access to lot/s directly adjacent), it is our understanding that Waks Developments Pty Ltd intends to partially surrender the easement burdening Lot 100 such that ONLY lots requiring access via the easement will be affected. This is considered an appropriate response to the situation in this instance.

Yours faithfully
MARINO MOLLER

A handwritten signature in black ink, reading "Marino Moller", with a horizontal line drawn underneath the name.

Writer's direct e-mail: arthur.timms@marinomoller.com.au

Dealing Number



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Mortgagee's Australian Credit Licence

1. Type/Dealing No of Instrument/Document being amended	Lodger (Name, address, E-mail & phone number)	Lodger Code
Type of Instrument/Document Easement	Marino Moller	
Dealing Number 714838520	Lawyers	795
	PO Box 57	
	Port Douglas Qld 4877	
	Email: arthur.timms@marinomoller.com.au	
	Ph: (07) 4081 6700	
	Ref: AVT:117934	

2. Lot on Plan Description	County	Parish	Title Reference
Lot 38 SP 248126 (Burdened Land)	Solander	Salisbury	50904286
Lot 37 SP 248126 (Benefited Land)	Solander	Salisbury	50904285
Lot 100 SP 248126 (Benefited Land)	Solander	Salisbury	50904287

3. **Grantor/Mortgagor/Lessor**
WAKS DEVELOPMENTS PTY LTD ACN 116 396 573

4. **Grantee/Mortgagee/Lessee**
WAKS DEVELOPMENTS PTY LTD ACN 116 396 573

5. **Amendment of Lease Details** (Only to be completed for an amendment of the term and/or option of lease)
Not Applicable
Insert *nil* if no option or insert option period (eg 3 years or 2 x 3 years etc)

6. **Request/Execution**

The parties identified in items 3 and 4 agree that the instrument/document in item 1 is amended in accordance with: ~~*item 5; *item 5 and attached schedule;~~ *attached schedule. * delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Waks Developments Pty Ltd ACN 116 396 573 by its
Attorney Arthur Vanden Timms under Power of Attorney
No. 711307959 and the Attorney declares that the
Attorney has not received any notice of the revocation
of that Power of Attorney

.....signature

.....full name

.....qualification

/ /2014
Execution Date

Grantor's/Mortgagor's/Lessor's Signature

Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1
of Land Title Act 1994 eg Legal Practitioner JP, C Dec)

Waks Developments Pty Ltd ACN 116 396 573 by its
Attorney Arthur Vanden Timms under Power of Attorney
No. 711307959 and the Attorney declares that the
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.....signature

.....full name

.....qualification

/ /2014
Execution Date

Grantee's/Mortgagee's/Lessee's Signature

Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1
of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Title Reference 50904286

1. Defined Terms

1.1 In this document:-

"Easement" means the easement granted by the Grantor to the Grantee on the 10th day of September 2012 over Easement A on SP 248126 and more particularly described in Item No. 1 of the Form 13.

"Grantor" means the grantor described in Item 3 of the Form 13 and the Registered Owner from time to time of the Servient Tenement.

"Grantee" means the grantee described in Item 4 of the Form 13 and the Registered Owner from time to time of the Dominant Tenement.

1.2 Word and phrases defined in the Easement have a corresponding meaning in this Amendment unless the context otherwise requires.

2. Purpose

This document records the amendment of the Easement to amend and clarify parking rights in respect of the Servient Tenement.

3. The Amendment

The clause of the Easement referred to by number or reference in Column 1 of the following table is deleted or amended as set out in Column 2 of that table.

Column 1	Column 2
Clause 2.1 – Grant	Add new sub-clause (d) as follows:- "(d) <i>Park Vehicles on the Servient Tenement as provided in this Easement.</i> "
Clause 2.3 – Grantee's Rights	Add new sub-clause (e) as follows:- "(e) <i>Park Vehicles on those parts of the Servient Tenement designated or sign posted for this purpose (but subject to the restrictions in Clause 2.2).</i> "

4. Parties to Procure Registration

Each of the parties to this Amendment of Easement will do all such acts necessary to enable the Amendment to be registered.

5. Easement to Continue

The benefit and burden of the Easement (as amended) and of the covenants, agreements and stipulations contained therein shall pass with and bind the Grantee and Servient Tenement respectively so as to endure for the benefit of and bind all persons deriving Title from or through the Grantor and the Grantee respectively including but not limited to the Registered Owners for the time being of all lots in any reconfiguration, subdivision or building format plan comprising the Servient Tenement and their respective servants, agents, workmen, visitors and licensees.

Title Reference 50904286

6. Easement Confirmed

In all other respects the parties confirm the terms of the Easement.

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 19143432

Search Date: 11/08/2014 12:52

Title Reference: 50904287

Date Created: 29/01/2013

Previous Title: 50709945

REGISTERED OWNER

Dealing No: 714838511 13/12/2012

WAKS DEVELOPMENTS PTY LTD A.C.N. 116 396 573

ESTATE AND LAND

Estate in Fee Simple

LOT 100 SURVEY PLAN 248126
County of SOLANDER Parish of SALISBURY
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21385076 (Lot 83 on CP SR724)
2. MORTGAGE No 710202063 20/12/2006 at 12:43
NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937
3. EASEMENT No 714838520 13/12/2012 at 11:29
benefiting the land over
EASEMENT A ON SP248126
4. EASEMENT No 714838525 13/12/2012 at 11:29
benefiting the land over
EASEMENT B ON SP248126
5. EASEMENT No 714838526 13/12/2012 at 11:30
burdening the land to
LOTS 37 AND 38 ON SP248126 OVER EASEMENT C ON SP248126

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D APPLICATIONS CITEC CONFIRM

Attachment 3



Our ref: 94-2014/DSC24112014

24 November, 2014

Chief Executive Officer

Douglas Shire Council

PO Box 723,

Mossman Q 4873

Attn: Jenny Elphinstone

Senior Town Planner

Development & Environment

Office: 64-66 Front St, Mossman Q 4873

Via email: jenny.elphinstone@douglas.qld.gov.au

**CONSULTING ENGINEERS &
BUILDING DESIGN**

PO Box 894
PORT DOUGLAS QLD 4877

Phone: 07 4099 6010

Fax: 07 4099 6020

admin@recs.net.au

www.recs.net.au

ABN 95 081 197 006

ACN 081 197 006

QBSA Licence No. 1106533
Builder & Building Design

Subject Craiglie Business Park. Lots 37, 38 & 100 on SP204464
Stormwater Design

Dear Jenny

I refer to Council's letter dated 19 September, 2014 (DSC ref #429182) concerning Council's requirements for

All lots off Road D are provided with a constructed lawful point of discharge and suitable drainage be designed Road D including the car parking area.

The access and open drain is constructed within the current easement for the subject lots.

It is designed to receive and control overland flow of stormwater from the lots including the car park and discharge to the existing stormwater system for minor and major flows.

Yours faithfully

Peter Dutailis

Director

MIE Aust, CPEng, NPER, RPEQ, MEIANZ