

**YOUR REF:** P81722  
**OUR REF:** CA 2144/2018 (Doc ID 854226)

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

15 May 2018

The Corporation of the Diocesan Synod of  
North Queensland  
C/- Planz Town Planning  
PO BOX 181  
EDGE HILL QLD 4870

Attention: Ms Nikki Huddy

[plan@planztp.com](mailto:plan@planztp.com)

Dear Madam

**DECISION NOTICE UNDER SECTION 288 *PLANNING ACT 2016* AND  
SECTION 335 *SUSTAINABLE PLANNING ACT 2009*.  
DEVELOPMENT APPLICATION FOR 6 ENDEAVOUR STREET  
PORT DOUGLAS**

With reference to the abovementioned combined Development Application, which was determined by Council at the Ordinary Meeting held on 15 May 2018, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

This notice also includes an Infrastructure Charges Notice issued in accordance with sections 119-121 of the *Planning Act 2016*.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully

  
Paul Hove  
Manager Sustainable Communities

Att



**DECISION NOTICE**

Section 335 Sustainable Planning Act 2009

**APPLICANT DETAILS**

The Corporation of the Diocesan Synod of North Queensland  
C/- Planz Town Planning  
PO BOX 181  
EDGE HILL QLD 4870  
Attn: Nikki Huddy

**ADDRESS**

6 Endeavour Street, Port Douglas

**REAL PROPERTY DESCRIPTION**

Lot 2 on RP739097

**PROPOSAL**

Change to Planning Zone and Reconfigure a Lot - 1 into 5)

**DECISION**

Council approves the combined development application over land described as Lot 2 on RP739097, located at 6 Endeavour Street, Port Douglas, for: the reconfiguration of a lot (1 into 5 lots); and for a Preliminary Approval varying the effect of the 2006 Douglas Shire Planning Scheme (as amended) for a plan of development where the Material Change of Use for a House is self assessable development (subject to requirements) on proposed lots 1, 2, 3 and 4, subject to conditions (refer to approval package below).

**DECISION DATE**

15 May 2018

**TYPE**

Combined approval for a Preliminary Approval to vary the Planning Scheme for Material Change of Use (Houses) and a Development Permit for Reconfiguration of a Lot (1 into 5 lots).

**REFERRAL AGENCIES**

None Applicable



**SUBMISSIONS**

There were 3 properly made submissions for this application. The three submitters are as follows:

Maurice Sanders, 4 Hope Street, Port Douglas QLD 4877;  
Donna Graham, [dooger@live.com.au](mailto:dooger@live.com.au) ; and  
Vivienne Ruffles, PO Box 213, Port Douglas QLD 4877.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Operational Work, for the reconfiguration of a lot approval.  
Development Permit for Building Work, for the subsequent construction of Houses.

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None.

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN.**

Yes.

**Statement of Reasons**

The following grounds are considered sufficient to overcome the conflict with the Planning Scheme in this particular instance.

1. The land was created through the original rezoning and development of an urban area for a local resident population. The land was identified for the community use for a Church. The Church has identified that the entire site is no longer required and this area has been identified as surplus. The sale of the resultant residential lots will enable further community services to be provided on the remaining Church lot.
2. The land is contained within the Urban Footprint under the FNQ Regional Plan and therefore the Regional Plan anticipates and supports the land being developed for an urban purpose.
3. The land is located within an established residential estate of Reef Park and provides infill housing where future residents will have convenient access to a range of commercial and community facilities.
4. All urban services associated with the development of land for residential purposes is available to the site.
5. The local street hierarchy of Endeavour Street and the adjacent St Crispin's Avenue have capacity to cater for the increased number of lots.

6. The development is consistent with the surrounding land use of residential and represents a logical extension of residential development fronting Endeavour Street.

**A. Conditions of approval for the Reconfiguration of the Lot into five lots.**

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

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

Drawing or Document	Reference	Date
Proposed Rectory Site Plan	Best Overend & Associates Drawing, WD0,3 Revision D, dated 27 September 2017 and as amended by Condition 3	To be determined.

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to the lodgement for the signing and dating of the Survey Plan except where specified otherwise in these conditions of approval.

**Lot Design**

3. The lot design is to be generally in accordance with Best Overend & Associates Drawing, Proposed Rectory Site Plan, WD0,3 Revision D dated 27 September 2017 subject to:
  - a. Proposed Lots 1, 2, 3 and the balance Church lot (Lot 5) must be regraded to drain directly to Endeavour Street;

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- b. Proposed Lot 4 may drain to the west, provided:
- i. An easement is created over proposed Lot 4 to accept stormwater discharge from neighbouring properties that front Hope Street;
  - ii. The drainage is to a lawful point of discharge; and
  - iii. There is a no actionable nuisance or negligible impact to neighbouring or surrounding land or catchment area for 100% of post development flows on the proposed Lot (consider full development (100%) site coverage) and the existing stormwater discharge from neighbouring Hope Street land in a 1% AEP rainfall event;

**Otherwise**

Proposed Lot 4 must drain to Endeavour Street and ensure a no actionable nuisance or negligible impact to surrounding land and the catchment area;

**Or**

Proposed Lot 4 is removed from the plans.

- c. Suitable provision is to be made to accept the current storm water from lots north of the land (neighbouring Hope Street properties) and to discharge these waters to a lawful point of discharge that has a no actionable nuisance or negligible impact on upstream, downstream or surrounding land;
- d. Remove the drainage easement from proposed Lot 4 and the balance Church lot (rear of proposed Lots 1, 2 and 3);
- e. Relocate the new sewer extension line to the front of the lots, with a standard off-set alignment as per FNQROC Development Manual. The plan must identify a single sewer connection for each lot at the Endeavour Street frontage. The connection for proposed Lot 4 must be adjacent to the Endeavour Street frontage. Only one sewer connection is to be provided to the balance Church lot (proposed Lot 5);
- f. Update street lighting at the intersection of Endeavour Street and St Crispin's Avenue (refer to Condition 21);
- g. Construct a two (2) metre wide footpath is to be constructed along the frontage of the land to Endeavour Street;
- h. Any fill on the land, necessary to achieve a immunity of flood level for the 1 in 100 year ARI event (1% AEP rainfall event) plus a freeboard of 300mm, must be suitably graded away from the neighbouring houses that front Hope Street; and

- i. Provide a low screen, deep planted landscaped buffer of approximately 500mm high to the front setback of the Church balance land (proposed Lot 5).

The detailed design plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer with the application for a Development Permit for Operational Works.

#### **Drainage Study of Site and Construction**

4. Having regard to Condition 3 above revise the local drainage study by Civil Walker (GLF Developments Pty Ltd) for the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts.

In particular, the study must establish the flood level for the 1 in 100 year ARI event (1% AEP event) for the site. The study must also confirm the allotment fill levels required to provide the freeboard of 300mm to the land as nominated in the Planning Scheme, the FNQROC Development Manual and Queensland Urban Drainage Manual.

The study must also confirm the post-development discharge of stormwater from the site and local external catchment for the point of reference being the kerb and piped drainage at the northern end of the site frontage. The capacity of the road and pipe drainage at this point is to be advised. The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be provided with the application for a Development Permit for Operational Works.

The resultant post development drainage design (assuming a 100% development on the land) must result in no actionable nuisance, or negligible, impact. Where works are required to achieve a no actionable nuisance or negligible impact, the applicant is only responsible to a cost commensurate with the change caused by the development.

The applicant / owner must undertake the development of the land in accordance with the findings of the Drainage Study as required above. Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the lodgement for the signing and dating of the Plan of Survey.

**Sewerage Works External**

5. Undertake the following sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure.
  - a. Extend the sewer main from the existing sewer line crossing Endeavour Street to the south from the site. If the sewer line at the connection point is not on a standard 1.5m offset, an easement will be required over the sewer along the frontage of proposed Lot 5. All other sewers must be on standard alignments as nominated in the FNQROC Development Manual.
  - b. Connection to the sewer for each lot is to be at the Endeavour Street frontage, including for the proposed Lot 4. For proposed Lot 5 only one sewer connection is to be provided and this is to cater for both the Church and any proposed future rectory.

Three (3) copies of a plan of the works 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 lodgement for the signing and dating of the Plan of Survey.

**Water Supply and Sewerage Works Internal**

6. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal water supply and sewer connection to each lot in accordance with the FNQROC Development Manual;
  - b. Provide an inspection outlet fixture to the private connection branch servicing the proposed Lot 4. From the internal sewer connection, extend a house drain for the full length of the access leg for proposed Lot 4. The house drain must be capped and staked for easy identification when a future house is constructed on this lot.
  - c. Provide the conduit for water supply for the full length of the access leg for proposed Lot 4. The conduit does not need to be connected to Council's water supply. The conduit must be capped and staked at the road frontage of proposed Lot 4 and at the end of the access leg for easy identification when a future house is constructed on this lot.

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

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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 lodgement for the signing and dating of the Plan of Survey.

**General External Works**

7. Undertake the following external works:-

- a. Construct a 2.0 metre wide pedestrian footpath to the front of the land to Endeavour Street.
- b. Construct new vehicle crossings to proposed Lots: a single crossing, residential standard to proposed Lots 1-4; and a double crossing, commercial standard to the balance Church lot (proposed Lot 5);
- c. Provide updated street lighting in regards to Conditions 3 and 21;
- d. Remove existing redundant vehicle crossings and make good with new kerb and channel; and
- e. Construct a manhole cover over the existing stormwater inlet chamber in the vehicle crossover to proposed Lot 5 and provide a new kerb inlet and associated stormwater pipe extension to locate the new inlet upstream from the pedestrian crossing. The location of the new kerb inlet must allow for the transition to be completed clear of the pedestrian crossing and kerb ramp. Details of the separation and set out are to be shown on engineering drawings provided for operational works approval.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works and the design must be RPEQ certified. All works must be carried out in accordance with the approved plan prior to the lodgement for the signing and dating of the Plan of Survey.

**Access to the Battle-axe Lot**

8. Construct a concrete driveway or other approved surface to the battle-axe lot (proposed Lot 4) extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with FNQROC Development Manual Standard Drawing S1015. Construction of the concrete driveway must be in accordance with FNQROC Development Manual Standard Drawing S1110, for a Type 2 driveway with kerbing to contain runoff from entering existing properties to the north. The grated pit will be required at the end of the driveway prior to discharge across the verge.

A Type 2 driveway with kerbing must also be provided for the driveway to the rectory to contain runoff from entering proposed Lot 1. The grated pit will be required at the end of the driveway/new carpark access prior to discharge across the verge.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the lodgement for the signing and dating of the Plan of Survey.

**Service Conduits**

9. Provide service conduits to proposed Lot 4 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the lodgement for the signing and dating of the Plan of Survey.

**Demolish Structures**

10. Demolish the existing vehicle driveways to the Church and make good the kerb and channel prior to the lodgement for the signing and dating of the Plan of Survey.

**Stockpiling and Transportation of Fill Material**

11. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
  - b. before 7:00 am or after 6:00 pm Monday to Friday; or
  - c. before 7:00 am or after 1:00 pm Saturdays; or
  - d. on Sundays or Public Holidays.
12. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

**Storage of Machinery and Plant**

13. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

**Notification of Vegetation Clearing**

14. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

**Lawful Point of Discharge**

15. With the exception proposed Lot 4, where compliance is achieved under condition 3 above, all stormwater from the property must be directed to a lawful point of discharge being Endeavour Street such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

**Sediment and Erosion Control**

16. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

**Existing Services**

17. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
  - a. Relocate the services to comply with this requirement; or
  - b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, prior to the lodgement for the signing and dating of the Plan of Survey creating the lot.

**Electricity Supply**

18. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

**Electricity and Telecommunications**

19. 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 lodgement for the signing and dating of the Plan of Survey.

**Electricity Supply**

20. Where Ergon Energy requires a padmount substation within the development site, written confirmation from Ergon Energy of this requirement and details of the proposed location must be submitted to the Chief Executive Officer. The facility must have a dark green exterior finish.

**Street Lighting**

21. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the lodgement for the signing and dating of 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:

- i. Intersections
- ii Pedestrian Refuges

iii Cul-de-sacs

iv 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.

At a minimum a new light is to be provided at the intersection of St Crispins Avenue and Endeavour Street.

- b. Prior to the issue of a Compliance Certificate for 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.

**Damage to Council Infrastructure**

- 22. In the event that any part of Council's existing water, sewer or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of any Use.

- B. Conditions for the Preliminary Approval to vary the Planning Scheme to allow a Material Change of Use for a House to be self assessable development subject to conditions as follows.**

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

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

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Proposed Rectory Site Plan	Best Overend & Associates Drawing, WD03 Revision D, dated 27 September 2017 and as amended by Condition 3 of the ROL component conditions	To be determined.
Proposed 4 Lot Subdivision Concept Layout Option 3	KFB Engineers Drawing K-2950, Sheet SK3, Revision B, dated 12 September 2017 and as amended by Condition 3 of the ROL component conditions.	To be determined

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

**Timing of Effect**

2. Prior to the issue of a Development Permit for Building Work for the new residential lots (proposed Lots 1, 2, 3 and 4) the lots must be fully created as per the Reconfiguration of a Lot component of the combined approval and all associated works fully completed.

**Approved Uses**

3. The use of proposed Lots 1 to 4 inclusive is limited to the use of a House as defined in the 2006 Douglas Shire Planning Scheme (and as amended) whereby the siting of the House:
  - a. must comply with the Queensland Development Code MP 1.2 Lots greater than 400m<sup>2</sup> applicable at the time of application; or
  - b. where not complying with the Queensland Development Code MP1.2 for Lots greater than 400m<sup>2</sup>, must lodge a plan and request for a variation that is found to be satisfactory by the Chief Executive Officer.

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**C. Advices for the approval conditions are as follows.**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, and the *Planning Act 2016* shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009* and section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

**Infrastructure Charges Notice**

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The *Sustainable Planning Act 2009* confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development Assessment and Coordination at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

2. For information relating to the *Sustainable Planning Act 2009* log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

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**Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).**

You are advised that the EPBC Act applies to action that has, will have, or is likely to have, a significant impact on matters of national environmental significance.

Further information on the EPBC Act can be obtained from the Department of the Environment's website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc) EPBC Act Policy Statement 1.1 *Significant Impact Guidelines Matters of National Environmental Significance* (Oct 2009).

**LAND USE DEFINITIONS\***

In accordance with the *Douglas Shire Planning Scheme 2006*, the approved preliminary land use of House is defined as:

Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one Household. The use includes:

- outbuildings/structures incidental to and necessarily associated with the residential use;
- the care of children in accordance with the Child Care (Family Day Care) Regulation 1991;
- accommodation for a member or members of the extended family of the Household occupying the House and for personal staff;
- a display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of twelve (12) months and which then converts to a House for the exclusive use of one Household; and
- the short term letting of a house for the purpose of holiday rental accommodation.

\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

**RIGHTS TO MAKE REPRESENTATIONS**

Attached

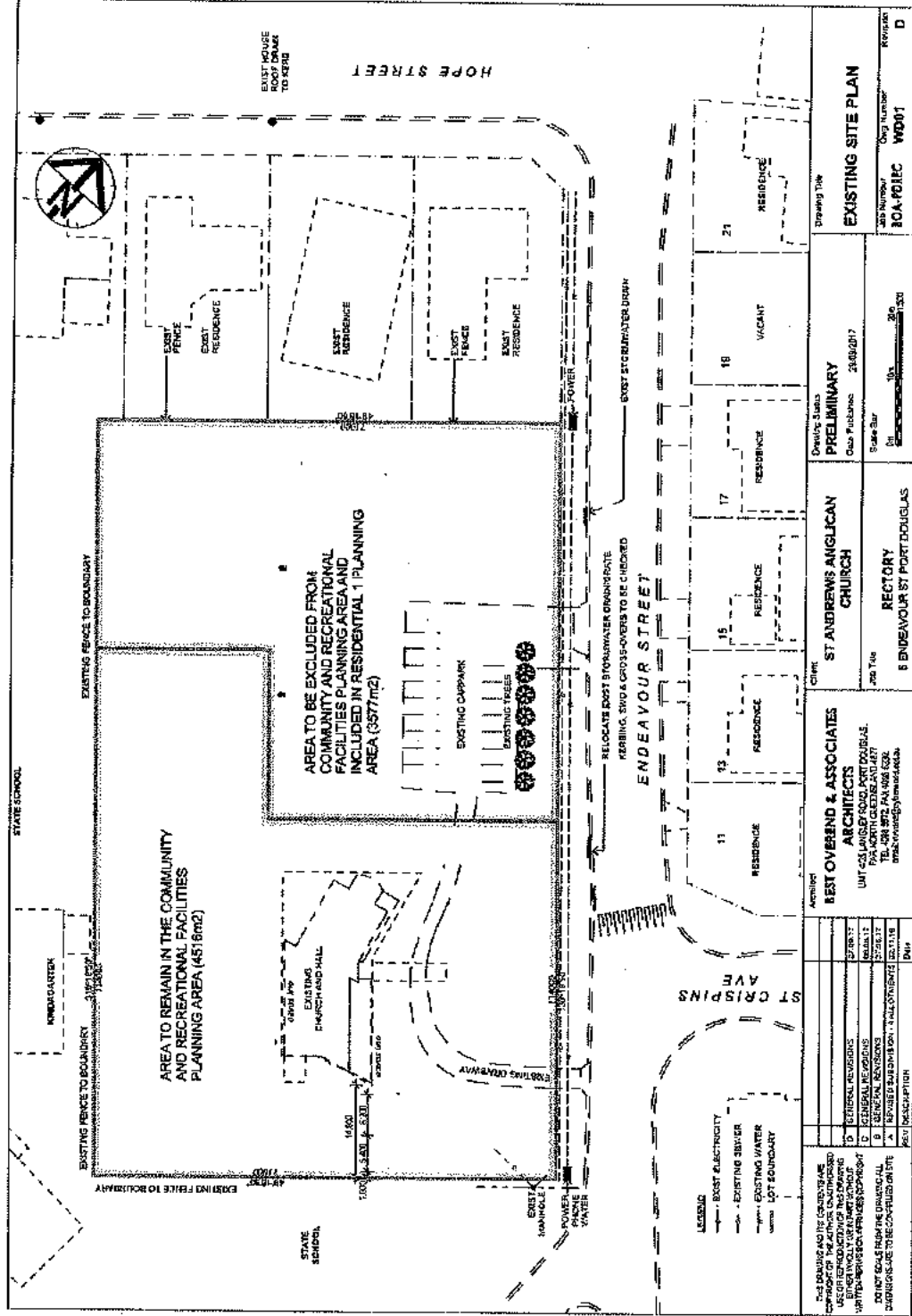
**RIGHTS OF APPEAL**

Attached

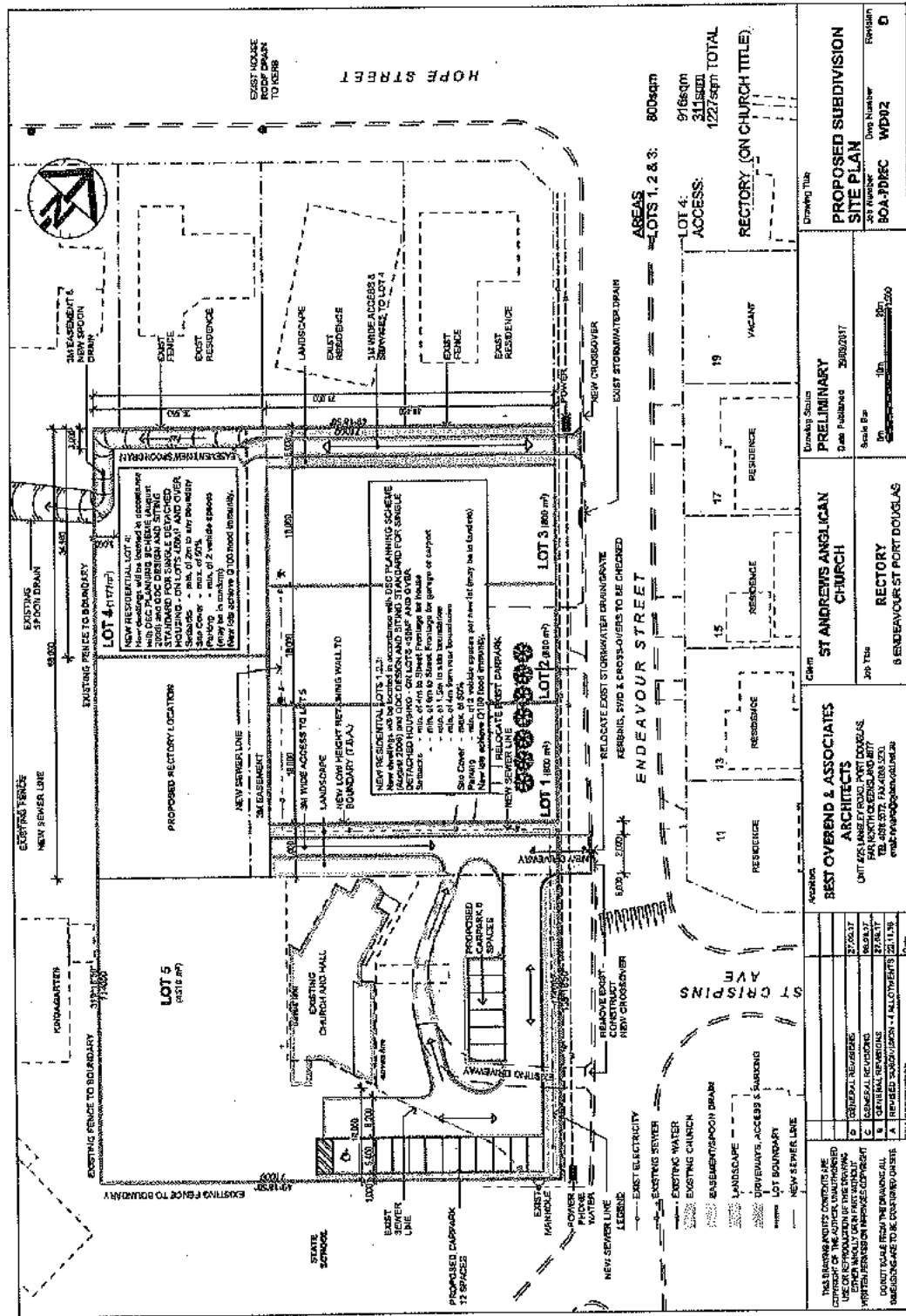
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**End of Decision Notice**

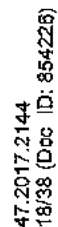
APPENDIX 1: PROPOSED DRAWING(S) & DOCUMENT(S)



## DECISION NOTICE DETAILS



## DECISION NOTICE DETAILS



[illegible]

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**APPENDIX 2 – ADOPTED INFRASTRUCTURE CHARGES NOTICE**

DOUGLAS SHIRE COUNCIL		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Corporation of the Diocesan Synod of North Queensland		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
6 Endeavour Street		L2 RP739097	911
STREET No. & NAME		LOT & RP No.s	PARCEL No.
ROL 1 into S & MCU			4
DEVELOPMENT TYPE		COUNCIL FILE	VALIDITY PERIOD (year)
852886		1	
DBC Reference Doc. No.		VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed	0	0.00		
		0	0.00		
	existing	0	0.00		
	<b>Total</b>			0.00	
Urban Areas - Water only	proposed	0	0.00		
		0	0.00		
	existing	0	0.00		
	<b>Total</b>			0.00	
Urban Areas - Water & Sewer	Proposed lots	5	14,342.13	71,710.65	
		0	0.00	0.00	
	Credit for existing lot	1	14,342.13	14,342.13	
	<b>Total</b>			57,368.52	
<b>TOTAL</b>			<b>\$57,368.52</b>		

Prepared by	J Elphinstone	2-May-18	Amount Paid	
Checked by	D Lamond	3-May-18	Date Paid	
Date Payable			Receipt No.	
Amendments	Date		Cashier	

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

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

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

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

- (a) on the day the referral agency's response for the missed referral agency is received by the assessment manager; or
- (b) if the missed referral agency does not give a referral agency's response—on the day the referral agency's assessment period of the missed referral agency ends.

## **Part 8                      Dealing with decision notices and approvals**

### **Division 1                Changing decision notices and approvals during applicant's appeal period**

#### **360      Application of div 1**

This division applies only during the applicant's appeal period.

#### **361      Applicant may make representations about decision**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Sustainable Planning Act 2009  
Chapter 6 Integrated development assessment system (IDAS)

[s 362]

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**362 Assessment manager to consider representations**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 Decision about representations**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (the *negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or
    - (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.

- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

**364 Giving new notice about charges for infrastructure**

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a levied charge.
- (2) The local government may give the applicant a new infrastructure charges notice to replace the original notice.

**366 Applicant may suspend applicant's appeal period**

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
  - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
  - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or

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Chapter 6 Integrated development assessment system (IDAS)

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- (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

## **Division 2            Changing approvals—request for change after applicant's appeal period ends**

### **Subdivision 1       Preliminary**

#### **367    What is a *permissible change* for a development approval**

- (1) A *permissible change*, for a development approval, is a change to the approval that would not, because of the change—
  - (a) result in a substantially different development; or
  - (b) if the application for the approval were remade including the change—
    - (i) require referral to additional concurrence agencies; or
    - (ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or
  - (c) for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or
  - (d) cause development to which the approval relates to include any prohibited development.
- (2) For deciding whether a change is a permissible change under subsection (1)(b) or (d), the planning instruments or law in force at the time the request for the change was made apply.

- (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

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Chapter 6 Dispute resolution

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

*Note—*

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**230 Notice of appeal**

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

Planning Act 2016  
Chapter 6 Dispute resolution

[s 231]

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

### **231 Other appeals**

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
*decision* includes—

**YOUR REF:** P81722  
**OUR REF:** CA 2144/2018 (Doc ID 854226)

15 May 2018

The Corporation of the Diocesan Synod of  
North Queensland  
C/- Planz Town Planning  
PO BOX 181  
EDGE HILL QLD 4870

Attention: Ms Nikki Huddy

Dear Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR  
6 ENDEAVOUR STREET PORT DOUGLAS**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with sections 119-121 of the *Planning Act 2016* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development and Environment at Council for review of the charge amount prior to payment.

These charges are payable prior to the signing and dating of the Plan of Subdivision.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.



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

Yours faithfully

A handwritten signature in black ink, appearing to be 'P. Hoyer', written over the printed name and title.

Paul Hoyer  
Manager Sustainable Communities

Att.  
Adopted Infrastructure Charges Notice  
Rights to make representations  
Appeal Rights

# INFRASTRUCTURE CHARGES NOTICE



2008 Douglas Shire Planning Schemes Applications

## ADOPTED INFRASTRUCTURE CHARGES NOTICE

Corporation of the Diocesan Bynod of North Queensland		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
6 Endeavour Street		L2 RP738097	811
STREET No. & NAME		LOT & RP No.s	PARCEL No.
ROL 1 into 6 & MOU			4
DEVELOPMENT TYPE		COUNCIL FILE	VALIDITY PERIOD (year)
852886		1	
DSC Reference Doc. No.		VERSION No.	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
<b>Rural Areas - Water Only</b>					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
<b>Urban Areas - Water only</b>					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
<b>Urban Areas - Water &amp; Sewer</b>					
Proposed lots	6	14,342.13	71,710.85		
	0	0.00	0.00		
Credit for existing lot	1	14,342.13	14,342.13		
Total			67,368.52		
<b>TOTAL</b>			<b>\$67,368.52</b>		

Prepared by	J Kiplinstone	28May-18	Amount Paid	
Checked by	D Lemon	30May-18	Date Paid	
Date Payable				
Amendments	Date	Receipt No.		
		Cashier		

### Note:

The Infrastructure Charges in this Notice are payable in accordance with sections 119-121 of the Planning Act 2016 and Section 830 of the Sustainable Planning Act 2009 (SPA), as from Council's resolution from the Special meeting held on 24 June 2015.

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

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

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

- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
  - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

## **Subdivision 5 Changing charges during relevant appeal period**

### **124 Application of this subdivision**

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

### **125 Representations about infrastructure charges notice**

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

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

**126 Suspending relevant appeal period**

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

**Division 3 Development approval conditions about trunk infrastructure**

**Subdivision 1 Conditions for necessary trunk infrastructure**

**127 Application and operation of subdivision**

- (1) This subdivision applies if—

- (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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

### **230 Notice of appeal**

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

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

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
*decision* includes—

- (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.

