

22 June 2026

Enquiries: Georgia Graham
Our Ref: MCUC 2025_5845/1 (Doc ID 1352794)
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/Madam

**Development Application for Material Change of Use-Code (Childcare Centre and
Community facilities - Place of Worship)
At 36 Front Street MOSSMAN
On Land Described as Lot 1 on RP 706244**

Please find attached the 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



For
Leonard Vogel
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.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: 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 or

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 – Material Change of Use-Code (Childcare Centre and Community facilities - Place of Worship)

Decision

Date of Decision: 22 June 2026
Decision Details: Approved (subject to conditions)

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
Context and Locality Plan	A-DA-00.01 REV C, Elevation Architecture	21 November 2025
Existing Site Survey	A-DA-01.01 REV C, Elevation Architecture/ Brazier Motti	21 November 2025

Site Demolition Plan	A-DA-01.02 Architecture	REV	C,	Elevation	21 November 2025
Proposed Site Plan	A-DA-01.03 Architecture	REV	C,	Elevation	21 November 2025
Floor Plan – Demolition	A-DA-03.02 Architecture	REV	C,	Elevation	21 November 2025
Floor Plan – Church & Hall Proposed	A-DA-03.03 Architecture	REV	C,	Elevation	21 November 2025
Floor Plan – OSHC Proposed	A-DA-03.04 Architecture	REV	C,	Elevation	21 November 2025
Roof Plan – Church & Hall Proposed	A-DA-04.01 Architecture	REV	C,	Elevation	21 November 2025
Roof Plan – OSHC Proposed	A-DA-04.02 Architecture	REV	C,	Elevation	21 November 2025
Overall Site Elevations	A-DA-09.01 Architecture	REV	C,	Elevation	21 November 2025
Elevations (Sheet 1)	A-DA-09.02 Architecture	REV	C,	Elevation	21 November 2025
Elevations (Sheet 2)	A-DA-09.03 Architecture	REV	C,	Elevation	21 November 2025
Sections	A-DA-10.01 Architecture	REV	C,	Elevation	21 November 2025
Renders	A-DA-22.01 Architecture	REV	C,	Elevation	21 November 2025
Renders	A-DA-22.02 Architecture	REV	C,	Elevation	21 November 2025
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

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

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

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 02/10/2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Community Facilities Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Currency Period for the Approval

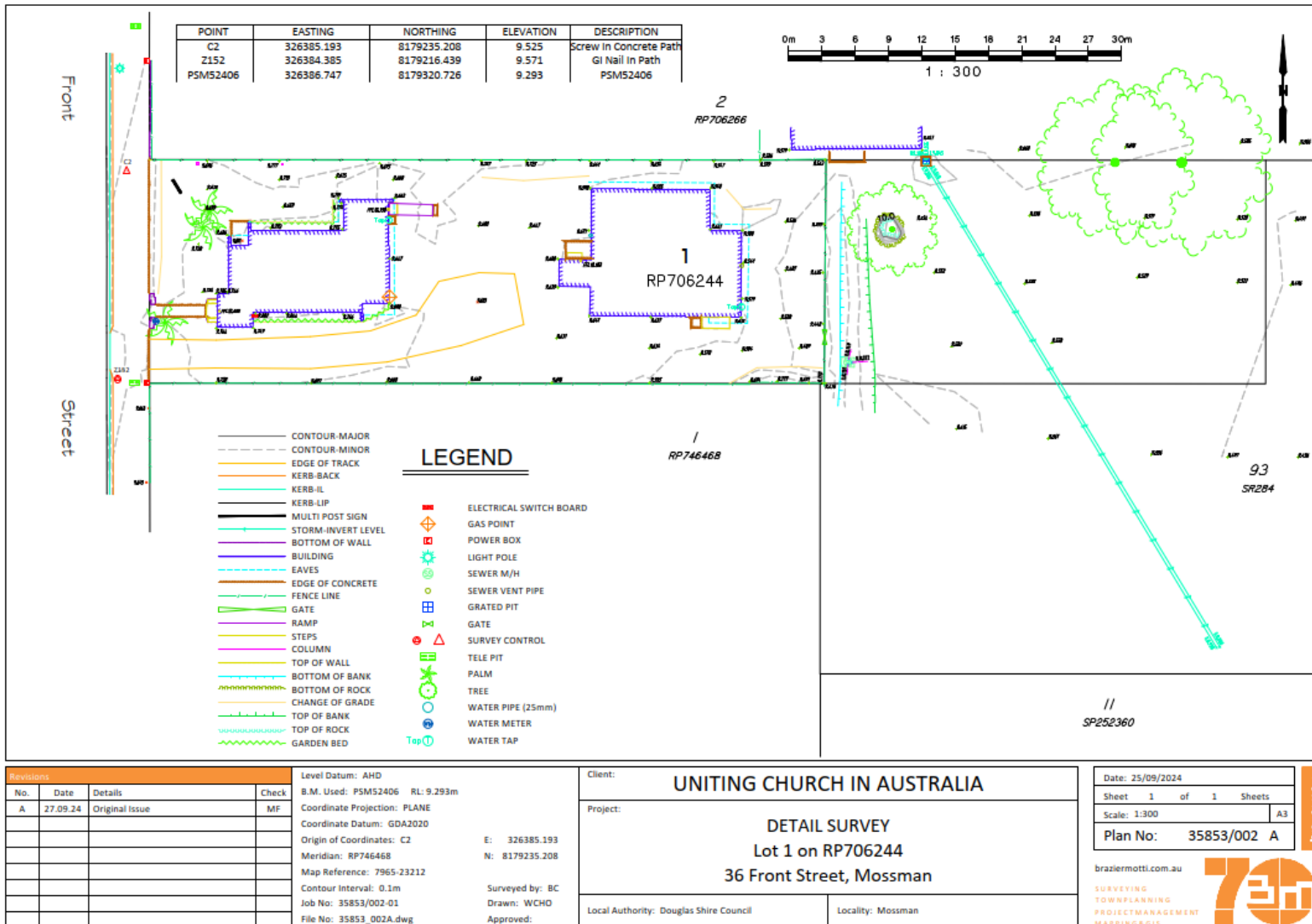
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

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.

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



Mossman Uniting Church

36 Front Street Mossman QLD

Real Property Description: RP706244

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

DEVELOPMENT INFO

CARPARKING	
Total Carparks Required	31
CHILDCARE CENTRE	
1 Space / 10 Children + 1 Space / Staff	10
CHURCH	
1 Space / 15m ² GFA	9
HALL	
1 Space / 15m ² GFA	12
GFA	
Existing Church	120 m ²
Proposed Church Extension	25 m ²
Proposed Hall	192 m ²
Proposed OSHC	255 m ²

TOTAL 592 m²

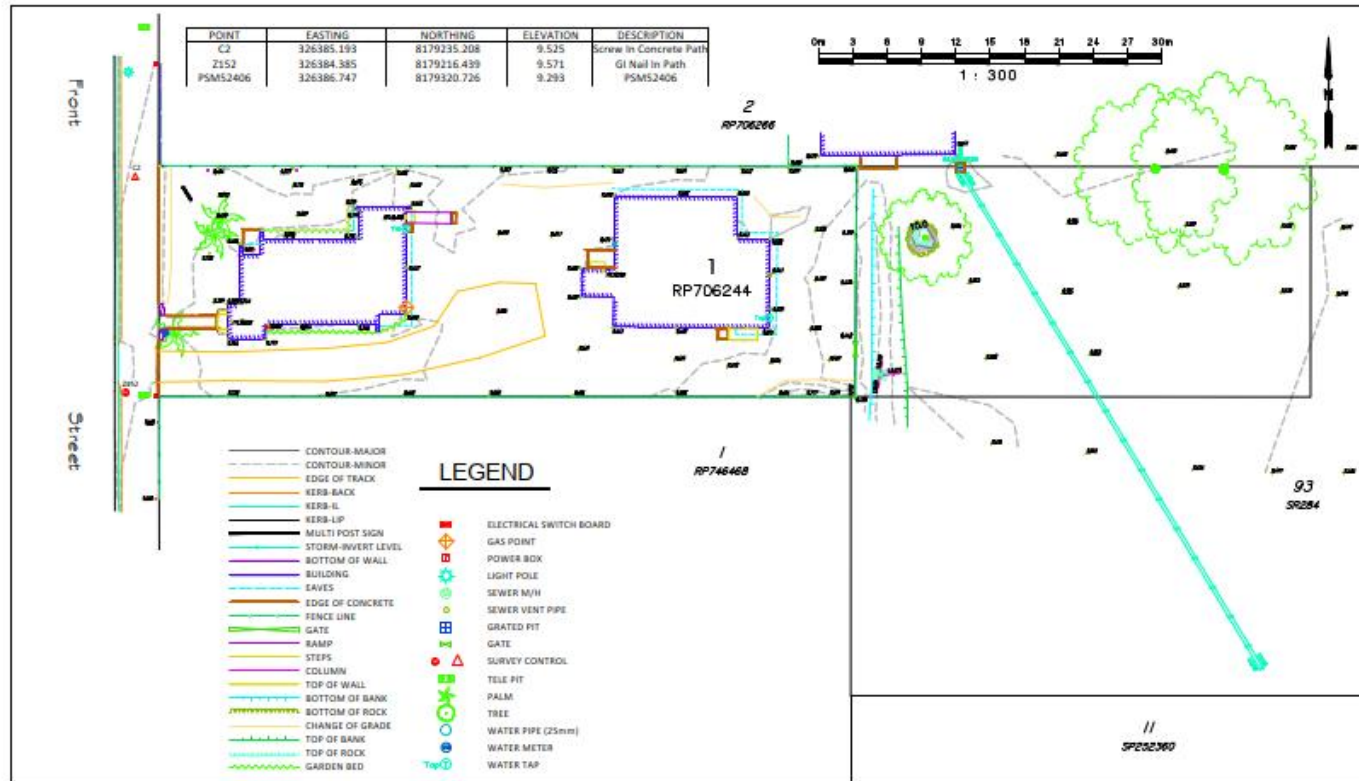


Perspective 1



Locality Plan

DA
 NOT FOR CONSTRUCTION



No.	Date	Details	Check
A	27.09.24	Original Issue	MF



Level Datum: AHD
 B.M. Used: PSM52406 RL: 9.293m
 Coordinate Projection: PLANE
 Coordinate Datum: GDA2020
 Origin of Coordinates: C2 E: 326385.193
 Meridian: RP746468 N: 8179235.208
 Map Reference: 7965-23212
 Contour Interval: 0.1m
 Job No: 35853/002-01
 File No: 35853_002A.dwg

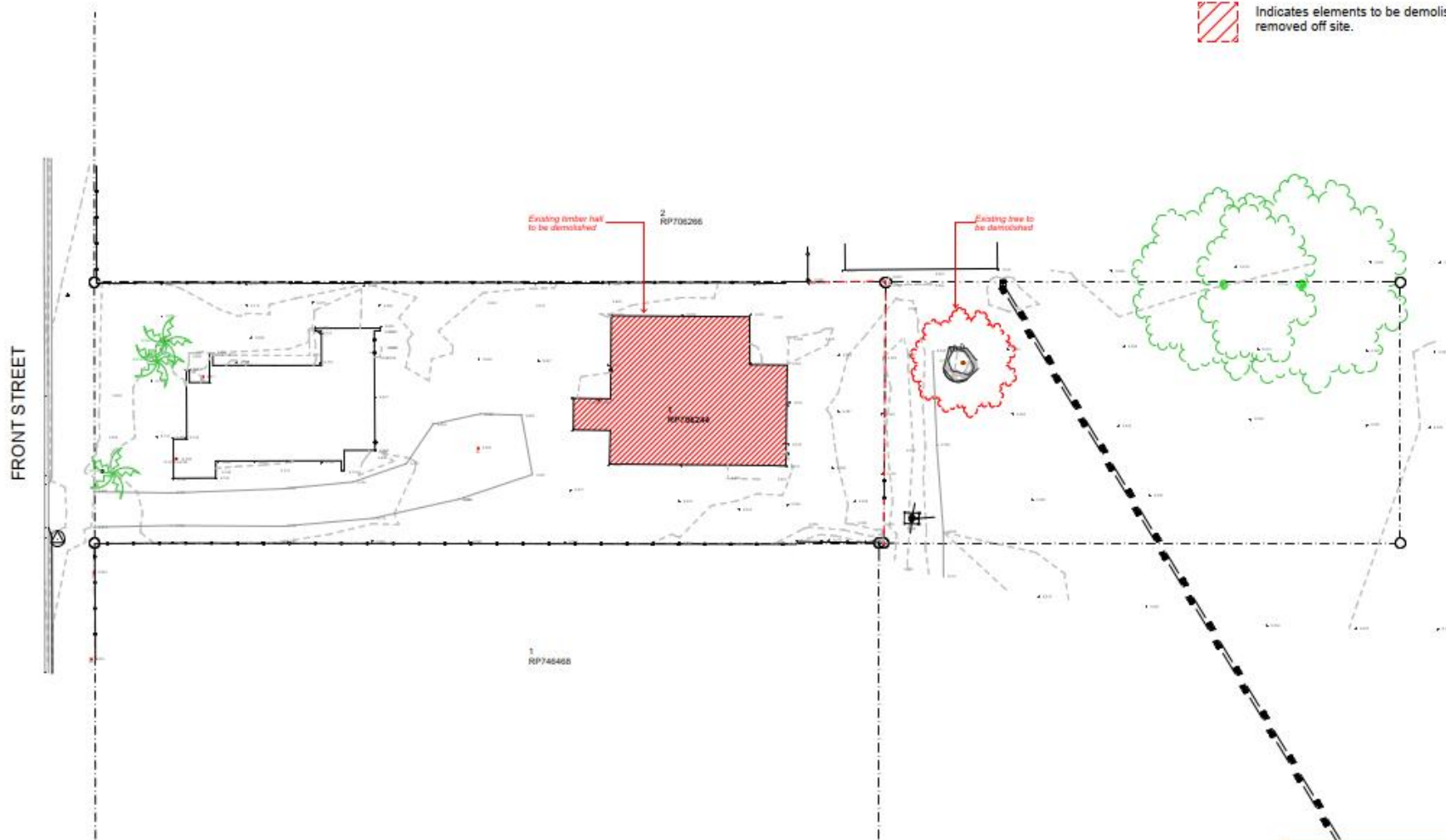
Client: **UNITING CHURCH IN AUSTRALIA**
 Project: **DETAIL SURVEY
 Lot 1 on RP706244
 36 Front Street, Mossman**
 Local Authority: Douglas Shire Council
 Locality: Mossman

Date: 25/09/2024
 Sheet: 1 of 1 Sheets
 Scale: 1:300
 Plan No: 35853/002 A
 braslemott.com.au
 SURVEYING
 TOWNPLANNING
 PROJECT MANAGEMENT
 70 YEARS
 BRASLEMOTT

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NOT FOR CONSTRUCTION

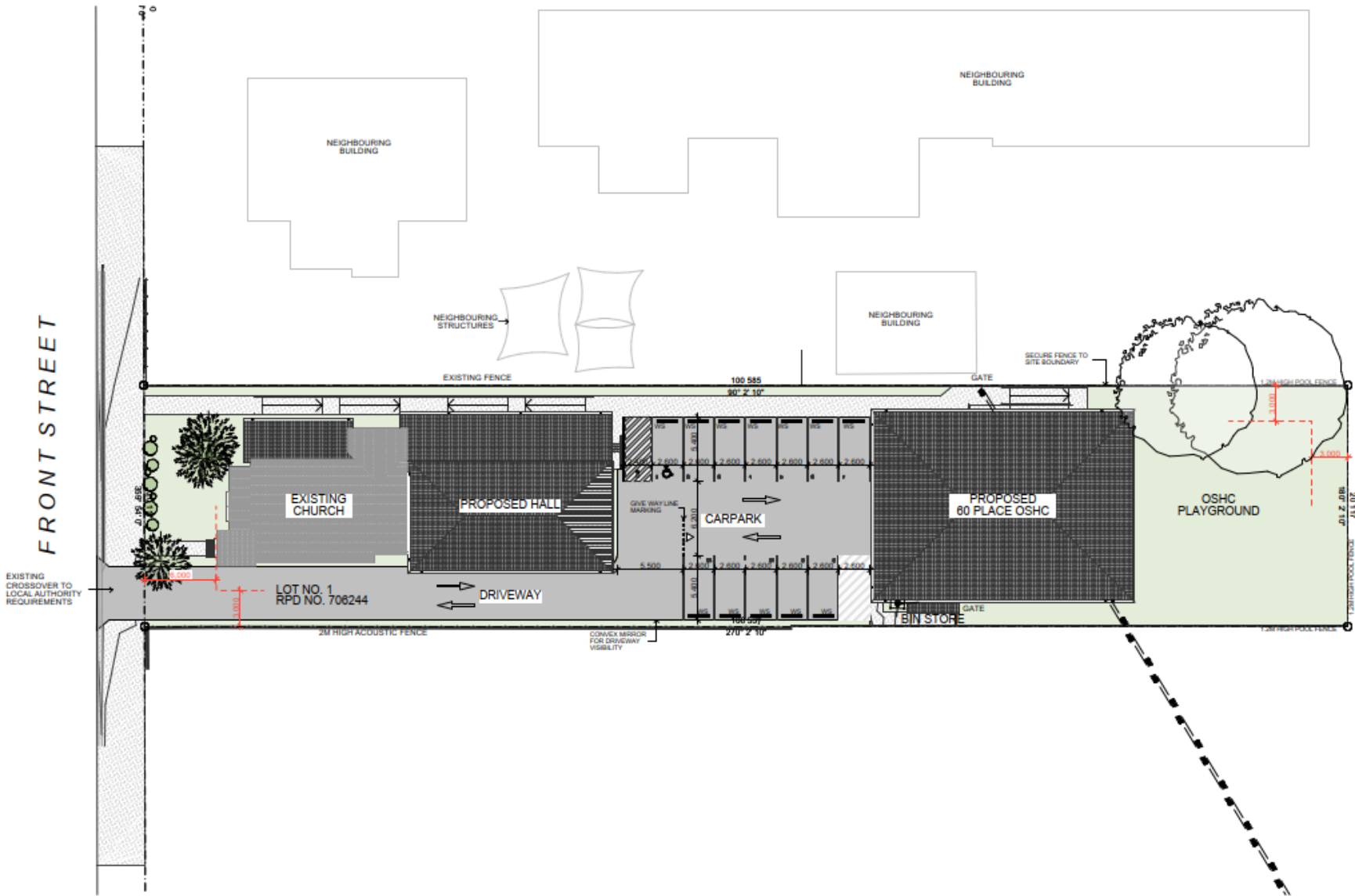
DEMOLITION PLAN LEGEND

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



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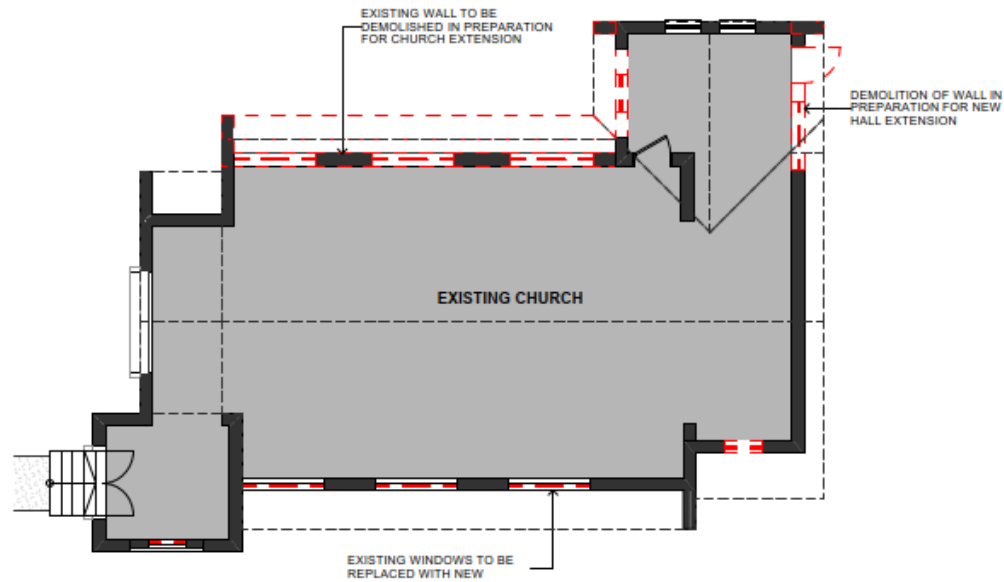


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DEMOLITION PLAN LEGEND

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

 Indicates elements to be demolished & removed off site.

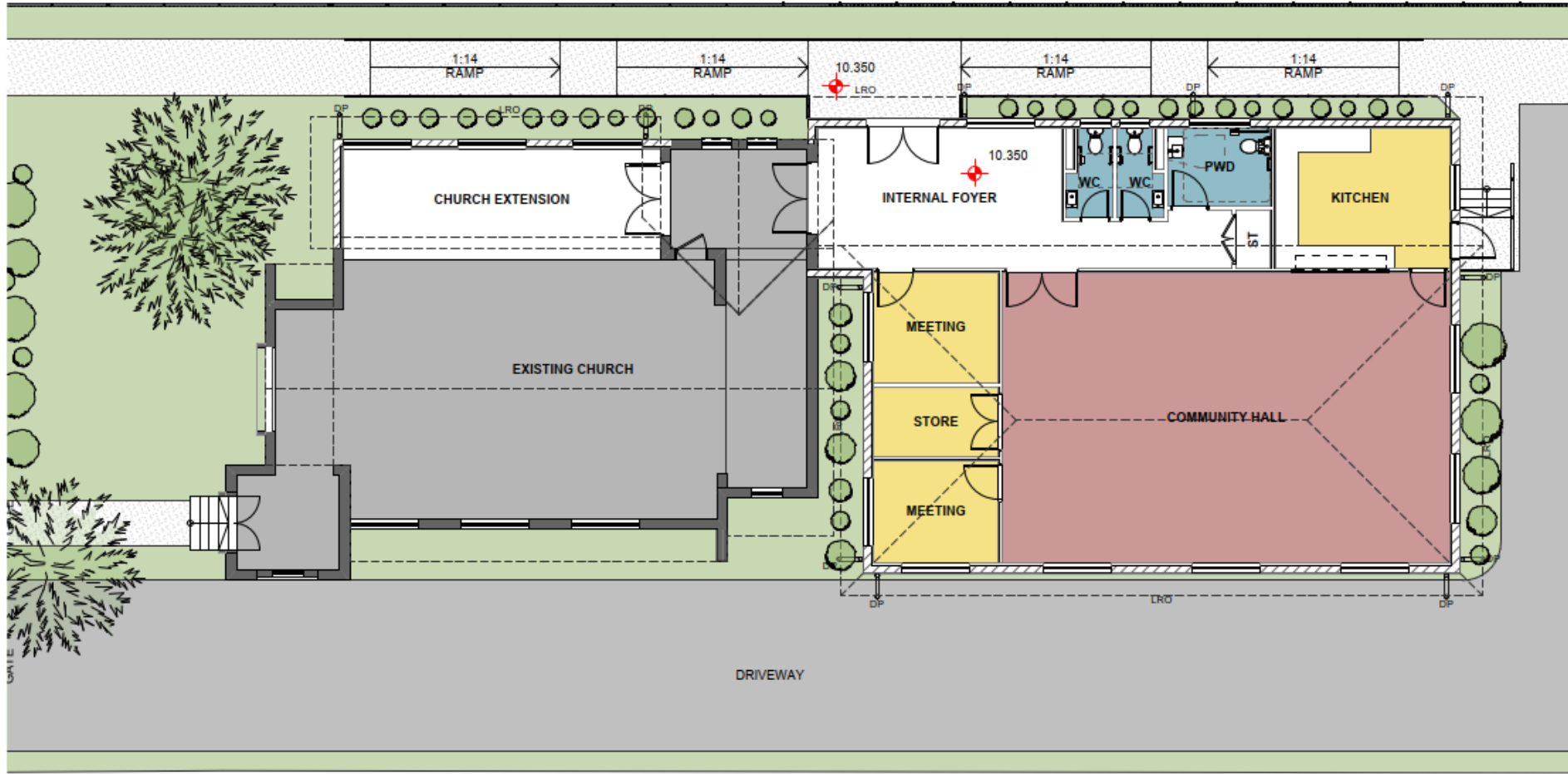


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FLOOR PLAN LEGEND

DP Downpipe
 LRO Line of Roof Over
 SHS Square Steel Column



DA
 NOT FOR CONSTRUCTION



FLOOR PLAN LEGEND

DP Downpipe
 LRO Line of Roof Over
 SHS Square Steel Column



PLAYGROUND
 Age: ---
 Area: 430.80
 Occupancy: 81

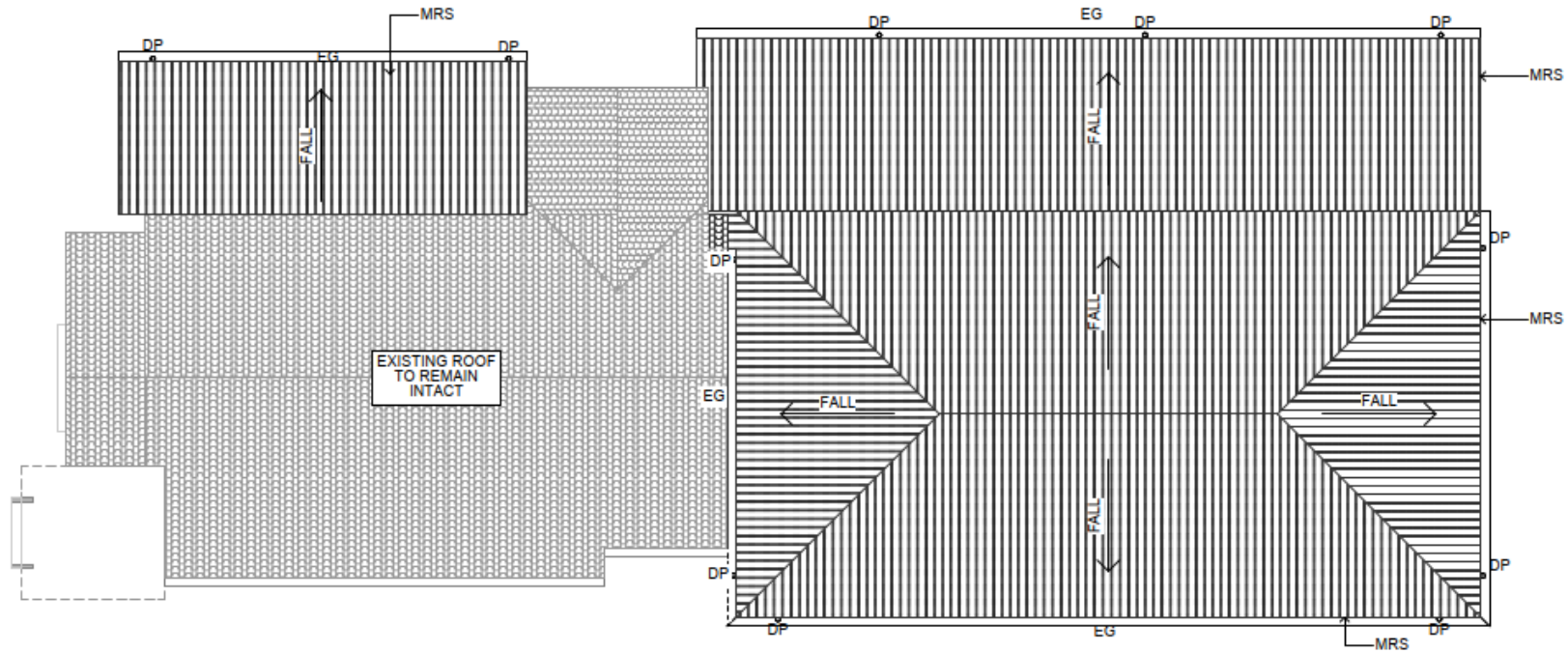
OSHC
 Age: 6-12 yrs
 Area: 197.30
 Occupancy: 80

DA
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ROOF LEGEND

DP Downpipe
EG Eaves Gutter
MRS Metal Roof Sheetting

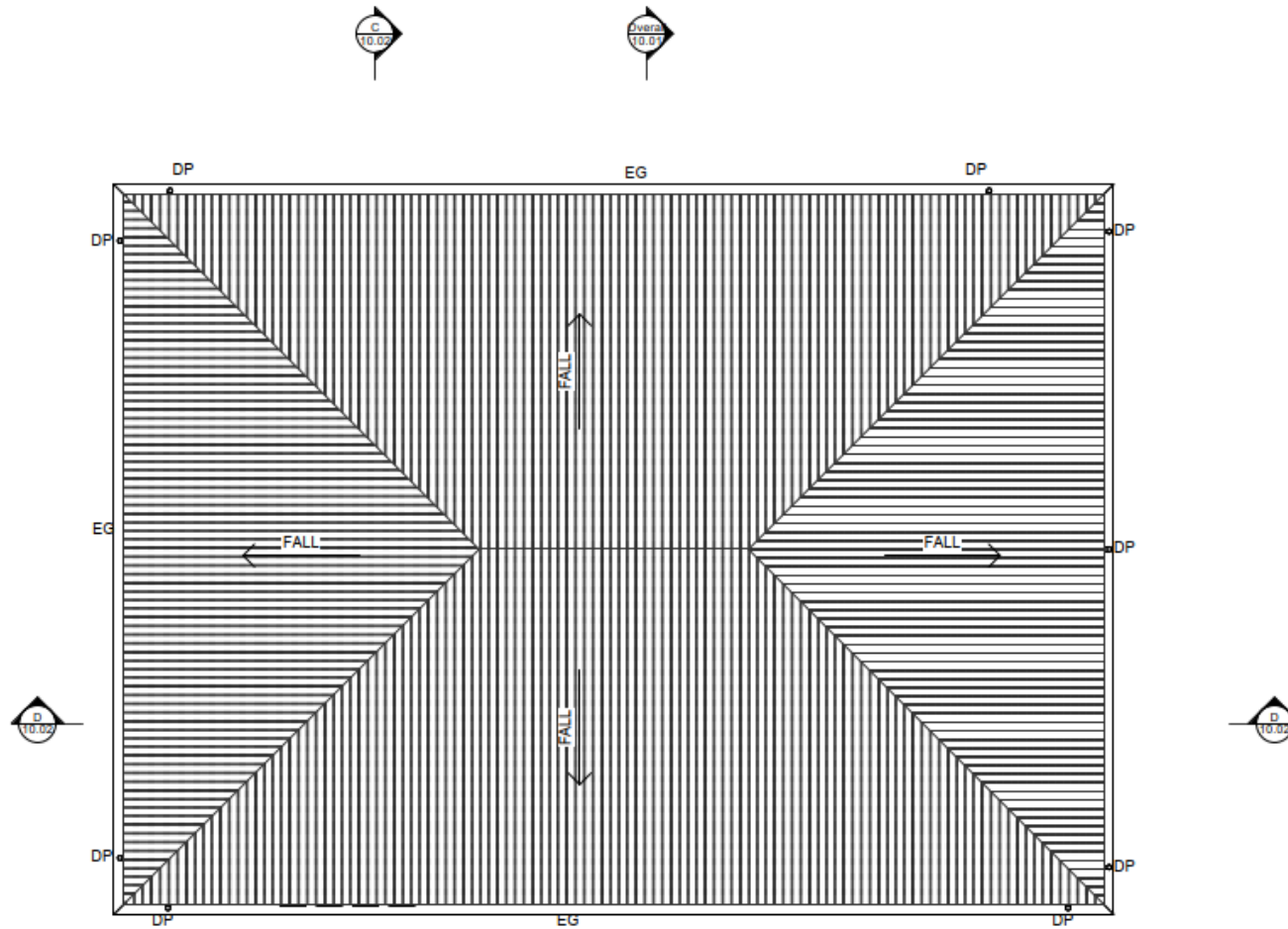


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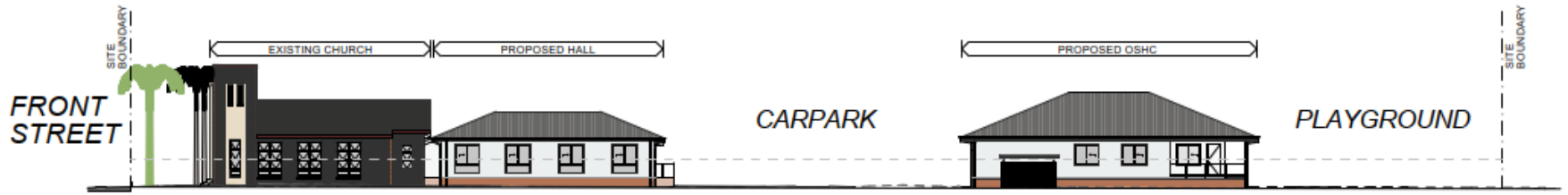
ROOF LEGEND

DP Downpipe
 EG Eaves Gutter
 MRS Metal Roof Sheet

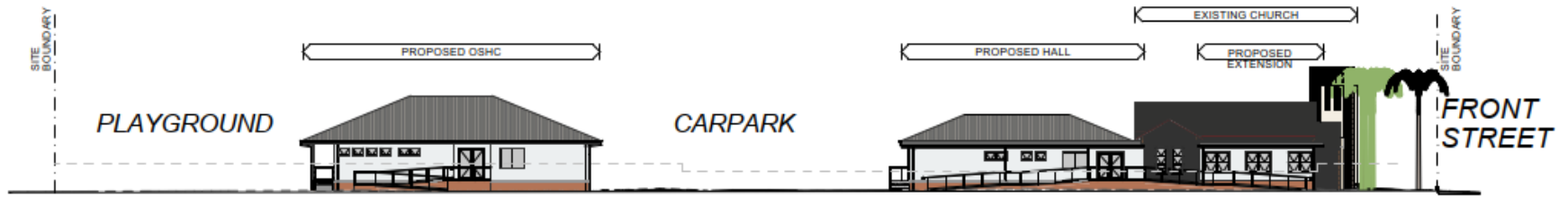


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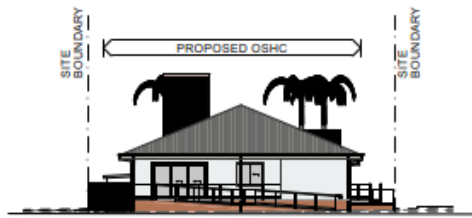
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Scale 1:300



2 Overall North
Scale 1:300

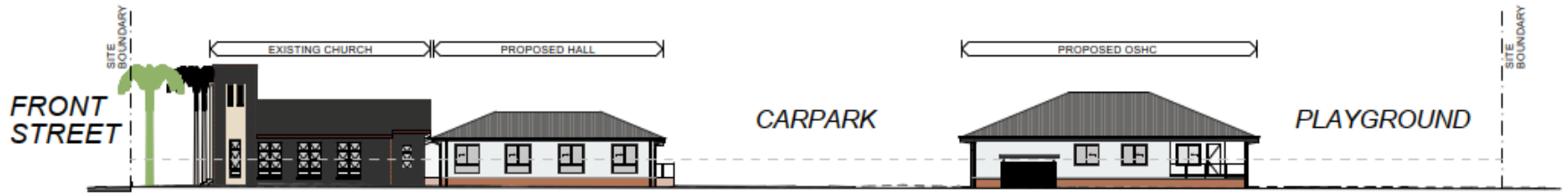


3 Overall West
Scale 1:300

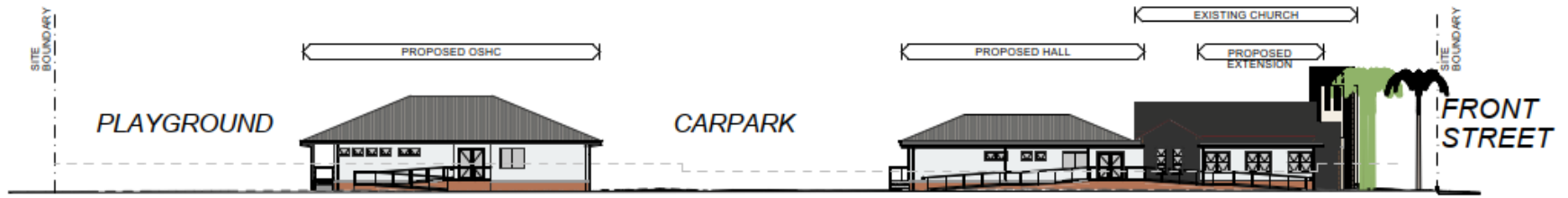


4 Overall East
Scale 1:300

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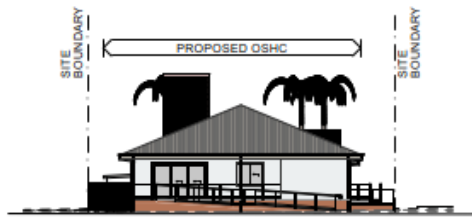
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2 Overall North
Scale 1:300



3 Overall West
Scale 1:300

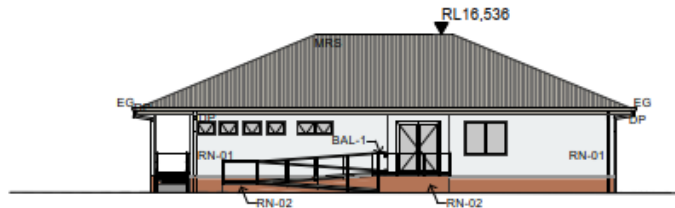


4 Overall East
Scale 1:300

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ELEVATION & SECTION LEGEND

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



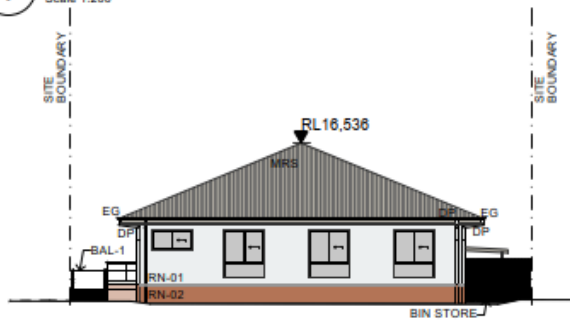
1 OSHC North

Scale 1:200



3 OSHC East

Scale 1:200



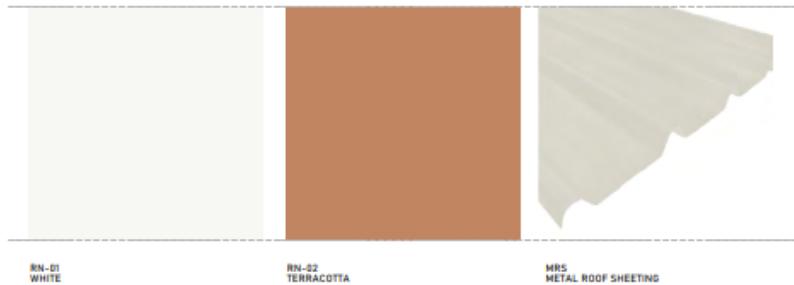
4 OSHC West

Scale 1:200



2 OSHC South

Scale 1:200



RN-01
WHITE

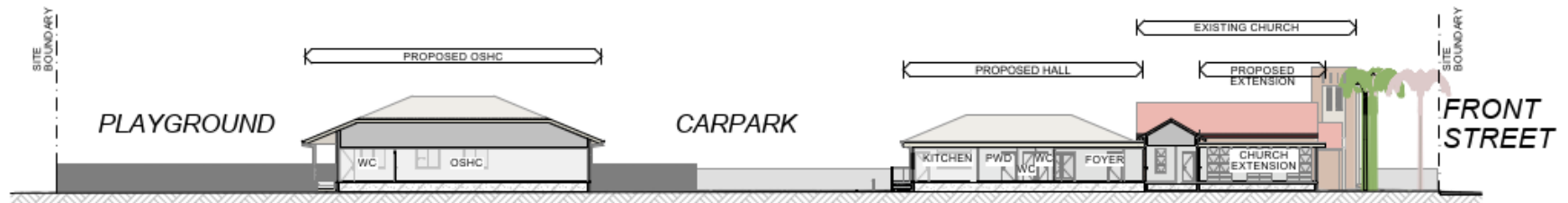
RN-02
TERRACOTTA

MRS
METAL ROOF SHEETING

DA
NOT FOR CONSTRUCTION



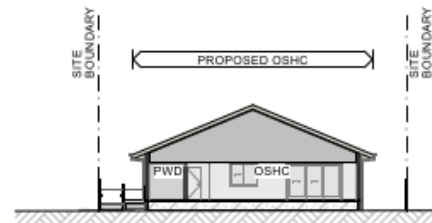
1 Overall - Section A
Scale 1:300



2 Overall - Section B
Scale 1:300



3 Overall - HALL Section
Scale 1:300



4 Overall - OSHC Section
Scale 1:300

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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

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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 0000
 20 Prospect St, Fortitude Valley QLD 4006
 info@elevationarchitecture.com.au

Revision	Description	Date
A	Preliminary DA Issue	15/09/2025

Project
 Mosman Uniting Church
 36 Frank Street Mosman QLD

Client
 The Uniting Church in Australia

Stage
 DA

Status
 Preliminary
 NOT FOR CONSTRUCTION

Architect
 DG

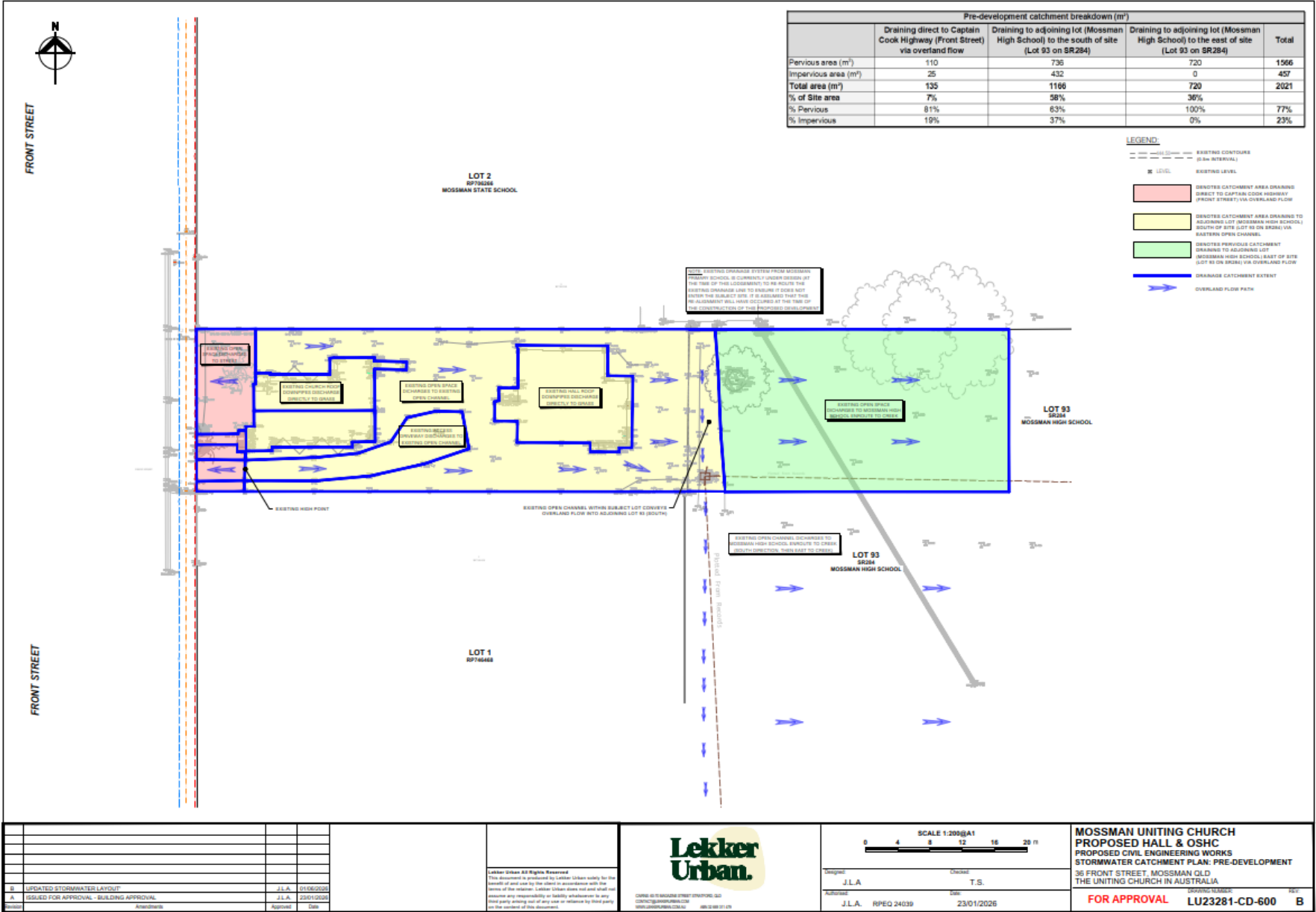
Drawn
 MF/GR

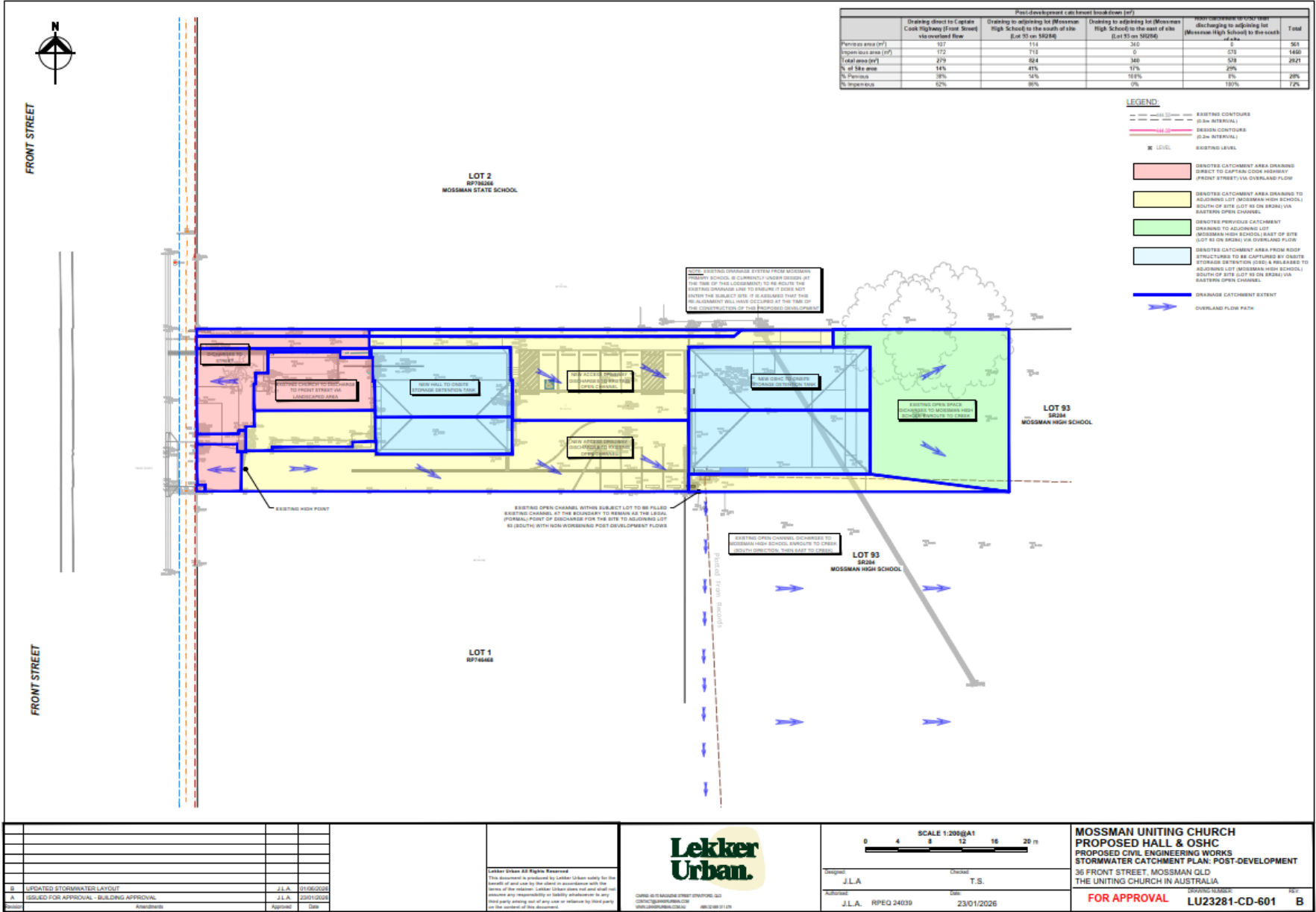
Project No.
 1325-02

Scale
 1:100

Renders
 A-DA-22.02

A





Concurrence Agency Conditions

RA6-N

**DELIVERING
FOR QUEENSLAND**



**Queensland
Government**

Department of
**State Development,
Infrastructure and Planning**

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

Page 1 of 7

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

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.

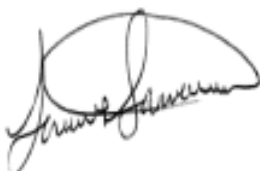
Representations

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@dasilgp.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:
 - 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:
 - does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
 - 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
 - does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
 - 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
 - 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
 - maintains access to public passenger transport infrastructure or active transport infrastructure
 - does not adversely impact the state's ability to operate public passenger services on state-controlled roads
 - 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
<p>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:</p>		
1.	<p>(a) Stormwater management must be undertaken generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • 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. <p>(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.</p>	(a) and (b) Prior to the commencement of use and to be maintained at all times.
2.	<p>(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.</p> <p>(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.</p> <p>(c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with the following:</p> <ul style="list-style-type: none"> • 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.	<p>Buildings are designed and constructed using materials which ensure indoor education areas and indoor play areas meet the following internal noise criteria:</p> <ul style="list-style-type: none"> • ≤35 dB(A) Leq (1 hour) (maximum hour over 24 hours) 	Prior to the commencement of use

Attachment 2—Advice to the applicant

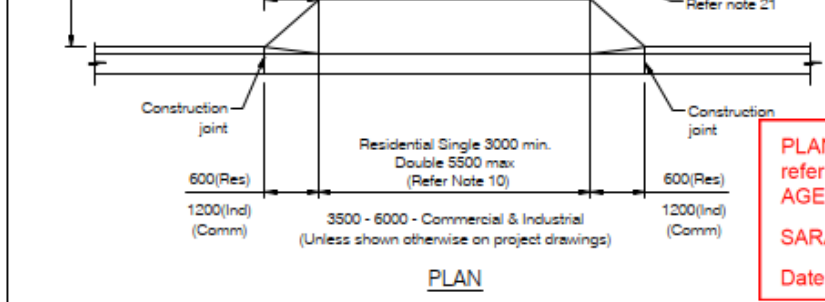
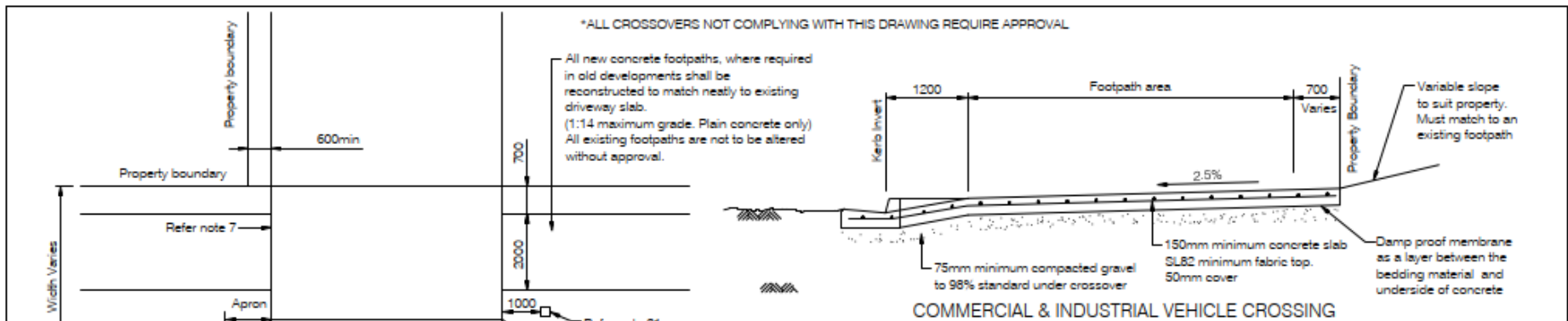
General advice	
1.	<p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i>, its regulation or the <i>State Development Assessment Provisions (SDAP)</i> (version 3.3). If a word remains undefined it has its ordinary meaning.</p>
2.	<p>Road works approval</p> <p>Under section 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.</p> <p>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.</p> <p>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).</p> <p>Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p>
3.	<p>Road corridor permit</p> <p>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 (TIA)</i> and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>.</p> <p>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.</p> <p>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.</p> <p>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.</p>

Attachment 4—Representations about a referral agency response

(page left intentionally blank)

Attachment 5—Documents referenced in conditions

(page left intentionally blank)



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2510-48803 SRA

Date: 22 January 2026

NOTES

- All joints to existing kerbs shall be sawcut prior to breaking out concrete for removal. Entire section of kerb to be removed.
- Concrete is to be N32 min residential, N32 min. commercial/industrial in accordance with AS1379 and AS3600.
- All concrete to be broom finished.
- Where a concrete footpath abuts a crossing an expansion joint shall be installed and the footpath levels must not be changed.
- Expansion joints to be 10mm thick, closed cell cross linked polyethylene foam (85-150kg/m), 12mm round galvanised dowels @ 600 Ctrs
- Depths of concrete and reinforcing steel shown are minimum requirements for good foundations and average traffic loadings. Where this does not apply, depths of concrete and reinforcing steel shall be increased to suit specific conditions.
- Where an existing footpath is saw cut and a new footpath is installed abutting the existing concrete, an expansion joint shall be formed in accordance with note 5. Dowels may be fixed into existing concrete by drilling and fixing using a chemical anchoring solution.
- Subgrade to be compacted to 95% standard.
- All dimensions are in millimetres.
- Residential refers to single dwelling or duplex. All other crossings as per commercial/industrial details.
- Where new sections of footpath are required, these shall be 2000mm wide and constructed in accordance with standard drawing s1035.
- For Cook Shire Council, fibre can be used in lieu of reinforcement fabric.
- For layback kerb residential crossing, the undamaged tray may be left in situ and 12mm galvanised dowels @ 600mm Ctrs installed.
- Relocating or removal of a street tree requires an approval.
- Stormwater downpipe outlets to be located clear of crossover and aprons.
- Refer to FNQROC Development Manual Section D9 for street tree clearances.
- Driveway to be 500mm clear of electrical pillars.
- Driveway edge to be 1m clear of light and power poles.
- All new downpipe connectors to kerb + channel are to use kerb adapter to match kerb profile.
- Refer to S2005 where hydrants are located in driveways.
- Minimum 1m clearance from edge of driveways to utilities, including adjacent power poles, light poles and junction boxes, etc.
- Driveway edge to be 600mm clear of any stormwater kerb inlet pits
- Additional options for modified treatments for constrained applications for access crossovers are given on S1015-Sheet 2. Design will require Council approval.

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.

REVISIONS	DATE
F NOTES AND FOOTPATH AREA AMENDED	05/12/23
E NEW DETAIL AND NOTES ADDED	27/08/20

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 ancillary profits, or consequential damages resulting from the use of these Standard Drawings. Users 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.




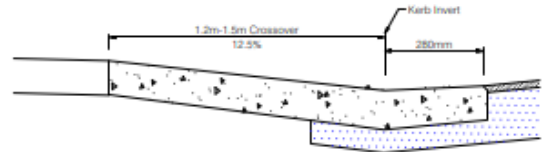
ACCESS CROSSOVERS
Sheet 1 of 2

Standard Drawing	
S1015	
E	F

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2510-48803 SRA

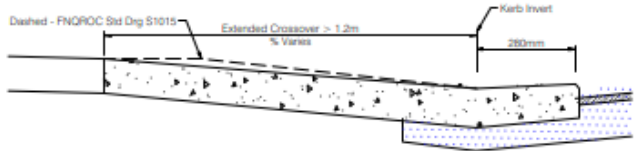
Date: 22 January 2026

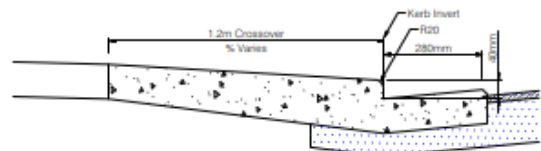
Option 1: 12.5% Ramp
NTS



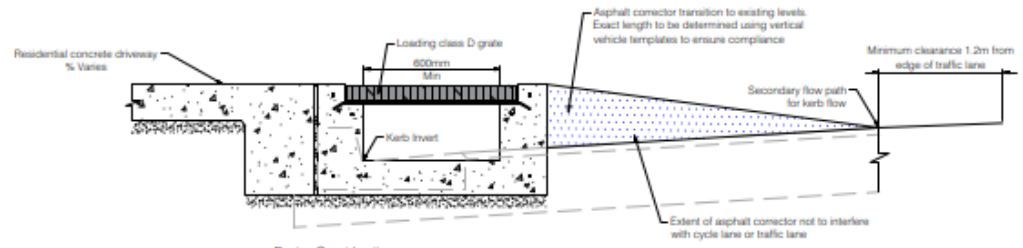
Option 4: 100mm channel at kerb invert
NTS



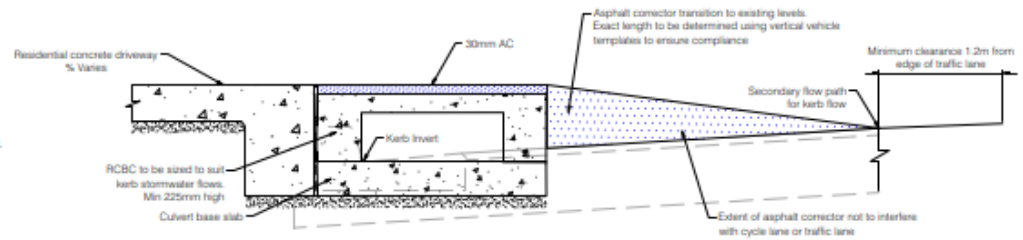
Option 2: Extended access crossover similar to FNRROC standard drawing S1015
NTS



Option 3: 40mm lip at kerb invert
NTS



Option 5: Grated vehicle crossing
NTS



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 AS2690.1 (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 approving 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 anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Parties 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

REVISIONS	DATE
A ORIGINAL ISSUE	05/12/23

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 02/10/2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Community Facilities Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

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

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment

[s 74]

relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

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 given by the Minister under part 6, division 2; or
 - (iii) a development condition imposed under a direction given by the chief executive under section 106ZF(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)(d).
- (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 assessment manager gives the applicant the decision notice for 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) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) 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.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is 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.

Note—

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

- (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.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

- (1) A person may make an application (a *change application*) to change a development approval.

Note—

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

(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—

22 June 2026

Enquiries: Georgia Graham
Our Ref: MCUC 2025_5845/1 (Doc ID)
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 Infrastructure Charge Notice
For Development Application Material Change of Use-Code (Childcare Centre and
Community facilities - Place of Worship)
At 36 Front Street MOSSMAN
On Land Described as Lot 1 on RP 706244**

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: 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



**For
Leonard Vogel
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

The Uniting Church in Australia Property Trust (Q) DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
36 Front Street STREET No. & NAME	Mossman SUBURB	Lot 1 on RP 706244 LOT & RP No.s	3229 PARCEL No.
MCUC DEVELOPMENT TYPE		2025_5845 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
Doc ID 1345337 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						
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>						
=Charges!B23	Place_of_worship	\$_per_m²_GFA	78.17	312	\$24,389.04	Prior arrangement for online payment via invoicing - see below. Code 895 GL GL7500.135.825
Total Credit					\$24,389.04	

Required Payment or Credit **TOTAL** **\$38,535.47**

Prepared by	Georgia Graham	9-Jun-26	Amount Paid	
Checked by	Jenny Elphinstone	10-Jun-26	Date Paid	
Date Payable	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.

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

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- (2) This section is subject to section 123.

123 Agreements about payment or provision instead of payment

- (1) The recipient of an infrastructure charges notice and the local government that gave the notice may agree about either or both of the following—
- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

Subdivision 5 Changing charges during 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 any representations made by the recipient.
- (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.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the appeal period to the local government.
- (2) The recipient may give only 1 notice.

Extracts from the Planning Act 2016 –Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

(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