

20 June 2025

Enquiries: Daniel Lamond
Our Ref: ROL 2024_5647/1 (1303377)
Your Ref:

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

Gull Mossman Gorge Pty Ltd
C/- proUrban Advisory, Management
& Planning
Suite 3, Level 2 99 Coventry Street

Dear Sir/Madam

**Development Application for Reconfiguring a Lot (2 lots into 74 lots and balance parcel)
At 52-80 Coral Sea Drive MOSSMAN GORGE
On Land Described as Lot 10 on RP887362 and Lot 45 on SP183690**

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

Please quote Council's application number: ROL 2024_5647/1 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



Neil Beck
Acting Manager Environment and Planning

- 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: Gull Mossman Gorge Pty Ltd
Postal Address: C/- proUrban Advisory, Management & Planning
Suite 3, Level 2 99 Coventry Street
Email: hugh.mckenzie@pro-urban.com.au

Property Details

Street Address: 52-80 Coral Sea Drive MOSSMAN GORGE
Real Property Description: LOT: 10 RP: 887362
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit -Reconfiguring a Lot (2 lots into 74 lots and balance parcel)

Decision

Date of Decision: 17 June 2025
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
Indicative subdivision and Staging Plan	Beveridge Williams plan, Job No. 2101867, Version 17	28 February 2025

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 endorsement of the Survey Plan except otherwise nominated in these conditions of approval.

Lot Yield

3. The allotment yield as detailed on *Indicative Subdivision and Staging Plan* dated 28 February 2025 prepared by Beveridge Williams may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit requiring further investigation and design, which has potential implications to the lot layout.

Northern Drainage Path

4. The drainage reserve for the northern drainage path conveying the external catchment through the site must be of sufficient width to contain the runoff from the 1% AEP rainfall event. The drainage design must include calculations on catchment runoff and drain flows and must provide freeboard within the drainage channel as required under Table 9.3.1 and Figure 9.1 of the Queensland Urban Drainage Manual.

The catchment hydrology calculations must be undertaken by a suitably qualified and experienced Engineer (RPEQ) and must include sensitivity analysis of the input assumptions on catchment runoff. Specifically, if the applicant adopts medium or high permeability conditions within the steep upslope catchment and/or high initial and continuing loss rates these must be substantiated with supporting geotechnical testing within the catchment.

The catchment runoff and drainage channel must also be included as part of the severe impact assessment noting the risk and consequence of higher flows and blockages on existing and proposed houses.

Where the channel width required under this condition requires additional corridor width this must be shown on a revised plan of subdivision and may impact the Lot yield and lot areas.

In the event that any capacity concerns are identified for the downstream drainage reserve (Lot 36 on RP910268) and/or current channel width, the report must identify the current capacity and required capacity increase. In particular, the report must identify if additional width of the corridor and channel are recommended from the catchment analysis and drainage investigations.

Advice Note: The safe and efficient conveyance of upper catchment flows through the site is considered a high risk and Council reserves its rights to seek an independent peer review of the hydrology and hydraulic calculations as part of the Operational Works Application. Given the consequence to homeowners in the event of higher than design flows, Council expects that assumptions will be appropriately conservative if there is no evidence to support lower design outcomes.

The design and supporting calculations for the Northern Drainage Reserve must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Southern Tributary Flood Modelling

5. Provide updated flood modelling for the unnamed tributary of Parker Creek along the southern development extent. The updated flood modelling must demonstrate that the existing drainage path is able to convey the external catchment runoff from all events up to and including the 1%AEP rainfall event.

The modelling must include evidence that the proposed new lots adjacent the tributary can be provided with freeboard as required under Table 9.3.1 and Figure 9.1 of the Queensland Urban Drainage Manual.

The catchment hydrology calculations must be undertaken by a suitably qualified and experienced Engineer (RPEQ) and must include sensitivity analysis of the input assumptions on catchment runoff. Specifically, if the applicant adopts medium or high permeability conditions within the steep upslope catchment and/or high initial and continuing loss rates these must be substantiated with supporting geotechnical testing within the catchment.

The catchment runoff and drainage channel must also be included as part of the Severe Impact Assessment. The Severe Impact Assessment must address the risk and consequence to existing and proposed houses from higher runoff from the catchment including from more impervious catchment conditions or from events greater than the 1%AEP event. The Severe Impact Assessment must also address the risk and consequence from stream blockages and must confirm that the subdivision will cause any worsening flood impacts or actionable nuisances.

Advice Note: The peak water levels in the southern tributary as a result of runoff from the upper catchment is considered a high risk and Council reserves its rights to seek an independent peer review of the hydrology and hydraulic calculations as part of the Operational Works Application. Given the consequence to homeowners in the event of higher than design flows, Council expects that assumptions will be appropriately conservative if there is no evidence to support lower design outcomes.

The updated flood modelling for the tributary along the southern boundary must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the first Stage.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey for stages adjacent the southern boundary.

Site Based Stormwater Management Plan

6. Provide a Site Based Stormwater Management Plan (SBSMP) and associated amended design which details a stormwater lawful point of discharge.

This document is required to report on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:

- a. Nominate best practice site management procedures to control the severity and extent of soil erosion and pollutant transport and other water quality issues that may arise during the construction phase and post-construction phase;

- b. Nominate requirements for ongoing post-construction management (inclusive of responsibility) of the proposed detention basins;
- c. Nominate requirements for ongoing post-construction management (inclusive of responsibility) of the drainage channel located along the northern boundary of the land; and
- d. The drainage network for the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
 - i. End-of-line stormwater quality improvement devices (SQID) must be of a proprietary design and construction and must carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs must be positioned so as to provide appropriate unrestricted access for maintenance equipment.
 - iii. SQIDS (e.g. GPTs) must include a removal basket equivalent or similar to the CleansAll product, to allow simple and economical maintenance of the device. They must be positioned to allow for economic and efficient maintenance operations and be provided with a hardstand structure suitable to bear the weight of a design truck and located off of the road pavement so as to not to interfere with the movement of traffic or household driveways whilst in operation.

The above works must be designed and constructed in accordance with the FNQROC Development Manual.

Plans and supporting documentation incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

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

Local Drainage Study

- 7. Provide an updated Local Drainage Study of the land to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts.

In particular, the study must address the following:

- a. All internal and external contributing catchment boundaries;
- b. The extent of the 1% AEP flood hazard event in relation to the land both pre and post development;
- c. Primary and secondary flow paths for the 5, 10, and 100-year ARI flood events;
- d. Identify any requirements for drainage easements;
- e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and

g. Point of discharge.

The updated drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Drainage Design

8. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,

- a. Drainage infrastructure generally in accordance with Beveridge Williams Functional Layout Plan as amended to comply with section D4 the FNQROC Development Manual;
- b. The stormwater drainage system must satisfactorily drain the subject land such that the upstream drainage is not adversely affected;
- c. The stormwater drainage must include detention to ensure that the post-development runoff is attenuated so that the downstream drainage system is not adversely impacted as a result of the development;
- d. The proposed lined drains capturing the external catchment flows must be designed with sufficient freeboard to adjacent lots. Calculations demonstrating compliant drain operation during the 1%AEP event must be provided in the supporting material submitted with the Operational Works Application;
- e. The inlet structures at the upper end of the piped drainage system must adopt the blockage factors identified in the Queensland Urban Drainage Manual and must also enable practical cleaning and maintenance access for construction equipment (Backhoe or excavator). Any upstream debris deflectors or trash racks proposed must also be accessible for maintenance equipment;
- f. Assessments of on-road flow depths, velocities and water spreads must be provided with the design. Flow assessments must include assessing water spread for flows crossing road crowns and must demonstrate safe containment and control of flows in downslope kerb and channel. Where the adjacent lot levels are below the verge levels, calculation must demonstrate the capacity exists at a flow depth complying with the QUDM requirements;
- g. The capacity and flow depth for on-road flows in sections of the road designed with one-way crossfall must be assessed and calculations provided to confirm compliance with the QUDM depth and flow requirements and appropriate immunity to adjacent lots;
- h. Rear allotment drainage must be amended to comply with the FNQROC Development Manual, Section D4.13, Clause 1 and include a 3000mm wide concrete invert clear of the sewer man hole in Lot 420. Specifically, inter allotment drainage works shall be conveyed above ground via open channel catch drains linking to Councils minor drainage system. The drainage for the following proposed lots must be amended to comply with this requirement:
 - i. Lots 420 to 424;
 - ii. Lots 501 to 505;
 - iii. Lots 620 to 623; and

iv. Lots 626 to 629.

The design must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the first Stage.

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

Lawful Point of Discharge

9. All 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.

Protection of Existing Properties

10. Provide detailed earthworks plans and site grading to demonstrate the interface with the existing properties along the eastern boundary of the site.

The earthworks plans must include spot levels at top and toe of batters, retaining walls, and must show existing surface levels on each existing property.

The detail must include how the existing lots will be protected from site runoff within detention Basin C. In particular, but not limited to, existing properties on White Oak Avenue.

The eastern boundary must include a minimum 3m wide rear allotment catch drain in accordance with Section D4.13 of the FNQROC Development Manual. The drain and proposed subterranean pipe network must be moved further into the proposed allotments so as to not interfere with the sewer main riser required within proposed Lot 420. The drain must include a concrete invert with a width of 3000mm, or greater as required to contain the 3-month ARI flows per Clause 3 of Section D4.12 of the FNQROC Development Manual, and to inhibit garden planting occurring in this area.

Advice Note: The Beveridge Williams Drawing 912, Functional Layout Plan Road and Drainage Sheet 2 of 4 lists the invert level at 10.70m for the Basin C outlet pipe and advises an operating depth of 1.5m to 1.8m. The sewer manhole lid level in adjacent Lot 38 is listed as 11.50m. In addition, the existing surface level at proposed drainage structure 40 is listed at 12.153m, indicating that the property boundary levels along the eastern side of Basin C will be lower than the operating water depths.

Beveridge Williams Drawing 953, Drainage Long Sections Sheet 4 of 6 provides a section along the proposed drainage line between structures 38 to 50, along the eastern boundary of the site and adjacent existing properties. The proposed finished surface levels on the new lots are shown as being consistently higher than the existing surface adjacent the boundary. Details on finished earthworks batters or proposed retaining will need to be provided for review in the Operational Works Application drawings.

The earthworks designs and interface details along the eastern boundary must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Severe Storm Impact Statement

11. Provide to Council for endorsement a Severe Storm Impact Statement prepared by a suitably qualified Engineer (RPEQ) in accordance with the Queensland Urban Drainage Manual. The Severe Storm Impact Statement must address, but not limited to the following:

- a. Risk and consequence associated with blockage of the cross road culverts at Corla Sea drive and implications for control of upstream runoff arriving into the site;
- b. Risk and consequence of blockage at the upstream inlet points within the development site and implication on capacity for conveyance through the development site. Advice on contingency capacity is requested to respond to this item in addition to any mitigation measures proposed, including upstream debris deflectors or trash racks;
- c. Provide supporting information including the percentage of flow being conveyed underground and the percentage conveyed on-road. Address the risk and consequence on any restricted pipe capacity or inlet capture blockages;
- d. Provide advice on the consequence of flows greater than the 1%AEP design event and whether these can be conveyed with reduced freeboard; and
- e. Provide advice on the safety of the basins during peak flow operation including hazards associated at the outlet pipes and how these can be mitigated.

The Severe Impact Statement must be provided and approved prior to the issue of a Development Permit for Operational Work for the first stage.

Staging

12. A detailed drainage solution prepared with RPEQ certification must be prepared to convey stormwater across Stage 5 if Stage 4 is to be constructed first. The solution must not involve earth drains which are at risk of scouring. The detailed drainage solution must be submitted for endorsement by Council prior to the issue of a Development Permit for Operational Works.

Roads and Footpaths

13. Roads and Footpaths as shown on the Approved Plan(s), must be constructed in accordance with relevant design and specifications sections FNQROC Development Manual and the following requirements:

- a. Where the applicant proposes one-way crossfall on roads, the design must demonstrate that the stormwater capacity of the road is not compromised and the 1%AEP runoff can be conveyed within the road and drainage network;
- b. A temporary vehicle turnaround at the end of all partially constructed roads where the length of road exceeds sixty (60) metres (being the maximum acceptable reversing distance for a waste collection vehicle) must be provided. The turning facility must be of sufficient size to turn around a waste collection vehicle either in a continuous forward movement or by a three-point-turn.

The design must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the first Stage.

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

Water Supply and Sewerage Master Plan

14. Water Supply and Sewerage Master Plans accompanied by supporting calculations must be provided to demonstrate how the proposed stages and the ultimate development can be serviced from Council's existing infrastructure.

The infrastructure layouts are to be generally in accordance with the Beveridge Williams Functional Layout Plans as amended to comply with the FNQROC Development Manual and these conditions. In particular:

- sewerage mains are to be located on standard alignments within the proposed allotments unless otherwise approved by Council; and
- Water supply modelling must demonstrate the need or otherwise for a water supply booster pump station to provide operating pressure in the higher elevated areas of the development site.

Any staging issues or future upgrades need to be identified and the timing for such upgrades nominated in the Master Plan.

The water supply modelling must be informed by boundary conditions commencing at the 300mm trunk main at the Captain Cook Highway connection point. The applicant must arrange for pressure and flow testing from existing hydrants to verify input assumptions and model setup.

The water supply modelling must demonstrate that compliant minimum and maximum pressures can be achieved for all lots within the development. Where the modelling identifies that minimum and maximum pressures are not achieved, the detailed design must nominate the measures proposed to be adopted to achieve compliant operating conditions. These may include pressure reducing valves and booster pumps arrangements where applicable. Any such elements must be designed in accordance with the FNQROC Development Manual requirements.

The master plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Water Supply and Sewerage Works Internal

15. Each lot must be connected to Council's Water Supply and Sewerage network, including all internal and external work, in accordance with the FNQROC Development Manual and the Council Approved Water Supply and Sewerage Master Plan.

Undertake the following water supply and sewerage works internal to the subject land:

- Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
- Provide water supply infrastructure to the frontage of each allotment generally in accordance with the Beveridge Williams Functional Layout Plans as amended to comply with the FNQROC Development Manual and these conditions;
- The existing sewerage reticulation at the rear of proposed lots 420 to 424 and 501 to 505 must be accurately located and plotted on the design plans. Any new structures, including retaining walls, must be located clear of the zone of influence of the existing sewerage line and manholes, and/or, the new structures must demonstrate that they do not impart any additional load on the existing

sewerage or impact the ability to undertake maintenance to the existing sewers and manholes;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Plans and supporting documentation incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

CCTV Stormwater

16. A CCTV inspection must be undertaken for all as-constructed stormwater work under this Development Permit.

A Consulting Engineering who is a Registered Professional Engineer Queensland (RPEQ) is to assess the CCTV footage and prepare a report on the condition of as-constructed stormwater.

Existing Creek and Drainage Areas

17. Existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.

Open Channels

18. Open channels must be designed in accordance with Section D4.12 of the FNQROC Development Manual and must have smooth transitions with access provisions for maintenance and cleaning.

The open channel design must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Outlet Protection

19. All stormwater outlets must have protection in accordance with Section D4.20 of the FNQROC Development Manual.

The design drawings must provide local survey detail at the outlet including the top and toe of the existing batter, the width of the creek channel at the outlet location and trees with DBH greater than 200mm. The design must include batter interfaces, batter protection of the reinstated disturbed creek bank and rock scour protection from the headwall apron into the creek invert.

The design must provide sufficient detail on maintenance access to the outlet by construction equipment (backhoe or excavator) and must be provided prior to the issue of a Development Permit for Operational Works.

Amendment to Configuration

20. Extend the creek reserve into the rear of proposed lots 512-518 and 617-619. The extent of creek reserve must include 10m of land from the top of the high bank into the lots. Where the lots do not include area within 10m of the top of the high bank, the creek reserve (drainage reserve) may be made narrow for the purpose of connectivity. The extent of drainage reserve extending west to finish at proposed Lot 616 is to be confirmed via survey prior to the issue of a Development Permit for Operational Works for Stages 5 and 6.

Building Envelopes

21. Building envelopes for proposed lots 512- 518 and 616-619 must be amended to reflect the requirements of Condition 20 prior to the issue of the Development Permit for Operational Works for Stages 5 and 6.

Drainage Reserve

22. The southern detention basin drainage reserve of 6574 square metres must be amalgamated with the creek reserve of 9411 square metres to form one freehold title. In addition:

- a. The land must be donated to Council for drainage purposes;
- b. The land must allow for a 3000mm wide vehicle access via the detention basin to the creek reserve land for maintenance vehicles;
- c. the applicant must prepare the drainage reserve land for donation to Council by pruning and removing trees in accordance with direction from the Council arborist. The land must be left in a mowable state.

Detailed design must be submitted prior to the issue of a Development Permit for Operational Works for stage 5.

Earthworks Construction

23. All earthworks must be constructed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments. At the completion of works, RPEQ Certification of the works and test results are required to be provided to Council Prior to Works Acceptance.

Earthwork Batters

24. All batters must be designed to be 1 in 4 - or flatter, for batters fronting the road reserve and located wholly within private land. Unless otherwise approved all batters must be less than 1.8m in height and stepped where exceeding 1.8m height. Any application for higher batters must be accompanied by suitable landscaping and visual amenity assessment to demonstrate that the batters can be screened to remain visually unobtrusive.

All new earthworks batters steeper than 1 in 2 (50%) and higher than 1.5 metres require geotechnical certification.

Street Lighting

25. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:

- a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs
- LATM Devices (Including Roundabouts)
- LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

b. Prior to Council endorsement of the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

The application must include evidence in the form of detailed plans which show the locations of all existing and approved civil infrastructure, including water, sewer, drainage, road, footpaths and any existing or proposed telecommunication, lighting and electrical services.

Note: Fees and charges apply as per the Council fees and charges schedule;

The streetlighting design must be provided and approved prior to the issue of a Development Permit for Operational Work.

Any updates to the lot layout as a result of providing the setbacks to the creek bank must be approved

The approved Streetlighting Scheme must be fully constructed and completed prior to Council approval of the Plan of Subdivision.

Electrical Design

26. Underground electricity reticulation must be designed and provided to service the development in accordance with the requirements of Section D8.06 of the FNQROC Development Manual.

Landscape Plan and Provision of Park

27. Undertake landscaping of the site, including the Park, and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

- a. Planting of the verge with trees, using appropriate species with consideration to be given to creating an individual sense of place and character to the estate;
- b. landscaping minimising mowing within the detention basin drainage reserves;
- c. The provision of suitable shade trees, especially in the park;
- d. Species to have regard to the Planning Scheme Policy No.SC6.7 Landscaping;
- e. Park and road verges to be seeded and grassed; and
- f. Bollards around the perimeter to prevent vehicle access with the exception of gates

that enables Council vehicle access.

g. Park embellishment (playgrounds, services etc) to be in accordance with Council direction prior to the issue of a Development Permit for Operational Work.

Permanent irrigation or any other embellishments are not permitted.

Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

The applicant is to provide park in accordance with the approved plan in Stage 4. This area of park must be to the requirements and satisfaction of the Chief Executive Officer. The land and embellishments must be established at no cost to Council. The land must be transferred at the same time as registering the Plan of Survey for any lot for Stage 4.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to the lodgement of the Survey Plan with Council for endorsement and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Drainage Easements

28. Provide a three (3) metre wide easement in gross across all rear allotment drains in favour of Council. The easement document must be drafted and reviewed at no cost to Council and the relevant easements must be lodged with the Plan of Survey at the time of submission to the Department of Resources and Mines, Manufacturing and Regional and Rural Development.

Access Restriction Covenant

29. Provide a two metre wide access restriction covenant across the Coral Sea Drive frontage over the allotments in Stage 6. The covenant document must be drafted and reviewed at no cost to Council and the relevant covenant must be lodged with the Plan of Survey at the time of submission to the Department of Resources and Mines, Manufacturing and Regional and Rural Development.

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. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to <https://planning.dsdlip.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 Operational Work

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

Concurrence Agency Response

Concurrence Agency	Reference	Date
State Assessment and Referral Agency	2410-42839 SRA	19 December 2024

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

Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

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



Notes:

- This plan is indicative only and is intended for discussion purposes only.
- This plan is subject to change during the Council- subject to creek identification survey.
- All dimensions and areas are subject to survey and final computations.
- Further investigations and changes may be required for fire safety, vegetation retention and removal, site access and agrees, and aboriginal and cultural heritage.
- Welland / Drainage areas are approximate only and subject to detailed engineering design and may be subject to change.
- Access/egress to the site is subject to Council / Department of State Development, Infrastructure and Planning approval.
- Road pavement is indicative only and subject to engineering design.
- All public open space areas are conceptual only and subject to change during the precont structure plan preparation process.
- Arc dimensions shown are the length of arc (not chord).

Site	15.034 ha
* Residential Lots	7.112 ha
* Superlot (Stage 7)	3.584 ha
* Local Roads	2.107 ha
Drainage Reserve	0.940 ha
Reserve	0.303 ha
Creek Reserve	0.986 ha
Net Developable Area	12.893 ha
Lot Yield	72 lots @ 5.6 lots per ha 988m² average lot size
Total Number of Lots	73

* Indicates inclusion in NDA

25 0 25 50 75 100 125 150m



Indicative Subdivision & Staging Plan

52-80 Coral Sea Drive, Mossman

Gull Group

DRAFT

FOR DISCUSSION PURPOSES ONLY

13	07.01.2021	Amendments based on comments	OX	WEB	Date: 28.02.2025
14	18.01.2021	Amendments based on client comments	OX	WEB	Version No:
15	20.01.2021	Updated stage boundaries	OX	KT	17
16	01.02.2021	Superlot added	OX	KT	Job No: 2101867
17	01.02.2021	Updated as per client base	OX	WEB	Scale (A1): 1:1250 (A3): 1:2500
Version	Date	Description	Drafted	Approved	

KJ008 DATA2101867-52-80 CORAL SEA DRIVE, MOSSMAN QLD_1UCAS01H187_ID_BAS01.DWG

Concurrence Agency Conditions

RA6-N



SARA reference: 2410-42839 SRA
Council reference: ROL 2024_5647/1
Applicant reference: -

19 December 2024

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

Attention: Daniel Lamond

Dear Sir/Madam

SARA referral agency response – 52-80 Coral Sea Drive, 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 16 October 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	19 December 2024
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	Reconfiguring a Lot (2 lots into 73 residential lots, 3 reserve lots, one superlot (future stage 7) & new road)
SARA role:	Referral agency	
SARA triggers:		Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning)

	Regulation 2017) – Development impacting on State transport infrastructure
SARA reference:	2410-42839 SRA
Assessment manager:	Douglas Shire Council
Street address:	52-80 Coral Sea Drive, Mossman
Real property description:	Lot 10 on RP887362 & Lot 45 on SP183690
Applicant name:	Gull Mossman Gorge Pty Ltd C/- proUrban Advisory, Management & Planning
Applicant contact details:	Level 2, 22 Kings Place SOUTH MELBOURNE VIC 3205 tim.retrot@pro-urban.com.au
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Rights Act 2019</i> 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 Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter
A/ Manager Planning

cc Gull Mossman Gorge Pty Ltd
C/- proUrban Advisory, Management & Planning, tim.retrot@pro-urban.com.au

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 provisions
Attachment 5 - Documents referenced in conditions

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.1). If a word remains undefined it has its ordinary meaning.

Attachment 1—Referral agency conditions

(Under section 56(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
Reconfiguring a lot – Development Permit		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – State transport infrastructure — 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 condition:		
1.	<p>Stormwater infrastructure and the three (3) on-site bioretention basins must be provided generally in accordance with the following plans:</p> <ul style="list-style-type: none"> Functional Layout Plan Road and Drainage Sheet 1 of 4 prepared by Beveridge Williams dated 09.07.24, reference 910, revision P1. Functional Layout Plan Road and Drainage Sheet 2 of 4 prepared by Beveridge Williams dated 09.07.24, reference 911, revision P1. Functional Layout Plan Road and Drainage Sheet 3 of 4 prepared by Beveridge Williams dated 09.07.24, reference 912, revision P1. Functional Layout Plan Road and Drainage Sheet 4 of 4 prepared by Beveridge Williams dated 09.07.24, reference 913, revision P1. 	Prior to submitting the Plan of Survey to the local government for approval.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.1). If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

- SARA has carried out an assessment of the development application against State code 6: Protection of state transport networks, and has found that with conditions, the proposed development complies with relevant performance outcomes.
- The proposed development is unlikely to compromise the safety, function, and efficiency of the state-controlled road network.
- The proposed development will not compromise the state's ability to cost-effectively plan, construct, maintain or operate state transport infrastructure.

Material used in the assessment of the application:

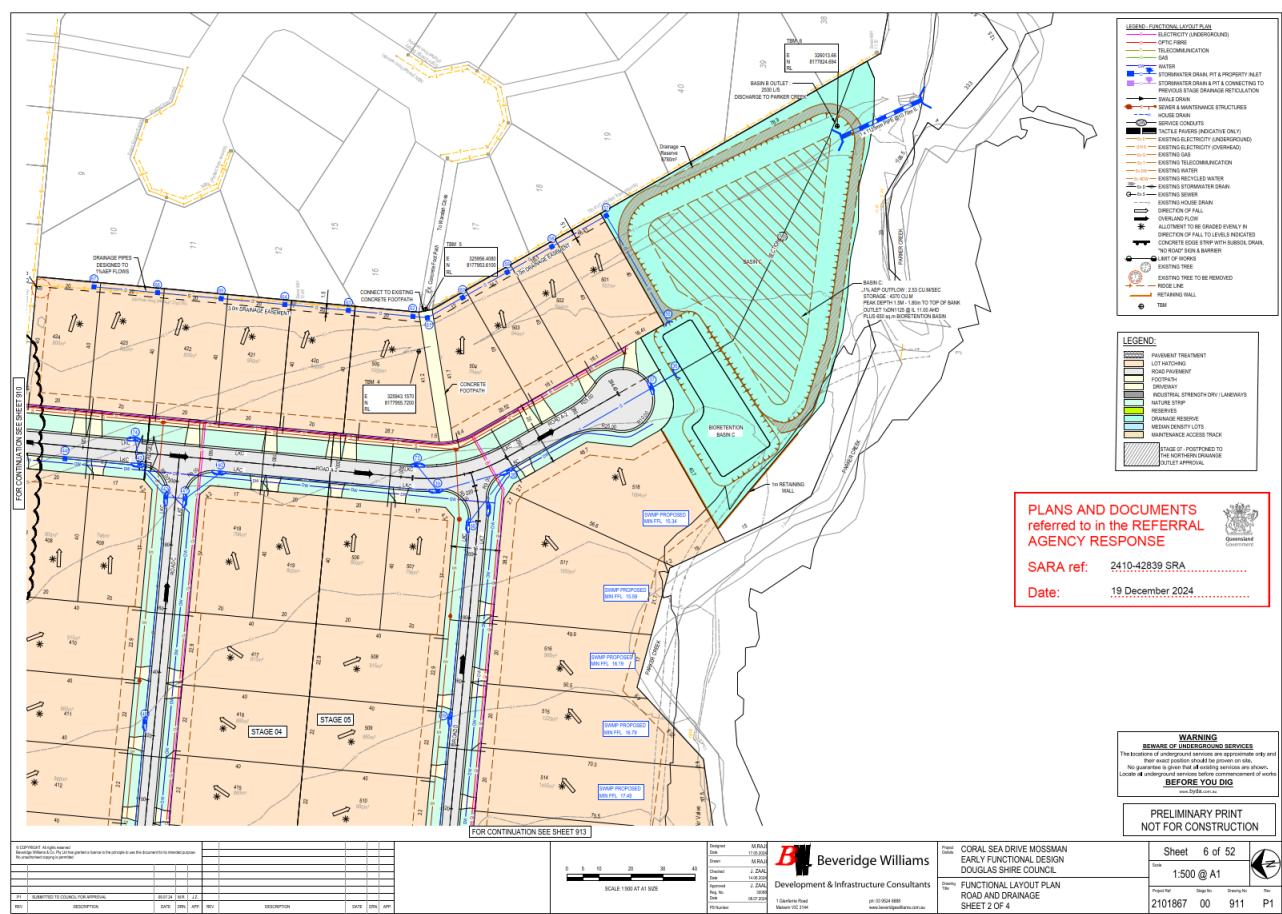
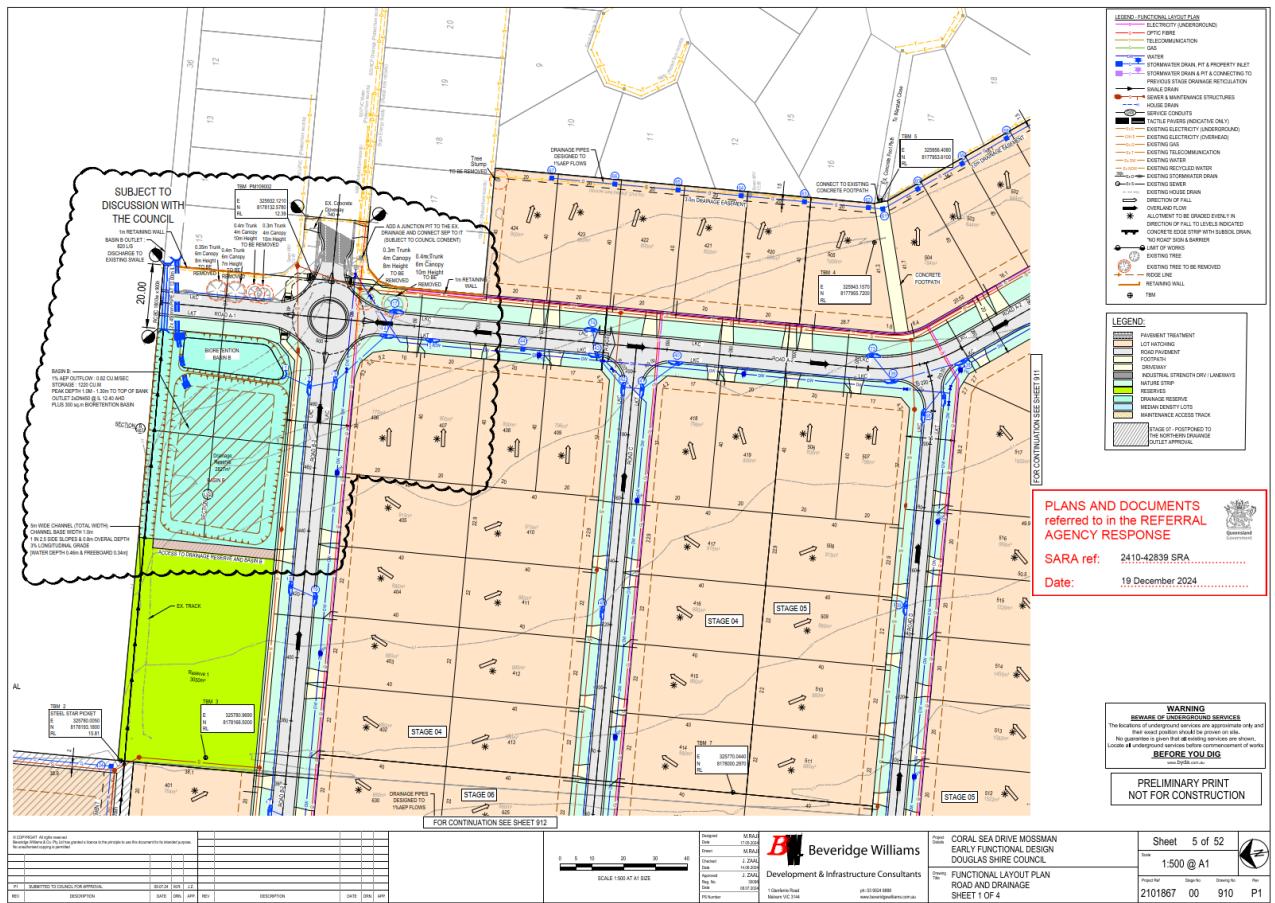
- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The State Development Assessment Provisions (version 3.1)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*.

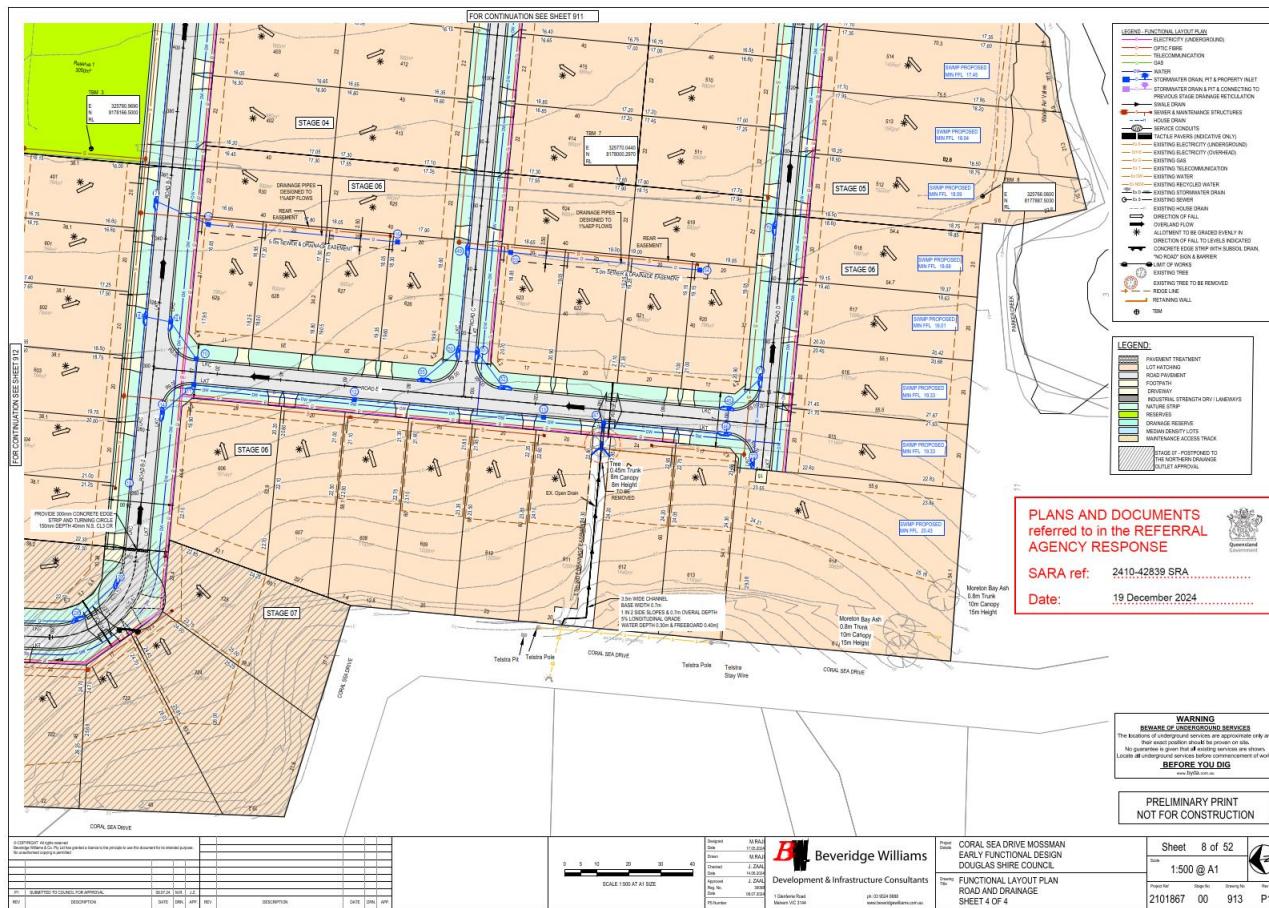
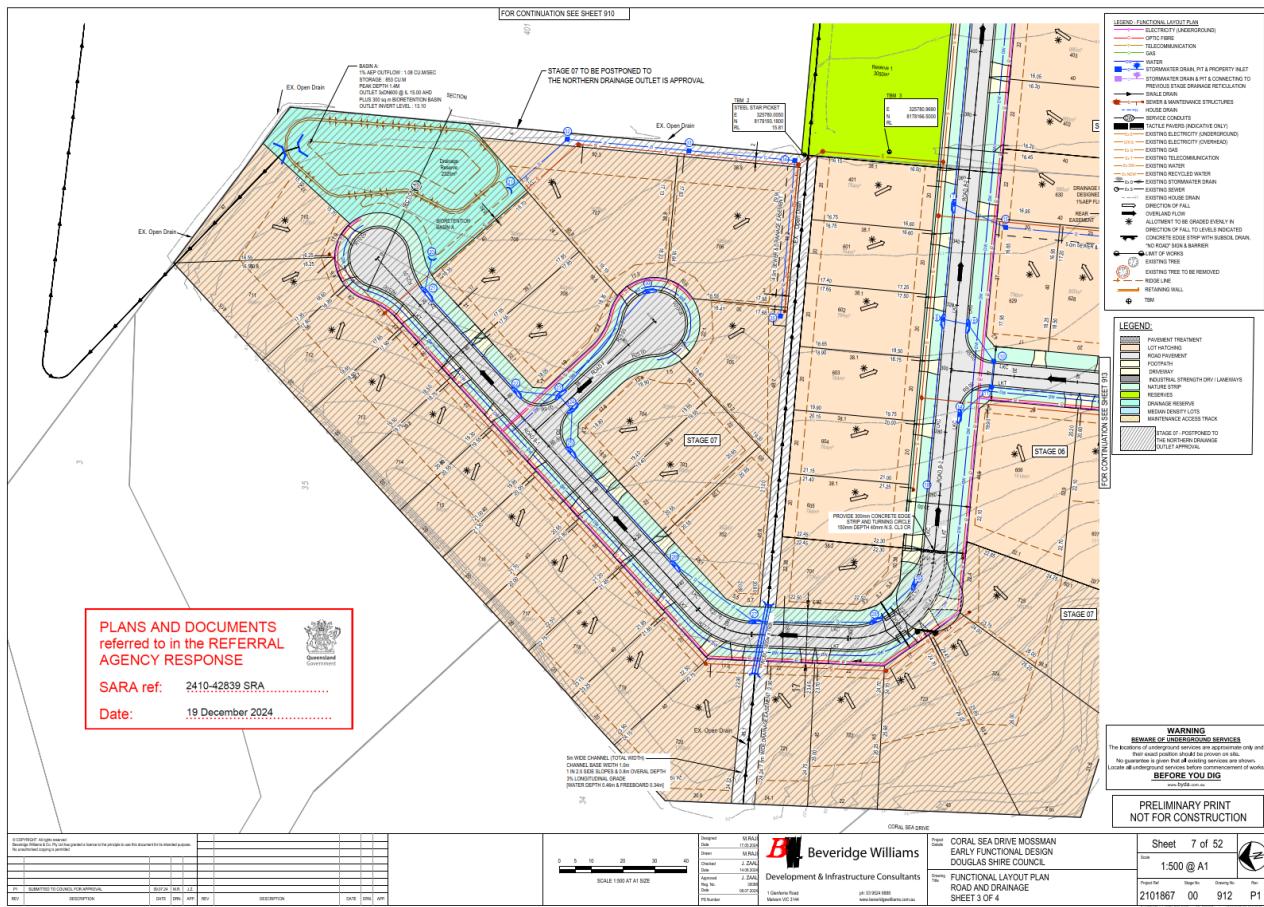
Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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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 26.1; 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

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 on 26 September 2024 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.

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 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.
- (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.

- (2) A change application must be made to the responsible entity for the application.

78A Responsible entity for change applications

- (1) The *responsible entity* for a change application is—

- (a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or

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.

(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—

20 June 2025

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

Enquiries: Daniel Lamond
Our Ref: ROL 2024_5647/1 (1303377)
Your Ref:

Gull Mossman Gorge Pty Ltd
C/- proUrban Advisory, Management
& Planning
Suite 3, Level 2 99 Coventry Street

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application Reconfiguring a Lot (2 lots into 74 lots and balance parcel)
At 52-80 Coral Sea Drive MOSSMAN GORGE
On Land Described as LOT: 10 RP: 887362**

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 2024_5647/1 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



Neil Beck
Acting 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																																																																																																								
Gull Mossman Gorge Pty Ltd DEVELOPERS NAME			Shepherd Valley Stages 4,5,6 ESTATE NAME		4,5,6 STAGE																																																																																																			
52-80 Coral Sea Drive STREET No. & NAME			45SP183690, 10RP887362 LOT & RP No.s		11695, 8112 PARCEL No.																																																																																																			
Reconfiguring a Lot DEVELOPMENT TYPE			ROL 2024_5647 COUNCIL FILE NO.		6 VALIDITY PERIOD (year)																																																																																																			
ROL2024_5647 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)																																																																																																								
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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.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the 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 appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

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.

(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.

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- (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