

Our Ref: Z16179
Your Ref: DA/264/2016



9 November 2018

GOLD COAST | GLADSTONE

p 07 5562 2303

info@zoneplanning.com.au
zoneplanning.com.au

ABN 36 607 362 238

Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE QLD 4680

Via Email: info@gladstone.qld.gov.au

ATTENTION: Helen McLaren-Greiss

Dear Madam,

**LODGEMENT OF A MINOR CHANGE APPLICATION
DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CARAVAN PARK
PLANNING ACT 2016 S78
33 SPRINGS ROAD, AGNES WATER (LOT 1 RP 612382)**

We write on behalf of our client, Beaches 1770 Pty Ltd, in lodging this Development Application for the abovementioned purposes, over the abovementioned land.

In accordance with Section 78 of the *Planning Act 2016* and in support of the application, please find enclosed:

- Application fee of \$2,100
Please note that the development application fee will be paid by the applicant via the various online methods once the Notice to Pay is generated.
- Required documents to be lodged for the subject application:
 - i. Cover letter and completed Development Application Form 5;
 - ii. Planning Report; and
 - iii. Plans.

Should you have any queries concerning the above please contact Sarah Camilleri or the undersigned on (07) 4972 3831.

Yours Sincerely,

A handwritten signature in black ink that reads 'Stephen Enders'.

**STEPHEN ENDERS | DIRECTOR
ZONE PLANNING GROUP**

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)	BEACHES 1770 PTY LTD
Contact name (only applicable for companies)	ZONE PLANNING GROUP (SARAH CAMILLERI)
Postal address (P.O. Box or street address)	PO BOX 5332
Suburb	GLADSTONE
State	QLD
Postcode	4680
Country	AUSTRALIA
Email address (non-mandatory)	SCAMILLERI@ZONEPLANNING.COM.AU
Mobile number (non-mandatory)	07 4972 3831
Applicant's reference number(s) (if applicable)	Z16179

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: 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 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
		33	SPRINGS ROAD	AGNES WATER
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4677	1	RP612382	GLADSTONE
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)				
Note: Place each set of coordinates in a separate				
<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				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)



<input type="checkbox"/> 54	<input type="checkbox"/> WGS84
<input type="checkbox"/> 55	<input type="checkbox"/> GDA94
<input type="checkbox"/> 56	<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

GLADSTONE REGIONAL 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	DA/264/2016	19/06/2018	GLADSTONE REGIONAL 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*):

CHANGES TO SITE DESIGN AND STAGING

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? (<i>where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application</i>)	Date notice given (<i>where no pre-request response provided</i>)
	<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 [Referral checklist for building work](#) 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 [DA Forms Guide: Forms 1 and 2](#).

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

Yes

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 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 OFFICE USE ONLY

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	
Date received form sighted by assessment manager	
Name of officer who sighted the form	

Ref: Z16179



Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE QLD 4680

GOLD COAST | GLADSTONE

p 07 5562 2303


info@zoneplanning.com.au
zoneplanning.com.au

ABN 36 607 362 238

Dear Sir/Madam,

**OWNERS CONSENT
LODGEMENT OF A MINOR CHANGE APPLICATION
DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR
A CARAVAN PARK
33 SPRINGS ROAD, AGNES WATER – LOT 1 RP612382**

“Beaches of 1770 Pty Ltd (TTE) (ACN 010 702 244)” as the owner of the abovementioned site, hereby consent to the lodgement of a development application for the abovementioned purposes.



Director's Signature

Director / Secretary Signature
(indicate appropriate position)

Daniel Murphy

Print Name

Print Name

07/11/18

Date

Date

Note: In the case of a Company being the owner please ensure two signatures are provided (where not a Sole director company), with the signatures comprising either, two Company Directors or a Director and Company Secretary.

Where an individual/ party has the authority to act on behalf of the owner (ie power of attorney) please indicate & attach documentation to verify as much.

Ref: Z16179



Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE QLD 4680

GOLD COAST | GLADSTONE

p 07 5562 2303

Info@zoneplanning.com.au
zoneplanning.com.au


ABN 36 607 362 238

Dear Sir/Madam,

**OWNERS CONSENT
LODGEMENT OF A MINOR CHANGE APPLICATION
DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR
A CARAVAN PARK
33 SPRINGS ROAD, AGNES WATER – LOT 1 RP612382**

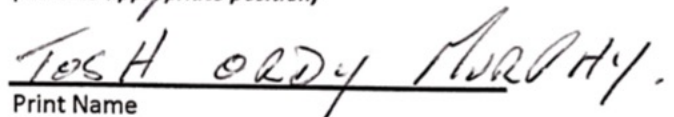
“Australian National Homes Pty Ltd (TTE) (ACN 010 903 189)” as the owner of the abovementioned site, hereby consent to the lodgement of a development application for the abovementioned purposes.

Director's Signature



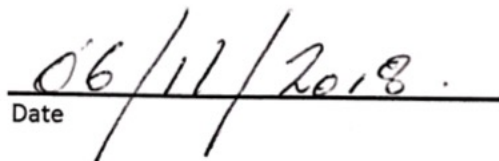
Director / Secretary Signature
(indicate appropriate position)

Print Name



Print Name

Date



Date

Note: In the case of a Company being the owner please ensure two signatures are provided (where not a Sole director company), with the signatures comprising either, two Company Directors or a Director and Company Secretary.

Where an individual/ party has the authority to act on behalf of the owner (ie power of attorney) please indicate & attach documentation to verify as much.



This report was prepared by:



Zone Planning Group Pty Ltd

ABN 36 607 362 238

2/172 Goondoon Street
GLADSTONE QLD 4680

PO Box 5332
GLADSTONE QLD 4680

Telephone: (07) 4972 3831

Email: info@zoneplanning.com.au

Web: www.zoneplanning.com.au

Issue	Date	Prepared by	Checked By
Draft	2/11/18	SC	SE
Final Version	2/11/18	SC	SE

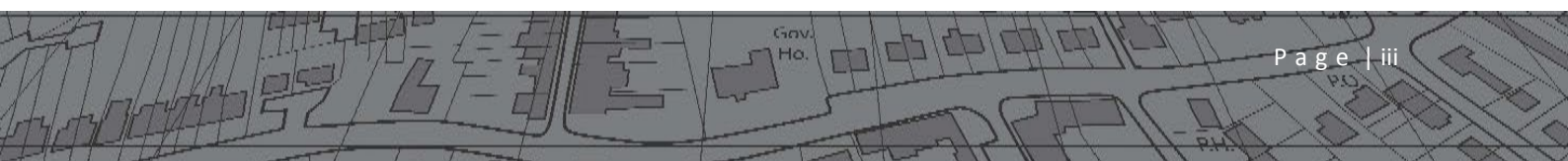
Disclaimer

Zone Planning Group Pty Ltd retains the ownership and copyright of the contents of this document including drawings, plans, figures and all work produced by Zone Planning Group Pty Ltd. This document is not to be reproduced in full or in part, unless separately approved by Zone Planning Group Pty Ltd. The client may use this document only for the purpose for which it was prepared. No third party is entitled to use or rely on this document whatsoever. Zone Planning Group Pty Ltd accepts no liability whatsoever for any possible subsequent loss or damage arising from the use of this data or any part thereof.



Contents

Executive Summary	1
1.0 Site and Surrounding Environment	2
1.1 Site & Application Details	2
1.2 Site Location & Characteristics	2
1.3 Site Surrounds	4
2.0 Background	5
2.1 Previous Approvals	5
3.0 Proposed Minor Changes	5
3.1 Summary of Proposed Changes.....	5
4.0 Minor Change Test	6
4.1 Substantially Different Development	6
4.2 Minor Change	7
5.0 Changes to Development Conditions	8
6.0 Assessing and Deciding Minor Changes	10
7.0 Conclusion	11





Figures & Tables

Figure 1: Locality Plan (Source: Google Maps)

Figure 2: Aerial Photograph

Figure 3: Amended Staging

Table 1: Site & Application Details

Table 2: Site Location & Characteristics

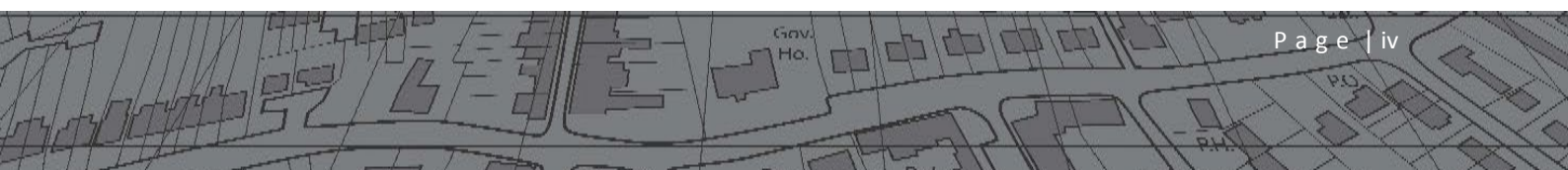
Table 3: Site Surrounds

Appendices

Appendix 1	Amended Staging Plan
-------------------	----------------------

Project Team

Town Planner		Zone Planning Group Sarah Camilleri Ph: 07 4972 3831 scamilleri@zoneplanning.com.au
---------------------	--	---





Executive Summary

Aspects of Development

TYPE OF DEVELOPMENT	LEVEL OF ASSESSMENT	APPROVAL SOUGHT
Material Change of Use	Impact	Development Permit

Overview of Application

Our client, Beaches of 1770 Pty Ltd, seeks Council approval to make minor changes to their existing approval for a Caravan Park on land at 33 Springs Road, Agnes Water, more formally described as Lot 1 RP612382.

The proposed development is intended to operate as a caravan park, providing both camping and caravan sites over two stages. The approval also allows for the provision of a Community Facilities building as part of Stage 3 of the overall development.

However, upon a more detailed review of Council's conditions of approval and the operational requirements of the caravan park, changes are required to the development's facilities to ensure it can operate as a stand-alone caravan park.

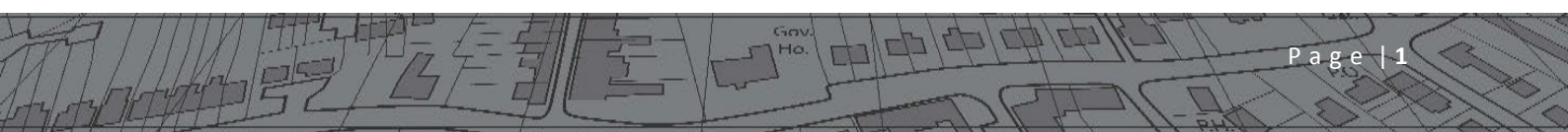
As a result, this minor change seeks to make amendments to a number of Council's conditions to support the inclusion of a reception facility and additional amenities.

No additional specialist or technical reports have been prepared in support of the proposal.

All proposed changes do not impact on the listed level of assessment within the Planning Scheme for the Medium Density Residential Zone and is not considered to be substantially different development.

This report overviews the nature of the proposed minor changes and provides a full assessment of the proposed change against Sections 78 and 81 of the *Planning Act 2016*. Overall the proposed changes to the development are considered to be relatively minor in nature, with no changes to the overall built form or total proposed.

It is therefore requested that the Minor Change application be approved in support of the proposed changes.





1.0 Site and Surrounding Environment

1.1 Site & Application Details

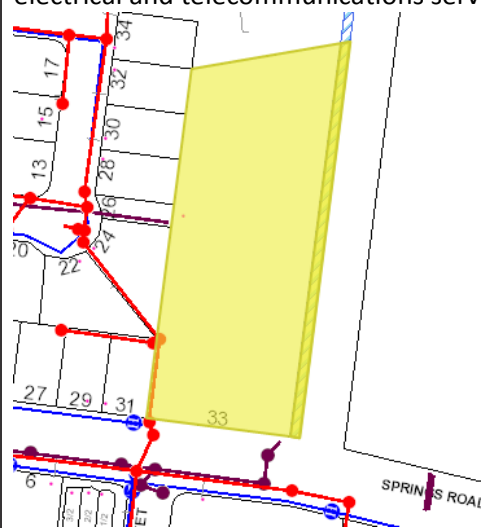
Table 1: Site & Application Details

Address	33 Springs Road, Agnes Water QLD 4677
Real Property Description	Lot 1 RP612382
Site Area (m ²)	1.109Ha
Land Owner	Australian National Homes Pty Ltd & Beaches of 1770 Pty Ltd
Applicant	Beaches of 1770 Pty Ltd
Applicant Contact Details	Stephen Enders – Zone Planning Group (0427 258 007)
Local Government	Gladstone Regional Council
CQ Regional Plan Designation	Priority Living Area (PLA)
Planning Scheme Zone	Medium Density Residential Zone

1.2 Site Location & Characteristics

The following information is provided in response to site investigations including searches performed and a site inspection undertaken.

Table 2: Site Location & Characteristics

Topography	The site has a fall from the north-eastern corner towards Springs Road with a change in gradient of approx. 5m over the length of the site. Refer to the plans in Appendix 4 .
Vegetation & Waterways	The site contains some vegetation, none of which is captured under any Council or State environmental overlay mapping.
Availability of Services	As illustrated below, the site has access to water, sewer, stormwater, electrical and telecommunications services. 



Allotment Dimensions	The site is of a fairly regular shape and has a frontage width of approx. 68m to Springs Rd. Relevant dimensions can be obtained from the plans provided.
Current Use & Improvements	The site currently contains a single building providing cabin accommodation for the existing caravan park on the adjoining allotment.
Other Constraints	An easement (Emt A on RP612382) traverses the eastern boundary of the site providing access to the residential property on Lot 2 SP155904.



Figure 1: Locality Plan (Source: Google Maps)



Figure 2: Aerial Photograph

1.3 Site Surrounds

The subject site is located within the main centre of the Agnes Water township (approx. 400m east of the local commercial centre). The site adjoins the existing Agnes Water Caravan Park to the north and is bordered by residential properties to the west containing primarily Dwelling Houses. The local commercial centre is located around the junction of Round Hill Road and Captain Cook Drive and provides access to a variety of small commercial operations including grocery store (IGA), cafes, specialty retail and a service station. The smaller township of the Town of 1770 is approximately 5km north of the subject site.

More specifically, immediately surrounding zones and development comprise:

Table 3: Site Surrounds

<p>North</p>	<p>The land to the immediate north of the subject site is occupied by the Agnes Water Caravan Park and beyond that lies the Agnes Water main beach. A single residential property containing a Dwelling House, accessed by an easement along the eastern boundary of the subject site (Emt A on RP612382) adjoins the caravan park and has beach access.</p>
<p>East</p>	<p>An unformed road reserve separates the subject site from the neighbouring land to the east. This is occupied by the Council's Agnes Water Community Centre. Beyond that lies beach scrub.</p>



South	The Agnes Water Police Station is located immediately south of the subject site on the opposite side of Springs Road. Beyond that lies a cluster of low-density residential development comprised of a variety of dwellings including Dwelling Houses, Dual Occupancies and townhouses. The Agnes Water State Primary School is located to the south-east of the site.
West	Residential properties containing primarily Dwelling Houses adjoin the subject site to the west. Beyond that is a variety of residential development and the local commercial centre.

2.0 Background

2.1 Previous Approvals

It should be noted that Gladstone Regional Council's Planning Development Online Website (PD Online) only dates back to 1 July 2009. No planning applications were recorded against the property as part of this planning search for the subject lots since this date.

Approval for the Caravan Park was issued by Council on the 5 April 2018. Negotiated representations were issued to Council for assessment and consideration. Council issued the subsequent Negotiated Decision Notice on the 19 June 2018.

3.0 Proposed Minor Changes

3.1 Summary of Proposed Changes

In order to ensure that the approved Caravan Park can operate as a standalone facility, amendments to the site design are required. These changes include the provision of a reception area and additional amenities to service future guests on site. Additional changes to the staging of the development will also be required to ensure the appropriate facilities are provided upfront. These changes are indicated below in **Figure 3**.

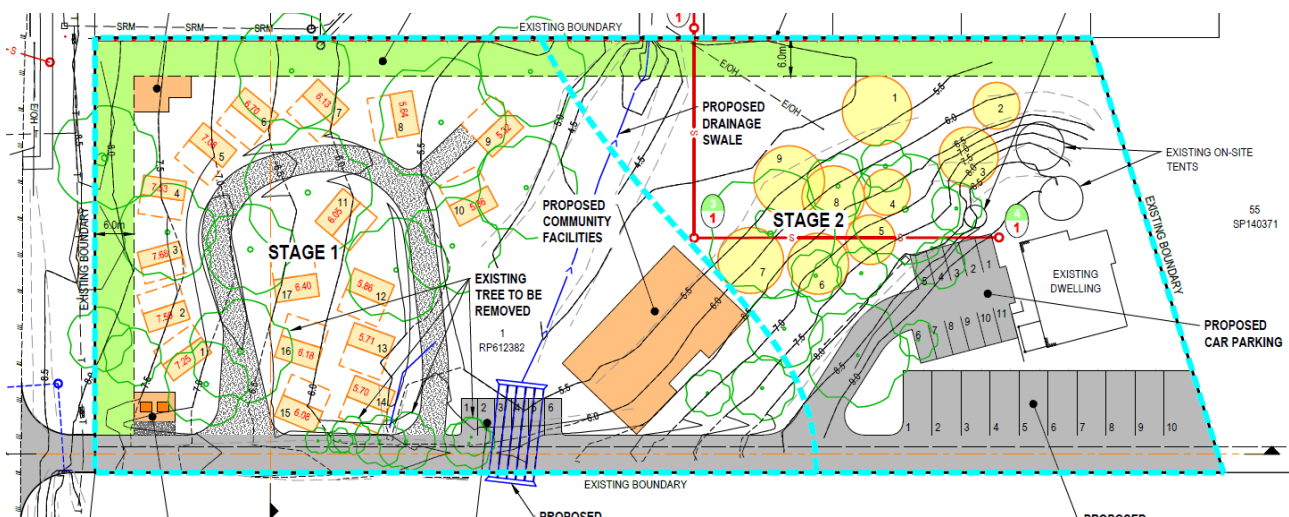


Figure 3: Amended Staging



Therefore, the proposed minor change application seeks approval to remove Stage 3 from the development and deliver the community facilities building as part of Stage 1. This would allow for the re-introduction of a reception area to the site for residents to check in/out and the delivery of additional amenities for visitors/residents within this building at the rate required by the National Construction Code.

As a result of this minor change, the following amendments to the approved development are being proposed:

- Amendments to staging; and
- Re-introduction of a Reception Facility.

In order to facilitate the proposed changes, amendments will be required to the following conditions:

- Condition 1 – Amended Plans
- Condition 6 – Stage 1
- Condition 7 – Stage 3
- Condition 45 - Amalgamation

4.0 Minor Change Test

4.1 Substantially Different Development

In order for changes to an approved development to be considered a minor change, the development must not result in a substantially different development. As per Schedule 1: Substantially Different Development within the Development Assessment Rules 2017, the proposed minor change is to be assessed against the following substantially different development test.

A change may be considered to result in a substantially different development if the proposed change:

(a) involves a new use;

The proposed change does not introduce a new use.

(b) results in the application applying to a new parcel of land; or

The change does not apply to a new parcel of land.

(c) dramatically changes the built form in terms of scale, bulk and appearance; or

The changes proposed are not considered to drastically change the built form.

(d) changes the ability of the proposed development to operate as intended; or

Whilst it is noted that Council has raised concerns that the proposed Minor Change will change the ability of the proposed development to operate as intended, it is considered that the changes will not prevent the development from operating as a Caravan Park, which at its most fundamental basics is the intention of the approval. The approval grants the development with the rights to operate a caravan park for the purposes of providing 17 caravan sites and 9 new tent sites. Whilst no specific references are included within the suite of conditions regarding the dependency of the development on the adjoining caravan park for check in/out facilities and amenities it is noted that Council has conditioned the amalgamation of the subject site with the adjoining caravan park on the basis of shared facilities, further noting that removal of this dependency may change the intent of the approval. However, it is considered that if the approved caravan park provides the same number of caravan/tent sites, has the



ability to provide the appropriate provision of amenities and has a standalone reception facility, the operation and the intent of the caravan park has not been adversely impacted. As such, it is being requested that Council amend the conditions of approval to ensure that a reception facility and adequate amenities are provided on site to ensure the development can remain stand alone. As a result, the development will meet the test regarding the intended operations as a caravan park, and no conflicts with the Minor Change test can be established.

(e) removes a component that is integral to the operation of the development; or

The proposed change does not remove a component that is integral to the operation of the development. In conditioning the requirement for a reception facility and appropriate amenities to be provided on the subject site, there is no change to the operation of the development or removal of integral operational requirements.

(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or

The proposed change does not incorporate any component of development that would significant impact on traffic flow or the surrounding transport network.

(g) introduces new impacts or increase the severity of known impacts; or

The proposed change will not result in the creation of any new impacts or increase the severity of known impacts. In contrast, the development will result in improved functionality on site and reduce vehicle traffic between the two caravan parks.

(h) removes an incentive or offset component that would have balanced a negative impact of the development; or

The change does not remove an incentive or offset component that would have balanced a negative impact of the development.

(i) impacts on infrastructure provision

No impacts are expected to occur on infrastructure provisions for the site.

4.2 Minor Change

Further to the test to determine whether a change is substantially different, any proposed amendments to a development approval must comply with the remaining items outlined within the definition of a Minor Change. A Minor Change for a development approval is defined as a change that:

- (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 to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
 - (E) public notification if public notification was not required for the development application.*



The proposed change meets the above requirements in that it:

- Does not incorporate any prohibited development, as required by item (A).
- Does not trigger any referral requirements, as outlined in items (B)-(D).
- Would not change public notification requirements for the development application.

5.0 Changes to Development Conditions

Now that it has been determined that the proposed changes do not result in a substantially different development and meet the requirements outlined within the definition of a minor change, the Applicant seeks to make changes to the following conditions of the approval, based on the changes identified above.

For ease of reference, Council’s conditions of approval are identified below in **Bold**, our representations are outlined in normal type, and final condition amendments are identified in *Italics*.

Condition 1

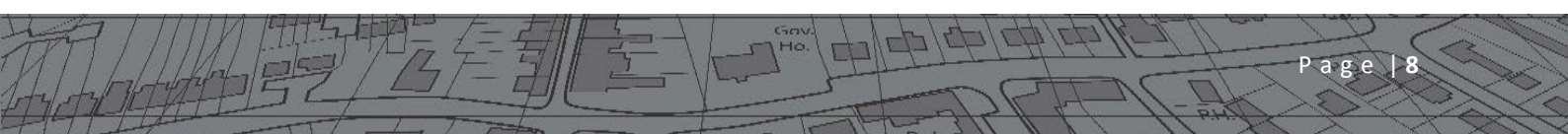
1. **Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:**

Document Number	Revision	Description	Author	Date
1609-SK01	N/A	Development Layout Plan	Contour Consulting Engineers	22/11/2017
1609-SK02	N/A	Typical Sections	Contour Consulting Engineers	22/11/2017
1609-SK03	N/A	Turning Template Plan	Contour Consulting Engineers	22/11/2017
1609-SK05	N/A	Preliminary Sewer Longitudinal Section	Contour Consulting Engineers	22/11/2017

In response to changes to the proposed staging of the development, it is requested that Condition 1 be amended to reflect the amended staging plan. As such, it is requested that Condition 1 is reworded as follows:

1. *Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:*

<i>Document Number</i>	<i>Revision</i>	<i>Description</i>	<i>Author</i>	<i>Date</i>
1609-SK01	A	Development Layout Plan	Contour Consulting Engineers	1/11/2018
1609-SK02	N/A	Typical Sections	Contour Consulting Engineers	22/11/2017
1609-SK03	N/A	Turning Template Plan	Contour Consulting Engineers	22/11/2017
1609-SK05	N/A	Preliminary Sewer Longitudinal Section	Contour Consulting Engineers	22/11/2017





Condition 6

- 6. Prior to the lodgement of the first application for Building Approval for Stage 1, the Applicant is to submit architectural concept plans (ACPs) for the proposed Amenities block. The ACPs must illustrate building design with architectural merit consistent with exemplary coastal building design within the Agnes Water Locality. The building design must incorporate a mixture of lightweight construction, generous roof overhangs and a variety of at least four different textures and colours as well as including notable articulation within the horizontal and external facades of the building. Details of the proposed colour scheme, materials and finished for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works. The design must consider the minimisation of nuisance to the adjoining residences, particularly in regards to light and noise.**

AND

Condition 7

- 7. Prior to lodgement of the first application for Building Approval for Stage 3, the Applicant is to submit architectural concept plans (ACPs) for the Community Facilities Building. The ACPs must illustrate building design with architectural merit consistent with exemplary coastal building design within the Agnes Water Locality. The building design must incorporate a mixture of lightweight construction, generous roof overhangs and a variety of at least four different textures and colours as well as including notable articulation within the horizontal and external façades of the building. Details of the proposed colour scheme, materials and finished for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.**

Given Stage 3 is being removed from the development staging and the community building is to be proposed as part of Stage 1, there is an opportunity to amalgamate Conditions 6 and 7 to require the provision of architectural plans to be provided for both the amenities block and community facilities building as part of Stage 1.

The condition can also be amended to detail requirement for the community facility architectural plans to demonstrate that the building can provide a reception facility and amenities required to cater for the approved number of visitors to the Caravan Park. As such, it is requested that Conditions 6 and 7 be reworded as follows:

- 6. Prior to lodgement of the first application for Building Approval for Stage 1, the Applicant is to submit architectural concept plans (ACPs) for the Community Facilities Building and proposed Amenities Block, including both floor plans and elevations. The ACPs must illustrate building design with architectural merit consistent with exemplary coastal building design within the Agnes Water Locality. The building design must also detail a reception facility and an appropriate number of amenities/ablutions to cater for residents of the park. The design must also contain a mixture of lightweight construction, generous roof overhangs and a variety of at least four different textures and colours as well as including notable articulation within the horizontal and external façades of the building. Details of the proposed colour scheme, materials and finished for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.*

To further separate the proposed caravan park from the existing, it is suggested that Council amend Condition 7 to require the construction of a fence around the perimeter of the site to direct pedestrian traffic to the existing footpath along Springs Road.



7. *Prior to the commencement of the use, the Applicant is to construct a 1.8m fence along the full length of the subject site, excluding the areas to be fenced with acoustic treatments, the details of which are to be submitted with any Development Application for Building Works.*

Condition 45

- 45. Prior to commencement of the use, Lot 1 RP612382 and Lot 55 SP140371 must be amalgamated into a single indefeasible title.**

As outlined within IDAS Form 1 of the application package and further reiterated by Council in their Decision Notice dated 5 April 2018, the development was lodged and approved over Lot 1 RP612382 only. Furthermore, both of these premises exist under completely separate ownership, as outlined in the attached Title Searches. As such, Council's condition requiring the amalgamation of Lot 1 and Lot 55 is unreasonable and unlawful given the application and subsequent approval to which the land applies does not include Lot 55 and Council cannot lawfully request the amalgamation of two lots under separate title.

Following the previous refusal of this original request, changes have been proposed to the approved staging and suite of conditions (ie. Conditions 6 and 7), to ensure that the approved Caravan Park is completely stand alone. It is considered that these changes meet Council's requirements to negate the requirement for amalgamation of the two properties. In light of this, it is requested that Council delete this Condition from the suite of approved plans.

6.0 Assessing and Deciding Minor Changes

As per Section 81 of the *Planning Act 2016*, the Responsible Entity must consider. The following details the Applicant's response to this criteria with respect to the proposed minor change.

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

Please consider the material provided in this report and detailed in the supporting plans.

(b) if the responsible entity is the assessment manager and submissions were properly made about the development application—the submissions; and

The Assessment Manager has previously outlined that the approved development received four submissions against the proposal. As the proposed amendments do not change the intent or operations of the Caravan Park, it is considered that the previous submitters would not be adversely affected by the change. Furthermore, as amenities facilities may now be located within the community building in the centre of the site, some submitter concerns regarding noise and lighting nuisance may be alleviated.

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

No pre-request response notice relates to the proposed change.

(d) all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and



With respect to section 81(2)(d) of the Planning Act 2016, the Act goes on to further detail the assessment requirements against this provision. Section 81(3) outlines that the Responsible Entity:

- a) **must** assess against, or have regard to, the matters that applied when the development application was made; and
- b) **may** assess against, or have regard to, the matters that applied when the change application was made.

The changes proposed within this minor change application are not considered to conflict with the superseded Miriam Vale Shire Council Planning Scheme, nor are they considered to deviate substantially from the approved development design, given the proposed changes make no change to the land use intent or total number of visitors to the subject site. Given the minor changes proposed, it is considered that no further assessment against the current Planning Scheme is warranted.

Overall, it is considered that the proposed minor change remains in keeping with the requirements of the superseded Planning Scheme and remaining suite of approved conditions, with respect to building design, servicing, landscaping and car parking.

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

It is noted that the Assessment Manager may consider another matter that they consider to be relevant.

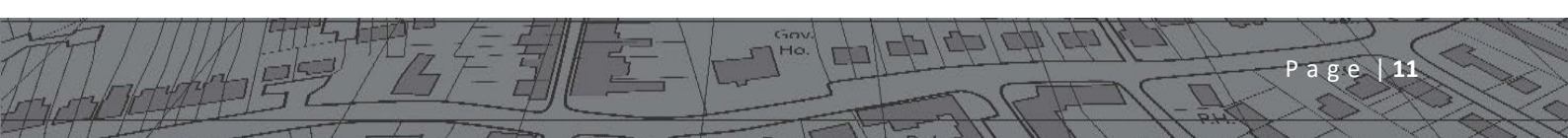
7.0 Conclusion

This planning report has provided an assessment of the proposed minor change against the relevant elements of the *Planning Act 2016*.

In summary, the outcome of the assessment clearly supports approval of the Minor Change Application. More specifically and in conclusion:

- The proposed changes are not considered to result in substantially different development.
- The proposed changes meet the definition of a Minor Change.
- The proposed changes have been assessed against the Miriam Vale Shire Council Planning Scheme as the 'matters that applied when the development application was made' as per Section 81(3) of the Planning Act 2016, and remain in keeping with the Purpose Statement, Overall Outcomes and Performance Outcomes of each relevant code.
- In summary, the Minor Change meets the requirements of both the Planning Act 2016 and the Planning Scheme.

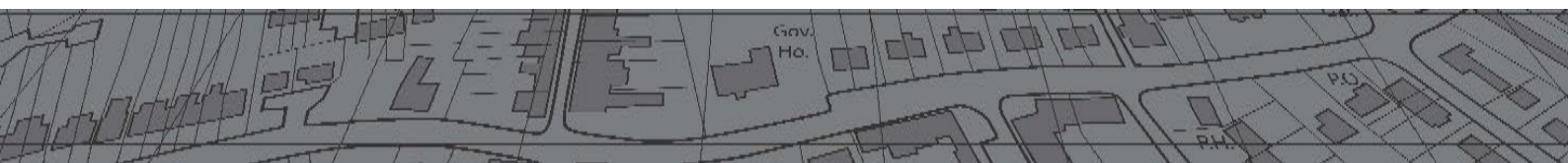
It is therefore recommended, that Council favourably consider the application and impose reasonable and relevant conditions as part of its approval.





APPENDIX 1

Amended Plan





TELECOMMUNICATIONS SERVICE PROVIDERS

yes' OPTUS Telstra visionstream nbn

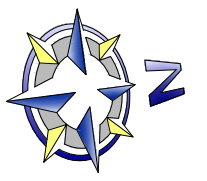
NOTE: SERVICE LOCATIONS ARE APPROXIMATE ONLY FROM PROVIDERS PLANS. LOCATIONS ARE TO BE CONFIRMED PRIOR TO START OF CONSTRUCTION. PHONE DBYD SERVICE LOCATIONS ON 1100 FOR DETAILS.

ENERGY SERVICE PROVIDERS

AGL origin ERGON. ENERGY energex

NOTE: SERVICE LOCATIONS ARE APPROXIMATE ONLY FROM PROVIDERS PLANS. LOCATIONS ARE TO BE CONFIRMED PRIOR TO START OF CONSTRUCTION. PHONE DBYD SERVICE LOCATIONS ON 1100 FOR DETAILS.

EXISTING SERVICES SHOWN THROUGHOUT THESE DRAWINGS ARE DERIVED FROM FIELD SURVEY, DIAL BEFORE YOU DIG, AS CONSTRUCTED INFORMATION AND GROUND INSPECTION. THE RELATIVE POSITION OF EACH UNDERGROUND SERVICE IS THEREFORE ADVISORY ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACTUAL LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BEAR THE COST OF ANY RECTIFICATION OF SERVICES DAMAGED DURING OR AS A RESULT OF CONSTRUCTION.



EXISTING FEATURES LEGEND

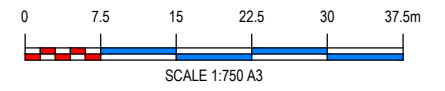
- RP BOUNDARY
- ○ — ○ — FENCE LINE
- - - T - - - T - TELSTRA (DBYD)
- - - W - - - W - WATER (DBYD)
- - - S - - - S - SEWER (DBYD)
- - - SWD - - - STORMWATER (DBYD)
- - - E/OH - - - OVERHEAD ELECTRICAL
- - - - - EDGE OF BITUMEN
- ▨ BUILDING/STRUCTURE FACE
- TREE
- - - 6.0 - - - SURFACE CONTOURS
- - - S - - - S - STORMWATER (SURVEYED)
- - - S - - - S - SEWER (SURVEYED)
- - - SRM - - - SEWER RISING MAIN (DBYD)

PROPOSED FEATURES LEGEND

- - - S - - - SEWER
- - - ACOUSTIC FENCE
- TENT SITE
- ▭ CARAVAN/ANNEX PAD
- ▨ LANDSCAPE BUFFER
- ▨ GRAVEL SURFACING
- ▨ AC SURFACING
- 1 SEWER STRUCTURE NUMBER
- - - STAGE BOUNDARY
- - - DRAINAGE SWALE
- 7.25 PAD LEVEL

NOTE:
REFER DWG 1609-SK04 FOR SEWER LONGITUDINAL SECTION

NOTE:
THE DEVELOPMENT LAYOUT SHOWN IS CONCEPTUAL ONLY, PENDING FULL PLANNING, ENGINEERING, ENVIRONMENTAL & GEOTECHNICAL EVALUATION BASED ON DETAILED FIELD SURVEY.



CONTOUR

A.B.N. 62 117 061 659
PO Box 474, Buddina 4575, Qld
6 Innovation Parkway, Kawana Waters 4575, Qld
Ph. (07) 5493 9777 Fax (07) 5493 6888
Website: www.ContourCE.com.au

Registered ISO 9001:2008
UKAS MANAGEMENT SYSTEMS
Quality Assured International 3rd Party Accredited 127

PLAN DETAILS:		PLAN AMENDMENTS:		Altered	Checked
Designed:	M.K	Rev	Date	Comment	
Drawn:	W.F	A	1/11/2018	STAGE BOUNDARY AMENDMENTS	B.P
Checked:	####				S.C
Datum:	AHD				
Date:	22-11-17				

PROPOSED CARAVAN PARK AT 33 SPRINGS ROAD, AGNES WATER FOR AWH & THE 1770 GROUP

© This plan is Copyright. Other than for the purposes of and subject to the conditions prescribed under the Copyright Act, no part of it may in any form or by any means be reproduced, stored in a retrieval system or transmitted without the prior written permission of Contour Consulting Engineers. The plan shall not be used for construction without prior written approval.

PLAN TITLE:
DEVELOPMENT LAYOUT PLAN

NOT FOR CONSTRUCTION

PLAN No: 1609 - SK01 REVISION: A SHEET: 1 OF 1

FILE LOCATION: T:\ARCHIVED PROJECTS\CIVIL\1609 - AGNES WATERS - CARAVAN PARK\1609 AGNES WATERS - CARAVAN PARK\DESIGN - CIVIL\AUTOCAD\SKETCHES\1609-SK01-SK02