

22 November 2022

**Enquiries:** Jenny Elphinstone  
**Our Ref:** CA 2022\_5129/1 (Doc ID 1119501)  
**Your Ref:** AU006371

Peace World Pty Ltd  
C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Email: [Patrick.clifton@rpsgroup.com.au](mailto:Patrick.clifton@rpsgroup.com.au)

Attention Mr Patrick Clifton

Dear Sir

**Development Application for Combined Application for a Material Change of use for a  
Dual Occupancy Reconfiguration of a lot (1 Lot into 2 Lots)  
At 11-15 Dickson Street Craiglie  
On Land Described as Lot 11 on SP323472**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2022\_5129/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

cc. State Assessment and Referral Agency (SARA) E: [CairnsSARA@dilqp.qld.gov.au](mailto:CairnsSARA@dilqp.qld.gov.au)  
encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Concurrence Agency Response
  - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



## Decision Notice

### Approval (with conditions)

*Given under s 63 of the Planning Act 2016*

#### Applicant Details

Name: Peace World Pty Ltd  
Postal Address: C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
Cairns Qld 4870  
Email: [Patrick.clifton@rpsgroup.com.au](mailto:Patrick.clifton@rpsgroup.com.au)

#### Property Details

Street Address: 11-15 Dickson Street Craiglie  
Real Property Description: Lot 11 on SP323472  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for Combined Application for a Material Change of use for a Dual Occupancy and Reconfiguration of a lot (1 Lot into 2 Lots).

#### Decision

Date of Decision: 22 November 2022  
Decision Details: Approved (subject to conditions)

#### Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Contour Plan	Austart Homes, Job 348OLD, Sheet 1 of 11, dated 17 August 2022 and amended and lodged with Council on 14 November 2022 (Council document 1122224).	17 August 2022.

Drawing or Document	Reference	Date
Set Out Plan	Austart Homes, Job 348OLD, Sheet 10 of 11, dated 17 August 2022 and amended and lodged with Council on 14 November 2022 (Council document 1122224).	17 August 2022.
Floor Plan (New Dwelling)	Austart Homes, Job 348OLD, Sheet 2 of 11.	17 August 2022
Elevations (New Dwelling)	Austart Homes, Job 348OLD, Sheet 3 of 11.	17 August 2022
<b>FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access</b>		
Rural Allotment Access	Standard Drawing S1105 Issue E and as amended by Condition 5 of the approval.	27 August 2020

## Assessment Manager Conditions & Advices

### Conditions

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;
  - 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 signing and dating of the Plan of Survey, except where specified otherwise in these conditions of approval. The lodgement of the Plan of Survey for signing and dating cannot be applied for prior to:-
  - a. The construction and completion of all required external works, the provision of services and the completion of conditions as listed; and
  - b. the new dwelling being at lockup stage.

Prior to the settlement and disposition of each lot, the Applicant must obtain a Final Certificate for the new dwelling.

### Water Supply and Sewerage Works

3. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection to each lot in accordance with the Regional FNQROC Development Manual;
  - b. Provide a single water connection to each lot in accordance with the regional FNQROC Development Manual;

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the signing and dating of the Plan of Survey.

### **General External Works**

4. Undertake the following external works:

- a. Upgrade the vehicle crossings to each of the proposed lots whereby the existing driveway crossings are removed and constructed to FNQROC Regional Development Manual standard drawing S1105 with the waterway capacity matching the upstream culvert of 1.08m<sup>3</sup>. The finished surface level of the access crossing be commensurate to the height of the centre line of the Dickson Street;
- b. Remove the irrigation system that has been established in the adjacent road area.

Note: the above works for the vehicle crossing are not considered to be creditable or trunk related works in accordance with section 145 of the *Planning Act 2016*.

### **Vegetation Clearing**

5. Existing vegetation on the adjacent road must be retained in all areas except those affected by construction of roadworks / access driveways and/or installation of services as detailed on the approved plans as stated in this approval. Any further clearing requires an Operational Works Approval.

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.

### **Buffer around Vegetation**

6. A minimum two (2) metre wide buffer shall be provided around the vegetation to be retained. This buffer must consist of suitable fencing to ensure that machinery, equipment or construction materials are not stored or used within this area. This buffer is to be established prior to the commencement of any works on the site and must be maintained at all times for the duration of the construction to the satisfaction of the Chief Executive Officer.

### **Wildlife**

7. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

### **Electricity and Telecommunications**

8. Written evidence of negotiations (certificate of supply) with Ergon Energy must be submitted to Council stating that an electricity supply and an underground telecommunications service will be provided to the development prior to the signing and dating of the Plan of Survey.

### **Damage to Council Infrastructure**

9. In the event that any part of Council's existing sewer / water 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, prior to the Commencement of Use.

## **Sewer Access**

10. The developer and owner must maintain clear access to Council's sewer must be maintained at all times. All landscaping including any irrigation must be able to be removed. All costs associated with the removal / reinstatement of any items over Council's sewer affected by any Council inspection, maintenance and / or replacement of sewer is at the owner's expense.

## **Lawful Point of Discharge**

11. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

## **ADVICE**

- 1 This approval, granted under the provisions of the *Planning Act 2016*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. 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.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For information relating to the *Planning Act 2016* log on to [www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

## **Infrastructure Charges Notice**

5. 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 original Infrastructure Charges Notice will be provided under cover of a separate letter.

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.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

## **Further Development Permits**

---

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

## Concurrence Agency Response

---

Concurrence Agency	Concurrence Reference	Agency	Date	Doc ID
State Assessment and Referral Agency (SARA).	2210-31678 SRA		21 November 2022	1123987

**Note** – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

## Currency Period for the Approval

---

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 the provisions of Section 85 of the *Planning Act 2016*.

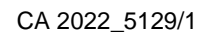
## Rights to make Representations & Rights of Appeal

---

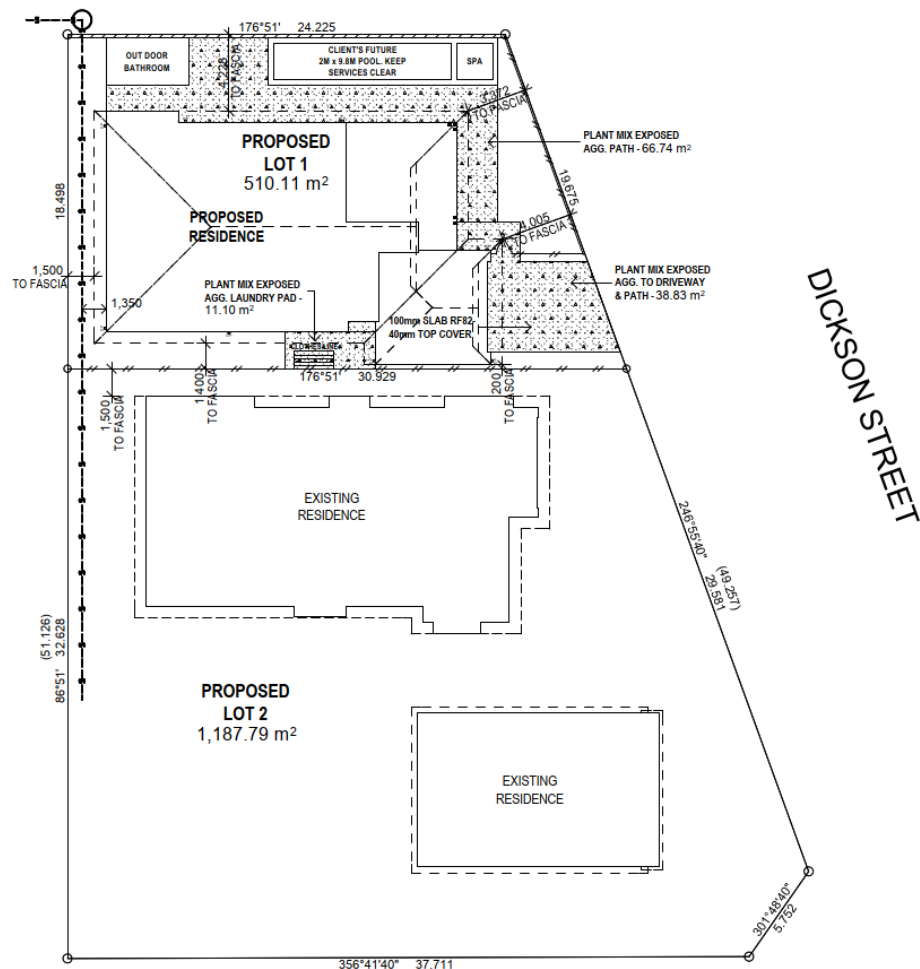
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

## Doc ID: 1119501







LOT 11 (Proposed)  
 Existing LOT 404 ON C2251  
 DICKSON STREET,  
 PORT DOUGLAS



DICKSON STREET

## WIND-'C2' SETOUT PLAN

**AUSTART HOMES**  
 Austart Homes Pty. Ltd.  
 QBSA Act. Licence No. 1200115  
 Address : P.O. Box 1077, SMITHFIELD, 4878  
 Phone: 0740383855 Fax: 0740383899

PEACEWORLD Pty. Ltd. LOT 404-OLD  
 PORT ROAD (PROPOSED LOT 11-  
 DICKSON STREET), CRAIGLIE

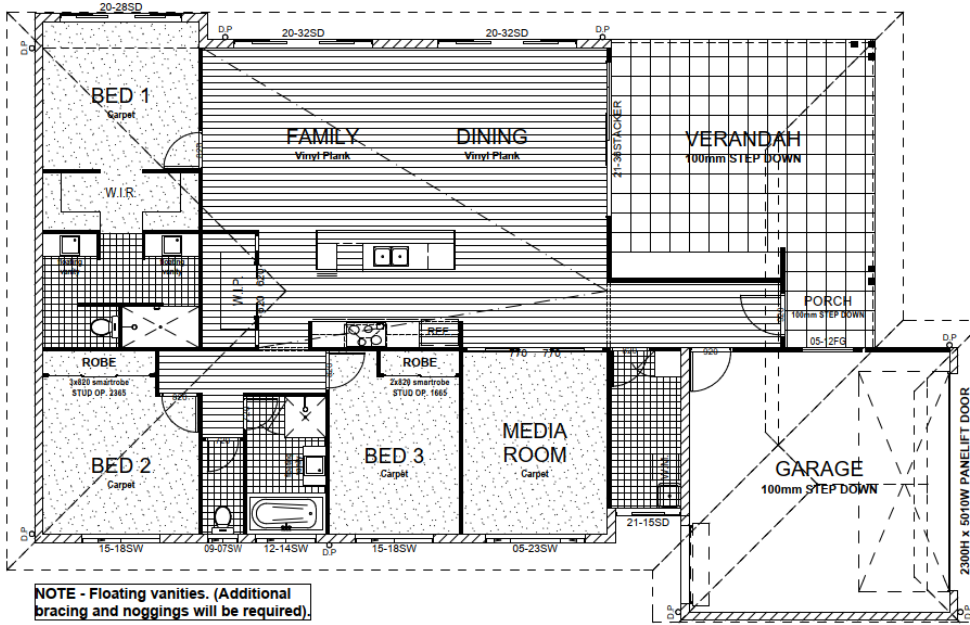
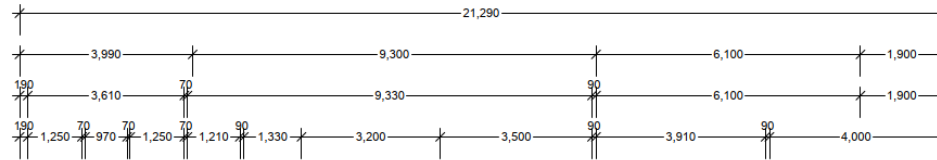
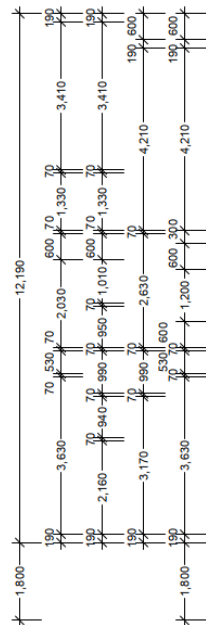
N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER  
 SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY  
 OF AUSTART HOMES AUSTRALIA Pty. Ltd.

Design:	TURN KEY 246 BLC2600	Drawn By:	
Facade:	TRADITIONAL	Date:	17/08/2022
Inclusions:	TURN KEY RANGE	Scale:	1:250
Amendments:			
Job Number:	3480LD	Sheet Number:	10 of 11





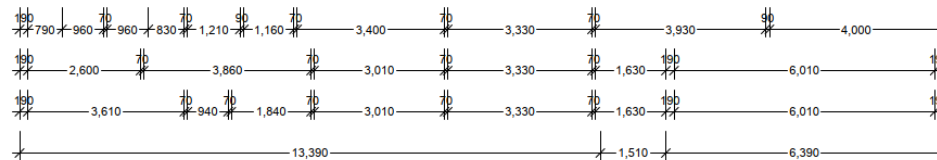
ELEVATION KEY



NOTE - Floating vanities. (Additional bracing and noggings will be required).

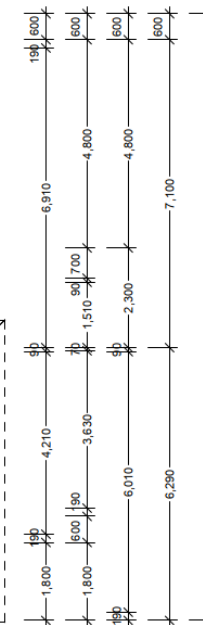
**FLOOR AREAS**  
LIVING - 170.09  
GARAGE - 39.25  
VERANDAH /  
PORCH - 36.91  
TOTAL - 246.26m<sup>2</sup>  
26.49 SQUARES

NOTE - ALL HOT and COLD WATER PIPING TO GO THROUGH CEILING DOWN TO STUD WALLS, OTHER THAN PIPING FOR ISLAND BENCH. ALSO GAS PIPING (IF APPLICABLE) TO RUN THROUGH CEILING and STUD WALLS.



ALL DIMENSIONS SHOWN ARE TO FRAME AND BLOCKWORK, EXCLUDES GYPROCK

**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR min.  
: HEAT BANK HOT WATER SYSTEM TO BE INSTALLED.



**GENERAL NOTES :**  
: Tinted glass to all alum. framed glass doors and windows.  
: Dishwasher prov. with SPP and cold water plumbing.  
: Lift off hinges to wc.  
: Mechanical exhaust to wc with no external opening.  
: Niches - 900H base with a 2100H head U.N.O.  
: Hampers and Openings - 2100H head U.N.O.  
: Bulkheads - 2200H U.N.O.

# PRELIMINARY

WIND-'C2'

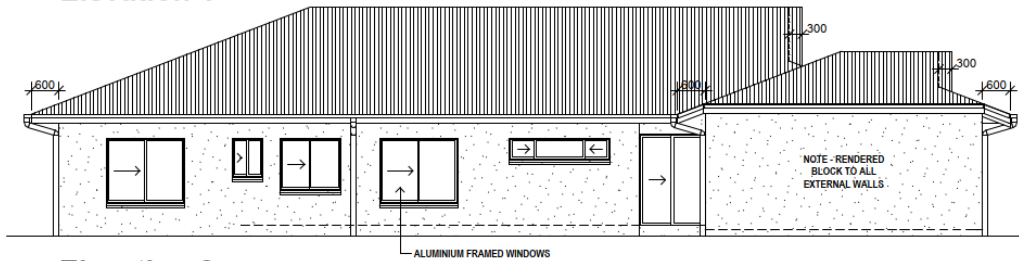
FLOOR PLAN

Drawn By:	TURN KEY 246 BLC2600	Drawn By:	TURN KEY 246 BLC2600
Project:	TRADITIONAL	Date:	17/08/2022
Indicates:	TURN KEY RANGE	Scale:	1:100
Amendments:		Job Number:	3480LD
		Sheet Number:	2 of 11

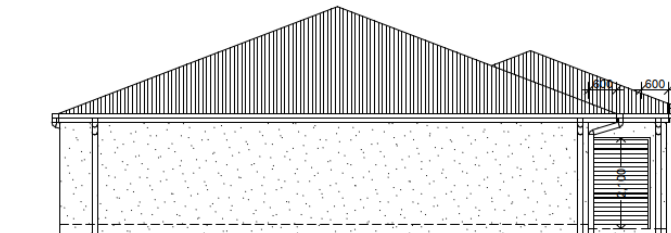




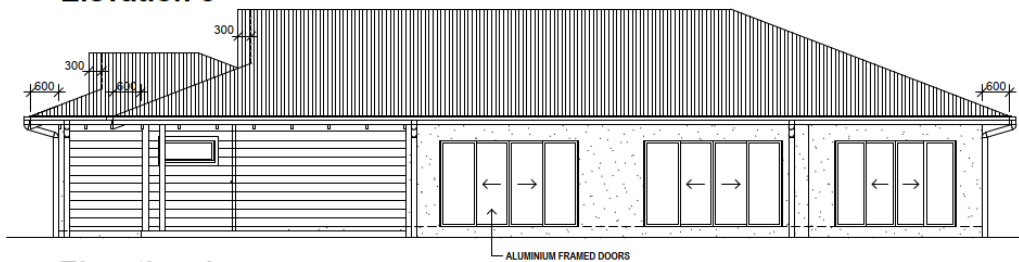
**Elevation 1**



**Elevation 2**



**Elevation 3**



**Elevation 4**

**PRELIMINARY**

**WIND-'C2'  
ELEVATIONS**

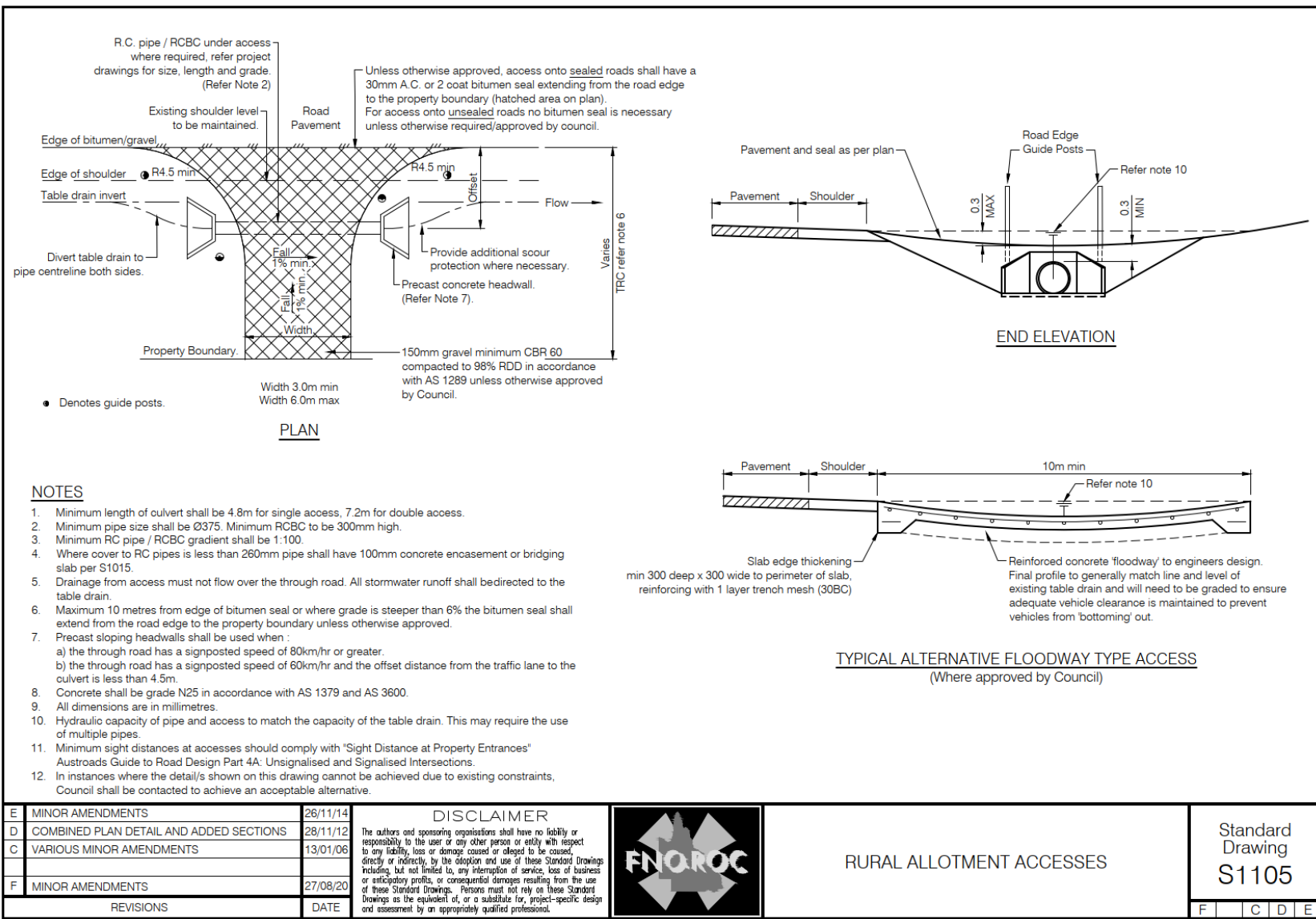


PEACEWORLD Pty. Ltd. LOT 404-OLD  
PORT ROAD (PROPOSED LOT 11-  
DICKSON STREET), CRAIGLIE

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER  
SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY  
OF AUSTART HOMES AUSTRALIA Pty. Ltd.

Design:	TURN KEY 246 BLC2600	Drawn By:	
Facade:	TRADITIONAL	Date:	17/08/2022
Inclusions:	TURN KEY RANGE	Scale:	1:100
Amendments:			
Job Number:	3480LD	Sheet Number:	3 of 11

# FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



## Concurrence Agency Conditions

RA9-N



SARA reference: 2210-31678 SRA  
Council reference: CA2022\_5129/1  
Applicant reference: AU006371

21 November 2022

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

Attention: Jenny Elphinstone

Dear Sir/Madam

### **SARA response—11-15 Dickson Street, Craiglie—Multiple Dwelling and Reconfiguring a Lot (1 lot into 2 Lots)**

(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 26 October 2022.

#### **Response**

Outcome:	Referral agency response - No requirements  Under section 56(1)(a) of the <i>Planning Act 2016</i> , the department advises it has no requirements relating to the application.
Date of response:	21 November 2022
Advice:	Advice to the applicant is in <b>Attachment 1</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

#### **Development details**

Description:	Development permit	Material Change of Use (Multiple Dwelling) Reconfiguring a Lot (1 Lot into 2 Lots)
SARA role:	Referral Agency	
SARA trigger:	<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1</b> (Planning Regulation 2017) – Reconfiguring a lot near a State-controlled road	

**Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1**  
(Planning Regulation 2017) – Reconfiguring a lot near a State-controlled road intersection

**Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1**  
(Planning Regulation 2017) – Material change of use near a State-controlled road and intersection

SARA reference: 2210-31678 SRA  
 Assessment Manager: Douglas Shire Council  
 Street address: 11-15 Dickson Street, Craiglie  
 Real property description: 11SP323472  
 Applicant name: Peace World Pty Ltd  
 Applicant contact details: C/- RPS AAP Consulting Pty Ltd  
 PO Box 1949  
 Cairns QLD 4870  
 Patrick.Clifton@rpsgroup.com.au

## Representations

---

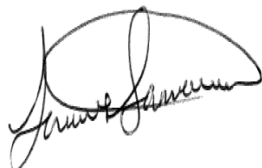
An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules)

Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes  
A/Manager (Planning)

cc Peace World Pty Ltd C/- RPS AAP Consulting Pty Ltd, Patrick.Clifton@rpsgroup.com.au

enc Attachment 1 - Advice to the applicant  
 Attachment 2 - Reasons for referral agency response  
 Attachment 3 - Representations provisions

**Attachment 1—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) version 3, commenced 18 February 2022. If a word remains undefined it has its ordinary meaning. |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Attachment 2—Reasons for referral agency response

---

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

### The reasons for the SARA's decision are:

- The proposed development complies with the relevant assessment benchmarks in the State Development and Assessment Provisions (SDAP), State Code 1: Development in a state-controlled road environment, and has found that it as follows:
  - o The proposed development is unlikely to compromise the safety, function, and efficiency of the Captain Cook Highway, a state-controlled road, and the Captain Cook Highway / Old Port Road intersection.
  - o Access to the subject site is located approximately 55m from the Captain Cook Highway carriageway and does not have direct access to the highway.
  - o Existing and proposed access is via Dickson Street, a local road, at distances of approximately 50m and 70m from the Captain Cook Highway / Old Port Road intersection.
  - o Any increase in stormwater and drainage run-off is unlikely to impact the Captain Cook Highway.
  - o The proposed development is considered low scale with any increase or change to traffic generation able to be adequately accommodated by the Captain Cook Highway / Old Port Road intersection.

### 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), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*



## Reasons for Decision

1. The reasons for this decision are:
  - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
  - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - c. 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 19 October 2022 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 Medium Density Residential 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:
    - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

## Non-Compliance with Assessment Benchmarks

None. Through the conditions of the approval the development complies with the planning scheme and no concerns are raised.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

---

## **Division 2            Changing development approvals**

### **Subdivision 1        Changes during appeal period**

#### **74        What this subdivision is about**

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### **75        Making change representations**

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- 
- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
  - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
    - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.



## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and



- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
**decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

## ADOPTED INFRASTRUCTURE CHARGES NOTICE

Peace World Pty Ltd DEVELOPERS NAME		N/A ESTATE NAME	0 STAGE
11-15 Dickson Street STREET No. & NAME	Craiglie SUBURB	Lot 11 on SP323472 LOT & RP No.s	158141 PARCEL No.
CA Additional dwelling and ROL (1 into 2 Lots) DEVELOPMENT TYPE		CA 2022_5129 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1119264 DSC Reference Doc. No.	1 VERSION No.	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	

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	Residential	Dwelling_house	\$_per_3_or_more_be droom_dwelling	24,553.81	2	\$49,107.62	
		Total Demand				\$49,107.62	
	Credit	Existing land use					
	3 or more bedroom dwelling	1 lot	\$_per_3_or_more_be droom_dwelling	24,553.81	1	\$24,553.81	
	Total Credit					\$24,553.81	Code 895 GL GL7500.135.825

Required Payment or Credit TOTAL \$24,553.81

Prepared by	Jenny Elphinstone	31-Oct-22	Amount Paid
Checked by	Rebecca Taranto	1-Nov-22	Date Paid
Date Payable	ROL - Before the Local Government approves the plan of subdivision  MCU - prior to the commencement of use		Receipt No.
Amendments		Date	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

22 November 2022

**Enquiries:** Jenny Elphinstone  
**Our Ref:** CA 2022\_5129 (Doc ID 1119501)  
**Your Ref:** AU006371

Peace World Pty Ltd  
C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870

Email: [Patrick.clifton@rpsgroup.com.au](mailto:Patrick.clifton@rpsgroup.com.au)

Attention Mr Patrick Clifton

Dear Sir

**Adopted Infrastructure Charge Notice**  
**Development Application for Combined Application for a Material Change of use for a Dual**  
**Occupancy Reconfiguration of a lot (1 Lot into 2 Lots)**  
**At 11-15 Dickson Street Craiglie**  
**On Land Described as Lot 11 on SP323472**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA 2022\_5129 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



**For**

**Paul Hoyer**  
**Manager Environment & Planning**

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

# Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

## ADOPTED INFRASTRUCTURE CHARGES NOTICE

<b>Peace World Pty Ltd</b>		<b>N/A</b>	<b>0</b>
DEVELOPERS NAME		ESTATE NAME	STAGE
<b>11-15 Dickson Street</b>		<b>Lot 11 on SP323472</b>	<b>158141</b>
STREET No. & NAME		LOT & RP No.s	PARCEL No.
<b>CA Additional dwelling and ROL (1 into 2 Lots)</b>		<b>CA 2022_5129</b>	<b>6</b>
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
<b>1119264</b>		<b>Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL</b>	
DSC Reference Doc. No.		VERSION No.	
<b>1</b>			

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>							
Residential	Dwelling_house	\$_per_3_or_more_bedroom_dwelling	24,553.81	2	\$49,107.62		
Total Demand					<b>\$49,107.62</b>		
<b>Credit</b>							
<u>Existing land use</u>							
3 or more bedroom dwelling	1 lot	\$_per_3_or_more_bedroom_dwelling	24,553.81	1	\$24,553.81		
Total Credit					<b>\$24,553.81</b>		
							<b>Code 895 GL GL7500.135.825</b>

Required Payment or Credit **TOTAL** **\$24,553.81**

Prepared by	<b>Jenny Elphinstone</b>	<b>31-Oct-22</b>	Amount Paid	
Checked by	<b>Rebecca Taranto</b>	<b>1-Nov-22</b>	Date Paid	
Date Payable	<b>ROL - Before the Local Government approves the plan of subdivision</b>  <b>MCU - prior to the commencement of use</b>		Receipt No.	
Amendments		Date	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



## **Subdivision 5 Changing charges during relevant appeal period**

### **124 Application of this subdivision**

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

### **125 Representations about infrastructure charges notice**

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
  - (a) agrees with a representation; and
  - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
  - (a) must be in the same form as the infrastructure charges notice; and
  - (b) must state the nature of the changes; and
  - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

## **126 Suspending relevant appeal period**

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

## **Division 3 Development approval conditions about trunk infrastructure**

### **Subdivision 1 Conditions for necessary trunk infrastructure**

#### **127 Application and operation of subdivision**

- (1) This subdivision applies if—
  - (a) trunk infrastructure—
    - (i) has not been provided; or
    - (ii) has been provided but is not adequate; and
  - (b) the trunk infrastructure is or will be located on—
    - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
    - (ii) other premises, but is necessary to service the subject premises.



## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and



- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
**decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.