

26 June 2023

Enquiries: Daniel Lamond
Our Ref: ROL 2023_5271/1 (1155345)
Your Ref: 22-12/001226

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

Northern Palms Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

**Development Application for Reconfiguring a Lot (1 into 6 lots plus common property)
At 501-505 Old Port Road CRAIGLIE
On Land Described as LOT: 303 TYP: C PLN: 2251**

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

Please quote Council's application number: ROL 2023_5271/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoyer
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: Northern Palms Pty Ltd
Postal Address: C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: 501-505 Old Port Road CRAIGLIE
Real Property Description: LOT: 303 TYP: C PLN: 2251
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit - Reconfiguring a Lot (1 into 6 lots plus common property)

Decision

Date of Decision: 26 June 2023
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 |
|-------------------------|--|------------------|
| Proposal Plan | Plan No. 22-12.01 | 10 February 2022 |
| Sewer and Water Concept | Neon Consulting Plan 026-2301-00-SK-0002 | 31 May 2023 |
| Service Conduit Concept | Neon Consulting Plan 026-2301-00-SK-0013 | 30 May 2023 |

| | | |
|---|--|----------------|
| Passing Bay Concept, Turn Path Assessment | Neon Consulting Plan 026-2301-00-SK-0014 | 30 May 2023 |
| FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access | | |
| Access Crossovers | Standard Drawing S1015 Issue E | 27 August 2020 |
| Concrete driveway for allotment access | Standard Drawing S1110 Issue F | 27 August 2020 |

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 the approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Water Supply and Sewerage Works

3. Undertake the following water supply and sewerage works to the subject land:
 - a. Provide a single internal sewer connection (house connection branch) to each lot in accordance with the FNQROC Development Manual;
 - b. augment a new sewer extension in accordance with Neon Consulting drawing 026-2301-00-SK-0002;
 - c. augment a water main with a road crossing to the frontage of the site in accordance with Neon Consulting drawing 026-2301-00-SK-0002;

All works must be carried out in accordance with a Development Permit for Operational Works and works must be to the satisfaction of the Chief Executive Officer prior to the sealing the Plan of Survey.

Stormwater Discharge

4. All stormwater drainage works must be designed and constructed in accordance with the FNQROC Development Manual.

All stormwater must be directed to a lawful point of discharge and must not direct concentrated flows to surrounding properties or create ponding nuisance to the satisfaction of the Chief Executive Officer.

All drainage work must be satisfactorily completed prior to the endorsement of the Plan of Survey and the filling of the sites will constitute part of an operational works development application.

Electricity and Telecommunications

5. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the endorsement of the Plan of Survey.

Vehicle Access

6. Provide a vehicle access leg in accordance with the following specifications;
 - a. Pavement treatment must be of concrete or bitumen for the full length of the common property;
 - b. Pavement treatment must be for a width of no less than 3000mm and 4500mm for the passing bay for the common property.

Plans demonstrating compliance with the above requirements must be submitted with the Operational Works Development Application for approval. All access works must be completed prior to the endorsement of the Plan of Survey.

External Works

7. Undertake the following external works at no cost to Council:
 - a. Provide a residential access crossover in accordance with FNQROC Development Manual standard drawing S1015E;
 - b. Provide a residential concrete driveway from the crossover to the property boundary in accordance with FNQROC Development Manual standard drawing S1110E;
 - c. Provide a tree condition assessment for the stand of trees in the road verge at the sites frontage and determine whether particular individuals can be retained as part of the verge formalisation works. Provide the tree condition assessment to Council prior to lodgement of the development application for operational works;
 - d. Formalise the verge and the shoulder of the road to make consistent with the road to the south fronting 507-511 Old Port Road.

The above external works constitute operational works.

Further Development Permits

Not applicable

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

- Operational Work

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

Concurrence Agency Response

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

Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions are attached.

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

Proposed Reconfiguration of a Lot (1 Lot into 6 Lots plus Common Property)

501 - 505 Old Port Road, Craiglie, described as Lot 303 on C2251

Plan No. 22-12.01 / Date: 10/02/22



90°32'55.80"E 28°47'

A product of
Queensland Globe



Legend located on next page

*Proposed boundaries and lot areas are approximate only

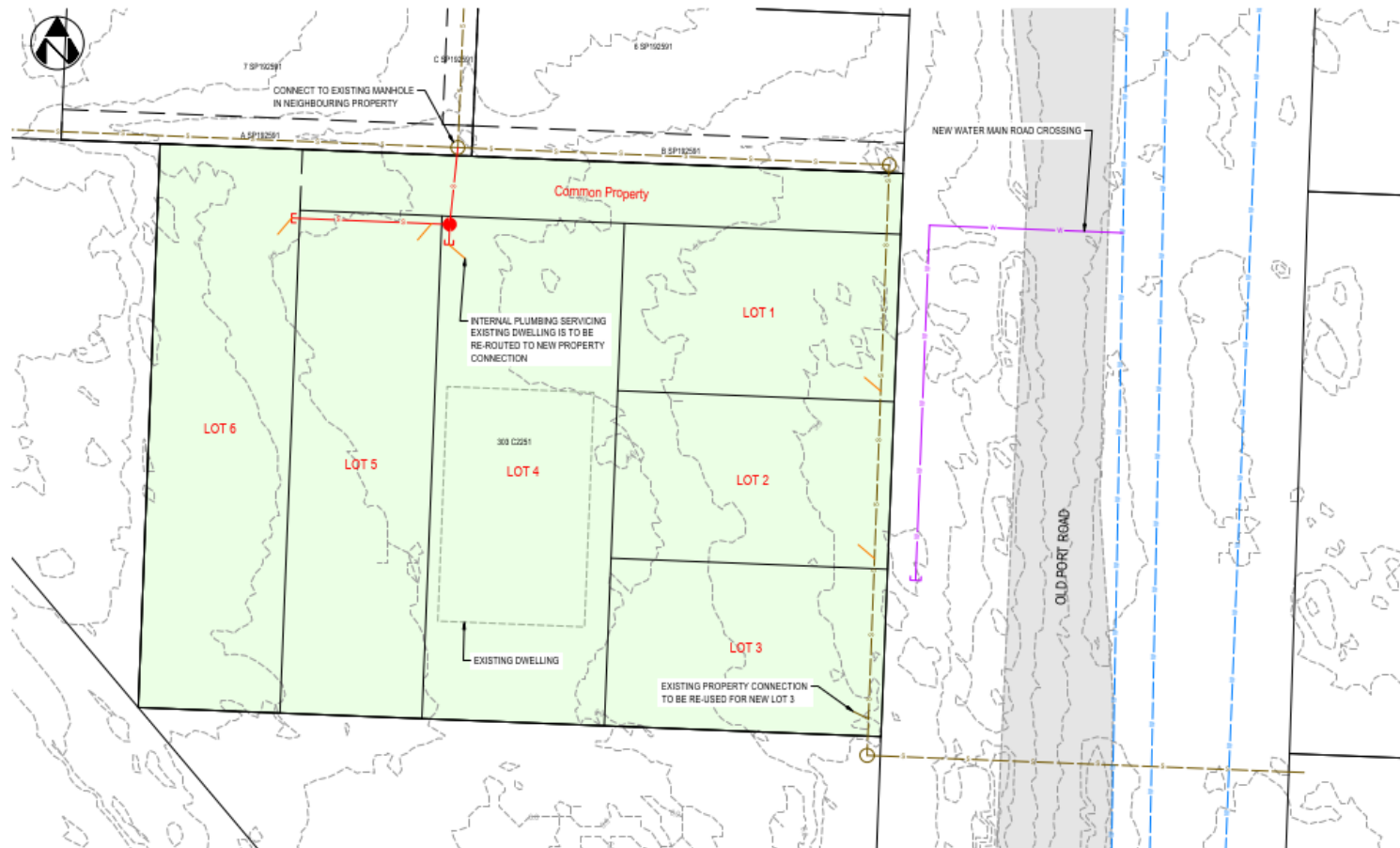
90°32'47.00"E 28°47'

Includes material © State of Queensland 2022. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland does not warrant or undertake in relation to the map contents and does not accept liability.

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0 10 metres
Scale: 1:328
Printed at: A3
Plan date: 10/02/2022
Not suitable for accurate measurement.
Projection: Web-Mercator EPSG:31466 (GCS71)
For more information, visit <https://qld.gov.au/information/qldgovau/faq/info/Contact-us.html>

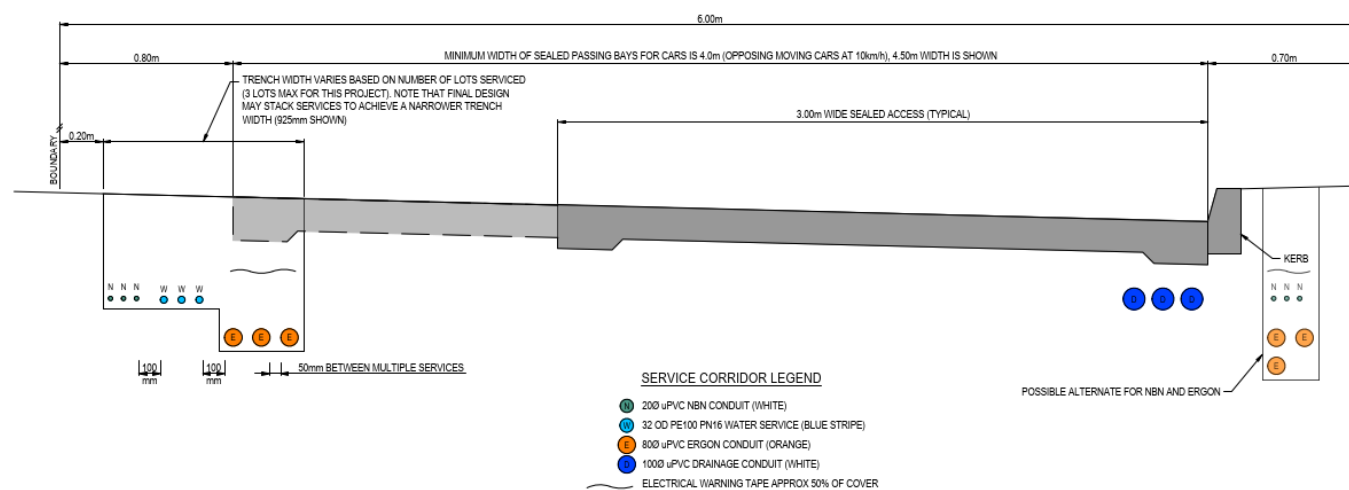
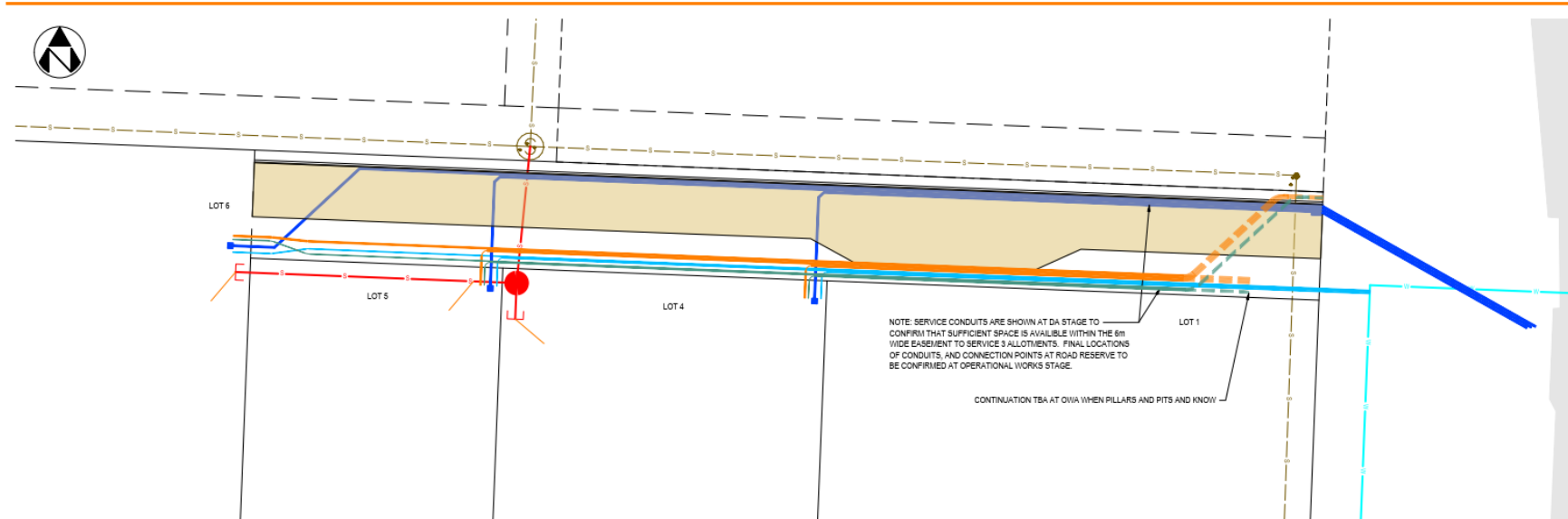




- LEGEND**
- EXISTING SEWER MAIN
 - EXISTING WATER MAIN
 - PROPOSED SEWER MAIN
 - PROPOSED SEWER MANHOLE
 - PROPOSED SEWER PROPERTY CONNECTION
 - PROPOSED WATER MAIN
 - - - EXISTING SURFACE CONTOUR (0.2m INTERVAL)

501-505 OLD PORT ROAD, CRAIGLIE (LOT 303 ON C2251)
1 INTO 6 LOT SUBDIVISION
MASTERPLANS
SEWER AND WATER CONCEPT

026-2301-00-SK-0002



A 30.05.23 INITIAL ISSUE

Rev: Date: Revision: Notes:

Tue May 30 13:45:01 2023 File: S:\Working\Drawings\230528-231701 Masterplans\230528-231701-00-SK-0013.dwg



NEON
CONSULTING

501-505 OLD PORT ROAD, CRAIGLIE (LOT 303 ON C2251)

1 INTO 6 LOT SUBDIVISION

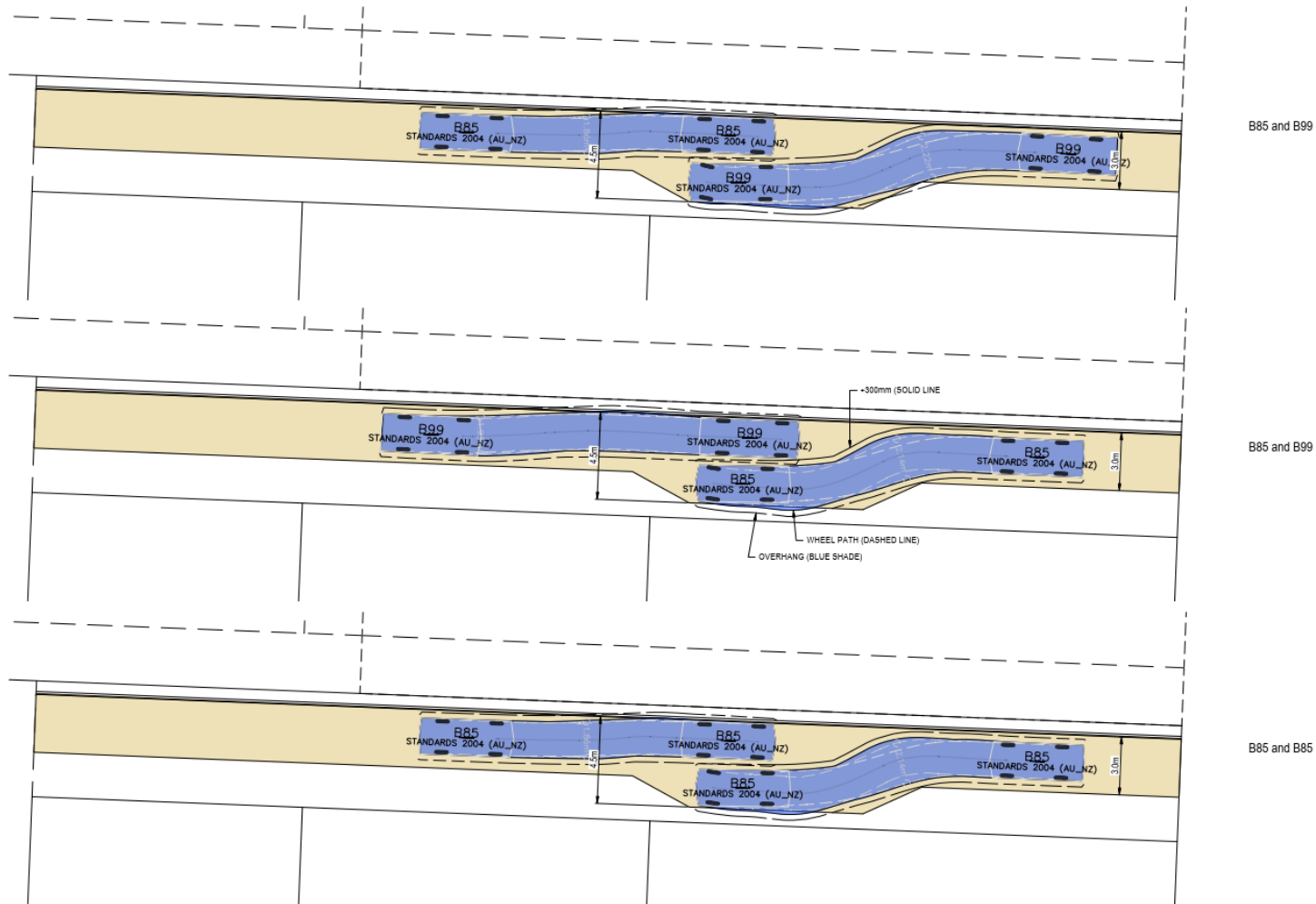
MASTERPLANS

SERVICE CONDUIT CONCEPT

026-2301-00-SK-0013 A

Drawn: PAM Design: PAM Checked: CJC Approved: CJC

All Full Size (Scale as shown)



QLD STREETS PROVIDES GUIDANCE ON PASSING WIDTHS FOR CARS AT VARIOUS SPEEDS WITH 4.0m BEING THE MINIMUM.
ADDITIONALLY:
- 4.0m WIDTH ALLOWS FOR 2 x B85 (1.84m) WITH 300mm CLEARANCE (DIMENSIONS FROM A52890.1)
- 4.5m WIDTH ALLOWS FOR 1 x B85 (1.84m) AND 1 x B99 (1.94m) WITH 600mm CLEARANCE (DIMENSIONS FROM A52890.1)
- PASSING BAYS SHOULD BE PROVIDED AT 30m TO 80m SPACINGS DEPENDING ON LINES OF SIGHT (OLD WALKABLE NEIGHBOURHOODS)
- PASSING BAYS SHOULD BE PROVIDED WHEN VOLUME IS > 30 VEHICLE MOVEMENTS PER HOUR (A5 2890.1)

1:200 0 2 4 6 8

NEON
CONSULTING

501-505 OLD PORT ROAD, CRAIGLIE (LOT 363 ON C2251)
1 INTO 6 LOT SUBDIVISION
MASTERPLANS
PASSING BAY CONCEPT, TURN PATH ASSESSMENT

026-2301-00-SK-0014 A

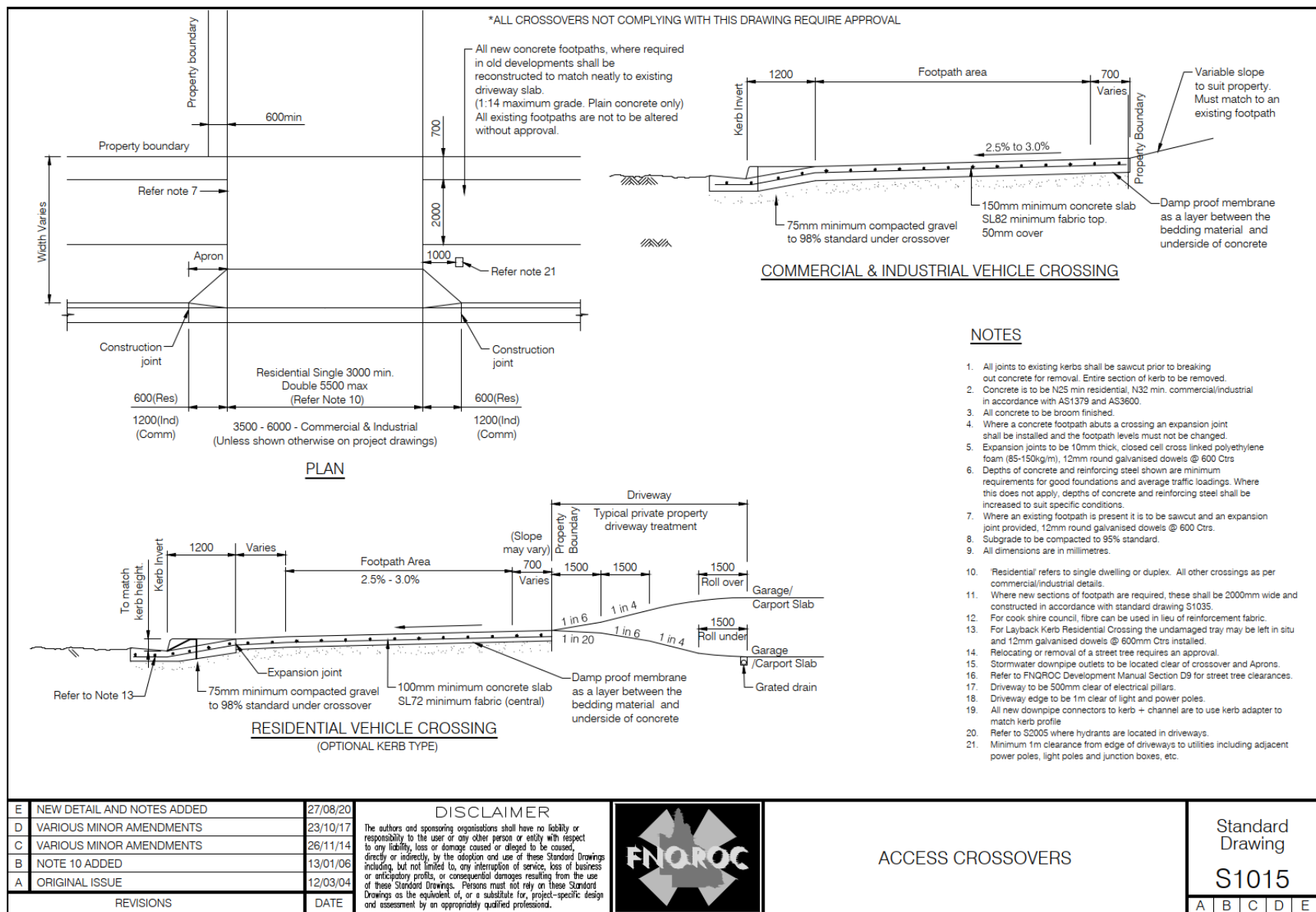
A 30.05.23 INITIAL ISSUE

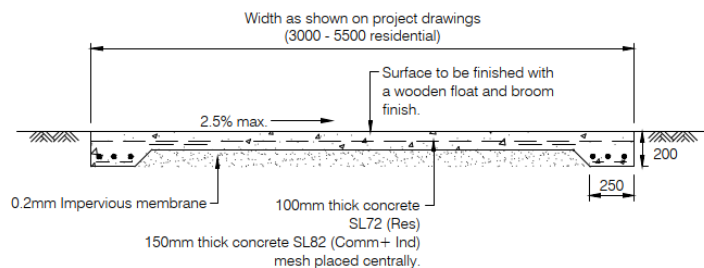
Rev Date Revision Notes

Tue May 30 13:04:38 2023 File: D:\Working\Drawings\230101\Drawings\01\Masterplans\026-2301-00-SK-0014.dwg

Drawn P.M. Design P.M. Check C.J.C. Issue C.J.C.

All Full Size (Scale as shown)

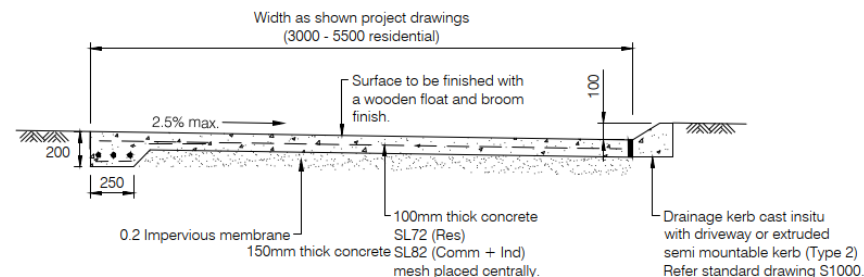




CONCRETE DRIVEWAY - TYPE 1

(Without drainage)

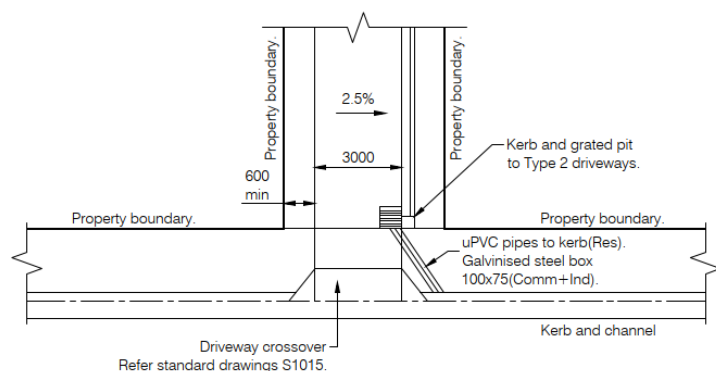
F8 TM 3BAA (Res)
F11 TM 3BAA (Comm + Ind)



CONCRETE DRIVEWAY - TYPE 2

(With drainage)

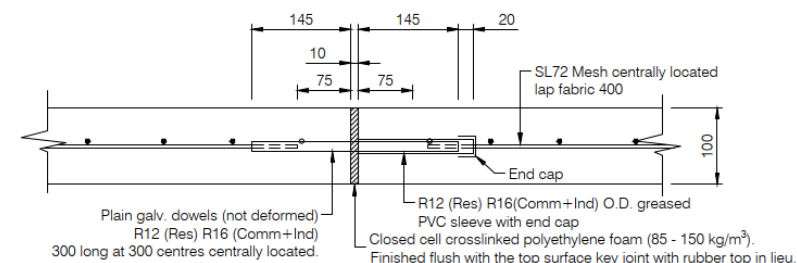
Closed cell cross linked polyethylene foam
with 12mm galvanised dowels @ 600mm Ctrs



TYPICAL DRIVEWAY LAYOUT

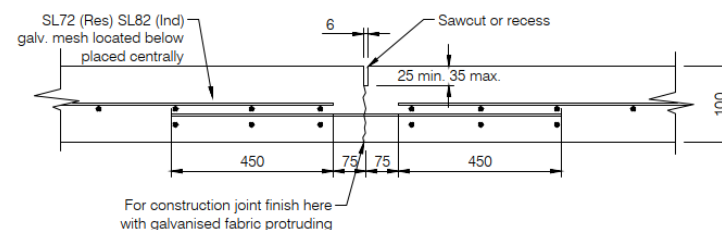
NOTES

- For driveway alignment, longitudinal grade and associated drainage details refer project drawings.
- Concrete is N25 in accordance with AS 1379 and AS 3600.
- Construction joints shall be provided at 4.0m max. Ctrs with expansion joints or approved equivalent @ 16.0m max. Ctrs.
- All dimensions to be in millimetres.
- 'Residential' refers to single dwelling/duplex.
- For commercial or industrial driveways 150mm thick N32 concrete and SL82 mesh.
- Access to Gross Pollutant Traps (GPT) to be min 3.5m wide to commercial/ industrial driveway standard.
- All grates within driveway/roadway are to be Class D for vehicle traffic.



EXPANSION JOINT

Spacing 16000 max.



CONTRACTION JOINT

Spacing 4000 max.

| | | |
|-----------|---------------------------------------|----------|
| E | VARIOUS AMENDMENTS | 23/10/17 |
| D | MINOR AMENDMENTS | 26/11/14 |
| C | TYPES 1 AND 2 REVISED, NOTE 3 AMENDED | 01/02/06 |
| F | NOTE ADDED | 27/08/20 |
| REVISIONS | | DATE |

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 anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.



CONCRETE DRIVEWAY FOR ALLOTMENT ACCESS

Standard
Drawing
S1110

F C D E

Concurrence Agency Conditions

RA9-N



SARA reference: 2303-33679 SRA
Council reference: ROL2023_5271/1
Applicant reference: 22/12/0001226

20 April 2023

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

Attention: Liza Dowling

Dear Sir/Madam

SARA referral agency response—Reconfiguring a Lot (1 lot into 6 lots plus common property) at 501-505 Old Port Road, Craiglie

(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 17 March 2023.

Response

| | |
|-------------------|---|
| Outcome: | Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application. |
| Date of response: | 20 April 2023 |
| Advice: | Advice to the applicant is in Attachment 1 . |
| Reasons: | The reasons for the referral agency response are in Attachment 2 . |

Development details

| | | |
|---------------|---|--|
| Description: | Development permit | Reconfiguring a lot (1 lot into 6 lots plus common property) |
| SARA role: | Referral Agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 (Planning | |

Regulation 2017) – Reconfiguring a lot near a state-controlled road

SARA reference: 2303-33679 SRA
 Assessment Manager: Douglas Shire Council
 Street address: 501-505 Old Port Road, Craiglie
 Real property description: Lot 303 on C2251
 Applicant name: Northern Palms Pty Ltd
 Applicant contact details: C/- Planning Plus
 PO Box 399
 REDLYNCH QLD 4870
 info@planningplusqld.com.au

Human Rights Act 2019 considerations: Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.
 This decision does not limit the above identified 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 3**.

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

For further information please contact Anthony Westbury, Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc Northern Palms Pty Ltd c/- Planning Plus, info@planningplusqld.com.au

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

Attachment 1—Advice to the applicant

| General advice | |
|----------------|--|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning. |
| 2. | <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p> |

Attachment 2—Reasons for referral agency response

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

The reasons for the SARA decision are:

The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment, as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Captain Cook Highway, a state-controlled road.
- The site has no effective frontage to Captain Cook Highway, and all proposed vehicle access is to Old Port Road, a local road.
- All connections to council services, infrastructure and essential services are obtained via Old Port Road.
- The site slopes away from Captain Cook Highway and increased stormwater and drainage flow is directed to the lawful point of discharge via Old Port Road and is unlikely to adversely impact on Captain Cook Highway.
- The proposed reconfiguration is considered a low scale development with traffic generation rates that will not adversely impact on the state-controlled road network.
- Future dwellings on the proposed new lots, can be located and constructed to minimise noise impacts to residents from vehicles using Captain Cook Highway.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 3—Representations about a referral agency response

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 28.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. 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.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

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 10/02/2023 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 Low Density Residential Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

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

75 Making change representations

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

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

76 Deciding change representations

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

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

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

Note—

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

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

26 June 2023

Enquiries: Daniel Lamond
Our Ref: ROL 2023_5271 (1155345)
Your Ref: 22-12/001226

Northern Palms Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application Reconfiguring a Lot (1 into 6 lots plus common property)
At 501-505 Old Port Road CRAIGLIE
On Land Described as LOT: 303 TYP: C PLN: 2251**

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: ROL 2023_5271 in all subsequent correspondence relating to this matter.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

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

Adopted Infrastructure Charges Notice

| DOUGLAS SHIRE COUNCIL | | 2018 Douglas Shire Planning Scheme version 1.0 Applications | |
|---|------------------------|---|-----------------------------|
| ADOPTED INFRASTRUCTURE CHARGES NOTICE | | | |
| Northern Palms Pty Ltd C/- Planning Plus DEVELOPERS NAME | | 0 ESTATE NAME | 0 STAGE |
| 501-505 Old Port Road STREET No. & NAME | Port Douglas SUBURB | 303C2251 LOT & RP No.s | 128 PARCEL No. |
| Reconfiguration of a Lot (1 into 6) DEVELOPMENT TYPE | | ROL 2023_5271 COUNCIL FILE NO. | 6 VALIDITY PERIOD (year) |
| 1164528 DSC Reference Doc. No. | 1 VERSION No. | Prior to signing and sealing of survey form for ROL | |

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

| | | Charge per Use | \$ Rate | Floor area/No. | Amount | Amount Paid | Receipt Code & GL Code |
|----------------------------|----------------|-----------------------------------|-----------|----------------|---------------------|-------------|------------------------|
| Proposed Demand | | | | | | | |
| Residential | Dwelling_house | \$_per_3_or_more_bedroom_dwelling | 25,314.98 | 6 | \$151,889.88 | | |
| Total Demand | | | | | \$151,889.88 | | |
| Credit | | | | | | | |
| <u>Existing land use</u> | | | | | | | |
| 3 or more bedroom dwelling | 1 lot | \$_per_3_or_more_bedroom_dwelling | 25,314.98 | 1 | \$25,314.98 | | |
| Total Credit | | | | | \$25,314.98 | | |
| Required Payment or Credit | | | | | | | |
| | | TOTAL | | | \$126,574.90 | | |

Prepared by: D Lamond

Checked by: N Beck

Date Payable: ROL - Before the Local Government approves the plan of subdivision

Amendments:

16-Jun-23

16-Jun-23

Amount Paid:

Date Paid:

Receipt No.:

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

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

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

125 Representations about infrastructure charges notice

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

126 Suspending relevant appeal period

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

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
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