

### 5.3. REQUEST TO WAIVE INFRASTRUCTURE CHARGES ON RV PARK APPROVAL AT MOSSMAN GOLF CLUB - 51 NEWELL RD, NEWELL

<b>REPORT AUTHOR</b>	Daniel Lamond, Planning Officer
<b>MANAGER</b>	Paul Hoyer, Manager Environment and Planning
<b>DEPARTMENT</b>	Environment and Planning
<b>APPLICATION NO</b>	MCUI 2021_4266/1
<b>PROPOSAL</b>	Request for Negotiated Decision Notice for Adopted Infrastructure Charges
<b>APPLICANT</b>	Mossman Golf Club Inc C/- Douglas Shire Council Daniel Favier PO Box 273 MOSSMAN QLD 4873
<b>LOCATION</b>	51 Newell Road NEWELL, Mossman Daintree Road NEWELL
<b>PROPERTY</b>	LOT: 21 SP: 212664, <b>PARCEL</b> 152312 LOT: 20 SP: 212664, LOT: 1 RL: 4079
<b>PLANNING SCHEME</b>	2018 Douglas Shire Council Planning Scheme Version 1.0
<b>ZONING</b>	Recreation and Open Space
<b>LEVEL OF ASSESSMENT</b>	Impact
<b>REFERRAL AGENCIES</b>	State Assessment & Referral Agency

#### LOCALITY PLAN



Figure 1 – Locality Plan

## RECOMMENDATION

1. That Council issue an amended Infrastructure Charges Notice as attached for the Material Change of Use (Tourist Park) over land described as Lot 21 on SP212664, Lot 20 on SP212664 and Lot 1 on RL4079 located at 51 Newell Road Newell.
2. The Infrastructure Charges may be paid in accordance with a payment plan after a two (2) year operating period from the date the lawful operation of the use commences.
3. That Council delegates authority under s257 of the Local Government Act 2009, to the Chief Executive Officer to determine and finalise any and all matters associated with the payment plan and two-year deferment of payment period.

## EXECUTIVE SUMMARY

Council is in receipt of a request to waive the infrastructure charges imposed on a development approval for a Tourist park land use at 51 Newell Road, Newell. The infrastructure charges levied with the development approval total \$53,166.32.

The applicant, being the Mossman Golf Club, has made representations regarding the infrastructure charges associated with the development approval issued on 26 November 2021. The Tourist Park was proposed to complement the existing golf club operation.

The Tourist Park use was impact assessable in the Recreation and open space zone and was advertised in accordance with the Planning Act with no submissions being received.

At the time of issuing the development approval, the charges were calculated in accordance with the Council Infrastructure Charges Resolution (ICR).

Having regard to the type of Tourist Park being proposed, in this instance one with minimal facilities and also considering that the Mossman Golf Club is a not for profit organisation operating from Council owned land, it is considered a reasonable approach for Council to offer a 50% discount to the charges. It is also considered reasonable in this instance to allow the payment of the discounted charges to be deferred to provide the Golf Club with a two-year trial period. The deferred payment proposal will allow the club to test the viability of the RV hosting initiative. In addition, the recommendation includes the ability for the club to enter into a payment plan to make the payment of the levied infrastructure charges over a negotiated period of time to reduce the impact on the Club's operating position.

## TOWN PLANNING CONSIDERATIONS

### Background

The development approval is for a Tourist Park strictly for recreational vehicles (RV) to be accommodated on site. The approval allows up to 18 RVs to utilise a portion of the Mossman Golf Club land for overnight stays for up to seven consecutive nights. The approval does not permit camping or accommodation in buildings or vehicles that are not equipped with their own water and effluent storage facilities. Each RV site is required to have a water and power connection as well, as a light and a site number.

The RV park area is sited at the rear boundary of the Mossman Golf Club away from the frontages of the highway and Newell Road, Newell. It is acknowledged that the Committee of the Mossman Golf Club was not aware that infrastructure charges are required to be levied on development at the time the application was made for the land use.

### Proposal

The applicant proposes to have the adopted infrastructure charges of \$53,166.32 waived by way of Council issuing an amended Infrastructure Charges Notice.

### DISCUSSION

Council has an Infrastructure Charges Resolution (ICR) made under section 113 of the *Planning Act 2016* which was adopted at the 23 February 2021 Ordinary Council meeting.

Infrastructure charges are levied of development approvals to assist in funding the cost of trunk infrastructure networks identified in the Douglas Shire Council Local Government Infrastructure Plan (LGIP). The trunk infrastructure groups being charged a levy for are water supply, wastewater, transport and parks and community facilities.

The site is not serviced by Council sewer and therefore a 35% discount for the lack of the sewer service has been applied. The levied charge on the development approval is \$53,166.32.

The applicant has requested that Council waive the charges on the basis that Council owns the land that the Golf Club proposes to operate the RV park on and that the Golf Club cannot afford these charges and did not anticipate or expect these charges to be applied. The Golf Club has advised that had they known this, then they would not have invested the time and money pursuing this proposal to date.

In investigating this matter further, it is noted that some other Local Government authorities provide discounts of infrastructure charges for not-for-profit organisations ranging from 50% to 100% where operating from Council owned land. This type of assistance to these organisations assist greatly in terms of maintaining services or providing sporting opportunities for the benefit of the wider community. The Mossman Golf Course is considered a wonderful asset for Mossman and the wider community.

In addition to the above, it is noted that the land will remain in Council's ownership, therefore it is in Council's best financial interest to ensure the Golf Club is able to operate in a financially viable manner.

Considering the above comments, it is considered reasonable that Council provided a 50% waiver of the infrastructure charges with a deferred payment of those charges to allow for a trial period. The recommendation to Council also provides for an ability to agree to a payment plan that allows the club a more affordable option to pay off the charges. Where payment is made after 27 April 2024, the charge rate will be indexed (for the years March 2022, March 2023 and March 2024) as per the Infrastructure Charges Resolution No.2. The recommendation also provides delegation to the Chief Executive Officer to finalise all matters associated with the payment plan.

Any future review of Council's Infrastructure Charges could be amended to include specific considerations for not for profit organisations. In the interim, any such other requests can be considered on a case by case basis.

## 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- Request for Negotiated Decision Notice [5.3.1 - 2 pages]
2. Attachment Infrastructure Charges Notice [5.3.2 - 1 page]



MOSSMAN GOLF CLUB, INC  
 51 Newell Road, Newell Beach 4873  
 PO Box 1379 Mossman, Qld 4873  
 Phone: 4098 1570 & 4098 2089  
 Gmail: [mossmangolf89@gmail.com](mailto:mossmangolf89@gmail.com)  
 ABN 77 050 336 869

7 December 2021

Your ref: MCUI 2021\_4266 (1052439)

Manager Environment and Planning

Douglas Shire Council

64-66 Front Street

Mossman QLD 4873

Attention: Mr Paul Hoyer

DOUGLAS SHIRE COUNCIL	
Received	
File Name:	MCUI 2021_4266
Downloaded By:	
14 DEC 2021	
Attention:	DPL
Information:	

**RE: Request for a Negotiated Adopted Infrastructure Charge Notice for Development Application  
 Material Change of Use (Tourist Park) At 51 Newell Road NEWELL, Mossman Daintree Road  
 NEWELL on Land Described as LOT: 21 SP: 212664, LOT: 20 SP: 212664, LOT: 1 RL: 4079**

Pursuant to s125 of the *Planning Act 2016*, on behalf of the members of Mossman Golf Club Inc. I write seeking a Negotiated Infrastructure Charges Notice for the above referenced Development Permit. Please consider the following representations.

The Mossman Golf Club currently leases the golf course and club house from the Douglas Shire Council, both of which are assets of the Council and to the Community. Although the Development Permit for a Tourist Park has been applied for by the Mossman Golf Club, the Development Permit pertains to the land, and as such will continue to serve Council's benefit beyond Mossman Golf Club's tenure.

During the initial negotiations between Douglas Shire Council and the Proposed Mossman Golf Club, the importance of establishing an RV Park to ensure financial viability was repeatedly stated. Representatives of Mossman Golf Club were assured that Council fully supported the project and fees would be waived to assist in its construction.

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It should be noted that the proposed RV Park is neither a camping ground or site for caravans so there should be minimal impact on the resources or infrastructure at Mossman Golf Club. The terms and conditions of the RV Park will require guests to be completely self-sufficient and remain on site for no longer than seven days.

It is our hope that Douglas Shire Council will waive the current Infrastructure Charges for the RV Park at Mossman Golf Club in support of an asset that benefits both parties.

As you are aware the Mossman Golf Club has only held the lease over the clubhouse and course since December 2020 and, given the difficulties experienced in operating a business in the Douglas Shire over this time due to covid restrictions, it is difficult for the Club to ably predict its financial status over the next twelve months. With interstate borders to be opened shortly, the establishment of an RV Park is seen as a way for the Mossman Golf Club Inc. to establish some degree of financial stability for its future.

The Mossman Golf Club Inc., when it is completed, will manage the RV Park until the expiration of the current lease in 2023, at which time the inclusion of the RV Park can be negotiated in the new lease.

Thank you for your consideration.

Yours sincerely



Geoff Goodwin, President  
Mossman Golf Club  
Management Committee



## ADOPTED INFRASTRUCTURE CHARGES NOTICE

<b>Mossman Golf Club C/- Douglas Shire Council</b>		<b>0</b>	<b>0</b>
DEVELOPERS NAME		ESTATE NAME	STAGE
<b>51 Newell Road</b>	<b>Newell Beach</b>	<b>L21 SP212664, L20 SP212664, L1 RL4079</b>	<b>152311, 14260, 5527</b>
STREET No. & NAME		LOT & RP No.s	PARCEL No.
<b>MCU Tourist Park</b>		<b>MCUI 2021_4266</b>	<b>6</b>
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
<b>1079836</b>			
DSC Reference Doc. No.		<b>Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL</b>	
<b>3</b>		<b>3</b>	
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
<b>Proposed Demand</b>						
Accommodation (short term)	Tourist park - caravan or tent	4,544.13	18	\$81,794.34		March 2021 rates utilised
Total Demand				\$81,794.34		
<b>Credit</b>						
Discount						
Non-sewer supply area	less 35% of use charge	-35%		\$28,628.02		
Sub Total				\$53,166.32		
Adjustment	50% reduction			-\$26,583.16		
Total Credit						Code 895 GL GL7500.135.825

Required Payment or Credit

TOTAL

\$26,583.16

Prepared by	<b>Jenny Elphinstone</b>	<b>14-Apr-22</b>	Amount Paid	
Checked by	<b>Rebecca Taranto</b>	<b>14-Apr-22</b>	Date Paid	
Date Payable	<div>MCU - prior to the commencement of use</div>		Receipt No.	
Amendments	<b>Note - NFP Reduction, payment deferred for 2 years &amp; conditions on indexing</b>		Date	
<b>50% Reduction for not-for-profit status as per Council Meeting 26 April 2022</b>  <b>Also as per Council Meeting 26 April 2022 payment can be deferred for 2 years and the charges utilises the March 2021 charge rate without indexing where payment is made prior to 27 April 2024. Where payment is made after 27 April 2024, the charge rate will be indexed (for the years March 2022, March 2023 and March 2024) as per the Infrastructure Charges Resolution No.2.</b>		<b>14-Apr-22</b>  <b>14-Apr-22</b>	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

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