



Charles O'Neill Surveyors & Planners

Our Ref: 7082CRA-34
Your Ref: 8/13/1467

Thursday, 13 March 2014

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attn: Development & Environment – M. Henderson

Dear Michelle,

**RE: REQUEST TO EXTEND RELEVANT PERIOD
DEVELOPMENT APPLICATION 8/13/1467
LOT 11 ON SP188690 – 114-120 SOUTH ARM DRIVE, WONGA**

Pursuant to section 383 (1)(b) of the Sustainable Planning Act the applicant wishes to apply to extend the relevant period above Development Approval for a further two (2) years.

Circumstances outside the applicant's control, being the onset of the Global Financial Crisis have resulted in the fall of the local property market. An extension of the approval will allow the applicant an opportunity to release the land at a future date.

An application for the compliance assessment of SP236425 was recently lodged with Council. Upon Council granting the extension to the relevant period of the development approval, we request that the application for compliance assessment of SP236425 to be withdrawn. It would be appreciated if the application documentation and survey plan be returned to this office.

To allow the refund of the compliance assessment application fee of \$617.00 the following details are to be used;

Payee Name: B. & D.J. Craven
Payee Address: 114-120 South Arm Drive, Wonga
Payee Telephone: 4098 7588
Payee Email Address: brudaph@bigpond.com

Cairns
25 Grafton Street
PO Box 5246
Cairns Qld 4870
Phone (07) 4051 5722

Associated Offices
• Brisbane
• Mackay
• Proserpine
• Bowen

manager@oneillsurveys.com.au
www.oneillsurveys.com.au
Charles O'Neill Pty Ltd
ABN 17 583 277 073
trading as Charles O'Neill
Surveyors and Planners

DOUGLAS SHIRE COUNCIL	
Received	
File Name	ROL 3248/2009
Document No.	
17 MAR 2014	
Attention	MRH orig ✓
Information	



BSB Number: 633-00
Account Number: 147221097
Account Name: B. & D.J. Craven

Council's application fee of \$831.00 associated with the assessment of the request to extend the relevant period 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

Bc: B. & D. Craven
Enc: Cheque \$831.00;
IDAS Form - Request to change an existing approval template;



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)

Charles O'Neill Pty Ltd

For companies, contact name

Michael Tessaro

Postal address

PO Box 5246
CAIRNS QLD 4870

Contact phone number

07 4051 6722

Mobile number (non-mandatory)

Fax number (non-mandatory)

07 4031 1 446

e-mail address (non-mandatory)

manager
@ oneillsurveys.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	8/13/1467	22/3/10	Cairns Regional 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.	
				11	SP188690	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 currency 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

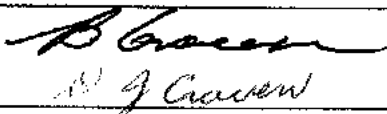
Name of owner of the land	Bruce Craven & Daphne Joan Craven
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	
Date	9/3/14

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 type="checkbox"/> Concurrence agencies for the original application	
<input type="checkbox"/> Any other entity prescribed by a regulation	

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

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.

OFFICE USE ONLY

Date received		Reference numbers	
---------------	--	-------------------	--



40,2009.3248.1

DOUGLAS

ROL 3248/2009

DEVELOPMENT ASSESSMENT – RECEIPT SHEET

APPLICATION NO: 8/13/1467 DATE: 13/3/14 RECEIPT NO: _____
 APPLICANT: Brian D. Crowley CONTACT NAME: Michael Tessaro
 ADDRESS OF APPLICANT: C/- Quarter Shire Pty Ltd Po Box 5246, Cairns, 4870
 PHONE: 4051 6722 EMAIL: michael.tessaro@quartershiresurveys.com.au
 SITE LOCATION: 114-120 South Arm Drive, Wargan
 LOT & PLAN: # Lot 11 on SP188690

RTN 1011

RECEIPT CODE	TYPE OF APPLICATION	AMOUNT PAID
1894	• Planning and Development Certificates	
1811	• Consideration of Alternative Acceptable Measure / Report to Council • Prelodgement Enquiry / Report to Council / Compliance Check for Self Assessable Development	
1852	• Application for Material Change of Use and Preliminary Approvals for Building Work – Code and Impact. • Extension of Currency Period / Reconsider Lapsed Approval for Material Change of Use • Request for Superseded Scheme application • Signage under DSC Scheme (Op Works)	
1806	• Application for Reconfiguring a Lot • Extension of Currency Period / Reconsider Lapsed Approval for Reconfiguring a Lot	\$831.00
1852/1806	Combined application (Split fee: Code: 1840 for MCU and Code: 1814 for ROL)	1840 MCU
		1814 ROL
1896	Modification or Cancellation of Application or Consent Order	
1898	Landscape Plan Assessments	
1801	• Vegetation Protection • Permit to Damage Protected Vegetation	
1818	Applications for Operational Works/Re-assessment (Excludes Signage – DSC Scheme)	
NA	Applications for Engineering Work on the Road Reserve - CAIRNS ONLY	
1816	Works/Final Works Inspections, Re-inspections	
1803	Bonds for Outstanding Works, Construction Security, Defects Liability, EPS	
1814	Endorsement of Survey Plans	
SALES		
1805	Public Notification Signs	
1807	Sale of Planning Documents (Including Hard Copies of CairnsPlan / Douglas Shire Planning Scheme)	
1809	• CDs of Cairns Plan / Douglas Shire Planning Scheme and superseded schemes • CDs - copy of application • C-Data Manipulation • CD supplied to customer <input type="checkbox"/>	
1852	Copies of Development Application,	
1811	Letter of Enquiry to determine land use history	