



Town Planning and Project Services

5 August 2024

Chief Executive Officer
Douglas Shire Council
64-66 Front Street
MOSSMAN QLD 4873

Via email: enquiries@douglas.qld.gov.au
rebecca.taranto@douglas.qld.gov.au

Attn: Rebecca Taranto

**RE: CHANGE APPLICATION (MINOR CHANGE) OVER LAND AT 51 BEOR STREET, CRAIGLIE
MORE FORMALLY DESCRIBED AS LOTS 0 AND 2 ON SP288893**

Aspire Town Planning and Project Services act on behalf of on behalf of Wylde Blue Yonder Pty Ltd A.C.N. 115 289 793 (the 'Applicant' and the 'Land Owner' of Unit 1, 51 Beor Street, Craiglie in relation to the above described matter. The Change Application (Minor Change) specifically relates to the establishment of a new Shed and Carport on Lot 0 on SP288893 (Common Property). The owner of Lot 1 on SP288893 is MJL Family Pty Ltd A.C.N. 663 772 585 and A.C.N. 663 772 585.

Given the involvement of Common Property, Body Corporate Consent is required. This will be supplied to Council under separate cover when it is received.

In support of the Change Application (Minor Change), please find included:

- Duly Completed Form 5 – Change Application included under Attachment 1;
- A copy of the Title Certificates included under Attachment 2;
- Copy of the Original Decision Notice included under Attachment 3;
- Copy of the current Community Management Statement included under Attachment 4;
- Copy of the current Plan of Survey included under Attachment 5; and
- Proposal Plans prepared by Success by Design included under Attachment 6.

On behalf of the Land Owner, please accept the accompanying documentation supporting a Change Application (Minor Change), pursuant to Section 78 of the *Planning Act 2016* (the 'Act') which seeks approval to establish a new Shed and Carport as well as alteration to the current access, parking and landscaping.

PO BOX 1040, MOSSMAN QLD 4873
M. 0418826560
E. admin@aspireqld.com
W. www.aspireqld.com
ABN. 79 851 193 691

Background and Proposal

This application aims to amend the existing Development Permit for a Material Change of Use (Service Industry) granted by Douglas Shire Council on 30 March 2016 (Council Ref: Application No. MCUC1301/2016). For details, refer to Attachment 3.

The development was mostly constructed following the Development Permit. However, the landscaping does not currently match the approved plans, and the owner of Lot 2 on SP288893 has erected two sheds at the rear of the property that were not included in the original approval.

The owner of Lot 2 on SP288893 has exclusive rights over the land at the front and rear of the existing building, as detailed in the Community Management Statement in Attachment 4. The owner proposes to remove the existing two sheds at the rear of the property and seeks approval to construct a new, more purposeful and permanent shed in the rear portion of the site, within the Common Property and Exclusive Use Area, as outlined in the Proposal Plans in Attachment 6.

Changes to the current Development Permit are necessary to accommodate the loss of approved landscaping, modifications to access and parking, and the establishment of the new shed and carport.

Planning Context

The property is located within the Industry Zone of the Douglas Shire Council Planning Scheme 2018 v1.0 and the land use is defined as a Service Industry.

The following Overlays relate to the property and development of a Service Industry:

- Acid Sulphate Soils Overlay (5-20m AHD).

Within the Industry Zone under the Douglas Shire Council Planning Scheme 2018 v1.0 a Service Industry is Self Assessable, however due to the design of the development it does not comply with the Self Assessable Assessment Benchmarks and therefore triggers Code Assessment.

Minor Change Test

By way of definition under the Act, a '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, in assessing the application under [section 55\(2\)](#), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

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

Minor Change Assessment Comments

Whether the development triggers ‘Substantially Different Development’ is assessed in the following section of this report, however in response to the other above Minor Change criteria, it is submitted that the:

- The proposed Change would not cause prohibited development;
- If a development application were made, including the proposed Change, it would not trigger referral to a referral agency;
- The proposed Change does not trigger additional referral agencies; and
- If a development application were made, including the proposed Change, it would not trigger Public Notification.

Substantially Different Development Test

The Development Assessment Rules VI.3 offer guidance in relation to assessing whether a proposed Change results in Substantially Different Development:

“A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

- (a) involves a new use; or*
- (b) results in the application applying to a new parcel of land; or*
- (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
- (d) changes the ability of the proposed development to operate as intended; or*
- (e) removes a component that is integral to the operation of the development; or*
- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) introduces new impacts or increase the severity of known impacts; or*
- (h) removes an incentive or offset component that would have balanced a negative impact of the development; or*
- (i) impacts on infrastructure provisions.”*

Substantially Different Development Assessment Comments

It is submitted that the proposed Change will not result in Substantially Different Development, in particular:

- The Change does not seek approval for a new use, rather extension to an existing use;

- The Change does not introduce a new parcel of land;
- The Change results in an increase of xxxm² in building gross floor area. Overall the building footprint, site coverage, setbacks and height is consistent with the Douglas Shire Planning Scheme 2018;
- The Change does not affect the ability of the development to operate as intended. The proposed development increases the capacity of onsite parking and maintains the access for a light rigid vehicle (6m);
- The Change does not remove an integral component of the development;
- The Change does not impact traffic flow or the transport network;
- The Change does not introduce new impacts or increase severity of known impacts;
- The Change does not remove an incentive or offset; and
- The Change will not impact on infrastructure provisions.

Assessing Change Applications for Minor Change

In consideration of the above tests, it is submitted that the proposed Change is a Minor Change.

In assessing Change Applications for Minor Change, s82 of the Act prescribes:

“... the responsible entity must consider—

(a) the information the applicant included with the application; and

(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and

(c) any pre-request response notice or response notice given in relation to the change application; and

(d) if the responsible entity is, under [section 78A\(3\)](#), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and

(da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and

(e) another matter that the responsible entity considers relevant.”

Assessment Comments

The original Development Application was Code Assessable. If the application were to be made presently under the current Douglas Shire Planning 2018, the Development Application would still be Code Assessable. Public Notification would not apply. Therefore, Council must consider the Change Application against all matters as if the Change Application were a Development Application.

In this regard, the Change Application is assessable against the Industry Zone Code, Port Douglas / Craiglie Local Plan Code, Industry Activities Code, Acid Sulfate Soils Overlay Code, Access Parking and Servicing Code, Environmental Performance Code, Infrastructure Works Code and Landscaping Code. An assessment of the proposed change against the relevant aspects of these codes is provided below.

Relevant Code	Assessment Comments
Industry Zone Code	<p>AO1 – Complies – maximum building height is 6.236m</p> <p>AO2.1 – Alternative Solution – the proposed carport is setback 2.7m from the front boundary. This is a completely open structure and will not detract from the appearance of the streetscape. In fact other solid buildings within Beor Street are setback a similar distance.</p> <p>AO2.2 – Complies – the proposed shed at the rear is setback 0m to the side and rear boundary. The plans show the building setback 0.2m however this is a tolerance to facilitate installation of gutters.</p> <p>AO2.3 – Not Applicable.</p> <p>AO3 – Complies – the site coverage percentage pertaining to Lot 2 and associated Exclusive Use area is 43.79%.</p> <p>AO4.1 – No changes proposed to pedestrian access.</p> <p>AO4.2 – No change proposed to office locations.</p> <p>AO4.3 – Complies – an additional parking space is provided to compliment the existing parking within the building setback area.</p> <p>AO4.4 – Can be conditioned to comply.</p> <p>AO4.5 – Complies – vehicle maneuvering and parking areas are concreted.</p> <p>AO5.1 – Alternative Solution - the percentage of landscaping pertaining to Lot 2 and associated Exclusive Use area is 13.6%. Due to the requirement to provide turning for a light rigid vehicle, additional landscaping area is compromised. It is considered that the level of landscaping incorporated in the design still facilitates an attractive streetscape.</p> <p>AO5.2 – Complies – a landscaping buffer is provided to the site frontage which ranges from 2.7m to 3m in width.</p> <p>AO5.3 – Can be conditioned to comply.</p> <p>AO5.4 – Can be conditioned to comply.</p> <p>AO6 – Complies – swept paths have been demonstrated for a 6m light rigid vehicle.</p> <p>AO7 – Not Applicable.</p> <p>AO7.1 – AO7.2 – Not Applicable – no changes are proposed to the site access.</p> <p>AO7.3 – Complies – Sufficient space is provided onsite for vehicles to enter and exit in forward gear.</p> <p>AO8.1 – AO8.3 – Not Applicable.</p> <p>AO9 – Complies – a Service Industry land use is appropriate for within the Industry Zone.</p> <p>PO10 / AO10 – Complies – the proposed change maintains the current level of amenity.</p> <p>PO11 / AO11 – Not Applicable.</p> <p>PO12 / AO12 – Not Applicable.</p> <p>PO13 / AO13 – Not Applicable.</p>
Port Douglas / Craiglie Local Plan Code	<p>AO1 – Not Applicable.</p> <p>AO2.1 – Complies – no vegetation removal is required.</p> <p>AO2.2 – Not Applicable.</p> <p>AO2.3 – Not Applicable.</p> <p>AO3 – Not Applicable.</p> <p>AO4 – Can be conditioned to comply.</p>

	<p>AO5 – Not Applicable. AO6.1 – AO64 – Not Applicable. AO65 – Complies – the proposed new Shed and Carport are intended to support the existing approved Service Industry. AO66.1 – AO68 – Not Applicable.</p>
Industry Activities Code	<p>AO1 – Industry Zone Code prevails. AO2 – Industry Zone Code prevails. AO3.1 – Not Applicable – no changes are proposed to pedestrian access. AO3.2 – Not Applicable – no changes are proposed to the office locations. AO3.3 – Complies – customer parking is provided within the site frontage. AO3.4 – Can be conditioned to comply. AO3.5 – Alternative Solution – no night operation is proposed and therefore no illumination is proposed to parking area. AO3.6 – Can be conditioned to comply. AO3.7 – Can be conditioned to comply. AO3.8 – Not Applicable. AO4.1 – AO4.6 – Industry Zone Code prevails. Refer to assessment comments above. AO5 – Complies – the proposal plans demonstrate suitable areas are provided for parking and maneuvering. AO6.1 – Complies – access is provided for up to a light rigid vehicle. AO6.2 – Alternative Solution – the original Development Permit is conditioned to require access for up to a light rigid vehicle. The proposed change maintains this level of service. AO6.3 – AO6.4 – Not Applicable.</p>
Acid Sulfate Soils Overlay Code	<p>Complies – the proposed change will not disturb acid sulfate soils.</p>
Access Parking and Servicing Code	<p>Complies – with the proposed change the site is required to provide 3 onsite parking spaces. The design includes the provision of an additional parking space (3 total) within the site frontage. The parking spaces are designed to standard, are freely available and unrestricted. The driveway and parking areas will be imperviously sealed, and conditions of approval may reaffirm this requirement.</p>
Environmental Performance Code	<p>Complies – no notable areas of non-compliance generated by the proposed change.</p>
Infrastructure Works Code	<p>Complies – the site is connected to necessary infrastructure and services. The proposed shed will be connected to necessary water, wastewater and electricity services. Stormwater will be directed to a lawful point of discharge, being Beor Street and conditions of approval may reaffirm this.</p>
Landscaping Code	<p>The Industry Zone Code prevails in the hierarchy of assessment. It is considered that the site provides suitable landscaping areas to maintain an attractive streetscape. A detailed Landscaping Plan. It is not expected that given the nature of the development a detailed plan will be required, however in any case Council does require a</p>

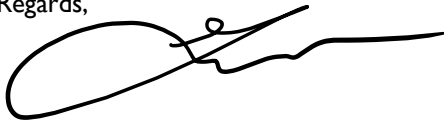
	detailed plan, it is expected that this matter could be conditioned.
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Conclusion

It is demonstrated that the proposed Change Application satisfies the test for a Minor Change and does not result in Substantially Different Development. The proposed Change remains in keeping with the current approved use for the land and generally complies with the relevant assessment benchmarks under the 2018 Douglas Shire Planning Scheme.

Thank you for your time in considering the attached Change Application. If you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,



Daniel Favier

Senior Town Planner

ASPIRE Town Planning and Project Services



ASPIRE

Town Planning and Project Services

Attachment I

Duly Completed Form 5 – Change Application

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)	Wylde Blue Yonder Pty Ltd A.C.N. 115 289 793
Contact name (only applicable for companies)	c/- Daniel Favier (Aspire Town Planning and Project Services)
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	0418826560
Applicant's reference number(s) (if applicable)	2024-07-26 - Wylde - 51-53 Beor Street, Craiglie

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
		51	Beor Street	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	0	SP288893	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
		51	Beor Street	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	2	SP288893	Douglas



**Queensland
Government**

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)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

Coordinates of premises by easting and northing

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: <input type="text"/>	

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
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUC1301/2016	30 March 2016	Douglas Shire Council
<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):

Change to approved landscaping areas and onsite parking and manoeuvring in addition to a new Shed and Carport.

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		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> 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 – 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?
<input type="checkbox"/> No <input type="checkbox"/> 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? <input type="checkbox"/> No <input type="checkbox"/> 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? <input type="checkbox"/> No <input type="checkbox"/> 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. <input type="checkbox"/> No <input type="checkbox"/> 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
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> 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 Yes
- 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 [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 Yes

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](#).

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 [DA Forms Guide: Relevant plans](#).

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			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date received form sighted by assessment manager			
Name of officer who sighted the form			



Town Planning and Project Services

Attachment 2

Title Certificate

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 51072173	Search Date: 17/07/2024 13:53
Date Title Created: 12/12/2016	Request No: 48694575
Previous Title: 50988846	

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 288893

Local Government: DOUGLAS

COMMUNITY MANAGEMENT STATEMENT 49394

REGISTERED OWNER

Dealing No: 722164238 09/12/2022

MJL FAMILY PTY LTD ACN 663 772 585 A.C.N. 663 772 585
UNDER INSTRUMENT 722164238

TRUSTEE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21385076 (Lot 83 on CP SR724)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 51072174	Search Date: 17/07/2024 13:53
Date Title Created: 12/12/2016	Request No: 48694575
Previous Title: 50988846	

ESTATE AND LAND

Estate in Fee Simple

LOT 2 SURVEY PLAN 288893

Local Government: DOUGLAS

COMMUNITY MANAGEMENT STATEMENT 49394

REGISTERED OWNER

Dealing No: 718834174 27/06/2018

WYLDE BLUE YONDER PTY LTD A.C.N. 115 289 793

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21385076 (Lot 83 on CP SR724)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **



ASPIRE

Town Planning and Project Services

Attachment 3

Original Decision Notice



Town Planning and Project Services

Attachment 4

Current Community Management Statement

YOUR REF: J000359:WAKS:JLG
OUR REF: MCUC1301/2016 (770847)

30 March 2016

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Attention: Kristy Gilvear

Dear Madam

**AMENDED DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING
ACT 2009: DEVELOPMENT APPLICATION FOR 51 BEOR STREET
CRAIGLIE**

With reference to the abovementioned Development Application, please find attached an Amended Decision Notice. The amendment was required to correctly identify the Lot on Plan real property description.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

With reference to Condition 8, Council confirms that a landscaping plan drawn by a qualified Landscape Architect is not required. A 'to scale' plan identifying the nominated areas on the attached approved plans, inclusive of a species list from the Douglas Shire Planning Scheme Policy No 7 will suffice. The completion of all landscaping works must be undertaken prior to the commencement of use.

Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Should you have any enquiries in relation to this Decision Notice, please contact Neil Beck of Development Assessment and Coordination on telephone number 07 4099 9451.

Yours faithfully

Paul Hoyer
General Manager Operations
Att

APPLICANT DETAILS

WAKS Developments Pty Ltd
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

ADDRESS

51 Beor Street CRAIGLIE

REAL PROPERTY DESCRIPTION

Lot 1 on SP277137

PROPOSAL

Service Industry

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

16 March 2016

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Work

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Site Plan	Lot 1 Site Layout Sheet SK1 Revision B prepared by RECS Consulting Engineers and Designers	25 February 2016
Shed 1 Elevations	SK 2 Revision A	9 December 2015
Shed 2 Elevations	SK 3 Revision A	9 December 2015

ASSESSMENT MANAGER CONDITIONS:

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Damage to Infrastructure

3. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Water & Waste at no cost to Council.

Vehicle Parking

4. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of four (4) spaces and include the provision for loading and unloading a small rigid vehicle. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.2 2002 Parking Facilities – off-street commercial vehicle facilities and be constructed in accordance with Austroads and good engineering design. All parking, driveway and vehicular maneuvering areas at the frontage of the property and extending several metres past the frontage of the sheds must be imperviously sealed, drained and line marked.

Confirmation that a small rigid vehicle can access the rear of the site and exit in forward gear must also be demonstrated.

Protection of Landscaped Areas from Parking

5. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Access Works

6. Undertake the following access works:
 - a. Provide concrete crossover(s) and apron(s) at the entrance to the site with each crossover being limited to a maximum width of 3.5 metres in accordance with *FNQROC Development Manual Standard Drawing S1015*. A copy is attached at Appendix 2.

Storage of Machinery and Plant

7. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Landscaping Plan

8. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Deep planting of setback areas;
 - b. Species to have regard to Council's Planning Scheme Policy No 7 Landscaping.
 - c. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

9. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

10. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the *FNQROC Development Manual*).

Ponding and/or Concentration of Stormwater

11. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

Refuse Storage

12. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from Council.

Advertising Signage

13. All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdip.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .
5. The site is located within a pest quarantine area declared under section 4(1) of the *Plant Protection (Electric Ant) Quarantine Notice 2006*. The *Plant Protection (Electric Ant) Quarantine Notice 2006* places restrictions on the movement of electric ants and ‘high risk items’ within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the *Plant Protection (Electric Ant) Quarantine Notice 2006* consult the Department of Agriculture & Fisheries. Further information is also available at the following website: <https://www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/electric-ants>

LAND USE DEFINITIONS

In accordance with Douglas Shire Planning Scheme the approved land use of Service Industry is defined as:

Service Industry

Means any premises used, or intended to be used for trades and services that cater to the tourist and marine activities in Port Douglas. This includes the manufacturing of goods on the premises, depots for receiving goods to be serviced and any administration and minor sales functions associated with the use, where these are carried out on the same Site and are ancillary to the Service Industry activity. Service Industry uses are limited to uses, which are allied to tourist and marine activities in Port Douglas.

The term may include but is not limited to the following activities:

- *Limousine/bus depot;*
- *Cleaning or detailing of motor vehicles;*
- *Catering business;*
- *Servicing of small items and appliances such as:*
 - *Bicycles;*
 - *Cameras;*
 - *Electrical appliances for domestic or office use; and*
 - *Marine equipment;*
- *Printing;*
- *Fishing gear manufacturing;*
- *Marine engineering;*
- *Bulk storage and ancillary sales of:*
 - *Indoor/Outdoor furniture;*
 - *Hardware supplies;*
 - *Raw materials;*
 - *Plants and Landscaping supplies;*

Any off-Site effects do not cause any detriment to the amenity of the area. In particular, the noise levels generated, any dust, fumes, odours or other emissions produced from the Site, the appearance of the Site and any traffic generated by the activities on the Site must be managed so as not to cause detriment to adjoining Sites.

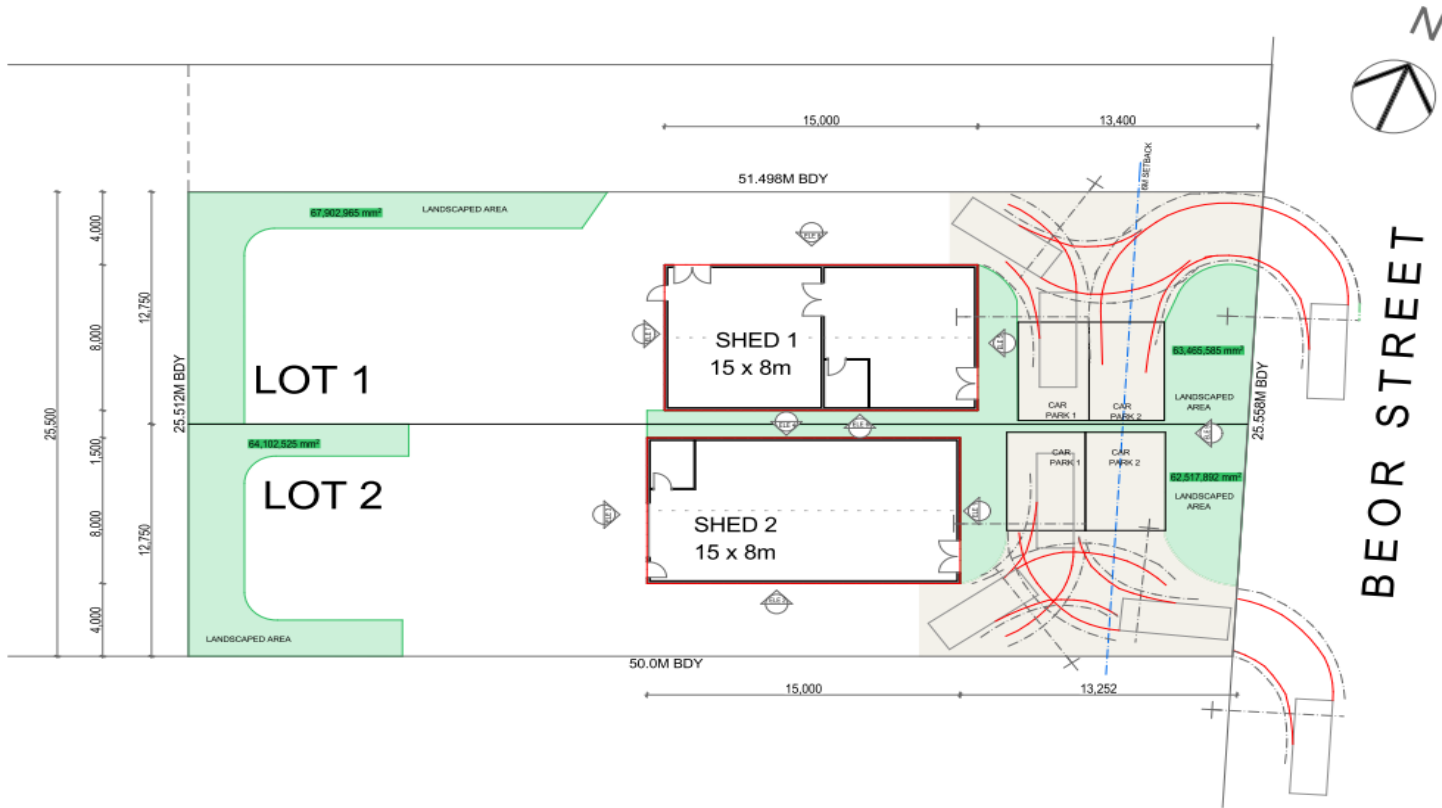
*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



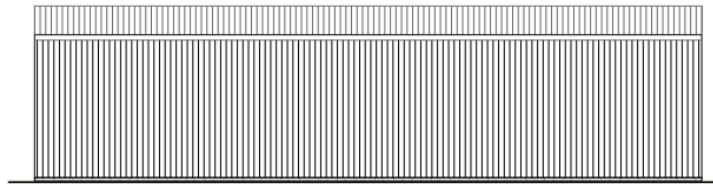
① LOT 12- 1 & 2 SITE SETOUT
1:200

SKETCH DESIGN ONLY, NOT FOR CONSTRUCTION

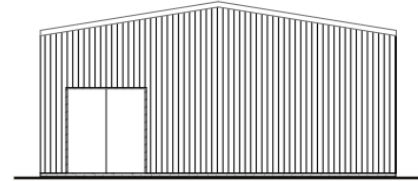
CRAIGLIE BUSINESS PARK CRAIGLIE BUSINESS PARK LOT12- 1& 2 PROJECT No. 133-2015		CONSULTING ENGINEERS & BUILDING DESIGNERS <small>SHOP 22 LEVEL 2 SALTWATER BUILDING 26-30 MACROSSAN STREET, PO BOX 194, PORT DOUGLAS QLD 4877. P: 07 4089 9210 F: 07 4089 9220 E: admin@cebd.net.au ABN:93081197006</small>	<small>REFNO No.0412 QBCC No.1108533</small>	<small>THIS DOCUMENT IS THE PROPERTY OF CONSULTING ENGINEERS & BUILDING DESIGNERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF CONSULTING ENGINEERS & BUILDING DESIGNERS.</small>	<small>SCALE FOR APPROVAL ONLY 1:200</small> SCALE 3: 1:200 SCALE 4: 1:200 SCALE 5: 1:200	SHEET SK 1
					DESIGN LP DRAWING NO. PROJECT STATUS SKETCH DESIGN	REVISION B

LOT 1 SITE LAYOUT

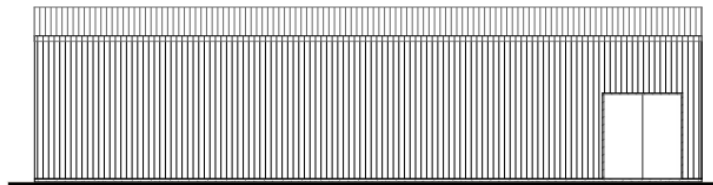
**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**



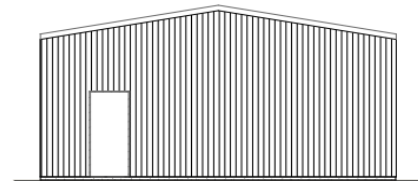
① — ELE 6
1:100



② — ELE 5

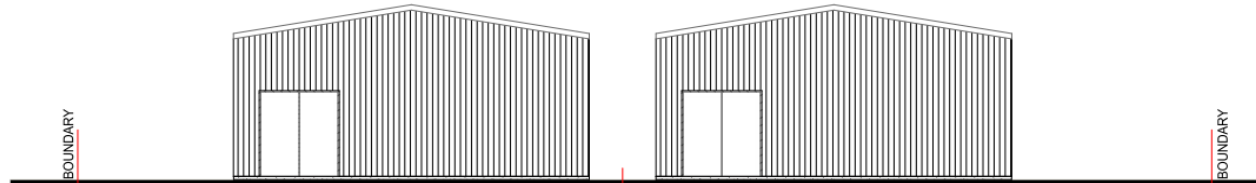


③ — ELE 8
1:100



④ — ELE 7
1:100

SHED 1 ELEVATIONS



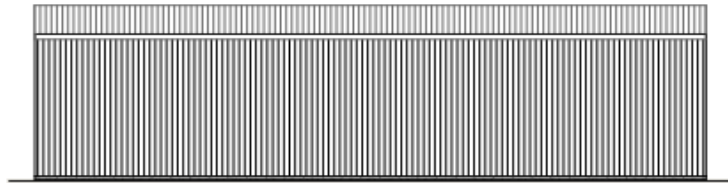
⑤ — ELE 9
1:100

ROAD ELEVATION SHEDS 1 & 2

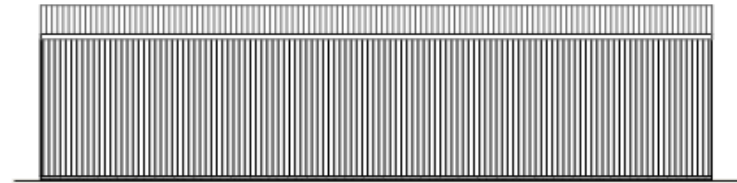
SKETCH DESIGN ONLY, NOT FOR CONSTRUCTION

43.2 8/11	CRAIGLIE BUSINESS PARK CRAIGLIE BUSINESS PARK LOT12- 1& 2 PROJECT No. 133-2015		CONSULTING ENGINEERS & BUILDING DESIGNERS SHOP 22 LEVEL 2 SALTWATER BUILDING 28-30 MACROSSAN STREET, PO BOX 894, PORT DOUGLAS QLD 4877. P: 07 4098 6010 F: 07 4098 6020 E: admin@cebd.net.au ABA: 05561187006	RPEQ No. 0412 QBCC No. 1106533	CONTRACTORS AND SUBCONTRACTORS SHOULD BE AWARE THAT THIS IS A PRELIMINARY SKETCH DESIGN AND NOT A FINAL DESIGN. ANY WORK BASED ON THIS DESIGN SHOULD BE DONE AT THE DESIGNER'S RISK. NO PART OF THIS DESIGN SHOULD BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF PROFITS SUFFERED BY ANY PERSON OR CORPORATION AS A RESULT OF NECESSARY CONSTRUCTION.	ISSUE A FOR APPROVAL ONLY 0-13-15	ISSUE E	SHEET SK 2 REVISION A	
						ISSUE B	ISSUE D		ISSUE H
					DESIGN LP	DRAWN MG	PROJECT STATUS SKETCH DESIGN	SHED 1 ELEVATIONS	

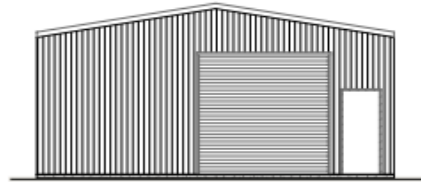
**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**



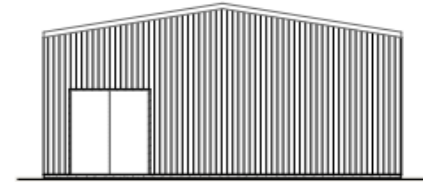
① — ELE 4
1:100



② — ELE 2
1:100



③ — ELE 3
1:100



④ — ELE 1
1:100

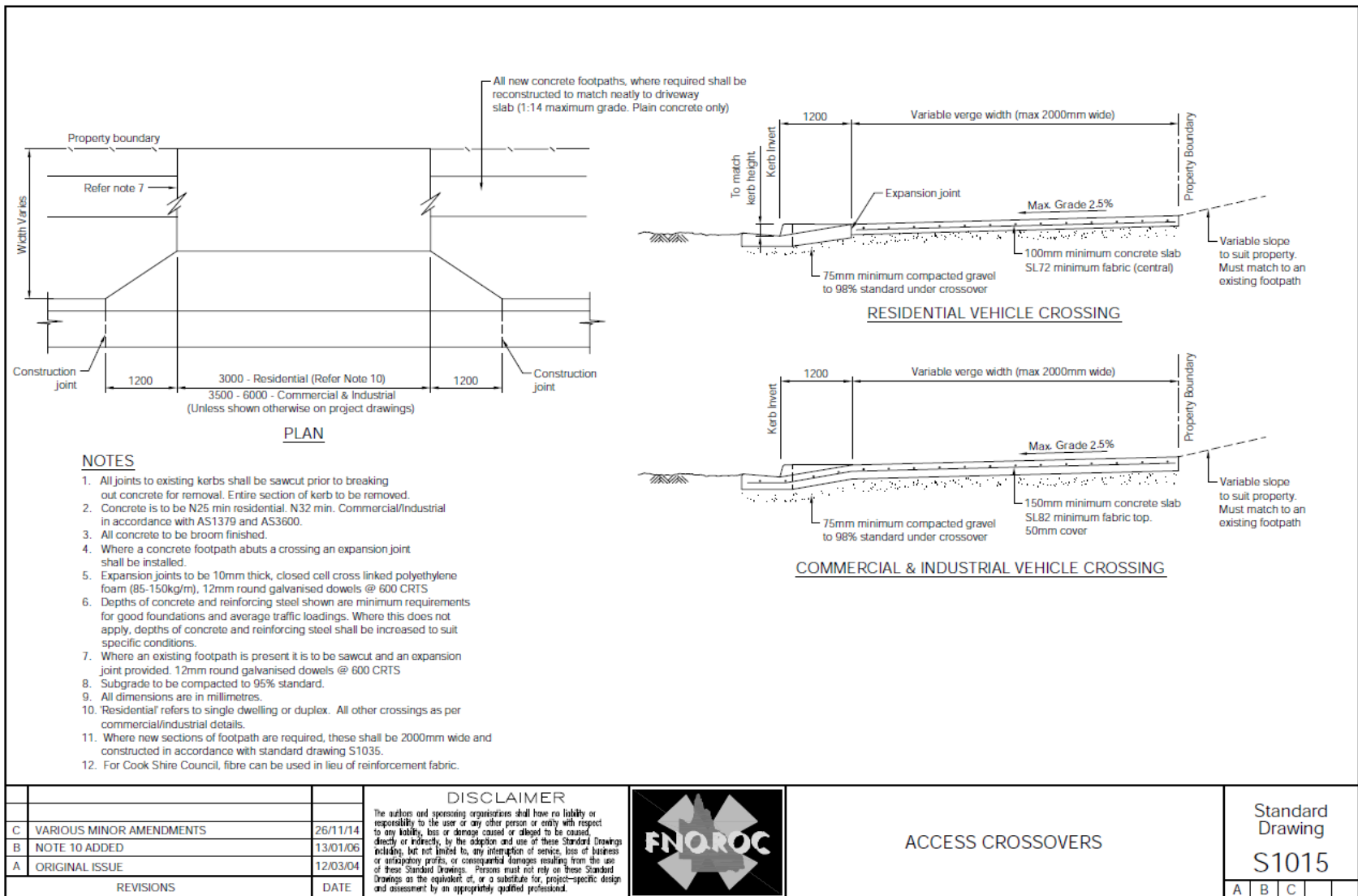
SHED 2 ELEVATIONS

SKETCH DESIGN ONLY, NOT FOR CONSTRUCTION

43.: 9/1	CRAIGLIE BUSINESS PARK CRAIGLIE BUSINESS PARK LOT12- 1& 2 PROJECT No. 133-2015		CONSULTING ENGINEERS & BUILDING DESIGNERS <small>PRICG No. 8412 QBCC No. 119633 19-07-4090 6010 P: 07-4090 6020 E: admin@cebd.net.au ABRN 59031157026</small>	<small>THIS DOCUMENT IS THE PROPERTY OF CEBD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR DISSEMINATED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF CEBD. THE DESIGNER AND BUILDING DESIGNERS ACCEPT NO LIABILITY FOR THE DESIGN AND CONSTRUCTION OF ANY WORKS OR STRUCTURES DERIVING FROM THIS DOCUMENT.</small>	<small>SCALE # FOR APPROVAL ONLY 9/12/15</small> ISSUE C ISSUE B ISSUE A	SHEET SK 3
					DESIGN LP DRAWN MG PROJECT STATUS SKETCH DESIGN	REVISION A
SHED 2 ELEVATIONS						

**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**

APPENDIX 2 - FNQROC DEVELOPMENT MANUAL STANDARD DRAWING S1015



43.2016.1301
10/11



Town Planning and Project Services

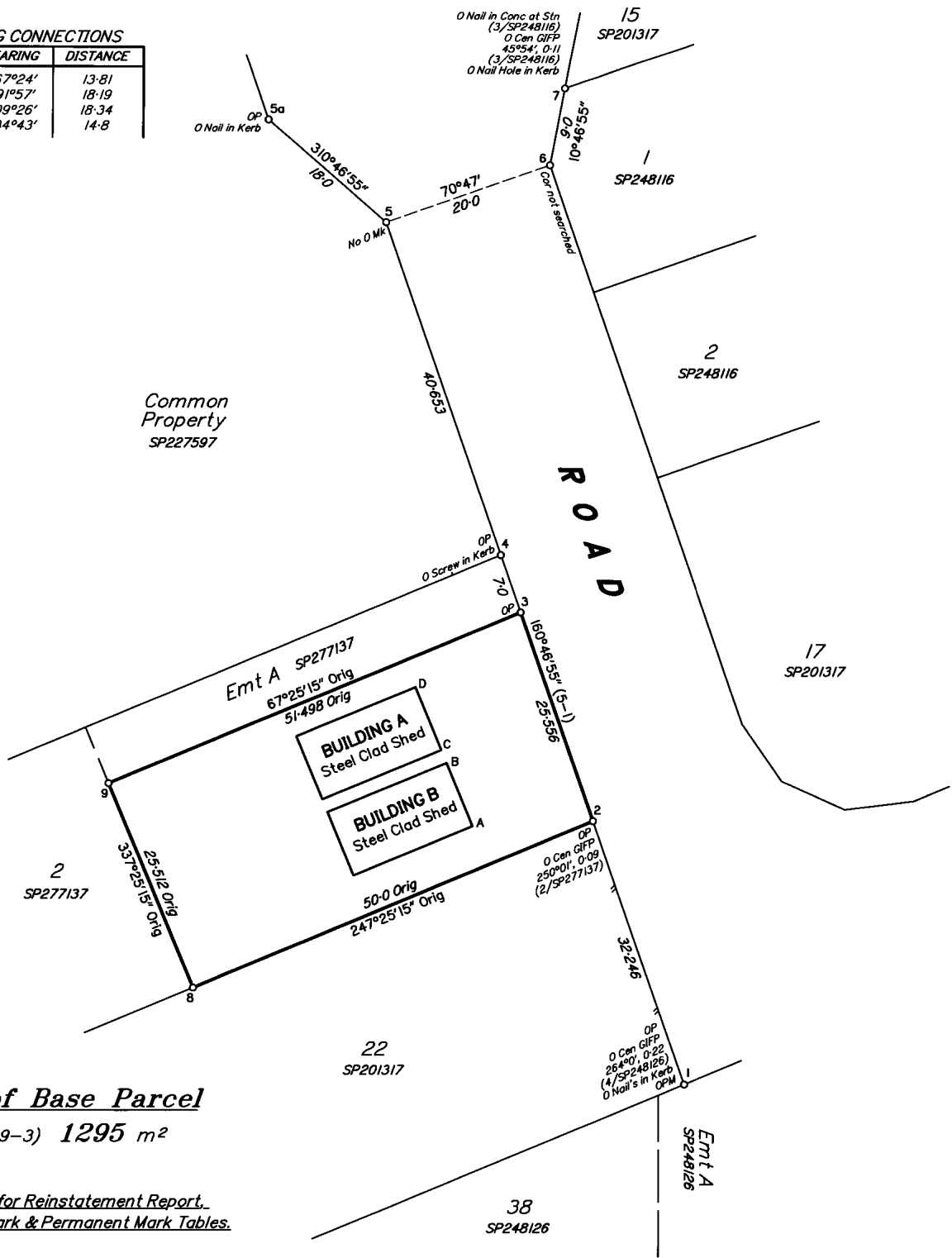
Attachment 5

Current Plan of Survey

SURVEY PLAN

BUILDING CONNECTIONS

LINE	BEARING	DISTANCE
2-A	267°24'	13.81
2-B	291°57'	18.19
3-C	209°26'	18.34
3-D	234°43'	14.8

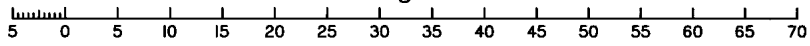


Area of Base Parcel
(3-2-8-9-3) **1295 m²**

See Sheet 3 for Reinstatement Report.
Reference Mark & Permanent Mark Tables.

Original information compiled from
SP277137 in the Department of Natural
Resources and Mines.

Scale 1:500 - Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Matthew James WILLING, surveying associate and Daniel Geoffrey PINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 24/06/2016.

Adrian Edward Solomon
Authorised Delegate
29/07/16
Date

<p>Plan of Lots 1, 2 & Common Property</p> <p>Cancelling Lot 1 on SP277137</p>		Scale: 1:500
		Format: BUILDING
<p>LOCAL GOVERNMENT: DOUGLAS SHIRE LOCALITY: CRAIGLIE</p>		 SP288893
Meridian: SP277137	Survey Records: No	

717664795

\$534.00
23/11/2016 11:17

CS 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Sheet **2** of **3**

5. Lodged by

Marino Lawyers 795
PO Box 57
Port Douglas Qld 4877
Ph: 07 4081 6700
Ref ADB:168940

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

✓ We **WAKS DEVELOPMENTS PTY LTD**
ACN 116 396 573

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.



Signature of *Registered Owners *Lessees

Waks Developments Pty Ltd ACN 116 396 573 by its Attorney Adam David Barrell under Power of Attorney No. 716565462 and the Attorney declares that the Attorney has not received any notice of the revocation of that Power of Attorney.

* Rule out whichever is inapplicable

2. Planning Body Approval.


* **Douglas Shire Council**

hereby approves this plan in accordance with the:

% **Sustainable Planning Act 2009 and Sustainable Planning Regulation 2009**

Decision Notice issued 16 March 2016

Dated this **twelfth** day of **October 2016**

 # **Delegated Officer**
Nicholas Wellwood
General Manager Operations
MCUC 1301_2016

* Insert the name of the Planning Body.

Insert designation of signatory or delegation

% Insert applicable approving legislation.

3. Plans with Community Management Statement :

CMS Number : **49394**
Name : **Lot 12 Bear Street**

4. References :


Dept File :
Local Govt :
Surveyor : **PRI08905**

6. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
50988846	Lot 1 on SP277137	1, 2 & Common Property		

BENEFIT EASEMENT ALLOCATIONS

Easement	Lots Fully Benefited	Lots Partially Benefited
717638328	1, 2 & Common Property	

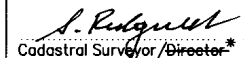
Amendments by RPS Australia East Pty Ltd (ACN 140 292 762)

Authorised Delegate... 
Date... **8/12/2016**

Date of Development Approval: 16 March 2016

9. Building Format Plans only.

I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
~~* Part of the building shown on this plan encroaches onto adjoining lots and road.~~

 **29/7/16**
Cadastral Surveyor/Director* Date
*delete words not required

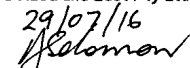
10. Lodgement Fees :

Survey Deposit \$
Lodgement \$
.....New Titles \$
Photocopy \$
Postage \$
TOTAL \$

1, 2 & Common Property	Lot 83 on CP SR724
Lots	Orig

7. Orig Grant Allocation :

8. Passed & Endorsed :

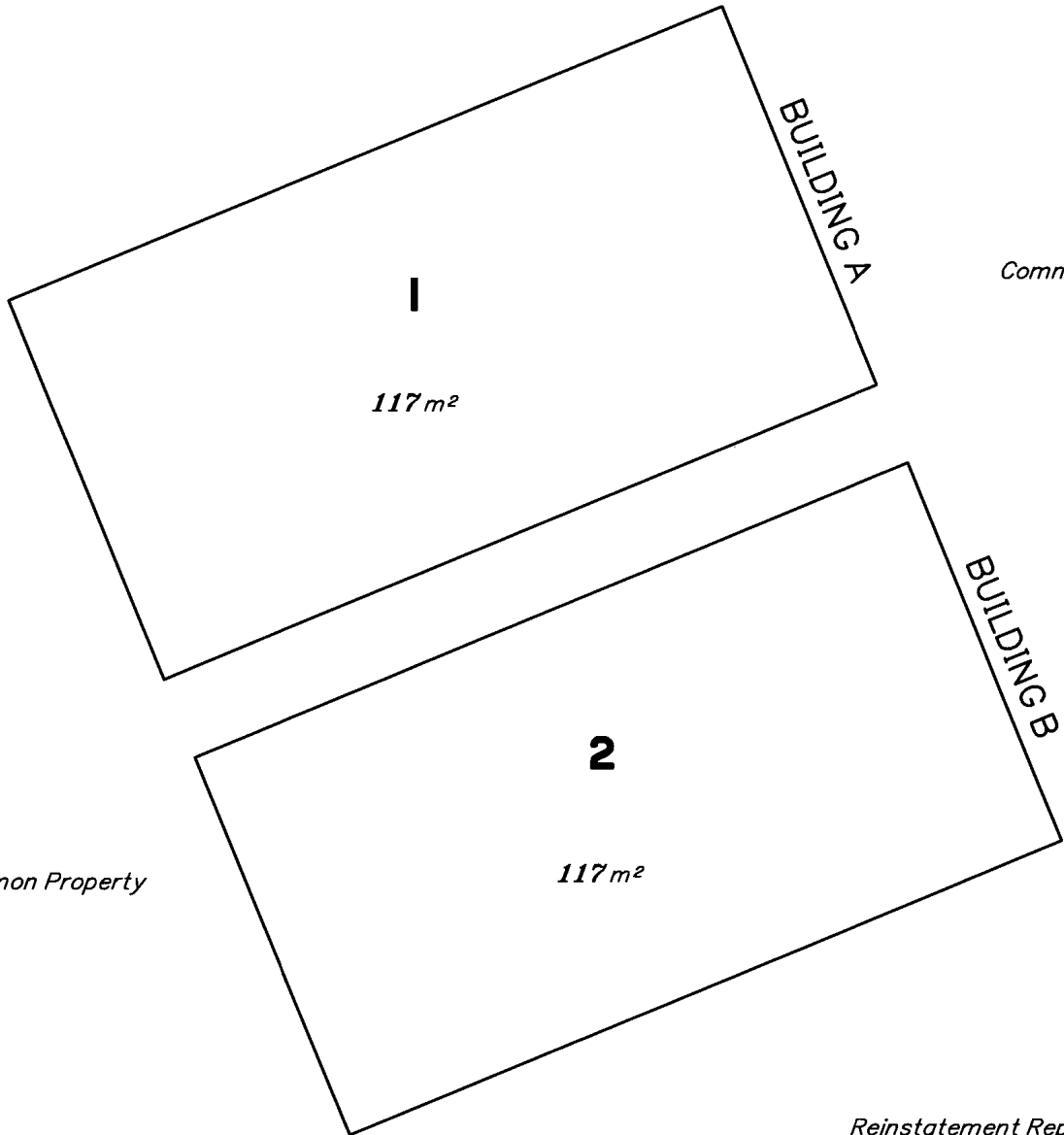
By: **RPS Australia East Pty Ltd**
Date: **29/07/16**
Signed: 
Designation : **Cadastral Surveyor**

11. Insert Plan Number **SP288893**

LEVEL A

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	TYPE
1-OPM	1/SP277137	5°39'45"	16.079	183906	



Common Property

Common Property

Reinstatement Report

Plans searched – SP201317, SP248126, SP277137, SP248116

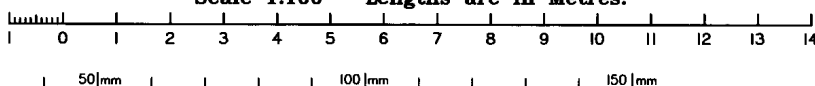
The Datum of survey is from stations 1 to 5a fixed by reference marks and monuments at stations 1, 2, 3, 4 & 5a agreeing with deed distances along all boundaries and deed angle at station 5. This fix was further confirmed by connection to reference marks at station 7 resulting in deed road width between stations 5–6 and deed bearing and distance between stations 6 –7.

All other boundaries are compiled from previous plans.

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	O Nail in Kerb	21/SP201317	13°26'30"	15.376
1	O Nail in Kerb	4/SP248126	44°05'10"	40.756
4	O Screw in Kerb	3/SP277137	85°28'30"	3.945
5a	O Nail in Kerb	25/SP201317	97°43'40"	10.236
7	O Nail Hole in Kerb	3/SP248116	327°52'45"	7.78

Scale 1:100 – Lengths are in Metres.



State copyright reserved.

Insert Plan Number **SP288893**

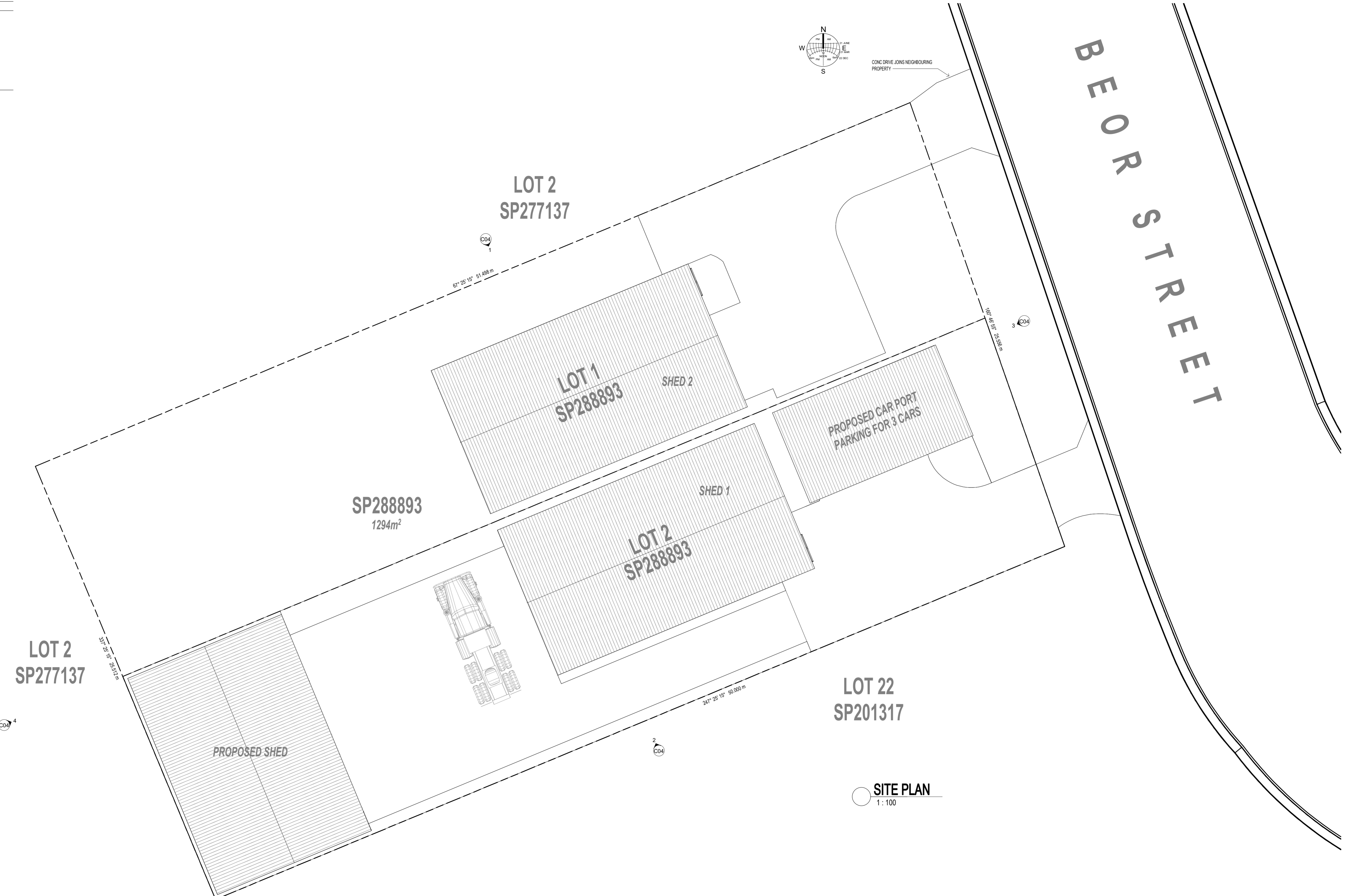


Town Planning and Project Services

Attachment 6

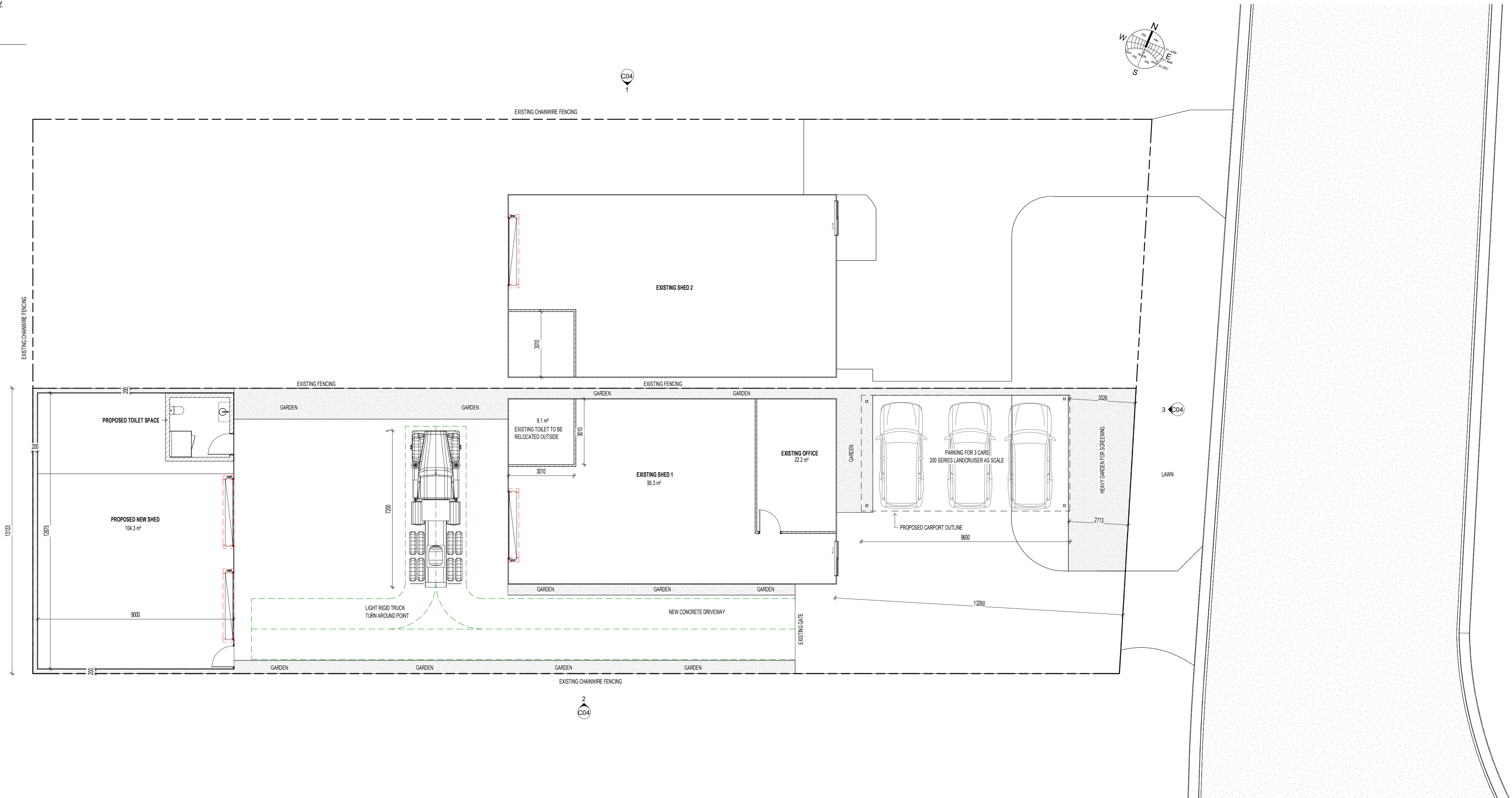
Proposal Plans ***Prepared by Success by Design***

AREA KEY - SITE COVERAGE	
SITE AREA LOT 2	661.69m ²
EXISTING SHED 1	126.5m ²
PROPOSED NEW SHED	104.30m ²
PROPOSED TOILET BLOCK	7.9m ²
PROPOSED CARPORT	51m ²
COMBINED STRUCTURES	289.80m²
GARDEN/LANDSCAPED AREA	90.22m ²
BUILDING COVERAGE %	43.79%



SITE PLAN
1:100

AREA KEY - SITE COVERAGE	
SITE AREA LOT 2	661.69m ²
EXISTING SHED 1	126.6m ²
PROPOSED NEW SHED	104.30m ²
PROPOSED TOILET BLOCK	7.9m ²
PROPOSED CARPORT	51m ²
COMBINED STRUCTURES	289.80m²
GARDEN/LANDSCAPED AREA	91.22m ²
BUILDING COVERAGE %	43.79%



FLOOR PLAN - LOWER
1 : 100

PLAN ISSUE:
**CONCEPT DESIGN
NOT FOR CONSTRUCTION**

23/07/2024 11:37:22 AM

**CERTIFIED AS
STRUCTURALLY ADEQUATE**

KFB Engineers Civil & Structural
 138-42 Praise St, Cairns | PO Box 927, Cairns Q 4870
 P: 07 40324400 | F: 07 40320002 | E: email@kfbeng.com.au

Date: _____ Signed: _____
 Job No: _____ RPEQ No: _____

PROJECT: GLEN WYLDE
 PROJECT ADDRESS:
 Unit 1 51-53 Beor Street
 Craiglie 4877 QLD

