

Prue Patch

From: Nigel Hales <nigelhales@millerharris.com.au>
Sent: Thursday, 21 November 2024 1:53 PM
To: Jenny Elphinstone
Cc: jmahoney@mahoneys.com.au; Aspire Town Planning (admin@)
Subject: RE: Douglas Shire Council Advice RE Change Application CA 2024_5692 L0 and L906 Bale Dr Port Douglas Previously known as CA50

Dear Jenny,

I presume that the anomaly to which you refer is that the title records show Stewart Silver King and Burns as the registered address of the body corporate, whereas the letter with the consent resolution has come from Archers. Archers have been engaged by the body corporate as its administrative managers for many years now. It appears that they have failed to lodge the required form in the land registry to change the formal address for service of the scheme. Unfortunately, this is quite common in the industry. In my submission, it is not in any way material to the issue of the consent, or the matters presently being considered by council.

Regards

Nigel Hales
Partner (Accredited Specialist, Property Law)
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Office Closure

Our office will be closed from 12.00pm on Friday, 20 December 2024
and will reopen at 8.30am on Monday, 6 January 2025

From: Jenny.Elphinstone@douglas.qld.gov.au
Sent: Thursday, 21 November 2024 8:56 AM
To: nigelhales@millerharris.com.au
Cc: jmahoney@mahoneys.com.au; terrym@nxps.com.au; admin@aspireqld.com
Subject: Re: Douglas Shire Council Advice RE Change Application CA 2024_5692 L0 and L906 Bale Dr Port Douglas Previously known as CA50

You don't often get email from jenny.elphinstone@douglas.qld.gov.au. [Learn why this is important](#)

Hi Nigel,

We are endeavouring to finalise this consent issue.

The reference to your supporting advice (as attached) we note the owner of Lot 0 is the stated on the land title submitted with the application as:

REGISTERED OWNER

Dealing No: 709168438 25/11/2005

BODY CORPORATE FOR NIRAMAYA LUXURY VILLAS AND SPA
RESIDENTIAL COMMUNITY TITLES SCHEME 34781
STEWART SILVER KING & BURNS
116-118 BUNDALL ROAD
BUNDALL QLD 4217

The consent forward to Council has come from a different agency, Archers, stating that they act for the Body Corporate of the Residential Scheme.

NIRAMAYA LUX VILLAS & SPA RES CTS 34781

Memorandum

To: Far North Queensland Pty Ltd ATF Far North Queensland Unit Trust
Attention: Mr Terry McKinnon
From: The Body Corporate
Date: 07 November 2024
Subject: Lot 906 on SP277141

Dear Terry,

We are the Strata Managers for Niramaya Luxury Villas and Spa Residential CTS 34781.

We confirm that the Committee have resolved by a majority to pass the following motion:

Change to Development Approval

Resolved that the body corporate, as owner of the common property for Niramaya Luxury Villas and Spa Residential CTS 34781, consents to a change application being made in respect of Lot 906 on SP277141 by Far North Queensland Pty Ltd ATF Far North Queensland Trust for a minor change to the development approval for the scheme land (Decision Notice CA50 dated 17 October 2005) in respect of condition 41 of the reconfiguration of lot conditions.

If you require any further clarification, please feel welcome to contact us.

Kind regards,

Archers the Strata Professionals



Stephen McCulloch

PARTNER

07 4045 7400

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SUNSHINE COAST
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Mooloolaba
QLD 4557

WHITSUNDAYS
P: 07 4946 3000
PO Box 2668
Cannonvale
QLD 4802

TOWNSVILLE
P: 07 4781 8800
PO Box 2193
Townsville
QLD 4810

CAIRNS
P: 07 4045 7400
PO Box 2676
Cairns
QLD 4870

Are you able to please explain the anomaly?
Thanks and Kind Regards

Jenny Elphinstone
Senior Planning Officer

Douglas Shire Council

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From: Daniel Favier <admin@aspireqld.com>

Sent: Wednesday, 20 November 2024 10:36 AM

To: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>

Cc: John Mahoney | Mahoneys <jmahoney@mahoneys.com.au>; Terry McKinnon <terrym@nxps.com.au>; Neil Beck <Neil.Beck@douglas.qld.gov.au>

Subject: Doc 1264036 Re: Douglas Shire Council Advice RE Change Application CA 2024_5692 L0 and L906 Bale Dr Port Douglas Previously known as CA50

Hi Jenny.

I refer to Council's *Not Properly Lodged* letter dated 15 November 2024 regarding the Change Application (Minor Change).

Mahoney's, acting on behalf of Far North Queensland Pty Ltd as trustee for the Far North Queensland Unit Trust, has undertaken a further review of the matter and submits the following for Council's consideration.

In addressing this issue, Mahoney's has consulted with the Body Corporate's solicitor, Mr. Nigel Hales of Miller Harris, who has reviewed and agrees with the advice provided by Mahoney's. For Council's reference, we have attached correspondence from Miller Harris confirming their concurrence.

We trust this additional information is sufficient for Council to deem the Change Application (Minor Change) as properly made. Should further clarification or supporting documentation be required, please do not hesitate to contact us.

Regards,

Daniel Favier

Senior Town Planner

B.Env.Plan



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From: Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>

Sent: Friday, 15 November 2024 4:41 PM

To: Daniel Favier <admin@aspireqld.com>

Subject: Douglas Shire Council Advice RE Change Application CA 2024_5692 L0 and L906 Bale Dr Port Douglas
Previously known as CA50

Hi Daniel,

Please see the attached correspondence regarding the change application and the consent issue.

Please note I will be away from the office next Monday and Tuesday.

Kind Regards

Regards,

Jenny Elphinstone

Senior Planning Officer

Douglas Shire Council

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