

Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

paid fee
29/04/14

DOUGLAS SHIRE COUNCIL	
Document No.	24 APR 2014
Information	

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)

NITROHILL P/L, TRUST FOR 'THE JOHNSON FAMILY TRUST'

For companies, contact name

IVAN GEORGE JOHNSON

Postal address

P.O. Box 926,

MOSSMAN, QLD. 4873

Contact phone number

40907656

Mobile number (non-mandatory)

Fax number (non-mandatory)

e-mail address (non-mandatory)

ivangj44@hotmail.com

@



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	8/37/4 MCU 3B 035/05	02/12/2011	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

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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.	
	RN 111	KIMBERLEY RD CAPE KIMBERLEY	4873	89	BS 7	DOUGLAS



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)
Eastings	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	

5. Details of the proposed change

EXTENSION OF RELEVANT PERIOD TO MAY 2016.

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	NITROHILL P/L TRUST FOR 'THE JOHNSON FAMILY TRUST'
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	Jean S. Johnson (PRINCIPAL TRUSTEE)
Date	23/04/2014

Table E

Name of owner of the land

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 type="checkbox"/> Assessment manager for the original application	
<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

NOTE DETAILING REASON FOR 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	
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Application for Extension of Permit to Build

Property Lot 89, BS7, Alexandra
Owner The Johnson Family Trust (Corporate Trustee, Nitrohill P/L)

Introduction

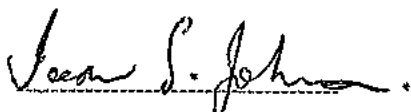
My first Application for an extension of permit was due to a divorce which depleted my investments and most of my reserves. Subsequent to the Divorce I struggled to improve my situation by investing with a Broker (P.F.G) who went bankrupt. I am currently replanting a Banana Plantation.

Discussion

Two years ago my son David (A Trustee of the Trust) decided to build the house for his retirement. He is 40 years old and a Thai Resident. He has a well paid job in offshore oil exploration. However, he hasn't had work since June 2013 due to the downturn in oil exploration. He is a casual worker and the company is using their permanent workers only at this time. He depleted the funds he had saved for the house by building a Mushroom Farm in Thailand in order to have an alternate income. As soon as work becomes available his Thai wife will run the farm.

Conclusion

'It's not all Doom and Gloom.' My Banana's will be producing some income in 2015 and we expect David will be back in the international workforce.



Ivan Johnson
(Principal Trustee)

Susanna Andrews

From: Jeff Evans <Jevans@gmacert.com.au>
Sent: Thursday, 24 April 2014 2:14 PM
To: Records
Cc: 'ivangj44@hotmail.com'
Attachments: 201404241410.tif

Jenny/Michelle/Susanna,

Re: Extension of the Relevant Period
MCU 8/37/4 or MCU 3B 035/05
Lot 89 BS7 Cape Kimberley Road, Cape Kimberley

Ivan Johnson, the owner of the above property has requested GMA to make an application to extend the relevant period for his MCU.

Please find the attached –

1. Request to Change an Existing Approval template; and,
2. Ivan's reasons for his request.

If you need any further information, please call me on 4098 5150.

Regards,

Jeff Evans MAPP.SCI (BUILD), B.APP.SCI (ENV.HEALTH), M.A.I.B.S.
Building Surveyor
Far North Region
Phone: 4098 5150
Mobile: 0488 993 887
Fax: 4098 5180
Email: jevans@gmacert.com.au
Web: www.gmacert.com.au
Address: Unit 5, Lot 9 Owen Street, Craiglie Business Park, Port Douglas
Postal: PO Box 831 PORT DOUGLAS QLD 4877
GMA Certification Group Pty Ltd
Building Surveyors
Queensland's Leaders in Building Certification Services



Gold Coast	Atherton
Sunshine Coast	Childers
Cloncurry	Port Douglas
Chinchilla	Mount Isa
Mackay	Townsville

BUILDING APPROVALS & INSPECTION BUILDING CERTIFICATION FIRE SAFETY AUDITS

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