

4<sup>th</sup> October 2018

The Manager,  
Planning Services,  
Douglas Shire Council  
P.O. Box 723  
Mossman Q 4873

Dear Sir/Madam,

**RE: CHANGE APPLICATION FOR – DWELLING HOUSE ON  
LOT 189, RP 738148, 278 BLOODWOOD ROAD, COW BAY  
for P. LOVE & S. MASON.**

The above property was purchased with an existing development approval, and the current owners subsequently applied for and received an extension of approval period to 12 February 2019.

The owners have a preference for a very different style of building to the original development approval and now make a request to change the original approval, together with an extension of the relevant period by a further 2 years to allow adequate time for structural plan preparation, approvals and building construction. The plan preparation process is under way, and the building process will commence as soon as practical. But due to the impending wet season and preference to construct the dwelling as an owner-builder, a February 2019 completion time is highly unlikely.

Please see attached the original decision notice, and an amended plan set. Also note the owner's preference for the dwelling to be set further into the property to enhance their privacy. The Site Plan also shows an approved and proposed building footprint comparison. Preferred building colours are mid green for the roof and mid green for the building walls.

Yours Faithfully,



Greg Skyring

# 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

<b>1) Applicant details</b>	
Applicant name(s) (individual or company full name)	Peter Love and Sarah Mason
Contact name (only applicable for companies)	Greg Skyring
Postal address (P.O. Box or street address)	11 Noli Close
Suburb	Mossman
State	Qld
Postcode	4873
Country	Aust
Email address (non-mandatory)	greg@skyringdesign.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

<b>2) Owner's consent - Is written consent of the owner required for this change application?</b>	
<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

<b>3) Location of the premises (complete 3.1 or 3.2, and 3.3) as applicable)</b>				
<b>3.1) Street address and lot on plan</b>				
<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
			Bloodwood Road	Cow Bay
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		189	RP738148	Douglas
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)
<b>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)</b>				
<b>Note:</b> Place each set of coordinates in a separate				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)		Latitude(s)		Datum
				<input type="checkbox"/> WGS84
				<input type="checkbox"/> GDA94
				<input type="checkbox"/> Other:
<input type="checkbox"/> Coordinates of premises by easting and northing				



**Queensland  
Government**

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 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

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	8/7/1525	13/09/2013	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):

Significantly altered dwelling house, new shed

### 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? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

**Note:** to complete this part it will be necessary for you to complete parts of DA Form 1 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 receipted form sighted by assessment manager	
Name of officer who sighted the form	

**ENQUIRIES:** Michelle Henderson  
**PHONE:** (07) 4099 9457  
**FAX:** (07) 4044 3836  
**YOUR REF:**  
**OUR REF:** 8/7/1525 (4121127)

13 September 2013

S Mason & P Love  
13 Cadell St  
DEEPWATER NSW 2371

Dear Sir/Madam

**DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:  
DEVELOPMENT APPLICATION FOR BLOODWOOD ROAD COW BAY**

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 13 September 2013, please find attached the relevant Decision Notice.

Please note that this Development Permit is now valid up to and including 12 February 2019. All conditions of the Decision Notice dated 12 February 2010 remain unchanged (Appendix 1)

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

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Services Team on telephone number (07) 4099 9457.

Yours faithfully

Graham Boyd  
Manager Development & Regulatory Services

**Att.**

## APPENDIX 1: ORIGINAL DECISION NOTICE



Douglas Iconic Panel

### Decision Notice APPROVAL

*Sustainable Planning Act 2009 S 802 and Integrated Planning Act 1997 S 3.5.15*

Our Ref: Meeting 41 Item 6.3 12 February 2010  
Council Ref: 8/7/1525

12 February 2010

Mrs Edith Burgess  
PO Box 173  
HALLIDAYS POINT NSW 2430

Dear Mrs Burgess

**Re Decision of the Douglas Iconic Panel**

**Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148**

I wish to advise that, on 12 February 2010, the above development application was approved in full, subject to conditions.

The conditions relevant to this approval are attached.

Should you have any queries, please contact Ms Joanne Manson, Planner, Far North Queensland Division, Department of Infrastructure and Planning, on (07) 4039 8859.

Yours sincerely

A handwritten signature in blue ink, appearing to read "B. Thrower".

Ben Thrower  
Project Manager  
Douglas Iconic Panel

cc: Mr Simon Clarke  
Manager Development Assessment Services

Douglas Iconic Panel  
PO Box 5194  
Cairns Qld 4870  
Telephone +61 7 4039 8859  
Facsimile +61 7 4039 8866  
Website [www.dip.qld.gov.au](http://www.dip.qld.gov.au)  
E: [douglas.panel@dip.qld.gov.au](mailto:douglas.panel@dip.qld.gov.au)

**Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148**

**DETAILS OF THE APPROVAL**

The following type of approval has been issued.

	Development Permit	Preliminary Approval
<ul style="list-style-type: none"><li>• <b>Material change of use</b> made assessable by the planning scheme</li></ul>	✓	

**THE RELEVANT PERIOD FOR THE APPROVAL**

The relevant periods stated in section 3.5.21 of the *Integrated Planning Act 1997* apply to each aspect of development in this approval, as outlined below:

- Material change of use – 4 years

If there is 1 or more subsequent related approvals for a development approval for a material change of use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

**OTHER NECESSARY DEVELOPMENT PERMITS**

Listed below are other development permits that are necessary to allow the development to be carried out –

- Development Permit for Building Work
- Development Permit for Plumbing Works

**Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148**

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

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

Drawing or Document	Reference	Date
Site Plan	0906 1.1	2/12/09
Ground Floor Plan	2	25/05/04
Upper Floor and Roof Plan	3	25/05/04
Elevations	4	25/05/04
Elevations	5	25/05/04
Sections A, B	6	25/05/04
Sections C, D	7	25/05/04

**ASSESSMENT MANAGER CONDITIONS**

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

Except where modified by these conditions of approval

**Timing of Effect**

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

**Amendment to Design**

3. The proposed development must be amended to accommodate the following changes:
  - a) A clearing envelope of a maximum of 700 m<sup>2</sup> which includes the on-site effluent disposal system. The clearing envelope must also include a minimum distance of 3 metres from the building footprint;
  - b) A driveway with a maximum width of 4 metres;
  - c) A turning and parking area reduced to 6 metre wide adjacent to the proposed carports.

**Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148**

Details of the above amendments must be endorsed by the Cairns Regional Council's Chief Executive Officer prior to issue of a Development Permit for Building Work.

**Water Supply**

4. Water storage tank(s) with a minimum capacity not less than 30,000 litres, and must be installed prior to occupation of the premises. Details of the water tank(s) must be shown on plans submitted with the building application. Such water tanks must be provided with:
  - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
  - b. Flap valve at every opening of the tank or other receptacle; or
  - c. Other approved means for preventing the ingress or egress of mosquitoes; and
  - d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40cm; and
  - e. The water tank(s) shall be fitted with a 50mm ball valve with a camlock fitting.
5. A maximum of one bore can be used on the site
6. No bore should be located within 100 meters from a septic disposal trench or from another bore.

**Vegetation Clearing**

7. Existing vegetation on the subject land must be retained. Any clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management.
8. All structures and works including the on-site Effluent Disposal System must be contained within the cleared area.

#### **Sediment and Erosion Control**

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

#### **On-site Effluent Disposal**

10. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by Cairns Regional Council's Chief Executive Officer prior to the issue of a Development Permit for Building Work. The on-site effluent disposal must be included within the clearing envelope.

#### **Generators**

11. All power generation devices are to be positioned and housed (including noise attenuation material) so as to mitigate noise nuisance to adjoining and nearby residents.

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#### **Fuel Storage**

12. All fuels must be stored in an undercover and secure location at all times.

#### **Building Colours**

13. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown.

The following proposed building colours are approved for use:

Exterior Walls – Oyster Linen ( Dulux)  
Roof – Jasper (Colourbond)

The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

#### **Water Saving**

14. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

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**Landscaping**

15. All landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

A Landscape Plan nominating the species and location of trees and shrubs to be planted must be endorsed by Cairns Regional Council's Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. The landscape plan does not need to be professionally drawn but does need to be of a standard which clearly illustrates those areas to be planted.

**House**

16. The lot must not contain more than one House and such House is to be occupied by one household.

**FURTHER ADVICE**

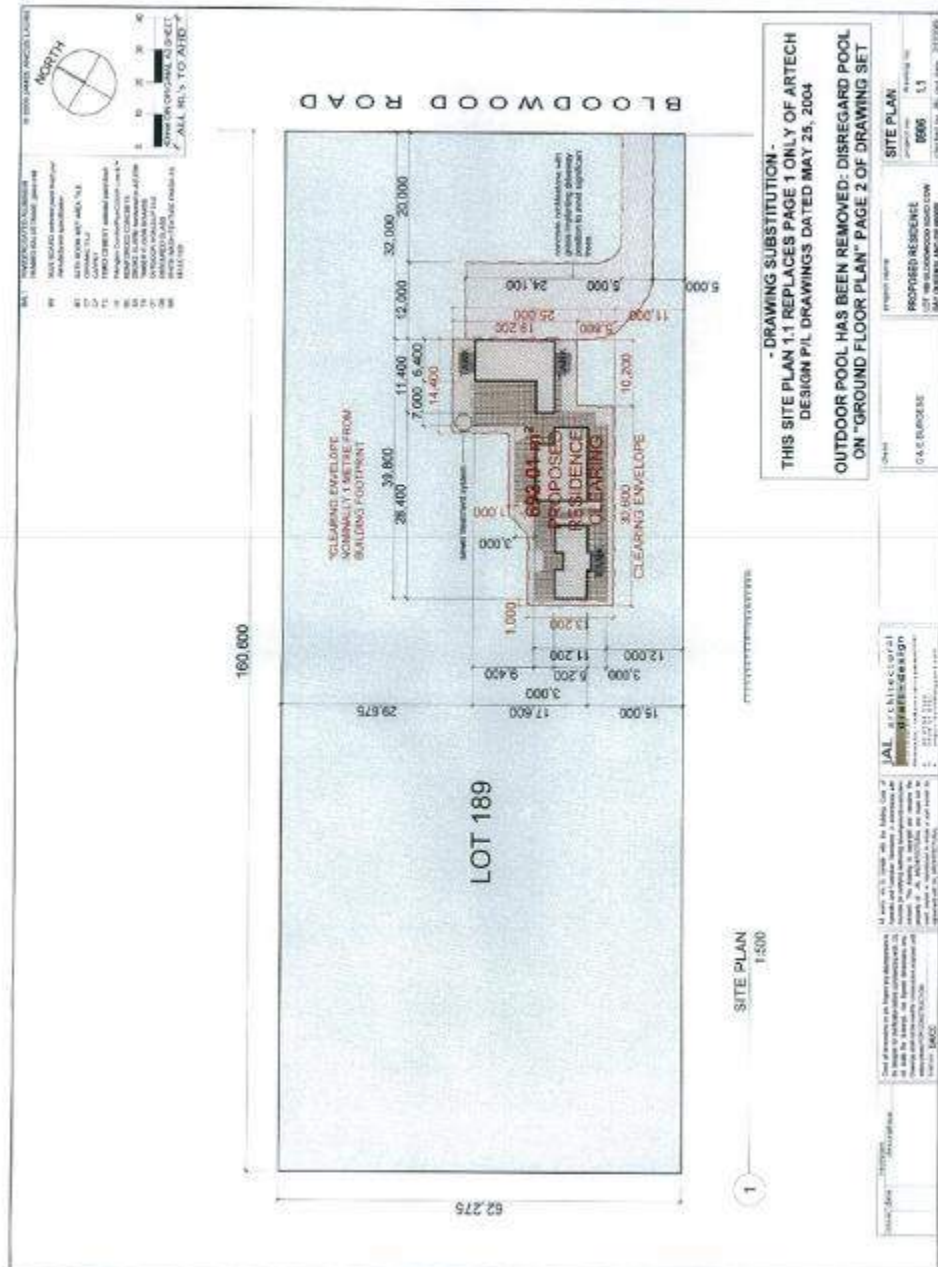
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 1997*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Cairns Regional Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. An Ecoaccess Approval under the *Nature Conservation Act 1992* is required prior to any clearing of vegetation as plant species protected under this act are present in the areas proposed for clearing.
5. For information relating to the *Integrated Planning Act 1997* log on to [www.ipa.qld.gov.au](http://www.ipa.qld.gov.au). To access Council's Development Manual, Local Laws and other applicable Policies log on to [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

**RIGHTS OF APPEAL**

Attached

**End of Decision Notice**

## APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)



Swimming pool deleted

GROUND FLOOR PLAN  
PROPOSED RESIDENCE FOR C & E BURGESS  
LOT 189 - BLOODWOOD ROAD, COW BAY, D.P. 600030

ARTTECH DESIGN  
ARCHITECTS  
11/11/2004

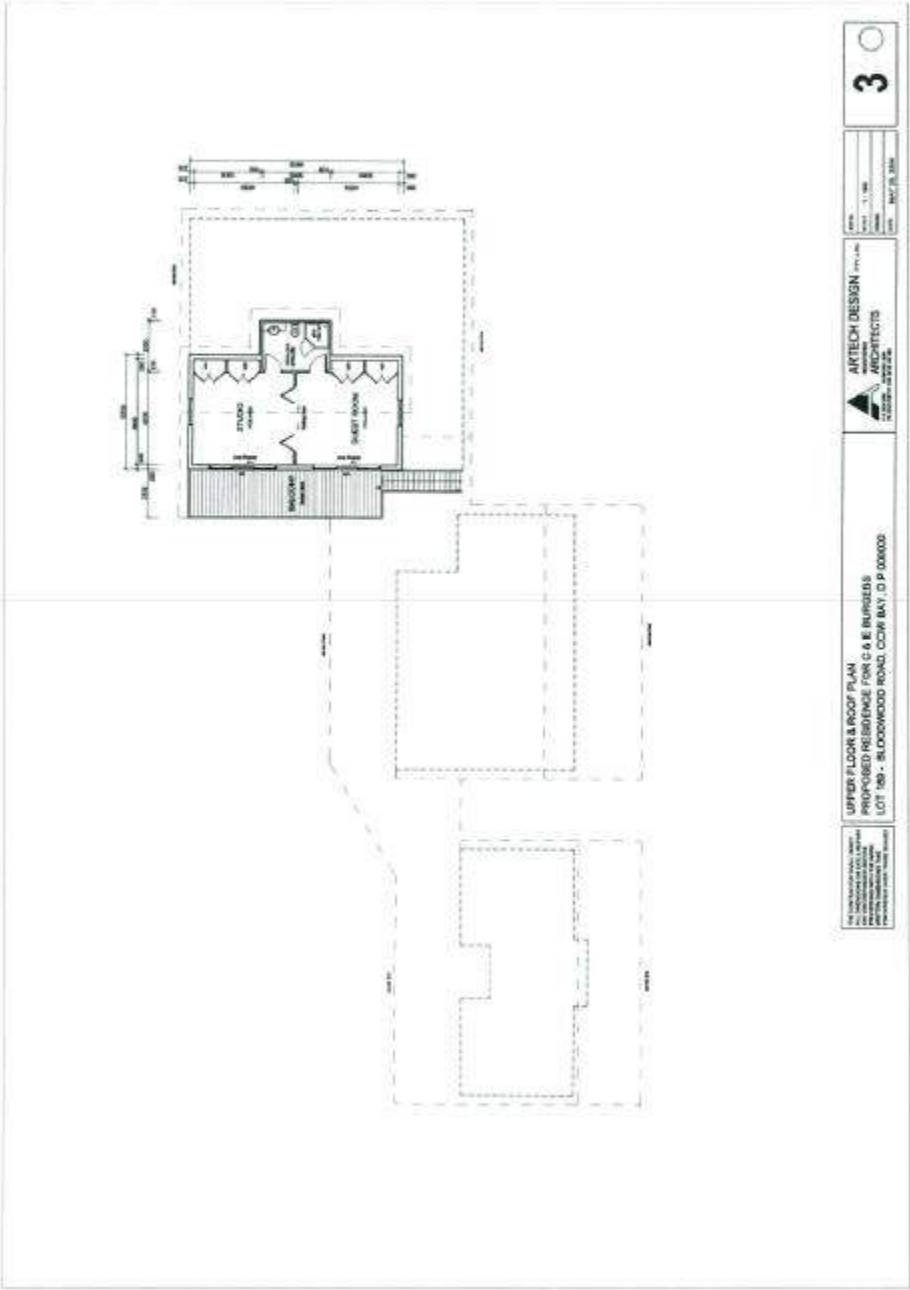
1 100  
2 100  
3 100  
4 100

ARTTECH DESIGN  
ARCHITECTS  
11/11/2004

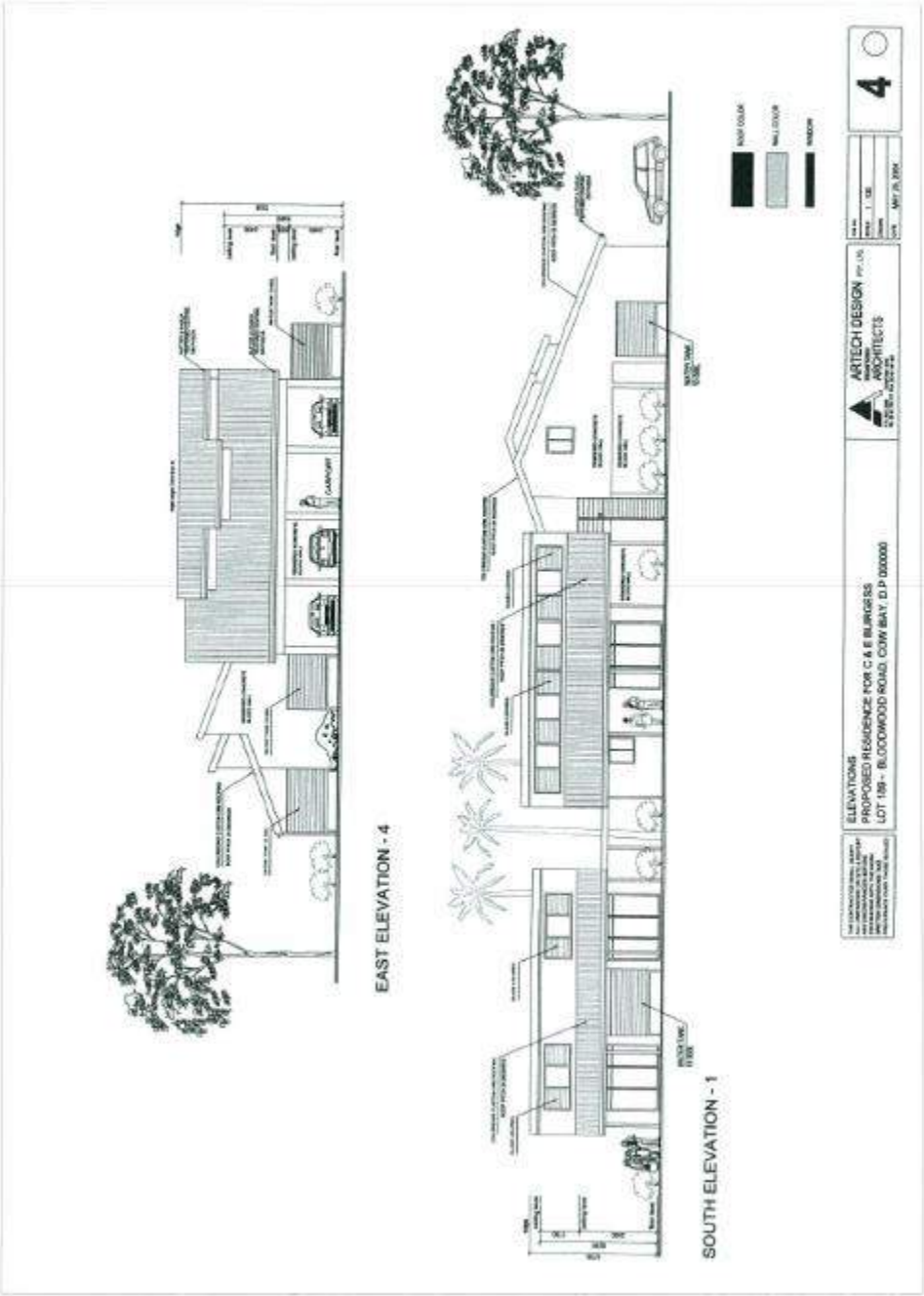
GROUND FLOOR PLAN  
PROPOSED RESIDENCE FOR C & E BURGESS  
LOT 189 - BLOODWOOD ROAD, COW BAY, D.P. 600030

Also, remember to use  
these tips when shopping  
for your next car. You  
may find a great deal on  
a new car at a dealership  
or a car lot. But don't  
forget to check out the  
used car market too.

Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148



Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148

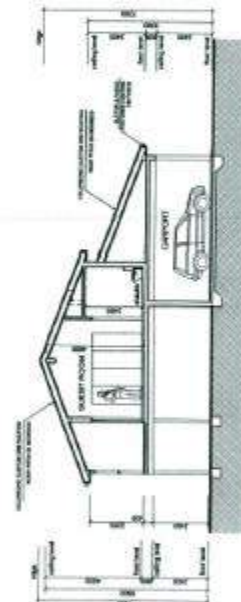




Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148



SECTION A-A



SECTION B-B

NOT TO SCALE  
FOR INFORMATION ONLY  
DO NOT CONSIDER THIS AS A  
PERMIT TO CONSTRUCT  
OR TO OBTAIN A DEVELOPMENT  
PERMIT

SECTIONS A, B  
PROPOSED RESIDENCE FOR C & E BURGE SS  
LOT 189 - BLOODWOOD ROAD, COW BAY, ID P 000005

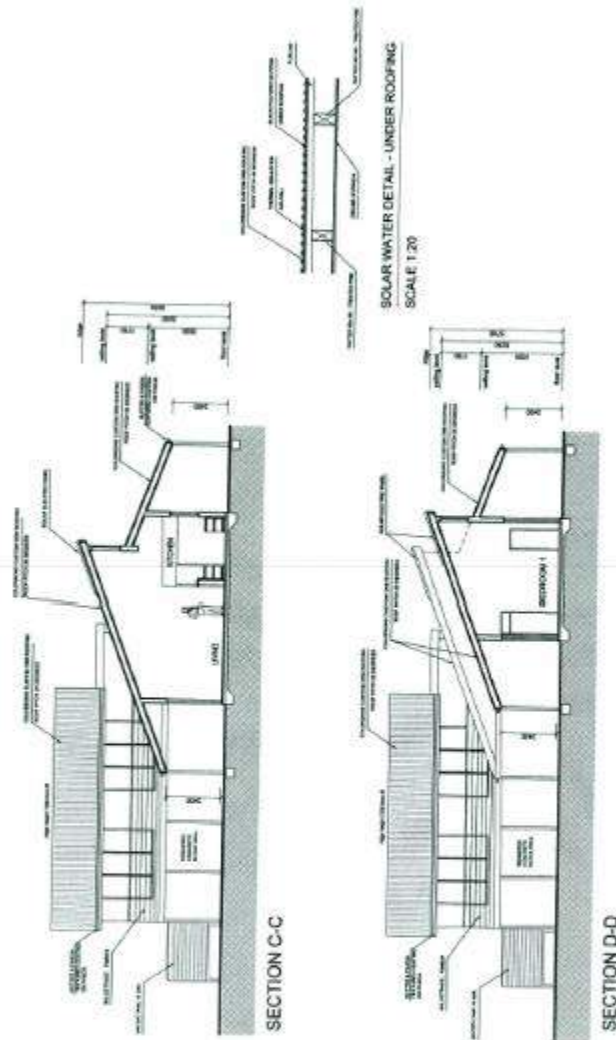


ARTECH DESIGN  
ARCHITECTS

1000  
1000  
1000  
1000

6

Decision Notice – Approval for a Development Application seeking a Development Permit for a Code Assessable Material Change of Use (House) on land at Bloodwood Road, Cow Bay, Oak Beach, described as Lot 189 on RP738148



<p>THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED AND IS NOT TO BE RELEASED TO THE PUBLIC WITHOUT THE WRITTEN AUTHORIZATION OF THE ARCHITECT.</p>	
<p>SECTIONS C, D PROPOSED RESIDENCE FOR C &amp; E SURGEON LOT 189 - BLOODWOOD ROAD, COW BAY, D.P. 000000</p>	
<p>ARTTECH DESIGN ARCHITECTS 10/100, BLOODWOOD ROAD, COW BAY, OAK BEACH, TASMANIA 7243 TEL: 03 6338 1111 FAX: 03 6338 1112 WWW.ARTTECHDESIGN.COM.AU</p>	<p>DATE: 1 MAR 2024 DRAWN: 1 MAR 2024 CHECKED: 1 MAR 2024 SCALE: 1:20</p>

**54 Provision about appeals against decision**

- (1) This section applies for any appeal relating to the application under the Integrated Planning Act, sections 4.1.27 to 4.1.29.
- (2) Despite the Integrated Planning Act, section 4.1.43, the State, as represented by the panel, is the respondent for the appeal.
- (3) The local government may appeal to the court as if it had been a submitter for the application.

[s 4.1.28]

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#### **4.1.28 Appeals by submitters—general**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision under section 3.5.14 or 3.5.14A; or
  - (b) for an application processed under section 6.1.28(2)—the part of the approval about the aspects of the development that would have required public notification under the repealed Act.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 3.5.21 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 3.5.19(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

#### **4.1.28A Additional and extended appeal rights for submitters for particular development applications**

- (1) This section applies to a development application to which chapter 5, part 8A applies.

[s 4.1.30]

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- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 3.5.19(1)(b)(ii), the advice agency may not appeal the decision.

**4.1.30 Appeals for matters arising after approval given (co-respondents)**

- (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice—
  - (a) a notice giving a decision on a request for an extension of a period mentioned in section 3.5.21;
  - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.
- (4) Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.
- (5) An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

[s 4.1.32]

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- (3) Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

#### **4.1.32 Appeals against enforcement notices**

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

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#### **4.1.33 Stay of operation of enforcement notice**

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
  - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
  - (b) the appeal is withdrawn; or
  - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
  - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
  - (b) stopping the demolition of a work; or
  - (c) clearing vegetation on freehold land; or
  - (d) the removal of quarry material allocated under the *Water Act 2000*; or
  - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or

[s 4.1.35]

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- (a) the decision; or
  - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
  - (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **4.1.35 Appeals against decisions on requests to acquire designated land under hardship**

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 2.6.19, may appeal to the court against—
  - (a) the decision; or
  - (b) a deemed refusal of the request.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **4.1.36 Appeals about particular infrastructure charges**

- (1) This section applies to a person who has been given, and is dissatisfied with, an infrastructure charges notice or a regulated State infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) The appeal must be started within 20 business days after—
  - (a) if the notice is given because of a development approval or master plan approval—the day the applicant is given notice of the decision about the approval; or

## **Division 10      Making an appeal to court**

### **4.1.39 How appeals to the court are started**

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

### **4.1.41 Notice of appeal to other parties (div 8)**

- (1) An appellant under division 8 must give written notice of the appeal to—
  - (a) if the appellant is an applicant—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any concurrence agency; and
    - (iv) any principal submitter whose submission has not been withdrawn; and
    - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
  - (b) if the appellant is a submitter or an advice agency whose response to the development application is treated as a submission for an appeal—
    - (i) the chief executive; and
    - (ii) the assessment manager; and
    - (iii) any referral agency; and
    - (iv) the applicant; or

[s 4.1.43]

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- (c) if the appeal is under section 4.1.33A—the entity that made the decision about the application to change the conditions; or
  - (d) if the appeal is under section 4.1.33B—the local government; or
  - (e) if the appeal is under section 4.1.36—the entity that gave the notice the subject of the appeal; or
  - (f) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or
  - (g) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
  - (h) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
  - (i) if the appellant is a party to a proceeding decided by a tribunal—the other party to the proceeding.
- (2) The notice must state the grounds of the appeal.

**4.1.43 Respondent and co-respondents for appeals under div 8**

- (1) Subsections (2) to (8) apply for appeals under sections 4.1.27 to 4.1.29.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent to the appeal.
- (5) If the appeal is about a concurrence agency response, the concurrence agency is a co-respondent for the appeal.

[s 4.1.46]

**4.1.46 Minister entitled to be party to an appeal involving a State interest**

If the Minister is satisfied an appeal involves a State interest, the Minister may, by filing in the court a notice of election in the approved form, elect to be a party to the appeal.

**4.1.47 Lodging appeal stops certain actions**

- (1) If an appeal (other than an appeal under section 4.1.30) is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

I,

*[Insert full name.]*

as owner/s of the premises identified as follows:

L189 on RP738148,  
Bloodwood Road, Cow Bay

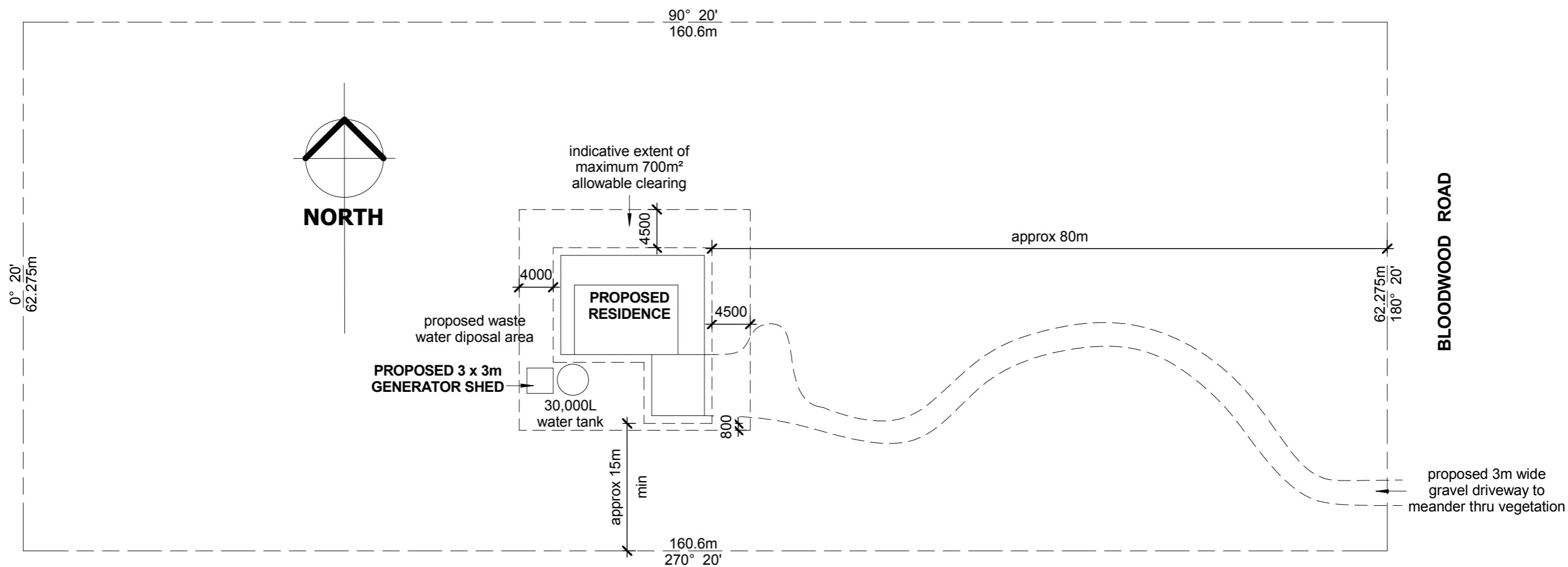
consent to the making of a development application by:

Greg Skyring Design and Drafting Pty Ltd

on the premises described above for:

Change application

*[signature of owner and  
date signed]*



1 Site Plan  
1 : 500

ORIG APPROVED TOTAL BUILDING AREA = 315m²

PROPOSED TOTAL BUILDING AREA = 239m²

**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.

Lic Under QBSA Act 1991 - No 1040371

11 Noli Close,  
Mossman Q. 4873

Phone/Fax: (07) 40982061  
Mobile: 0419212652  
Email: greg@skyringdesign.com.au

PROJECT

Proposed Dwelling,  
Lot 189 RP738148,  
Bloodwood Road,  
COW BAY

CLIENT

P. Love & S. Mason

WIND CLASS

C2

PLAN NUMBER

209-18

SHEET

1 of 4

SCALES

1 : 500

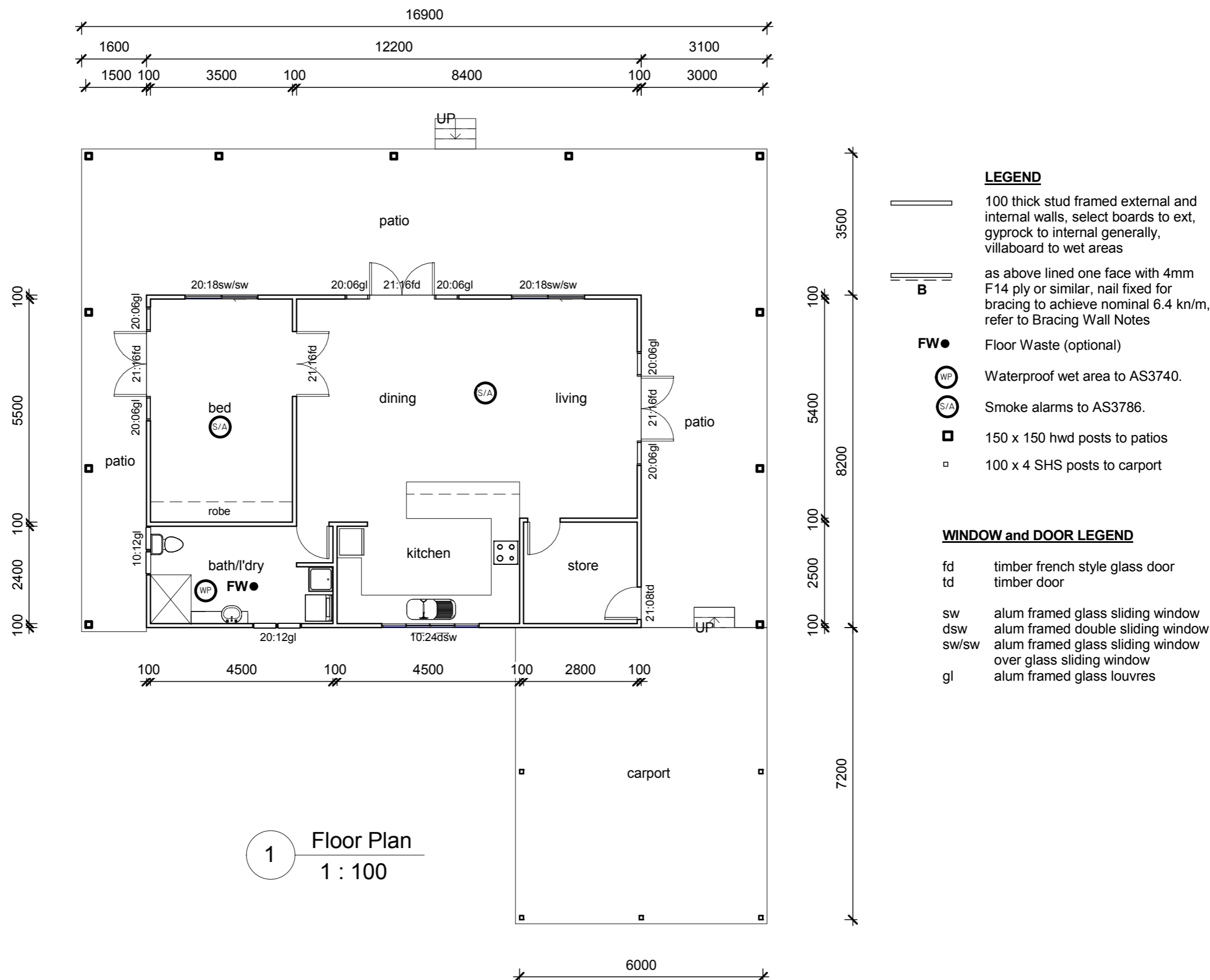
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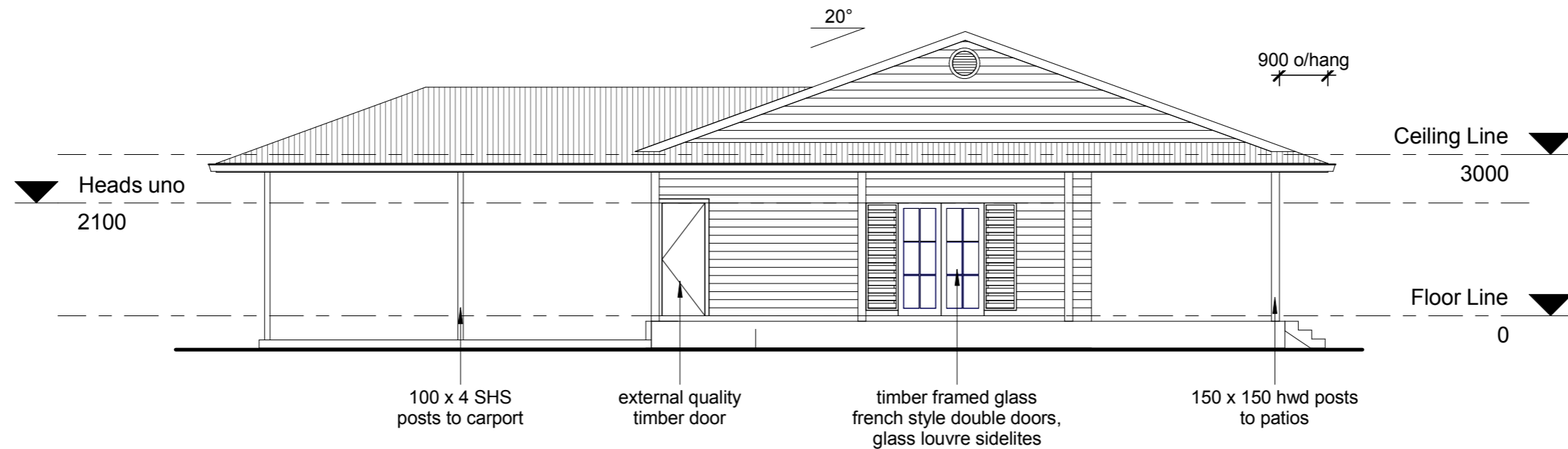
Site Plan

DATE OF ISSUE

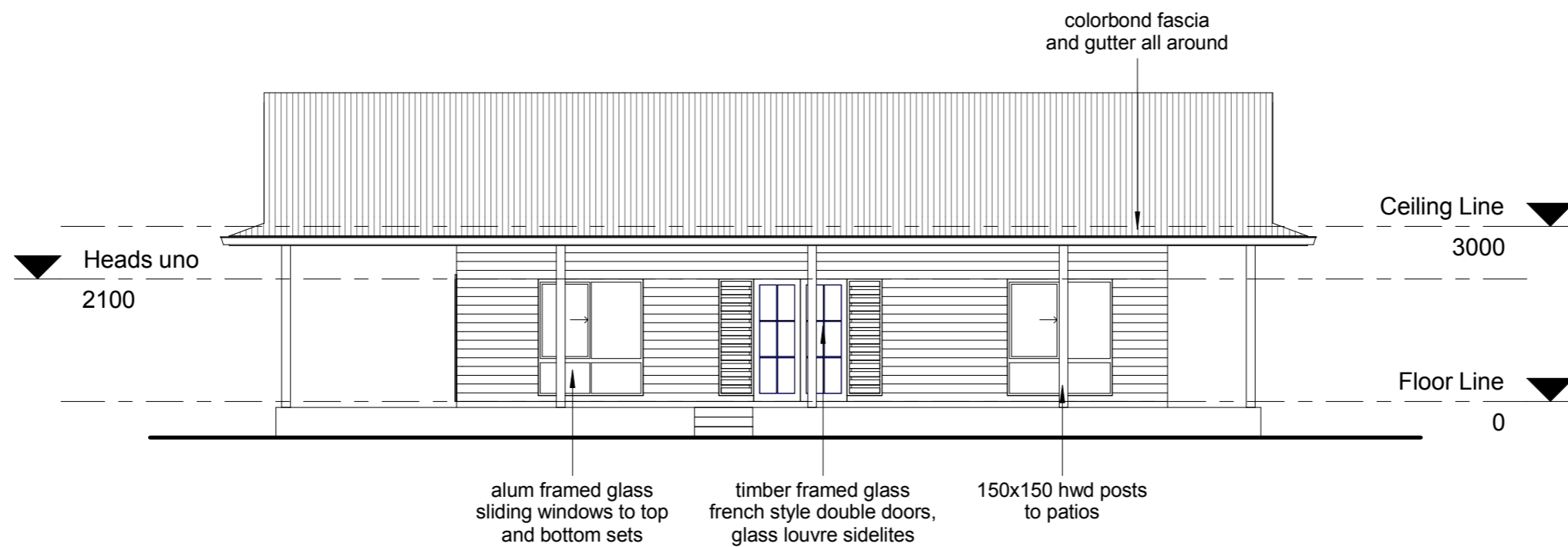
prelim  
08.10.18

REV





1 East Elevation (Front)  
1 : 100



2 North Elevation  
1 : 100

**GREG SKYRING**  
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209-18

SHEET

3 of 4

SCALES

1 : 100

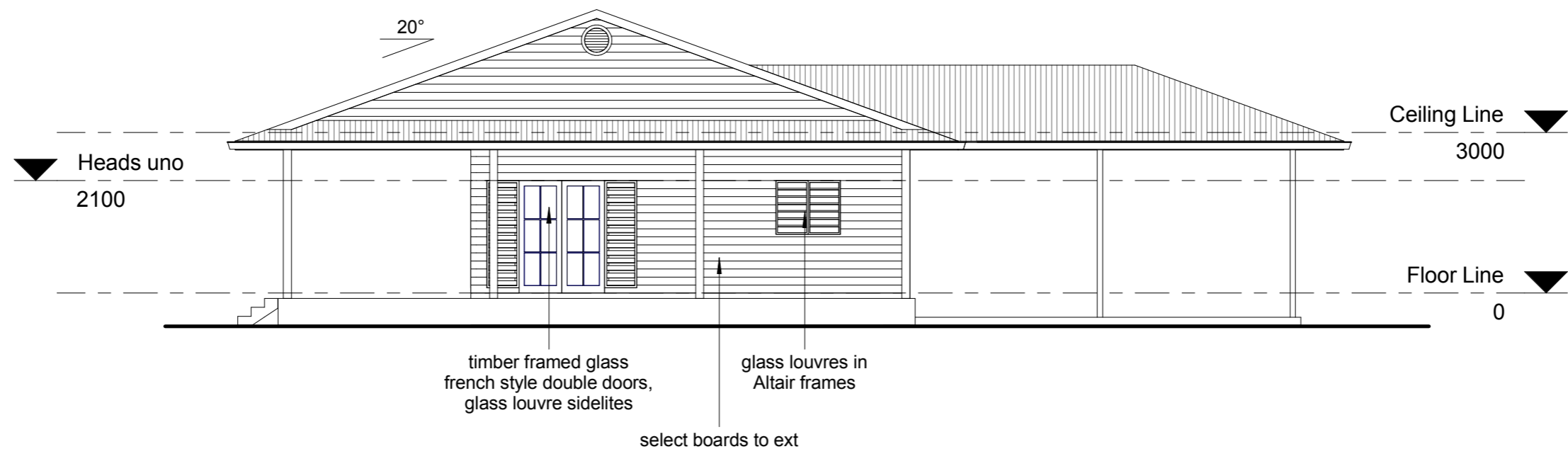
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Elevations - Sheet 1

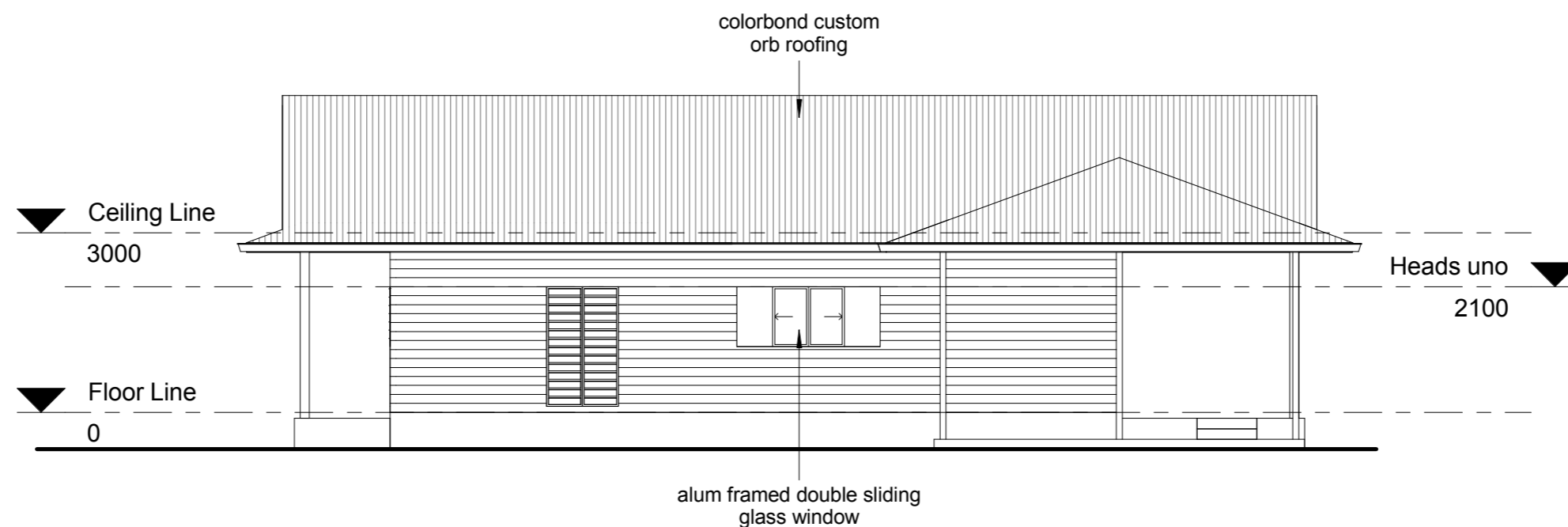
DATE OF ISSUE

prelim  
08.10.18

REV



1 West Elevation  
1 : 100



2 South Elevation  
1 : 100

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209-18

SHEET

4 of 4

SCALES

1 : 100

PLAN TITLE

Elevations - Sheet 2

DATE OF ISSUE

prelim  
08.10.18

REV