

30 July 2026

Enquiries: Georgia Graham
Our Ref: MCUC 2025_5845/1 (Doc ID 1382580)
Your Ref: 2024-08-32-UNITING CHURCH

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

The Uniting Church In Australia Property Trust (Q)
C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873

Dear Sir

**Negotiated Decision Notice for
Development Application for Material Change of Use (Code) for
Childcare Centre, Community Facilities and Place of Worship
At 36 Front Street Mossman
On Land Described as Lot 1 on RP 706244**

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

Please quote Council's application number: MCUC 2025_5845/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



Neil Beck
Team Leader Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
encl.

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



Negotiated Decision Notice

Approval (with conditions)

Given under s 76 of the Planning Act 2016

Applicant Details

Name: The Uniting Church In Australia Property Trust (Q)
Postal Address: C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873
Email: admin@aspireqld.com

Property Details

Street Address: 36 Front Street Mossman
Real Property Description: Lot 1 on RP 706244
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Development Application for Material Change of Use (Code) for Childcare Centre, Community Facilities and Place of Worship

Decision

Date of Decision: 30 July 2026
This Negotiated Decision Notice replaces the Decision Notice dated 22 June 2026
Decision Details: Approved as per the changes to the Table of Approved Drawings and/or documents and conditions below.

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

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

Drawing or Document	Reference	Date
Detail Survey	35853/002 A Sheet 1 of 1, Brazier Motti	25 September 2024

Drawing or Document	Reference	Date
Context and Locality Plan	A-DA-00.01 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Existing Site Survey	A-DA-01.01 REV G , <u>REV E</u> , Elevation Architecture/ Brazier Motti	21 November 2025 <u>14 April 2026</u>
Site Demolition Plan	A-DA-01.02 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Proposed Site Plan	A-DA-01.03 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Floor Plan – Demolition	A-DA-03.02 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Floor Plan – Church & Hall Proposed	A-DA-03.03 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Floor Plan – OSHC Proposed	A-DA-03.04 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Roof Plan – Church & Hall Proposed	A-DA-04.01 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Roof Plan – OSHC Proposed	A-DA-04.02 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Overall Site Elevations	A-DA-09.01 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Elevations (Sheet 1)	A-DA-09.02 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Elevations (Sheet 2)	A-DA-09.03 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Sections	A-DA-10.01 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Renders	A-DA-22.01 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>
Renders	A-DA-22.02 REV G , <u>REV E</u> , Elevation Architecture	21 November 2025 <u>14 April 2026</u>

Drawing or Document	Reference	Date
Civil Works Layout Plan	LU23281-CD-200 B, Lekkar Urban	1 June 2026
Stormwater Catchment Plan – Pre-Development	LU23281-CD-600 B, Lekkar Urban	1 June 2026
Stormwater Catchment Plan – Post-Development	LU23281-CD-601 B, Lekkar Urban	1 June 2026

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 otherwise nominated in these conditions of approval.

Hours of Operation

3. The Outside Hours Care Facility must only operate between 6.00am and 6.00pm.

Lighting

4. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Vehicle Parking

5. The car parking layout must provide nine (9) parking spaces and three (3) bicycle plus one (1) disabled parking access and must comply with the Australian Standards: AS2890.1 Parking Facilities; AS 2890.3 – bicycle parking; and AS2890.6 off-street parking for people with disabilities.

Parking areas must 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, and these attributes must be maintained for the life of the development.

Bin Enclosure

6. The bin enclosure should be suitably screened from pedestrians and road users. Plans of the screening solution may involve fencing, landscaping, or a combination of both.

Landscaping Plan

7. Provide a landscaping plan for the endorsement by the Chief Executive Officer. The site must be landscaped in accordance with *Planning Scheme Policy SC6.7 Landscaping*, and;

- A. must not include species with large root structures at the sites front and side boundaries; and
- B. must include fencing design and detail.

Protection of Landscaped Areas from Parking

- 8. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Fencing Treatments

- 9. ~~An acoustic fence must be constructed in the location specified on plan LU23281-CD-200 REV B. The acoustic fence must achieve a minimum height of 2m above finished ground level and must be constructed of solid, continuous, impervious material/s; and,~~
 - ~~a. Certified by a suitably qualified acoustic engineer (RPEQ) and Building Certifier.~~

Lawful Point of Discharge

- 10. All external 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

- 11. 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.

Flood Immunity

- 12. All floor levels in all buildings must be no less than 10.35 metres AHD in elevation as per proposed plans.

Air-Conditioning Screens

- 13. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Damage to Council Infrastructure

- 14. 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, the applicant/owner must notify Council immediately of the affected infrastructure and have it replaced at no cost to Council, prior to the commencement of use.

External Works

- 15. All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

Any proposed concrete crossover and apron is to be designed and constructed in accordance with *FNQROC Development Manual Standard Drawing S1015*. A copy is attached at Appendix 2. The crossover must not impact on storm water flows in minor and major flow events.

Notification of Vegetation Clearing

16. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

Sediment and Erosion Control

17. Sediment and erosion control measures must be implemented prior to and during all construction activities to prevent sediment or debris leaving the site

Advice

1. 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 cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. 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.

3. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
4. For information relating to the *Planning Act 2016* log on to <https://planning.dsdmip.qld.gov.au/>. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au.

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

Advice Note: The attached Concurrence Agency Response references plans that have since been amended. The applicant is advised that the Concurrence Agency Response may need to be amended, varied or confirmed by the relevant referral agency to reflect the amended plans forming part of this approval.

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment Referral Agency (SARA)	2510-48803 SRA	15 January 2026	Doc ID 1343449

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 of Appeal

The 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.

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

Mossman Uniting Church

36 Front Street Mossman QLD



Perspective 1

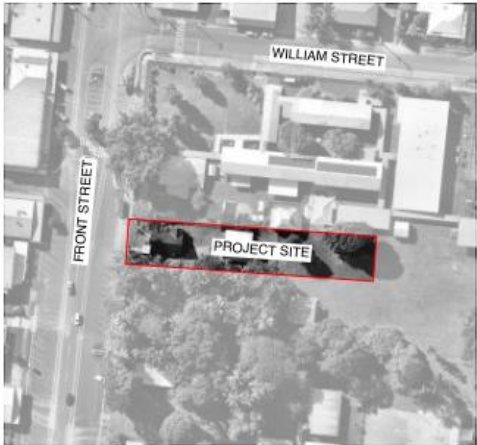
Real Property Description: RP706244

Local Authority: Douglas Shire Council
Site Classification: Community
Site Area: 2054m²
Building Area: 588.3m²

DEVELOPMENT INFO

CARPARKING RATES

CHILDCARE CENTRE	
1 Space / 10 Children + 1 Space / Staff	10
CHURCH	
1 Space / 15m ² GFA	7
HALL	
1 Space / 15m ² GFA	11
Total Carparks Required	28
Total Carparks Provided	10



Locality Plan

DA
NOT FOR CONSTRUCTION

elevation architecture

Contact
(07) 3251 6900
20 Prospect St, Fortitude Valley QLD 4006
info@elevationarchitecture.com.au

Revises		
A	Preliminary DA Issue	11/09/2025
B	DA Information Request	21/12/2025
C	DA Information Request - Sewer Setback	21/12/2025
D	Updated Carpark Layout	18/12/2025
E	Issue for Landscape Consultation	14/04/2026

Project
Mossman Uniting Church
36 Front Street Mossman QLD
Client
The Uniting Church in Australia

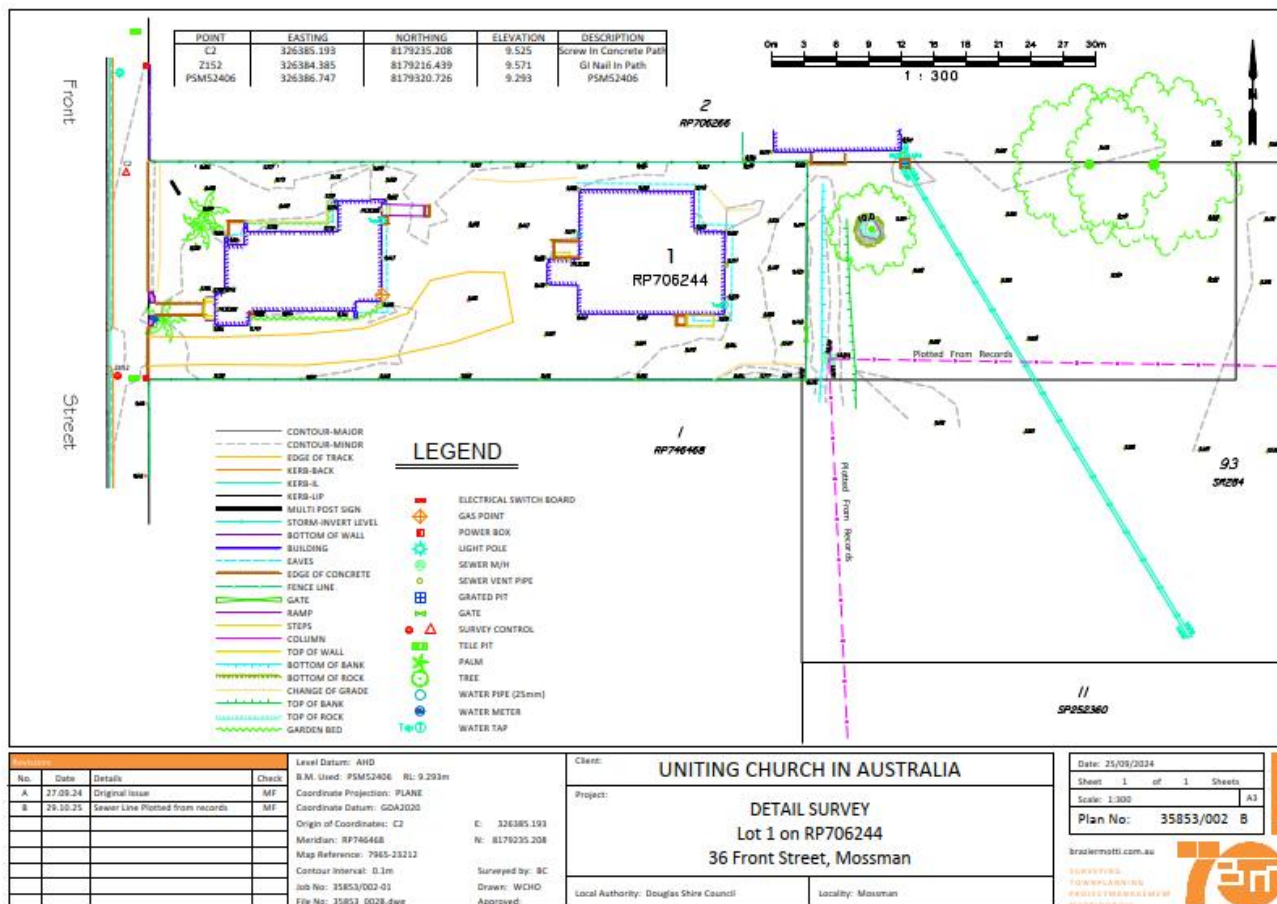
Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
DA
Drawn
MF:GR
Project No.
1325-03
Scale
A1:3

Context & Locality Plans

A-DA-00.01

E



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Revision
A Preliminary DA Issue 11/08/2025
B DA Information Request 21/12/2025
C DA Information Request - Sewer Setback 21/12/2025
D Updated Carpark Layout 16/12/2025
E Issue for Landscape Coordination 14/06/2026

Project
Mossman Uniting Church
36 Front Street Mossman QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

Project No.
1325-02
Scale
at A3

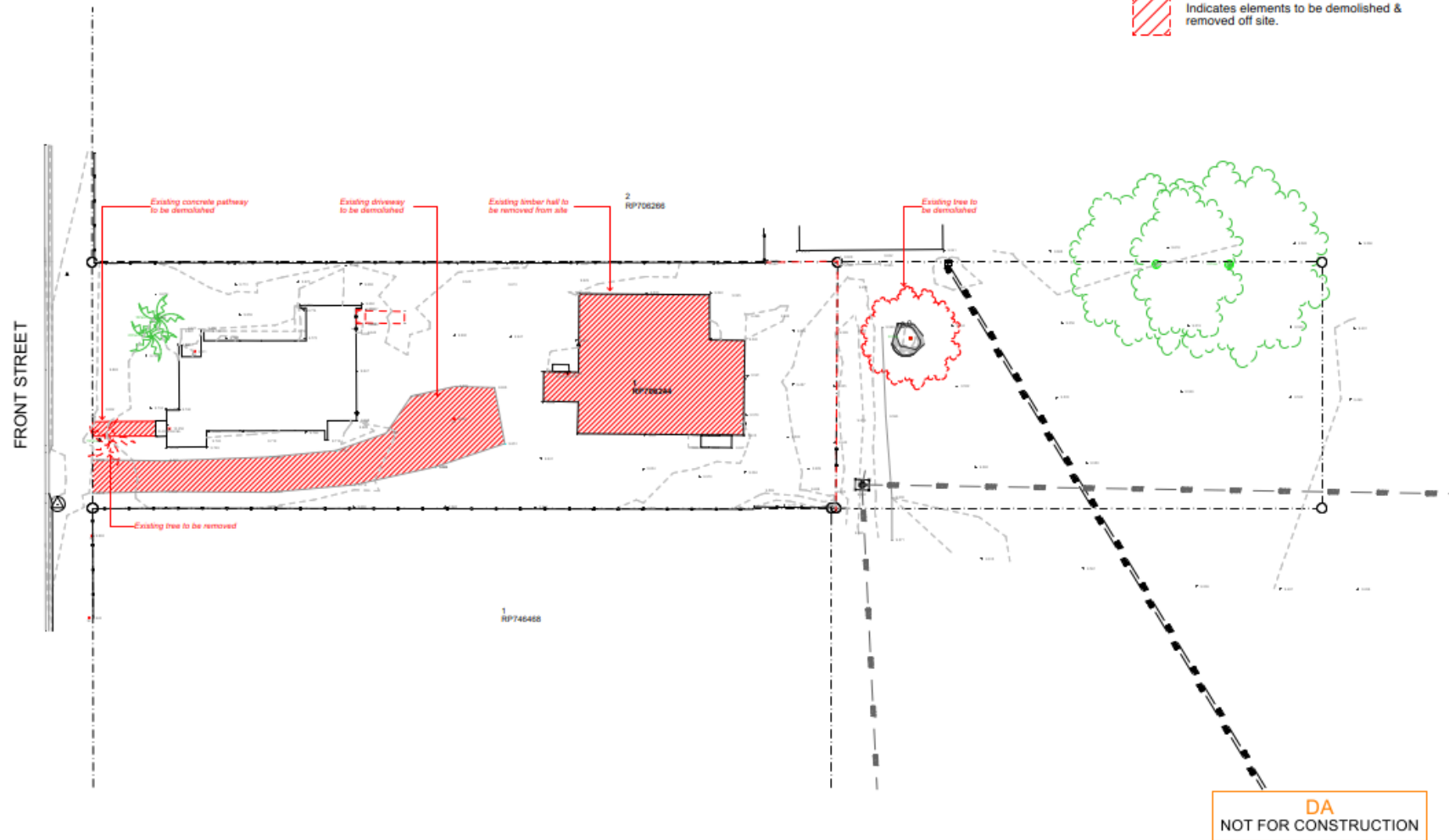
Existing Site Survey (By Others)
A-DA-01.01

E

DEMOLITION PLAN LEGEND

--- Indicates extent of main elements to be demolished & removed off site.

 Indicates elements to be demolished & removed off site.



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Revision
A Preliminary DA Issue 11/09/2025
B DA Information Request 21/11/2025
C DA Information Request - Sewer Setback 21/11/2025
D Updated Carpark Layout 19/12/2025
E Issue for Landscape Coordination 14/04/2026

Project
Museum Uniting Church
36 Front Street Museum QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

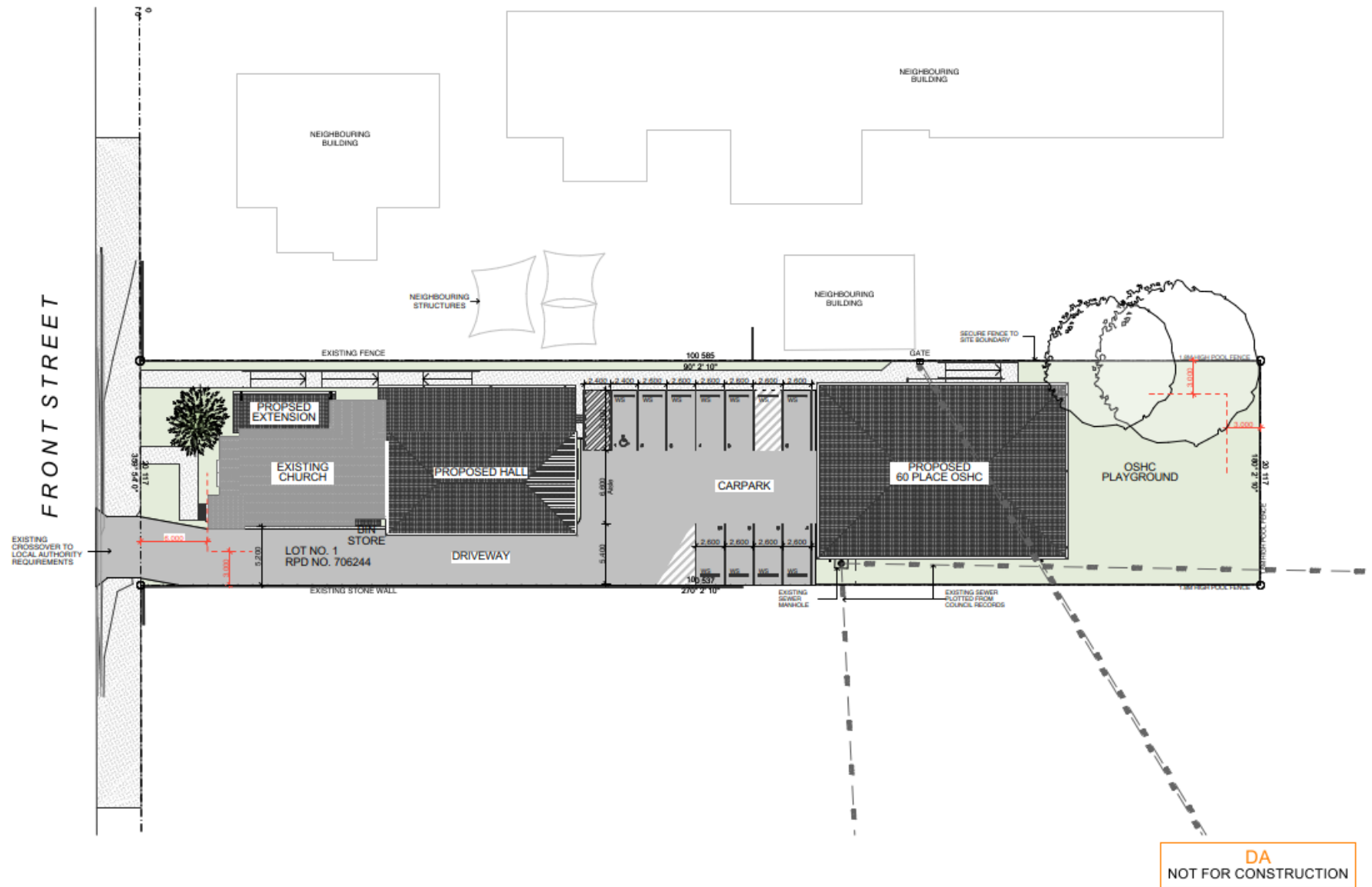
Architect
CG
Drawn
MF GR

Project No.
1325-02
Scale
1:300 at A3



Site Demolition Plan
A-DA-01.02

E



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Revision
A Preliminary DA Issue 11/09/2025
B DA Information Request 21/11/2025
C DA Information Request - Sewer Setback 21/11/2025
D Updated Carpark Layout 19/12/2025
E Issue for Landscape Coordination 14/04/2026

Project
Museum Uniting Church
36 Front Street Museum QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
G6
Drawn
MF GR

Project No.
1325-02
Scale
1:300 at A3



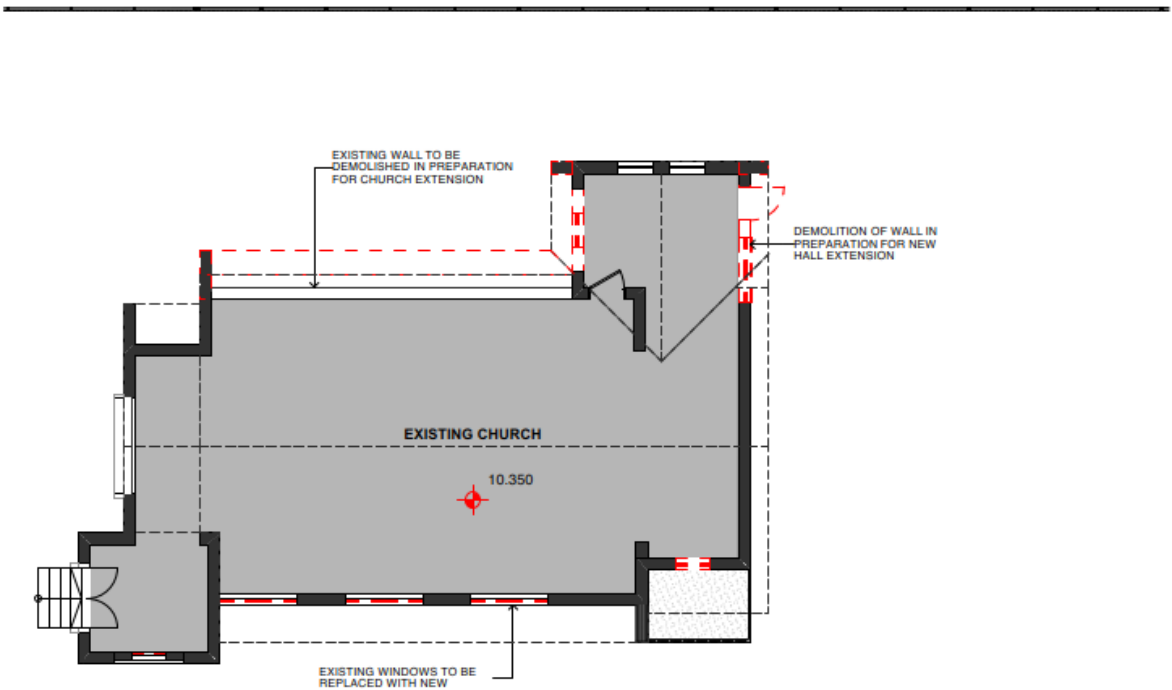
Proposed Site Plan
A-DA-01.03

E

DEMOLITION PLAN LEGEND

--- Indicates extent of main elements to be demolished & removed off site.

 Indicates elements to be demolished & removed off site.



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Revision
A Preliminary DA Issue 11/09/2025
B DA Information Request 21/11/2025
C DA Information Request - Sewer Setback 21/11/2025
D Updated Carpark Layout 19/12/2025
E Issue for Landscape Coordination 14/04/2026

Project
Maulmain Uniting Church
36 First Street Maulmain QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

Project No.
1325-02
Scale
1:100 at A3



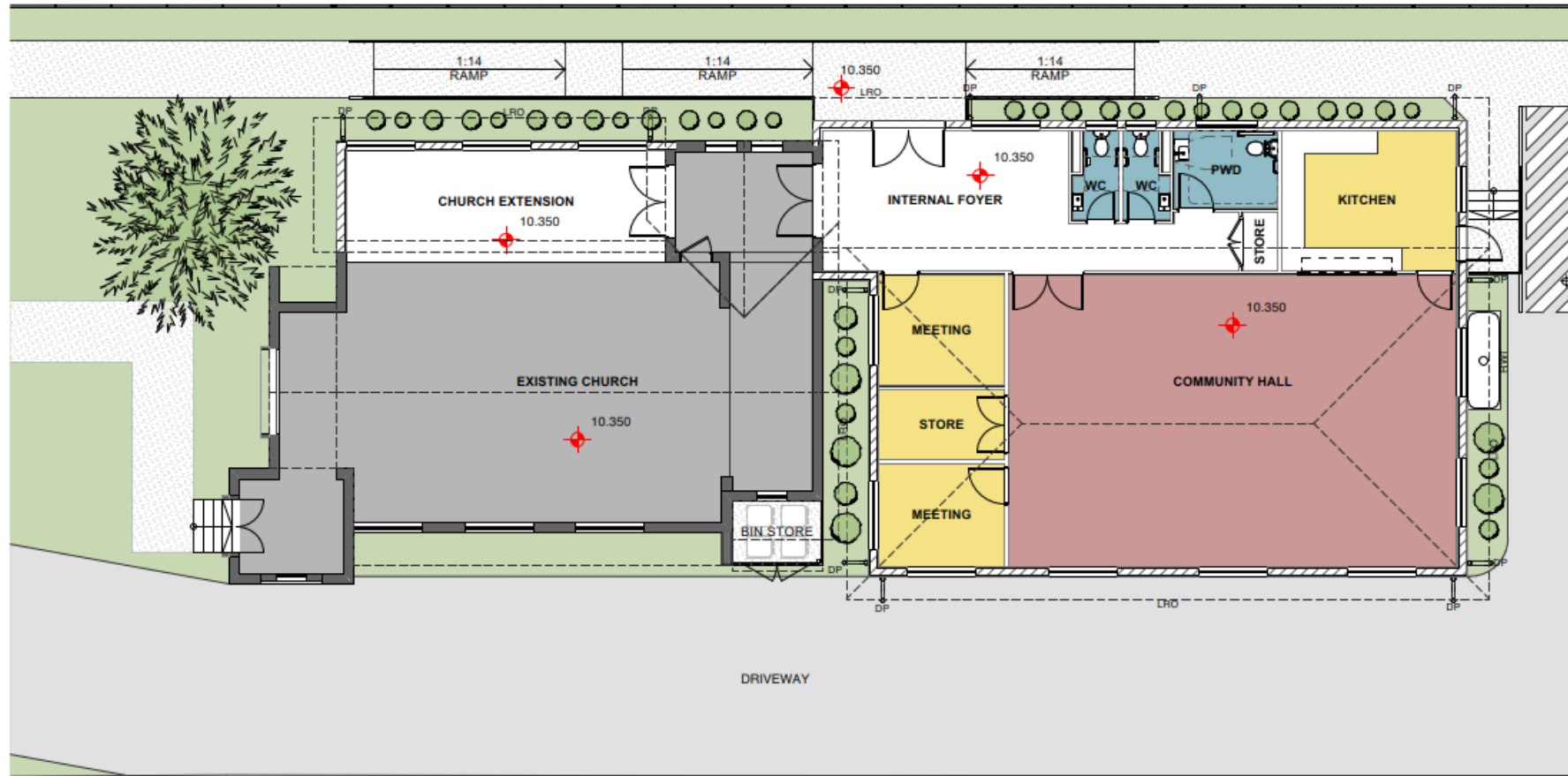
Floor Plan - Church Demolition
A-DA-03.02

E

Project No. 1325-02 Maulmain Uniting Church DA 2 Development Application DA 2 14/04/2026 100% Plan Sheet No. 02 of 02

FLOOR PLAN LEGEND

DP Downpipe
LRO Line of Roof Over
RWT Rainwater Tank -
Refer to civil docs
SHS Square Steel Column



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Revision		
A	Preliminary DA Issue	11/09/2025
B	DA Information Request	21/11/2025
C	DA Information Request - Sewer Setback	21/11/2025
D	Updated Carpark Layout	19/12/2025
E	Issue for Landscape Coordination	14/04/2026

Project
Maitland United Church
36 Front Street Maitland QLD
Client
The United Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR
Project No.
1325-02
Scale
1:100 at A3



Floor Plan - Church & Hall Proposed
A-DA-03.03

E

DP	Downpipe
LRO	Line of Roof Over
RWT	Rainwater Tank -
	Refer to civil docs
SHS	Square Steel Column



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Revision		
A	Preliminary DA Issue	11/09/2025
B	DA Information Request	5/15/2025
C	DA Information Request - Sewer Setback	21/11/2025
D	Updated Carpark Layout	19/12/2025
E	Issue for Landscape Coordination	14/04/2026

Project
Moosman Uniting Church
36 Front Street Moosman QLD

Client
The Uniting Church in Australia

Stage
DA

Status
Preliminary
NOT FOR CONSTRUCTION

Architect DG	Project No. 1325-02
Drawn MF GR	Scale 1:100 at A3

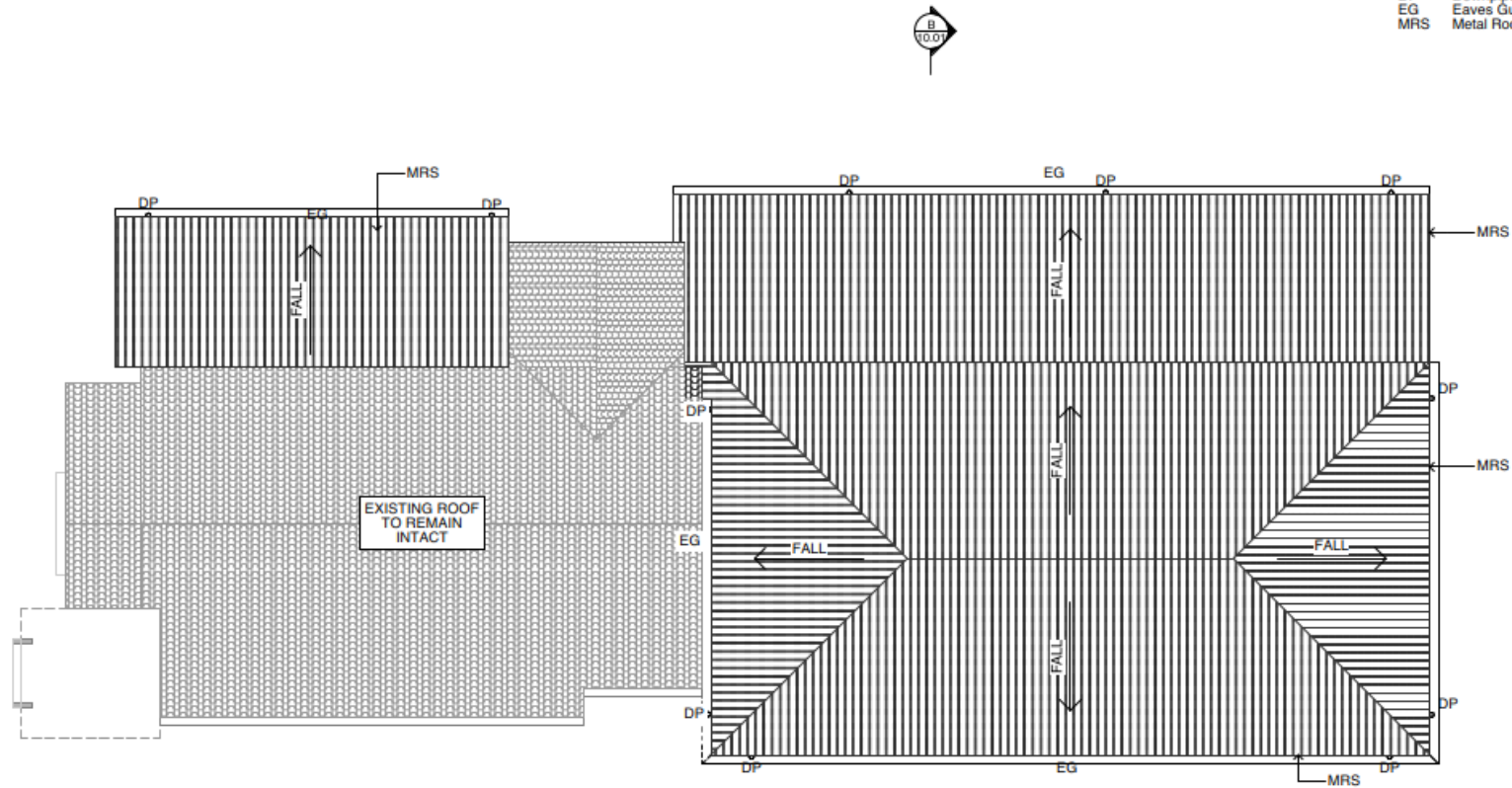


Floor Plan - OSHC Proposed
A-DA-03.04

E

ROOF LEGEND

DP Downpipe
EG Eaves Gutter
MRS Metal Roof Sheet



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Revision
A Preliminary DA Issue 11/09/2025
B DA Information Request 21/11/2025
C DA Information Request - Sewer Setback 21/11/2025
D Updated Carpark Layout 19/12/2025
E Issue for Landscape Coordination 14/04/2026

Project
Museum Uniting Church
36 Front Street Museum QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

Project No.
1325-02
Scale
1:100 at A3

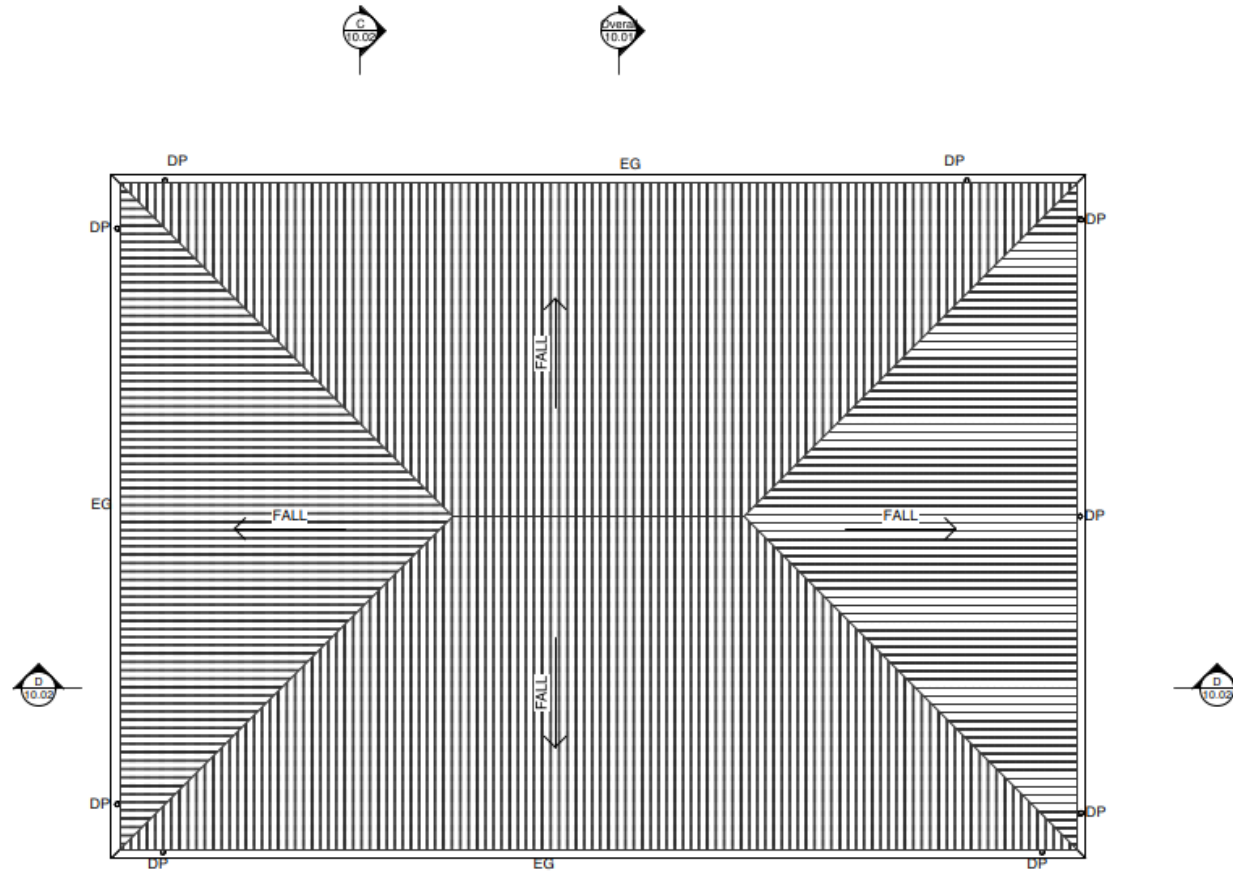


Roof Plan - Church & Hall Proposed
A-DA-04.01

E

ROOF LEGEND

DP Downpipe
EG Eaves Gutter
MRS Metal Roof Sheet



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Revision	Date
A Preliminary DA Issue	11/09/2025
B DA Information Request	21/11/2025
C DA Information Request - Sewer Setback	21/11/2025
D Updated Carpark Layout	19/12/2025
E Issue for Landscape Coordination	14/04/2026

Project
Museum Uniting Church
36 Front Street Museum QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

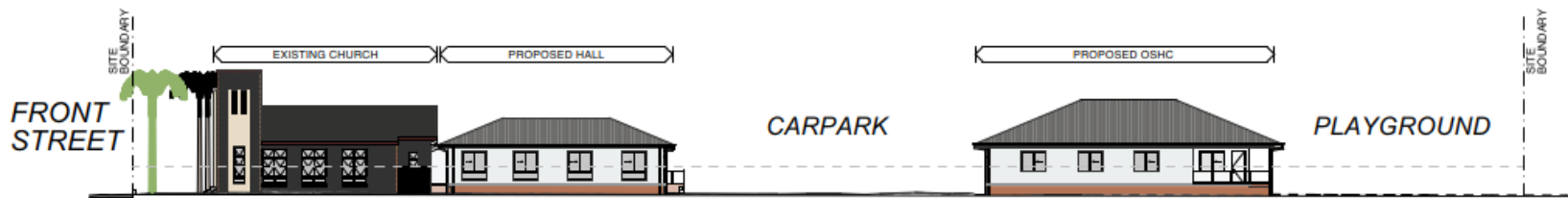
Project No.
1325-02
Scale
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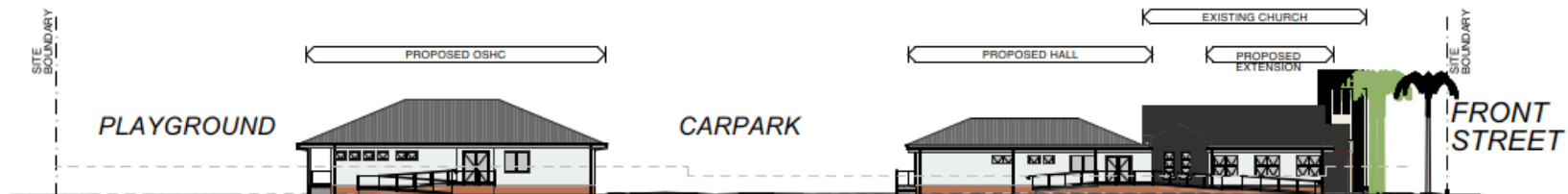
Roof Plan - OSHC Proposed

A-DA-04.02

E



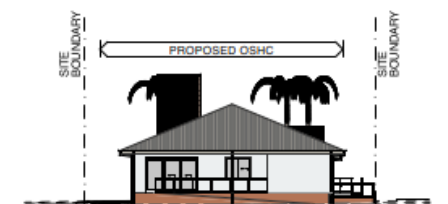
1 Overall South
Scale 1:300



2 Overall North
Scale 1:300



3 Overall West
Scale 1:300



4 Overall East
Scale 1:300

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Project
Museum United Church
36 Front Street Museum QLD
Client
The United Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

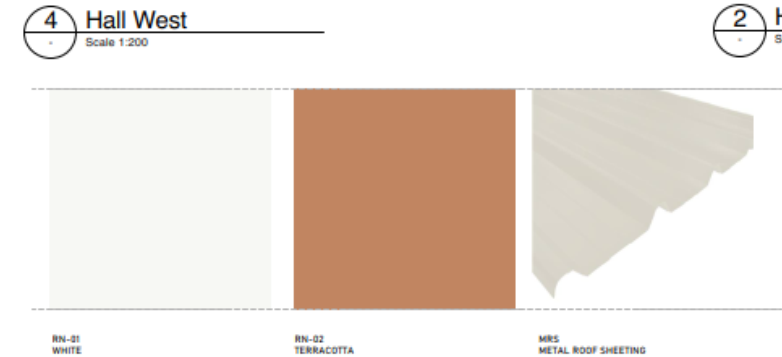
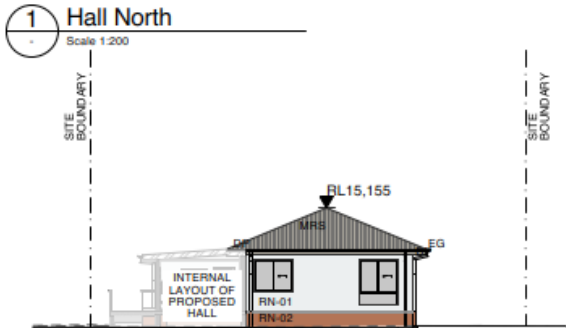
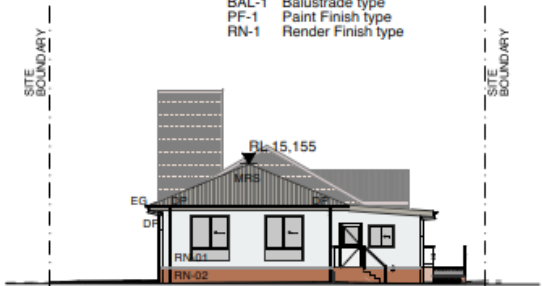
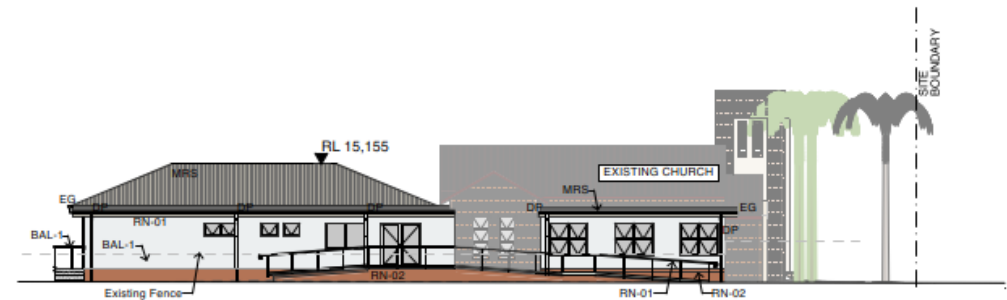
Architect
CG
Drawn
MF GR
Project No.
1325-02
Scale
1:300 at A3

Overall Site Elevations
A-DA-09.01

E

ELEVATION & SECTION LEGEND

- DP Downpipe
- EG Eaves Gutter
- BAL-1 Balustrade type
- PF-1 Paint Finish type
- RN-1 Render Finish type



DA
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Revision
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B DA Information Request 21/11/2025
C DA Information Request - Sewer Setback 21/11/2025
D Updated Carpark Layout 19/12/2025
E Issue for Landscape Coordination 14/04/2026

Project
Museum Uniting Church
36 Frost Street Museum QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

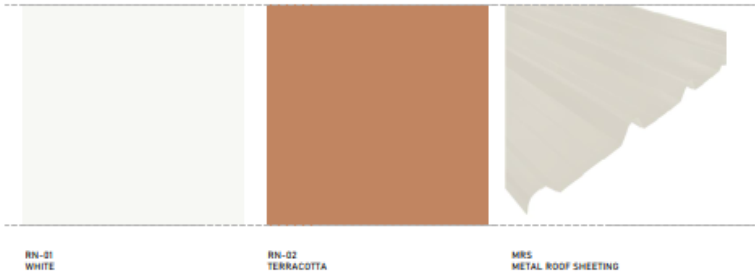
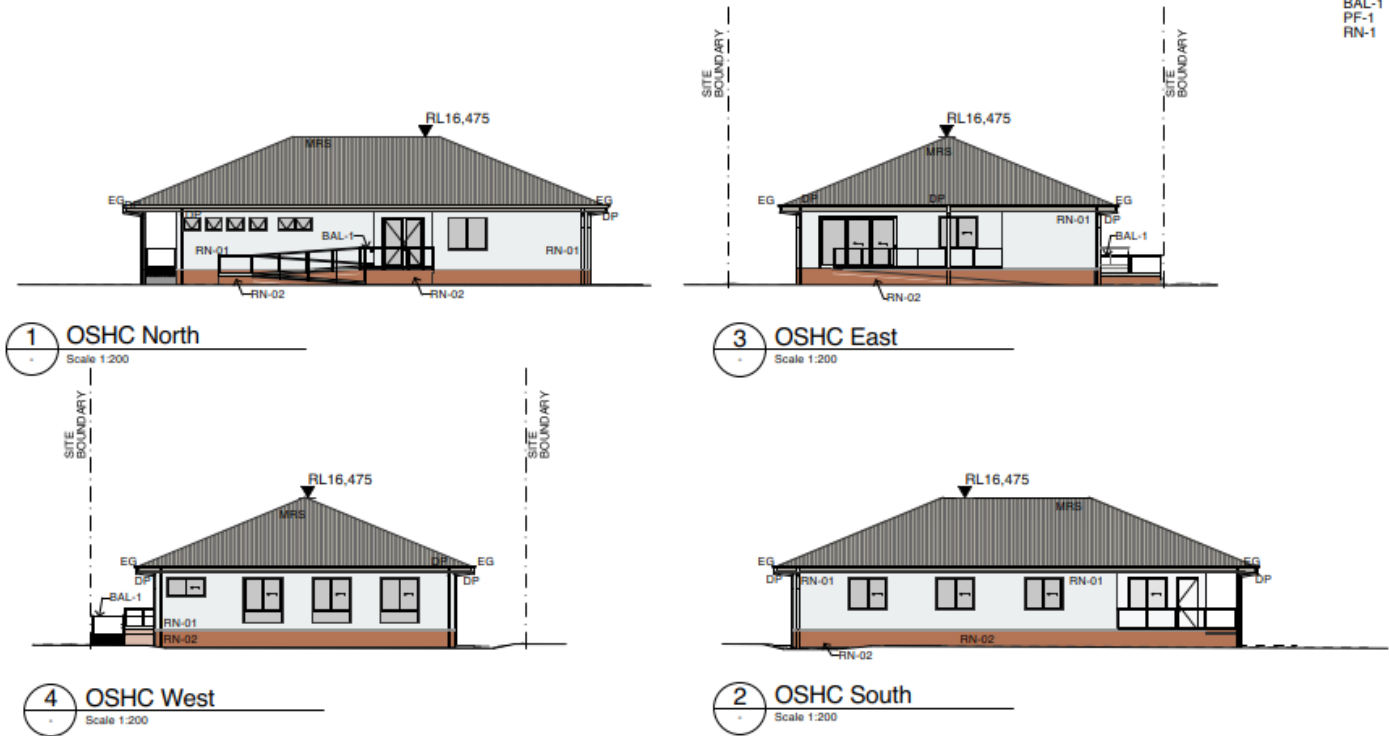
Project No.
1325-02
Scale
1:200 at A3

Elevations (Sheet 1)
A-DA-09.02

E

ELEVATION & SECTION LEGEND

DP Downpipe
EG Eaves Gutter
BAL-1 Balustrade type
PF-1 Paint Finish type
RN-1 Render Finish type



DA
NOT FOR CONSTRUCTION

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Project
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36 First Street Museum QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

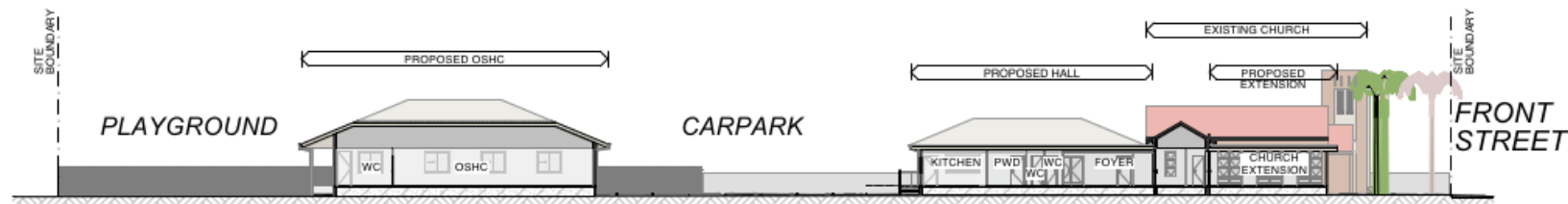
Project No.
1325-02
Scale
1:200 at A3

Elevations (Sheet 2)
A-DA-09.03

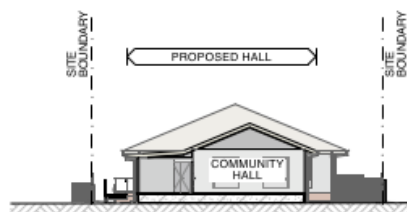
E



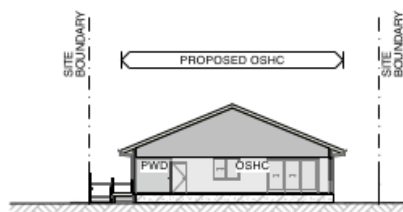
1 Overall - Section A
Scale 1:300



2 Overall - Section B
Scale 1:300



3 Overall - HALL Section
Scale 1:300



4 Overall - OSHC Section
Scale 1:300

DA
NOT FOR CONSTRUCTION

elevation architecture

Contact
(07) 3251 6980
20 Prospect St, Fortitude Valley QLD 4006
info@elevationarchitecture.com.au

Revision
A Preliminary DA Issue 11/08/2025
B DA Information Request 21/12/2025
C DA Information Request - Sewer Setback 21/12/2025
D Updated Carpark Layout 18/12/2025
E Issue for Landscape Coordination 14/06/2026

Project
Marian Uniting Church
36 Front Street, Marian QLD
Client
The Uniting Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

Project No.
1325-01
Scale
1:300 at A3

Sections
A-DA-10.01

E



Perspective 2 - View of Existing Church/Proposed Hall with the OSHC Building in the distance



Perspective 3 - View from Driveway East to Hall and OSHC Building



Perspective 4 - View from OSHC Building looking West to towards Hall/Existing Church



Perspective 5 - View from OSHC walkway looking West to towards Hall/Existing Church

DA
NOT FOR CONSTRUCTION

elevation architecture

Contact
(07) 3251 6900
20 Prospect St, Fortitude Valley QLD 4006
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Revision	Date
A - Preliminary DA Issue	11/08/2023
B - DA Information Request	21/12/2023
C - DA Information Request - Screen Settings	21/12/2023
D - Updated Carpark Layout	16/12/2023
E - Issue for Landscape Coordination	14/06/2024

Project
Mooran United Church
36 Front Street Mooran QLD
Client
The United Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

Architect
CG
Drawn
MF GR

Project No.
1325-02
Scale
at A3

Renders

A-DA-22.01

E



Perspective 6 - View of Hall Entryway looking East towards Carpark



Perspective 7 - View of the Rear of the OSHC Building looking West towards entryway and Carpark



Perspective 8 - View of the Bin store next to the OSHC Building



Perspective 9 - View of the OSHC Building looking West

DA
NOT FOR CONSTRUCTION

elevation architecture

Contact
(07) 3251 6900
20 Prospect St, Fortitude Valley QLD 4006
info@elevationarchitecture.com.au

Revision		Date
A	Preliminary DA Issue	11/08/2025
B	DA Information Request	21/12/2025
C	DA Information Request - Screen Setback	21/12/2025
D	Updated Carpark Layout	16/12/2025
E	Issue for Landscape Coordination	14/06/2026

Project
Mooran United Church
36 Front Street Mooran QLD
Client
The United Church in Australia

Stage
DA
Status
Preliminary
NOT FOR CONSTRUCTION

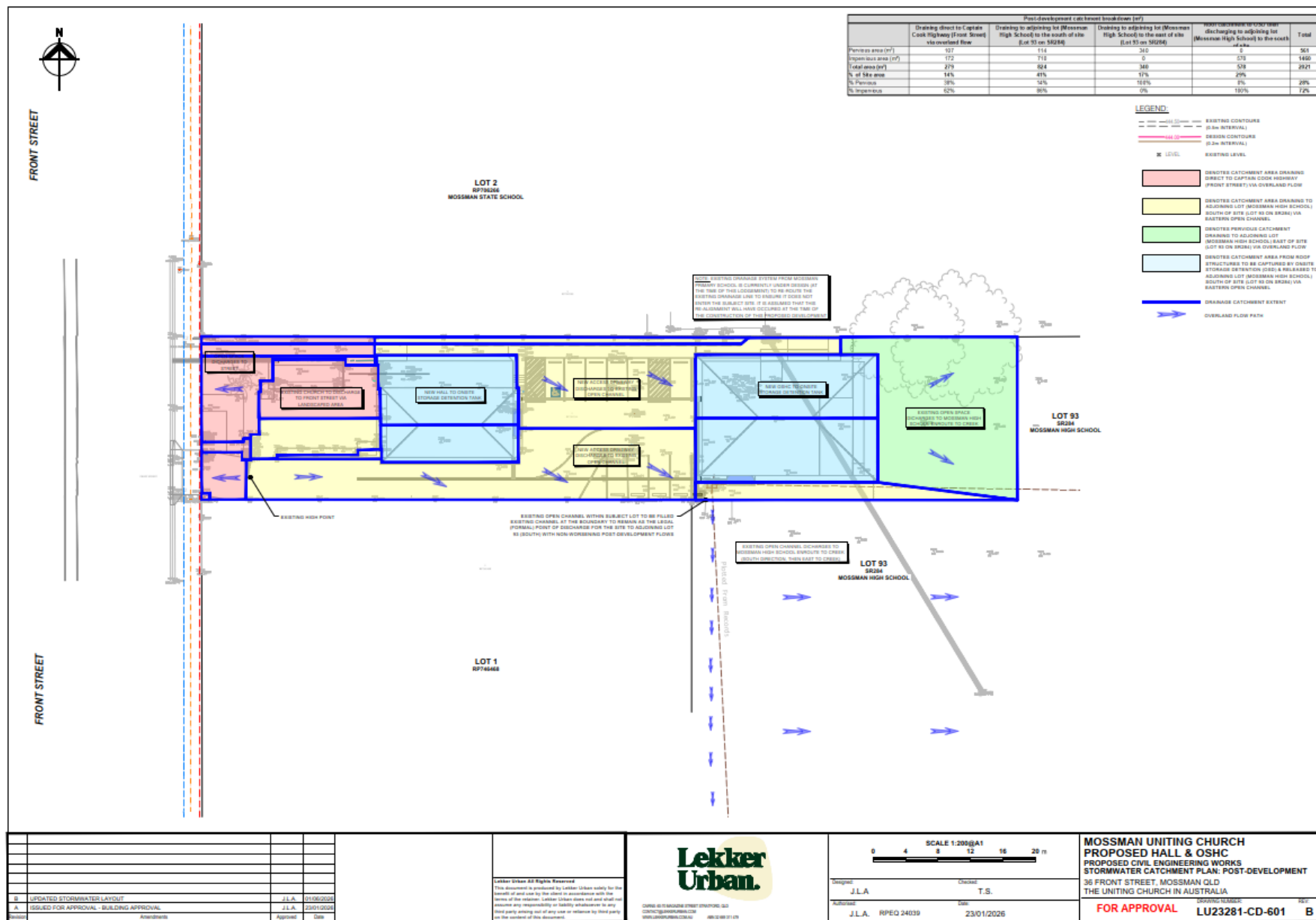
Architect
DG
Drawn
MF GR
Scale
at A3

Project No.
1325-02

Renders

A-DA-22.02

E



RA6-N



SARA reference: 2510-48803 SRA
Council reference: MCUC 2025_5845/1
Applicant reference: 2024-08-32 - Uniting Church - 36 Front Street, Mossman

15 January 2026

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

Dear Sir/Madam

SARA referral agency response—36 Front Street, Mossman
(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 20 October 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	15 January 2026
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 for Material Change of Use for Childcare Centre and Community Facilities – Place of Worship
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1— Material change of use of premises near a state transport corridor (Planning Regulation 2017)
SARA reference:	2510-48803 SRA
Assessment manager:	Douglas Shire Council
Street address:	36 Front Street, Mossman

Real property description: Lot 1 on RP706244

Applicant name: The Uniting Church in Australia Property Trust (Q)
C/- Aspire Town Planning and Project Services

Applicant contact details: PO Box 1040
MOSSMAN QLD 4873
admin@aspireqld.com

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR25-048141
- Date: 13 January 2026

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

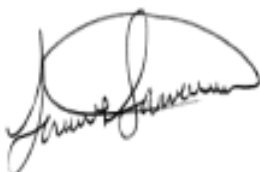
Representations

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, Senior Planning Officer, on (07) 4037 3215 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
Manager

cc The Uniting Church in Australia Property Trust (Q) C/- Aspire Town Planning and Project Services,
admin@aspireqld.com

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 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- SARA assessed the development against the following code(s) of the State Development Assessment Provisions (SDAP), version 3.3:
 - o State code 1: Development in a state-controlled road environment (State code 1).
- The development complies with the assessment benchmarks of State code 1 of SDAP in that the development:
 - o does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
 - o does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
 - o does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
 - o does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
 - o does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
 - o maintains access to public passenger transport infrastructure or active transport infrastructure
 - o does not adversely impact the state's ability to operate public passenger services on state-controlled roads
 - o protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*.

Attachment 1—Referral agency conditions

(Under section 58(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 documents referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1—Material change of use of premises near a state transport corridor (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads 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 conditions:		
1.	(a) Stormwater management must be undertaken generally in accordance with the following plans: • Civil Works Layout Plan, prepared by Lekker Urban, dated 12/12/2025, drawing number LU23281-CP-200, revision A. • Stormwater Catchment Plan – Post-Development, prepared by Lekker Urban, dated 15/12/2025, drawing number LU23281-CP-601, revision A. (b) Submit RPEQ certification with supporting documentation to Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been designed/constructed in accordance with part (a) of this condition.	(a) and (b) Prior to the commencement of use and to be maintained at all times.
2.	(a) Road access is located generally in accordance with Civil Works Layout Plan, prepared by Lekker Urban, dated 12/12/2025, drawing number LU23281-CP-200, revision A as amended in red by SARA. (b) Provide road access works comprising of a sealed 5.5 metre wide commercial vehicular access crossover, at the road access location referred to in part (a) of this condition. (c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with the following: • Far North Queensland Regional Organisation of Councils (FNQROC) Access Crossovers, Standard Drawing S1015, dated 05/12/23, Revision F. • AS2890.1:2004 Parking facilities Part 1: Off-street car parking.	(a) At all times. (b) and (c) Prior to the commencement of use and maintained at all times.
3.	Buildings are designed and constructed using materials which ensure indoor education areas and indoor play areas meet the following internal noise criteria: • ≤35 dB(A) Leq (1 hour) (maximum hour over 24 hours)	Prior to the commencement of use

Attachment 2—Advice to the applicant

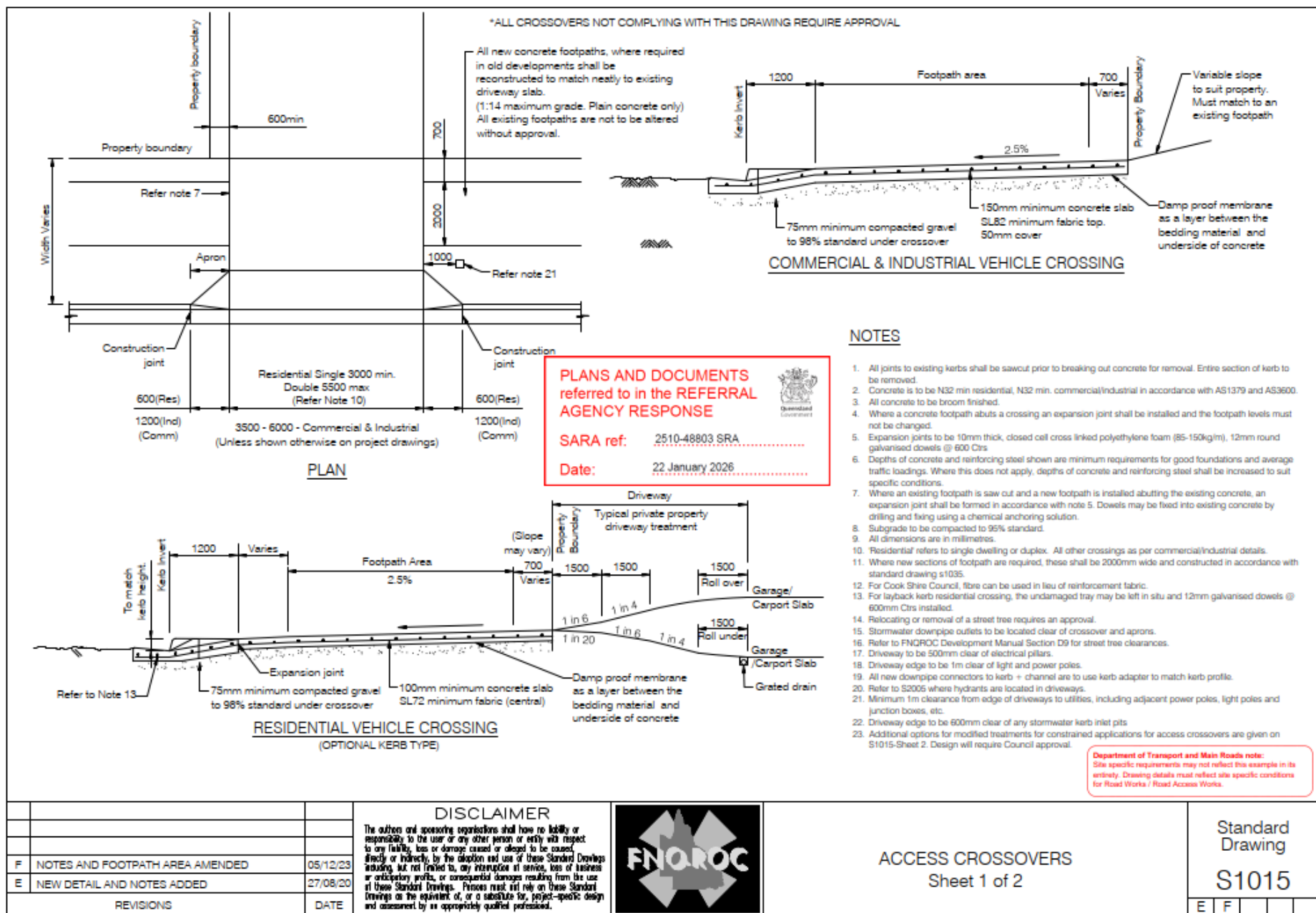
General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.3). If a word remains undefined it has its ordinary meaning.
2.	Road works approval Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads (DTMR) to carry out road works on a state-controlled road. Please contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.
3.	Road corridor permit An application for a Road Corridor Permit is required for any ancillary works and encroachments on a state-controlled road. Under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> (TIA) and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>. The applicant must obtain a Road Corridor Permit from the Department of Transport and Main Roads (DTMR) to carry out ancillary and encroachments works on a state-controlled road. The applicant is required to contact the Cairns district office of DTMR on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for a Road Corridor Permit to carry out ancillary works and encroachments. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters/structures, vegetation clearing, landscaping and planting.

Attachment 4—Representations about a referral agency response

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Attachment 5—Documents referenced in conditions

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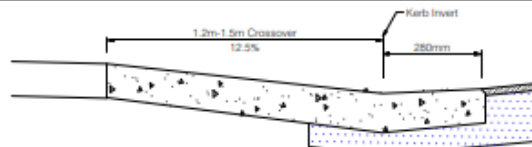


PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

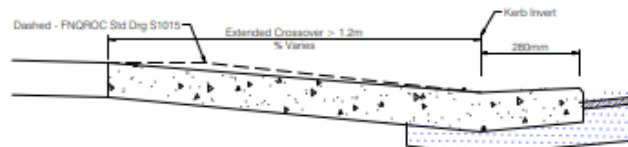


SARA ref: 2510-48803 SRA

Date: 22 January 2026



Option 1: 12.5% Ramp
NTS

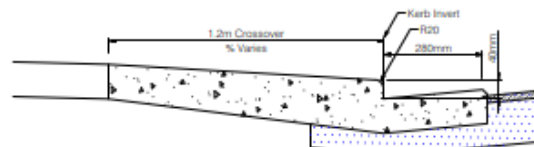


Design Considerations

Positives:
- To improve vehicle clearances (helpful with steep shoulder crossfalls)

Negatives:
- Proximity of pedestrian footpaths may restrict crossover lengths.

Option 2: Extended access crossover similar to FNRROC standard drawing S1015
NTS



Design Considerations

Positives:
- To improve vehicle clearances (helpful with steeper verges)

Negatives:
- Less smooth transition for vehicles.
- Minor noise increase.

Option 3: 40mm lip at kerb invert
NTS

*OPTIONS 1 TO 6 REQUIRE SPECIFIC COUNCIL APPROVAL

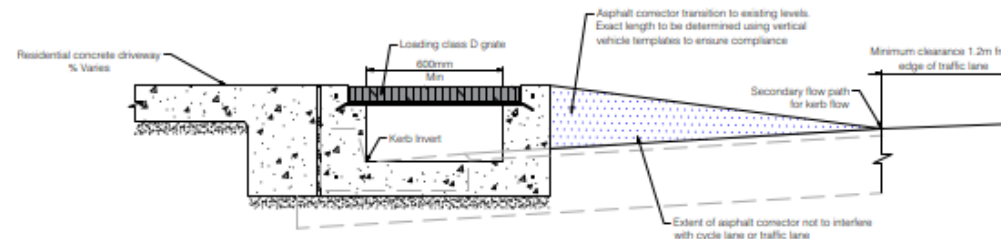


Design Considerations

Positives:
- To improve vehicle clearances (helpful with steeper verges)

Negatives:
- Less smooth transition for vehicles.
- Minor noise increase.
- Minor blockage risk - not suitable where there is excessive vegetation matter present.
- Slight reduction in road shoulder, stormwater, flow capacity.
- Potential obstruction/hazard to non-vehicle users.

Option 4: 100mm channel at kerb invert
NTS

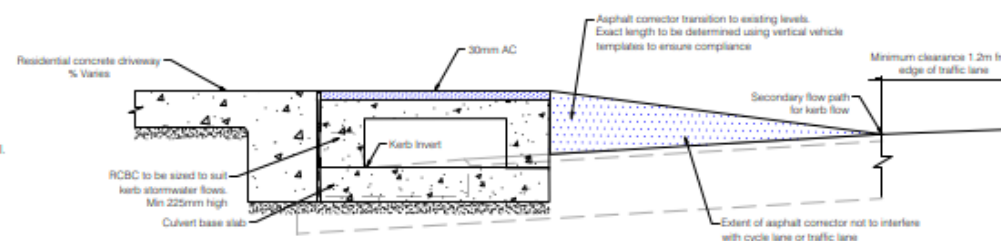


Design Considerations

Positives:
- Improve vertical vehicle clearance where there is a significant difference in height between road shoulder and property levels.
- Grates make for easier clearance of debris.

Negatives:
- Less smooth transition for vehicles.
- Minor noise increase.
- Minor blockage risk.
- Significant reduction in road shoulder, stormwater, flow capacity (potentially only suitable for extremely wide shoulders).
- Medium blockage risk.

Option 5: Grated vehicle crossing
NTS



Design Considerations

Positives:
- Improve vertical vehicle clearance where there is a significant difference in height between road shoulder and property levels.

Negatives:
- Less smooth transition for vehicles.
- Minor blockage risk.
- Significant reduction in road shoulder, stormwater, flow capacity.
- (potentially only suitable for extremely wide shoulders).
- Medium blockage risk.

Option 6: RCBC with 30mm asphalt overlay over culvert
NTS

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.

NOTES

- All reinforcing for options 1-4 to be as per sheet 1 for relevant crossing type.
- Option 5 & 6 - refer project specific drawings for structural details.
- All modified treatment options to have vertical vehicle template checks to comply with AS2890.1 (Vehicle B85 or B99 as applicable).
- Consideration of impacts on stormwater flooded widths by selected option to be assessed by project engineer for compliance with minor & major stormwater events.
- Modified treatments for constrained applications on this drawing require an application to council and a specific site approval by council.
- Options 1 to 6 generally provide increasing complexity and interference/loss of amenity to road users, therefore higher level options are considered less desirable by council and will not be accepted without reasonable consideration and assessment of the lower level options.
- The development application to council proposing the selected access crossover treatment design shall include:
 - Documented design drawings
 - Justification in writing for the selected higher level treatment options
 - Reasons why simpler lower level treatments and the standard treatment not be adopted
- Justification of the selected higher level treatment option shall include design considerations of the following where relevant:
 - Location, function, road geometry, road hierarchy and posted speed limit
 - Obstruction and hazard presented to all road users including vehicles, cyclists and pedestrians
 - Obstruction to stormwater drainage including risk of flooding of traffic lanes
 - Potential for debris to block stormwater flow
 - Roadway and stormwater channel maintenance and clearing
 - Safety of roadway access and egress for crossover users
 - Adequate and safe vertical vehicle clearance

DISCLAIMER

The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipated profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



ACCESS CROSSOVERS
Sheet 2 of 2
Modified Treatments For Constrained Applications

Standard
Drawing

S1015

A

Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 74, 75 and 76 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 2 October 2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. Douglas Shire Council determined the application under delegate authority on 22 June 2026 under section 61 of the *Planning Act 2016*. Douglas Shire Council issued a Decision Notice on 5 December 2025 under section 63 of the *Planning Act 2016*;
 - c. the Applicant's representations were properly lodged to the Douglas Shire Council on 10 July 2026 under sections 74 and 75 of the *Planning Act 2016*;
 - b. the development application and the applicant's representations 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 74, 75 and 76 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Council agrees with the Applicant's representations and changes have been made to the approved plans and the conditions which now form part of the Negotiated Decision Notice.

Non-Compliance with Assessment Benchmarks

Development complies with the planning scheme and no concerns are raised.

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

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.

Note—

For limitations on appeal rights in relation to a development approval
for development requiring social impact assessment, see section 106ZJ.

- (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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) 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
 - (g) 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
- (h) 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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the **appointer**) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

30 July 2026

Enquiries: Georgia Graham
Our Ref: MCUC 2025_5845/1 (Doc ID 1382580)
Your Ref: 2024-08-32-UNITING CHURCH

The Uniting Church In Australia Property Trust (Q)
C/- Daniel Favier (Aspire Town Planning)
PO Box 1040
MOSSMAN QLD 4873

Dear Sir/Madam

**Adopted Negotiated Infrastructure Charge Notice
For Development Application Material Change of Use-(Code) for Childcare Centre,
Community Facilities and Place of Worship
At 36 Front Street Mossman
On Land Described as Lot 1 on RP 706244**

Please find attached the Adopted Negotiated 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 Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: MCUC 2025_5845/1 in all subsequent correspondence relating to this matter.

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

Yours faithfully



Neil Beck
Team Leader Planning

encl.

- Negotiated Adopted Infrastructure Charges Notice
- Rights to Appeals Regarding Infrastructure Charges

Negotiated Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE

The Uniting Church in Australia Property Trust (Q)		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
36 Front Street	Mossman	Lot 1 on RP 706244	3229
STREET No. & NAME		LOT & RP No.s	PARCEL No.
MCUC		2025_5845	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
Doc ID 1345337	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							
Education_facility	Child_care_centre	\$_per_m²_GFA	156.33	234	\$36,581.22		
Places_of_assembly	Place_of_worship	\$_per_m²_GFA	78.17	337	\$26,343.29		
Total Demand					\$62,924.51		
Credit							
<u>Existing land use</u>							Prior arrangement for online payment via invoicing - see below.
=Charges!B23	Place_of_worship	\$_per_m²_GFA	78.17	312	\$24,389.04		
Total Credit					\$24,389.04		Code 895 GL GL7500.135.825
Negotiated Infrastructure ChargesRepresentation	50% Rduction not for profit	-50%			\$19,267.74		

Required Payment or Credit **TOTAL** **\$19,267.74**

Prepared by	Georgia Graham	30-Jul-26	Amount Paid	
Checked by	Jenny Elphinstone	30-Jul-26	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments	Date		Cashier	
Negotiated Infrastructure Charges - 50% Reduction for Not for profit entity	30-Jul-26			

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

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

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.

Note—

For limitations on appeal rights in relation to a development approval
for development requiring social impact assessment, see section 106ZJ.

- (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 a decision of the Minister, under
chapter 7, part 4, to amend the registration of premises
to include additional land in the affected area for the
premises—20 business days after the day a notice is
published under section 269A(2)(a); or
 - (e) for an appeal against an infrastructure charges
notice—20 business days after the infrastructure charges
notice is given to the person; or
 - (f) 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
 - (g) 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
- (h) 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.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the **appointer**) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—