

12 May 2022

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

Attention: Ms. Jenny Elphinstone

**RE: CHANGE APPLICATION (MINOR CHANGE) IN RELATION TO THE  
DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (BOUNDARY  
REALIGNMENT AND EASEMENT FOR ACCESS AND SERVICES) OVER LAND  
FORMALLY DESCRIBED AS LOT 1 ON RP738986, LOT 2 ON RP738987 AND LOT  
2 ON SR462**

**DOUGLAS SHIRE COUNCIL REF: ROL 2021\_4227/1**

On behalf of the Project Office, Douglas Shire Council (the 'Applicant'), please accept the following Change Application (Minor Change), pursuant to Section 78 of the *Planning Act 2016* (the 'Act') which seeks Approval to amend a Condition within Development Permit ROL 2021\_4227/1 for Reconfiguring a Lot (Boundary Realignment and Easement for Access and Services) granted by Douglas Shire Council on the 20 October 2021. All other conditions are accepted.

In support of the Change Application (Minor Change) the following documents are attached:

- Duly completed Change Application Form – Planning Act Form 5 (Attachment 1); and
- Owners Consent Form (Attachment 2).

It is respectfully requested that Council waive the relevant application fee, as this project is to realign boundaries around an existing Council asset and formalise legal access thereto. If a fee is applicable, please contact the applicant to arrange payment.

### **Background**

The approved Boundary Realignment and Easement is to resolve boundary encroachments and contain proposed new infrastructure that connects the existing reservoir into the existing water main network on Bonnie Doon Road. The original 2

concrete water reservoirs were constructed some time ago and were filled with water to preserve the integrity of these structures, however these were not connected into the main water network at the time. The history is not certain, however it is understood there may have been a trigger point in time where this connection would be constructed by the original Developer of Ocean Breeze Estate. However due to circumstances this did not occur.

The approved boundary realignment will more accurately contain the two water reservoirs and ancillary structures and also allow for the configuration of the pipe network to flow more efficiently.

The new pipeline will be buried within the approved easement boundaries. The access track will be maintained by Council and will remain unsealed.

### Proposal Description

The Project Office is seeking amendment to the Development Permit as at this stage it is unsure when the project will be constructed and as a result will not be undertaking any construction activities until such time the project is awarded to a successful tender. Council has submitted a funding application, and expects the outcome will be announced sometime between late July to late September 2022. Should Council not receive funding approval it's likely the project would be delayed until FY 2023/24.

Condition 3 of the Development Permit ROL 2021\_4227/1 requires Council to undertake a construction activity prior to signing and dating the Plan of Survey, see extract below:

#### *External Works*

*3. Construct a rural vehicle access crossover, at the intersection of the access easement with Bonnie Doon Road, in accordance with the FNQROC Regional Development Manual to the satisfaction of the Chief Executive Officer prior to the signing and dating of the survey plan.*

Although the timing for construction of the infrastructure works are unknown, there is an urgent need to register new plan of survey to finalise the agreement with the private land owner involved in the Boundary Realignment. It is respectfully requested that the Condition 3 is amended as follows:

#### *External Works*

3. Construct a rural vehicle access crossover, at the intersection of the access easement with Bonnie Doon Road, in accordance with the FNQROC Regional Development Manual to the satisfaction of the Chief Executive Officer prior to commencing the upgrade of the associated Cooya Beach Reservoir ~~the signing and dating of the survey plan.~~

### Property Details and Planning Context

The following table includes relevant property and Town Planning details:

Real Property Description	Lot 1 on RP738986	Lot 2 on RP738987 / Lot 2 on SR462
Address	Bonnie Doon Road, Bonnie Doon	461 Bonnie Doon Road, Bonnie Doon
Land Area	0.1629ha	157.9120ha
Land Owners	Douglas Shire Council	Douglas John and Anthea Jane Crees
Douglas Shire Planning Scheme Zone	Special Purpose	Rural

<b>Douglas Shire Planning Scheme Overlays</b>	Bushfire Hazard – Very High Potential Bushfire Intensity	Bushfire Hazard – Very High, High and Medium Potential Bushfire Intensity. Potential Impact Buffer
	Hillslopes – Area affected by Hillslopes	Hillslopes – Area affected by Hillslopes
	Landscape Values – High Landscape Values	Landscape Values – High and Medium Landscape Values
	Potential Landslide	Potential Landslide
		Natural Areas – MSES Wildlife Habitat, Regulated Vegetation (Of Concern Regional Ecosystem), Regulated Vegetation Intersecting a Watercourse
		Flood and Stormtide Inundation – Floodplain Assessment and Stormtide Medium Hazard

### 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.”*

### **Assessment Comments**

Whether the development triggers ‘Substantially Different Development’ is assessed in the following section of this application, 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, it would not trigger referral where referral was not originally required;
- 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 V1.3 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.”*

## **Assessment Comments**

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

- The Change does not involve a new use;
  - The Change does not introduce a new parcel of land;
  - The Change does not relate to built form;
  - The Change does not affect the ability of the development to operate as intended;
  - The Change does not remove an integral component of the development;
  - The Change does not impact traffic flow or the transport network. Whether the Crossover is constructed prior or post signing and dating the survey plan is inconsequential. The Crossover will be constructed when the infrastructure upgrade project secures grant funding and tender awarded;
  - 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.”*

In relation to the above underlined relevant sections, it is noted that:

- The original Development Application was, and a new Development; and
- Given the nature of the requested change, a full assessment of the relevant Planning Scheme Codes is not considered necessary.

## **Conclusion**

It is demonstrated that the proposed Change is a Minor Change and does not result in Substantially Different Development. The proposed Change remains in keeping with the intent for the land under the current 2018 Douglas Shire Council Planning Scheme and existing Development Permit ROL 2021\_4227/1. All remaining conditions are accepted. Should further information be required please do not hesitate to contact the Applicant.

## Attachment 1

Duly completed Change Application Form –  
Planning Act Form 5

# 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)	Douglas Shire Council (Project Management Office)
Contact name (only applicable for companies)	Gabriel Nucifora
Postal address (P.O. Box or street address)	PO Box 723
Suburb	Mossman
State	QLD
Postcode	4873
Country	
Email address (non-mandatory)	gabriel.nucifora@douglas.qld.gov.au
Mobile number (non-mandatory)	07 4099 9444
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
<b>Note:</b> Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<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 <b>AND</b> lot on plan (all lots must be listed), <b>or</b>				
<input type="checkbox"/> Street address <b>AND</b> 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
			Bonnie Doon Road	Bonnie Doon
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	1	RP738986	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
		461	Bonnie Doon Road	Bonnie Doon
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	RP738987	Douglas



**Queensland  
Government**

c)	Unit No.	Street No.	Street Name and Type	Suburb
			Bonnie Doon Road	Bonnie Doon
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	SR462	Douglas

**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:	

☐ 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:	

**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	ROL 2021_4227/1	20 October 2021	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 Condition 3 to delay external works until post signing and dating the plan of survey.

**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 type="checkbox"/> No – proceed to Part 7 <input checked="" type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 <b>Note:</b> 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)
Department of State Development, Manufacturing, Infrastructure and Planning	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	5 May 2022
	<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
<b>9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?</b> <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.
<b>9.2) Does the change application involve building work?</b> <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?
<b>Note:</b> 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 <a href="#">Referral checklist for building work</a> 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 <b>Note:</b> 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

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Date received:  Reference number(s):

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Attachment 2

Owners Consent Form

**Individual owner's consent for making a development application under the *Planning Act 2016***

We, Douglas John Crees and Anthea Jane Crees

as owner of the premises identified as follows:

Bonnie Doon Road; Lot 2 on RP738987 and Lot 2 on SR462

consent to the making of a development application under the *Planning Act 2016* by:

Douglas Shire Council

on the premises described above for:

Change Application (Minor Change) in relation to the Development Permit for Reconfiguration of a Lot (Boundary Realignment) and Easement (Council ref: 2021\_4227).



Douglas John Crees

Date: 10/5/2022



Anthea Jane Crees

Date: 10/5/2022