

From: "Magnetic Island Day Spa & Retreats" <magneticislandretreat@gmail.com>
Sent: Sat, 5 Sep 2026 09:30:43 +1000
To: "Development Assessment" <developmentassessment@townsville.qld.gov.au>
Cc: "Kate Wilkes" <Kate.Wilkes@townsville.qld.gov.au>; "Rob Freers" <rob.freers@townsville.qld.gov.au>; "Sarah Hancox" <Sarah.Hancox@townsville.qld.gov.au>
Subject: Formal Lodgement – Change (Other) Application
Attachments: IMG_4867.jpeg, IMG_4868.jpeg, IMG_4866.jpeg, IMG_4870.jpeg, IMG_4869.jpeg, IMG_4871.jpeg, IMG_4851.heic, IMG_4852.heic, B5274757-2E5B-4BF1-B18A-05A870D3D46B.PNG, MCU25_0039_Change_Other_Council_Lodgement_Package-2.docx

Good morning Team,

We wish to formally lodge our Change (Other) application, together with all supporting information required from our end.

Following our pre-lodgement meeting and Kate's email, we have addressed the matters raised. Attached are:

- The completed Form 5, included with the image attachments;
- The complete Change (Other) application package;
- Drawings showing the proposed building included in this change; and
- All other relevant plans and supporting drawings.

Based on the advice provided during the pre-lodgement process, we believe the attached documentation addresses the submission requirements. We look forward to the application progressing and, if required, moving to the public notification stage.

I have also attached a staging plan, as we intend to construct the overall approved development progressively. This staged approach is explained in the application package.

For Stage 1, I have included a preliminary sketch showing the proposed temporary parking area for the shopfront. As only the shopfront building will be constructed during this initial stage, it would be practical to provide the parking and driveway works needed for its operation at this time.

When we are ready to proceed with the later stages, including the approved accommodation buildings, we will refer to the overall approved plan and complete the remaining driveway and associated works as required. This will allow those works to be undertaken after the relevant stages of construction are completed, reducing the risk of the finished driveway being damaged during future building works.

Please confirm receipt of the application and attachments. Should Council require any further information to progress the submission, please let us know.

Kind regards,
Dominique & Damian Battensby

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

Applicant name(s) (individual or company full name)	DOMINIQUE BATTENSBY + DAMIAN BATTENSBY
Contact name (only applicable for companies)	DOMINIQUE BATTENSBY
Postal address (P.O. Box or street address)	33 NERITA CRES
Suburb	NEWLY BAY
State	QLD
Postcode	4819
Country	AUSTRALIA
Email address (non-mandatory)	magneticislandretreat@gmail.com
Mobile number (non-mandatory)	0438 988 408
Applicant's reference number(s) (if applicable)	

- ☐ Yes – the written consent of the owner(s) is attached to this change application
- ☒ No We are the owners

PART 2 – LOCATION DETAILS

☒ 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
		32	Sooning St	NEWLY BAY
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4819	4	SP 335558	Townsville City Council
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)



Queensland
Government

☐ Coordinates of premises by longitude and latitude			
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		☐ WGS84 ☐ GDA94 ☐ Other:	
☐ Coordinates of premises by easting and northing			
Easting(s)	Northing(s)	Zone Ref.	Datum
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ Other:
☐ 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

TOWNSVILLE CITY COUNCIL

PART 4 – CHANGE DETAILS

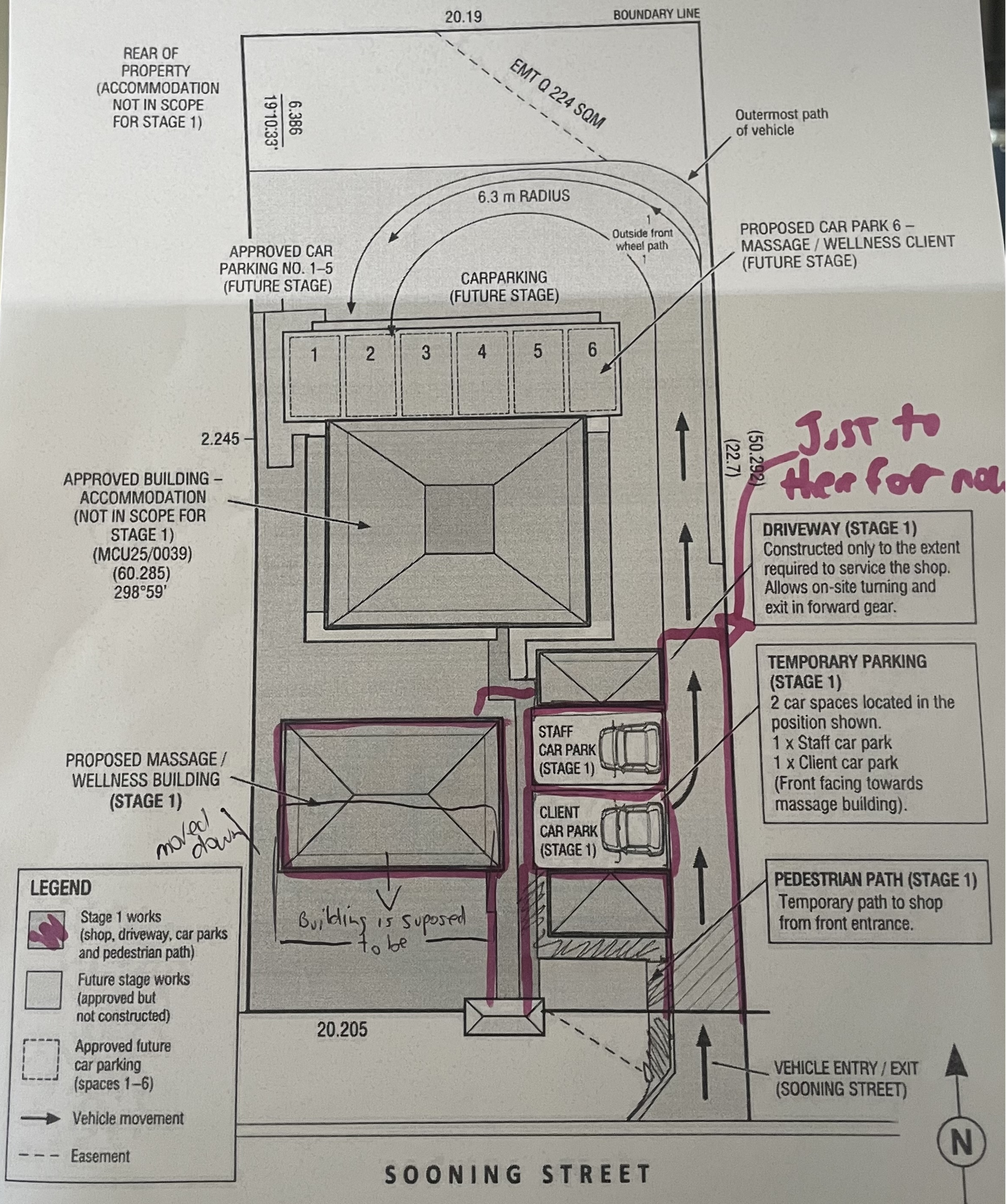
Approval type	Reference number	Date issued	Assessment manager/approval entity
☒ Development permit ☐ Preliminary approval	MCV25/0039	2 June 2026	Townsville City Council
☐ Development permit ☐ Preliminary approval			

Change to permit

☐ Minor change application – proceed to Part 5
☒ Other change application – proceed to Part 6

Description of change

Change to the approved development to remove the previously approved swimming pool and introduce a small-scale massage/wellness room (shop use), together with associated amendments to the site layout, car parking, landscaping and relevant development plans.



Sketch Stage 1 (car park etc)
(Temp) Rough for later to be worked off

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
- 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*

Yes

☒ 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](#).

☒ 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

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

☐ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	☐ No ☐ Yes – pre-request response is attached to this change application	
	☐ No ☐ Yes – pre-request response is attached to this change application	
	☐ No ☐ 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>.

☒ No
☐ 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

☐ No
☒ 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?

☒ No
☒ 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.

☒ No
☐ 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

☒ 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

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

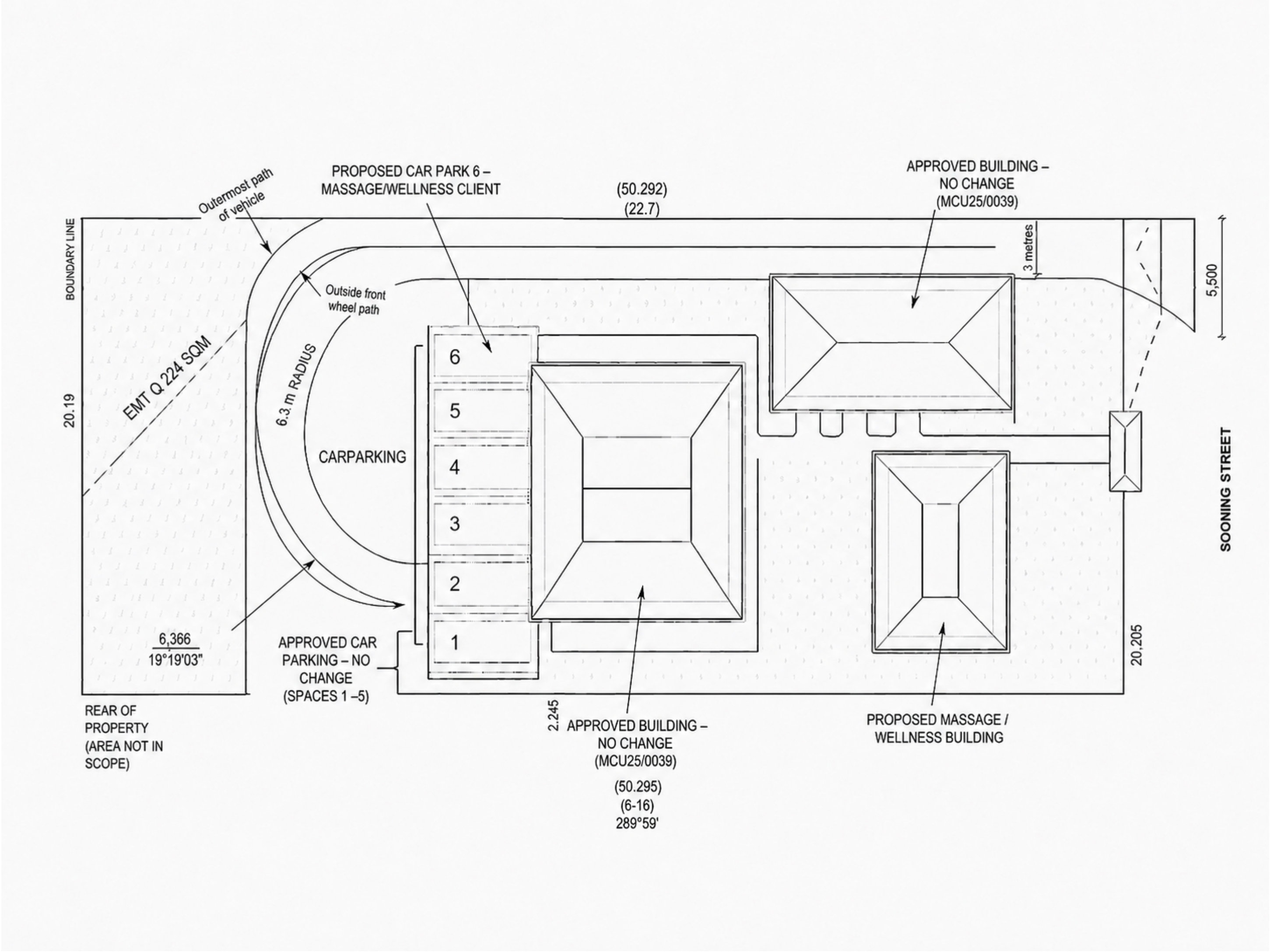
Date received:

Reference number(s):

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			

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CHANGE (OTHER) APPLICATION PACKAGE

Proposed small-scale, appointment-only massage and personal
wellness room (Shop use)

32 Sooning Street, Nelly Bay QLD 4819

Application	Request to change Development Approval MCU25/0039
Applicants	Dominique Battensby and Damian Battensby
Land	Lot 4 on SP335558
Existing approval	Material Change of Use - Short-term accommodation (4 bedrooms)
Responsible entity	Townsville City Council
Lodgement date	5 September 2026
Status	Final application package for lodgement

Application package

This package contains the cover letter, planning report, Operational Management Plan, staging statement and Planning Act Form 5 application information supporting the requested Change (Other) to MCU25/0039.

Application details

Item	Current position	Action
Approval reference	MCU25/0039	Included
Site	32 Sooning Street, Nelly Bay; Lot 4 SP335558	Included
Change pathway	Change (Other) under section 78 of the Planning Act 2016	Included
New use	Small-scale, appointment-only massage and personal wellness room (Shop use)	Included
Building	6.0 m x 4.0 m external walls (24 m ²); 600 mm eaves on all sides; approx. 7.2 m x 5.2 m overall roof footprint; approx. 5.8 m x 3.8 m internal, subject to final construction	Included
Pool	Permanently deleted from the approved development	Included
Parking	One additional on-site space; all spaces numbered	Confirmed and included
Operations	Appointment only; 9:00 am-6:00 pm; no walk-ins	Included
Signage	One non-illuminated 800 mm x 1,160 mm sign (0.928 m ²), under 1 m ² , on the front fence at the property boundary near the main front gate; compliant with legal requirements	Included
Servicing	WC to connect to Council sewer	Included

Application package index

No.	Document	Responsibility	Status
1	Planning Act Form 5 - Change application	Applicants	Included
2	Cover letter and document index	Applicants	Included
3	Planning report and assessment response	Applicants	Included
4	Operational Management Plan	Applicants	Included
5	Proposed Amended Site Plan	Applicant's plan designer	Included
6	Massage and personal wellness building floor plan	Applicant's plan designer	Included
7	Elevations, roof plan and section	Applicant's plan designer	Included
8	Parking layout and swept-path information	Applicant's plan designer	Included
9	Staging plan or statement	Applicants	Included
10	Owner consent, if required	Landowners	Included
11	Application fee	Applicants / Council	Council to advise

Part A - Cover letter

5 September 2026

Assessment Manager
Planning and Development
Townsville City Council
PO Box 1268
TOWNSVILLE QLD 4810

Via: Council development application lodgement service

Re: Request for a Change (Other) to MCU25/0039 - 32 Sooning Street, Nelly Bay

Dear Assessment Manager,

Dominique Battensby and Damian Battensby request a Change (Other) to Development Approval MCU25/0039 for land at 32 Sooning Street, Nelly Bay, described as Lot 4 on SP335558.

The proposed change is confined to permanently removing the approved swimming pool and associated pool surrounds and introducing a small, purpose-designed, appointment-only massage and personal wellness room. Council has advised that the proposed activity falls within the Shop use definition and that this new component will be assessed through the Change (Other) process. All other approved development under MCU25/0039, including the approved four-bedroom short-term accommodation, remains unchanged and does not form part of this Change (Other) request.

The proposed use is deliberately limited in scale. It will operate by prior appointment only, with no walk-in trade, limited on-site occupancy and stated operating hours. One additional on-site parking space is proposed, together with the associated pathway adjustment shown on the amended plans.

The application package includes Planning Act Form 5, this planning report, an Operational Management Plan and the amended development plans. A staging statement is also provided solely to clarify that the balance of the already-approved development remains outside the scope of this change request.

We respectfully request Council assess and approve the proposed change. Please contact Dominique Battensby if clarification or further information is required before formal correspondence is issued.

Kind regards,

Dominique Battensby and Damian Battensby
Applicants

Part B - Planning report

1. Introduction

This report supports a request under section 78 of the Planning Act 2016 to change Development Approval MCU25/0039. The existing approval permits a Material Change of Use for Short-term accommodation (four bedrooms) at 32 Sooning Street, Nelly Bay. That accommodation approval remains unchanged and is not being reapplied for or reassessed through this request. The responsible entity is Townsville City Council.

The Change (Other) request is confined to deleting the approved swimming pool and associated pool surrounds and introducing an additional land-use component described by Council as a Shop: a small-scale, appointment-only massage and personal wellness room. The directly associated site-layout, access-pathway, car-parking, signage and servicing changes are also included. The building is anticipated to be Class 6; the final building classification will be determined by the building certifier.

2. Site and approval details

Matter	Detail
Street address	32 Sooning Street, Nelly Bay QLD 4819
Real property description	Lot 4 on SP335558
Site area	Approximately 1,016 m2 as recorded on the approved plans
Zone	Low Density Residential Zone
Precinct	Magnetic Island Low Density Precinct
Existing approval	MCU25/0039 - Short-term accommodation (four bedrooms)
Original decision	27 November 2025
Negotiated decision	5 May 2026; amended notice dated 2 June 2026
Existing parking condition	Minimum five on-site spaces, including accessible parking if required
Existing infrastructure charge	ICN-002108: \$15,491.61 at notice date, subject to statutory indexation/payment provisions

3. Description of proposed change

The proposed amendments are:

- delete the approved swimming pool and associated tiled/pool-surround area from the approved layout;
- construct a detached massage and personal wellness room with external wall dimensions of 6.0 m by 4.0 m (24 m2), with 600 mm roof eaves on all sides and an overall roof footprint of approximately 7.2 m by 5.2 m, subject to the final proposal plans; the approximate internal workable dimensions are 5.8 m by 3.8 m, subject to final wall construction and certified drawings;
- establish a small-scale Shop use within that building for appointment-only massage and personal wellness services;

- provide one additional on-site parking space for the new use;
- adjust the pedestrian pathway northwards, towards the driveway, to accommodate the amended parking arrangement; and
- retain all other approved development under MCU25/0039, including the approved four-bedroom short-term accommodation, unchanged and outside the scope of this Change (Other) request.

4. Operational characteristics

Characteristic	Proposed control
Operator	One nominated operator/practitioner responsible for compliance with this plan
Staff	One practitioner on site
Bookings	All appointments pre-booked online; no walk-in customers
Client numbers	Generally one client at a time; maximum two clients when coming together for a pre-booked treatment
Appointments	May vary with appointment length; occupancy remains limited to one practitioner and no more than two clients at one time
Hours	9:00 am to 6:00 pm
Services	Massage and related personal wellness services. The use is not described as a medical or health care service
Site access	Clients receive a private security access code before arrival or are greeted by the practitioner at the main front gate
Parking	One additional on-site space allocated to the new use
Deliveries	Infrequent small deliveries during daytime hours; no routine heavy-vehicle servicing
Noise	Quiet indoor treatments; no amplified entertainment; doors/windows managed to protect neighbours

5. Planning framework

Council has directed that the request be made as a Change (Other), because the massage and personal wellness room introduces a new Shop use to the approved development. Assessment is confined to the effects of deleting the approved pool, adding the Shop component and making the directly associated site-layout, parking, access, signage and servicing changes. The already-approved four-bedroom short-term accommodation is not part of this change request and remains unchanged.

The site remains within the Low Density Residential Zone and Magnetic Island Low Density Precinct. The existing approval was impact assessable and Council has advised that this Change (Other) request will require public notification. The notified change is the removal of the pool and addition of the Shop component with its directly associated works; it is not a new application for the approved accommodation.

6. Assessment against relevant benchmarks

6.1 Low Density Residential Zone Code

The proposal is modest in building scale and operating intensity. The enclosed building has external wall dimensions of 6.0 m by 4.0 m (24 m²), with 600 mm roof eaves on all sides and an overall roof footprint of approximately 7.2 m by 5.2 m. It is subordinate to the approved development and is intended to read as a small ancillary-scale building within the landscaped site. Appointment controls, low client numbers and daytime hours limit traffic, noise and activity. The use will not operate as unrestricted retail premises and will not involve walk-in trade.

The proposed change maintains residential amenity through controlled bookings, on-site parking, quiet indoor activity, appropriate setbacks, landscaping and screening. Final compliance with building height, setbacks and site layout will be demonstrated by the amended plans.

6.2 Transport impact, access and parking

Council has advised that one additional parking space is required for the massage and personal wellness room. The amended plans will identify and number all spaces, show the additional space north of the existing parking area, relocate the pathway towards the driveway and demonstrate safe on-site manoeuvring and forward exit.

The massage use will generate a very low number of vehicle movements because it is appointment only, generally serves one client and serves no more than two clients at one time when coming together for a pre-booked treatment. Bookings will include parking and arrival instructions so clients use the nominated on-site space and do not obstruct access or rely on adjoining properties.

6.3 Healthy waters and stormwater

The pool and pool surrounds are removed from the proposal. Stormwater from the new roof and amended hardstand areas will be lawfully managed in accordance with the existing approval and Council requirements. No building, structure, fill, permanent landscaping or alteration of ground levels is proposed within Easement C. The easement will remain unobstructed for drainage and Council access.

6.4 Works and infrastructure servicing

The proposed WC will connect to Council's reticulated sewerage network. The building will also be connected to lawful water, electricity and telecommunications infrastructure as required. All necessary plumbing and drainage approvals will be obtained before works commence. Waste generated by the operation will be minor and comparable to a small appointment-based service business, using the approved on-site refuse arrangements.

6.5 Landscaping, visual character and privacy

The amended layout will retain landscaping and screening consistent with the existing approval except where minor adjustment is required for the new building, parking space and pathway. The single-storey building will use materials, roof form and colours compatible with the approved development. Treatment rooms will be arranged and screened to preserve client privacy and neighbouring residential amenity.

6.6 Noise, lighting and amenity

Massage and personal wellness services are inherently low-noise activities and will occur indoors. There will be no amplified entertainment. External lighting will be limited to safe access lighting and designed to avoid glare or spill to neighbouring properties, consistent with the existing approval.

6.7 Proposed wall sign

The application includes one non-illuminated, weatherproof sign measuring 800 mm high by 1,160 mm wide, with a total sign-face area of 0.928 m². The sign will be placed on the front fence at the property boundary near the main front gate. It will remain under 1 m² and will be designed, installed and maintained in accordance with all applicable legal and Council requirements. Its purpose is to identify the lawful appointment-only use operating from the premises.

The sign is below 1 m² and will not obstruct access, sightlines or vehicle manoeuvring. Its restrained size and fence-mounted form are intended to preserve the residential streetscape. The amended site plan/elevation will show its exact position on the front fence at the property boundary, its mounting height and its relationship to the main front gate. The sign is included in this application and will meet all applicable legal and Council requirements.

6.8 Natural-hazard overlays

The original approval considered the applicable airport environs, bushfire and flood hazard overlays. The proposed change is confined to the established development site. Final siting, floor levels, construction and servicing will comply with applicable approval conditions, building requirements and any overlay-specific requirements identified by Council.

6.9 Infrastructure charges

Any infrastructure charge arising from the proposed Shop use is to be determined by Council. The applicants request Council's confirmation of the applicable gross floor area, including whether the chargeable area is calculated using internal or external building measurements and whether the bathroom or other building-services areas are excluded, or whether only the working area of the massage and personal wellness room is counted. Any applicable location factor, credits, indexation, payment timing and final charge are also to be confirmed by Council in an amended Infrastructure Charges Notice.

7. Public interest and planning merits

The proposed change provides a small-scale wellness service for visitors and the local community while maintaining the low-intensity character of the site. The operating model avoids spontaneous customer traffic, controls attendance and provides the additional parking requested by Council. Removing the pool offsets part of the physical change to the approved layout and avoids pool-related activity and noise.

8. Conclusion

The proposed change is limited, clearly managed and capable of operating without unreasonable impacts on residential amenity, traffic, parking, servicing or the functioning of Easement C. Subject to the final amended plans and the operational commitments in this report, the applicants respectfully request approval of the Change (Other) to MCU25/0039.

Part C - Operational Management Plan

1. Purpose

This Operational Management Plan governs only the small-scale, appointment-only massage and personal wellness room (Shop use) proposed at 32 Sooning Street, Nelly Bay. It does not govern or amend the already-approved four-bedroom short-term accommodation. It is intended to ensure the Shop use remains limited in scale and compatible with the amenity of surrounding residential properties.

2. Mandatory operating controls

- The premises will operate by confirmed appointment only. No walk-in trade is permitted.
- Only the nominated practitioner and booked clients may attend the massage and personal wellness room.
- Massage/wellness room operating hours: 9:00 am to 6:00 pm.
- No more than two clients coming together for a pre-booked treatment and one practitioner will be on site for the massage and personal wellness Shop use at any one time.
- Clients will receive a private security access code before arrival or will be personally greeted by the practitioner at the main front gate; members of the public cannot enter for walk-in enquiries.
- Clients will receive arrival, parking and departure instructions before attending.
- Treatments will occur indoors. Outdoor areas will not be used for noisy activities or amplified entertainment.
- Appointments will be scheduled with sufficient separation to prevent client overlap and congestion.
- The operator will maintain a booking record sufficient to demonstrate compliance if reasonably requested by Council.

3. Parking and arrivals

The additional parking space shown on the approved amended site plan will be reserved for the massage and personal wellness Shop use when required. Clients will be directed to the nominated space. Access ways, turning areas, pedestrian paths and Easement C will remain unobstructed. Vehicles will be able to leave the site in forward gear in accordance with the approved layout.

4. Waste, deliveries and servicing

The use will generate only small quantities of general and recyclable waste. Waste will be stored within the approved bin area and collected through the approved service. Deliveries will be infrequent, undertaken by standard light vehicles and scheduled during permitted daytime periods. No heavy-vehicle servicing is required for the massage and personal wellness operation.

5. Complaints and review

The operator will maintain a contact number for operational concerns. Any substantiated complaint relating to parking, noise, lighting or client behaviour will be recorded, investigated promptly and addressed through booking instructions or operating procedures. This plan will be reviewed if Council identifies a recurring compliance concern.

Part D - Staging statement

The applicants propose to deliver the development progressively. Stage 1 comprises the proposed massage and personal wellness Shop component, one additional parking space, the amended pedestrian pathway, signage and servicing. All remaining components are already approved under MCU25/0039, remain unchanged by this application and may be delivered later in accordance with that existing approval and relevant permits.

Stage	Works
Stage 1	Massage and personal wellness room (Shop use); one additional parking space; amended pedestrian pathway; signage and servicing.
Existing approved development (outside this application)	All remaining components approved under MCU25/0039, including the four-bedroom short-term accommodation, remain unchanged and may proceed later under the existing approval.
Deleted component	Swimming pool and associated pool surrounds permanently removed from the approved development.

Each stage will provide the infrastructure, access, parking, stormwater, waste and safety measures required for that stage to operate independently and lawfully. Staging will not obstruct Easement C or compromise vehicle manoeuvring, pedestrian access or compliance with the conditions of MCU25/0039.

Part E - Planning Act Form 5 application information

Form topic	Application information
Applicant names	Dominique Battensby and Damian Battensby
Applicant contact	Applicant contact details are provided on the prescribed Form 5.
Premises	32 Sooning Street, Nelly Bay QLD 4819; Lot 4 on SP335558
Approval to be changed	MCU25/0039 - existing Development Permit for Material Change of Use - Short-term accommodation (4 bedrooms). The approved accommodation remains unchanged.
Responsible entity	Townsville City Council
Nature of request	Change (Other) under section 78 of the Planning Act 2016
Description of change	Permanently delete the approved swimming pool and pool surrounds; introduce a small-scale, appointment-only massage and personal wellness room (Shop use) with 6.0 m x 4.0 m external wall dimensions, 600 mm roof eaves on all sides and an overall roof footprint of approximately 7.2 m x 5.2 m; provide one additional parking space; amend the pathway and site layout; and include one non-illuminated 800 mm x 1,160 mm sign on the front fence at the property boundary near the main front gate. All other approved development, including the four-bedroom short-term accommodation, remains unchanged and is outside the scope of this request.
Owner consent	The applicants are the registered landowners. Owner consent is included where required by the prescribed form.
Referral agencies	No referral agency was identified for the existing approval. Any referral requirement for this change is to be determined by Council.
Public notification	Council has advised public notification is required. Follow Council's confirmation notice and do not commence early.
Attachments	Planning report, Operational Management Plan, amended site/floor/elevation plans, parking layout, staging material and owner consent if applicable.

Source documents reviewed

- MCU25/0039 - Amended Negotiated Decision Notice dated 2 June 2026.
- MCU25/0039 - Approved Plans - Negotiated Decision.
- MCU25/0039 - Amended Report dated September 2025.
- MCU25/0039 - Council Information Request dated 14 July 2025.
- MCU25/0039 - Applicant response to Information Request and amended plans/report.
- Updated MCU25/0039 DA Form 1.

- Infrastructure Charges Notice ICN-002108.
- Council email advice regarding the proposed Change (Other), required material, parking, notification and infrastructure charges.

