

DOUGLAS SHIRE COUNCIL
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Change application form

Planning Act Form 5 (version 1.1 effective 22 JUNE 2018) 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)	Benjamin Wallace
Contact name (only applicable for companies)	Benjamin Wallace
Postal address (P.O. Box or street address)	Lot 3, 11-13 Nancy Close
Suburb	Oak Beach
State	QLD
Postcode	4877
Country	Australia
Email address (non-mandatory)	benmurraywallace@yahoo.com.au
Mobile number (non-mandatory)	0435406891
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
<i>Note: section 79(1A) of the Planning Act 2016 states the requirements in relation to owner's consent.</i>	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application <input type="checkbox"/> 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				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or <input type="checkbox"/> 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
		11-13	Nancy Close	Oak Beach
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	Lot 3	RP 747243	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
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)				
<i>Note: Place each set of coordinates in a separate</i>				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)	
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:		
<input type="checkbox"/> Coordinates of premises by easting and northing				



**Queensland
Government**

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises relevant to the original development approval and their details 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
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUS2145-2017 (822143)	20/7/2017	
<input type="checkbox"/> Development permit <input type="checkbox"/> 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):

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)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> 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 and in some instances parts of DA Form 2, 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 – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.

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 – proceed to 11)
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 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 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 as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the 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

12) Further details

- ☐ Part 7 of DA Form 1 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

For an 'other' change application, the relevant sections of
have been completed and is attached to this
application

☒ Yes

☒ Yes
☐ Not applicable

For an 'other' change application, where building work is associated with the
change application, the relevant sections of
have been completed and is attached to this application

☐ Yes
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is
attached to this application

☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 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

Relevant plans of the development are attached to this development application

☒ Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see

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 OFFICE USE ONLY

Date
received:

Reference number(s):

QL leave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QL leave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

To Douglas Shire Council – Daniel Lamand,

This letter is for me asking to be allowed to hold 1 larger cooking class a day rather than 3 to 4 different classes a day.

Not asking to do more people just asking to-do the same number of people at one time.

So, at the moment the agreed operating hours for my cooking school are between 10-7, in that time we can potentially hold 3- 4 cooking classes a day with 2 people in attending each class, so 6 to 8 people in total over the course of the day.

So, 3-4 cars driving down our street at different times across the whole day, arriving and departing all at different times.

What I think would be more stream lined rather than having people arriving at 3- 4 different times and depart at 3-4 different times across the day, is have them all arrive at one set time and depart at one set time, that will create less cars on the street over the whole day and less traffic.

Nothing changes the waste is the same the amount off people attending the cooking school is the same, the only thing that would change is you would have all cars arrive and depart in a 5-10min time space rather the having them arrive and depart at lots of different times across the day.

We have so much parking space and none of our entire operation can be seen from the road not a car not the cooking school not even our house we have a very long drive way from the street nothing is visible. We have had to hand paint a sign to put on our letter box because no one could find us that's how hidden we are.

I also just wanted to state a very obvious home business in operation on the street of Nancy Close Oak Beach that stands out a lot more then my business and have a lot more visible things going on in their operation.

There is the hydroponic farm on Nancy Close called Oak Ridge Hydroponics that is very visible down the street of Nancy Close it is right on the street, cars coming going delivers, pick ups and so forth.

This operation runs like a farm, so it runs daily, morning to afternoon.

The only reason I bring this business up is that it is a much bigger operation then what I am proposing and there ok to run their business on the Street of Nancy close in Oak Beach.

This business is great everyone on the whole street gets their herbs and lettuce from Oak ridge hydroponics he also supplies most of the Port Douglas restaurants.

Hope you understand what I'm saying I am just wanting to stream line my business, nothing really changes in terms of size, waste or anything, we would just like to do one larger class rather then 4 small classes a day, still doing the same amount of people but just at one time.

Decision notice details**Current approved operating hours and days**

Section 6-a- Tuesday, Wednesday, Thursday, Friday, Saturday

Changes wanted to decision notice details

Section 6-a would like to open on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday

We are requesting a extra opening day on the Monday to allow 6 days for potential cooking classes, but we still only want to operate 5 out of the 6 days we would just like the flexibility to choose what 2 days we shut.

Decision notice details**Current approved number of people for each session**

Section 7- A maximum of 2 people for each session at a time on the day – currently offering 3-4 sessions each day.

We are requesting 1 session per day consisting of 8 people rather than the 3-4 sessions a day consisting of 2 people each session.

Thank you for your time.

Benjamin Wallace

7/1/2019

Douglas Shire Council

Mossman, Qld

Dear Mr. Daniel Lamond

I (Sakchai Wanchaijiraboon) the owner of 11-13(Lot3) Nancy Close, Oak Beach, Qld 4877. Would like to confirmed that, I let my son in law (Benjamin Wallace) and my daughter (Racheal Boon) to set up a home based business from my property to teach cooking classes and use all aspects of there home base business on my property at 11-13 Nancy Close, Oak Beach, Qld 4877

Best Regards



Sakchai Wanchaijiraboon Lot 3 Nancy Close, Oak Beach, Qld 4877



9.3.11 Home based business code

9.3.11.1 Application

- (1) This code applies to assessing development for Home based business if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

Note – Home based business excludes:

- Legitimate homestay arrangements organised by the Department of Education of up to 2 students, where accommodation is provided by a host family in their own dwelling to local or overseas students studying or training at an Australian educational establishment.
- Legitimate telecommuting (where an employee of an off-site business or organisation works from their dwelling and conducts work-related activities and communications electronically).

Note – Home based business includes:

- Bed and breakfast is the sub-ordinate use of a dwelling providing tourist and visitor short-stay accommodation. Bed and breakfast facilities are operated and maintained by the resident host of the dwelling and guests are generally provided with breakfast. A bed and breakfast does not include short term accommodation or rooming accommodation.
- Dog-day care facility for the residential care of, feeding and exercising of pets, excluding overnight boarding and does not include animal keeping.
- Home based child care is a home-based service providing care for a small group of children within a private dwelling. Home based child care does not include the care of children in the child's own home or care by relatives.
- Home based swimming tuition where involving a domestic sized swimming pool (i.e. – not purpose built for commercial use) and not involving the training of more than 3 non-resident children at any one time.

Note – For a proposal to be self-assessable, it must meet all the self-assessable outcomes of this code and any other applicable code. Where it does not meet all self-assessable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding performance outcomes. Other self-assessable outcomes are that are met are not assessed as part of the development application.

9.3.11.2 Purpose

- (1) The purpose of the Home based business code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) home based business activities are a small-scale business operating in association with the primary use of the dwelling without compromising the safety of, and amenity enjoyed by adjoining and nearby residents;
 - (b) home based businesses are:
 - (i) a small component of a dwelling;
 - (ii) operated by occupiers of the dwelling;
 - (iii) unobtrusive in nature and operation.
 - (c) The operation of a home based business:
 - (i) is conducted at times suited to a residential environment;
 - (ii) minimises adverse impacts on privacy and amenity of adjoining residential premises;
 - (iii) does not involve the repairing or maintaining of motor vehicles or boats;
 - (iv) does not involve the storage of dangerous goods;
 - (v) does not produce trade waste
 - (vi) does not involve the display of goods;
 - (vii) generates minimal visitor volumes, and generally on an appointment basis only;
 - (ix) generates vehicle types and volumes no greater than reasonably expected in a residential setting.



9.3.11.3 Criteria for assessment

Table 9.3.11.3.a – Home based business code – assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
<p>PO1 The use:</p> <ul style="list-style-type: none"> (a) is associated with a dwelling that is being used as a private residence; (b) is low-key in terms of scale, operating characteristics and the number of non-resident employees; (c) does not adversely impact on nearby residential amenity; (d) is compatible with domestic scale infrastructure. <p>PO1.2 Comply's</p> <p>PO1.3 Comply's</p> <p>PO1.4 Comply's</p> <p>PO1.5 Comply's</p> <p>PO1.6 Comply's</p>	<p>AO1.1 The use is located within a dwelling unit or a domestic outbuilding and uses no more than 75m² of gross floor area or 30% of the total floor area of the dwelling, whichever is the lesser.</p> <p>Note – Bed and breakfast, home based child care, a dog day care facility or home based swimming tuition may include use of the rest of the site (i.e. these uses are not restricted to operating within an enclosed structure).</p> <p>AO1.2 The use is conducted by a resident or residents of the premises and:</p> <ul style="list-style-type: none"> (a) in a dwelling house has a maximum of 1 non-resident employee on site at any one time; (b) in a dual occupancy or multiple dwelling, has no other non-resident employees. <p>AO1.3 The use does not:</p> <ul style="list-style-type: none"> (a) involve the public display of goods or materials; (b) include hiring goods or equipment from the site; (c) impose an adverse load on utility infrastructure in comparison to normal domestic use of the premises; (d) involve more than 8 separate client visits per day. <p>AO1.4 The home based business is conducted between the hours of 8.00am to 8.00pm Monday to Saturday (excluding public holidays), except where the home based business comprises office activities such as book-keeping or computer work. These hours include delivery vehicles.</p> <p>AO1.5 Not more than one vehicle associated with the use is parked, on or adjacent, to the premises and such vehicle does not exceed a capacity of 2.5 t (including delivery vehicles).</p> <p>AO1.6 Signage is limited to one non-illuminated sign:</p> <ul style="list-style-type: none"> (a) no greater than 1.0 metre in length and 0.3 metres in width; (b) no higher than 1.5 metres in height; (c) displaying the occupier's name, business and contact details only. <p>AO1.7 The home based business does not generate</p>

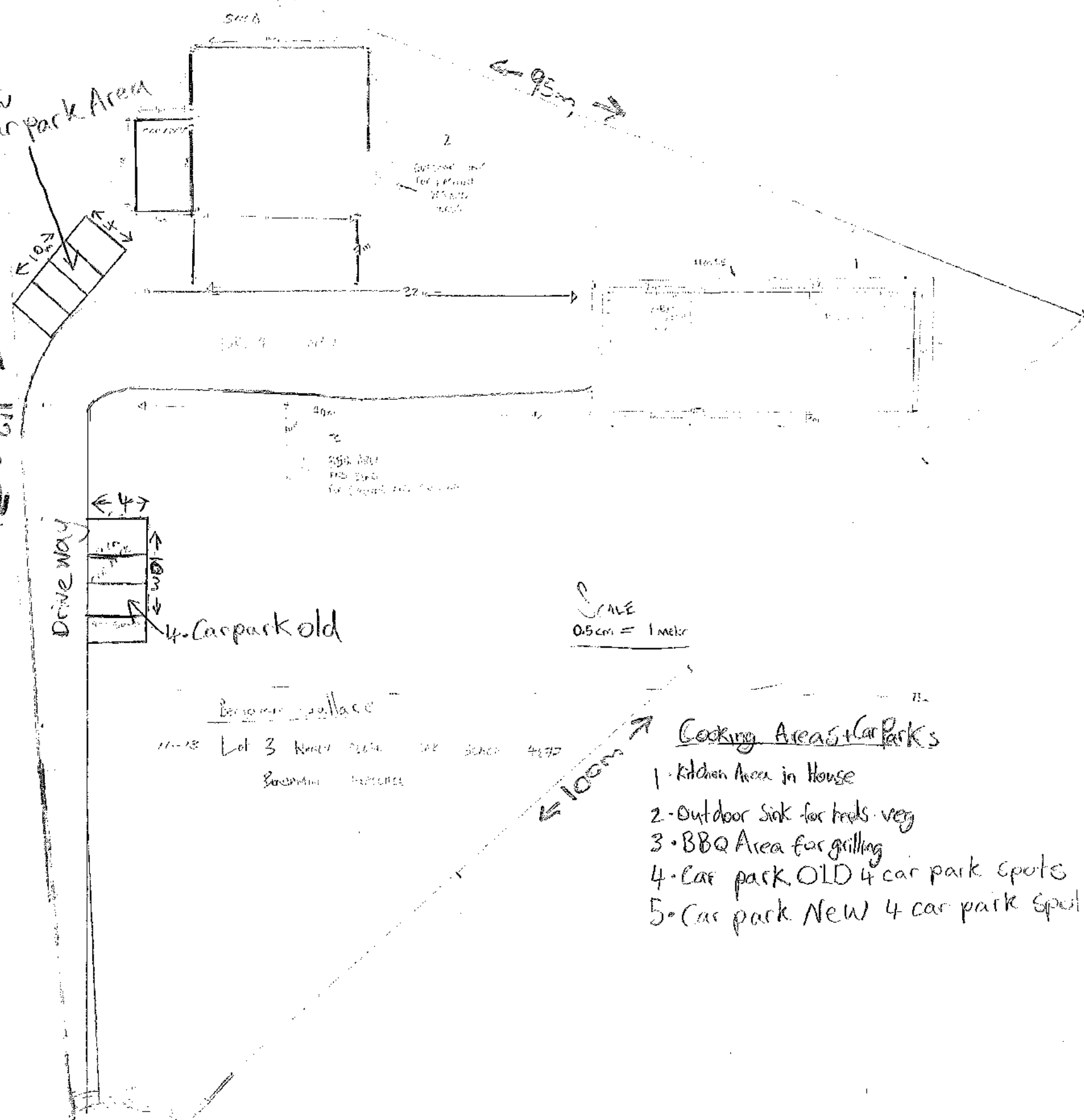


Performance outcomes	Acceptable outcomes
<p>PO1.7 Comply S</p> <p>PO1.8 Comply S</p> <p>PO1.9 Comply S</p>	<p>noise that is clearly audible and creates a disturbance with nearby sensitive land uses.</p> <p>AO1.8 The home based business:</p> <ul style="list-style-type: none"> (a) has a source of power not exceeding a total connect load of 2.0kW; (b) places a demand on reticulated water supply of not more than 3L per day per m² of the floor area related to the business; (c) does not involve the discharge of trade waste. <p>AO1.9 The home based business does not store or use flammable and combustible liquids on site in amounts that exceed what is permitted for a residential dwelling under AS 1940-2004 The storage and handling of flammable and combustible liquids.</p>
<p>PO2 The home based business is conducted such that buildings on the site retain a residential appearance and character.</p>	<p>AO2 The external appearance and character of the dwelling is not modified to accommodate the home based business.</p>
If for bed and breakfast – additional requirements	
<p>PO3 In the case of bed and breakfast accommodation, the accommodation remains ancillary to the primary residential use.</p>	<p>AO3.1 In 'Urban areas', no more than 2 bedrooms (a maximum of 4 bed spaces) and optional ensuites within a dwelling are used for bed and breakfast accommodation.</p> <p>AO3.2 In 'Urban areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p> <p>AO3.3 In 'Other areas', no more than 4 bedrooms (a maximum of 8 bed spaces) and optional ensuites are used for bed and breakfast accommodation.</p> <p>AO3.4 In 'Other areas', bed and breakfast accommodation can be located in a maximum of 4 separate buildings to the existing house, provided that each building is a maximum of 50m² (inclusive of verandahs / patios etc.) and located within 50 metres of the existing house and on the same lot.</p> <p>AO3.5 In 'Other areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p>



Performance outcomes	Acceptable outcomes
	AO3.6 In areas north of the Daintree River, the maximum number of bed spaces is set out in the Cape Tribulation and Daintree Coast local plan, with all other provisions for 'Other areas' set out above in AO3.4 and AO3.5 herein, being applicable.
PO4 Guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.	AO4 Development involves guests staying a maximum of 14 consecutive nights.
PO5 If outside a sewerage area, development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.	AO5 Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.

5. New Car park Area



11.3m

Drive way

4. Carpark old

SCALE
0.5cm = 1 meter

Benjamin Wallace

11-13 Lot 3 North Beach 4172
BENJAMIN WALLACE

Cooking Areas + Car Parks

1. Kitchen Area in House
2. Outdoor Sink for herbs veg
3. BBQ Area for grilling
4. Car park OLD 4 car park spots
5. Car park New 4 car park spots