

# Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 369 of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

## 1. Who is making the request?

Name/s (Individual or company name in full)

Port Douglas Master Fishermen's Association Inc  
c/- Charles O'Neill Surveyors & Planners

For companies, contact name

Attn: Michael Tessaro

Postal address

Po Box 7027  
Cairns QLD 4870

Contact phone number

(07) 4051 6722

Mobile number (non-mandatory)

Fax number (non-mandatory)

(07) 4031 1446

e-mail address (non-mandatory)

michael.tessaro  
@oneillsurveyors.com.au



**2. What are the details of the existing approval sought to be changed?**

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	Rel SS13/2013	5/8/14	Douglas Shire Council.
<input type="checkbox"/> Preliminary approval			

**3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?**

- ☒ No  
☐ Yes—complete table A and then go to question 5

**Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate/ is operating**

**4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)**

**Table B—street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises**

- ☒ street address/lot on the plan  
☐ street address/lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
				1	SP262338	Douglas Shire Council.



**Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)**

Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	

**5. Details of the proposed change**

*Extension to relevant period*

**6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)**

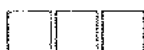
- ☐ No  
☒ Yes—complete either table D or table E as applicable

**Table D**

Name of owner of the land	<i>Port Douglas Master Fishermans Association Inc</i>
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	<i>J. Marano</i>
Date	<i>2/8/15</i>

**Table E**

Name of owner of the land	
<input type="checkbox"/> The owner's written consent is attached	



7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- ☒ No ☐ Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 254(1) must be attached.

8. Has a pre-request response notice been given for this request?

- ☒ No ☐ Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- ☐ No ☒ Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

<input checked="" type="checkbox"/> Assessment manager for the original application	Douglas Shire Council
<input checked="" type="checkbox"/> Concurrence agencies for the original application	SARA
<input type="checkbox"/> Any other entity prescribed by a regulation	

10. Provide details of any other supporting information attached to this request

See attached covr. letter.

**Notes for completing this template**

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
  - a change to an approval given by the assessment manager
  - a change to a condition imposed by a concurrence agency
  - a change to an approval given by the Minister under a Ministerial call in
  - a change to a condition imposed by the Minister under a Ministerial direction
  - a change to an approval given by the Planning and Environment Court



**Question 6:**

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
  - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
  - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
  - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
  - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
  - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land.

**Question 7:**

- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

**Question 9:**

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given to:
  - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
  - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
  - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

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**OFFICE USE ONLY**

Date received		Reference numbers	
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40-2013-5513-1



**Charles O'Neill Surveyors & Planners**

Chief Executive Officer  
Douglas Shire Council  
Front Street  
MOSSMAN QLD 4873

**Attention: Planning Department - J. Elphinstone**

Our Ref: 6978  
Your Ref: ROL 5513/2013

31 July 2015

Dear Jenny

**Re: Request to extend Relevant Period of Development Approval - ROL 5513/2013  
Lot 1 on SP262338 - Dickson Inlet, Port Douglas**

Pursuant to section 383 (1)(b) of the Sustainable Planning Act the applicant, Port Douglas Master Fisherman's Association Inc., wish to apply for an extension of the above Development Approval for a period of 6 months. In accordance with section 383(1)(a) of the Sustainable Planning Act, State Assessment Referral Agency (SARA) has been notified of the request as the Department of Environment and Heritage Protected was a Concurrence Agency to the original application.

A change of circumstances for the applicants has contributed to the inability to complete the development within the life of the approval. It is requested that conditions of approval are amended to reflect the adopted charges resolution that was passed by Council at the Special meeting held 24 June 2015.

Council's fee of \$891.95 associated with the assessment of the above request is attached.

We look forward to receipt of Council's favourable decision regarding the above request. If you have any queries or concerns regarding the above, please do not hesitate to contact this office.

Yours faithfully

Michael Tessaro  
PLANNER

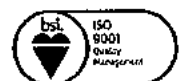
Cc: Port Douglas Master Fisherman's Association Inc.  
Encl: IDAS Template for changing approval;  
Copy of notice to SARA  
Cheque \$891.95

Cairns  
25 Grafton Street  
PO Box 7627  
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Office Locations

- Brisbane
- Mackay
- Proserpine
- Bowen
- Gold Coast

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ABN 25 604 671 374  
Trading as Charles O'Neill  
Surveyors & Planners  
an QTOC Limited Company





Charles O'Neill Surveyors & Planners

State Assessment and Referral Agency  
Department of Infrastructure, Local Government and Planning  
PO Box 2358  
CAIRNS QLD 4870

Via MyDAS

Our Ref: 6978  
Council Ref: ROL 5513/2013  
Your Ref: SDA-0614-011076

31 July 2015

Dear Sir/Madam

**Re: Request to extend Relevant Period of Development Approval  
Lot 1 on SP262338 - Dickson Inlet, Port Douglas**

In accordance with section 383(1) of the Sustainable Planning Act we are required to advise that a request has been made to Douglas Shire Council to extend the relevant period to the above development approval, as the Department of Environment and Heritage Protection was identified as being a concurrence agency to the original application.

We look forward to receiving a copy of your advice.

Yours faithfully

Michael Tessaro  
PLANNER

Cc: Port Douglas Master Fisherman's Association Inc.;  
Douglas Shire Council - J. Elphinstone  
Encl: Copy Council Decision Notice dated 8 August 2014

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