

4 April 2018

Enquiries: Jenny Elphinstone
Our Ref: MCUI 1232/2015 (43.1232.2015) (Doc ID 848646)
Your Ref: PR128488/OLD/SD/L77268

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

Mossman Canegrowers Limited
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Attention Mr Owen Dalton

Dear Sir

**DEVELOPMENT APPLICATION FOR A MINOR CHANGE TO THE DEVELOPMENT PERMIT
FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - DISPLAY FACILITIES
(HARDWARE STORE) AT 5 MOSSMAN STREET MOSSMAN, ON LAND DESCRIBED AS
LOT 50 ON RP706250 AND LOT 51 ON SP113404**

Thank you for lodging the above Development Application with Council on 2 March 2018.

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

Please quote Council's application number: MCUI 1232/2015 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully



NICK WELLWOOD
General Manager Operations

cc. SARA Far North Qld, Cairns CairnsSARA@dsd.qld.gov.au

encl.

- Decision Notice
- Adopted Infrastructure Charges Notice

DOUGLAS SHIRE COUNCIL
DECISION NOTICE — APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTIONS 81 and 83 OF *THE PLANNING ACT 2016*)

Thank you for your development application detailed below which was properly made on 2 March 2018. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: Mossman Canegrowers Limited

Postal Address: C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

2. Location details

Street Address: 2 Mill Street and 5 Mossman Street, Mossman.

Real Property Description: Lot 50 on RP706250 and Lot 51 on SP113404.

Local Government Area: Douglas Shire Council.

3. Details of proposed development

Application for a minor change to the Development Permit for a Material Change of Use (Impact Assessment) for Display Facilities (Hardware Store).

4. Decision

Date of decision: 4 April 2018.

Decision details: Approved in full with conditions. These conditions are set out in Schedule 1 and are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

This Changed Negotiated Decision Notice replaces the Negotiated Decision Notice dated 22 September 2016 (Council document ID 789710).

5. Approved drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed in Schedule 2.

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
On-Street Parking & Swept Path <u>Proposed Amended Internal Layout</u>	PR128488-2 Issue A <u>PR128488-4</u>	9 September 2016 <u>14 February 2018</u>

6. Conditions

This approval is subject to the conditions in Schedule 1. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

7. 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; and
- All Operational Work.

8. Properly made submissions – to the original application

Properly made submissions were received from the following principal submitters:

Name of principal submitter	Residential or Business Address
Diana Abiad	7 Mossman Street, Mossman, QLD 4873
Darryl and Margaret Parker	8 Junction Road, Mossman, QLD 4873
Lisa Shanahan (not properly made)	9 Mossman Street, Mossman QLD 4873

9. Currency period for the approval

This decision to change the development approval does not change the period of approval as issued under the Negotiated Decision Notice determined on 20 September 2016 and issued on 22 September 2016, and as issued to the submitters on 31 October 2016, being four (4) years from the date the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009* and section 286 of *Planning Act 2016*.

10. Adopted Charges

Detail of the relevant Adopted Infrastructure Charges credit applying to the land, for this change application, is included in Schedule 3.

11. Rights of appeal

The rights of applicants 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*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions is included in Schedule 4.

SCHEDULE 1 – CONDITIONS AND ADVICE

PART 1A—CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

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

Drawing or Document	Reference	Date
On-Street Parking & Swept Path <u>Proposed Amended Internal Layout</u>	PR128488-2 Issue A <u>PR128488-4</u>	9 September 2015 <u>14 February 2018</u>

ASSESSMENT MANAGER CONDITIONS:

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; 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 no later than 6 months from the date the Development Permit takes effect except where specified otherwise in these conditions of approval or extended by the Chief Executive Officer. Any request to extend the time must be made prior to the end date and must be made in writing and addressed to the Chief Executive Officer.

Operational Works

3. An Operational Works Approval is required for the site works, concrete surfacing or sealing of hardstand areas and storage areas, drainage and external works associated with the development.

A Statement of Compliance must be provided for the Operational Works Application as required by the *FNQROC Development Manual* (refer Appendix A of Application Procedures (AP1)).

All plans submitted to Council must be certified by a suitably qualified and experienced registered professional engineer of Queensland (RPEQ) as required by the *FNQROC Development Manual* and conditions of this Development Permit.

The works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Roads and Paths

4. The applicant must provide supporting information including existing and finished surface contours to demonstrate that the proposed access to be provided from Junction Street does not create a nuisance or impede access to the existing access to Lot 97 on SR836110.
5. The applicant must provide an updated traffic assessment for the proposed development identifying the impact of the development on the existing transport network (including a consideration of likely impacts on the road network, the public transport network, freight movements, pedestrians and cyclists); In particular, the report must specifically address: -
 - a. Updated swept path diagrams of the access and egress points of the development for the design vehicle for the finalised design layout. Plans showing the swept path diagrams for entry, exit and circulation within the proposed development for the nominated design vehicle(s) are to be provided.

Compliance with the requirements of AS2890.1 and AS 2890.2. A suitably qualified and experienced RPEQ must be required to certify that the proposed plans comply with these identified Australian Standards, and the FNQROC Development Manual.

- b. Any mitigation measures required to ameliorate the effects of the proposed development with indicative timings nominated. Specific consideration must be given to the mitigation measures to be provided for any impacts from Junction Road access (access to the site and Lot 97 on SR836110), on and off – street parking considering the required geometry to access the site), and similarly, impacts of the development which are shown to occur on Mossman Street must also be ameliorated with additional on-street parking provided;
- c. Traffic controls required for Mossman to control the parking to ensure the carriageway remains clear to facilitate the exit movement;
- d. The traffic study is to consider parking, access, ramping, pedestrian conflicts and movements and cyclists.

The traffic assessment must be to the satisfaction of the Chief Executive Officer. The Operational Works application must detail the proposed on-street works associated with the point to the development from Mossman Street which is consistent with the findings and recommendations of the traffic assessment.

Heavy Vehicle Access & Unloading & Loading of Vehicles

6. All heavy vehicles accessing the site must do so via Junction Road. Gates are to be installed on the Junction Road access and are to be closed to prevent general vehicle access to site.

All unloading and loading of vehicles must be undertaken on-site at all times.

External Works

7. Undertake the following works external to the land at no cost to Council:
 - a. Provision of a concrete crossovers and aprons for all points of entry and egress in accordance with FNQROC Development Manual Standard Drawings for commercial crossover. The extent of the crossovers is to be minimised where possible to limit the conflict with pedestrians utilising the roadway verge;

Consideration is to be given to commencing the left turn associated with exit manoeuvre for the semi-trailer within the site to minimise the apron width and the carriageway encroachment on Mossman Street.

The extent of crossovers proposed is to be substantiated with the swept path diagrams for the design vehicle at each point of entry or egress.

Note: The maximum grade for a cross-over is 2.5% and the new cross-over must not interfere with existing footpath formation.

- b. Confirm clearance to existing power poles for the swept path of the design vehicles having regard to the proposed ingress and egress points of the site. This may determine if further works are required to the electrical reticulation system and poles;
- c. Replacement of the displaced on street parking with additional parking on the western side of Mossman Street to the satisfaction of the Chief Executive Officer as follows:
 - (i) Replace displaced angled parking generally as shown on the RPS Drawing PR128488-2 Issue A dated 26 November 2015. The number of spaces to be replaced will be determined at the time of seeking Operational Works approval for on-street works;
 - (ii) The parking is to be angled parking and is to be imperviously sealed and line-marked;
 - (ii) The parking must be graded to drain back to a new FNQROC Type 1 concrete invert to be provided at the current kerb location;
 - (iv) Where required to protect existing trees including their roots, construct tree guard around the existing trees in the road reserve;
- d. Repair the existing damaged kerb and channel commencing approximately 3m south from the southern entry/exit and extending to tie into the driveway to adjacent lot 49 on RP706250. These sections of kerb having been damaged by previous entry, exit and unloading operations associated with the use of this site.
- e. Repair any damage to footpaths, verges or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development;
- f. Suitable traffic and parking signs are to be located along Mossman Street to control parking and keep the carriageway free for the exit manoeuvre. The signage is to be in accordance with MUTCD and to the satisfaction of Council.

The external works outlined above require operational works approval. The works must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Earthworks

8. Earthworks and/or ramping required to provide access to and from the property must be created within the bounds of the property unless otherwise approved by Council. Ramping of the access in the public road reserve steeper than 5% is not supported.

The concrete footpath cross fall must not exceed 2.5% as required under the access codes.

Landscaping Plan

9. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. a 2-metre-wide landscaped buffer adjacent the northern and eastern boundary of the site;
 - b. Nominate the plant species to be used and planting densities in order to achieve screening of the development from adjoining properties over time;
 - c. Detail ground preparation and removal of potential contaminated soils associated with concrete surfacing works. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
 - d. The selection of plant species to ensure the integrity of the retaining wall adjacent the eastern boundary is not compromised;
 - e. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;
 - f. Detail the extent and height of the screen fence to be provided. The top of the fence must have the same reduced level and be designed in consultation with adjoining property owners with respect to the overall height of the fence.
 - g. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

The Landscape Plan must accompany the application for Operational Works and be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan and maintained at all times to the satisfaction of the Chief Executive Officer.

10. Details of the proposed retaining walls and the interface between the proposed concrete hardstand surfacing must be provided with the operational works application. This must include section through the wall, landscaped buffer and into existing properties to enable the relative levels and interface to be assessed.

The landscaped buffer on the northern boundary is to be a minimum of 2m wide and must include a solid screen fence.

Structural Certification must be required for any new or existing retaining walls over 1.0m in height. The certification must include consideration of the additional loading which may be applied to the wall as a consequence of the design vehicle for the site.

Protection of Landscaped Areas from Parking

11. 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.

Stormwater

12. The applicant must demonstrate how the proposed development is able to convey the stormwater run-off to a lawful point of discharge – as required by the principals of QUDM and the FNQROC Development Manual (D4.04 Cl.2).
13. The size and extent of the existing stormwater infrastructure must be identified and assessed for compliance with the principals of QUDM and the Council's FNQROC Development Manual (D4.04 Cl.4, 5 and 6). A plan of works must be submitted with the application for Operational Works.

Such works must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

14. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works with such works being undertaken in accordance with the endorsed study.

Inspection of Existing Stormwater Drainage

15. CCTV inspections of existing stormwater drainage must be undertaken prior to commencement of works on site and a condition report provided to Council as supporting information to the application for Operational Works for the concrete hardstand and storage areas.

The condition report must identify the age, material type, class of pipe and cover. An assessment of the proposed loads and the pipes ability to carry those loads must also be provided. This must include loads from construction equipment when pipe cover may be compromised.

Further CCTV inspections of the stormwater drainage must be undertaken at works completion and a condition report provided to Council. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Amalgamation of Lots Required

16. A Plan of Survey must be prepared amalgamating Lot 50 and Lot 51 into one allotment. The Plan of Survey must be registered with the Department of Natural Resources and Mines and a new certificate of title issued at the applicant's/owner's cost.

Drainage Easements

17. Create a Drainage Easement having a minimum width of 10 metres along the entire length of the existing drainage line within the site must be provided. 1 copy of the easement documents must be submitted to Council for approval.

The approved easement documents must be lodged and registered with the Department of Natural Resources & Mines at the same time as the amalgamation of Lot 10 & Lot 11.

Lawful Point of Discharge

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

Sediment and Erosion Control

19. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Inspection of Sewers

20. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Damage to Council Infrastructure

21. In the event that any part of Council's existing; sewer, water, road, or drainage infrastructure is damaged as a result of construction activities occurring on the site or adjoining road, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at no cost to Council.

Noise Nuisance & Traffic Impact Mitigation Measures

22. Operational aspects of the approved development must be undertaken in accordance with the following requirements: -
 - a. Delivery and loading of goods are only permitted to occur between the hours of 7.00am and 7.00pm Monday to Saturday (excluding public holidays), whilst loading of goods is permitted on Sundays only between the hours of 8.00am and 1.00pm.
 - b. Noise generated by activities on the site must be mitigated and managed to ensure that the environmental values for noise sensitive receptors (e.g. dwellings) are achieved, as per section 7 of the Environmental Protection (Noise) Policy 2008.
 - c. The delivery of goods to and from the site must be co-ordinated to avoid delivery trucks arriving at the site prior to times stated in Item (a) above and to avoid multiple trucks arriving at the site at the same time.

Lighting

2. 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 1.0 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

PART 1B—ADVICE NOTES

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 222 and 221 of the *Sustainable Planning Act 2009*.
 2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
- All This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
- All Further noise mitigation and amenity concerns can be improved through investigating operational aspects of the activity being undertaken onsite. Examples of noise mitigation measures include:
- Replacing tonal reversing beepers with directional broadband noise emitters or other non-auditory alarm signals.
 - Ensuring the layout of the loading/delivery area encourages only forward movement of vehicles attached with reversing beepers or other auditory alarms.
 - Locating noise generating equipment in places with less potential for impacting noise sensitive receptors.

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme 2009, the approved land use of Display Facilities is defined as:

Means the use of premises for the display, hire or sale, by retail or by auction, of goods such as:

- Building and construction materials with or without hardware;
- garden supplies including plants, tools, garden furniture and equipment and other products for use in gardening and Landscaping;
- vehicles including cars, trucks, motor cycles, boats, caravans and trailers;
- produce, animal fodder and farming goods and equipment.

PART 1C—CONCURRENCE AGENCY CONDITIONS

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0216-028001	10 March 2016	#769399

Refer to Attachment: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

Attachment: Referral Agency Requirements.



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0216-028001
Your reference: MCUI 1232/2015

10 March 2016

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Att: Jenny Elphinstone

Dear Sir / Madam

Concurrence agency response—with conditions

Development application for material change of use for display facilities (hardware store) on land located at 5 Mossman Street and 2 Mill Road, Mossman and described as Lot 50 on RP706250 and Lot 51 on SP113404

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 23 February 2016.

Applicant details

Applicant name: Mossman Cane Growers Limited
c/- RPS Australia East Pty Ltd
Applicant contact details: PO Box 1949
Cairns QLD 4870
alex.bowen@rpsgroup.com.au

Site details

Street address: 5 Mossman Street and 2 Mill Road, Mossman
Lot on plan: Lot 50 on RP706250 and Lot 51 on SP113404
Local government area: Douglas Shire Council

Application details

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Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

Proposed development: Development permit for material change of use for display facilities (hardware store)

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Material Change of Use for 'Display Facilities'.	Impact Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger **Schedule 7, Table 3, Item 1—** State-controlled road

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

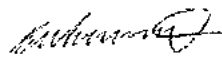
The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Material Change of Use - Display Facilities (Hardware Store)				
On-Street Parking & Swept Path (as amended in red)	RPS	26/11/2015	PR128488-2	A
Town Planning Report	RPS	18 December 2015	PR128485/OLD/AMB/L75011	-

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

For further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228 or email joanne.manson@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
A/Manager (Planning)

cc: Mossman Cane Growers Limited, c/- RPS Australia East Pty Ltd, email: alex.bowen@rpsgroup.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0216-026001

Your reference: PR128488/OLD/AMB/L75011

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use - Display Facilities (Hardware Store)		
Schedule 7, Table 3, Item 1 – State-controlled road —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plans		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> On-Street Parking & Swept Path prepared by RPS, dated 26/11/2015, Reference Drawing No PR128488-2, Issue A (as amended in red) 	Prior to the commencement of use and to be maintained at all times
In accordance with approved report		
2.	The development must be generally in accordance with the Town Planning Report prepared by RPS, date 15 December 2015, Reference PR128488/OLD/AMB/L75011, in particular: <ul style="list-style-type: none"> Inbound deliveries from Cairns generate 1 service per week, this schedule will not change in the near future. Delivery vehicles must access the subject land via Junction Road only and leave the subject site via Mossman Street. 	Prior to the commencement of use and to be maintained at all times
Wayfinding signage		
3.	Signage, indicating vehicles must stop before proceeding, is to be installed at the Mossman Street / Mossman-Daintree Road (Foxton Avenue) intersection in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.	Prior to the commencement of use

Our reference: SDA-0216-028001
Your reference: PR128488/OLD/AMB/L75011

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure the development does not compromise the safe and efficient management or operation of the state-controlled.
- To ensure the development achieves the outcomes in 19.1 Access to state-controlled roads state code in the State Development Assessment Provisions version 1.7.

Our reference: SDA-0216-028001

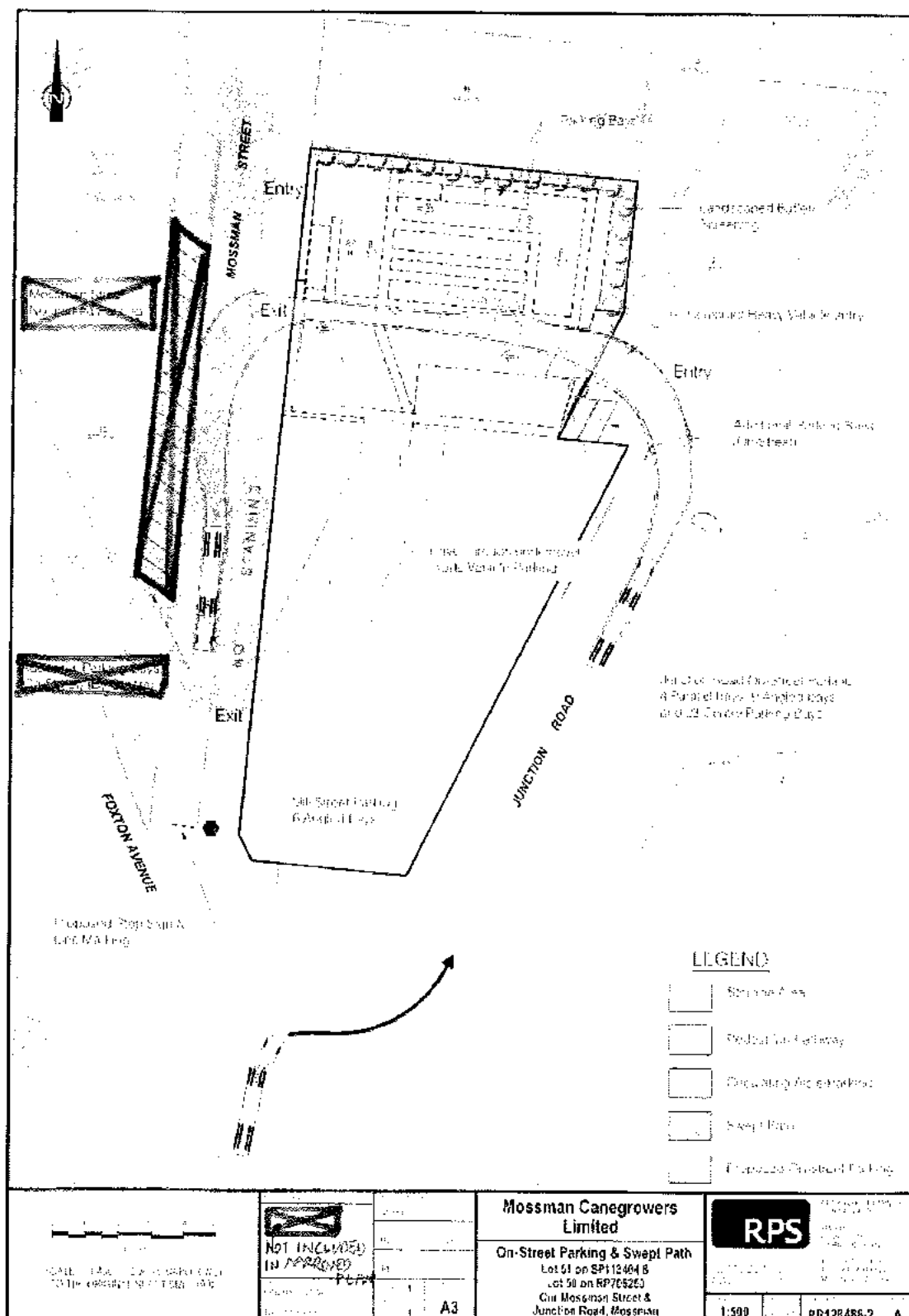
Your reference: MCUI 1232/2015

Attachment 3—Further advice

General advice	
Ref	State Planning Policy July 2014 Interim development assessment provisions
1.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014, and in particular the interim development assessment provisions (Part E), such as Natural hazards, risk and resilience and to the extent it is relevant to the proposed development.
Ref	Advertising device
2.	<p>A local government should obtain advice from the Department of Transport and Main Roads if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: The Department of Transport and Main Roads has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and / for a device which is deemed that it creates a danger to traffic.</p>
Further development permits, compliance permits or compliance certificates	
Ref	Road access works approval
3.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 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).</p> <p>The road works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>


Our reference: SDA-0216-028001
Your reference: PR128488/OLD/AMB/L75011

Attachment 4—Approved plans and specifications



[illegible]

SCHEDULE 3 – ADOPTED INFRASTRUCTURE CHARGES CREDIT

	2008 Douglas Shire Planning Schemes Applications	
	ADOPTED INFRASTRUCTURE CHARGES NOTICE	

Mossman Cane Growers Pty Ltd	0	0
DEVELOPERS NAME	ESTATE NAME	STAGE
5 Mossman St	Mossman L	3487
STREET No. & NAME	SUBURB	PARCEL No.
MCU Display Facilities (Hardware Store)	L50 RP706280	4
MCU 123/2016	LOT & RP No.s	
DEVELOPMENT TYPE	COUNCIL FIL	VALIDITY PERIOD (year)
847758	1	
DSC Reference Doc. No.	VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
New Shed floor area	proposed	173.25	50.10	8,679.83	
	0	0.00	0.00		
Undeveloped lot credit	existing	1	14,342.13		
Total			-5,652.31		
TOTAL			(5,652.31)	credit	

Prepared by	J Elphinstone	21-Mar-18	Amount Paid	
Checked by	Nell Beck	3-Apr-18	Date Paid	
Date Payable			Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with sections 119-121 of the *Planning Act 2016* and Section 630 of the *Sustainable Planning Act 2009 (SPA)* as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing

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

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

SCHEDULE 4 – PLANNING ACT EXTRACT ON 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

Current as at 1 January 2018

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Authorised by the Parliamentary Counsel

- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for 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, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); 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 by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (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 Other appeals

- (1) Subject to this chapter, 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—

4 April 2018

Enquiries: Jenny Elphinstone
Our Ref: MCUI 1232/2015 (43.1232.2015) (Doc ID 848646)
Your Ref: PR128488/OLD/SD/L77268

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

Mossman Canegrowers Limited
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Attention Mr Owen Dalton

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
DEVELOPMENT APPLICATION FOR A MINOR CHANGE TO THE DEVELOPMENT PERMIT
FOR A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) - DISPLAY FACILITIES
(HARDWARE STORE) AT 5 MOSSMAN STREET MOSSMAN, ON LAND DESCRIBED AS
LOT 50 ON RP706250 AND LOT 51 ON SP113404**

Thank you for lodging the above Development Application with Council on 2 March 2018.
Please find attached an Adopted Infrastructure Charges Notice issued in accordance with
section 119 of the *Planning Act 2016* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to
Council's Adopted Infrastructure Charges Resolution and is a credit that remains applicable to
the land.

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.

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please
contact Jenny Elphinstone of Development Assessment and Coordination, Sustainable
Communities on telephone number (07) 4099 9482.

Yours faithfully



NICK WELLWOOD
General Manager Operations

encl.

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

ADOPTED INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Mossman Cane Growers Pty Ltd		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
5 Mossman St	Mossman L	L60 RP706250	3497
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCU Display Facilities (Hardware Store)	MCUI 1232/2015		4
DEVELOPMENT TYPE	COUNCIL FIL	VALIDITY PERIOD (year)	
847798	1		
USC Reference Doc. No.	VERSION No.		

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
New Shed floor area	proposed	173.25	50.10	8,679.80	
	0	0.00	0.00		
Indeveloped lot credit	existing	1	14,342.13	14,342.13	
Total			-5,662.31		
TOTAL			(\$5,662.31)	credit	

Prepared by	J Elphinstone	23-Mar-18	Amount Paid	
Checked by	Nell Beck	3-Apr-18	Date Paid	
Date Payable				
Amendments	Date	Receipt No.		
		Cashier		

Note:

The Infrastructure Charges in this Notice are payable in accordance with sections 119-121 of the *Planning Act 2016* and Section 630 of the *Sustainable Planning Act 2009 (SPA)* as from Council's resolution from the Special meeting held on 24 June 2015

Charge rates under the current Policy are not subject to indexing.

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

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

Rights to Make Representations and Appeals Regarding Infrastructure Charges

Planning Act 2016
Chapter 4 Infrastructure

[s 124]

- (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 relevant appeal period

124 Application of this subdivision

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

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and

- (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

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

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—