

6.18. MATERIAL CHANGE OF USE - RETIREMENT FACILITY - 47 JOHNSTON ROAD MOSSMAN

REPORT AUTHOR	Neil Beck – Team Leader Planning
MANAGER	Paul Hoyer, Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUC 2023_5532/1
PROPOSAL	Material Change of Use (Retirement Facility)
APPLICANT	Cooloola Waters Holdings Pty Ltd C/- RPS Australia Asia Pacific PO Box 1949 CAIRNS QLD 4870
LOCATION	47 Johnston Road MOSSMAN GORGE
PROPERTY	LOT: 2 SP: 295098 PARCEL 158114
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Community Facilities Zone
LEVEL OF ASSESSMENT	Code Assessment
PROPERLY MADE DATE	24 January 2024
STATUTORY ASSESSMENT DEADLINE	12 June 2024
REFERRAL AGENCIES	State Assessment & Referral Agency

LOCALITY



Figure 1 – Locality Plan

RECOMMENDATION

That Council approves the development application for a Material Change of Use for a Retirement Facility over land described as Lot 2 on SP295098 located at 47 Johnston Road Mossman subject to the following:

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 & SETBACK PLAN	Sk-0001 REV C	15/03/2024
DUPLEX FLOOR PLAN	SHEET NO. A01	27/04/2023
DOOR & WINDOW SCHEDULE FLOOR PLAN	SHEET NO. A02	27/04/2023
ELEVATIONS	SHEET NO. A04	27/04/2023
CLUB HOUSE PLAN	SHEET NO. A06	16/06/2022
CLUB HOUSE ELEVATIONS	SHEET NO. A07	16/06/2022
HOBBY SHED PLAN	SHEET NO. A09	16/06/2022
HOBBY SHED ELEVATION	SHEET NO. A10	16/06/2022
POOL HOUSE PLAN ELEVATION	SHEET NO. A11	16/06/2022
LANDSCAPE PLANS		
LANDSCAPE CONCEPT PLAN	L2314_LCP1_230914	UNDATED
LANDSCAPE PLANT PALETTE	L2314_LPP1_230907	UNDATED
LANDSCAPE PLANT PALETTE	L2314_LPP2_230907	UNDATED
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue F	5/12/2023

ASSESSMENT MANAGER CONDITIONS ADVICES

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; and

- b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

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. Further details and amendments to the development are to be provided addressing the following:**
 - a. Provide car parking accommodation in close proximity to the central facilities building the service the two units located on the second level;**
 - b. Demonstrate the ability for a vehicle to turn around at the end of the road stubs running east-west (Note – treatment can be considered the same as a blind isle for off-street parking facilities);**
 - c. Split the on-street spaces located on the central through road and move half of the spaces northwards to be more central to the development;**
 - d. Treatments are to be implemented that achieve a sense of privacy for dwelling units where patios of dwelling units face one another;**
 - e. Provide a 2.0m wide footpath on the eastern side of the central through road from the existing footpath in the un-named road off Johnston Road through to the northern boundary of the site;**
 - f. Reconfigure the refuse area to provide access to a side loading waste vehicle;**
 - g. Provide further details demonstrating the refuse area is of sufficient size to accommodate the entire development having regard to the total waste entitlements generated by the development. Details are to include the type of bins to be used and the frequency of servicing by a waste collection contractor and associated swept path vehicle movements for the design vehicle servicing the facility;**
 - h. Provide plans detailing the refuse enclosure which must be covered, provided with a water connection and tap and be connected to sewer;**
 - i. Provide a plan detailing the staging of the development and the works associated with each stage.**

Note – Plans will require amending to comply with the NCC and The Premises Standards to provide for people with disabilities.

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the

requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Operational Works

4. **A Development Permit for Operational Works must be obtained for the following activities:**
 - a. **Vegetation removal and bulk earthworks associated with the construction of the earth bund, filling of the site and site grading;**
 - b. **Construction of internal roads and drainage works and installation of services. Street lighting design for the internal road network is required; and**
 - c. **Water supply and sewer works.**

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site.
Operational Works

Central Facilities

5. **The delivery of the central facilities is to coincide with the completion of the 30th unit of the development.**

Geotechnical Requirements

6. **Provide a land specific Geotechnical Assessment prepared by a suitably qualified Geotechnical Engineer (RPEQ) for the construction of the proposed earthworks bund and associated batters.**

The Geotechnical Assessment must be provided prior to the issue of a Development Permit for Operational Work with certification from the RPEQ that the bund has been constructed in accordance with RPEQ certified plans.

Earthworks

7. **All earthworks must be generally in accordance with the Approved Plan(s) and constructed in accordance with AS 3798: Guidelines on earthworks for commercial and residential developments.**

Water Supply and Sewer Capacity

8. **Undertake investigations to confirm that the points of connection to the water supply and sewer network have the capacity to accommodate the development. The investigations must include supporting calculations and network analysis and identify if any upgrades are necessary to the network to accommodate the development.**

The investigations must be provided prior to the issue of a Development Permit for Operational Work.

Water Supply and Sewerage Work Internal

9. **Undertake the following water supply and sewerage works internal to premises:**

- a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
- b. Water supply sub-metering must be designed and installed in accordance with the Plumbing and Drainage Act 2018 (Qld) and the Water Supply (Safety and Reliability) Act 2008 (Qld); and
- c. Any redundant sewer property connection(s) and water connection(s) must be decommissioned and removed.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the Approved Plan(s), to the requirements and satisfaction of Council.

Roads and Footpaths

10. Roads must be constructed generally in accordance with the Approved Plan(s) and relevant design and specifications sections of the FNQROC Development Manual.

Car Parking Requirements

11. The amount of car parking must be as per the approved plan(s), being twenty-two (22) spaces and one space for each dwelling unit.

The car parking layout must comply with the AS 2890.1:2004 Parking facilities – Off-street car parking and be constructed in accordance with Austroads and good engineering design.

In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Updated Drainage Study

12. As part of the supporting information for the application for Operational Works, provide an updated drainage calculations confirming capacity and operation of existing drainage adjacent to the site.

In particular, the updated calculations must provide further information to address the following:

- a. Provide calculations of the existing open drain south-east of the property boundary to demonstrate sufficient capacity and freeboard is provided to accommodate the modified flow produced as a result of the development in accordance with the Queensland Urban Drainage Manual;
- b. Provide calculations of the existing open drain north of property boundary to address the following:
 - i. Provide the pre- and post-development peak flows downstream from the existing open drain out letting to Marrs Creek demonstrating a no worsening effect on upstream and downstream drainage features, properties and infrastructure; and

- ii. **Provide drain hydraulic calculations to demonstrate sufficient capacity and freeboard is provided to accommodate the modified flow produced as a result of the development in accordance with the Queensland Urban Drainage Manual.**
- b. **Amend the engineering plan(s) to indicate potential drainage easement locations.**

Advice Note: Freeboard must be demonstrated in accordance with Section 9.3.4 of the Queensland Urban Drainage Manual. An easement is not required over the adjoining land to the north being Lot 92SR81.

Drainage Design

- 13. Design a stormwater drainage system (internal and external to the land) in accordance with section D4 of the FNQROC Development Manual to satisfactorily drain the subject land such that the upstream drainage is not adversely affected and that the downstream drainage system is capable of adequately catering for the discharge of the modified flow produced as a result of the development.**

Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement.

The drainage design must include but not be limited to the following:

- a. **Stormwater Masterplan of the drainage system including pipe, pit, kerb and channel and defined overland flow paths;**
- b. **Hydraulic modelling of the existing 2/600 diameter RCP (east of the property boundary) including pipe grade levels, water depth, freeboard, velocity and actual tailwater conditions;**
- c. **Information on any proposed works and mitigation measures to the open drain north of the site to accommodate the proposed development.**

Once approved, all work must be carried out in accordance with the approved plan(s).

Landscaping Plan

- 14. The site must be landscaped generally in accordance with the Landscape Plan prepared by GGI Landscape Architects subject to the following:**
- a. **The addition of a footpath along the central through road as required by conditions of this Development Permit;**
 - b. **Landscaping and/or fencing treatment to provide privacy to outdoor patio areas where units face one another;**
 - c. **Remove the trees shown in the adjoining Lot 92 on SR81;**
 - d. **Opportunity to include street tree planting is streets running east-west;**
 - e. **Details of feature fencing to be installed along road frontage;**

- f. Landscaped setbacks adjacent northern and eastern boundary.**
- g. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping.**

An amended Landscape Plan is to be submitted at the time of seeking Operational Works Approval and be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Lawful Point of Discharge

- 15. All stormwater from the land must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.**

Concentration of Stormwater

- 16. Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties.**

If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.

Minimum Fill and Floor Levels

- 17. All finished floor levels of all habitable areas must be a minimum of 300mm above the defined inundation event, in accordance with the requirements of the Douglas Shire Council Planning Scheme 2018 and the FNQROC Development Manual.**

Existing Creek and Drainage Areas

- 18. Existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.**

Private Drainage Assets

- 19. All internal drainage infrastructure and associated pipework contained within the lot boundaries of this development site must be private infrastructure and will not become an asset of Council.**

Vegetation Protection

- 20. All vegetation on the site, other than the approved tree(s) to be removed, must be protected and retained in accordance with the AS 4970-2009 Protection of trees on development sites.**

Evidence of Electrical and Telecommunication Connection

21. Provide Council with evidence of the agreement to provide an electricity supply and telecommunication services for each new lot shown on the approved plan. Such evidence must be in the form of a "Certificate of Electricity Supply" or "Certificate of Electrical Acceptance".

The confirmation from the telecommunications provider must be in the form of a receipt for the full payment of the telecommunications "Development Application" or alternatively, a copy of the telecommunications provider "Council Letter".

Stockpiling and Transportation of Fill Material

22. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the Commencement of Works.

Transportation of fill or spoil to and from the site must not occur within:

- a. Peak traffic times; or
- b. Before 7:00am or after 6:00pm Monday to Friday; or
- c. Before 7:00am or after 1:00pm Saturdays; or
- d. On Sundays or Public Holidays.

Environmental Protection Policy – Noise & Dust

23. All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.

Damage to Council Infrastructure

24. Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred.

Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

25. In the event that any part of Council's existing water, sewer or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost.

Electricity Supply

26. **Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy.**

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

27. **Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Development Permit for Operational Works.**

Siam Weed Control

28. **In order to prevent the spread of Siam Weed {a class 1 declared pest plant under the *Land Protection (Pest and Stock Route Management) Act 2002*, all machinery working on site must be cleaned down on site prior to leaving.**

Construction Signage

29. **Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:**
 - a. **Developer;**
 - b. **Project Coordinator;**
 - c. **Architect/Building Designer;**
 - d. **Builder;**
 - e. **Civil Engineer;**
 - f. **Civil Contractor;**
 - g. **Landscape Architect.**

ADVICE

1. **This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.**
2. **This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.**
3. **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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.**

4. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Cultural Heritage

5. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.

This '*duty of care*' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Food Premises

7. Prior to the construction of any premises that is intended to be used for storage, preparation, handling, packaging, or service of food, an Approval for the design and fit-out under the *Food Act 2006* must be obtained from the Chief Executive Officer.

Infrastructure Charges Notice

8. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The Infrastructure Charges Notice will be provided under separate cover.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
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State Assessment & Referral Agency	2402-38964 SRA	15 April 2024	#1222065
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REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:

- a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
- b. to ensure compliance with the *Planning Act 2016*.

2. Findings on material questions of fact:

- a. the development application was properly lodged to the Douglas Shire Council on 24 January 2024 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
- b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.

3. Evidence or other material on which findings were based:

- a. the development triggered assessable development under the Assessment Table associated with the Community Facilities Zone Code;
- b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
- c. the applicant's reasons have been considered and the following findings are made:

Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

EXECUTIVE SUMMARY

Council is in receipt of a development application on behalf of Cooloola Waters Holdings Pty Ltd for a Retirement Facility over land located at 47 Johnston Road Mossman.

The land is presently owned by Council in freehold land tenure, is described as Lot 2 on SP295098 with a site area of 2.849 hectares.

The site is contained within the Community Facilities zone within the Planning Scheme.

Council entered into a Development Lease with an associated entity of Cooloola Waters Holdings Pty Ltd in May 2023 for the purpose of developing the land for a Retirement Facility.

The Retirement Facility will consist of 57 single storey dwelling units supported by a central facilities comprising a central facilities building, a swimming pool and hobby shed.

The proposed development is code assessable in this location under the Douglas Shire Planning Scheme and complies with the requirements of the Planning Scheme.

Approval of the development application is recommended subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The subject land was created following the excision of Kuburri Aged Care Centre developed by The Salvation Army in 2018 to 2020.

Council undertook an Expression of Interest (EOI) in March 2022 to May 2022 with the sole purpose to sell and develop the balance of land at Johnston Road Mossman for aged care accommodation.

The EOI yielded one response from Cooloola Waters Holdings Pty Ltd (CWH) who expressed an interest in developing the land in accordance with the development brief that formed part of the EOI documentation. CWH presented their vision for the site at the Councillor Workshop held on 16 August 2022.

CWH established an entity for the purpose of undertaking this development, Mossman Property Holdings Pty Ltd.

A Development Lease was entered into between Council and Mossman Property Holdings Land Holdings in May 2023 which identifies each parties' obligations with respect to the development of the land. In essence, the Development Lease provides for a staged approach to the development of the land and the central facilities buildings.

Proposal

The proposed Retirement Facility comprises the following:

- 57 independent living units of which a majority of the units are attached. Each unit is provided with a covered car parking space;
- A two storey building containing gymnasium, multi-function hall, communal kitchen and offices on the ground floor with 2 x 4-bedroom units above;
- maintenance and hobby shed;
- Covered pool and change rooms;
- 22 on-street communal parking spaces;
- Construction of an earth bund adjacent Marrs Creek; and
- The layout provides for a future connection to Jack Street.

Plans of the proposed development forms Attachment 1.

State Planning Requirements

State Planning Policy

The State Planning Policy ('SPP') was introduced on 3 July 2017 as part of the State's planning

system. The SPP defines the Queensland Government's policies about matters of state interest in land use planning and development, providing direction for the preparation of local planning instruments and assessment of development applications.

The 2018 Douglas Shire Planning Scheme version 1.0 reflects the applicable State interests to the extent relevant to the proposed development and further assessment against the SPP is unnecessary.

Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009-2031 ('FNQ Regional Plan') provides the framework for the sustainable management of growth and development in Far North Queensland. The site is contained within the Urban area of the FNQ Regional Plan.

The Planning Regulation 2017 requires the development be assessed against the Regional Plan to the extent that the Regional Plan is not appropriately reflected in the Planning Scheme.

The Douglas Shire Planning Scheme has been endorsed by the Minister as appropriately integrating the Regional Plan. Further assessment with respect to the Regional Plan is unnecessary.

State Assessment and Referral Agency

A review of Schedule 10 of the Planning Regulation revealed that the proposed development triggered referral to the State Assessment and Referral Agency (SARA) within the Department of State Development, Manufacturing Infrastructure and Planning due to the development exceeding the Thresholds identified in Schedule 20 of the *Planning Regulations 2017* and the site being adjacent land contained on the State Heritage Register i.e. being the Mossman Hospital.

The development application was referred to SARA and the assessment of the state interest was undertaken. No issues or concerns were raised as part of the state interest assessment. A copy of the response forms Attachment 2.

DOUGLAS SHIRE PLANNING SCHEME ASSESSMENT

The following benchmarks are applicable to the proposed development:

Douglas Shire Planning Locality	Comment
Planning Zone	
Community Facilities Zone	Complies
Local Plan Code	
Mossman Local Plan	Not located within a Precinct
Land Use Code	
Multiple Dwelling Short Term Accommodation & Retirement Facility Code	Complies – see comments below
Overlay Codes	
Acid sulphate soils overlay	Complies
Bushfire hazard overlay	Complies
Flood and storm tide hazard overlay	Complies – see comment below
Natural areas overlay	Complies
Places of significance overlay	Complies
Potential landslide hazard overlay	Complies
Transport network overlay	Complies – see comment below
Other Development Codes	
Access, parking and servicing code	Complies
Filling and excavation code	Complies – see comment below
Infrastructure works code	Complies – Further review as part of Operational Works process
Landscaping code	Complies – Further review as part of the Operational Works process

Compliance Issues

Land Use Code

The development does not comply with a number of the assessment benchmarks relating to building setbacks from side boundaries, the length of a continuous wall plane (central facilities building), landscape setback areas and provision of covered walkways throughout the complex.

Despite non-compliance with the assessment benchmarks, the proposed development provides independent living units with future residents likely to be mobile as opposed to aged care. The requirement for covered walkways throughout the complex is not necessary for this form of development. With respect to access and mobility, a condition of approval requires a footpath be provided on the eastern side of the central road and extend to the northern boundary.

Other conditions of approval require the landscape plan to be amended to provide for a range

of outcomes including privacy treatments to be installed where dwelling units face one another and landscaping of side setbacks.

A condition of approval provides for the central facilities buildings to be provided at the completion of the 30th unit. The staged approach is consistent with the intent of the Development Lease to defer the construction of the supporting central facilities until the development as a whole is substantially progressed. The condition of the development approval requires all central facilities (multi-function hall, pool and hobby shed) be provided at the time of completion of the 30th unit.

A number of other conditions have been added which seek to improve the function and operation of the facility.

Flood Overlay

To mitigate flood impacts, the levee constructed as part of Kuburri Aged Care is being extended adjacent to Marris Creek for the length of the creek frontage.

Ground levels within the site will be graded to the internal road network and drained to the open drain to the north of the site. In time of large flood events, flood waters will break out to the north and the development will be flood immune.

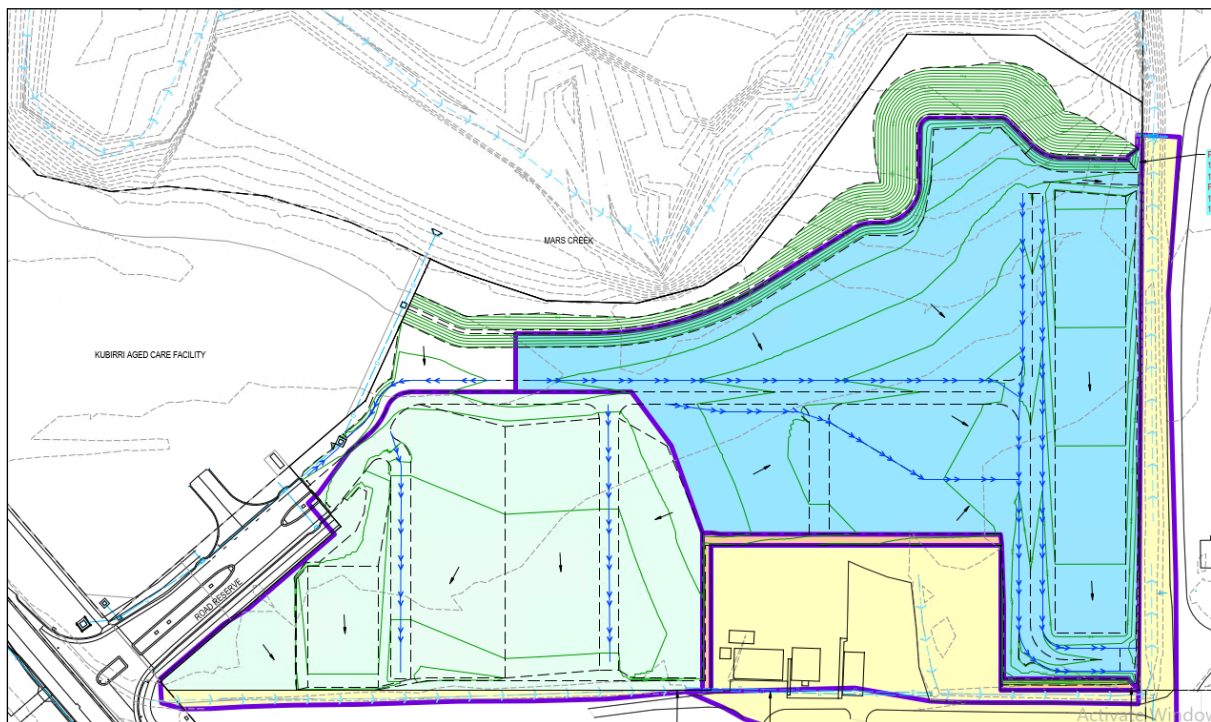


Figure 2 – Bund and Site Grading

Ultimately, the bund will extend further to the north along Marris Creek providing flood mitigation works for the broader Mossman township.

Transport Network Overlay Code

Secondary access to Jack Street has been anticipated for the development of this land. The Applicant has chosen not to pursue this access as part of the current development application; however, intention is to pursue this as a separate matter in the near future.

The process will involve seeking to open up part of the Mossman Show Grounds reserve land as a road reserve. This process will involve the Department of Resources, will require public notification and will trigger a subdivision application i.e. realignment of boundaries with Council as the Assessment Manager.

The initial layout sought to make the future connection through use of the existing culvert. However, the design has been amended to locate the future connection closer to the Jack Street Road reserve at Council Officer's request.

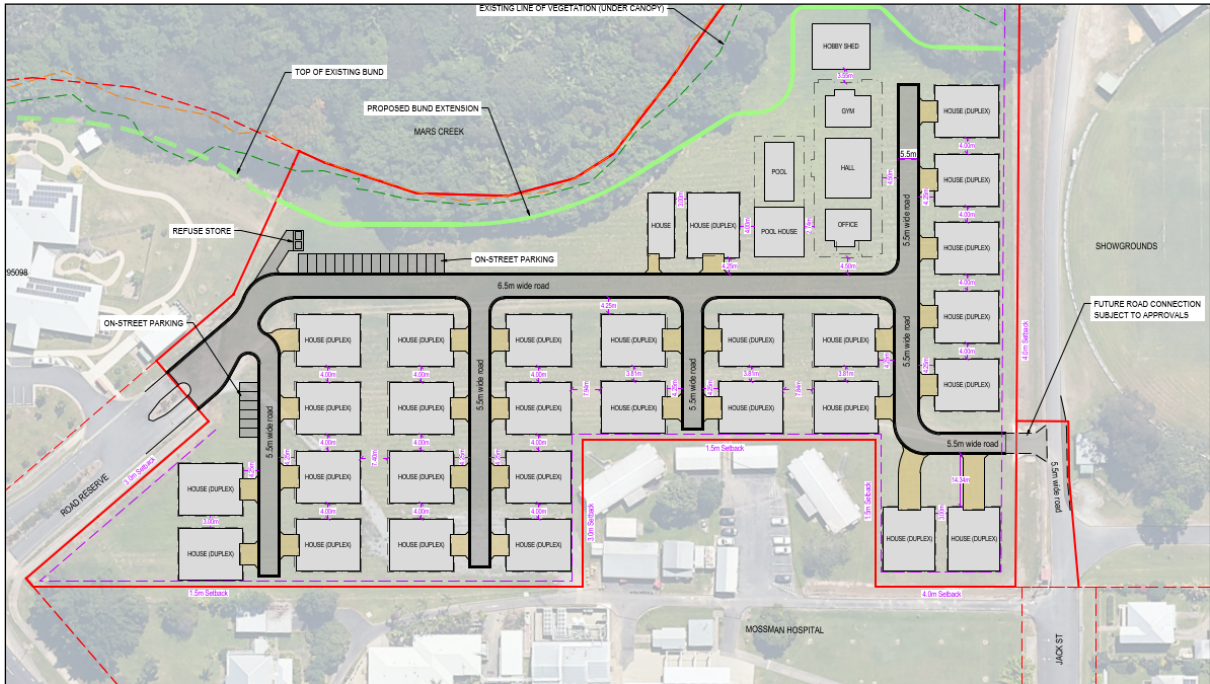


Figure 3 – Initial Layout – Jack Street Connection

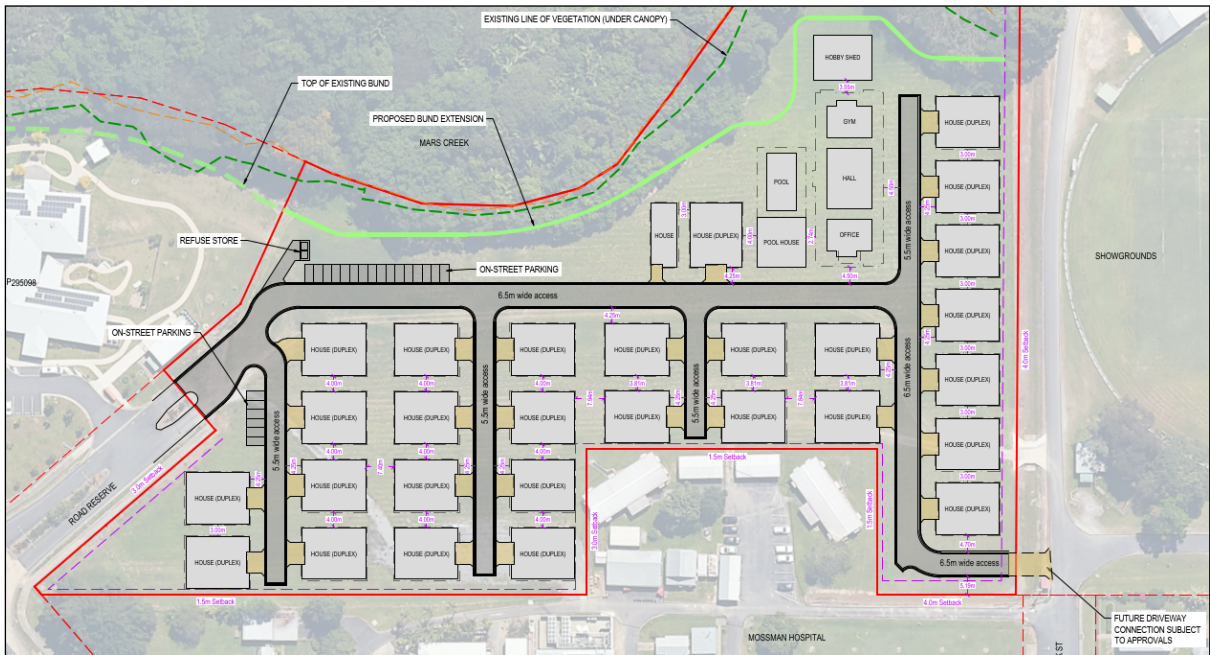


Figure 4 – Amended Layout – Future Jack Street Connection

Excavation & Filling & Infrastructure Works Code

The site will require substantial filling works associated with the construction of the earth bund and filling of the site in the north western portion of the land. The Applicant has been advised of the potential to source fill for the land from the various landslides in the region.

The extent of earthworks proposed, in addition to the construction of the internal roads, drainage, water supply and sewer trigger a need to obtain Operational Works approval. As part of the Operational Works process, further investigations will be undertaken to assess the downstream capacity of the infrastructure to accommodate the development. It is not anticipated that this will form a constraint on the land.

Siam Weed

The proposed development site is an active Siam weed control area. Siam weed is a class 1 declared pest plant under the *Land Protection (Pest and Stock Route Management) Act 2002*. Siam weed is listed as a high priority weed in the Douglas Shire Pest Management Plan and targeted for eradication in Mossman.

To minimise this risk, it is important that all machinery working on site be cleaned down prior to leaving. A condition of approval has been included to address this matter.

Public Notification / Submissions

The development application is code assessable and therefore public notification was not required.

Referral Agency Requirements

The State Assessment and Referral Agency has issued a concurrence agency response. This response includes conditions regulating the development. Copy of the response is included in Attachment 2.

Internal Referrals

Advice was received from the following internal departments:

Department	Comments
Water Reticulation	Requested investigations be undertaken to ensure sufficient capacity exists to service the development. Single point of connection to apply to the development.
Waste Water	Investigate point of connections to service the development noting the sewer in the adjoining allotment to the north and the sewer in Johnston Road. Investigations to include capacity considerations.
Infrastructure & Open Spaces	No concerns or issues raised from Infrastructure. Open spaces advised of Siam Weed issue
Environmental Health	Advice provided regarding obligation under the Environmental Protection Act regarding noise and dust during the construction phase. Advised of requirements for operation of a food premises and compliance with relevant legislation.

ADOPTED INFRASTRUCTURE CHARGES

The development triggers Infrastructure Charges.

The calculation of the infrastructure charges has been calculated in accordance with Council Resolution of 27 September 2022 which capped the charges at \$10,000 / unit indexed overtime.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

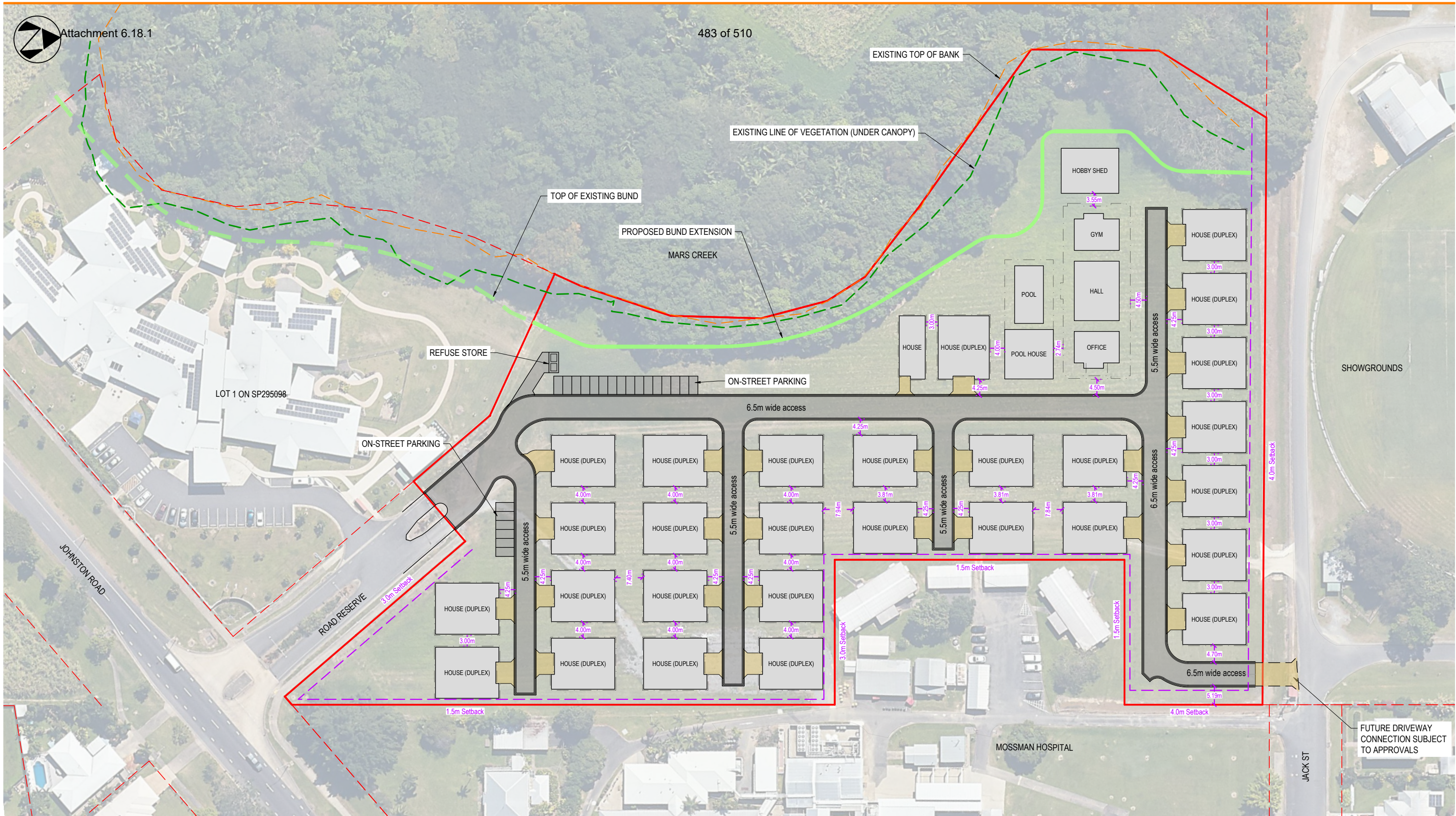
The following area outlines where Council has a clear responsibility to act:

Regulator: Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1 - Proposal Plans [6.18.1 - 12 pages]
2. Attachment 2 - SARA Concurrence Response [6.18.2 - 14 pages]
3. Attachment 3 Infrastructure Charges [6.18.3 - 1 page]



LEGEND

- PROPOSED ROADS
- PROPOSED DRIVEWAYS
- PROPOSED DWELLINGS
- 4.0m Setback
OR
 4.00m
- OUTER MOST PROJECTION SETBACKS



COOLOOLA WATERS HOLDINGS PTY LTD

MOSSMAN RETIREMENT VILLAGE

SITE AND SETBACK PLAN

C 15.03.24 LAYOUT REVISED FOR RFI
 B 16.11.23 FUTURE ROAD CONNECTION REMOVED
 A 6/09/2023 INITIAL ISSUE

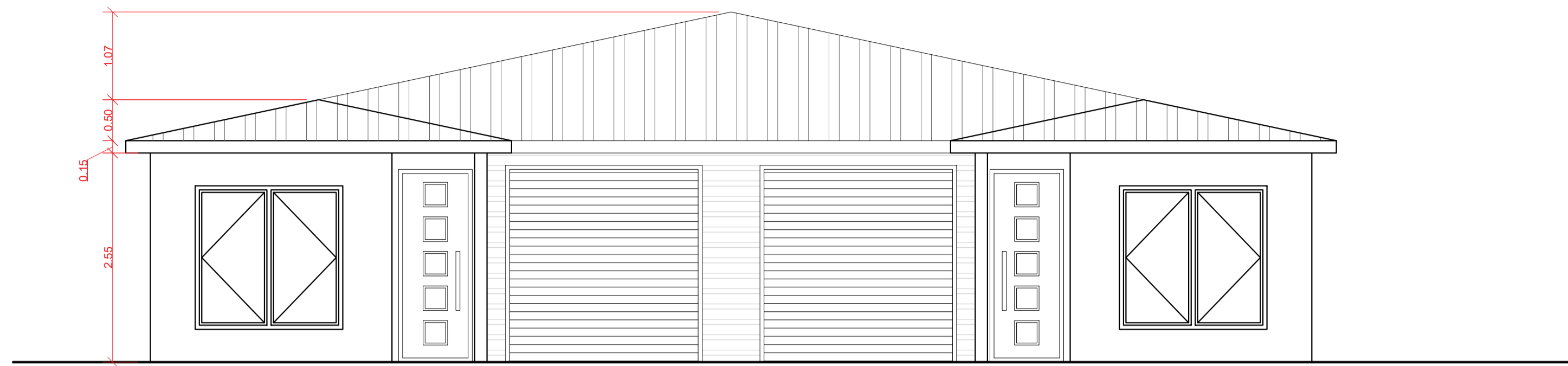
Ordinary Council Meeting - 30 April 2024

Drawn: PAM
 Design: PAM
 Check'd: CJC
 Appr'd: CJC

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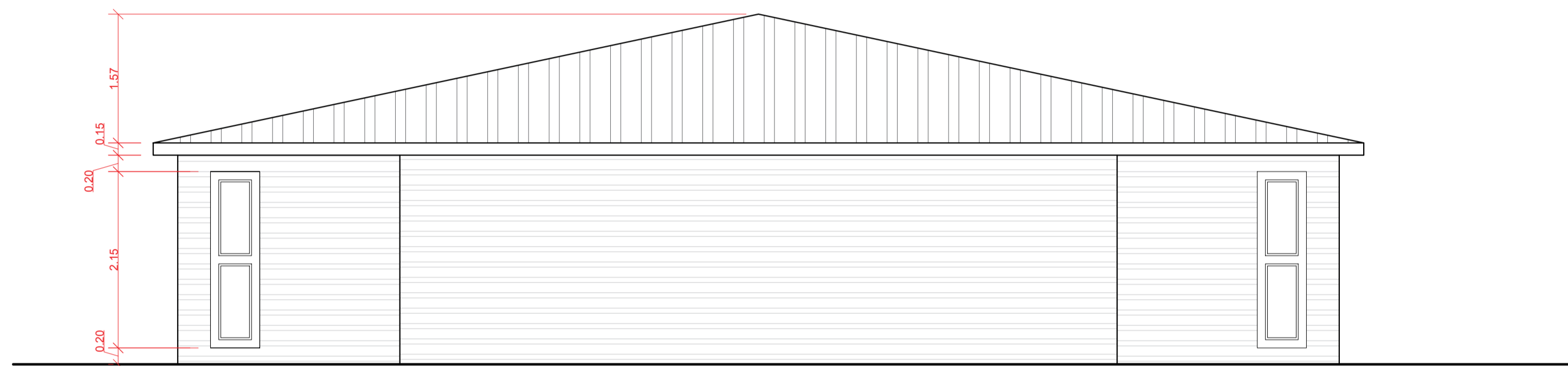
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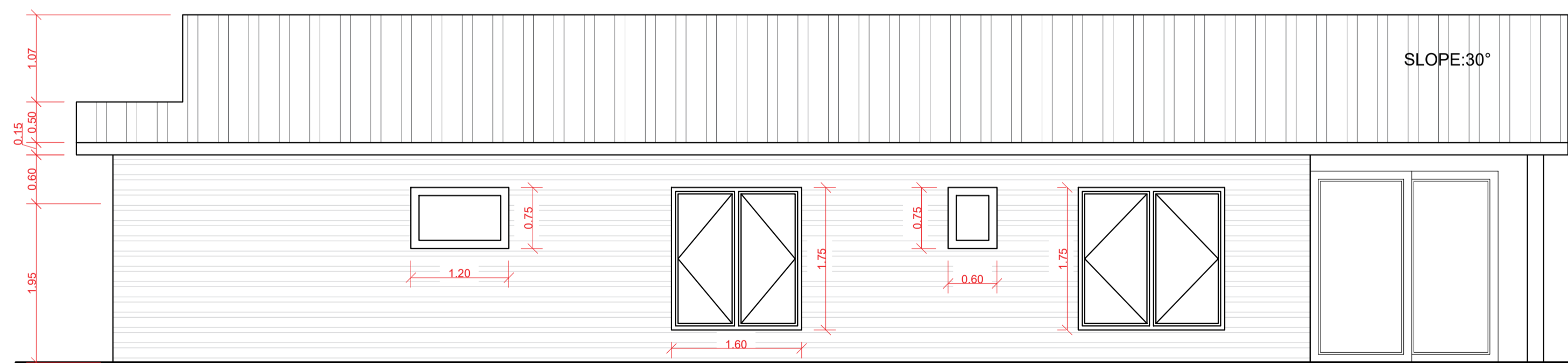
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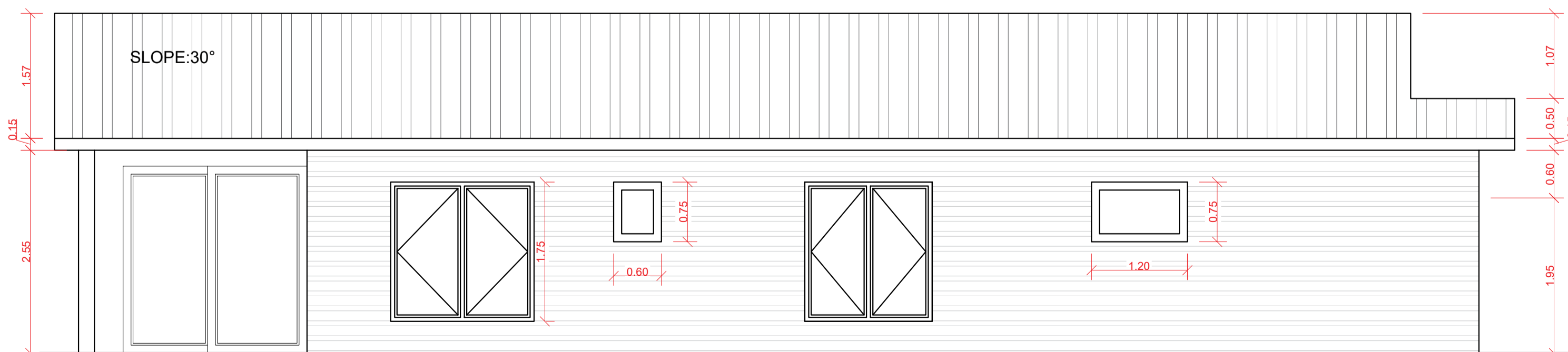
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RIGHT ELEVATION

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LEFT ELEVATION

SCALE: 1:50

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CEILING LEVEL (2.55M)

GROUND LEVEL (0.0M)

UPPER LEVEL (4.27M)

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Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

ELEVATIONS

Date: 04/27/23

Project No:

Drawn By:

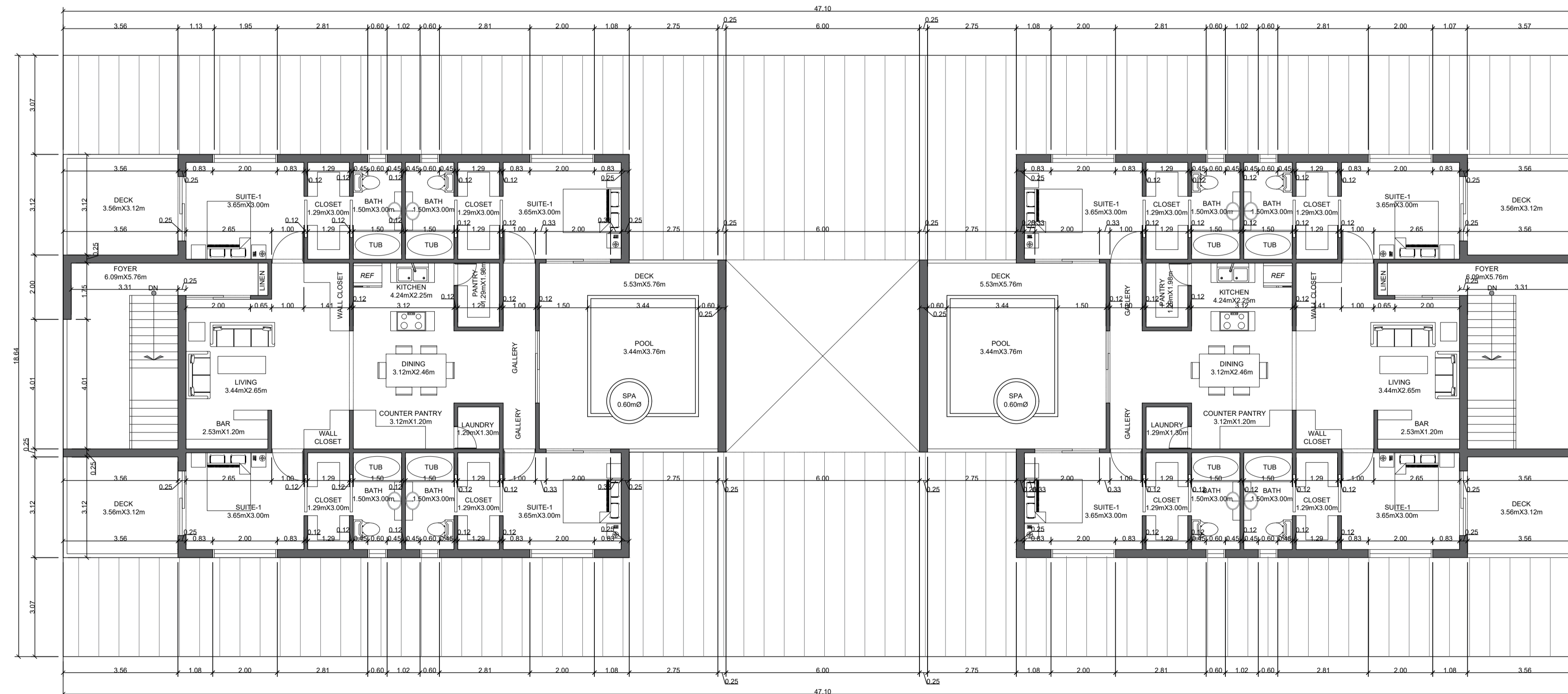
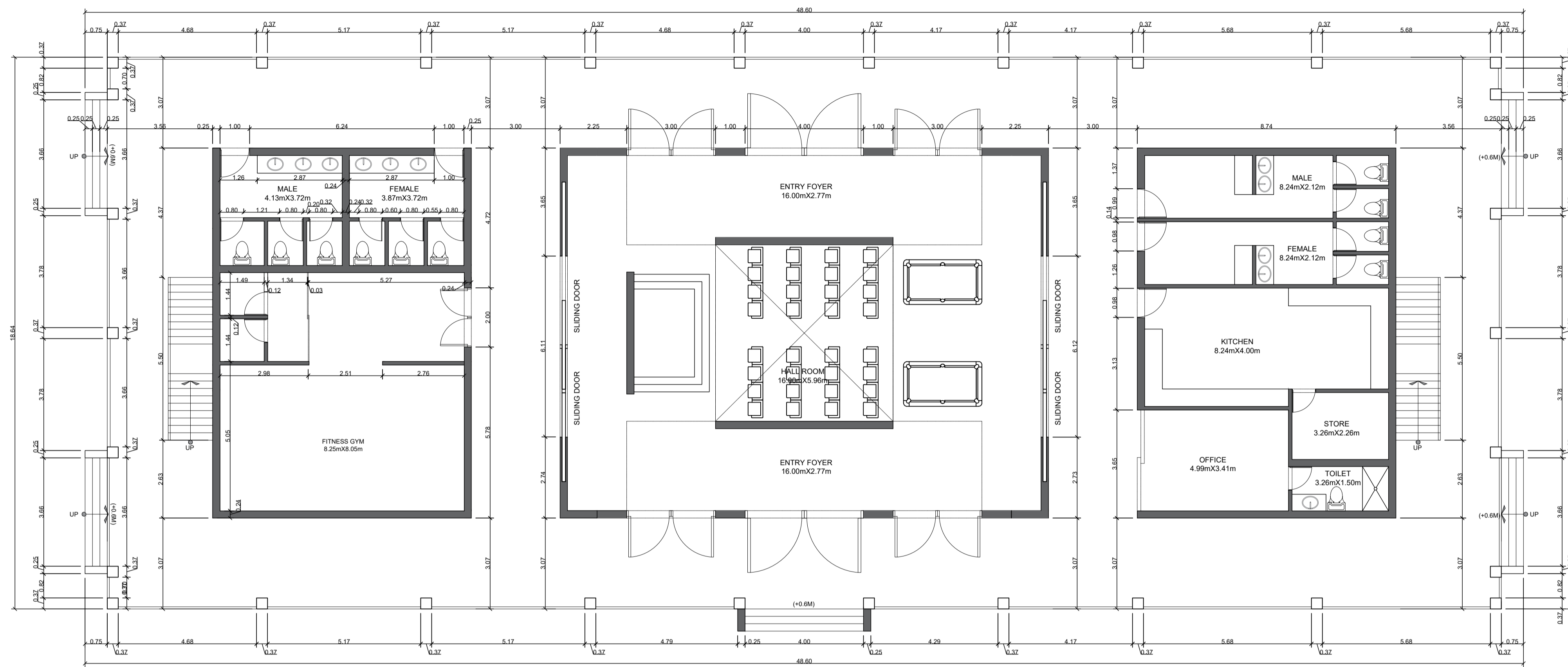
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Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

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CLUB HOUSE PLAN

Date: 16/06/22

Project No:

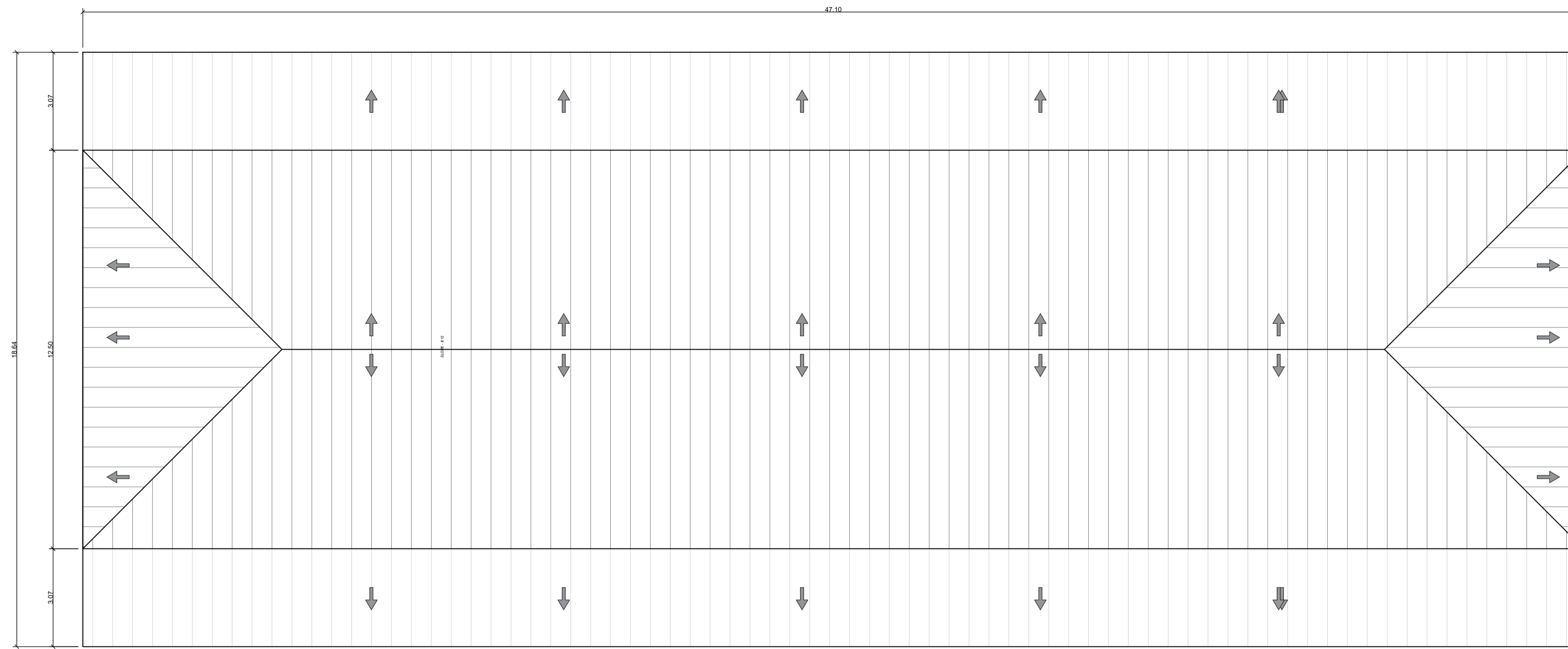
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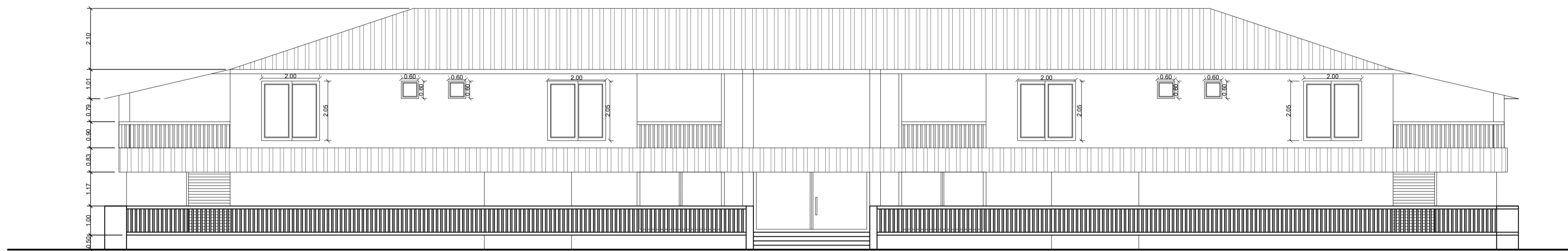
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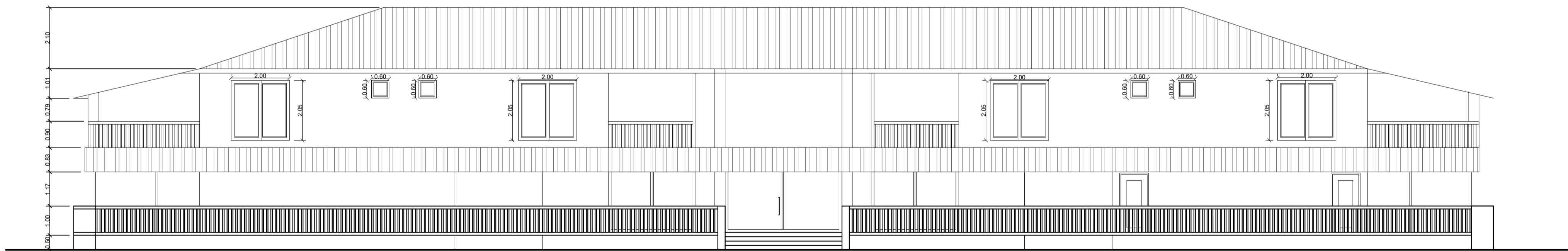
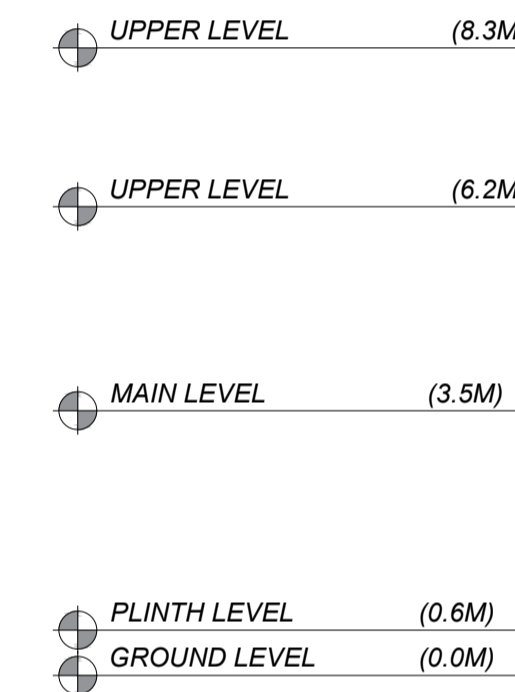
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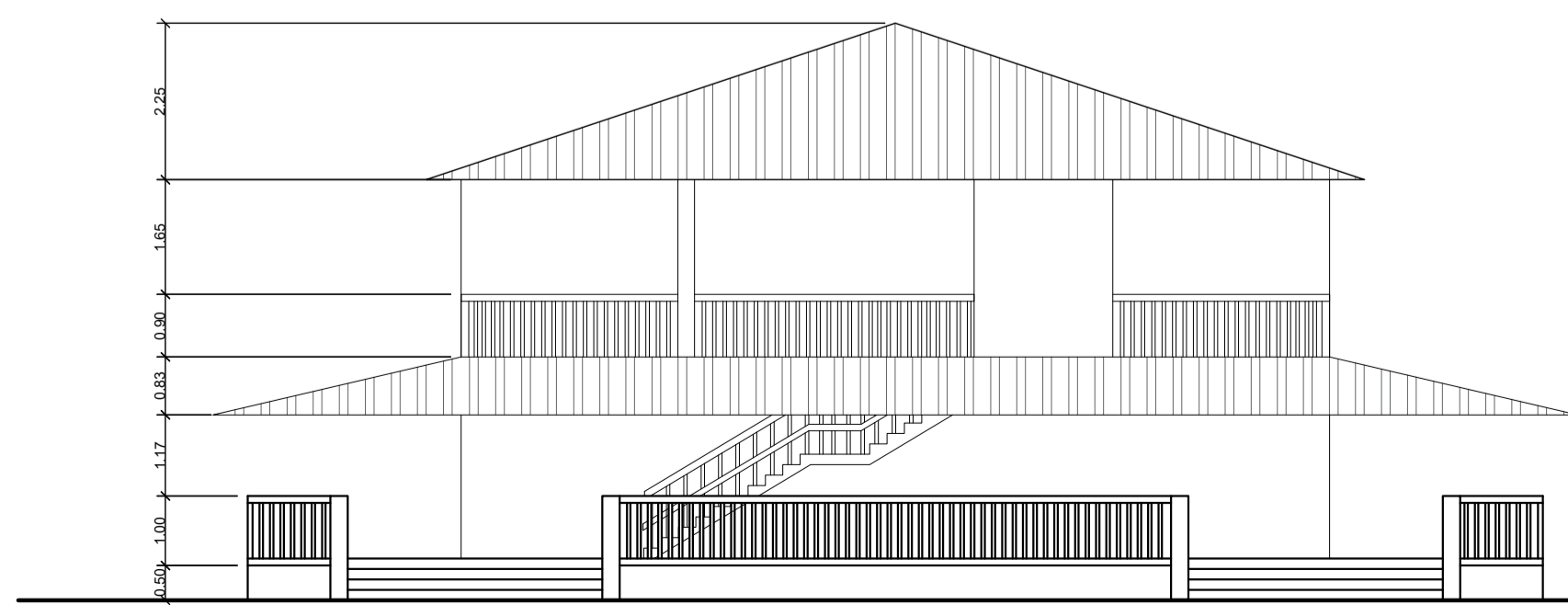
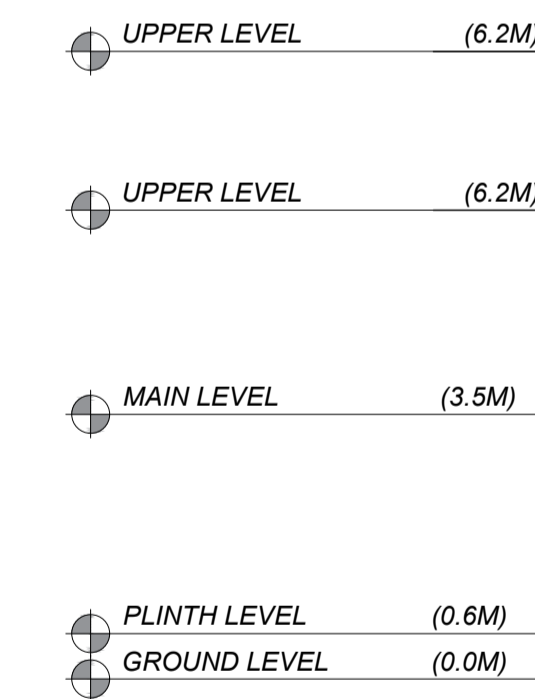
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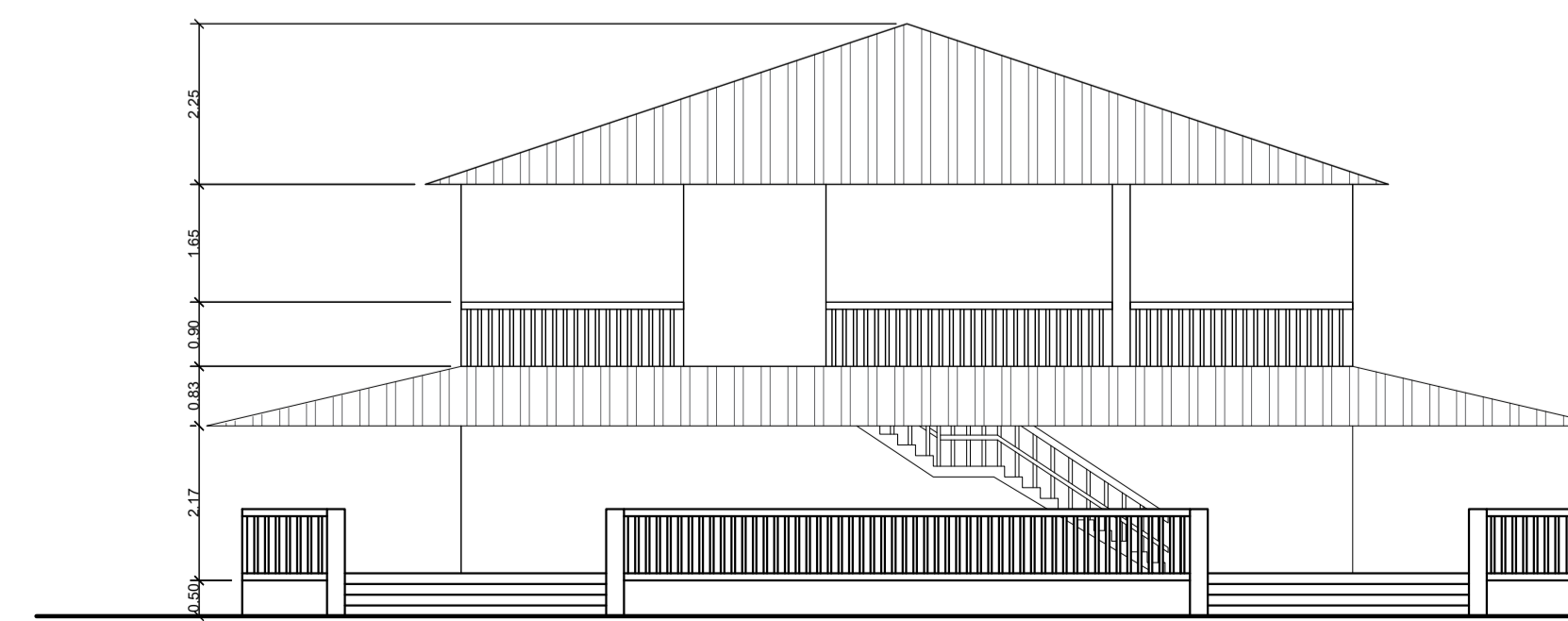
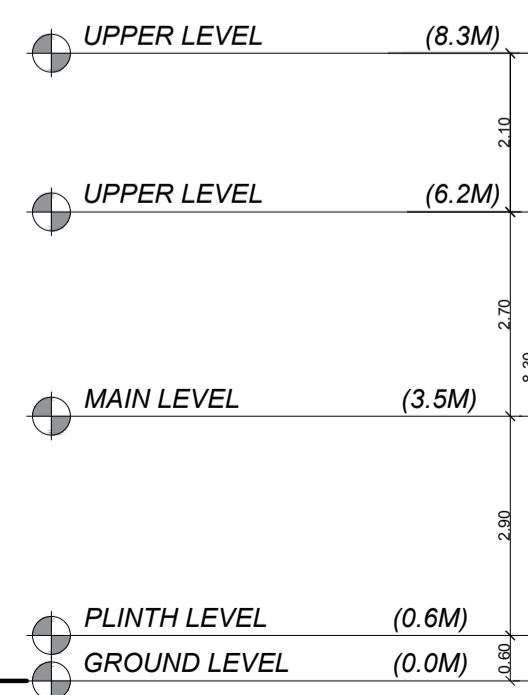
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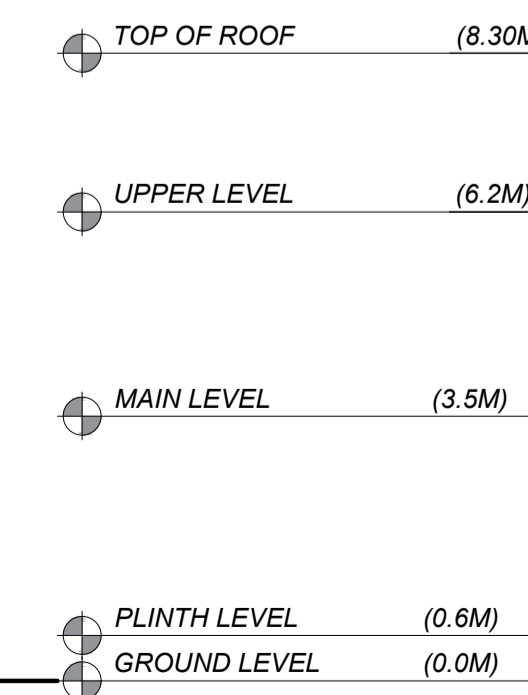
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LEFT ELEVATION
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Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

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CLUB HOUSE ELEVATION

Date: 16/06/22

Project No:

Drawn By:

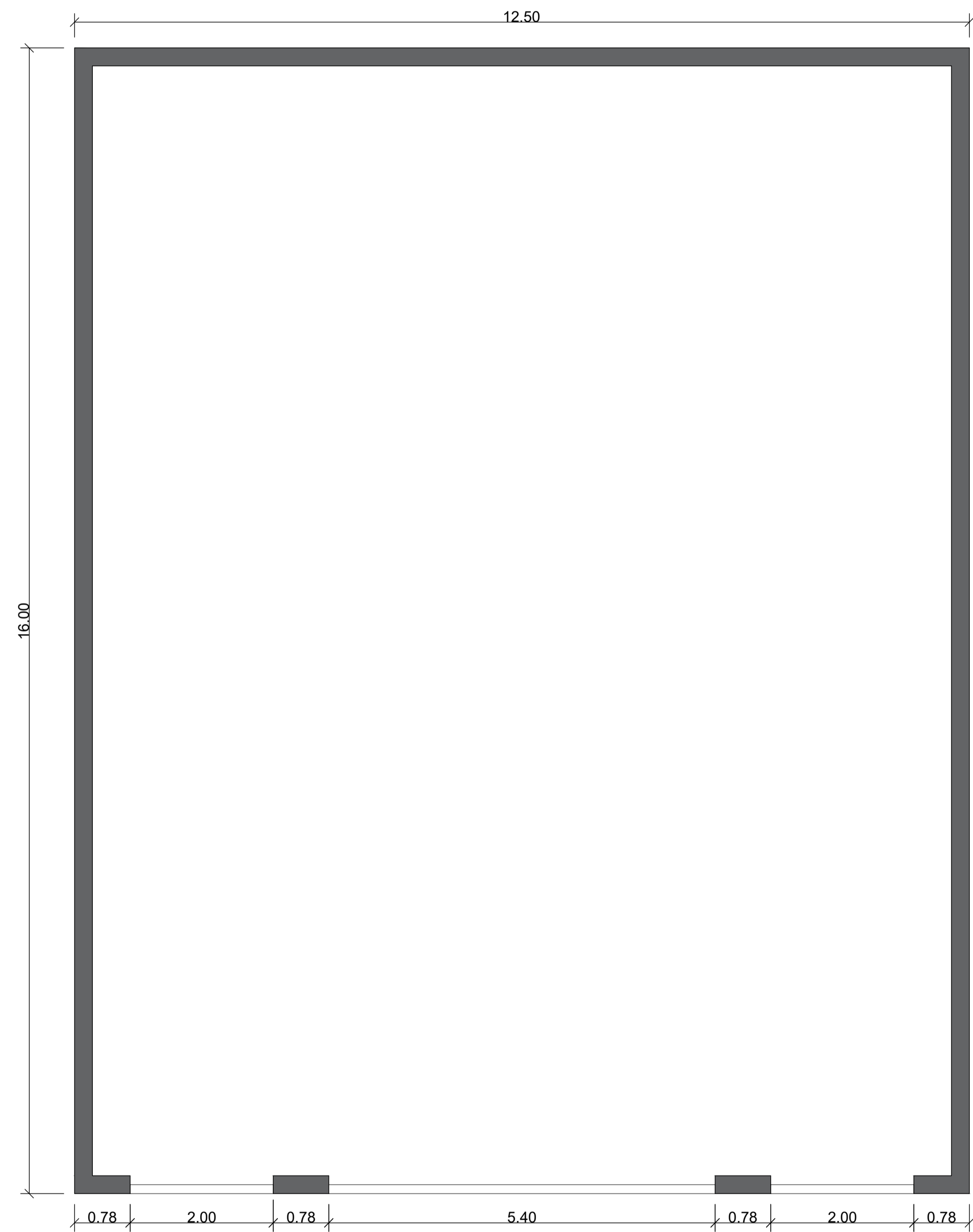
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HOBBY SHED ROOF PLAN
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Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

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HOBBY SHED PLAN

Date: 16/06/22

Project No:

Drawn By:

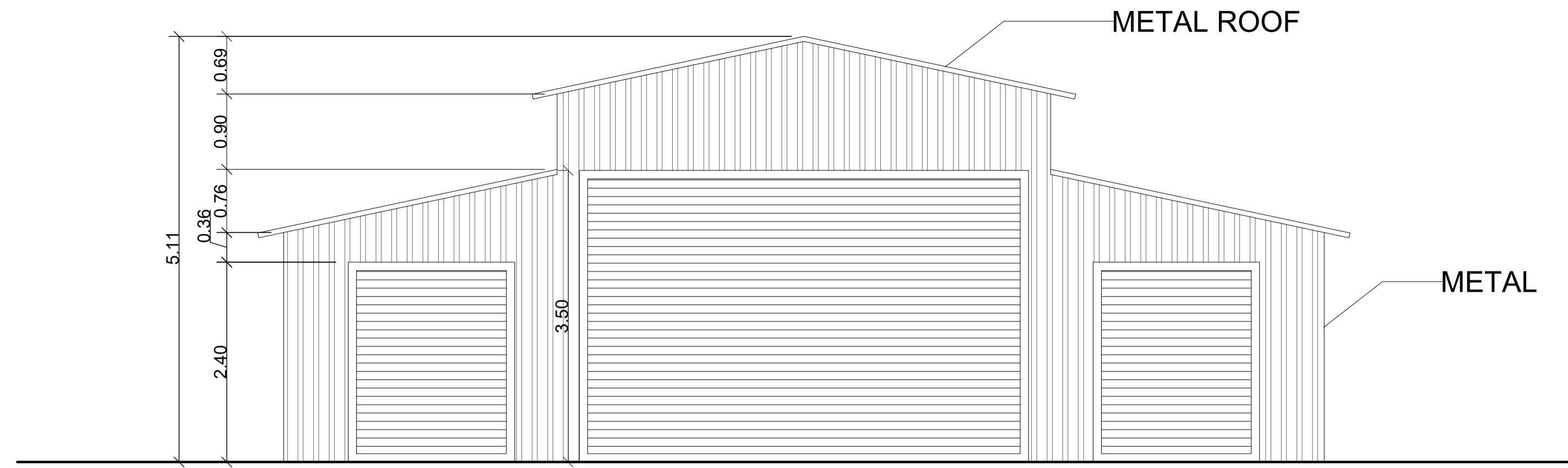
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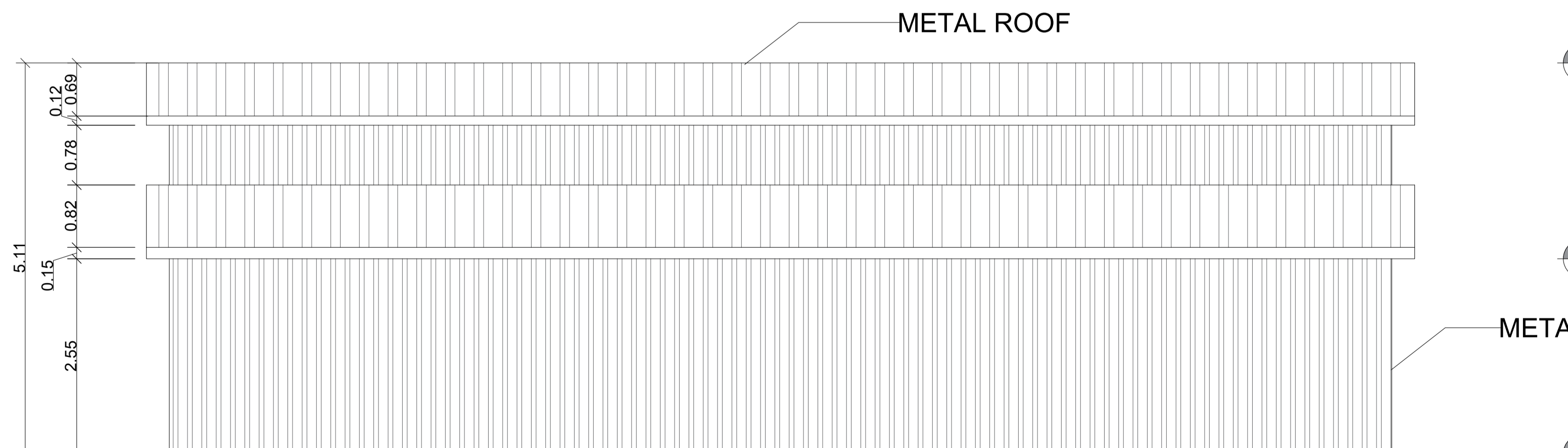
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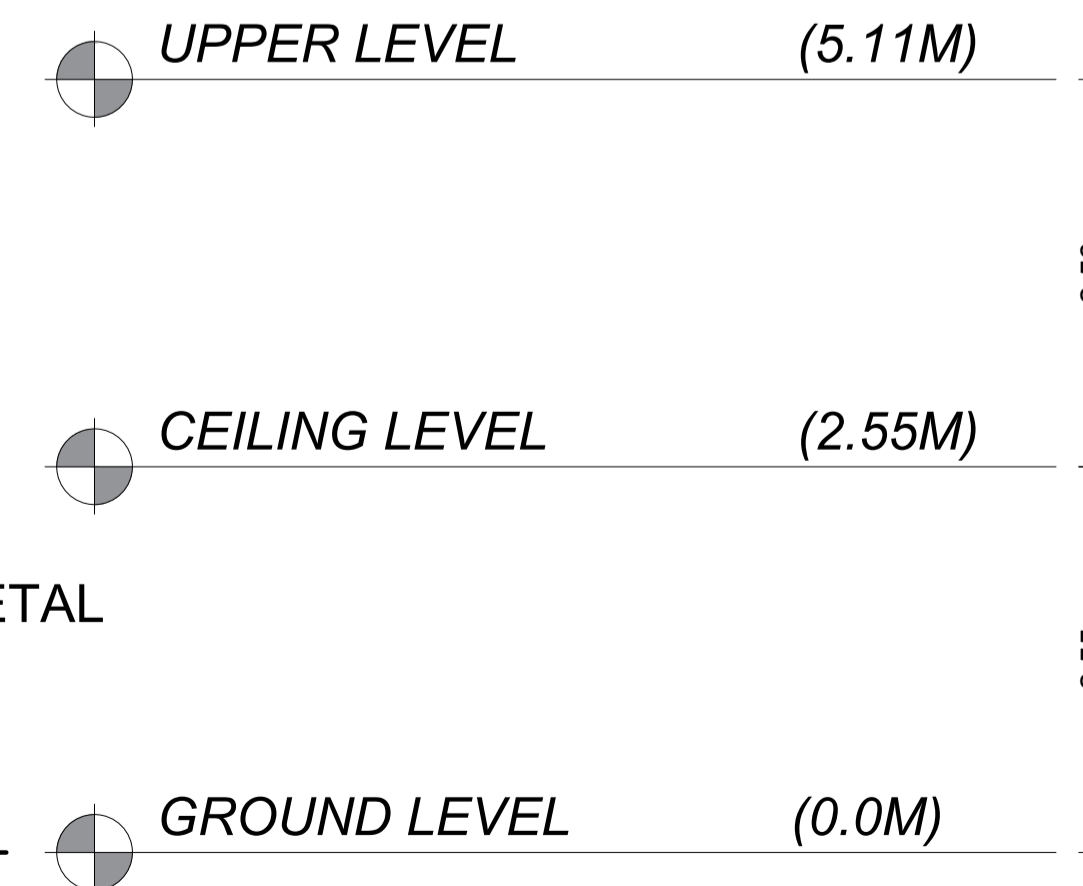
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LEFT & RIGHT ELEVATION
SCALE: 1:50



Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

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HOBBY SHED ELEVATION

Date: 16/06/22

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Drawn By:

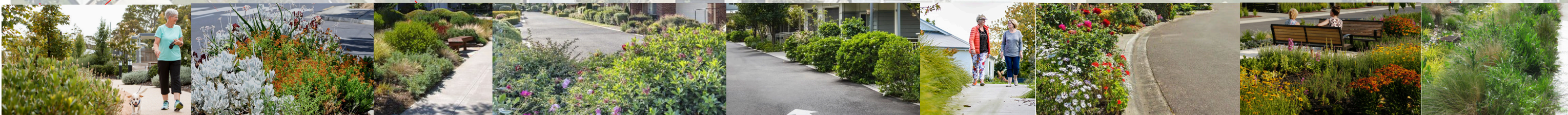
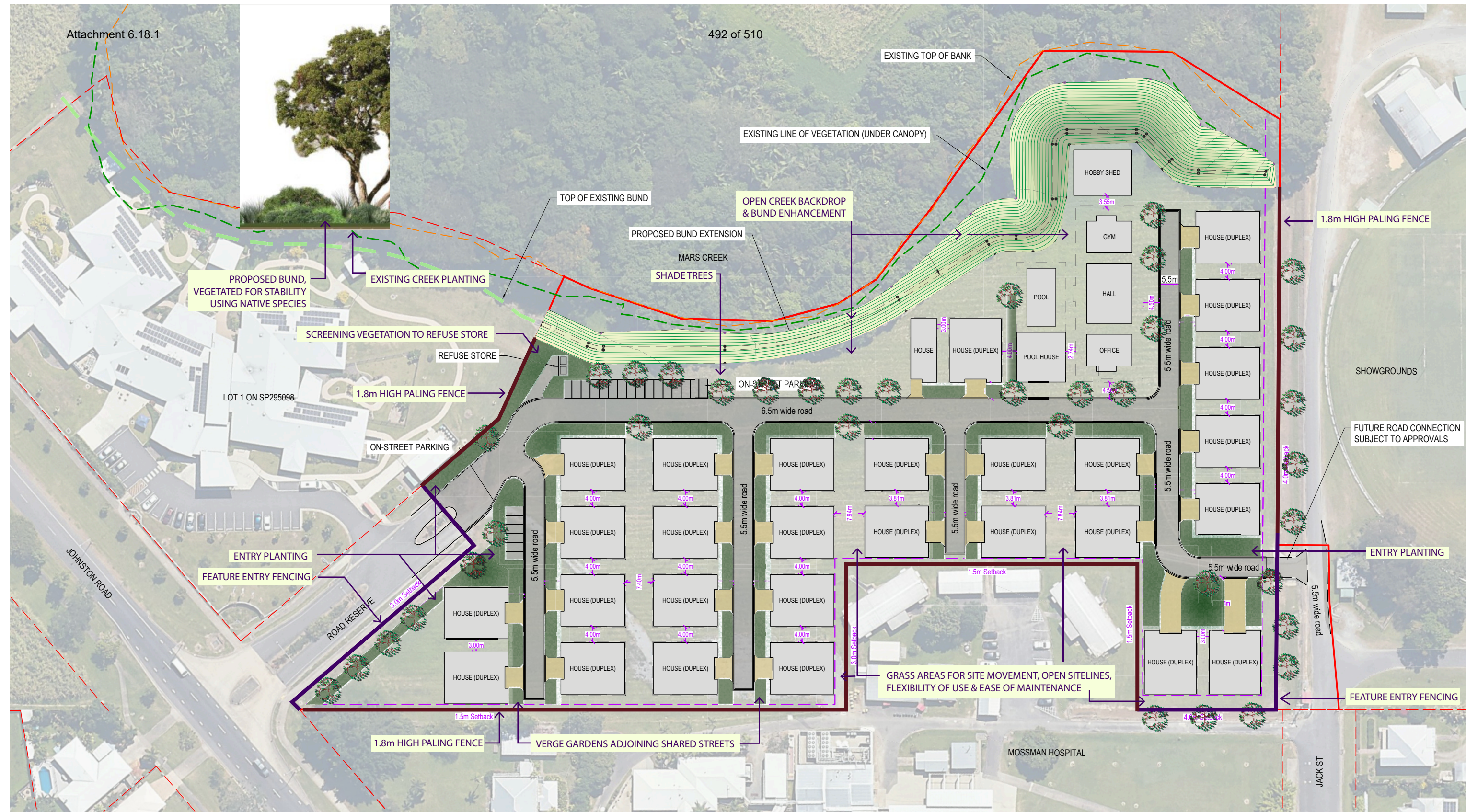
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VERGE GARDENS ADJOINING SHARED STREETS

MOSSMAN RETIREMENT VILLAGE

LANDSCAPE CONCEPT PLAN
SCALE 1:1000 @ A3
L2314_LCP1_230914

THE LANDSCAPE DESIGN INTENDS TO PROVIDE A COMFORTABLE, CALM & SAFE ENVIRONMENT FOR RESIDENTS.

A PROPOSED PLANT PALETTE HAS BEEN PREPARED OFFERING A SELECTION OF SPECIES SUITABLE TO THE ENVIRONMENTAL CONDITIONS OF MOSSMAN AND THE PROPOSAL & SCALE.

NATIVE SPECIES FEATURE STRONGLY TO BENEFIT AND ENHANCE THE ENVIRONMENT.

Ordinary Council Meeting - 30 April 2024

GROUNDCOVERS



Acalypha herzogiana
Dwarf Cat's Tail



Acmena smithii
'Allyn Magic'



Alpinia nutans
Dwarf Cardamom



Callistemon Little Silver
600 - 1000mm



Diates bicolor
Spanish Iris



Gardenia Glennie River
up to 200mm



Ixora chinensis Pygmy Pink



Lomandra hystrix
'Katies Belles'



Lomandra hystrix 'Lucky Stripe'



Melaleuca Mini Quinni
up to 1000mm



Molineria recurvata
Weevil Plant



Murraya paniculata
Min-a-min



Pandanus amaryllifolius
Edible Pandan



Pittosporum tobira
'Miss Muffet'



Russelia equisetiformis
Lemon Falls



Tibouchina heteromalla
'Jules'

SHRUB PLANTING



Alpinia caerulea
Red Back Native Ginger



Breyntia cernua 'Ironstone Range'



Calathea lutea
Havana Cigar



Callistemon Cameo Pink
up to 2000mm



Callistemon Slim
3000mm x 1200w



Callistemon Tangerine Dream
up to 1500mm



Croton insularis
up to 3000mm



Cyclanthus bipartitus
Split Leaf Cyclanthus



Cordyline fruticosa rubra



Ficus macrocarpa Green Island



Ixora cv 'White Malay'



Gardenia scabrella
up to 2000mm

SHRUB PLANTING



Licuala ramsayi
North Queensland Fan Palm



Melaleuca linarifolia
Claret Tops
up to 1000mm



Phyllanthus cuscutiflorus
Pink Phyllanthus



Prumnopitys ladei
Mt Spurgeon Pine



Rademachera 'Summerscent'



Syzygium aqueum
Water Apple



Syzygium australe Resilience



Syzygium wilsonii ssp wilsonii
Powder Puff Lilly Pilly



Wrightia antidysenterica
Arctic Snow



Xanthostemon verticillatus
Bloomfield Penda



Zamia furfuracea
Cardboard Cycad

TREES FOR STREET & PARKLAND



Acmena hemilampra
Blush Satinash



Archontopheonix alexandrae
Alexander Palm



Attractocarpus fitzalanii
Yellow Mangosteen



Barringtonia actangula
Indian Oak



Brachychiton acerifolius
Illawarra
Flame Tree



Coccoloba uvifera
Sea Grape



Cyrtostachys renda
Lipstick Palm



Cupaniopsis anacardioides
Tuckeroo



Hibiscus tiliaceus rubra



Maniltoa lenticelata
Silk Hankerchief Tree



Melicope rubra
Little Evodia



Plumeria pudica
Everlasting Love



Podocarpus grayae
Brown Pine



Polyalthia longifolia pendula
Indian Mast Tree



Ptychosperma macarthurii
Macarthur Palm



Syzygium australe Pbr 'Pinnacle'



Xanthostemon chrysanthus
Golden Penda



SARA reference: 2402-38964 SRA
 Council reference: MCUC 2023_5532/1
 Applicant reference: AYO10594

15 April 2024

Chief Executive Officer
 Douglas Shire Council
 PO Box 723
 Mossman QLD 4873
 enquiries@douglas.qld.gov.au

Attention: Neil Beck

Dear Sir/Madam

SARA referral agency response— Retirement Facility at 47 Johnston Road, Mossman Gorge (Lot 2 on SP295098)

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 29 February 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	15 April 2024
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material change of use for Retirement Facility
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 8, Division 2, Subdivision 3, Table 2 (Planning Regulation 2017) – Material change of use adjoining a Queensland	

heritage place

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017) – Material change of use impacting on state transport infrastructure thresholds

SARA reference: 2402-38964 SRA
Assessment manager: Douglas Shire Council
Street address: 47 Johnston Road, Mossman Gorge
Real property description: Lot 2 on SP295098
Applicant name: Cooloola Water Holdings Pty Ltd
Applicant contact details: C/- RPS AAP Consulting Pty Ltd
PO Box 1949
Cairns QLD 4870
Patrick.Clifton@rpsgroup.com.au

Human Rights Act 2019
considerations:

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.

This decision does not limit the above identified human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, A/Senior Planning Officer, on 40373215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Cooloola Water Holdings Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material Change of Use		
Schedule 10, Part 8, Division 2, Subdivision 3, Table 2 – Development adjoining a Queensland heritage place (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment, Science and Innovation to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Mossman Retirement Village Site and Setback Plan, prepared by Neon Consulting, dated 16/11/2023, reference 021-2302-00-SK-0001, revision B. • Mossman Retirement Village Elevations, dated 16/06/22, Sheet No. A04, Rev. 0. • Mossman Retirement Village Clubhouse Elevation, dated 16/06/22, Sheet No. A07, Rev. 0, as amended in red by SARA. • Mossman Retirement Village Hobby Shed Elevation, dated 16/06/22, Sheet No. A04, Rev. 0. • Mossman Retirement Village Pool House Plan Elevation, dated 16/06/22, Sheet No. A11, Rev. 0, as amended in red by SARA. 	At all times.
2.	Provide written notice of the commencement of the retirement facility to the Department of Environment, Science and Innovation at palm@des.qld.gov.au .	Within 10 business days of the commencement of the material change of use.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 6: Protection of state transport networks and State code 14: Queensland heritage, as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of the state-controlled road network.
- Increased traffic generation from the proposed development can be adequately accommodated at the Captain Cook Highway / Johnston Road T- intersection and/or filtered via Owen Street via the local road network.
- The proposed development has minimised adverse impacts on the cultural heritage significance (spectacular mountain backdrop) of the Mossman District Hospital (Queensland heritage register no. 602713).

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 4— Representations about a referral agency response

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

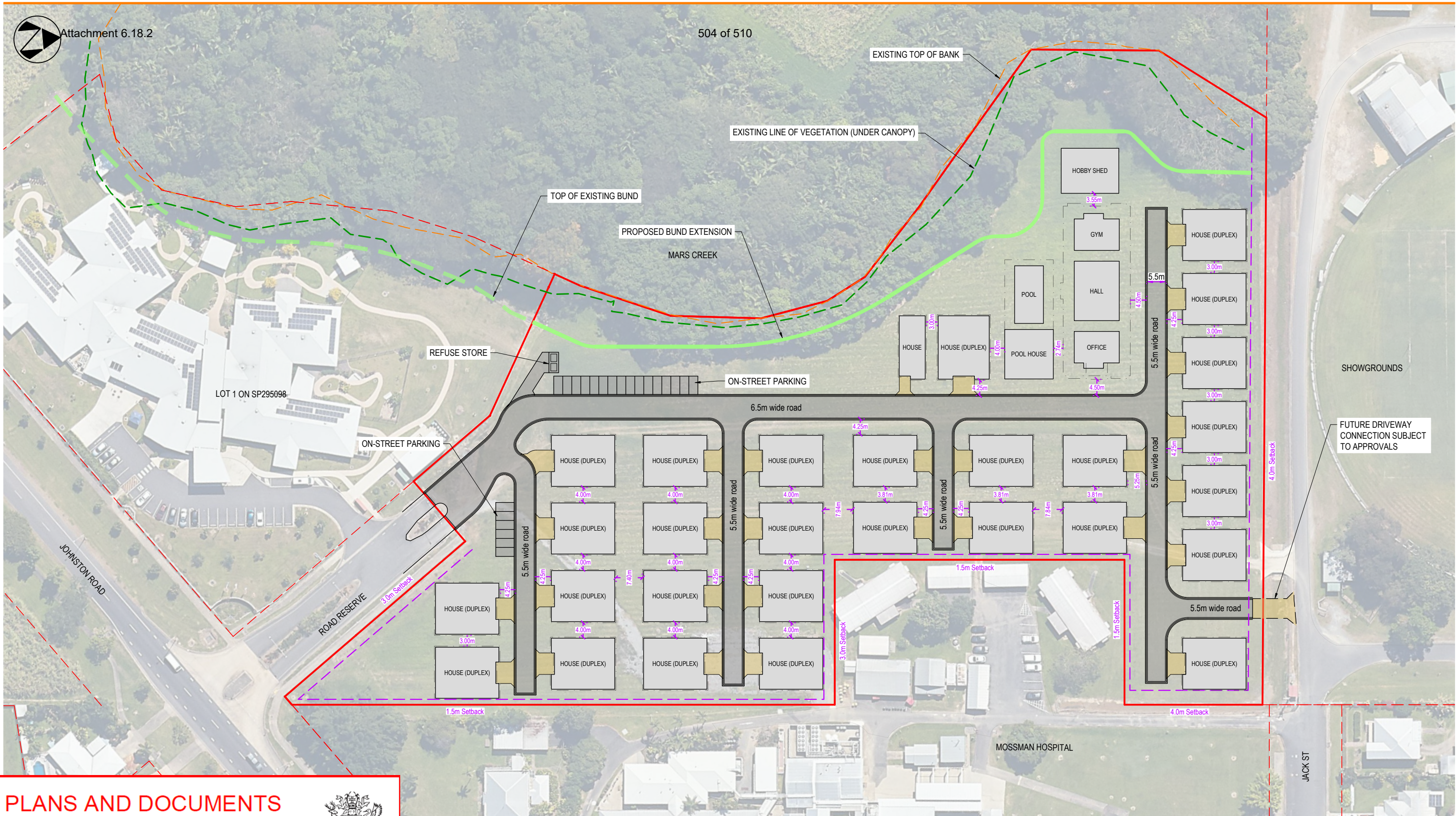
30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2402-38964 SRA

Date: 15 April 2024



LEGEND

- PROPOSED ROADS
- PROPOSED DRIVEWAYS
- PROPOSED DWELLINGS
- 4.0m Setback
- OR
- 4.00m
- OUTER MOST PROJECTION SETBACKS



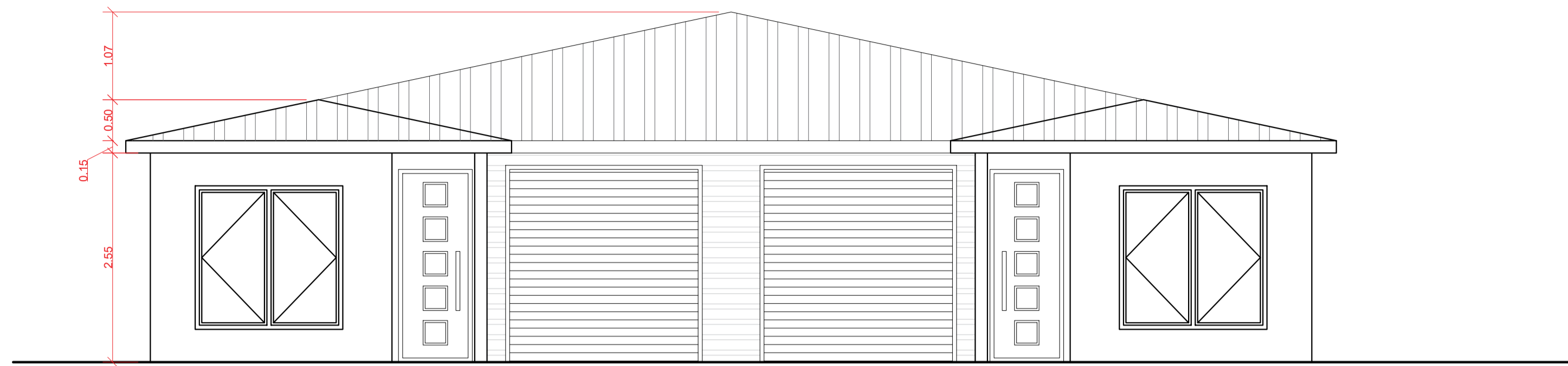
COOLOOLA WATERS HOLDINGS PTY LTD

MOSSMAN RETIREMENT VILLAGE
SITE AND SETBACK PLAN

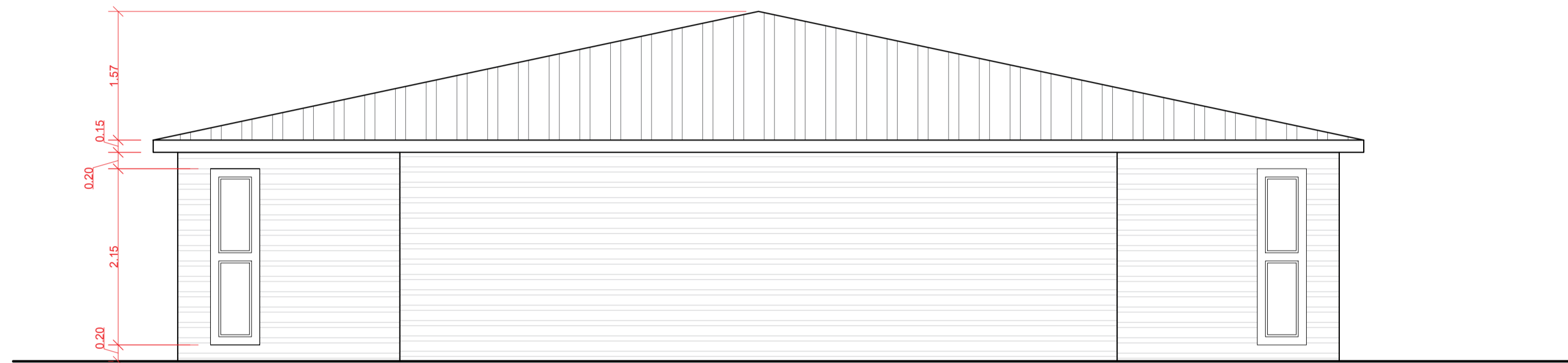
Ordinary Council Meeting - 30 April 2024

B 16.11.23 FUTURE ROAD CONNECTION REMOVED
A 6/09/2023 INITIAL ISSUE
Rev Date Revision Notes
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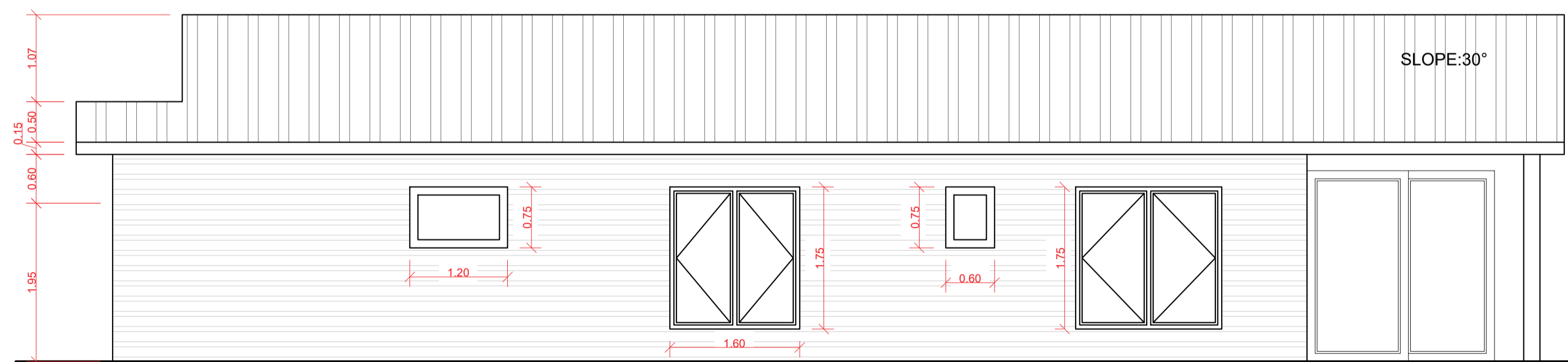
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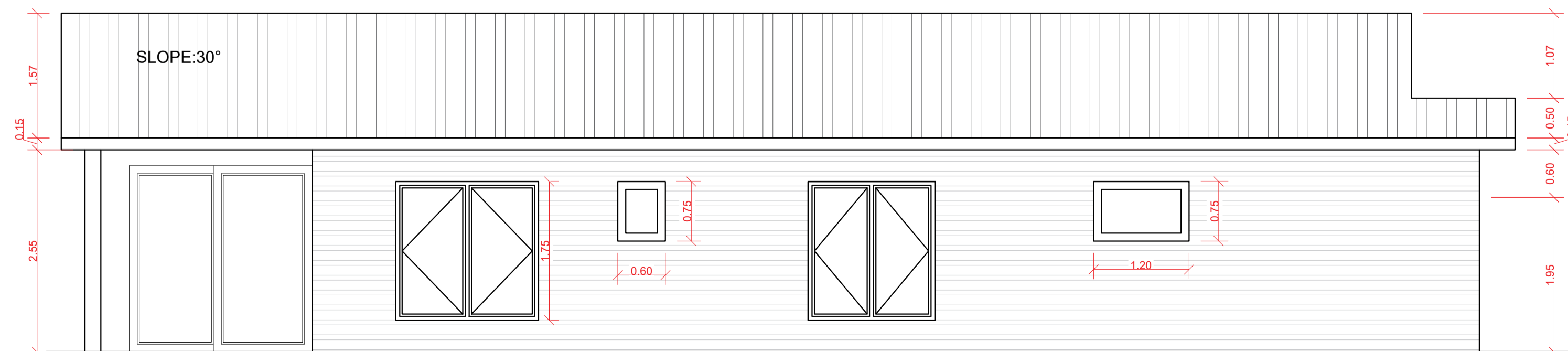
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GROUND LEVEL (0.0M)

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PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2402-38964 SRA

Date: 15 April 2024

PROJECT

NAME:
MOSSMAN RETIREMENT
VILLAGE
LOCATION :
MOSSMAN QLD
CLIENT :
COOLOOLA WATERS
HOLDINGS PTY LTD

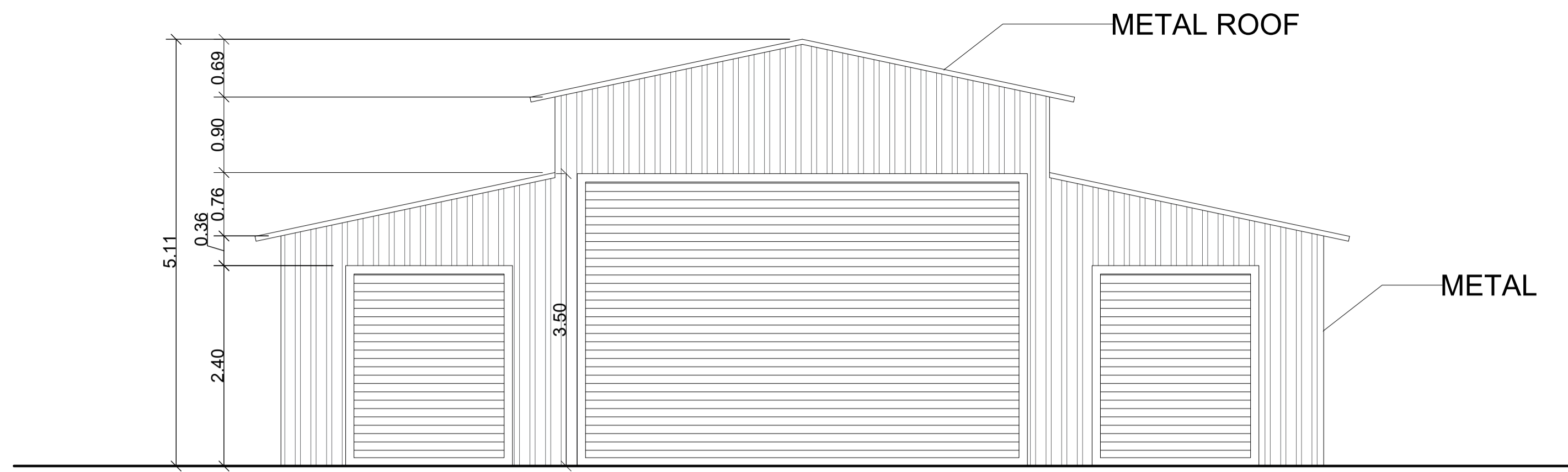
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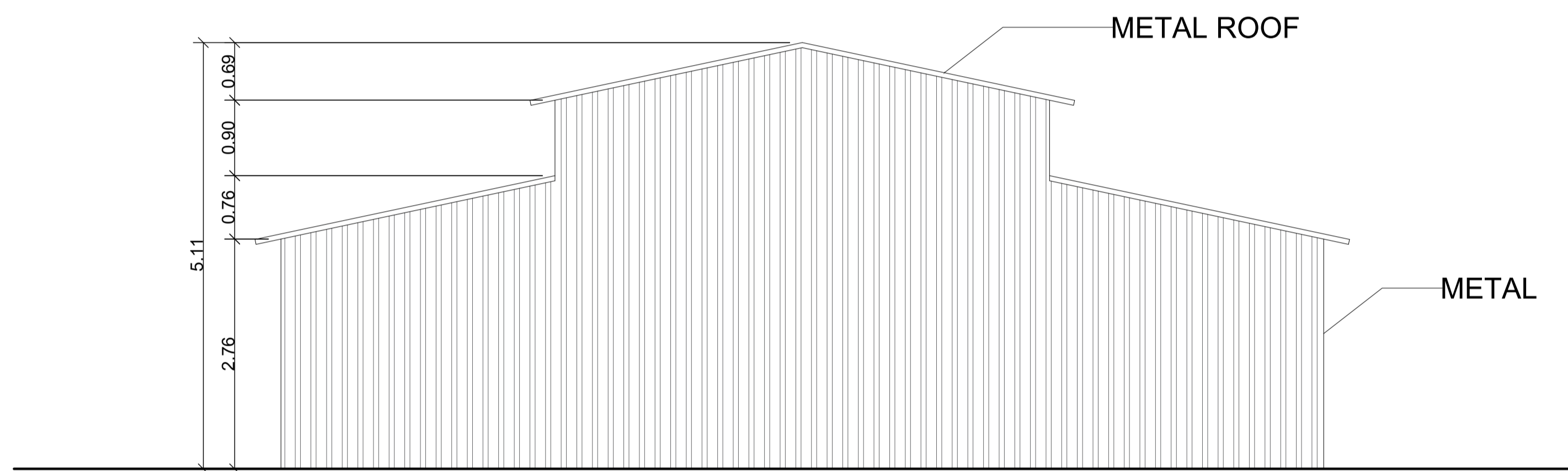
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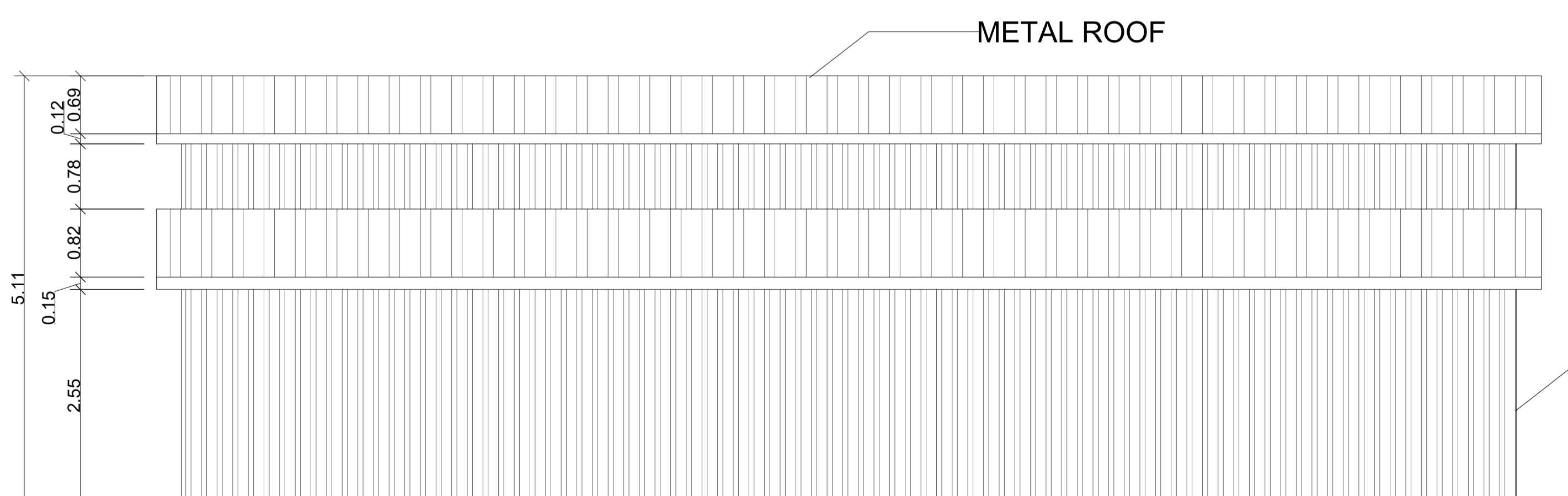
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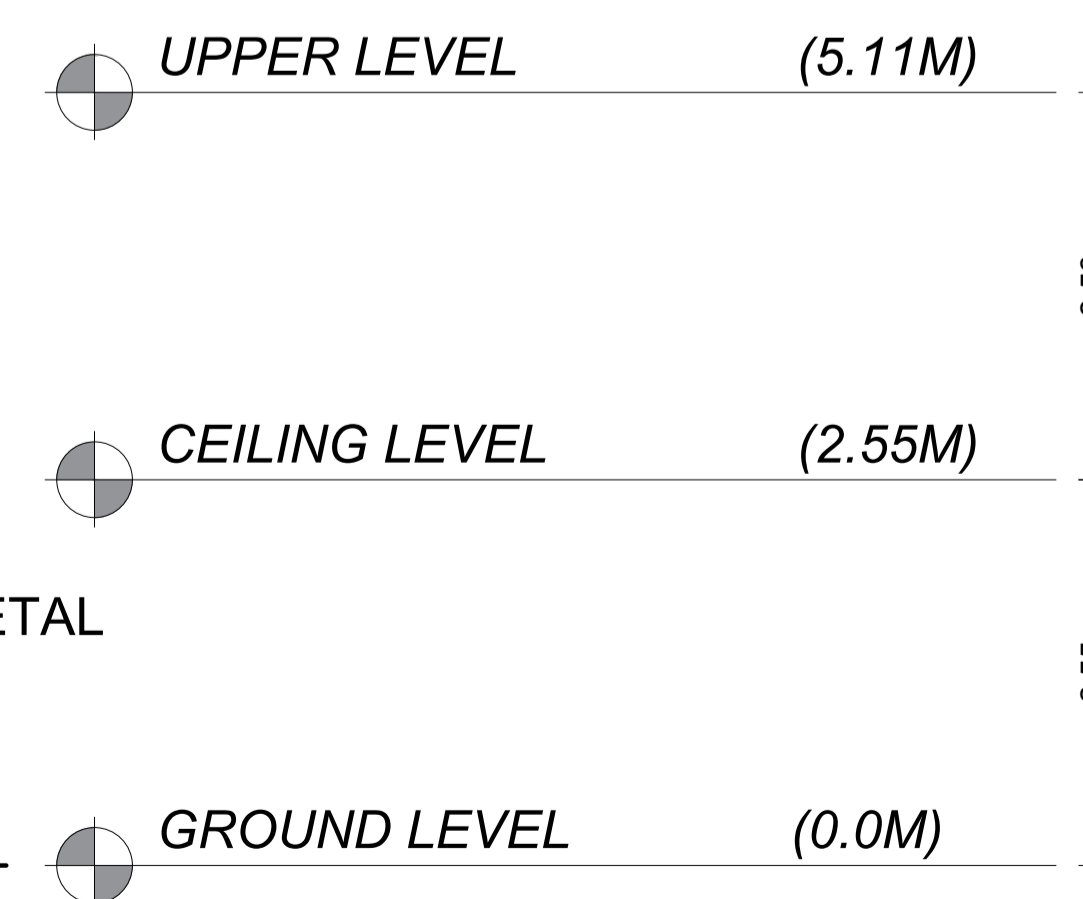
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Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2402-38964 SRA

Date: 15 April 2024



PROJECT

NAME: MOSSMAN RETIREMENT VILLAGE

LOCATION : MOSSMAN QLD

CLIENT : COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

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Date: 16/06/22

Project No:

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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

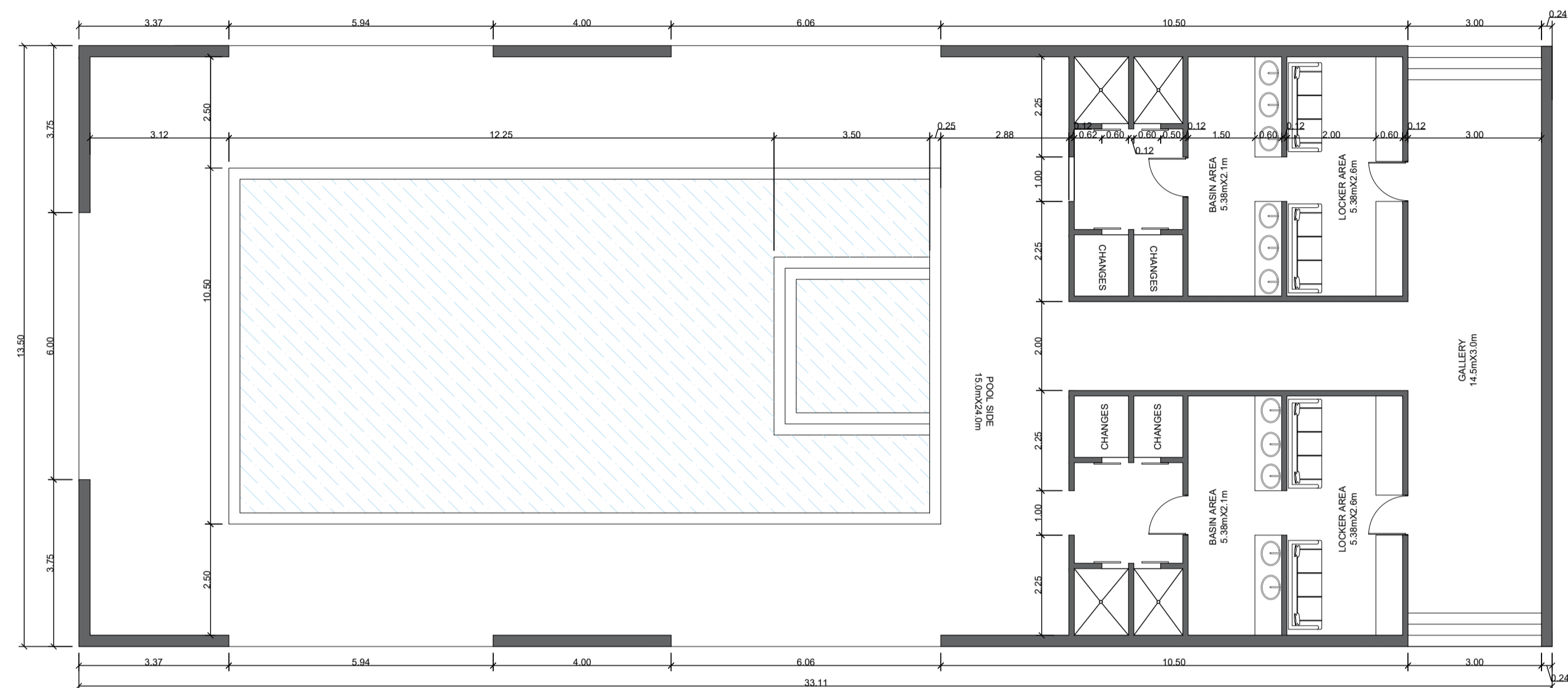


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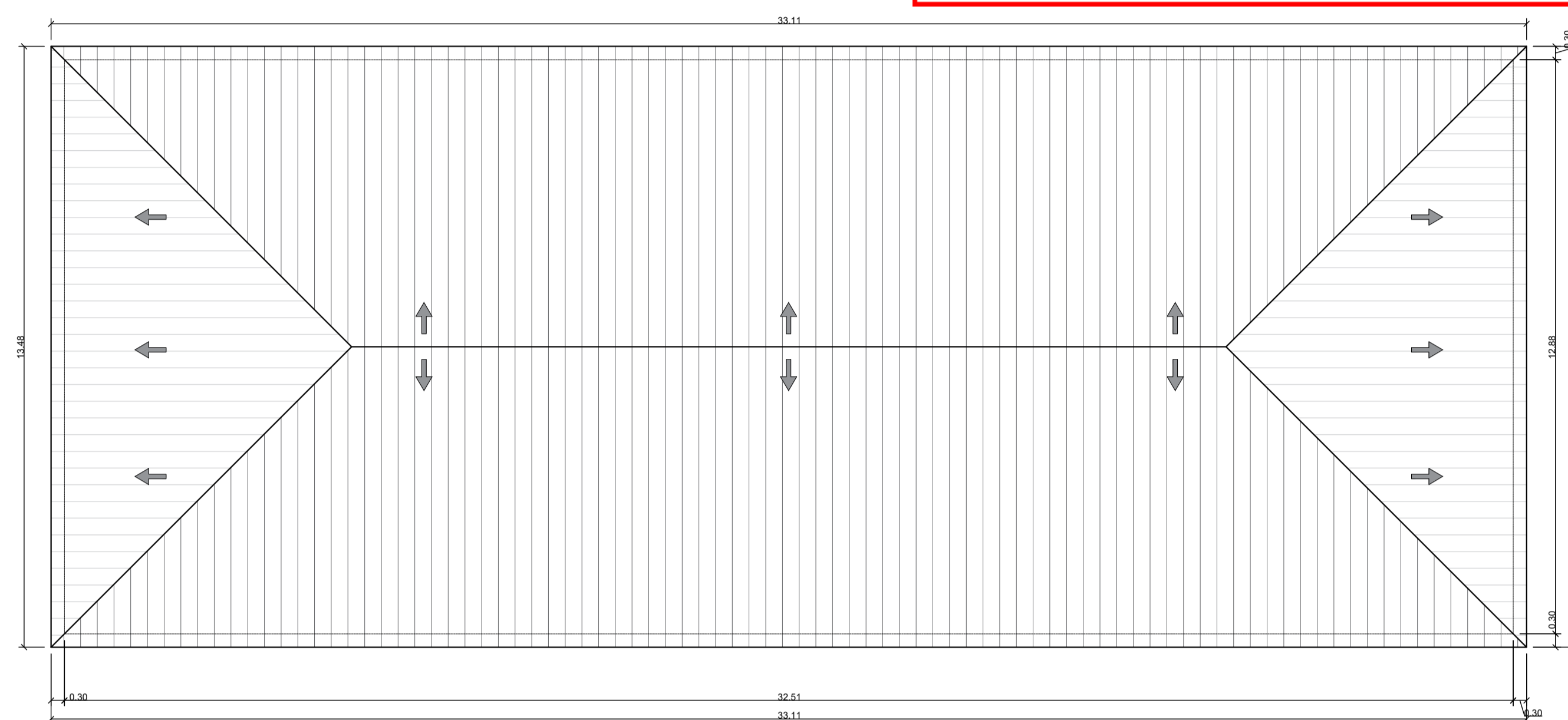
Date: 15 April 2024

Amended in red by SARA on 15 April 2024

Rev.	Date	Submittal
0	16/06/22	Draft Set Prepared



MAIN FLOOR PLAN SCALE: 1:100



ROOF PLAN SCALE: 1:100

Applicable plans as per Condition 1.

PROJECT

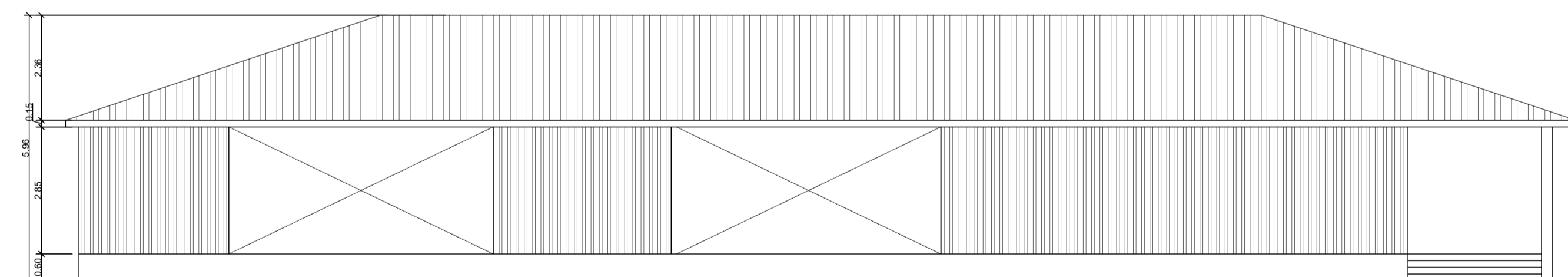
NAME: MOSSMAN RETIREMENT VILLAGE

LOCATION: MOSSMAN QLD

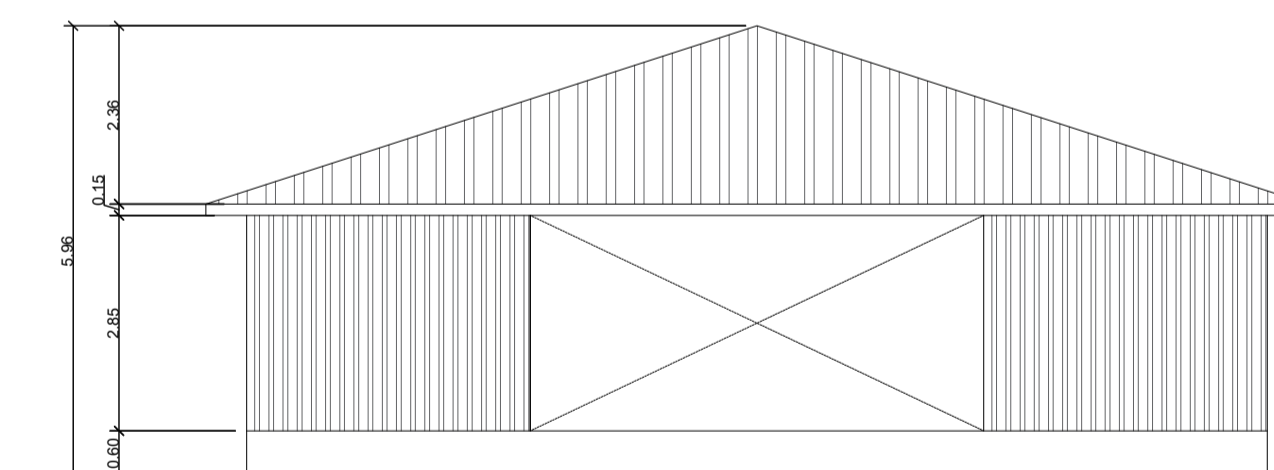
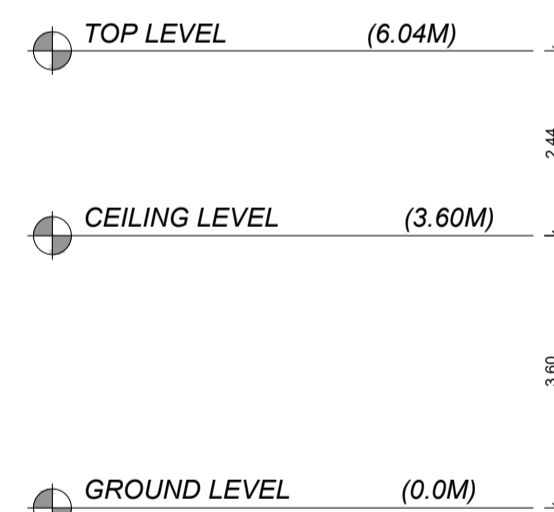
CLIENT: COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

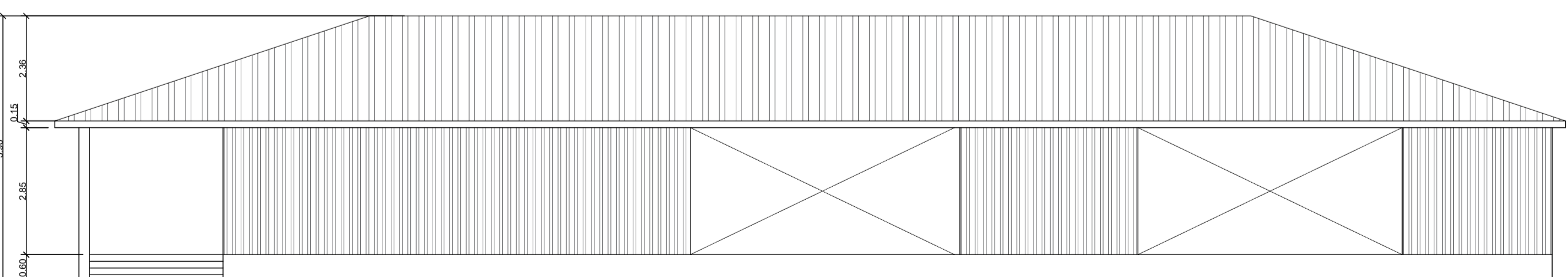
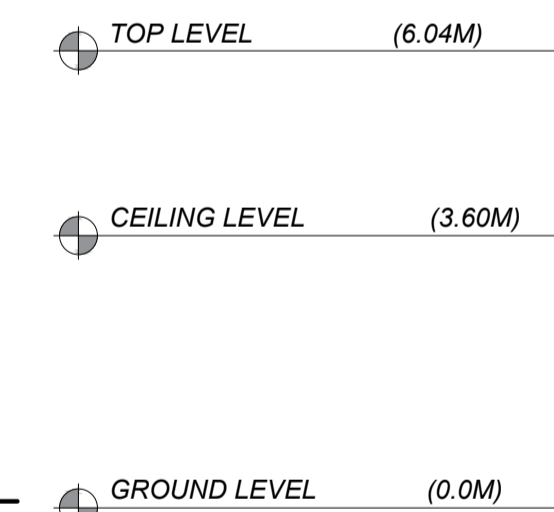
F:\Dropbox\Archimplet\Archimplet Logo.png



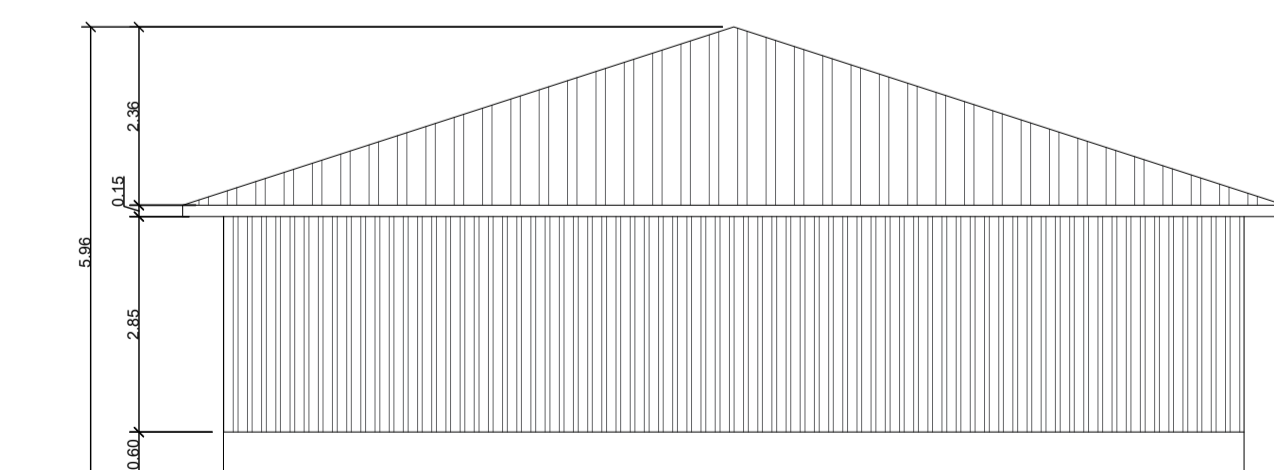
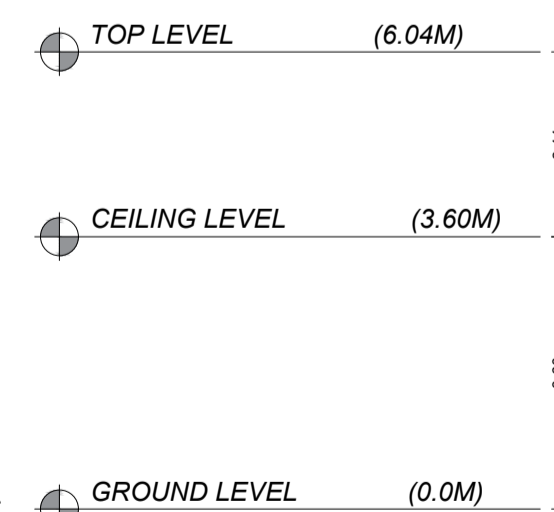
FRONT ELEVATION SCALE: 1:100



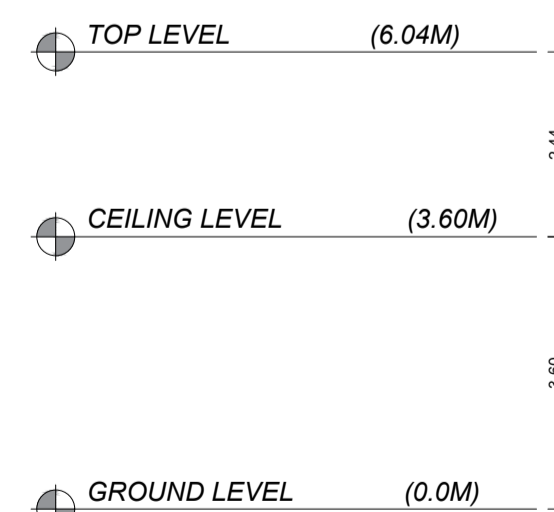
LEFT ELEVATION SCALE: 1:100



REAR ELEVATION SCALE: 1:100



RIGHT ELEVATION SCALE: 1:100



POOL HOUSE PLAN ELEVATION

Date: 16/06/22

Project No:

Drawn By:


Checked By:

Approved By:

Scale: 1:500 @ A1 Paper

Sheet No: A11

Attachment 3 Infrastructure Charges

	2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE		
Coolooloa Waters Holdings Pty Ltd	N/A	0
DEVELOPERS NAME	ESTATE NAME	STAGE
47 Johnston Road	Mossman	Lot 2 on SP295098
STREET No. & NAME	SUBURB	LOT & RP No.s
MCU - Retirement Village		MCUC 5532/2023
DEVELOPMENT TYPE	COUNCIL FILE NO.	VALIDITY PERIOD (year)
1221728	1	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL
DSC Reference Doc . No.	VERSION No.	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
Accommodation_long_term Retirement_facility	\$_per_3_or_more_bedroom_dwelling	10,000.00	59	\$590,000.00		
Charges capped at \$10,000 / unit. Charge subject to indexation - Council Resolution 27 September 2022						
Total Demand				\$590,000.00		
Credit						
<u>Existing land use</u>						
=Charges!B23 Dwelling_house	\$_per_3_or_more_bedroom_dwelling	26479.47	1	\$26,479.47		
Total Credit				\$26,479.47		Code 895 GL GL7500.135.825
Required Payment or Credit			TOTAL	\$563,520.53		

Prepared by	Neil Beck	12-Apr-24	Amount Paid	
Checked by	Dan Lamond	12-Apr-24	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments			Cashier	

Note:
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au